

Introduced and Read: March 5, 2019
Second Reading & Adoption: April 2, 2019

CITY OF MOUNT RAINIER, MARYLAND ORDINANCE NO. 03-2019

Introduced by: Luke Chesek

Amending Chapter 4 of the Mount Rainier Code to Create the Mount Rainier Arts Commission

WHEREAS, the Mayor and Council has the authority to create commissions or committees and appoint citizens to the same;

WHEREAS, the Mayor and Council recognize the need to invest in its artists and the creation of art for public enjoyment to promote a sense of community and aid in the revitalization and economic development of our community; and

WHEREAS, through the creation of an Arts Commission, the City can leverage its community of artists to help plan and commission works of art for public enjoyment, whether on public or private property.

NOW THEREFORE BE IT RESOLVED, that, effective immediately, Chapter 4, Boards, Committees, and Commissions, of the *Mount Rainier Code* is hereby amended to include the following:

Title 2. Arts Commission

Section 4-200. Establishment of the Arts Commission.

- A. The Mount Rainier Arts Commission is established to commission works of art for public enjoyment and identify and pursue sources of public and private funding for such commissions.
- B. Each fiscal year, the City Manager's proposed budget shall include funding for the Commission's operation and for the payment of artists commissioned to create works of art for public enjoyment, whether on public or private property.
- C. The Commission shall be composed of five (5) members who are appointed by the Mayor and Council. The term of Commission membership is two (2) years unless a Commissioner is removed for cause.
- D. A quorum of at least three (3) Commission members shall be required to conduct the business of the Commission.

Section 4-210. Operation of Commission.

- A. In each fiscal year, the Commission shall meet to identify one (1) to two (2) sites in the downtown core of Mount Rainier – as determined by the Mount Rainier Mixed Use Town Center Plan – or the business district along Varnum Avenue for the placement of public art such as a mural or sculpture.
 1. Such site shall be of value to the public – e.g., it is within the public's view, at a busy intersection, or important commercial space.
 2. If the site is on privately-owned property, the Commission shall work with the City Attorney to enter into an appropriate legal arrangement with the property owner over

terms of the placement, maintenance, and insurance of art work on the property. Such terms shall include, but are not limited to:

- i. Agreement on the permissible content, subject, and message of the art work.
 - ii. Agreement on the process for final approval of the proposed art work.
 - iii. The maintenance schedule and specific agreement as to responsibility for maintenance of the art work.
 - iv. Agreement on who is responsible for insuring the art work.
3. If the site is on City property, the Commission must receive confirmation from the City Manager that the City will maintain insurance coverage on the art work.
- B. Once the site(s) is determined, the Commission shall issue a Request for Proposals (RFP) from artists for the creation of an art work on said site(s).
1. The RFP shall remain open for thirty (30) calendar days.
 2. The RFP shall be shared with the Gateway Community Development Corporation, posted on community listservs, forums, and on City accounts on social media platforms, and otherwise publicized reasonably to provide notice to potential artists.
 3. The RFP shall identify the site(s), any parameters for the work of art, compensation limits, as well as any other information deemed appropriate by the Commission.
 4. All responsive proposals must include the projected maintenance requirements for the completed artwork.
 5. The public shall be invited to provide feedback to the Commission on what they would like to see on the identified site(s).
- C. Upon receipt of responses to the RFP, the Commission shall meet to select an artist(s) to enter into a contract for the creation of art on the site(s) identified. Strong preference shall be given to artists who are domiciled or produce a substantial amount of their work in a studio in Mount Rainier.
- D. The selected project(s) shall then be presented to the Mayor and Council, along with the feedback received from the public, for consultation.
- E. The Commission may establish written rules and procedures for its operation.

Section 4-220. Contract with Artist(s).

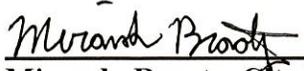
- A. Once an artist(s) is selected for the commission, before commencement of the work, the City shall enter into a contract with the artist(s) that shall address the following issues:
1. The delivery schedule of the art work.
 2. The amount and schedule of compensation for the artist(s).
 3. Such other terms as the City deems appropriate.

Section 4-230. Additional Funding for the Commissioning of Art.

- A. The Commission shall explore and pursue ways to receive funding from both public and private sources to either offset or supplement funding provided by the City.
- B. If such funding is received, the Commission shall so notify the City Manager, Mayor, and Council.

THIS ORDINANCE IS ADOPTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER THIS 2ND DAY OF APRIL, 2019.

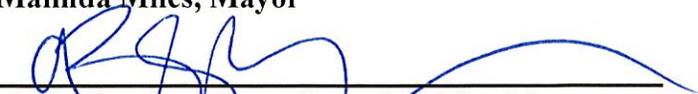
Attest:



Miranda Braatz, City Manager



Malinda Miles, Mayor



Celina Benitez, Councilmember Ward 1



Luke Chesek, Councilmember Ward 1



Bryan Kneller, Councilmember Ward 2



Shivali Shah, Councilmember Ward 2

