

**AN ORDINANCE REVISING 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, TO EXCEPT AFFORDABLE HOUSING, NATURAL AND OPEN SPACE, LAND-ACQUISITION-ONLY AND DESIGN-ONLY BOND PROPOSITIONS AND PROJECTS FROM THE PERCENTAGE SET ASIDE FOR PUBLIC ART; 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 a 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 every bond program since 2014, the set aside for the street-related improvements proposition has been one percent (1%) in light of the identified multi-billion-dollar street-related needs;

**WHEREAS**, in 2022, the City included a proposition for Open Space and Natural Area Improvements with no percentage set aside for public art because the program consists primarily of acquiring interests in land with very limited construction;

**WHEREAS**, the City Council has called for a bond election to occur in May of 2026 to address funding for street and mobility infrastructure; park, recreation, and open space acquisitions and improvements; public library improvements; affordable housing; public safety improvements; and animal care and shelter improvements (Ordinance No. 28313-02-2026) (“2026 Bond Program”); and

**WHEREAS**, the City Council wishes to amend Section 2-61 of the City Code to provide exceptions from the generally applicable public art set aside for the affordable housing proposition and for those portions of any bond proposition that consist of funding for natural area and open space acquisitions and improvements, any land-acquisition-only projects, and any design-only projects beginning within the 2026 Bond Program and applicable to all 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 amended 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; 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 or project in a bond program taken to the voters in or after 2022, no funding shall be set aside for public art. With respect to land-acquisition-only or design-only projects included within a proposition in a bond program taken to the voters in or after 2026, no funding shall be set aside for public art. With respect to any affordable housing proposition in a bond program taken to the voters in or after 2026, 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.

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 rights 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

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Jannette S. Goodall

ADOPTED AND EFFECTIVE: \_\_\_\_\_