

Fort Worth Public Art Percent for Art Ordinance

The City of Fort Worth's Public Art Program was established on October 2, 2001, with City Council passage of Ordinance #14794 (see below). It has since been made a part of the Fort Worth Code of Ordinances, Chapter 2, Title III. Boards and Commissions, Division 2. Art Commission and Public Art Program, Sections 2-56 through 2-61.

DIVISION 1. GENERALLY
Secs. 2-46--2-55. Reserved.

DIVISION 2. ART COMMISSION AND PUBLIC ART PROGRAM*

***Editor's note:** Ord. No. 14794, § 1, adopted Oct. 2, 2001, amended Div. 2, title and §§ 2-56--2-61, to read as herein set out. Section 2 of said ordinance repealed former §§ 2-62--2-66. See the Code Comparative Table.

Sec. 2-56. Purposes.

(a) *Fort Worth Art Commission.* The purpose and object of the art commission created by this division is to act as an advisory board to the city council relating to all questions involving public art and the Fort Worth Public Art Program.

(b) *Fort Worth Public Art Program.* The purposes of the Fort Worth Public Art Program are to create an enhanced visual environment for Fort Worth residents, to commemorate the city's rich cultural and ethnic diversity, to integrate the work of artists into the development of the city's capital infrastructure improvements, and to promote tourism and economic vitality in the city through the artistic design of public spaces.

(Ord. No. 14794, § 1, 10-2-01)

Sec. 2-57. Definitions.

As used in this division, unless the context clearly indicates otherwise:

Art or *artwork* means works in any permanent medium or combination of media, produced by artists who are generally recognized by critics and peers as professionals of serious intent and substantial ability.

City of Fort Worth Art Collection means all public works of art located in the City of Fort Worth.

Public art plan or *plan* means the prioritized list of public art projects to be commenced during a fiscal year and the budget to effect it. (Ord. No. 14794, § 1, 10-2-01)

Sec. 2-58. Fort Worth Art Commission created; composition; term.

There is hereby created the Fort Worth Art Commission, comprised of nine (9) members appointed by a majority vote of the city council, with the following composition: five (5) art professionals; of which at least one (1) must be a practicing artist and at least one (1) a curator, two (2) design professionals, and four (4) community representatives. Ex-officio,

non-voting members shall be the Fort Worth City Manager or his/her designee, and the director or designee of any city department with an eligible project included in the plan. Appointed members of the Fort Worth Art Commission shall serve without compensation. Terms shall be as prescribed in this division for city boards and commissions. When any vacancies occur on the commission by reason of death, resignation or other cause, such vacancies shall be filled in the manner provided for original appointment for the unexpired term. (Ord. No. 14794, § 1, 10-2-01)

Sec. 2-59. Powers and duties.

The Fort Worth Art Commission shall advise and make recommendations to the Fort Worth City Council regarding the public art program concerning the following matters:

- (1) Administration of the public art program, including the qualifications of the entity and the scope of services necessary to administer the program;
- (2) Public art policies and procedures;
- (3) Artist selection juries and process;
- (4) Commission and placement of artworks;
- (5) Maintenance and removal of artworks;
- (6) Preparation of the recommendations for the annual public art plan.

(Ord. No. 14794, § 1, 10-2-01)

Sec. 2-60. Administration of the public art plan.

Day-to-day administration of the Fort Worth Public Art Program shall be provided by an appropriate entity selected by the Fort Worth City Council through a contract for services. The administrative duties of the selected entity shall include the following:

- (1) Preparation of the annual public art plan, in consultation with the Fort Worth Art Commission, the city manager and/or his/her designee, the directors of all city departments with eligible projects included in that plan, and the mayor and city council, as appropriate.
- (2) Preparation and presentation of recommendations for the annual public art plan to the Fort Worth Art Commission and to the mayor and council members and the city manager.
- (3) Administration of all aspects of the public art program, including, the following:
 - 1) the establishment of program policies and guidelines;
 - 2) the development of program budgets, artist selection processes and juries;
 - 3) public education and all other aspects of carrying out the program.
- (4) Reporting annually to the Fort Worth Art Commission and Fort Worth City Council and City Manager regarding prior year activities related to the public art program.
- (5) Provision of staff support to the Fort Worth Art Commission.
- (6) Development of policies and procedures, in consultation with appropriate city representatives, for approval by the city council, to ensure that public projects into which public art is to be incorporated can be designed, bid and constructed in such a manner that the incorporation of public art does not adversely impact the design or construction of those projects.
- (7) Conducting surveys of the condition of the public art collection every two years. Each survey would include a report on the condition of each artwork, prioritized

recommendations for the restoration, repair and maintenance of the artwork and estimated cost for that restoration, repair and maintenance. The report shall be reviewed by the Fort Worth Art Commission and approved by the Fort Worth City Manager.

(8) Conducting insurance and conservation surveys on the condition of the artwork in the city collection. Coordinated with the city's risk management function, these surveys will be updated at least once every five (5) years.

(9) Conducting an evaluation of the public art program five (5) years after adoption of the enabling ordinance for the program, and presenting the results to the Fort Worth City Council and City Manager.

(10) Development of a conservation plan for the Fort Worth Art Collection in consultation with the art commission, with particular attention to any artwork requiring extraordinary operations or maintenance costs. The conservation plan shall be reviewed by the city manager and approved by the city council.

(Ord. No. [14794](#), § 1, 10-2-01)

Sec. 2-61. Funding.

(a) Funding for the Fort Worth Public Art Program shall be accomplished by annually setting aside two (2) percent of capital improvement project funding for public art. The percentage, approved in advance by the city council for the public art program, shall be added to the total cost of each proposition in City of Fort Worth Capital Project programs. The same percentage will be allocated from funds included in the operating budget of the water and sewer fund for cash financing of capital projects.

(b) Funds shall be used for artist fees and costs related to the production and maintenance of artwork. Funds shall not be used for professional graphics, mass produced work or work not produced by an approved artist. Allocations shall be calculated based on the total of all engineering, design and construction costs, minus all costs for demolition and real property acquisition. The appropriation for the public art program will be calculated only on the original appropriation for design and construction services, excluding any subsequent amounts appropriated for amendments and change orders.

(c) For all capital grants of one hundred thousand dollars (\$100,000.00) or more sought by the City of Fort Worth, city departments shall include in appropriate grant applications a request that a certain percentage of the grant amount be authorized for public art and conservation projects in keeping with the established Fort Worth Public Art Plan. All eligible projects financed with grants or contributions from private entities or public agencies are subject to this ordinance unless public art expenditures are not authorized by the granting or contributing entity. If public art and conservation projects are expressly excluded, then only the city-funded portion of the eligible project would be subject to the public art ordinance. The public art policy is applicable to all grants of one hundred thousand dollars (\$100,000.00) or more. Artist involvement shall be optional for city for grants of less than one hundred thousand dollars (\$100,000.00).

(d) Appropriations for public art shall be made at the same time that the city appropriates funds for eligible projects. All monies appropriated for public art program purposes shall be transferred into a special, interest-bearing public art project account, which shall be maintained in a separate project fund. As a project account, any funds not expended at the conclusion of the fiscal year would roll forward into the following fiscal

year. The city manager, or his/her designee, shall establish appropriate accounting procedures for the public art program and shall report to the city council periodically regarding the amounts appropriated, encumbered and expended under the program.

(Ord. No. [14794](#), § 1, 10-2-01)

Secs. 2-62--2-80. Reserved.

The information below is also available at the following website:

http://library.municode.com/gateway.dll/TX/texas/1170/1171?f=templates&fn=default.htm&nusername=10096&npassword=MCC&nac_credentialspresent=true&vid=default