

ORDINANCE NO. _____

ADOPTION OF AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION," ARTICLE V ENTITLED "COMMITTEES, BOARDS AND COMMISSIONS," DIVISION 8 ENTITLED "ART IN PUBLIC PLACES BOARD" OF THE CODE OF ORDINANCES BY AMENDING SECTION 2-483 ENTITLED "APPLICABILITY OF GENERAL PROVISIONS;" AMENDING SECTION 2-486 ENTITLED DUTIES AND ADDING SUBSECTION B DEFINITION OF AN AIPP COORDINATOR AND THEIR DUTIES AND AMENDING SECTION 2-487 ENTITLED "FUNDING OF ART IN NEW CONSTRUCTION AND MAJOR RENOVATION PROJECTS" BY MODIFYING THE METHOD IN WHICH THE ACCOUNTING AND USE OF FUNDS ARE UTILIZED, CLARIFYING AND ELABORATING CERTAIN PROVISIONS OF THE PROGRAM AND ADDING PROCEDURES FOR EFFICIENT IMPLEMENTATION OF THE PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission for the City of Key West adopted Ordinance No. 11-01 on January 18, 2011 establishing a public art fund, which provided that one percent (1%) of the construction costs of qualifying new construction and major renovation projects be set aside for the commission and installation of works of art to be placed on the site of the development project; and

WHEREAS, the City Commission then modified the ordinance to change the way the fee is collected for private development projects and elaborated on how the program is supposed to be implemented via City Commission Ordinance 14-03; and

WHEREAS, the City Commission desires to amend the Code of Ordinances in order to better and more efficiently implement the program; and

WHEREAS, the City Commission finds it important to implement the City's strategic plan in concert with the city's cultural history, tourism and the arts; and

WHEREAS, the City Commission finds administering public art initiatives, including the 1% art set aside fund and development of other public facilities will enhance visibility and access to public art and cultural production for the public; and

WHEREAS, the development of plans, guidelines, criteria, policies and procedures for review and approval by the Arts in Public Place's Board for arts/cultural projects and coordinate multi-departmental involvement in public art projects is an integral component in furthering the arts in the community; and

WHEREAS; Art in Public Places Coordinator will advance the understanding of the role arts and culture plays in a

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vibrant and robust economic market place and facilitate support for an Art in Public Places; and

WHEREAS; the City Commission finds that the promotion of public understanding and awareness of the visual arts through the use of a portion of the 1% set aside funds to provide grants and awards for public art and cultural events will enrich the public environment for residents and visitors; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Section 2-483 of the Code of Ordinances is hereby amended as follows:

Sec. 2-483 - Applicability of General Provisions.

All sections of division 2 of this article are applicable to art in public places board members except that members shall have a business, employment, or profession related to the creation or sale of art within the city of Key West and reside in the Lower Keys from Key West, to, and including Big Coppitt Key.

Section 21: That Section 2-486 is hereby modified to the Code of Ordinances as follows*:

Sec. 2-486 - Duties.

The ~~a~~Art in ~~p~~Public ~~p~~Places ~~b~~Board shall:

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(1) Develop written guidelines for the location and display of public art.

(2) Develop written guidelines for the competitive selection of and purchase of public art consistent with the goals of the city's purchasing procedures.

(3) Investigate and recommend to the city commission funding sources for public art. With respect to city funds, the board shall recommend an annual budget.

(4) Subject to the procurement process outlined in Chapter 2, Article VII, Division 3, be responsible for the expenditure of and accounting for the 1% set aside funds and limit the amount of dollars spent on art/ cultural activities, programs and events to no more than (15) fifteen percent of the 1% set aside funds in a fiscal year.

(5) Coordinate the installation of public art with the city's building department and historic architectural review commission in order to comply with building codes and historic district guidelines.

(6) Coordinate the organizing of art on public property sponsored art, cultural events, and programs.

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(7) Coordinate with the city manager's office for the maintenance of public art, once installed.

(8) Forward to the city manager the board's written recommendation for the purchase of each piece of public art.

(9) From time to time, commission public art, after approval of the city commission, and in both commissioning and selecting public art seek to reflect diversity in the artistic community.

Section 32: That Section 2-487 is hereby modified to the Code of Ordinances as follows*:

Sec. 2-487 - Funding of Art in New Construction and Major Renovation Projects.

(c) *Public art set-aside.* One percent (1%) of the construction costs of all new public or private construction and renovation projects, including any governmental agency owned project within the city, as specified herein shall be set aside for the acquisition, commission and installation of works of art to be placed on the site of said construction or renovation, as well as a consultant, or coordinator/employee, as requested by the AIPP Board and approved by the City Manager and/or the City Commission, as prescribed by city ordinance.

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(1) Applicability. The one-percent for public art fund set-aside requirement shall only apply to:

a. New public or private construction projects that qualify as a major development plan as defined in chapter 108 of the City of Key West Code of Ordinances and exceed \$500,000.00 in construction costs; and

b. Public or private renovation projects that qualify as a major development plan as defined in chapter 108 of the City of Key West Code of Ordinances and exceed \$100,000.00 in construction costs.

(c) Non-profits whose projects qualify under provisions a or b of the above section may have their public art fund set aside requirement waived, all or in part by action of the City Commission on a case by case basis upon a showing of a valid public purpose.

(e) Accounting; use of funds. In-lieu funds collected under this provision, as well as any gifts, grants and donations made to the City of Key West for the purpose of acquiring and installing art in public places, shall be separately accounted for and may be used only for the

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following purposes: acquisition, administration, personnel,
grants, matching funds, proposals, activities, programs,
projects, commissions, installation, and maintenance of art
in public places.

Section 43: If any section, provision, clause,
phrase, or application of this Ordinance is held invalid or
unconstitutional for any reason by any court of competent
jurisdiction, the remaining provisions of this Ordinance
shall be deemed severable therefrom and shall be construed as
reasonable and necessary to achieve the lawful purposes of
this Ordinance.

Section 54: All Ordinances or parts of Ordinances of
said City in conflict with the provisions of this Ordinance
are hereby superseded to the extent of such conflict.

Section 65: This Ordinance shall go into effect
immediately upon its passage and adoption and authentication
by the signature of the presiding officer and the Clerk of
the Commission.

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Read and passed on first reading at a regular meeting
held this _____ day of _____, 2015.

Read and passed on final reading at a regular meeting
held this _____ day of _____, 2016.

Authenticated by the presiding officer and Clerk of the
Commission on _____, 2016.

Filed with the Clerk _____, 2016.

Mayor Craig Cates _____

Commissioner Samuel Kaufmann _____

Commissioner Clayton Lopez _____

Commissioner Richard Payne _____

Commissioner Margaret Romero _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK