

ARTICLE XXIII

Public Art Fund**[Approved 12-21-2017 by Ch. No. 3147; 4-25-2024 by Ch. No. 3288]****§ 40-103. Purpose.**

The City of Pawtucket supports R.I.G.L. § 42-75.2 entitled "Allocation for Art for Public Facilities Act" and feels that the City has a responsibility for expanding the public experience of art. The City of Pawtucket recognizes the necessity of fostering the arts and in developing artists and craftspersons. Art creates a more humane environment; one of distinction, enjoyment, and pride for all citizens. The City of Pawtucket recognizes that public art is also a resource which stimulates the vitality and the economy of the City and provides opportunities for artists and other skilled workers to practice their crafts. The City of Pawtucket declares it to be a matter of public policy that a portion of each subsidized construction project should have an appropriation to be allocated for the acquisition of works of art within the community.

§ 40-104. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACQUISITION — Acquisition by purchase, lease, loan, gift or commission.

ART, ARTWORK, or WORKS OF ART — Original frescoes, mosaics, sculpture, drawings, paintings, printmaking, stained glass, fiber art, fountains, ornamental gateways, monuments, architectural embellishments, architectural landscaping, earthworks, or any work of mixed media or other creative expressions by a professional artist, artisan or craftsperson. Works of art also include limited edition and signed hand-pulled prints, digital art, and photography, but do not apply to reproductions. Art as defined herein includes both permanent and temporary installations.

ARTIST — Any practitioner generally recognized by his or her peers or by critics as a professional who produces works of art. This definition does not include the architect of a building nor specifically the building that is to receive the public artwork.

ARTS COMMISSION — The Advisory Commission on Arts and Culture as established in Chapter 11, Article X.

CITY — The City of Pawtucket, Rhode Island.

CONSTRUCTION COSTS — The costs expended for the actual construction of a given improvement or building, public or private, including remodeling, renovation or reconstruction.

PUBLIC ART — Any art situated on property owned or under the control of the City, or art which is owned by or on loan to the City, or funded primarily by the City.

PUBLIC ART FUND COMMITTEE — The Committee that manages and makes recommendations to the City Department of Commerce regarding the Public Art Fund.

SUBSIDY — Any real estate tax treaty or stabilization agreement between a property owner and the City for a project that is greater than \$1,000,000 in value, which results in a tax bill lower than that which would be rendered by the Assessor's office; or any City-owned land sold for a project, which land has an assessed value of greater than \$1,000,000 and is sold at a price that is lower than the current assessed value. A City-backed loan is not considered a subsidy.

§ 40-105. Establishment of fund.

A separate fund is established within the City Treasury designated and maintained as the Public Art Fund into which funds appropriated shall be deposited. Within the Public Art Fund two accounts shall be established: the Art Acquisition Account and the Art Maintenance Account. The Director of Finance shall be the custodian of all funds collected under this section and he or she shall invest such funds in accordance with prudent investment procedure. Funds may be derived and shall be retained from the following:

- A. Appropriations made as provided for in this article;
- B. Gifts, if the terms of the gift are consistent with the purposes of this article and other lawful requirements.

§ 40-106. (Reserved)**§ 40-107. Funding; allocation; disbursements.****A. Funding and allocation.****(1) City-subsidized construction projects.**

- (a) For City-subsidized construction projects that exceed a cost of \$1,000,000, the developers shall be required to submit an estimate of the construction costs of their projects to the Department of Commerce with a budget of no less than 1% to be expended on works of art by for-profit developers. The tax stabilization application shall require that the contribution for public art be included in the budget that is submitted for review. The funding for public art on for-profit projects will be capped at \$200,000. The money for these art expenditures shall be deposited into the Public Art Fund or the fund established for bond proceeds for art, as necessary.
- (b) All City-subsidized project developers may use their 1% either to purchase art for their projects, as reviewed and meeting the criteria of the Public Art Fund Committee, or as a contribution to the Public Art Fund.
- (c) No certificate of occupancy for any City-subsidized construction project shall be issued until the 1% of the construction costs is deposited into the Public Art Fund. Developers of projects that receive a tax stabilization may apply to the Finance Committee for a one-year extension from the date that they receive their certificate of occupancy. If funds are not deposited in the Public Art Fund by the extended date, the tax stabilization will be null and void.

B. Disbursements.

- (1) Art for subsidized projects. Subsidized developers who elect to utilize their deposit to the Public Art Fund for art on their property shall so notify the Public Art Fund Committee and the Department of Commerce. Funds received from the developer shall then be held in escrow, to be disbursed by the City Department of Commerce. Any balance remaining in escrow after the art project is complete will revert to the Public Art Fund.

- (2) Public art. No call for public art by the Public Art Fund Committee and approved by the Department of Commerce shall be made without prior authority of the City Council's Finance Committee for expenditure of funds from the Public Art Fund.

§ 40-108. Annual report. [Amended 9-26-2024 by Ch. No. 3303]

The Public Art Fund shall be outlined annually in the audit report submitted in accordance with Sec 2-503 of the charter.

§ 40-109. Public Art Fund Committee.

The Public Art Fund Committee shall be comprised of five members appointed by the Mayor with confirmation by the City Council, who shall serve without compensation. One member shall be from the Pawtucket Foundation; two members shall be an artist or member of an art organization; one member shall be an architect, designer, engineer or landscape architect; one member shall be a member of the community who lives, works and/or owns a business in Pawtucket.

- A. Term of office. Each Committee member shall serve a three-year term, except that the original five committee members will have staggered terms, one member for one year, two members for two years and two members for three years. All future appointments will serve three-year terms.
- B. Appointments. The Committee and members of the community at large shall be invited to submit nominations to the Mayor for any upcoming appointments.

§ 40-110. Administration.

- A. The City Department of Commerce will administer the Pawtucket Public Art Fund Program and will provide a designated staff member to assist the Public Art Fund Committee as it would to other City boards or commissions. The Public Art Fund Committee needs to increase the
- B. Public Art Fund Committee.
 - (1) The Public Art Fund Committee shall:
 - (a) Make periodic reviews, at least annually, of subsidized capital improvement projects with appropriate City department heads or designees.
 - (b) Advise to the Department of Commerce a set geography for the placement of works of art within the City, and a specific location for an individual art work, either at the location of the building or facility providing funding or as otherwise advised by the Public Art Fund Committee to the Department.
 - (c) Advise the scope of work to the Department of Commerce and the specific allocation and/or amount to be expended for the works of art.
 - (d) Encourage Rhode Island artists to submit applications to all calls for art.
 - (e) Manage and recommend the selection of public art works to the Department of Commerce.

- (f) Recommend to the Department of Commerce rules and responsibilities for formal contractual agreement with each artist.
- (g) Recommend standards and requirements for artists to the Department of Commerce with respect to the installation and maintenance of the works of art, both ordinary and extraordinary.
- (h) Select and appoint a panel to select each work of art to be acquired and placed on public lands. Selection panel composition:
 - [1] Each panel shall consist of a minimum of five and no more than seven voting members, to include:
 - [a] A member of the Public Art Fund Committee who shall serve as Chair and a nonvoting member of the panel.
 - [b] Two artists.
 - [c] One art professional with experience with public art.
 - [d] One engineer professional with experience with public spaces.
 - [2] The panel may also include:
 - [a] An architect, landscape architect, designer or engineer associated with the construction or location for the artwork, or his or her designee.
 - [b] A representative of the City, as determined by the Mayor; a user of the project; or a member of the public.
- (2) The Public Art Fund Committee may recommend contracting with professionals to carry out certain aspects of its responsibilities, but administrative expenses paid from the Public Art Fund will be limited to \$5,000 per fiscal year unless otherwise authorized by the City Council's Finance Committee.
- C. The City Department of Commerce will provide a designated staff member to provide administrative assistance to this Committee as it would to other City boards or commissions.

§ 40-111. Selection of works of art.

Artists and their works of art to be acquired under this article shall be selected by the City Department of Commerce with recommendations from the Public Art Fund Committee chosen pursuant to § 40-110B(1)(h) for each project.

§ 40-112. Artist's rights.

- A. The City receives the rights to sole ownership and public display of all art on public land acquired under this article, subject to the following intangible rights retained by the artist:
 - (1) The right to claim authorship of the work of art;
 - (2) The right to reproduce the work of art, including all rights to which the work of art may

be subject under copyright laws, including, but not limited to, derivative and publishing rights, but excluding the right to public display and to photographic reproduction for purposes of publicity by the City;

- (3) If provided by written contract, the right to receive a specified percentage of the proceeds if the work of art is subsequently sold by the City to a third party other than as a part of the sale of the building or property at which the work of art is located; and
- (4) If agreed between the City and the artist, the artist may extend to his or her heirs, assignees or personal representatives any of the above rights until the end of the 10th year following the death of the artist.

B. The artist retains as absolute the following rights:

- (1) The right to have the artist's name associated with the work; and
- (2) The right to prevent degradation, mutilation, or aesthetic ruining of the work.