



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

February 20, 2018

Honorable J. K. "Buddy" Irby
Clerk of the Circuit Court
Alachua County
201 East University Avenue
Post Office Box 939
Gainesville, Florida 32602

Attention: Mr. Steve Donahey

Dear Mr. Irby:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Alachua County Ordinance No. 18-07, which was filed in this office on February 20, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

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ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE 18-07

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

1 WHEREAS, the Board has determined that art, which may include architectural
2 enhancement and special landscaping treatment, must be planned as an integral part of Alachua
3 County; and

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

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

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

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

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

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

20 **Sec. 29.02. Definitions.**

21 The following words, terms, and phrases, when used in this article, shall have the meanings

1 ascribed to them in this section, except where the context clearly indicates a different meaning:

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

1 system alone would not be considered renovations and would not qualify under this
2 ordinance unless there are land acquisition costs, equipment and furniture costs.

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

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

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

10 **Sec. 29.03. Citizen Advisory Committee.**

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

- 16 1. The Alachua County Public Arts Program Citizens Advisory Committee (“the
17 Committee”) shall make a recommendation to the Board regarding each project. The
18 Committee shall provide two alternatives to the recommendation. The Board may make
19 the final selection from those options presented or any option upon its own motion. The
20 County Manager or designee shall be responsible for implementation of the Board’s
21 action.

1 2. The Committee shall consider functional and aesthetic factors, including but not limited
2 to :

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

13 **Sec. 29.06. Ownership and maintenance.** The County shall own the art acquired by the
14 County under this chapter and all rights bargained for. The County Manager shall provide
15 security and maintenance for the art. When appropriate, the County Manager shall request the
16 artist provide a technical description of materials used in the art and maintenance instructions.

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

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

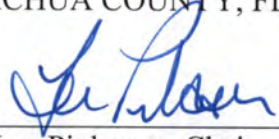
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4 **SECTION 4. Modification.** It is the intent of the Board of County Commissioners that
5 the provisions of this ordinance may be modified as a result of considerations that may arise
6 during public hearings. Such modifications shall be incorporated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

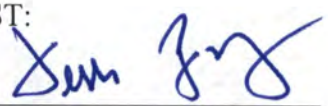
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9 **SECTION 5. Inclusion in the Code, Scrivener's Error.** It is the intention of the Board of
10 County Commissioners of Alachua County, Florida, and it is hereby provided that the provisions
11 of this ordinance shall become and be made a part of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


17
18 **SECTION 6. Effective Date.** A certified copy of this ordinance shall be filed with the
19 Department of State by the Clerk of the Board of County Commissioners within ten (10) days
20 after enactment by the Board of County Commissioners, and shall take effect upon filing with
21 the Department of State.
22

1 DULY ADOPTED in regular session, this 13th day of February, 2018 A.D.
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4 BOARD OF COUNTY COMMISSIONERS OF
5 ALACHUA COUNTY, FLORIDA

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7
8 By: 
9 _____
10 Lee Pinkoson, Chair

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13 ATTEST:
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15 _____
16 Jesse K. Irby, II
17 Clerk of Court
18 (SEAL)
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APPROVED AS TO FORM


Alachua County Attorney