

ORDINANCE NO. ~~___~~1081

AN ORDINANCE AMENDING NORTHFIELD CITY CODE, CHAPTER 2, RELATED TO CITY BOARDS AND COMMISSIONS

THE CITY COUNCIL OF THE CITY OF NORTHFIELD DOES ORDAIN THAT (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; sections which are only proposed to be re-numbered are only set forth below as to their number and title):

SECTION 1. Northfield Code, Chapter 2 – Administration, Article I. – In General, Division 3. – City Identification Cards, is hereby amended to renumber Sec. 2-25.5. - Counterfeit and fraudulent card, as follows:

Sec. 2-~~25.5~~26. - Counterfeit and fraudulent card.

Secs. 2-27—2-34. - Reserved.

SECTION 2. Northfield Code, Chapter 2 – Administration, Article I. – In General, Division 4. – Local Housing Trust Fund, is hereby amended to renumber the entire Division 4 as follows:

Sec. 2-~~25.6~~35. - Definitions.

Sec. 2-~~25.7~~36. - Establishment.

Sec. 2-~~25.8~~37. - Funding sources.

Sec. 2-~~25.9~~38. - Use of funds.

Sec. 2-~~25.10~~39. - Administration of Local Housing Trust Fund.

Secs. 2-40—2-49. - Reserved.

SECTION 3. Northfield Code, Chapter 2 – Administration, Article I. – In General, is hereby amended to add a new Division 5 as follows:

DIVISION 5. – PUBLIC ART PROGRAM

Sec. 2-50. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Conservation means repair done to return artwork to its original condition and integrity, as necessitated by, for instance, flaws, neglect, aging, damage or vandalism.

Maintenance means regular routine inspection, repair, and care of artwork, such as cleaning and applying protective surface coatings.

Public art refers to works of art in any media that have been planned, executed and so situated as to evidence intent that they be observed by the members of the public located in the physical public domain and accessible to all.

Construction costs means the total amount appropriated for a city capital improvement project less the actual costs of: (i) real property acquisition, (ii) demolition of existing structures, (iii) environmental remediation, (iv) equipment costs, and (v) professional service fees, including, but not limited to, legal, architecture, engineering, and accounting fees. Final determination of construction costs are calculated at the time the city capital improvement project is awarded to the general contractor.

Eligible funds means a source of funds authorized by law or charter for a city capital improvement project from which public art is not prohibited, limited or otherwise restricted as an expenditure.

Sec. 2-51. - Administration of public art program.

(a) Responsibilities.

- (1) Subject to the provisions of this division and applicable law and charter relating to expenditures for the arts, the city staff shall be responsible for administering the city's public art program with the assistance of the public art commission, as outlined in this division and other related city council adopted policies.
- (2) City staff, in consultation with the public art commission, shall prepare an annual fiscal year report to the city council presented no later than March annually, which shall include at least the following:
 - a. A description of the artwork completed, obtained or commenced in the previous year;
 - b. A description of the city capital improvement projects designated for inclusion of public art by the city council in the upcoming year and of the funding source; and
 - c. A budget for the income and expenditures for such city capital improvement projects.
- (3) City staff, in consultation with the public art commission, shall review artwork proposed for permanent or long-term placement on city property to determine an appropriate location for the placement of the artwork. Artwork to be placed in a museum or gallery is excepted from this process. To make the determination, City staff, in consultation with the public art commission, may examine the artwork itself or a design or model of the same.
- (4) Prior to moving or removing any artwork placed in, on or about city property pursuant to the public art program, city staff shall first submit such proposed change to the public art commission input prior to completing.
- (5) In accordance with the public art program and any city council adopted art in public places policy and to encourage broad community participation in the public art program and to ensure artwork of the highest quality, the public art commission, in consultation with city staff, may seek the advisory participation of community representatives and professionals in the visual arts and design fields as part of the public art program artist and artwork selection process for particular public art projects in accordance with the size and complexity of the public art projects and the requirements of this division. These advisors shall be volunteers and may be requested by the public art commission to assist the commission in the recommendation for selection of artists, public art project oversight, and other related purposes, but shall be uncompensated and have no vote on matters coming before the public art commission. These advisors, if any, as well as select city staff and public art commissioners, will comprise the public art review committee for purposes of this division.
- (6) During the design phase of artwork, city staff shall determine the maintenance requirements of every

artwork, recommend to the responsible department the type, frequency and extent of maintenance required to preserve the quality and value of every artwork, and inspect such maintenance work for the guidance of the city departments concerned. It is the responsibility of the site manager or appropriate department head to provide for the maintenance of artwork in their routine site maintenance program.

Sec. 2-52. - Administration of funds.

- (a) *Generally.* This subsection refers to budgeting for and expending eligible funds for the costs of public art as provided in this subsection.
- (b) *Budgeting and appropriation.* All budgets for city capital improvement projects shall include an amount equal to one percent of the projected construction costs to be used for the costs of public art in accordance with subsection (e), but not to exceed \$500,000 dollars, and eligible funds shall be appropriated by the city in the amount so budgeted to pay the costs of public art in accordance with subsection (e). No allocation shall be made for any city capital improvement project with an estimated expenditure of less than \$500,000 dollars. If the applicable law governing any particular city capital improvement project precludes, limits or restricts art as a permissible expenditure, this section shall not apply or shall otherwise conform with the applicable limitations or restrictions so as to be compliant with such law. If the source of funding for any particular city capital improvement project precludes art as a permissible expenditure, other available eligible funds shall be allocated to the amount required to be budgeted for public art pursuant to this subsection (b) to the extent authorized by applicable law or charter, or, if eligible funds are not available in the amount required to be budgeted for public art pursuant to this subsection (b), such budgeted amount shall be reduced to the amount of available eligible funds.
- (c) *Deposits to accounts.* The city's finance director shall establish a special fund designated the public art account for appropriated eligible funds. To the extent the eligible funds appropriated pursuant to subsection (b) are required to be spent for public art directly related to a city capital improvement project for which such eligible funds are budgeted, such eligible funds shall be deposited into the project fund for such city capital improvement project, but shall be spent in accordance with this section. To the extent the eligible funds appropriated pursuant to subsection (b) are not required to be spent for public art directly related to the city capital improvement project for which such eligible funds are budgeted, such eligible funds shall be deposited into the public art account together with any other funds derived from gifts, grants, and/or donations to the city for public art.
- (d) *Disbursement procedures.* Eligible funds and other amounts deposited into the public art account shall be budgeted and expended in the same manner as other city revenues and used for public art projects commissioned pursuant to this division. Eligible funds and other amounts deposited into the public art account shall be disbursed in accordance with procedures established by the city's finance director for public art projects commissioned pursuant to this division. Each disbursement from such public art account or from other appropriations for public art shall be documented by the public art commission staff liaison and presented at monthly public art commission meetings, and authorized in accordance with applicable law and accounting principles governing expenditures from the city's budget. Disbursement of funds from the public art account to pay for public art acquired pursuant to this section shall be made in accordance with procedures established by the city's finance director.
- (e) *Eligible costs of public art.* Eligible funds appropriated and allocated in accordance with this division and any other funds deposited in the public art account may be used for the planning, selection, acquisition, purchase, commissioning, fabrication, siting, placement, installation, conservation, maintenance, exhibition or display of public art, including, a fee of up to 15 percent of the cost of the public art for services rendered in connection with the acquisition and installation of the public art, or to compensate a local arts agency through an annual contract or agreement for the administration and management of the public art program.
- (f) *Coordination with city capital improvement project.* To the extent practical, artist selection should be concurrent with selection of the architect or designer to ensure integration of public art into the city capital

improvement project architecture. If a particular city capital improvement project is deemed inappropriate for the placement of artwork by city staff, if not prohibited by law or otherwise, the eligible funds appropriated for public art may be used at other more appropriate public sites.

Sec. 2-53. - Ownership of artwork.

All artwork acquired pursuant to this division shall be acquired in the name of the city and title, if applicable, shall vest in the city.

Secs. 2-54—2-59. - Reserved.

SECTION 4. Northfield Code, Chapter 2 – Administration, Article VI. – Boards and Commissions, Division 1. – Generally, Section 2-283 - Membership types and eligibility, Subsection (c) - City council ex-officio and liaison members, is hereby amended as follows:

- (c) *City council ~~ex-officio and~~ liaison members.* The mayor may appoint, with the confirmation of the council, council ~~ex-officio and~~ liaison members to attend meetings of any boards ~~and,~~ commissions, committee, or like where state statute, agreements, or other enabling legislation or document indicates the requirement to do so. Council members shall, act as intermediaries between the boards and commissions and the council, facilitate a close working relationship with the council, and periodically report back to the council activities of such boards and commissions. ~~An appointed council ex-officio member shall be a non-voting, fully participating member of the board or commission to which the council member has been appointed, but shall not be counted for purposes of establishing quorum for a meeting or for purposes of the number of appointed members to a board or commission as established in applicable law. An appointed council liaison attends meetings of the board and commission to which the member is appointed, but is not considered a member of such board or commission and attends public meetings in the same capacity as any member of the public. Council ex-officio and liaison members may not be appointed to a board or commission in addition to if there are any other council members appointed as voting members to serve on a respective board or commission, provided however that the total number of council members appointed to a respective board or commission, including council ex-officio and liaison members and council members appointed to serve as voting members, shall not exceed three council members, unless otherwise provided by law or ordinance.~~

SECTION 5. Northfield Code, Chapter 2 – Administration, Article VI. – Boards and Commissions, Division 1. – Generally, Section 2-284 - Appointment and terms of membership, is hereby amended as follows:

Sec. 2-284. Appointment and terms of membership.

- (a) *Regular members.* The mayor shall appoint the members of advisory boards and commissions subject to confirmation by a majority vote of the council.
- (b) *Number of members.* The number of members of a board or commission shall be as provided in charter, state law, city code, or council enabling resolution, as applicable to the respective board or commission. No board or commission shall add members, liaisons or some other form of voting or non-voting participants on a board or commission, unless provided in charter, state law, city code, or council enabling resolution, as applicable to the respective board or commission.
- (c) *Term of membership.* Members of a board or commission shall serve such terms as are prescribed in charter, state law, city code, or council enabling resolution, as applicable to the respective board or commission. Unless otherwise provided in charter, state law, city code, or council enabling resolution, as applicable to the