

AN ORDINANCE REVISING CHAPTER 2, “ADMINISTRATION,” ARTICLE III, “BOARDS AND COMMISSIONS,” DIVISION 2, “ART COMMISSION AND PUBLIC ART PROGRAM,” OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED, BY ADJUSTING THE PERCENTAGE SET ASIDE OF BOND PROGRAM FUNDING FOR ART FROM STREETS AND MOBILITY INFRASTRUCTURE IMPROVEMENTS PROPOSITIONS AND NATURAL AREA AND OPEN SPACE IMPROVEMENTS PROPOSITIONS BEGINNING WITH THE 2022 BOND PROGRAM; PROVIDING FOR A SEVERABILITY CLAUSE; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 2, 2001, the Fort Worth City Council (“City Council”) adopted Ordinance Number 14794 (“Public Art Ordinance”), as amended, implementing the Fort Worth Public Art Program (“Program”);

WHEREAS, Section 2-61 of the City Code sets forth the funding mechanism for the Program, including an annual two percent (2%) set aside of capital improvement project funding to be added to the total cost of propositions in the City of Fort Worth’s bond programs, except where otherwise provided;

WHEREAS, in light of the identified multi-billion-dollar need for street-related improvements to address growth in new areas and aging infrastructure in older areas, in 2014 and 2018 the City Council amended the Public Art Ordinance to provide for a one percent (1%) set aside for capital improvement project funding included in the street proposition for each of those bond programs (Ordinance Nos. No. 21122-02-2014 and 23112- 02- 2018);

WHEREAS, the City Council has called for a bond election to occur in May of 2022 to address funding for street and transportation improvements, parks, library and public safety facilities, and natural areas and open space (Ordinance No. 25325-02-2022) (“2022 Bond Program”);

WHEREAS, the 2022 Bond Program election ordinance provides for a 1% set aside for public art under Proposition A, “Streets and Mobility Infrastructure Improvements,” and for no percentage set aside for public art for Proposition E, “Open Space and Natural Area Improvements,” which will consist primary of acquiring interests in land with only limited construction;

WHEREAS, the City Council wishes to amend Section 2-61 of the City Code to conform to the public art funding provided for under the 2022 Bond Program election ordinance and the practice since 2014 of setting the Public Art set aside from the street proposition at 1% and to make such change for future bond programs unless and until amended by City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, THAT:

SECTION 1.

Chapter 2, "ADMINISTRATION," Article III, "BOARDS AND COMMISSIONS," Division 2, "ART COMMISSION AND PUBLIC ART PROGRAM," Section 2- 61, "FUNDING," of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby further revised by modifying Subsection (a-1) to read as follows:

(a-1) With respect to capital improvement projects included in Proposition One, Street and Transportation Improvements," of the 2014 capital improvement program ~~and~~; Proposition A," Streets and Mobility Infrastructure Improvements," of the 2018 bond program; and any street-related proposition in a bond program taken to the voters in or after 2022, funding for the Fort Worth public art program shall be accomplished by setting aside for public art 1% of the capital improvement project funding. The percentage, approved in advance by the City Council for the public art program, shall be added to the total cost of such proposition in City of Fort Worth capital project program. With respect to capital improvement projects included in any natural area and open space proposition in a bond program taken to the voters in or after 2022, no funding shall be set aside for public art.

SECTION 2.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, paragraph, sentence, clause or phrase shall be declared to be unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 3.

That this ordinance shall be cumulative of all provisions of the Code of the City of Fort Worth, Texas (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4.

All right and remedies of the City of Fort Worth, Texas are expressly saved as to any and all violations of the Code of the City of Fort Worth, or any other ordinances of the City, that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not under such ordinances,

same shall not be affected by this ordinance, but may be prosecuted until final disposition by the courts.

SECTION 5.

This ordinance shall take effect upon adoption.

APPROVED AS TO FORM AND LEGALITY:

CITY SECRETARY:

Assistant City Attorney

Jannette S. Goodall

ADOPTED AND EFFECTIVE: _____