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execution. When reviewing these projects, the trust may request the city commission appoint a project expert as a temporary member with voting rights on the particular project to assist in its evaluation. The project expert will serve on the trust only for the project for which he or she was appointed.

(Ord. No. 3509, § 1, 1-23-89; Ord. No. 3913, § 2, 10-18-93; Ord. No. 960440, § 2, 1-13-97; Ord. No. 960988; § 2, 3-9-98)

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

(a) Fund. There is hereby created an art in public places trust fund consisting of all funds appropriated and deposited to the trust fund. The trust fund is also authorized to accept gifts, grants and donations made to the city for art in public places. All appropriation, gifts, grants and award of moneys hereunder shall be deposited in an interest bearing account entitled the City of Gainesville Art in Public Places Trust Fund Account, which shall be a separate account established and maintained apart from the general revenue funds and accounts of the city. All interest earned in said account shall accrue to the use and benefit of the trust fund account. Funds deposited or credited to the city art in public places trust fund account and not expended by the close of any fiscal year shall be carried forward into the next succeeding fiscal year.

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

(a)(c) Trust fund income. Each appropriation for the original construction or major renovation of a City of Gainesville local government building where public employees work on a regular basis or which the general public uses, which provides public access shall include an amount of at least one (1) percent of the total construction budget appropriation for the construction or major renovation of the building for the art in public places trust. The total appropriation for the trust fund from any single project shall not exceed \$100,000. A major renovation is defined as one costing over \$100,000, to be used for the acquisition of art. All city agencies shall include, in all budgets or applications for funding for capital improvement projects to granting organizations or governmental agencies, an amount equal to at least one percent (1%) of eligible construction costs. All such appropriations shall be deposited in the Art in Public Places Trust Fund upon expenditure of the funds. However, if the funds are to be used for art in conjunction with construction or renovation of the project generating the funds, the funds will be deposited from the construction budget into the Art in Public Places Trust Fund in a timely fashion to meet the payment schedule for the artwork.

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the site, maintenance requirements, quality of art, likelihood that the artist can successfully complete the art within the available funding, diversity of art already acquired by the trust, and diversity of the artists whose art has been acquired by the trust.

- (2) *Supervision of contracts.* The ~~charter officer city manager~~ is responsible for contracting with the artist for the commission or purchase of art. The contract is negotiated between the City of Gainesville, the origination agency, and the artist and includes the following:
- a. A description of the art to be commissioned or purchased.
 - b. Site and base or footing preparation.
 - c. A price and payment schedule.
 - d. An installation and time schedule.
 - e. The transfer of ownership to the city.
 - f. The artist's right to claim authorship and all rights secured under federal copyright laws.
 - g. The artist's rights regarding changes, repairs, or relocation of the art.
 - h. The ~~Charter Officer city manager~~ is responsible for contract supervision and for the performance of the work specified in the contract. The ~~Charter Officer city manager~~ facilitates installation of the art with the artist advising concerning the installation. The ~~Charter Officer city manager~~ shall supply personnel and technical support. After the art is in place and has been formally accepted by the agency, the ~~Charter Officer city manager~~ is responsible for security and maintenance of the art. The artist will provide a technical description of materials used in the art and instructions for general maintenance.

(Ord. No. 3509, § 1, 1-23-89)

Sec. 5.5-5. Ownership and maintenance.

Unless otherwise provided, ownership of all art and architectural enhancements acquired by the city under this article is vested in the city, including copyrights, patents and other reproduction rights of each acquisition with advice and counsel from the art in public places trust.

The responsibility for maintenance, insurance, and restoration of each artwork shall rest with the city and the art shall be maintained by the city manager with advice from the art in public places trust.