

City of Concord Public Art Commission

By-Laws

1. Establishment

Public Art is any work of art including but not limited to paintings, sculptures, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, statues, bas-reliefs, tapestries, photographs, drawings, and ceramics acquired by the City of Concord (“City”) and integrated into the design of, or placed or performed in, on or about a place generally accessible or visible to the general public.

The City of Concord Public Art Commission (“Commission”) is established by the Concord City Council (“Council”) for the purpose of advising the Council and to promote inspiring, creative, and engaging public art throughout the City, enhance the City’s diverse community and reflect the City’s cultural heritage, character, and identity, contribute to economic development and tourism, add warmth, dignity, and beauty to public spaces, expand the appreciation, experience, awareness, and participation of citizens with the arts, encourage cooperation and coordination among individuals, organizations, and institutions concerned with the arts, and facilitate the development of self-sustaining arts programs.

2. Duties and Powers of Concord City Council, Public Art Commission, and City Staff Related to Public Art

The Commission is responsible for guiding the City to enact the Master Plan for Public Art adopted by the Council, along with future revisions and additions to the Master Plan. Based on the Master Plan, the Commission will present an Annual Work Plan (“Annual Work Plan”) for consideration and approval of the Council at the annual planning session or at such other time as determined by the City Manager. The Annual Work Plan shall consist of a report of artwork completed, obtained, or commenced in the previous year, a general description of the art projects proposed for the upcoming year, and a proposed budget for the projects along with any other considerations recommended by the Commission.

Based on the approved Annual Work Plan, the Commission has authority to approve project plans, artist selections, solicit and accept gifts of art on behalf of the City, encourage privately funded public art projects on private property, serve as a clearinghouse for information about artists, art programs, facilities, organizations, and institutions, and promote local artists.

3. Membership and Staffing

The Commission shall consist of not more than 15 members to include 11 voting members appointed by the City Council, and up to four nonvoting members of City staff appointed by the City Manager. All voting members shall be residents of the City and should exhibit some interest and/or expertise in the arts. In order to provide city wide representation, it is preferred, but not required, that at least one member be appointed from each of the seven Council districts. Three members shall be appointed from the City at-large. One standing member shall be the Cabarrus Arts Council Executive Director or designee. The Commission should reflect the diversity of the City's population.

Up to four ex officio, nonvoting members may be appointed by the City Manager from the city staff to include a designated Public Art Liaison Staff person ("Liaison"). The Liaison will coordinate projects with other City staff and stakeholders and assist the Commission with the Implementation Plan to include drafting of specifications, procedures, standard forms, guidelines, project management, and conservation and maintenance of public art.

All voting commissioners shall serve at the sole discretion of the Council and may be removed and/or replaced by the Council.

In order to create a rotating membership, Council shall appoint three (3) commissioners with an initial term of one (1) year; (3) commissioners with an initial term of two (2) years and four (4) commissioners with an initial term of three (3) years. Subsequent terms of rotating members shall be three (3) years. Any commissioner may be reappointed for a second consecutive term. After two consecutive terms, a commissioner shall be ineligible for reappointment until one calendar year has elapsed from the date of termination of the second term.

As needed, the Commission may appoint a "task force" or project committee for a project. This task force may include Commission members, representatives of the community and other stakeholders affected by the project, and people from the arts and design fields. Such a task force shall be advisory to the Commission.

No voting commissioner shall be compensated for the work of the Commission. Any commissioner wishing to submit a Project Plan or otherwise perform artistic or other work on a Project Plan shall be recused from any and all votes related to that Project Plan.

4. Meetings

At the first meeting of the Fiscal Year (July), the Commissioners shall elect one of its voting members as Chair and one of its voting members as Vice-Chair. In the absence of both, the Commission by majority vote shall elect a temporary Chair to conduct any meeting.

The Commission shall establish a regular meeting schedule. A copy of the meeting schedule shall be filed with the city clerk and published on the City's website.

Special meetings may be requested by City Council, the Chair of the Commission, a majority of the members of the Commission, or the Liaison. Special meetings shall be advertised and held in accordance with the North Carolina General Statutes.

All meetings are open to the public and all records are open to the public.

5. Quorum.

Six members of the Commission shall constitute a quorum. No meeting of the Commission may be called to order, nor may any business be transacted without a quorum. Any Commissioner who withdraws from a meeting without being excused by the Commission shall be counted as present for the purposes of determining the existence of a quorum.

6. Voting.

All Commission actions shall require the concurring vote of a simple majority of the voting Commission members present. A failure to vote by a member who is physically present, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

The Chair is a voting member and considered for purposes of establishing a quorum.

7. Agenda.

Any member may request to place an item on the agenda. All member-requested agenda items shall be submitted to the Liaison and Commission Chair a minimum of two weeks prior to the regular meeting. The Liaison and Chair will prepare the agenda for every meeting.

Members adopt the agenda at the meeting after the Chair gives opportunity to suggest amendments.

8. Funding

Funding may include an annual allocation of funds in the City budget and/or a percentage of the budget of major new capital projects with the potential for public art related to those projects.

9. Recording Secretary

A nonvoting member of the Commission shall be appointed recording secretary by the City Manager.

Minutes shall be recorded and shall show attendance, deliberations, the vote of each member of the Commission and any other official actions.

The recording secretary shall maintain all records of the Commission.

10. Outline of Procedures for Public Art Plans:

The following provides an overview of how different kinds of public art projects may be implemented.

A. Individual Public Art Plans

Each project approved in the Annual Work Plan, shall have a specific Project Plan to guide the planning and execution of that specific public art project.

Each individual Project Plan shall set out the basic framework of the project and shall include as necessary and appropriate: goals and location; budget and funding; timeline; the artist selection process, and community engagement process; a marketing plan; a list of internal and external stakeholders; installation plans and permitting processes; and protocols for collaboration with other entities.

Project Plans are developed by the Liaison and other staff as needed, in collaboration with the Commission, and approved by the Commission. All Project Plans shall comply with all local ordinances and regulations, including but not limited to the City of Concord Code of Ordinances, the Historic Preservation Handbook, and the Concord Development Ordinance.

The Commission may delegate its role in developing the Project Plan to an advisory task force or committee made up of Commissioners and City staff as dictated by the specific project. All recommendations of any such task force or committee shall be reported to and approved by the Commission prior to implementation.

The final Project Plan shall be reported to the City Council as an information item.

Artist Contracts should follow, as closely as practicable, the standard Americans for the Arts contract, with the scope and responsibilities modified for the specific circumstances of the project. Contract approval shall follow the standard City approval process.

B. Art Commissioned by the City to be Placed on City Property:

Based on the recommendations of the Liaison or other City staff, the Commission shall propose site, project, concept, selection of artist, and feasibility.

All artwork acquired shall be acquired in the name of the City and title shall vest in the City.

No public art may be acquired, loaned, or installed, nor shall existing public art be deaccessioned or removed from public places without prior review by the Commission and approval by the City Council.

C. Art Proposed to be Placed on City Property:

Private sponsors ("Sponsors") may propose art to be placed on City property, permanently or temporarily, by presenting a Project Plan to the Commission. If approved by the Commission and included in the Annual Work Plan, Sponsor shall enter a contract setting forth the specific details of the project including appropriate insurance coverage, details of conservation and maintenance responsibilities, and any additional necessary terms and conditions.

11. Designated Sites and Government Fora.

The Commission may pre-designate one or more sites around the City for temporary displays, including sites that are designated as potential locations for permanent artworks, such as the downtown, gateways, fire stations, greenways and parks. All such designations are subject to City Council approval.

The Commission may, but shall not be required to provide basic infrastructure, such as sculpture pads, at those sites, provided funding is available.

All such designated sites shall constitute a government forum for the purpose of the art placed therein, and all art placed therein shall constitute government speech. Nothing in these bylaws and no action of the Commission shall be deemed or construed to create a limited public forum or a public forum for the purpose of placing art on, in, or about any such designated site.