

# CITY COUNCIL RESEARCH DIVISION

## LEGISLATIVE SUMMARY

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**Bill Type and Number:** Ordinance 2017-3

**Introducer/Sponsor(s):** Council Member Crescimbeni

**Date of Introduction:** January 10, 2017

**Committee(s) of Reference:** F

**Date of Analysis:** January 12, 2017

**Type of Action:** Ordinance Code amendment

**Bill Summary:** The bill amends Ordinance Code Chapter 126 – Procurement Code – in Part 9 – Art in Public Places – to clarify that “construction costs” as defined for the purpose of calculating the 0.75% for public art applies to “vertical” construction, and includes engineering, architectural, “and other design” costs. It excludes: the cost of purchasing an existing building; site remediation and abatement costs; the costs for purchases of furniture, fixtures and equipment; demolition costs; and tree mitigation expenses. The bill adds major repairs to windows to the list of alterations specifically excluded from the public art assessment by virtue of being of a “strictly structural or mechanical nature necessary to keep the facility functional...” Maintenance garages are deleted from the definition of “public facilities” for which public art will be required, and the application to parks is clarified to mean “vertical construction within parks...”

The composition of the Art in Public Places Committee is changed to reduce the number of members appointed from the board of the Cultural Council from 3 to 2 and to increase the “community at large” representatives from 5 to 6. The bill increases the percentage of public art funding dedicated for maintenance of public artworks from 5% to 10% and requires that 80% of the allocation percentage shall be dedicated to public art purchases, in addition to the 10% already allocated for art maintenance. The language regarding budgeting of maintenance costs is amended to delete the requirement that the initial project budget for any art installation shall include a maintenance element calculated over the anticipated life of artwork or 20 years, whichever is less, and requires that all maintenance costs shall be included in the initial budget. The bill adds language providing that all gifts, grants and awards of monies shall be deposited in the Art in Public Places Trust Fund and deletes antiquated language regarding public art projects having Priority One status in the Capital Improvement Plan.

**Background Information:** The impetus for this bill began with the appearance by the Cultural Council before the Rules Committee in one of its special meetings to review boards and commissions, at which time a potential change in the membership of the Council was proposed and the need for an increase in maintenance funding for public art was discussed. Council Member Crescimbeni subsequently met with Cultural Council representatives and others and the scope of proposed changes to the Art in Public Places program expanded to more topics.

**Policy Impact Area:** Art in Public Places

**Fiscal Impact:** Undetermined. Some changes in the definition of covered projects will reduce the funding required to be allocated for public art. The change in the maintenance funding requirement may impact initial project budgets.

**Analyst:** Clements