



1 awareness of the importance of aesthetic experiences ~~to the need for experiencing~~  
2 ~~aesthetic delight~~ in their everyday lives. This is consistent with the goal of the state  
3 comprehensive plan: “~~By 1995,~~ Florida shall increase access to its historical and cultural  
4 resources and programs and encourage the development of cultural programs of national  
5 excellence.”

6 The principal goals of this chapter ~~article~~ are:

- 7 (1) To increase public access to art and the aesthetically designed  
8 environment, and to promote understanding and awareness of the visual arts ~~by~~  
9 ~~their exposure~~ in the public environment;
- 10 (2) To contribute to the civic pride and economic development of our  
11 community;
- 12 (3) To enhance the climate for artistic creativity in our community;
- 13 (4) To enrich the public environment for both residents and visitors to the area  
14 through incorporation of the visual arts; and
- 15 (5) To enable our community to attain recognition as cultural center ~~a regional~~  
16 ~~and national leader in the visual arts as a vital element in its cultural life.~~

17 (b) For the purposes of this chapter, the following words and phrases shall have the  
18 meanings shown:

- 19 (1) Art means the unique product of a skilled artist (or group of artists) who  
20 works according to aesthetic principles and includes, but is not limited to,  
21 architectural enhancements, special landscape treatments, paintings, sculpture,  
22 engravings, murals, mobiles, photographs, drawings and works in fabric. The

1 following shall not be considered works of art: mechanical or other reproductions,  
2 commercially produced items, architectural rehabilitation or historic preservation.

3 (2) Architectural enhancement means the highest application of skill and  
4 aesthetic principles to the physical embellishment of the public areas of a  
5 building, which may include the placement of works of art, or specially designed  
6 plazas, atriums, or other public spaces.

7 (3) Special landscape treatment means the highest application of skill and  
8 aesthetic principles to creating unique planted or designed areas, which may  
9 include earthworks, gardens, paving and water features, not normally associated  
10 with public facility landscaping.

11 (4) Construction budget means monies budgeted for pre-construction costs,  
12 such as planning and design, engineering, architectural and legal services and  
13 permits, as well as construction costs, including but not limited to site preparation,  
14 construction supervision, HVAC, roofing and other structural or systems costs.  
15 Basic repairs or a new roof or HVAC system alone would not be considered  
16 renovations and would not qualify under this chapter unless one or more are a part  
17 of a larger project. Construction budget shall not include land acquisition costs,  
18 equipment or furniture costs.

19 (5) Buildings means permanent structures owned by the City where City  
20 employees work on a regular basis or that the general public uses. Utility and  
21 public works operations centers, process plants, staging centers, warehouses, etc.  
22 that meet the above test are considered buildings. Additions, improvements or  
23 renewal of process equipment and associated infrastructure at an existing utility or

1 public works site, such as tanks, piping, controls, boilers, etc. that do not add or  
2 expand routinely occupied structures, shall not be considered *buildings* or  
3 renovations for the purposes of this chapter.

4 (6) *Public Art Master Plan* means a plan, developed by the art in public places  
5 trust in concert with the Community Development, Public Works and other  
6 appropriate city departments, that identifies way to enhance the built environment.

7 (7) *Major renovation* means a renovation with a construction budget of over  
8 \$100,000.

9 **Sec. 5.5-2. Establishment of the art in public places trust committees.**

10 (a) *Creation.* There is hereby created and established in the city an art in public  
11 places trust.

12 (b) *Membership.* The city art in public places trust shall consist of five regular  
13 members, plus up to three ~~two~~ temporary members, as described below, ~~for each city art~~  
14 ~~project selection.~~ No member of the art in public places trust may be the owner or  
15 operator of, or consultant for a for-profit enterprise engaged in the appraisal, sale, leasing  
16 or showing of art to the public on a retail or wholesale basis. All trust members shall  
17 serve without compensation.

18 (1) The five regular members shall be appointed by the city commission. The  
19 terms of office of the regular members shall be three years, except that the initial  
20 members shall be designated for the terms of one, two or three years. Each term  
21 shall end on September 30 of its respective year. No regular member shall serve  
22 more than two consecutive three-year terms. Vacancies shall be filled by the city  
23 commission for the unexpired term of the member whose vacancy is being filled.

1 Whenever possible, two of the five appointed members shall be citizens with  
2 appreciation for the visual arts and three of the five appointed members shall  
3 represent one or more of the following classifications: architect, landscape  
4 architect or interior designer, professional in the field of art, and art or  
5 architectural historian. ~~The current members of the art in public places trust~~  
6 ~~committee for the city hall project shall be the initial regular members of the art in~~  
7 ~~public places trust.~~

8 (2) ~~The two t~~Temporary members shall change for each project and shall  
9 include ~~be~~ the director of the division having jurisdiction over the public building  
10 being constructed and the authorized architect for the project, if the project is in or  
11 around the structure generating the funds if any. ~~The temporary members shall be~~  
12 ~~designated as members of the art in public places trust with voting privileges for~~  
13 ~~the particular project.~~ If there is no architect for the project, the commission shall  
14 appoint an additional member representing one or more of the classifications set  
15 out in subsection (b)(1). ~~The temporary members~~ The city commission may  
16 appoint up to three citizen experts for each project that is not associated with a  
17 particular building. All temporary members will have voting privileges only for  
18 the particular project for which they were designated or appointed and will serve  
19 on the trust only for the project for which they were designated or appointed.

20 (c) *Duties.*

21 (1) The trust will be responsible for development and implementaion of the  
22 Public Art Master Plan, through implementation ~~of the art in public places trust~~  
23 program and for the management of the art in public places trust fund. The Public

1 Art Master Plan must be reviewed by the city plan board and approved by the city  
2 commission.

3 (2) Early in the design of a project, the architect and department representative  
4 for the project shall work with the other trust members to develop a plan for  
5 adding art to the project. The trust shall recommend to the city commission those  
6 works of art that are in accordance with the Public Art Master Plan.

7 (3) The trust shall also review any art project suggested, or offered to be  
8 donated, by another board or committee of the city, or by any citizen or group of  
9 citizens, or by the city commission, and make a recommendation to the city  
10 commission on the suitability of the proposed project and any conditions to place  
11 on its execution. ~~When reviewing these projects, the trust may request the city~~  
12 ~~commission appoint a project expert as a temporary member with voting rights on~~  
13 ~~the particular project to assist in its evaluation. The project expert will serve on~~  
14 ~~the trust only for the project for which he or she was appointed.~~

15 **Sec. 5.5-3. Art in public places trust fund.**

16 (a) Fund. There is hereby created an art in public places trust fund consisting of all  
17 funds appropriated and deposited to the trust fund in connection with the construction or  
18 major renovation of public places. The trust fund is also authorized to accept gifts, grants  
19 and donations made to the city for art in public places. All appropriations, gifts, grants  
20 and awards of moneys for art in public places shall be deposited in an interest bearing  
21 account entitled the City of Gainesville Art in Public Places Trust Fund Account, which  
22 shall be a separate account established and maintained apart from the general revenue  
23 funds and accounts of the city. All interest earned in said account shall accrue to the use

1 and benefit of the trust fund account. Funds deposited or credited to the city art in public  
2 places trust fund account and not expended by the close of any fiscal year shall be carried  
3 forward into the next succeeding fiscal year.

4 (b) Terms of existence. The city art in public places trust fund account shall be self-  
5 perpetuating from year to year unless specifically terminated by the city commission.

6 (c)(a) Trust fund income. Each appropriation for the original construction or major  
7 renovation of a City of Gainesville local government building where public employees  
8 work on a regular basis or that the general public uses which provides public access shall  
9 include an amount of at least one percent of the total construction budget for the art in  
10 public places trust. The total appropriation for the trust fund from any single project shall  
11 not exceed \$100,000. All city departments and agencies shall include, in all budgets or  
12 applications for funding for capital improvement projects to granting organizations or  
13 governmental agencies, an amount equal to at least one percent of eligible construction  
14 costs for the art in public places trust. All appropriations shall be deposited in the Art in  
15 Public Places Trust Fund when the construction or renovation begins. appropriation for  
16 the construction or major renovation of the building to be used for the acquisition of art.  
17 Such appropriations shall be deposited in the art in public places trust fund.

18 (d)(b) Trust fund expenditures. Moneys Monies may be used in accordance with the  
19 requirements of this section for all costs associated with acquiring and commissioning art  
20 for public buildings places, including costs for administration, travel, training, postage,  
21 printing, grants match, and education workshops. These costs may not exceed 20 percent  
22 of the total budget. Bond funds shall be appropriated and accounted for in the bond  
23 capital project accounts. Any gifts, grants and awards received subject to a condition

1 shall be expended strictly in accordance with that condition. ~~To the extent the total~~ If an  
2 appropriation is not used for the acquisition of art for the public place for which it was  
3 appropriated, ~~the remainder~~ it shall be retained in the trust fund to supplement other  
4 appropriations for the acquisition of art under this section or to place art in, at, or near  
5 public buildings which are already in existence. Upon request of a charter officer ~~the city~~  
6 ~~manager~~, the city commission may authorize the trust to suggest projects ~~select art~~ to be  
7 paid for from retained funds. ~~over \$10,000.00, the city manager~~ The charter officer or  
8 designee appointed by the city commission and representing one or more of the  
9 classifications set out in subsection 5.5-2(b)(1) will be substituted for the division  
10 manager and architect usually on the committee. It is not the intent of this section to  
11 prohibit the expenditure of an amount greater than the amount allocated pursuant to  
12 section 5.5-3(a).

13 ~~(c) — *Fund.* There is hereby created an art in public places trust fund consisting of all~~  
14 ~~funds appropriated and deposited to the trust fund in connection with the construction or~~  
15 ~~major renovation of public places. The trust fund is also authorized to accept gifts, grants~~  
16 ~~and donations made to the city for art in public places.~~

17 ~~(d) — *Terms of existence.* The city art in public places trust fund account shall be self-~~  
18 ~~perpetuating from year to year unless specifically terminated by the city commission.~~

19 ~~(e) — *Trust assets.* All appropriations, gifts, grants and awards of money or property~~  
20 ~~received hereunder from either public or private donors shall be placed in trust for and~~  
21 ~~inure to the use and benefit of the city for art in public places; and said property and funds~~  
22 ~~shall be expended, utilized and disbursed pursuant to the provisions of this section. Such~~



1 funds may be used for selection of art, site preparation and maintenance, and to print  
2 brochures depicting art in public places in the city.

3 ~~(f) — Appropriations and donations.~~

4 ~~(1) — All appropriations, gifts, grants and awards of moneys hereunder shall be  
5 deposited in an interest bearing account entitled the City of Gainesville Art in  
6 Public Places Trust Fund Account, which shall be a separate account established  
7 and maintained apart from the general revenue funds and accounts of the city. All  
8 interest earned in said account shall accrue to the use and benefit of the trust fund  
9 account.~~

10 ~~(2) — Moneys obtained hereunder may be accepted on behalf of the city by the  
11 art in public places trust and upon receipt of said monies shall cause the same to  
12 be credited to the city art in public places trust fund account.~~

13 ~~(3) — Funds deposited or credited to the city art in public places trust fund  
14 account and not expended by the close of any fiscal year shall be carried forward  
15 into the next succeeding fiscal year.~~

16 ~~(4) — Any gifts, grants, and awards received subject to a condition shall be  
17 expended strictly in accordance with such condition.~~

18 **Sec. 5.5-4. Selection procedures.**

19 All acquisitions shall be in accordance with the terms of this chapter ~~article~~. Whenever  
20 possible, the trust shall recommend three possible selections for each acquisition to the  
21 city commission. The city commission shall then make the final selection for each  
22 acquisition from the recommended selections, ~~recommended by the art in public places~~  
23 ~~trust~~ or the city commission may reject all recommended selections. The charter officer

1 ~~city manager~~ shall negotiate and execute all appropriate contracts to ~~acquire each~~  
2 ~~approved art~~. Funds may be aggregated to acquire the art.

3 (1) *Selection criteria.* The intent of the art in public places program is to select and  
4 provide works of art ~~that are an integral part of a facility~~ through a creative collaboration  
5 ~~partnership~~ among the public, artist and architect. Therefore, the trust discusses physical  
6 and aesthetic considerations including the following:

7 a. Art shall be located in areas where residents and visitors live and  
8 congregate and shall be in accordance with the goals of the Public Art Master Plan  
9 ~~highly accessible and visible~~.

10 b. The trustees should consider the impact ~~inherently intrusive nature~~ of  
11 public art on the lives of those frequenting public places. Art reflecting enduring  
12 artistic concepts, not transitory ones, should be sought.

13 c. The trust's selections must reflect the cultural and ethnic diversity of this  
14 city without deviation from a standard of excellence.

15 d. Final selection shall also take into account appropriateness to the site,  
16 permanence of the art in light of environmental conditions at the site, maintenance  
17 requirements, quality of art, likelihood that the artist can successfully complete the  
18 art within the available funding, diversity of art already acquired by the trust, and  
19 diversity of the artists whose art has been acquired by the trust.

20 (2) *Supervision of contracts.* The charter officer ~~city manager~~ is responsible for  
21 contracting with the artist for the commission or purchase of art. The contract is  
22 negotiated between the City of Gainesville, the originating agency, and the artist and  
23 includes the following:

- 1 a. A description of the art to be commissioned or purchased.
- 2 b. Site and base or footing preparation.
- 3 c. A price and payment schedule.
- 4 d. An installation and time schedule.
- 5 e. The transfer of ownership to the city.
- 6 f. The artist's right to claim authorship and all rights secured under federal
- 7 copyright laws.
- 8 g. The artist's rights regarding changes, repairs or relocation of the art.
- 9 h. The charter officer ~~city manager~~ is responsible for contract supervision and
- 10 for the performance of the work specified in the contract. The charter officer ~~city~~
- 11 ~~manager~~ facilitates installation of the art with the artist advising concerning the
- 12 installation. The charter officer ~~city manager~~ shall supply personnel and technical
- 13 support. After the art is in place and has been formally accepted by the agency,
- 14 the charter officer ~~city manager~~ is responsible for security and maintenance of the
- 15 art. The artist will provide a technical description of materials used in the art and
- 16 instructions for general maintenance.

17 **Sec. 5.5-5. Ownership and maintenance.**

18 Unless otherwise provided, ownership of all art and architectural enhancements acquired  
19 by the city under this chapter ~~article~~ is vested in the city, including copyrights, patents and  
20 other reproduction rights. The city shall be responsible for managing the reproduction  
21 rights of each acquisition with advice and counsel from the art in public places trust. The  
22 responsibility for maintenance, insurance and restoration of each artwork shall rest with

1 the city and the art shall be maintained by the charter officer ~~city manager~~ with advice  
2 from the art in public places trust.

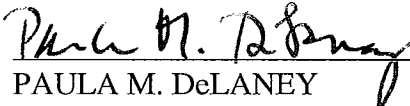
3 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of  
4 this Ordinance shall become and be made a part of the Code of Ordinances of the City of  
5 Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be  
6 renumbered or relettered in order to accomplish such intentions.

7 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be invalid  
8 or unconstitutional by any court of competent jurisdiction, then said holding shall in no  
9 way affect the validity of the remaining portions of this ordinance.


10 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
11 such conflict hereby repealed.

12 **Section 5.** This ordinance shall take effect immediately upon its adoption.


13  
14 **PASSED AND ADOPTED** this 9th day of October, 2000.

15  
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17   
18 PAULA M. DeLANEY  
19 MAYOR

20  
21  
22 ATTEST:

23  
24   
25  
26 KURT M. LANNON  
27 CLERK OF THE COMMISSION

Approved as to form and legality

28   
29 MARION J. RADSON  
30 CITY ATTORNEY

OCT 11 2000

31 This Ordinance passed on first reading this 25th day of September, 2000.

32 This Ordinance passed on second reading this 9th day of October, 2000.

carter:ordinances:0-00-98 APPT