

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE NOS. 15073 AND 15245,
PROVIDING FOR ART IN MUNICIPAL PLACES, TO REVISE THE
BASIS OF CALCULATION OF FUNDING, TO PROVIDE FOR
ALTERNATIVE SOURCES OF FUNDING IN CONFORMANCE WITH
REQUIREMENTS FOR GENERAL OBLIGATION BOND ELECTIONS
AND TO PROVIDE FOR THE CREATION OF A GENERAL PUBLIC
ARTS FUND**

WHEREAS, Ordinance No. 15073 was adopted by the City Council of the City of El Paso on April 9, 2002, for the purpose of promoting private and public programs to further the development of the fine arts and cultural properties and to encourage the integration of art into the architecture of municipal structures for the City; and

WHEREAS, Ordinance No. 15073 provides for funding for the acquisition of art for municipal property to come from two percent (2%) of the total funding available under bonds for Projects in the Capital Improvements Program; and

WHEREAS, Ordinance No. 15245 was adopted by the City Council on October 8, 2002, to provide that certificates of obligation for capital improvement projects shall also constitute a source of funding for the acquisition of art for municipal property and to make additional technical changes to the Ordinance; and

WHEREAS, the City Council desires to provide for an alternative source of funding for the acquisition of art for municipal property to conform with the requirements for posting and approval of propositions for general obligation and revenue bond election ballots;

NOW, THEREFORE, BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

That Ordinance No. 15073 ("the Ordinance"), dated April 9, 2002, as subsequently amended by Ordinance No. 15245, dated October 8, 2002, is hereby amended as follows:

1. Section 5.A. of the Ordinance is hereby deleted in its entirety, and the following is substituted therefor:

A. Projects in the Capital Improvements Program shall include an amount for works of art equal to two percent (2%) of the original estimated construction costs of the project, whether funded by general obligation bonds, revenue bonds, or certificates of obligation, but shall not include capital acquisitions or the Plaza Theatre Project; provided, however, that if the bond election ordinance, the bond ordinance authorizing the general obligation or revenue bonds, other appropriate laws or regulations, or an official interpretation by another governmental entity regarding allowable uses for funds which it is providing for the project precludes art as an expenditure of funds, the amount of funds so restricted shall be excluded

from the total funding available in calculating the amount to be committed to works of art, and provided, further that those projects for which bonds have been approved prior to the effective date of this ordinance shall not be subject to the provisions hereof, regardless of whether such projects include a component for public art. As alternatives for Capital Improvements Program projects funded by general obligation bonds, the City shall, to the extent permitted by law, elect to (i) include the two percent (2%) for works of art within the funding for all individual Capital Improvement Program projects, or (ii) include the two percent (2%) for works of art within the funding for specific categories of Capital Improvement Program projects, depending on whether propositions in the proposed bond election ordinance and ballot are presented as individual projects or as categories of projects.

2. Section 5.B. of the Ordinance is hereby deleted in its entirety, and the following is substituted therefor:

B. In order to ensure that works of art have sufficient public visibility and impact, funds generated from the various Capital Improvements Program projects that are not limited by bond provisions or otherwise, either to a work of art related to the specific Capital Improvement Project from which they are derived or to a particular category of capital improvements, may be pooled or aggregated together into a public arts fund and utilized for one or more large works of art as the Arts Commission may recommend and upon approval by City Council.

3. Section 5.C. of the Ordinance is hereby deleted in its entirety, and the following is substituted therefor:

C. Funds generated as described in Section 5.A above shall be budgeted as part of the Capital Improvements Program budget. Additional private or public contributions for works of art may be added to these funds or incorporated into the public arts fund described in Section 5.B above and shall be budgeted in a similar manner. Such contributions may be earmarked for particular projects or aggregated together with the public arts fund, in accordance with the terms or conditions of the respective private or public contributions.

4. Except as expressly herein amended, Ordinance No. 15073, as previously amended by Ordinance No. 15245, shall remain in full force and effect.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EL PASO,
TEXAS, ON THIS 27th DAY OF JULY, 2004.

(Signatures on following page)

ATTEST:

CITY OF EL PASO:

Richarda Duffy Momsen
City Clerk

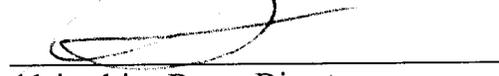
Joe Wardy, Mayor

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



John F. Nance
Assistant City Attorney



Alejandrina Drew, Director
Arts and Culture Department



Said Larbi-Cherif, P.E.
Assistant Director for
Facilities Management