

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE 25-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AMENDING CHAPTER 29 OF THE ALACHUA COUNTY CODE OF ORDINANCES; PROVIDING FOR A TITLE AND PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE ESTABLISHMENT OF A COUNTY ARTS PROGRAM CITIZEN ADVISORY COMMITTEE; PROVIDING FOR A SPECIAL REVENUE FUND; PROVIDING FOR AN ART SELECTION PROCEDURE; PROVIDING FOR OWNERSHIP AND MAINTENANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR MODIFICATION; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Alachua County, Florida (the Board) has determined that art shall be an integral part of Alachua County, and

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

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

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

WHEREAS, the Board has determined that art, which may include architectural 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 ORDAINED BY THE BOARD OF COUNTY

COMMISSIONERS OF ALACHUA COUNTY:

SECTION 1. That Chapter 29 of the Alachua County Code, Art in Public Places is amended as follows:

Sec. 29.01. Title; Purpose. This chapter shall be known and cited as the "Alachua County 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. *Architectural enhancement* means the highest application of skill and aesthetic principles to the physical embellishment of the public areas of a building which may include the placement of works of art, or specially designed plazas, atriums or other public spaces.
2. *Art* means the unique product of a skilled artist (or group of artists) who works according

to aesthetic principles and includes, but is not limited to, architectural enhancements, special landscape treatments, paintings, sculpture, engravings, murals, mobiles, photographs, drawings and works *in fabric*. The following shall not be considered works of art: mechanical or other reproductions, commercially produced items, architectural rehabilitation or historic preservation.

3. *Buildings* means County owned permanent structures where County employees work on a regular basis or that the general public uses. Utility and public works operations centers, process plants, staging centers, warehouses, etc. that meet the above test are considered buildings. Additions, improvements or renewal of process equipment and associated infrastructure at an existing utility or public works site, such as tanks, piping, controls, boilers, etc. that do not add or expand routinely occupied structures, shall not be considered buildings or renovation for the purposes of this ordinance.
4. *Construction budget* means monies budgeted for pre-construction costs, such as planning and design, engineering, architectural, legal services and permits, as well as construction costs, to include but not be limited to, site preparation, construction supervision, HVAC, roofing and other structural or systems costs. Basic repairs or a new roof or HVAC 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. Citizen Advisory Committee.

1. The County shall establish a Citizens Advisory Committee, via resolution, to serve as the designated advisory board for the Local Arts Agency and County Public Arts Program.
2. The Citizens Advisory Committee resolution shall establish member qualifications and the responsibilities of the Committee.

Sec. 29.04. Reserved Sec. 29.05. Art Selection Procedure.

1. ~~Each time the County desires Art in a Public Place, County staff shall publish a Call To Artists to solicit proposals to furnish the Art. The Arts Council of Alachua County Public Arts Program Citizens Advisory Committee~~ ("the Committee") shall review all proposals timely received at a duly noticed public meeting of the Committee and shall select up to three proposals for further consideration using the evaluation criteria set forth in Section 2, below. County staff shall request that each of the selected artists submit a detailed sketch of the proposed Art for consideration and final selection by the Board, and County staff may pay each selected artist a stipend of up to \$500~~insert amount~~ to prepare and furnish the detailed sketch. ~~make a recommendation to the Board regarding each project. The Committee shall provide two alternatives to the recommendation.~~ The Board may, in its sole discretion, reject all proposals or it may make the final selection from those options presented or any option upon its own motion. The County Manager or designee shall be responsible for implementation of the Board's action.
2. The Committee shall consider functional and aesthetic factors, including but not limited to:

- a. Location. Art may be located in areas where employees work or where the public congregates.
- b. Preferences of the building's occupants, as represented by a subcommittee of not more than three persons appointed by the top administrator of the affected agency.
- c. Permanence of the Art in light of environmental site conditions.
- d. Maintenance requirements
- e. Likelihood that the artist can successfully complete the Art with the available funding.
- f. Variety of the Art already acquired.
- g. Cultural and ethnic diversity of the Art already acquired.

Sec. 29.06. Ownership and maintenance. Each Artist must represent and warrant to the County that he/she: (i) is the sole creator of the Art; (ii) is the owner of the Art and all of the rights under copyright in the Art; and (iii) has full authority to propose and sell the Art and all rights in the Art to the County. Each Artist must further represent and warrant to the County that nothing in the Art defames any person or entity, infringes any copyright, or otherwise violates the rights of any third party. ~~The County shall own~~ All proposals submitted to the County, including but not limited to any sketches and the Art ultimately selected by the Board shall become the sole and exclusive property of the County~~the art acquired by the~~

County under this chapter and all rights bargained for. The Artist selected by the Board shall grant to the County: (i) the right to display the Art; and (ii) the irrevocable right to use images of the Art in materials about or relating the Art and/or County buildings, and to allow others to do so, in all media now known or later developed and including, but not limited to, television, the Internet and the World Wide Web. The Artist selected by the Board shall also grant the County the irrevocable right to use the Artist's name, photograph, likeness, and biography in connection with the County's exercise of the rights granted in this Agreement. The County Manager shall provide security and maintenance for the art. When appropriate, the County Manager shall request the artist provide a technical description of materials used in the art and maintenance instructions.

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

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

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

SECTION 5. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of County Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Laws and Ordinances of Alachua County, Florida; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section," "article," or other appropriate designation. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the County Manager or designee without public 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 _____, 2025.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

Charles S. "Chuck" Chestnut, Chair

Jesse K. "Jess" Irby
Clerk of Court

APPROVED AS TO FORM

County Attorney's Office