

Sec. 2-356. - Art in Public Places program.

- (a) Appropriations for city capital projects shall include an amount equal to one per cent of the total eligible construction costs to be used for artist design services and for the selection, acquisition and display of artworks for related education programs, for the maintenance of city artworks, and for the administration of the master plan. Funds appropriated pursuant to this section shall not exceed one hundred thousand dollars (\$100,000.00) per project. Funds appropriated for one capital project, but not deemed necessary or appropriate by the council in whole or in part for that project, may be expended on other public art projects approved under the annual master plan, subject to any bond restrictions and legal or grant restrictions. Bond funds shall be appropriated and accounted for in the bond capital project accounts. Projects costing less than one hundred thousand dollars (\$100,000.00) shall be subject to the public art calculation and such funds will be pooled for other art projects. All city departments may opt to participate in the art in public places program for any improvement project not otherwise subject to this article.
- (b) Appropriations for transportation capital projects shall include an amount equal to one per cent of the total eligible construction costs to be used for site specific transportation enhancement projects, including artist design services for such projects, for the maintenance of such projects, and for the administration of the master plan relating to such projects. Funds appropriated pursuant to this section shall not exceed one hundred thousand dollars (\$100,000.00) per project. Bond funds shall be appropriated and accounted for in the bond capital project accounts. Transportation projects costing less than one hundred thousand dollars (\$100,000.00) are subject to the transportation enhancement projects calculation and such funds shall be pooled for other transportation enhancement projects.
- (c) The first priority for use of funds generated by a capital project shall be that capital project site. The monies appropriated under this article may be used for artist design services, for the development of design concepts and models, and for the selection, acquisition, purchase, commissioning, placement, installation, exhibition and/or display of artworks. Artworks and transportation enhancement projects shall be selected in accordance with the master plan and may be temporary or permanent, may be integral to the architecture or may be incorporated into the project. Integration of the artists' design concepts into the project architecture and/or design should be ensured, insofar as is feasible, by the concurrent selection of the artist(s) with the architect, engineer, or project designer.
- (d) In the case of a project which involves the use of grant or city bond proceeds issued after the effective date of this article, amounts for artist design services and artworks described in this article shall be used for projects and capital purposes consistent with state and federal laws, the resolutions and/or ordinances approved by the commission and the terms of the grant agreement.
- (e) With the exception of transportation capital projects or as otherwise restricted by the commission, any applicable bond resolution or ordinance, local, state or federal law, or the conditions of a granting authority, monies generated under this article may be pooled and expended for any public art and design project in the city, subject to the approved master plan. Pooled funds may be used as seed money for artists' fees to initiate partnerships with private and other public

entities to provide public art and aesthetic enhancements in the City of Fort Pierce, pursuant to a written agreement.

- (f) To the extent allowed by grant guidelines and by law, all city departments shall, from the effective date of this article, include in all applications for funding to outside granting organizations or governmental agencies, an amount equal to one per cent of eligible construction costs for a capital project, not to exceed one hundred thousand dollars (\$100,000.00), or an amount equal to one per cent of eligible construction costs for a transportation capital project, not to exceed one hundred thousand dollars (\$100,000.00), for artist design services and artworks or transportation enhancement projects, as specified herein.
- (g) The minimum amount to be appropriated for artist design services, artworks, and transportation enhancement projects shall be the total eligible construction costs multiplied by 0.01. This calculation shall be made by the city department prior to the time of the appropriation for the city's capital program. An amount equal to fifteen (15) per cent of the eligible allocation of the construction project may be used for projects support and community participation activities. For public-owned property this may include staffing, artist selection-related costs (excluding travel of the selection committee), consultants, design/proposal/moquette costs, identifying plaques, project documentation, publicity, community education activities and other purposes as may be deemed appropriate for the administration of the program. An amount equal to fifteen (15) per cent of the eligible public art allocation of the construction project for a capital project shall be set aside in a separate account within the trust fund for curatorial services and the preservation and maintenance of city artworks. An amount equal to fifteen (15) per cent of the eligible public art allocation of the construction project for a transportation capital project shall be set aside in a separate account within the trust fund for curatorial services and the preservation and maintenance of the specific transportation enhancement project. The council shall recommend that any artwork or transportation enhancement project needing extraordinary operational or maintenance costs be reviewed by the appropriate city department prior to recommendation to the commission. The council shall also be responsible for conducting an annual maintenance survey of artworks and transportation enhancement projects. This survey shall include a condition report on each work, prioritized recommendations for the restoration or repair and maintenance, and estimated costs. Such repair and maintenance shall comply with any contractual obligations which may have been entered into by the city in the acquisition of the artworks. Expenditures of monies in the artwork and transportation enhancement projects maintenance and project support accounts shall be annually recommended by the council and included in the proposed annual budget submitted to the commission. Funds in the maintenance and conservation account not expended by the end of the close of any fiscal year shall be carried forward. The council shall also, review and update as necessary the insurance requirements for artworks at least every five (5) years.

(Ord. No. J-527, § 1, 11-15-99)

Sec. 2-357. - Art in Public Places Trust Fund.

- (a) *Created.* There is hereby created an "art in public places trust fund" consisting of all funds appropriated and deposited to the trust fund in connection with the construction or renovation of a facility or system pursuant to this article. The trust fund is also authorized to accept gifts, grants and donations made to the City of Fort Pierce for works of art. All appropriations, gifts, grants and awards of monies hereunder shall be deposited in an interest-bearing account entitled the "City of Fort Pierce 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 in said account shall accrue to the use and benefit of the trust fund account.
- (b) *Term of existence.* The City of Fort Pierce Art in Public Places Trust Fund Account shall be self-perpetuating from year to year unless specifically terminated by the commission.
- (c) *Trust assets.* All appropriations, gifts, grants and awards of money or property received hereunder from either public or private donors shall be placed in trust for and inure to the use and benefit of the City of Fort Pierce for public art and design purposes; and said property and funds shall be expended, utilized and disbursed pursuant to the provisions of this section.
- (d) *Appropriations and donations.*
 - (1) Eligible monies appropriated pursuant to this article shall be transferred to the trust fund. This transfer shall take place within thirty (30) days of the original project appropriation by the commission.
 - (2) Funds deposited or credited to the City of Fort Pierce Art in Public Places Trust Fund Account, except funds for maintenance and conservation of city artworks and transportation enhancement projects, not expended or obligated by the close of any fiscal year shall be carried over automatically for a period of three (3) years beyond the close of the city construction project, or upon recommendation of the council, carried over for an additional two (2) years. Any funds carried over for three (3) years, or upon request five (5) years, and still unexpended at the expiration of such period, shall be transferred to the general fund for general art purposes or transportation enhancement projects, as appropriate, only; provided that funds derived from other restricted sources shall revert to the funds from which originally appropriated at the expiration of said three-or five-year period, or if project is canceled, as applicable.
 - (3) Any gifts, grants and awards received, subject to a condition shall be expended strictly in accordance with such condition.

(Ord. No. J-527, § 1, 11-15-99)

Sec. 2-359. - Compliance with State and Federal Laws.

Nothing in this article shall be deemed or construed to require the city to appropriate or expend funds if (a) the appropriation, or expenditure of such funds for the purposes herein described would not be permitted under any state or federal law, rule or regulation, or (b) the compliance with this article would in any way affect the treatment of interest on any bonds or other indebtedness or the city for federal income tax purposes, or (c) the compliance with this article would in any way prevent or inhibit the city's compliance with state or federal laws, rules or regulations relating to debt obligations of the city.

(Ord. No. J-527, § 1, 11-15-99)