

Ordinance No. 2551 Summary

On November 3, 2022, the City of De Soto, Kansas, adopted Ordinance No. 2551, to include new Article 18 of Chapter I of the City Code related to policies and guidelines for the City’s Public Art Fund and Public Art Program.

A complete copy of this ordinance is available at www.desotoks.us or at City Hall, 32905 West 84th Street, De Soto, Kansas. This summary is certified by Patrick G. Reavey, City Attorney.

ORDINANCE NO. 2551

AN ORDINANCE AMENDING CHAPTER I OF THE CODE OF THE CITY OF DE SOTO RELATING TO THE CITY’S PUBLIC ART FUND AND PROGRAM

WHEREAS, the City governing body believes it is necessary and advisable that the City establish a policy and guidelines for the City’s Public Art Fund and Public Art Program.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of De Soto:

Section 1. The Governing Body hereby adopts the following Article 18 of Chapter I of the Code of the City of De Soto:

ARTICLE 18. PUBLIC ART FUND AND PROGRAM

1-1801. City public art fund and program established.

(a) There is hereby established a city Public Art Fund which will fund and support the city Public Art Program. The Public Art Fund will consist of the following:

- (1) Funds allocated by the city council in the annual operational budget.
- (2) All funds donated to the city by private developers/owners or by other outside organizations specifically designed for the city’s Public Art Program.
- (3) Public and private grant proceeds for public art activities.

(b) The city Public Art Program will consist of artistic projects and activities that the city council deems worthy of funding from the Public Art Fund. In granting funding requests from organizations, the city council will ensure the grant of such funds meets a “public purpose” and the grantee provides accountability for use of public funds. Doing so will ensure stewardship, management responsibility, and accountability of local public funds by the city council.

1-1802. Purpose and guidelines.

(a) The purpose of this article is to set forth guidelines for the granting of local public funds to public art or public performance-focused charitable or community service

organizations. And to provide a uniform method of approval, payment, and accounting of grants of local public funds.

(b) The Public Art Fund may only be used for costs associated with:

- (1) Artist fees and artist travel and expenses related to the city's commissioning of a work of art as stipulated in a contract with the artist.
- (2) Artwork fabrication, storage, and installation per contract.
- (3) Site work necessary for the installation of artwork, including landscape and hardscape improvements not covered by the base budget of a related capital project.
- (4) Acquisition of existing works of art.
- (5) Required permits and insurance during the fabrication and installation of the artwork per contract.
- (6) Project consultants and contracted services if related to the commissioning, acquisition, or conservation of artwork.
- (7) Artist selection costs, such as artist travel and honoraria.
- (8) Education and outreach, including collateral materials, and special events.
- (9) Publicity for public art projects.
- (10) Appraisal services of art pieces.
- (11) Conservation and maintenance of art pieces.
- (12) Public art planning.
- (13) Plaques and interpretative signage related to the artwork.
- (14) Matching grant funds for public art programming.
- (15) Costs associated with public art performances and exhibitions.
- (16) Other purposes recommended by the De Soto Arts Council and approved by the city council for the successful implementation of the Public Art Program.

(c) Funding requests will be evaluated for eligibility using one or more of the following factors:

- (1) Funding activity must be for a "public purpose."
- (2) Lack of other funding sources within the community.
- (3) Positive impact on the image and identity of the city.

- (4) Ability to promote, market, and expand awareness of the city on a local, regional, or national level.
- (5) Ability to serve multiple age groups in De Soto (youth, adults, seniors).
- (6) Group or organization is registered as a not-for-profit in Kansas or by the Federal Government.

(d) All appropriation of funds for the city Art Program will be made in accordance with the following:

- (1) The City's applicable purchasing policies.
- (2) The City Council will not consider applications submitted by political organizations.
- (3) The City will not consider applications from individuals whose requests are not submitted on behalf of and sponsored by an organized De Soto-based charitable or community service organization.
- (4) Community organizations may recommend, to the city council, public art projects or public art exhibitions for community-wide benefit.
- (5) The De Soto Arts Council may recommend, to the city council, the amount of monies to be allocated for the selection, commissioning, acquisition, and installation of individual works of art for community-wide benefit or public art exhibitions during the annual budget process.
- (6) Monies appropriated pursuant to this article as part of a particular public art project, but not spent in connection with such project, may be utilized to supplement other appropriations for acquisition of works of art or to place works of art in, on, or near city-owned property and/or city facilities which have already been constructed.
- (7) Unexpended monies in the Public Art Fund may be used for works of art at existing city-owned properties and facilities as deemed appropriate by the city council.

1-1802. Expenditure of funds.

Expenditure of funds in the Public Art Fund will follow the city purchasing policy. The city council shall have sole authority to approve expenditure of funds from the Public Art Fund or any other fund of the city and all invoices must be approved by the city council.

1-1803. Art in Public Places Program (“AIPP”).

- (a) The city currently engages in a joint effort with the De Soto Arts Council to encourage and help finance the public display of art pieces throughout the City and the city intends to continue with such joint effort pursuant to the below guidelines.
- (b) The city council will receive recommendations from the Arts Council on specific and designated art displays to become part of the AIPPP and, thereafter, agree to do the following:
 - 1. Work cooperatively with the Arts Council in picking and finalizing a particular piece of art to display as part of the AIPPP. The city council reserves complete and exclusive discretion to agree with, pick, change, or reject any recommendations made by the Arts Council.
 - 2. Once a final selection of the art display is made by the city council, then city staff, the Arts Council, and the artist will work cooperatively in recommending to the city council a “Public Area”¹ to display the art and how the art display will be located within and/or affixed to the Public Area, any expected costs and/or cost sharing for doing the same, the compensation to be paid to the artist for a one-year lease of the art display, together with a recommended agreement between the artist and the city that has been prepared and approved by the city attorney. This recommendation will then be presented to the city council to formally approve or disapprove the project as an AIPPP Public Art Display. The city council reserves complete and exclusive discretion to agree with, pick, change, or reject any recommendations made for an AIPPP Public Art Display.
 - 3. Within the last 90 days of any lease for an AIPPP Public Art Display, city staff and the artist will discuss whether, and upon what terms, the city would be interested in purchase of the display for permanent ownership by the city.
- (c) To be considered by the city as an AIPPP Public Art Display:
 - 1. The City has the right to address any public health or safety issues connected with the display, to include removal or modification.
 - 2. The display should be suitable for long-term display and should be as safe and vandal proof as possible.
 - 3. The display must be capable of being properly secured to the ground or concrete and remain secure for applicable weather conditions.
 - 4. Preference will be given to displays fabricated within the last three years.
 - 5. Displays by local artists will be viewed favorably.

¹ “Public Area” is defined as any land, easement, right-of-way, or structure controlled by the City.

Section 2. This Ordinance shall take effect upon its adoption by the City Council, approval by the Mayor and publication in the City's official newspaper.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF DE SOTO, KANSAS
AND APPROVED BY THE MAYOR ON THE 3rd DAY OF NOVEMBER 2022.

(seal)

RICK WALKER, Mayor

ATTEST:

BRANDON MILLS, City Clerk

APPROVED AS TO FORM:

PATRICK G. REAVEY
City Attorney