

1 ALACHUA COUNTY  
2 BOARD OF COUNTY COMMISSIONERS  
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5 **ORDINANCE 18-07**  
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7 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF  
8 ALACHUA COUNTY, FLORIDA, AMENDING CHAPTER 29 OF THE  
9 ALACHUA COUNTY CODE OF ORDINANCES; PROVIDING FOR A TITLE  
10 AND PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE  
11 ESTABLISHMENT OF A COUNTY ARTS PROGRAM CITIZEN ADVISORY  
12 COMMITTEE; PROVIDING FOR A SPECIAL REVENUE FUND; PROVIDING  
13 FOR AN ART SELECTION PROCEDURE; PROVIDING FOR OWNERSHIP  
14 AND MAINTENANCE; PROVIDING FOR SEVERABILITY; PROVIDING  
15 FOR MODIFICATION; PROVIDING FOR A REPEALING CLAUSE;  
16 PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN  
17 EFFECTIVE DATE.  
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19  
20 WHEREAS, the Board of County Commissioners of Alachua County, Florida (the  
21 Board) has determined that art shall be an integral part of Alachua County, and

22 WHEREAS, the Board designated Alachua County as the official Local Arts Agency of  
23 Alachua County on August 22, 2017; and

24 WHEREAS, it is the intent of the Board to provide for a reasonable and systematic  
25 program for acquisition, commission, installation and maintenance of art in public places;

26 WHEREAS, an Alachua County Public Arts Program is consistent with the goal of  
27 Florida's Comprehensive plan which states "Florida shall increase access to its historical and  
28 cultural resources and programs; and encourage the development of cultural programs of national  
29 excellence"; and

30 WHEREAS, the Board has determined that art, which may include architectural  
31 enhancement and special landscaping treatment, must be planned as an integral part of Alachua

County; and

WHEREAS, the mission of the County public arts program is to enhance the quality of the visual environment in Alachua County, thereby adding to the quality of life and the level of citizen awareness of the importance of aesthetic experience in their everyday lives; and

WHEREAS, the Board has determined that the goals of this program are:

1. To increase public access to art and the aesthetically designed environments, and promote understanding and awareness of the visual arts in the public environment;
2. To contribute to the civic pride, tourism, and economic development of our community;
3. To enhance the climate for artistic creativity in our community;
4. To enrich the public environment for both residents and visitors to the area through incorporation of the visual arts; and
5. To enhance our community's recognition as a cultural center.

**NOW, THEREFORE, BE IT DULY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, AS FOLLOWS:**

**SECTION 1.** That Chapter 29, Art in Public Places is amended as follows:

**Sec. 29.01. Title; Purpose.** This chapter shall be known and cited as the "Alachua County ~~Art in Public Places~~ Public Arts Ordinance." Art shall be provided for County projects as provided for herein.

**Sec. 29.02. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- 1       1. *Architectural enhancement* means the highest application of skill and aesthetic principles  
2           to the physical embellishment of the public areas of a building which may include the  
3           placement of works of art, or specially designed plazas, atriums or other public spaces.
- 4       2. *Art* means the unique product of a skilled artist (or group of artists) who works according  
5           to aesthetic principles and includes, but is not limited to, architectural enhancements,  
6           special landscape treatments, paintings, sculpture, engravings, murals, mobiles,  
7           photographs, drawings and works in fabric. The following shall not be considered works  
8           of art: mechanical or other reproductions, commercially produced items, architectural  
9           rehabilitation or historic preservation.
- 10      3. *Buildings* means County owned permanent structures where County employees work on  
11           a regular basis or that the general public uses. Utility and public works operations  
12           centers, process plants, staging centers, warehouses, etc. that meet the above test are  
13           considered buildings. Additions, improvements or renewal of process equipment and  
14           associated infrastructure at an existing utility or public works site, such as tanks, piping,  
15           controls, boilers, etc. that do not add or expand routinely occupied structures, shall not  
16           be considered buildings or renovation for the purposes of this ordinance.
- 17      4. *Construction budget* means monies budgeted for pre-construction costs, such as planning  
18           and design, engineering, architectural, legal services and permits, as well as construction  
19           costs, to include but not be limited to, site preparation, construction supervision, HVAC,  
20           roofing and other structural or systems costs. Basic repairs or a new roof or HVAC  
21           system alone would not be considered renovations and would not qualify under this

ordinance unless there are land acquisition costs, equipment and furniture costs.

5. *Major renovation* is defined as projects exceeding \$100,000.00.

6. *Project* means the original construction or major renovation of a County building, facility, park or space.

7. *Special landscape treatment* means the highest application of skill and aesthetic principles to create unique planted or designed areas which may include earthworks, gardens, paving and water features not normally associated with public facility landscaping.

**Sec. 29.03. ~~Art in Public Places Trust~~ Citizen Advisory Committee.**

~~1. The County will use the Gainesville/Alachua County Arts in Public Places Trust to assist in the selection of art. Early in the design stage of a project, the architect and County representative for the project shall work with the Trust to develop a plan to include art in the project. The County shall request that the Trust review any suggestion for the purchase or proposed donation of art. The Trust shall make a recommendation to the Board on the suggestion or proposed donation.~~

~~1. The Trust shall consist of five regular members and three temporary members. No member of the Trust may be the owner or the operator of, or consultant for a for-profit enterprise engaged in the appraisal, sale, leasing or showing art to the public on a retail or wholesale basis. All Trust members shall serve without compensation.~~

~~c. Regular Members. When possible, the five regular members shall be from the following categories: architect, landscape architect, interior designer,~~

1 professional in the field of art, and art or architectural historian. The Board shall  
2 appoint two members. The remaining three members shall be appointed by the  
3 City of Gainesville. The term of office shall be three years. No regular member  
4 may serve more than two consecutive three-year terms.

5 a. Temporary Members. The Board may appoint up to three temporary members for  
6 each project. These members shall include the department director (or designee)  
7 having responsibility for the project and, when possible, the architect. The  
8 temporary members shall be designated as members of the Trust with voting  
9 privileges for the particular project and will serve on the Trust only for the project  
10 for which they were appointed.

11 1. The County shall establish a Citizens Advisory Committee, via resolution, to serve as the  
12 designated advisory board for the Local Arts Agency and County Public Arts Program.

13 2. The Citizens Advisory Committee resolution shall establish member qualifications and  
14 the responsibilities of the Committee.

15  
16 **Sec. 29.04. Reserved Art in Public Places Special Revenue Fund.**

17 ~~— Fund. There is hereby created an Art in Public Places Special Revenue Fund (the Fund)~~  
18 ~~consisting of all funds appropriated and deposited to the fund. The Fund is also~~  
19 ~~authorized to accept gifts, grants and award of monies hereunder and shall be deposited~~  
20 ~~in an interest bearing account titled the Alachua County Art in Public Places Trust Fund~~  
21 ~~Account, which shall be a separate account established and maintained apart from the~~

1 ~~general revenue funds and accounts of the County. All interest earned on said account~~  
2 ~~shall accrue to the use and benefit of the Fund account. Monies deposited or credited to~~  
3 ~~the Alachua County Art in Public Places Special Revenue Fund account or not expended~~  
4 ~~by the close of any fiscal year, shall be carried forward into the next fiscal year.~~

5 ~~1. Term. The Alachua County Art in Public Places Special Revenue Fund account shall be~~  
6 ~~automatically renewed from year to year unless specifically terminated by the Board.~~

7 ~~1. Fund income. Each appropriation for a project shall include an amount of one percent of~~  
8 ~~the construction budget designated for the Fund, except that gas tax revenues shall be~~  
9 ~~exempt from this provision. The appropriation for the Fund from any single project shall~~  
10 ~~not exceed \$100,000. All County agencies shall include, in all project budgets or~~  
11 ~~applications for project funding to granting organizations or government agencies, an~~  
12 ~~amount equal to one percent of the construction budget. All appropriations shall be~~  
13 ~~deposited in the Fund.~~

14 ~~1. Fund expenditures. Fund monies may be used for all costs associated with including art~~  
15 ~~in projects, including but not limited to costs for administration, travel, training, postage,~~  
16 ~~printing, grants matching and educational workshops. These costs may not exceed 20%~~  
17 ~~of the total art budget for a project. Any gifts, grants and awards received subject to a~~  
18 ~~condition shall be expended strictly in accordance with such condition. If an~~  
19 ~~appropriation is not used to include art in the project for which it was appropriated, it~~  
20 ~~shall be retained in the Fund and may be used to include art in any County building,~~  
21 ~~facility, park or space.~~

1   **Sec. 29.05. Art Selection Procedure.**

2       1. The ~~Trust~~ Alachua County Public Arts Program Citizens Advisory Committee (“the  
3       Committee”) shall make a recommendation to the Board regarding each project. The  
4       ~~Trust-Committee~~ shall provide two alternatives to the recommendation. The Board may  
5       make the final selection from those options presented or any option upon its own motion.  
6       The County Manager or designee shall be responsible for implementation of the Board’s  
7       action.

8       2. The ~~Trust-Committee~~ shall consider functional and aesthetic factors, including but not  
9       limited to :

10       a. Location. Art may be located in areas where employees work or where the public  
11       congregates.

12       a.b. Preferences of the building’s occupants, as represented by a subcommittee of not  
13       more than three persons appointed by the top administrator of the affected agency.

14       b.c. Permanence of the art in light of environmental site conditions.

15       e.d. Maintenance requirements

16       d.e. Likelihood that the artist can successfully complete the art with the available  
17       funding.

18       e.f. Variety of the art already acquired.

19       f.g. Cultural and ethnic diversity of the art already acquired.

20   **Sec. 29.06. Ownership and maintenance.** The County shall own the art acquired by the  
21   County under this chapter and all rights bargained for. The County Manager shall provide

1 security and maintenance for the art. When appropriate, the County Manager shall request the  
2 artist provide a technical description of materials used in the art and maintenance instructions.

3 **SECTION 2. Severability.** It is the declared intent of the Board of County  
4 Commissioners that, if any section, subsection, sentence, clause, phrase, or provision of this  
5 ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity  
6 or unconstitutionality shall not be so construed as to render invalid or unconstitutional the  
7 remaining provisions of this ordinance.

8 **SECTION 3. Repealing Clause.** All ordinances or parts of ordinances in conflict  
9 herewith are, to the extent of such conflict, hereby repealed.

10 **SECTION 4. Modification.** It is the intent of the Board of County Commissioners that  
11 the provisions of this ordinance may be modified as a result of considerations that may arise  
12 during public hearings. Such modifications shall be incorporated into the final version of the  
13 ordinance adopted by the Board and filed by the Clerk to the Board.

14 **SECTION 5. Inclusion in the Code, Scrivener's Error.** It is the intention of the Board of  
15 County Commissioners of Alachua County, Florida, and it is hereby provided that the provisions  
16 of this ordinance shall become and be made a part of the Code of Laws and Ordinances of  
17 Alachua County, Florida; that the sections of this ordinance may be renumbered or re-lettered to  
18 accomplish such intention; and that the word "ordinance" may be changed to "section," "article,"  
19 or other appropriate designation. The correction of typographical errors which do not affect the  
20 intent of the ordinance may be authorized by the County Manager or designee without public  
21 hearing, by filing a corrected or recodified copy of the same with the Clerk of the Circuit Court.



**SECTION 6. Effective Date.** A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners, and shall take effect upon filing with the Department of State.

DULY ADOPTED in regular session, this \_\_\_\_ day of \_\_\_\_\_, 2018 A.D.

BOARD OF COUNTY COMMISSIONERS OF  
ALACHUA COUNTY, FLORIDA

By: \_\_\_\_\_  
Lee Pinkoson, Chair

ATTEST:

Jesse K. Irby, II  
Clerk of Court  
(SEAL)

APPROVED AS TO FORM

Alachua County Attorney