CITY of ALBUQUERQUE TWENTY-FIRST COUNCIL

CC	DUNCI	L BILL NO	0-14-31	E	ENACTI	MENT N	o. Q :	0.2014.025			
SF	PONSC	ORED BY:	Isaac Bento	n & Don I	Harris						
	1					NOF					
		AMENDING	OFOTION		ORDINA						
uo	2	AMENDING	SECTION	10-5-6			REVISED	ORDINANCES	OF		
	3	ALBUQUERQUE RELATING TO THE PLACEMENT OF PUBLIC ART.									
	4	WHEREAS, the City of Albuquerque administers an Art in Municipal									
	5	Places Program intended to promote and encourage private and public									
	6	programs to further the development and public awareness of, and interest in,									
	7	the visual arts and fine crafts, and to increase employment opportunities in									
	8	the arts, and to encourage the integration of art into the architecture of									
	9	municipal structures; and									
	10	WHEREAS, the Art in Municipal Places Ordinance, Section 10-5-2 ROA,									
	11	defines a "work of art" as "any work of visual art, including but not limited to,									
ij - ivew - Deletion	12	a drawing, painting, mural, fresco, sculpture, mosaic, photograph, work of									
- ă		calligraphy, work of graphic art (including an etching), works in clay, textile,									
aterial -	14	fiber, wood, metal, plastic, glass, and like materials, or mixed media (including									
Tate Tate	15	a collage, assemblage, or any combination of the foregoing art media). For									
1	16	projects which involve no structures, WORK OF ART may include a									
3 ¥ €	17	combination of landscaping and landscape design (including some natural									
[Bracketed/Strikethrough Material]	18	and manufactured materials such as rocks, fountains, reflecting pools,									
	19	sculpture, screens, benches, and other types of street furniture). Except as									
	20	provided herein, the term WORK OF ART does not include environmental									
	21							ce, voice, music	or		
	. 22								0.		
	23	poetry unless expressed in a manner defined above"; and WHEREAS, City of Albuquerque successfully implemented its Art in									
	24	Municipal Places program through the placement of a work of art on an									
		abandoned freestanding commercial sign on East Central Avenue; and									

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WHEREAS, given the success of that endeavor the City has identified other opportunities to repurpose abandoned freestanding signs to host works of art; and

WHEREAS, the City and the community have mutual interests in promoting public art in the form of wall murals and similar works of art on privately owned exterior walls; and

WHEREAS, the below amendment to the Art in Municipal Places
Ordinance is intended to recognize and accommodate these initiatives.

9 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF 10 ALBUQUERQUE:

- 11 SECTION 1. SECTION 10-5-6 IS HEREBY AMENDED AS FOLLOWS:
- 12 "§ 10-5-6 GENERAL REQUIREMENTS FOR ART SELECTION.
 - (A) The work of art may be an integral part of a structure, attached to a structure or detached from the structure within or outside of it. It may also be located on publicly-owned property where there are no structures.
 - (B) In addition to any other placements permitted by law, a work of art may be placed on a privately owned freestanding sign or on an exterior wall under a lease or other written agreement appropriate to the circumstances between the City and the owner of the sign or wall. Unless otherwise prescribed by the terms of a lease or written agreement, the City Cultural Services Department shall maintain the sign during the duration of the art project, and shall remove the work of art immediately upon termination.
 - (C) Any work of art which is chosen must comply with the following standards in addition to any guidelines established by the Mayor:
 - (1) The work of art must be located in a public place with public visibility and impact.
 - (2) The work of art shall have a permanence at least comparable to the lifetime of the bond funding the work of art and shall be likely to remain a thing of value for this time period.
 - (3) The work of art shall enhance the environment of the city.
- 31 (D) The Board shall recommend an artist, a design proposal and/or a 32 completed work of art, which shall be selected in a manner consistent with the 33 guidelines promulgated by the Mayor. The Board may recommend purchasing

- 1 a completed work of art, commissioning a work of art, holding a competition to
- 2 select a work of art, or creating some other timely and appropriate mode of
- 3 selection. The Board through Capital Improvement Program staff shall consult
- 4 with the user agency and project design consultants, if applicable, and involve
- 5 them in the planning process in the manner that appears most feasible. The
- 6 Mayor shall accept or reject the recommendation of the Board. If the Mayor
- 7 rejects the recommendation, the Board shall make another recommendation in
- 8 accordance with the standards and procedures outlined in this article.
- 9 (E) The Board shall make its recommendations in a timely manner in
- 10 accordance with the project schedule and timetable provided by the Mayor. If
- 11 the Board fails to make a recommendation within the timetable established by
- 12 the Mayor, the Mayor may identify another appropriate public procedure to
- 13 select an artist or work of art without receiving a recommendation from the
- 14 Board unless the Board and the Mayor have mutually agreed in writing to an
- 15 extension of the time period. The time period shall be extended, if necessary, if
- 16 the Mayor rejects the Board's recommendation."
- 17 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
- 18 clause, word or phrase of this ordinance is for any reason held to be invalid or
- 19 unenforceable by any court of competent jurisdiction, such decision shall not
- 20 affect the validity of the remaining provisions of this ordinance. The Council
- 21 hereby declares that it would have passed this ordinance and each section,
 - 22 paragraph, sentence, clause, word or phrase thereof irrespective of any
- 23 provisions being declared unconstitutional or otherwise invalid.
 - SECTION 3. COMPILATION. Section '1' of this ordinance shall amend,
 - be incorporated in, and made part of the Revised Ordinances of Albuquerque,
- 26 New Mexico, 1994.
 - SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days
 - after publication by title and general summary.

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	1	PASSED AND ADOPTED THIS	1 st	_ DAY OF	December ,	2014					
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	7	Leybordino									
	8	Rey Garduño, President									
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