

INTRODUCED: September 9, 2024

AN ORDINANCE No. 2024-212

To amend Ch. 2, Art. V of the City Code by adding therein a new div. 22, consisting of §§ 2-1202.9—2-1202.14, for the purpose of establishing the Public Art Commission.

Patron – Mayor Stoney

Approved as to form and
legality by the City Attorney

PUBLIC HEARING: SEP 23 2024 AT 6 P.M.

WHEREAS, the City of Richmond Public Art Commission has served as an advisory body to the City on matters of public art since its formation by resolution of the City Planning Commission in 1991; and

WHEREAS, despite the Public Art Commission’s longtime performance of such function, the Council has not previously elected to describe the form and function of the Public Art Commission in City Code; and

WHEREAS, the Council recognizes the critical role the Public Art Commission plays in the acceptance and creation of public art in Richmond, which art brings communities together in shared dialogue, contributes to tourism and culture, and helps define and express Richmond’s

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

identity; and

WHEREAS, given the importance of the existing Public Art Commission's role, the Council believes it is in the best interests of Richmond and its citizens that the Council (i) create a Council-established Public Art Commission by ordinance to replace and continue the work of the existing Public Art Commission and (ii) formally codify the form, duties, and rules of operation of such Council-established Commission; and

WHEREAS, it is estimated that the annual operating costs for the Commission will be approximately \$200,000, including two thousand staff hours;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That Chapter 2, Article V of the Code of the City of Richmond (2020) be and is hereby amended and re-ordained by **adding therein a new division** numbered 22, consisting of sections numbered 2-1202.9 through 2-1202.14, as follows:

DIVISION 22

PUBLIC ART COMMISSION

Sec. 2-1202.9. Created.

There is hereby created a commission of the City of Richmond with indefinite duration to be known as the Public Art Commission for the purpose of advising the City Planning Commission and the Public Art Manager on matters involving public art.

For the avoidance of doubt, if there is any conflict between this division, and either of Ordinance No. 97-3-41, adopted January 27, 1997, or any resolution that provides for the formation of the body known as the Public Art Commission, the provisions of this division shall control.

Sec. 2-1202.10. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

Annual Work Plan means an annually developed list of proposed public art projects to be funded through the Percent for Art Program and implemented during the upcoming fiscal year, along with proposed budgets for each project and a status report on ongoing and recently completed projects listed in prior annual work plans.

Art means visual or sound-based art of any style, expression, genre, or medium, whether permanent or temporary, and whether stand-alone or integrated into architecture, landscaping, or other site development, if such is designed by an arts professional, to include without limitation murals, paintings, sculptures, monuments, memorials, fountains, designed landscapes, performance pieces, and new media works.

Arts Professional means any professional who engages in specialized practices for the creation of art or who possesses specialized knowledge of the history, production, or nature of art, including without limitation artists; curators; educators; and designers such as architects, landscape architects, urban planners, and graphic, interior, and fashion designers.

Commission means the Public Art Commission.

Member means a member of the Public Art Commission.

Percent for Art Program means the program described in Ordinance No. 97-3-41, adopted January 27, 1997.

Public Art means art that is part of the public art collection or that is displayed in a public place by agreement with the City.

Public Art Collection means art the City has commissioned or acquired and for which it agrees to meet care and maintenance obligations as outlined in this ordinance.

Public Art Manager means a City employee who is the lead administrator of the Public Art Program.

Public Art Program means the City's full range of initiatives to commission, acquire, or display public art, including without limitation the Percent for Art Program and any public art fund the City may establish.

Public Place means any area of right-of-way or real property that is owned, operated, or controlled by the City.

Temporary Art means art that is intended to be located at a public place for no fewer than thirty days and no more than one year.

Sec. 2-1202.11 Composition.

The Commission shall be composed of nine members, subject to the conditions set forth in this section, as follows:

(1) The Mayor shall appoint one member and the Council shall appoint eight members.

(2) Every member who is not also a member of the Council shall (i) be a resident of or have their place of work in the city of Richmond, (ii) hold no office of profit under the city government, and (iii) have considerable knowledge of and experience in the visual or performing arts.

(3) Of the Council's eight appointees, at least four shall be arts professionals, one and only one shall be a member of either the Urban Design Committee or the City Planning Commission, and one and only one shall be a member of the Council.

Sec. 2-1202.12. Terms of office; compensation.

(a) The term of a member who also serves on the Council or the City Planning Commission or Urban Design Committee shall last until such member is succeeded on those bodies or resigns from the Commission. The Council shall appoint successors to such members at its first meeting following the end of any such member's term.

(b) The terms of members who are arts professionals shall be three years. Appointments of such members shall occur in June, and their terms shall run from July 1 of that same year until June 30 of the third year therefrom.

(c) The terms of members not described in (a) or (b) above shall be two years. Appointments of such members shall occur in June, and their terms shall run from July 1 of that same year until June 30 of the second year therefrom.

(d) An incumbent member shall be eligible for reappointment, but no member shall serve more than two consecutive terms except as permitted in paragraph (e) of this section.

(e) The appointing authority shall promptly fill any mid-term vacancy on the Commission by interim appointment of a qualified individual for the unexpired portion of the term. A member who serves for a partial term as an interim appointee may subsequently serve two consecutive terms.

(f) All members of the Commission shall serve without compensation.

Sec. 2-1202.13. Duties.

The Commission shall be classified as advisory for purposes of Section 2-773, and its duties shall be advisory in scope except as otherwise set forth in this section. The duties of the Commission shall be as follows:

(a) Advise the City Planning Commission on all matters that pertain to design and location of any work of art that is or may become the property of the City.

(b) Adopt, and amend from time to time, the Annual Work Plan, subject to approval by the City Planning Commission. Adoption of the Annual Work Plan shall occur no later than June 30 of the fiscal year preceding the fiscal year to which the Annual Work Plan shall apply.

(c) Advise the Public Art Manager on the following:

(1) In relation to City commissions of art, to include without limitation all commissions of art funded through the City's Percent for Art Program, the form and content of requests for proposals, review panel participant selection, and commission awards and conditions.

(2) All matters that pertain to design and location of public art, such as certain temporary art, that is neither property of the City nor likely to become so.

(3) Advocacy strategies in support of public art activities.

(d) Form ad hoc committees, at the request of the Public Art Manager or as deemed necessary by the Commission, for the purpose of advising the Public Art Manager on special matters related to public art. If desired by the Commission, ad hoc committees may include nonmembers of the Commission to be appointed by the Commission.

Sec. 2-1202.14. Administration.

(a) *Quorum.* Five voting members of the Commission shall constitute a quorum.

(b) *Officers.* The Commission shall elect from among voting members a Chair and Vice-Chair by vote of a majority of the entire Commission. The term of each officer shall expire at the Commission's first meeting of the calendar year that follows the calendar year such officer was elected. An officer shall be eligible for reelection each year until their term on the Commission expires.

(c) *Meetings.* The Commission shall meet on a regular basis, with additional meetings

as needed.

(d) *Reporting.* Within 15 days prior to the final day of each calendar year, the Commission shall provide the Director of Planning and Development Review with a report on the Commission's activities and accomplishments for that year.

(e) *Freedom of Information.* The Commission shall keep minutes of its meetings in accordance with the requirements of the Virginia Freedom of Information Act.

(f) *Procedures.* The Commission may adopt rules of procedure or bylaws, approved as to form and legality by the City Attorney and not inconsistent with this division or other applicable law, to govern the conduct of its meetings and affairs.

(g) *Staff and resources.* The Director of Planning and Development Review shall assign one or more employees of the Department of Planning and Development Review to provide the necessary support for the Commission subject to the appropriation of sufficient funds therefor.

§ 2. This ordinance shall be in force and effect upon the date that the City Planning Commission adopts a resolution, approved as to form by the City Attorney, providing for the dissolution of the body known as the Public Art Commission.

APPROVED AS TO FORM:



CITY ATTORNEY'S OFFICE



City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
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Master

File Number: Admin-2024-1028

File ID: Admin-2024-1028

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 2

Reference:

In Control: City Clerk Waiting Room

Department: Planning and Development.Review

Cost:

File Created: 08/21/2024

Subject:

Final Action:

Title:

Internal Notes:

Code Sections:

Agenda Date: 09/09/2024

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Ordinance-AATF

Enactment Number:

Contact:

Introduction Date:

Drafter: Raymond.Roakes@rva.gov

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
2	1	8/21/2024	Kris Daniel-Thiem - FYI	Notified - FYI	
2	2	8/21/2024	Kevin Vonck	Approve	8/28/2024
2	3	8/21/2024	Alecia Blackwell - FYI	Notified - FYI	
2	4	8/21/2024	Sharon Ebert	Approve	8/23/2024
2	5	8/21/2024	Caitlin Sedano - FYI	Notified - FYI	
2	6	8/21/2024	Jeff Gray	Approve	8/23/2024
Notes: Approved: Out of Office					
2	7	8/22/2024	Lincoln Saunders	Disapprove	8/23/2024
Notes: Fiscal impact portion will need to be updated then re-routed through Budget, Finance, and DCAO Joy-Hogg					
2	8	9/6/2024	Meghan Brown	Approve	9/6/2024
2	9	9/6/2024	Sheila White	Approve	9/9/2024
2	10	9/6/2024	Sabrina Joy-Hogg	Approve	9/9/2024
2	11	9/6/2024	Caitlin Sedano - FYI	Notified - FYI	
2	12	9/6/2024	Jeff Gray - FYI	Notified - FYI	
2	13	9/6/2024	Lincoln Saunders	Approve	9/9/2024
2	14	9/6/2024	Cordell Hayes - FYI	Notified - FYI	
2	15	9/6/2024	Mayor Stoney	Approve	9/9/2024

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File Admin-2024-1028

City of Richmond
Intracity Correspondence

O&R Transmittal

DATE: August 20, 2024

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

THROUGH: Sharon L. Ebert, DCAO for Economic Development and Planning

FROM: Kevin J. Vonck, Director, Planning and Development Review

RE: Codify the form and function of the Public Art Commission

ORD. OR RES. No.

PURPOSE: To amend Chapter 2, Article V of the City Code by adding therein a new Division 22 (§§ 2-1182 - 2-1186) for the purpose of codifying the form and function of City of Richmond’s Public Art Commission.

BACKGROUND: *Revealing Richmond: A Public Art Master Plan* for the City of Richmond, Virginia was adopted in 2018 as an amendment to the Master Plan. *Revealing Richmond* is a ten-year action plan that describes key policy recommendations to support the city of Richmond as it builds a stronger citywide Public Art Program. A priority action was to legislatively establish the Public Art Commission. Since 1991, at the request of the Council, the Public Art Commission has managed the City’s Percent for Arts functions and plays a critical role in the acceptance of gifts of art and the creation of public art. Public Art has been shown to bring communities together, contribute to tourism and culture, and helps to define and express Richmond’s identity. This ordinance will codify the form and function of the Public Art Commission and its ongoing work to advise the City Planning Commission, the Council, the Mayor’s Office, the City’s Department of Planning and Development Review, and other City

agencies, on all matters involving public art.

COMMUNITY ENGAGEMENT: The proposed ordinance has most recently been discussed at the March 27, 2024 and April 26, 2023 meetings of the Government Operations Standing Committee and at numerous Public Art Commission meetings.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Management of the City's Percent for Art functions

FISCAL IMPACT: It is estimated that the annual operating costs for the Commission will be approximately \$200,000, including two thousand staff hours. All associated costs will be absorbed by Planning Development and Review within the Fiscal Year 2025 Budget.

DESIRED EFFECTIVE DATE: As for the existing PAC, this ordinance shall be in force and effect upon the date that the City Planning Commission adopts a resolution, approved as to form by the City Attorney, providing for its dissolution.

REQUESTED INTRODUCTION DATE: September 9, 2024

CITY COUNCIL PUBLIC HEARING DATE: September 25, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Land Use, Housing, and Transportation (September 17, 2024) or Governmental Operations (September 25, 2024)

AFFECTED AGENCIES: Planning and Development Review

RELATIONSHIP TO EXISTING ORD. OR RES.: Res. No. 96-R119-112, Ord. No. 97-3-41

ATTACHMENTS: Ord. No. 2024 -

STAFF: Kimberly M. Chen, Senior Manager - authentiCITY Studio, Planning and Development Review, 804.646.6364