

ORDINANCE NO. BL2019-____

An ordinance amending Title 5 of the Metropolitan Code of Laws relative to providing funding for public art projects and providing for public art guidelines.

WHEREAS, public art enhances the built environment of a city and enriches the lives of its citizens; and,

WHEREAS, the presence of public art encourages the careers of local professional artists and provides possible opportunities for their employment and career advancement; and,

WHEREAS, BL2000-250, adopted on June 2, 2000, created a dedicated funding source for a public art program and established criteria for use of the dedicated funding; and,

WHEREAS, the Metropolitan Council now desires to modify the method for funding public art in and around publicly owned facilities, structures, and public ways.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 5.10.010 of the Metropolitan Code of Laws be amended by deleting the section in its entirety and replacing it with the following:

"Commission" means the Metropolitan Nashville Arts Commission.

"Construction Project" means any capital project, approved in the Capital Improvements Budget and included in an initial resolution determining to issue general obligation bonds of the Metropolitan Government of Nashville and Davidson County involving the building or erection of any public building, structure, park, or parking facility, which project is funded in compliance with federal and state law. Construction Project shall also include the reconstruction, replacement, extension, repairing, betterment or improvement of any public building, structure, park or parking facility where the cost of the improvement exceeds fifty percent of the value of the building, structure, park, or parking facility before the reconstruction, replacement, repair, or improvement.

"Construction Project" shall also include eligible capital projects being undertaken by the Metropolitan Government in conformance with agreements in existence on the effective date of this ordinance.

"Public Art Guidelines" means the guidelines required by Section 5.10.030 of this ordinance.

"Public Art project" means a project funded as part of a general obligation bond issue or through the commercial paper program that has been approved in accordance with the Public Art Guidelines.

Section 2. That Section 5.10.020 of the Metropolitan Code of Laws be amended deleting the section in its entirety and replacing it with the following:

(a) If a Construction Project is initially funded through the Metropolitan Government's commercial paper program with bond anticipation notes, one percent (1%) of the net expenditure spent to fund such Construction Project each calendar quarter shall be made available to fund public art by the end of the following calendar quarter. Such funds may be expended, in conformance with existing agreements and state and federal law, on the building, erection, reconstruction, replacement, extension, repairing, betterment, or improvement of public art projects prescribed by the Public Art Guidelines.

(b) One percent (1%) of the net proceeds of any general obligation bond issued to fund Construction Project(s) not initially funded with commercial paper bond anticipation notes shall be deposited and set aside to fund public art. Proceeds so deposited may be expended, in conformance with existing agreements and state and federal law, on the building, erection, reconstruction, replacement, extension, repairing, betterment, or improvement of public art projects prescribed by the Public Art Guidelines. If funds were previously made available with respect to a Construction Project funded through the commercial paper program as outlined in Section 2 (a) above, then no deposit of general obligation bond net proceeds shall be permitted as provided hereinabove to fund public art projects.

(c) If one percent (1%) of a particular bond issue or of funds made available through the commercial paper program is insufficient to fund a public art project, proceeds so deposited or made available may, in conformance with applicable state and federal law, accumulate until they are sufficient to fund a public art project.

(d) Proceeds deposited or made available for public art projects pursuant to this chapter may be used for architectural and engineering design associated with the public art project.

(e) In addition to general obligation bond funds and commercial paper program funds, donations from private persons or entities and state or federal monies may be expended on public art projects in accordance with the Public Art Guidelines. No part of the general fund reserve fund of the general services district ("Four Percent funds") may be used to finance public art projects.

APPROVED AS TO AVAILABILITY OF FUNDS:

INTRODUCED BY:

Director of Finance

APPROVED AS TO FORM AND LEGALITY:

Member(s) of Council

Metropolitan Attorney

