

**FILE OF THE CITY CLERK**

**ADMINISTRATION ORDINANCE NO. 5 - 2010**

**ADMINISTRATION BILL NO. 5 - 2010**

**INTRODUCED –MARCH 9, 2010**

**ADOPTED BY COUNCIL – MARCH 30, 2010**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA ESTABLISHING THE CITY OF LANCASTER PUBLIC ART ADVISORY BOARD AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IN ACCORDANCE WITH PENNSYLVANIA LAW.**

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the City Council of the City of Lancaster, Lancaster County, Pennsylvania, as follows:

**SECTION 1.** **Creation and Membership.** The City of Lancaster Public Art Advisory Board is hereby created, which Board shall consist of seven members who shall act in accordance with this Ordinance and the Code of the City of Lancaster and who shall serve without compensation.

**SECTION 2.** **Qualifications for Membership.** All members of the Public Art Advisory Board shall be individuals who have demonstrated expertise in architecture, art criticism, art education, art history, visual arts, graphic arts, interior design, landscape architecture, city planning or other art and design related fields, or who have demonstrated a strong interest in the visual arts and civic improvement. Moreover, all members shall either be residents of the City of Lancaster, or demonstrate that they are actively engaged in the arts within the City.

**SECTION 3.** **Appointment and Term.** All members of the City of Lancaster Public Art Advisory Board shall be appointed by the Mayor with the consent of City Council. The initial appointment of the six members at large shall be as follows: two members at large shall be appointed to serve for a one-year term, two members at large shall be appointed to serve for a two-year term, and two members shall be appointed to serve for a three-year term. Their successors shall all serve terms of two years. The seventh member of the Board shall be a member of City Council appointed by the President of City Council. The City Council member shall serve a one-year term and that member's successors shall each serve one-year terms. Members may serve a total of six consecutive years and may be reappointed thereafter only after an absence of one year. All members shall serve the terms set forth above or until their successors are appointed.

**SECTION 4.** **Vacancies.** Vacancies on the City Public Art Advisory Board shall occur whenever a member of the Board is removed by the Mayor, dies, becomes incapacitated or becomes unable to perform his or her duties for a period of sixty (60) days, resigns, ceases to

meet the qualifications set forth above for membership on the Board, or is convicted of a felony. Vacancies shall be filled by the Mayor with the consent of City Council.

**SECTION 5.** Meetings and Procedures. The City Public Art Advisory Board shall meet at such times and places as it deems proper and shall keep regular minutes of its proceedings. It shall have the power to adopt rules and bylaws to govern its proceedings. Immediately after the initial appointment of members to the City Public Art Advisory Board, the Board shall meet and organize by electing one of its members Chairperson and by installing such other officers as may be necessary. The Board shall thereafter organize annually to elect its President and such other officers as it deems appropriate.

**SECTION 6.** Powers and Purpose. The Public Art Advisory Board's function shall include, but not be limited to:

- a. Foster and develop public awareness of the public art within the City of Lancaster;
- b. Advising the Mayor and City Council with respect to matters relating to the development of public art awareness within the City of Lancaster;
- c. Assisting the City in the preparation of planning documents including guidelines, master plans and strategic planning documents as the same or related to public art and the public awareness of the public art within the City;
- d. Making recommendations to the Mayor as to how vacancies shall be filled on the Board when they arise;
- e. Overseeing the maintenance of the City's Public Art collection; and
- f. Administering any public art programs established by the City of Lancaster in accordance with any policies and guidelines either established by the City or established by the Public Art Advisory Board at the request of Council; and
- g. Performing such other and further duties related to public art within the City of Lancaster as the Mayor may request.

**SECTION 7.** For purposes of this Ordinance, public art shall be art which is publicly accessible, original work created by an artist, using a process that includes the public and considers the social and physical context of the site. Advertising, signage and direction elements, except for those elements which are integral parts of the original work of art or a public art project, shall not be considered public art within the City of Lancaster, nor shall mass produced items required without a public process be considered public art.

**SECTION 8.** Annual Report. The Board shall present a detailed report of all of its proceedings to the Council at its first meeting in April of each year.

**SECTION 9.** Gifts. The Board may solicit or receive any gifts or requests of money or other personal property or any donations to be applied, principal or income, for either

temporary or permanent use for the acquisition and/or installation of public art and/or to assist in the fostering of development and public awareness of the visual arts within the City. The Board shall not, however, be authorized to expend any such funds without the consent of the Mayor. Should the Board so desire, it is hereby authorized to adopt articles of incorporation and relevant bylaws to be treated as a charitable organization for tax donation purposes. Its bylaws shall, however, be subject to the provisions of this Ordinance and provide that they cannot be changed without written modification of this Ordinance by City Council of the City of Lancaster.

SECTION 10. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this 30<sup>th</sup> day of March, 2010, by the Council of the City of Lancaster, Lancaster County, Pennsylvania, in lawful session duly assembled.

ATTEST:

CITY OF LANCASTER

\_\_\_\_\_  
Janet E.Spleen, City Clerk

By: \_\_\_\_\_  
J. Richard Gray, Mayor