



The Cambridge Arts Council

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9033

August 5, 1980

Russell B. Higley
City Solicitor
City Hall
Cambridge, MA 02139

Dear Mr. Higley,

Molly Miller asked that I review Ordinance Number 923 as you had requested. The Ordinance reads as it did when it was passed in June 1979. We have no suggestions for changes in it at this time.

Sincerely,

Jennifer Dowley
Director
Arts On The Line

JD/ba

(C) **Eligible Funds** - means a source of funding for Construction Projects from which arts are not excluded as an appropriate purpose for expenditure.

(D) **Supplemental Funds** - shall mean those funds appropriated by the City Council or contributed by individuals or other sources, and placed in the Public Development Arts Fund in addition to those funds made available from Eligible Funds, which shall be used for implementing the purposes of this ordinance.

(E) **Cambridge Arts Council** - shall mean the Council established in 1974 by order of the City Council.

(F) **Public Development Arts Project or Projects** - art to be funded from the Public Development Arts Fund; such projects may be an integral part of a building, attached to a building, placed within or outside of a building, or in the case of performing arts performed in a public building or space; said art may include but shall not be limited to paintings, sculpture, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, bas-reliefs, tapestries, photographs, drawings, drama, instrumental or vocal music, dance, and landscape items, including the artistic placement of natural materials or man-made fountains or objects or other functional art objects.

Section 3. Cambridge Arts Council - Additional Functions and Duties.

To carry out its responsibilities under this ordinance, the Cambridge Arts Council shall:

(1) Establish annually, after meetings held regularly with relevant Cambridge City agencies, private, non-profit organizations, neighborhood organizations, and interested Cambridge citizens and artists, and after holding a public hearing publicized for a full calendar week in at least two newspapers of local general circulations a Plan for the Development and Creation of Arts in public buildings and spaces in the various neighborhoods and sections of the City of Cambridge; said plan shall include an itemization of the city's priorities for choosing, creating and placing works of art in public buildings within the neighborhoods of the city; preferences for the types of works to be financed and developed during the fiscal year, and guidelines for the selection of artists and locations for Public Development Arts Projects;

(2) Select Public Development Arts Projects, following consultation with such of the parties referred to in (1) above, and, as a usual practice, with the assistance of a professional arts jury appointed by the Cambridge Arts Council, as may be appropriate;

(3) Determine the geographic location of such works of art and architecture, and the location within individual sites and buildings where such works shall be placed or created provided that to the maximum feasible extent each such Public Development Arts Project shall be placed, created or performed in and about the Construction Project from which funds were derived for payment of that Public Development Arts Projects;

(4) Establish budgets for all commissioned projects, including budgets for materials, fees, operating and maintenance expenses, and other reasonably contemplated items of expense in the acquisition, development, creation, implementation, and, where applicable, ongoing maintenance of such projects;

(5) Establish procedures to be followed by other departments for the maintenance and preservation of such works of art;

(6) Establish rules and regulations, with the approval of the City Manager, to provide for the proper administration and implementation of its responsibilities, including necessary administrative budget and such rules and regulations as may be required for the selection of artists and art works; commissioning and contracting with such artists; criteria for the allocation of works of art among the various neighborhoods of the city; criteria for choosing among various artists and recommending acquisition of various works of art or art projects, and such other rules as may be appropriate or necessary for the implementation of this ordinance;

(7) Make an annual report to the City Council describing its program for meeting its responsibilities under this ordinance.

Section 4. Cambridge Public Development Arts Fund.

(A) **Allocation of Funds and Designation.** All requests by city departments for appropriations or other authorizations for Construction Projects from Eligible Funds shall include and set aside an amount equal to no less than one percent of the total estimated costs of such Projects for art; copies of such requests, authorization, application, proposals or appropriations shall be delivered by the city department or agency responsible for obtaining the Eligible Funds to the Cambridge Arts Council as early as possible in the planning stages of the Projects.

(B) There is hereby created a Public Development Arts Fund in the city treasury, into which money collected by appropriations under paragraph 4 (A) and Supplemental Funds shall be placed. Said Fund shall be used by the Cambridge Arts Council exclusively to carry out the purposes of this ordinance.

(C) Any monies appropriated to the Public Development Arts Fund which have not been spent within three years of such appropriation, or, upon special approval by the City Council, within five years, shall be transferred to the city's General Fund for the purposes of the general art needs of the city; provided, that funds derived from revenue or general obligation bond issues authorized by the City Council or from utility revenues or other special purpose or dedicated funds shall revert to the funds from which they derive at the expiration of the three or five year period, whichever applies.

In City Council

June 25, 1979

Passed to be ordained by a yeas and nays vote: Yeas 6; Nays 2; Absent 1.
James L. Sullivan, City Manager.

ATTEST: Paul E. Healy,

City Clerk.

(C) Jn28

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ORDINANCE NO. 923.

Final Publication No. 2004. First Publication in the Herald on June 15, 1979.

CITY OF CAMBRIDGE

In the Year One Thousand, Nine Hundred Seventy-nine

AN ORDINANCE

In amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows: Chapter Two, entitled: "Administration" is hereby amended by adding at the end thereof a new Article XXIX entitled: "Public Development Arts Fund" which reads as follows:

Article XXIX. Public Development Arts Fund.

Section 1. Title, Findings and Purposes.

(A) This ordinance shall be known as the Public Development Arts Ordinance of 1979.

(B) The City Council of the City of Cambridge finds that:

(1) The city recognizes that it has a responsibility to make the advantages of the arts available to its residents; that construction projects financed with public funds normally include expenditures for finishing and adornment which, if effectively planned and executed will help the city to fulfill this responsibility;

(2) The city wishes to increase the benefits which its citizens will derive from the creative efforts of artists;

(3) The city should expand the access of its residents to the benefits of the arts by designating a portion of appropriations for capital expenditures for the acquisition, creation, design and/or development of art which shall be utilized in and about city buildings and public facilities.

(C) The purposes of this ordinance are:

(1) To promote the enjoyment of the arts by the residents of the City of Cambridge by increasing the quantity and quality of such arts available in public buildings, facilities and spaces;

(2) To improve and expand the value and use of public buildings and facilities through the placement in such buildings and facilities of distinguished works and creations of artistic endeavor; and

(3) To create a funding program which, without substantially increasing the total cost of construction projects as hereafter defined, will ensure that arts are acquired, created, developed and otherwise made available for the enjoyment of the residents of the City of Cambridge.

Section 2. Definitions.

For the purposes of this ordinance the following words and descriptions shall have the following meanings:

(A) **Public Development Arts Fund** - the fund set aside by this ordinance in the city treasury for the purpose of allocating monies for the development and creation of arts in and upon public construction projects in the City of Cambridge.

(B) **Construction Project** - any capital project paid for in full or in part by the City of Cambridge, through its own Eligible Funds or with Eligible Funds appropriated to it by other governmental units, to construct or remodel any building, decorative or commemorative structure, park, street, sidewalk, parking facility, or utility or any portion thereof within the corporation limits of the city and with respect to the construction of which bidding is required under Massachusetts law.

