

ORDINANCE NO. 24-_____

AN ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF BROOKINGS AND PERTAINING TO THE BROOKINGS PUBLIC ARTS COMMISSION.

BE IT ORDAINED AND ENACTED by the Council of the City of Brookings, State of South Dakota, as follows:

I.

That Sections 2-253 and 2-258 of the Code of Ordinances and pertaining to the Brookings Public Arts Commission are hereby amended to read as follows:

Sec. 2-253. Manner of Appointment, composition, terms, compensation.

- (a) **The Commission shall be comprised of seven or nine members.** Members of the Brookings Public Arts Commission (BPAC) will be appointed by the mayor, with the advice and consent of the city council, for three-year terms that commence in January. Members may be appointed for additional three-year terms. The initial terms of office shall be staggered in one, two and three year increments. Any members whose term expires may be reappointed.
- (b) ~~The Brookings Public Arts Commission (BPAC) shall include specific professional expertise in public art or the visual arts, such as contemporary arts curator, museum director, professor of art or art history, and design professionals such as architects, landscape architects, or urban planners. The BPAC shall consist of at least three art or design professionals. The commission shall be comprised of eight to ten members who are representative of the following:~~
- ~~(1) Brookings Arts Council;~~
 - ~~(2) SDSU School of Design;~~
 - ~~(3) South Dakota Art Museum;~~
 - ~~(4) Chamber of commerce and/or convention visitor's bureau board;~~
 - ~~(5) Art professional, design professional, landscape architect/urban planner;~~
 - ~~(6) Representative from the historical preservation commission;~~
 - ~~(7) Citizen-at-large;~~
 - ~~(8) Citizen-at-large.~~
- (b) Non-voting liaisons shall include, but are not limited to, community development director, city park and recreation director, city clerk, and finance director.
- (c) All members of the Brookings Public Arts Commission (BPAC) shall serve without compensation.

Sec. 2-258. Powers and authority of commission.

The powers and authority of the Brookings Public Arts Commission (BPAC) shall include, but are not limited to:

- a) The commission shall develop and recommend revisions to the Brookings public art guidelines, which shall include criteria for accepting donations or gifts, both of cash and tangible art, a method or methods for the selection of

- artists and public art projects and for the placement of public art projects. The city council shall have final approval of all Brookings public art policies and guidelines.
- b) The commission shall **be responsible for the public art program by directing the selection**, ~~recommend to the city manager and city council proposed public art acquisitions and the~~ placement, maintenance, relocation, and deaccessioning of artwork acquired through the public art program, **and shall recommend revisions to the Public Art Guidelines**.
 - c) The commission shall have the custody and care of all works of art owned by the city and under the control of any department of the city. The term "work of art" shall apply to and include all paintings, mural decorations, statues, bas-reliefs, sculptures, monuments, fountains, arches, ornamental gateways and other structures of a permanent character intended for ornament or commemoration.
 - d) No work of art shall become the property of the city by purchase, gift or otherwise, until it, or a design or model thereof, and a proposed plan for it shall have been approved by the commission.
 - e) ~~No work of art shall be erected or placed in, over or upon, or allowed to extend in, over or upon any street, avenue, square, park or other property belonging to the city without approval of the commission in consultation with appropriate city departments. The commission may recommend the removal, relocation or alteration of any existing work of art owned by the city, and no such work of art shall be removed, relocated or altered without such recommendation and approval. The addition, removal, relocation, or alteration of any work of art shall be approved by the city manager or the city manager's designee.~~
 - f) The commission shall **be available to** study, prepare recommendations and report upon the design or proposed design of any municipal building, bridge, approach, fence or other structure erected or to be erected upon land belonging to the city, and upon the design or proposed design of any arch, bridge, structure or approach which is the property of any person, firm or corporation, and extends in, over or upon any street, avenue, highway, park or public place.
 - g) The commission **may** ~~shall~~ recommend the purchase **of public art projects** or ~~commissioning of public art projects, including the design, execution and/or placement of such public art~~ **projects** ~~with approval of expenditures by the city manager and city council consistent with section 2-115 of this chapter.~~
 - h) The commission shall consult with the department responsible for a particular construction project regarding the design, execution and/or possible placement of a public art project in connection with such construction project.
 - i)** The commission shall review the inventory of public art, including assessing the status of maintenance, compile a list of potential sites for public art projects, and prepare recommendations as to location, relocation, and deaccessioning of public art.
 - j) The commission may also initiate public forums when appropriate to determine thematic approaches and location options for public art.

II.

Any or all ordinances in conflict herewith are hereby repealed.

FIRST READING:

SECOND READING:

PUBLISHED:

CITY OF BROOKINGS, SD

ATTEST:

Oepke G. Niemeyer, Mayor

Bonnie Foster, City Clerk