

Attachment A

Ordinance No. \_\_\_\_\_ ORDINANCE:

To amend Chapter 4 of the Rockville City Code entitled "Arts and Cultural Affairs" so as to modify the process by which the City Manager makes a determination regarding the applicability of requirements for art in public architecture; and to amend the provisions regarding appropriation and expenditure of funds for City construction projects

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE,

MARYLAND, that Chapter 4 of the Rockville City Code entitled "Arts and Cultural Affairs" be amended to read as follows:

CHAPTER 4. ARTS AND CULTURAL AFFAIRS

ARTICLE III. INCORPORATION OF WORKS OF ART  
IN PUBLIC ARCHITECTURE

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Sec. 4-34. Duties of the City Manager.

(a) The City Manager shall make a determination as to the applicability and/or implementation of this article to a project after discussion with the Cultural Arts Commission. In making such determination the City Manager shall consider the following:

- (1) Whether works of art would be superfluous because:
  - a. The project is obscured from public view;
  - b. Of the nature of the project, such as a statue or fountain; or
  - c. Of any other reason.
- (2) Whether the complexities of financing such project, such as Federal or State aid, would make including works of art impractical or illegal under the circumstances;
- (3) Whether, as in the case of a tennis court, works of art would be impractical due to the project's cost or location;
- (4) Any other factor which affects the practicality, legality, or appropriateness of including works of art.

(b) The determination made under subsection (a) shall be forwarded by the City Manager to the Cultural Arts Commission for review. The Commission's comments, along with the City Manager's original, or modified, determination will be forwarded as an information item to the Council. If members of the Council disagree with or desire to modify the determination, the matter will be placed on the Council's agenda for decision.

(c) If it is determined that works of art are in the public interest, such art shall be included in the plans and specifications of the project. The City Manager shall submit all final plans and specifications, together with the estimate of costs to the Commission prior to approval of contract documents to which the City is a party provided that this provision does not invalidate any contracts entered into prior to the initial determination that works of art are desirable.

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Sec. 4-36 City Construction projects.

Every appropriation for a City construction project shall include an amount for works of art equal to at least one (1) percent of the estimated total construction cost of the project to be borne by the City as estimated in the capital improvements program for the year in which such estimate is made. The Cultural Arts Commission may recommend to the Mayor and Council a dollar amount that is less than the one percent appropriation of the estimated total construction cost of the project and the remaining balance may be used on other projects. If the one percent appropriation is unused on a determined project, the funds will be cumulative and made available for other projects at a later date.

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NOTE: [Brackets] indicate material deleted  
Underlining indicates material added  
Asterisks \* \* \* indicate material unchanged by this ordinance

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I hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Mayor and Council at its meeting of

Douglass Barber, City Clerk