



Legislation Text

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Arts Commission Changes  
Mayors Office  
Abby Arnold  
Revised

**Amending Toledo Municipal Code Chapter 167, Arts Commission; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

Toledo Municipal Code Chapter 167 governs the creation, membership, and duties of the Arts Commission. This Ordinance repeals or replaces relevant sections of that chapter pertaining to meeting requirements of the Arts Commission, when the terms begin and end, acceptance of donations, and updates and clarifies the one percent for the arts calculation.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That Toledo Municipal Code Chapter 167 which states as follows:

**167.01. Commission created.**

There is hereby created the Arts Commission of Greater Toledo which shall consist of eighteen members who shall serve without compensation.

(Ord. 797-82. Passed 12-21-82.)

**167.02. Membership.**

The membership of this Commission shall be appointed by the Mayor subject to the confirmation by majority vote of Council and such appointments shall be made from, but not limited to, the various cultural groups in the City and initially from the members now serving on the Commission. The members of this Commission are to be appointed for the following terms:

- (a) Appointees with terms expiring on January 1, 1995 shall be extended in term to June 15, 1995;
- (b) Appointees whose terms begin January 1, 1994 shall serve extended terms of three and one-half years expiring on June 15, 1997;
- (c) Appointees with terms expiring on January 1, 1996 shall be extended in term to June 15, 1996; and
- (d) All future appointees shall serve for three year terms beginning June 15 of the calendar year.

Vacancies in unexpired terms shall be filled in the same manner as the original appointments.

(Ord. 793-93. Passed 12-6-93.)

### **167.03. Duties of Commission.**

The Arts Commission of Greater Toledo is formed to perform the following duties:

- (a) To meet the future cultural needs of the region in the area of choral, operatic, orchestral, visual and communicative arts.
- (b) To increase and broaden the opportunities for Toledo area citizens to enjoy and participate in cultural activities.
- (c) To foster, stimulate and encourage cultural projects.
- (d) To promote interest and pride in the area's cultural heritage.
- (e) To enlist public interest and promote public understanding of cultural programs.
- (f) To help coordinate the work and programming of cultural groups in the area.

(1952 Code § 3-58-3; Ord. 855-74)

### **167.04. Organization and meetings.**

The Commission shall elect its own chairman and such officers as it deems necessary. The Commission may create from its members and/or persons who are not members, associate memberships and such committees and sub-committees as it shall deem necessary to carry out the function of the Commission. It shall prescribe its own rules of procedure and shall keep a record of its transactions and report annually to the Mayor and Council. It shall meet not less than once each month.

(1952 Code § 3-58-4; Ord. 358-72)

### **167.05. Acceptance of donations, gifts and membership fees.**

(EDITOR'S NOTE: Former Section 167.05 was repealed by Ordinance 252-02, passed April 23, 2002.)

### **167.06. Art in Public Places Program.**

#### **(a) Purpose.**

The City hereby declares its commitment to assume a leadership position in establishing a favorable and supportive climate for cultural arts in the community. Through its Art in Public Places Program, the City seeks to create a stimulating and humanizing public environment by the inclusion and integration of high quality artworks in its public buildings and public spaces. The City further seeks to encourage public education to enhance the community's understanding and enjoyment of the artworks and the artistic process from which they derive. This policy therefore is established to direct the inclusion of works of art and/or design services of artists in public places in the City.

#### **(b) Definitions.**

(1) "Art in Public Places Committee" means a standing committee appointed by the Arts Commission as provided for in procedures outlined in the Public Art Master Plan to oversee quality control of the Art in Public Places Program and its projects, and to recommend the prioritized projects, specific fund allocations and design approaches itemized in the Municipal Art Plan. One member of the Art in Public Places Committee shall be appointed by the City Plan Commission.

(2) "Art in Public Places Program" means the program coordinated by the Arts Commission which places

visual art on City owned properties and facilities.

(3) "Arts Commission" means the Arts Commission of Greater Toledo.

(4) "Artwork" means any creative work created by artists, such as, but not limited to sculpture, murals and paintings. "Artwork" does not include creative work designed solely by architects or landscape architects or engineers. However, "artwork" may include creative work designed in collaboration with architects, landscape architects and engineers when initiated by the Art in Public Places Program. "Artwork" may be freestanding, may be integral to the architecture or landscape, or may be incorporated into the construction project.

(5) "CIP Budget" or "Capital Improvements Program Budget" means the plan for capital improvements for the City approved annually by Council.

(6) "Design Review Boards" means committees of community residents, City representatives and arts professionals who shall select artworks for specific sites that have been itemized in the Municipal Art Plan. Procedures for appointments to these Boards and Board responsibilities shall be established and described in the Public Art Master Plan.

(7) "Eligible Capital Construction Project" means any capital improvement project:

- A. That is funded wholly or in part by other than City income tax revenues,
- B. To constructor remodel a building, facility or park, or any portion thereof, which, as a significant feature of its end use includes access to or use by members of the general public, but only if,
- C. The entity allocating funds for the project, or the law governing the use of such funds, permits the use of those funds for the purpose of acquiring artwork as a feature of the project.

(8) "Municipal Art Plan" means a prioritized list of art projects, developed annually by the Art in Public Places Committee, with budgets and recommended design approaches, approved by the Arts Commission and subsequently by the City Plan Commission.

(9) "City Plan Commission" means the Toledo City Plan Commission as established by Sections 189, 190, 191 and 192 of the Toledo City Charter.

(10) "Public Art Collection" means all artworks which are acquired by the City through the Art in Public Places Program or otherwise.

(11) "Public Art Master Plan" means a document which shall be prepared by the Arts Commission of Greater Toledo upon recommendation of the Art in Public Places Committee and subject to the approval of the Plan Commission. The Arts Commission shall annually review the Public Art Master Plan and revise and update the document as necessary, subject to approval by the Plan Commission. The Public Art Master Plan shall include internal standard operating procedures for the administration of the Art in Public Places Program and a comprehensive site inventory of existing and potential artwork locations.

**(c) One percent for arts; sources and uses of funds; method of calculation.**

(1) The annual Capital Improvements Program Budget submitted to Council for approval shall include a line item in an amount equal to one percent (1%) of the total income tax-funded CIP budget, excluding from such total the amount dedicated to pay debt service to be used for design services of artists and for the selection, acquisition, commissioning, creation and installation of artwork, and for restoration of existing artwork in the Public Art Collection as needed, and for administration of the projects itemized in the Municipal Art Plan. The use of funds derived from this source shall not be restricted to any project-specific location and

may be pooled, aggregated, allocated and used for artwork at any location with a high degree of public use or accessibility. These funds shall be transferred to and maintained in an appropriate account or accounts within the Department of Natural Resources.

(2) Appropriations for Eligible Capital Construction Projects shall allocate one percent (1%) of the total appropriation for design services of artists and for the selection, acquisition, commissioning, creation and installation of artworks, and for administration of the acquisition of artworks for those projects. If required by the entity allocating such funds or the law governing the use of such funds, placement of the artwork shall be restricted to the sites of the subject construction or remodeling projects. These artwork funds shall be maintained within the account codes of the City department responsible for the construction or remodeling project.

(3) In applications to outside granting authorities for Eligible Capital Construction Projects, the responsible officials within City departments shall include a request for funds for artists' services and/or artworks as specified herein.

**(d) Allocation of funds.**

(1) After passage of the annual CIP budget by Council, the Arts Commission shall review and approve a Municipal Art Plan, which designates specific project sites, funding allocations and recommended design approaches for all artwork projects to proceed during the year, as well as amounts to be allocated for restoration of specific existing works and administration of projects. The Arts Commission shall submit the Municipal Art Plan to the City Plan Commission for approval.

(2) Following the approval of the Municipal Art Plan by the City Plan Commission, the Arts Commission shall prepare and submit to Council a proposed annual ordinance, and such other ordinances as are necessary from time to time, authorizing and directing the appropriation and expenditure of the one percent (1%) moneys described in subsection (c)(1) hereof in accordance with the approved Municipal Art Plan.

(3) Artwork projects approved in the Municipal Art Plan pursuant to subsection (c)(2) hereof shall be included in the authorizing legislation initiated by the affected City department to appropriate and transfer funds for approved CIP projects into departmental accounts and to let contracts and agreements. The Arts Commission shall oversee and manage these artwork projects. Artwork funds shall be maintained within the account codes of the City department responsible for the construction or remodeling project, or within other appropriate City account codes that may be designated and established from time to time.

**(e) Responsibilities.**

(1) Arts Commission representatives shall meet with the Mayor or his designee on an annual basis to ascertain the capital construction and remodeling projects planned for the current year and the project budgets therefor and the status of any capital projects planned for the next four years.

(2) The Mayor or his designee shall inform the Arts Commission of proposed and planned Eligible Capital Construction Projects at the earliest possible point, in order to allow for adequate review of the projects' potential for incorporation and planning of appropriate artwork. Integration of the artists' design concepts and/or the artwork into the project architecture should be ensured, insofar as feasible, by concurrent selection of the artist(s) and the architect or designer.

(3) The Arts Commission shall be responsible for the administration of the Art in Public Places Program, including development of the Public Art Master Plan, approving an annual Municipal Art Plan, negotiating contracts with artists, managing those contracts through completion and installation of the artworks, appointing the Art in Public Places Committee, establishing program policies and guidelines, approving selection of

artwork, coordination of artwork creation and installation, coordination of public information and dedication related to projects, coordination and oversight of the Art in Public Places Committee and all Design Review Boards, validating payment requests that are submitted to the City, coordinating artist selection procedures, producing published information related to competitions associated with those projects, maintaining appropriate records and correspondence related to all projects, committees and Design Review Boards, responsibility for curatorial services related to the Public Art Collection, and shall have the responsibilities concerning deaccessioning and deposition of surplus artwork that are set forth in Chapter 187 [https://codelibrary.amlegal.com/codes/toledo/latest/toledo\\_oh/0-0-0-88067](https://codelibrary.amlegal.com/codes/toledo/latest/toledo_oh/0-0-0-88067) and other administrative responsibilities associated with and necessary to the aforementioned duties.

(4) The Arts Commission, upon recommendation of the Art in Public Places Committee, shall be responsible for approval of all proposals for restoration of artwork in the Public Art Collection. Subject to appropriate funding, from time to time the Arts Commission shall arrange for a survey by an arts professional to determine the condition of the Public Art Collection. The survey shall include a condition report on each artwork and recommendations for the restoration of each artwork. Professional restoration methods shall be required to maintain the integrity of the artwork. Such methods shall comply with any contractual obligations which may have been entered into in the acquisition of those artworks. To the extent practicable, prior to any major restoration, the artist shall be contacted, and, if appropriate, asked to perform such restoration.

(5) The Arts Commission shall be responsible for public education programs and activities associated with the Art in Public Places Program in order to increase public appreciation of the Public Art Collection. These activities may include, but are not limited to, programs initiated by the Arts Commission, programs cosponsored with other community agencies and groups, and activities which support existing programs in the schools and in the community.

(6) The Arts Commission, as an advisory body to the City Plan Commission, and upon the recommendation of the Art in Public Places Committee, shall review and recommend for acceptance or rejection, according to criteria described in the Public Art Master Plan, any artwork proposed to be donated to the City. The Arts Commission shall establish such policies and guidelines as may be appropriate to facilitate and encourage the donation of high quality artwork to the City.  
(Ord. 612-92. Passed 9-1-92.)

is hereby repealed.

SECTION 2. That a new Toledo Municipal Code Chapter 167 is enacted as follows:

**167.01. Commission created.**

There is hereby created the Arts Commission of Greater Toledo which shall consist of eighteen members who shall serve without compensation.

(Ord. 797-82. Passed 12-21-82.)

**167.02. Membership.**

The membership of this Commission shall be appointed by the Mayor subject to the confirmation by majority vote of Council and such appointments shall be made from, but not limited to, the various cultural groups in the City and initially from the members now serving on the Commission. The members of this Commission are to

be appointed for the following terms:

(a) Appointees shall serve for full three-year terms beginning January 1 of the calendar year. One-third of the appointees shall serve an initial term of one year. One-third of the appointees shall serve an initial term of two years. One-third of the appointees shall serve a full initial term of three years. Thereafter, all appointments shall be for a term of three years from the date of expiration of the prior term, with the exception of an appointment to the Board to fill an unexpired term. Vacancies in unexpired terms shall be filled for the remainder of the current term. .

(Ord. 793-93. Passed 12-6-93.)

### **167.03. Duties of Commission.**

The Arts Commission of Greater Toledo is formed to perform the following duties:

- (a) To meet the future cultural needs of the region in the area of choral, operatic, orchestral, visual and communicative arts.
- (b) To increase and broaden the opportunities for Toledo area citizens to enjoy and participate in cultural activities.
- (c) To foster, stimulate and encourage cultural projects.
- (d) To promote interest and pride in the area's cultural heritage.
- (e) To enlist public interest and promote public understanding of cultural programs.
- (f) To help coordinate the work and programming of cultural groups in the area.

(1952 Code § 3-58-3; Ord. 855-74)

### **167.04. Organization and meetings.**

The Commission shall elect its own chairman and such officers as it deems necessary. The Commission may create from its members and/or persons who are not members, associate memberships and such committees and sub-committees as it shall deem necessary to carry out the function of the Commission. It shall prescribe its own rules of procedure and shall keep a record of its transactions and report annually to the Mayor and Council. It shall meet not less than six times a year.

(1952 Code § 3-58-4; Ord. 358-72)

### **167.05. Acceptance of donations, gifts and membership fees.**

(EDITOR'S NOTE: Former Section 167.05 was repealed by Ordinance 252-02, passed April 23, 2002.)

### **167.06. Art in Public Places Program.**

#### **(a) Purpose.**

The City hereby declares its commitment to assume a leadership position in establishing a favorable and supportive climate for cultural arts in the community. Through its Art in Public Places Program, the City seeks to create a stimulating and humanizing public environment by the inclusion and integration of high quality artworks in its public buildings and public spaces. The City further seeks to encourage public education to enhance the community's understanding and enjoyment of the artworks and the artistic process from which they derive. This policy therefore is established to direct the inclusion of works of art and/or design services of artists in public places in the City.

#### **(b) Definitions.**

(1) "Art in Public Places Committee" means a standing committee appointed by the Arts Commission as provided for in procedures outlined in the Public Art Master Plan to oversee quality control of the Art in Public Places Program and its projects, and to recommend the prioritized projects, specific fund allocations and design approaches itemized in the Municipal Art Plan. One member of the Art in Public Places Committee shall be appointed by the City Plan Commission.

(2) "Art in Public Places Program" means the program coordinated by the Arts Commission which places visual art on City owned properties and facilities.

(3) "Arts Commission" means the Arts Commission of Greater Toledo.

(4) "Artwork" means any creative work created by artists, such as, but not limited to sculpture, murals and paintings. "Artwork" does not include creative work designed solely by architects or landscape architects or engineers. However, "artwork" may include creative work designed in collaboration with architects, landscape architects and engineers when initiated by the Art in Public Places Program. "Artwork" may be freestanding, may be integral to the architecture or landscape, or may be incorporated into the construction project.

(5) "CIP Budget" or "Capital Improvements Program Budget" means the plan for capital improvements for the City approved annually by Council.

(6) "Design Review Boards" means committees of community residents, City representatives and arts professionals who shall select artworks for specific sites that have been itemized in the Municipal Art Plan. Procedures for appointments to these Boards and Board responsibilities shall be established and described in the Public Art Master Plan.

(7) "Eligible Capital Construction Project" means any capital improvement project:

A. That is funded wholly or in part by other than City income tax revenues,

B. To construct or remodel a building, facility or park, or any portion thereof, which, as a significant feature of its end use includes access to or use by members of the general public, but only if, the entity allocating funds for the project, or the law governing the use of such funds, permits the use of those funds for the purpose of acquiring artwork as a feature of the project.

(8) "Municipal Art Plan" means a prioritized list of art projects, developed annually by the Art in Public Places Committee, with budgets and recommended design approaches, approved by the Arts Commission and subsequently by the City Plan Commission.

(9) "City Plan Commission" means the Toledo City Plan Commission as established by Sections 189, 190, 191 and 192 of the Toledo City Charter.

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**(c) One percent for arts; sources and uses of funds; method of calculation.**

(1) For the purposes authorized under this Chapter, the annual Capital Improvements ("CIP") Program Budget submitted to Council for approval shall include a line item in an amount equal to one percent (1%) of the total income tax-funded CIP budget, calculated prior to any transfer back to the General Fund, excluding the income tax levied under section 1905.011 of this code, and excluding the total amount dedicated to pay debt service. Should an adjustment be made that increases the CIP budget, a corresponding adjustment to the one percent amount will be made.

(2) Such funds are to be used for design services of artists and for the selection, acquisition, commissioning, creation and installation of artwork, and for restoration of existing artwork in the Public Art Collection as needed, and for administration of the projects itemized in the Municipal Art Plan. The use of funds derived from this source shall be restricted to publicly-owned and displayed works of art at publicly owned locations or at locations for which the city has an easement or license.

(3) Any project-specific location and may be pooled, aggregated, allocated and used for artwork at any location meeting the requirements of paragraph 2 above. above.



(4) In applications to outside granting authorities for Eligible Capital Construction Projects, the responsible officials within City departments shall include a request for funds for artists' services and/or artworks as specified herein.

**(d) Allocation of funds.**

(1) After passage of the annual CIP budget by Council, the Arts Commission shall review and approve a Municipal Art Plan, which designates specific project sites, funding allocations and recommended design approaches for all artwork projects to proceed during the year, as well as amounts to be allocated for restoration of specific existing works and administration of projects. The Arts Commission shall submit the Municipal Art Plan to the City Plan Commission for approval.

(2) Following the approval of the Municipal Art Plan by the City Plan Commission an ordinance(s) shall be submitted to Council authorizing the appropriation and expenditure of the one percent (1%) for the arts moneys described in subsection (c)(2) in accordance with the approved Municipal Art Plan.

(3) The Arts Commission shall oversee and manage the Artwork projects approved in the Municipal Art Plan and the expenditure of the one percent (1%) for arts moneys in compliance with Toledo Municipal Code Section 1905.14(E).

**(e) Responsibilities.**

(1) Arts Commission representatives shall meet with the Mayor or his designee on an annual basis to ascertain the capital construction and remodeling projects planned for the current year and the associated project budgets and the status of any capital projects planned for the next four years. The Arts Commission shall annually in writing submit to the Mayor a report on the CIP expenditures for the preceding year.

(2) The Mayor or his designee shall inform the Arts Commission of proposed and planned Eligible Capital Construction Projects at the earliest possible point, in order to allow for adequate review of the projects' potential for incorporation and planning of appropriate artwork. Integration of the artists' design concepts and/or the artwork into the project architecture should be ensured, insofar as feasible, by concurrent selection of the artist(s) and the architect or designer.

(3) The Arts Commission shall be responsible for the administration of the Art in Public Places Program, including development of the Public Art Master Plan, approving an annual Municipal Art Plan, negotiating contracts with artists, managing those contracts through completion and installation of the artworks, appointing the Art in Public Places Committee, establishing program policies and guidelines, approving selection of artwork, coordination of artwork creation and installation, coordination of public information and dedication related to projects, coordination and oversight of the Art in Public Places Committee and all Design Review Boards, coordinating artist selection procedures, producing published information related to competitions associated with those projects, maintaining appropriate records and correspondence related to all projects, committees and Design Review Boards, responsibility for curatorial services related to the Public Art Collection, and shall have the responsibilities concerning deaccessioning and deposition of surplus artwork that are set forth in Chapter 187 and other administrative responsibilities associated with and necessary to the

aforementioned duties.

(4) The Arts Commission, upon recommendation of the Art in Public Places Committee, shall be responsible for approval of all proposals for restoration of artwork in the Public Art Collection. Subject to appropriate funding, from time to time the Arts Commission shall arrange for a survey by an arts professional to determine the condition of the Public Art Collection. The survey shall include a condition report on each artwork and recommendations for the restoration of each artwork. Professional restoration methods shall be required to maintain the integrity of the artwork. Such methods shall comply with any contractual obligations which may have been entered into in the acquisition of those artworks. To the extent practicable, prior to any major restoration, the artist shall be contacted, and, if appropriate, asked to perform such restoration.

(5) The Arts Commission shall be responsible for public education programs and activities associated with the Art in Public Places Program in order to increase public appreciation of the Public Art Collection. These activities may include, but are not limited to, programs initiated by the Arts Commission, programs cosponsored with other community agencies and groups, and activities which support existing programs in the schools and in the community.

(6) The Arts Commission, as an advisory body to the City Plan Commission, and upon the recommendation of the Art in Public Places Committee, shall review and recommend for acceptance or rejection, according to criteria described in the Public Art Master Plan, any artwork proposed to be donated to the City. The Arts Commission shall establish such policies and guidelines as may be appropriate to facilitate and encourage the donation of high quality artwork to the City.

(Ord. 612-92. Passed 9-1-92.)

SECTION 3. This Ordinance is hereby declared to be an emergency measure and shall be in force and effect from and after its adoption. The reason for the emergency lay in the fact that same is necessary for the immediate preservation of public peace, safety, and property, and for the further reason said changes to the Arts Commission are immediately needed to effectively maintain and improve their operations.

Vote on emergency clause: yeas 11, nays 0.

Passed: May 8, 2024, as an emergency measure: yeas 11, nays 0.

Attest:

Julie A. Gibbons  
Clerk of Council

Carrie Hartman  
President of Council

Approved:

May 8, 2024  
Wade Kapszukiewicz  
Mayor