

0-2014-025

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**CITY OF ALBUQUERQUE  
CITY COUNCIL**

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**INTEROFFICE MEMORANDUM**

**TO:** Richard J. Berry, Mayor

**FROM:** Jon K. Zaman, Director of Council Services

*Jon 12/3/14*

**SUBJECT:** Transmittal of Legislation

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Transmitted herewith is Bill No. O-14-31 Amending Section 10-5-6 Of The Revised Ordinances Of Albuquerque Relating To The Placement Of Public Art (Benton, Harris), which was passed at the Council meeting of December 1, 2014, by a vote of 8 FOR AND 0 AGAINST.

**Excused: Winter**

In accordance with the provisions of the City Charter, your action is respectfully requested.

JKZ:mh  
Attachment

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ALBUQUERQUE CITY OF FRK



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

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

7 WHEREAS, the below amendment to the Art in Municipal Places  
8 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.

13 (A) The work of art may be an integral part of a structure, attached to a  
14 structure or detached from the structure within or outside of it. It may also be  
15 located on publicly-owned property where there are no structures.

16 (B) In addition to any other placements permitted by law, a work of art may  
17 be placed on a privately owned freestanding sign or on an exterior wall under a  
18 lease – or other written agreement appropriate to the circumstances – between  
19 the City and the owner of the sign or wall. Unless otherwise prescribed by the  
20 terms of a lease or written agreement, the City Cultural Services Department  
21 shall maintain the sign during the duration of the art project, and shall remove  
22 the work of art immediately upon termination.

23 (C) Any work of art which is chosen must comply with the following  
24 standards in addition to any guidelines established by the Mayor:

25 (1) The work of art must be located in a public place with public visibility  
26 and impact.

27 (2) The work of art shall have a permanence at least comparable to the  
28 lifetime of the bond funding the work of art and shall be likely to remain a thing  
29 of value for this time period.

30 (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

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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.

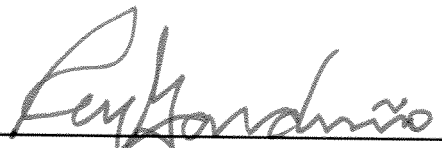
24 SECTION 3. COMPILATION. Section ‘1’ of this ordinance shall amend,  
25 be incorporated in, and made part of the Revised Ordinances of Albuquerque,  
26 New Mexico, 1994.

27 SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days  
28 after publication by title and general summary.

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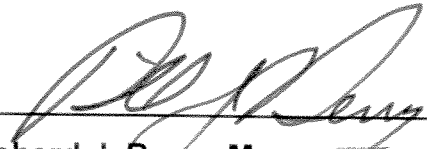
1 PASSED AND ADOPTED THIS 1<sup>st</sup> DAY OF December, 2014  
2 BY A VOTE OF: 8 FOR 0 AGAINST.

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4 Excused: Winter


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8 Rey Garduño, President  
9 City Council

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13 APPROVED THIS 16<sup>th</sup> DAY OF December, 2014

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17 Bill No. O-14-31

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21 \_\_\_\_\_  
22 Richard J. Berry, Mayor  
23 City of Albuquerque

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25 ATTEST:

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27 \_\_\_\_\_  
28 Trina M. Gurule, Acting City Clerk

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