

08-0-1884

(Do Not Write Above This Line)

AN ORDINANCE BY FINANCE/
EXECUTIVE COMMITTEE

AN ORDINANCE TO ESTABLISH A SET ASIDE OF
1.5% OF CAPITAL PROJECT BUDGETS FOR PUBLIC
ART; AND FOR OTHER PURPOSES.

ADOPTED BY

NOV 17 2008

COUNCIL

SUBSTITUTE

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 10/6/08

Referred To: FINANCE EXEC.

Date Referred

Referred To:

Date Referred

Referred To:

Committee Finance/Executive
 Date 10-1-08
 Chair H.A.S.W.
 Referred to Finance/Executive

First Reading

Committee Finance/Executive
 Date 10/15/08
 Chair _____
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: _____
 Members [Signature]

Refer To _____

Committee _____
 Date _____
 Chair _____
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: _____
 Members _____

Refer To _____

Committee Finance/Executive
 Date 11/12/08
 Chair H.A.S.W.
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: _____
 Members [Signature]

Refer To _____

Committee _____
 Date _____
 Chair _____
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: _____
 Members _____

Refer To _____

FINAL COUNCIL ACTION
 2nd
 1st & 2nd Readings
 Consent
 V Vote
 RC Vote

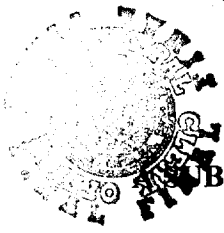
CERTIFIED

NOV 17 2008

CERTIFIED
 NOV 17 2008
 [Signature]
 MUNICIPAL CLERK

MAYOR'S ACTION

[Signature]
 [Signature]



**SUBSTITUTE ORDINANCE BY
FINANCE/ EXECUTIVE COMMITTEE**

08-O-1884

**AN ORDINANCE TO ESTABLISH AN ALLOCATION OF 1.5% OF ELIGIBLE
PROJECT BUDGETS FOR PUBLIC ART; AND FOR OTHER PURPOSES**

WHEREAS, the City Council of the City of Atlanta adopted and the Mayor approved Sections 46-76 *et seq.* of the Atlanta Code of Ordinances (“Public Art Code Sections”) which established a program for the funding of public art in the City of Atlanta (the “City”); and

WHEREAS, the Mayor issued Administrative Order 2005-1 (“Administrative Order”) directing, among other things, City departments administering capital projects to adhere to the requirement that 1.5% of construction costs of certain projects be set aside for public art; and

WHEREAS, many Departments administering capital projects have had difficulty complying with the Public Art Code Sections and Administrative Order; and

WHEREAS, the Mayor and the Department of Parks, Recreation and Cultural Affairs have requested that more clarity be provided to City departments so as to increase compliance with the Public Art Program; and

WHEREAS, it is the desire of the City to enhance compliance with the Public Art Ordinance.

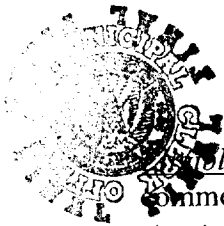
**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY
ORDAINS, as follows:**

Section 1: That Section 46-76 of the Code of Ordinances of the City of Atlanta is hereby deleted in its entirety and replaced with the following:

Definitions.

Conservation shall include the cleaning, repair and restoration of Public Art to ensure the longevity and durability of the Public Art. Conservation costs shall be funded from .5% of the Public Art Allocation.

Eligible Funds shall include 1) non-restricted grant funds, 2) general obligation bond proceeds, 3) general funding made available for Eligible Projects, 4) certain revenue bond proceeds, and 5) other funds budgeted for Eligible Projects. Any funds restricted in their use by applicable law, bond covenant, or by the terms of the subject grant are not included in the definition of Eligible Funds.



Eligible Project shall mean 1) the construction or remodeling of buildings, commemorative structures or parking facilities; 2) street improvements (excluding street repair or reconstruction); or 3) streetscape improvements. Projects required for compliance with the Consent Decree entered in Civil Action No. 1:95-CV-2550-TWT (U.S. District Court, Northern District of Georgia), and the First Amended Consent Decree entered in Civil Action No. 1:98-CV-1956-TWT (U.S. District Court, Northern District of Georgia) (hereinafter "Consent Decree") or any other project mandated by order issued by a state or federal court or agency shall not be considered an Eligible Project subject to the requirements of this ordinance. For purposes of this ordinance, the only projects within the Department of Watershed Management that shall be considered "Eligible Projects" are those that are funded with water and wastewater revenue bond proceeds.

Municipal Art Account means an account created for the purpose of housing funds of the Public Art Allocation. The Municipal Art Account shall be managed by the Department of Finance.

Municipal Art Plan means an annual plan developed and administered by the Department of Parks, Recreation and Cultural Affairs for the aesthetic enhancement of all capital construction projects paid for by Public Art Funds.

Public Art shall mean a work of visual art or an artistically designed feature created by an individual professionally engaged in the production of creative and original artwork that enhances the aesthetics of an Eligible Project.

Public Art Advisory Committee shall mean a committee of citizens that shall advise the City of Atlanta in the procurement or incorporation of Public Art.

Public Art Allocation shall mean 1.5% of the Eligible Funds of construction costs for Eligible Projects throughout the City of Atlanta, and 1% of the Eligible Funds of construction costs for Eligible Projects at Hartsfield-Jackson Atlanta International Airport.

Public Art Master Plan shall mean the adopted guidelines for the development, administration and conservation of Public Art which enables the City to fulfill its objectives under the Public Art Program.

Section 2: That Section 46-77 of the Code of Ordinances of the City of Atlanta is hereby deleted in its entirety and replaced with the following:

Purpose of the Public Art Program.

The purpose of the Public Art Program is to enhance the physical and cultural amenities of the City by responding to the unique needs of each project, its architecture, site opportunities, constituent needs and historical and social context. The City's current Public Art Master Plan shall guide the development, administration and conservation of



Public art, and the Public Art Advisory Committee shall advise the Mayor on its implementation.

Section 3: That Section 46-78 of the Code of Ordinances of the City of Atlanta is hereby deleted in its entirety and replaced with the following:

Funds Available for Public Art

(a) To the extent permitted by law, the Public Art Allocation shall be devoted to the procurement and conservation of Public Art incorporated into Eligible Projects. All requests for legislation for Eligible Projects from Eligible Funds shall include the anticipation of an amount equal to the Public Art Allocation of 1.5% of Eligible Funds, and appropriated temporarily to a reserve account and then to identified projects for implementation. An award will be established that will fund permissible art projects established as either stand alone projects or tasks within specifically identified projects where the funding is restricted.

(b) Money appropriated for Public Art shall only be expended as prescribed by the City's current Public Art Master Plan. The Chief Financial Officer shall provide an annual report on the funding of municipal art accounts to the Mayor and City Council within ninety (90) days of the end of each fiscal year.

(c) Notwithstanding the foregoing, the Public Art Allocation program may be applied to Department of Watershed Management Eligible Projects paid for with Eligible Funds, ("Projects, or singularly "Project"), provided that the following provisions are met: a) The Commissioner of the Department of Parks, Recreation and Cultural Affairs or her/his designee consults with the Commissioner of the Department of Watershed Management or her/his designee regarding each Project; b) The two Commissioners or their designees identify specific tasks within each Project for which, based upon the nature of the task, there is an opportunity to utilize the Public Art Allocation program; and c) the specifications and cost of the task to which the Public Art Allocation program is applied shall meet the specifications of the Project and shall not increase the Project cost in any way.

(d) The Public Art Program for Hartsfield-Jackson Atlanta International Airport (HJAIA) is administered by the Department of Aviation, and is responsible for the capture of Eligible Funds for airport Eligible Projects.

Section 4: That all changes to this Public Art Allocation program shall be approved by appropriate legislation.

Section 5: That all ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

A true copy,

A handwritten signature in black ink, appearing to read "K. S. [unclear]".

Deputy Clerk

ADOPTED by the Council
APPROVED by the Mayor

NOV 17, 2008
NOV 24, 2008

RCS# 2578
11/17/08
3:26 PM

Atlanta City Council

SPECIAL SESSION

08-O-1884

ESTABLISH ALLOCATION OF 1.5% OF
ELIGIBLE PROJECT BUDGET FOR PUBLIC ART
ADOPT *on substitute*

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

B Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

08-O-1884