



Agenda Item:

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COUNCIL COMMUNICATION City Manager's Office

GENERAL INFORMATION

Agenda Date: 07/12/04
04-326

Communication No.:

Agenda Item Type: Ordinance
No.:

Roll Call

Submitted by: Eric Anderson, City Manager

SUBJECT—

Clarifying amendment to the agreement between the City of Des Moines and the Greater Des Moines Community Foundation

SYNOPSIS —

This action authorizes a clarifying amendment to the agreement between the City of Des Moines and the Greater Des Moines Community Foundation for the provision of the Public Art Program. The amendment outlines specifically the obligations of the 501(c)(3) organization created by the Greater Des Moines Community Foundation to administer the Public Art program, the Greater Des Moines Public Art Foundation, and the Greater Des Moines Community Foundation itself.

FISCAL IMPACT —

This action itself will not have a financial impact.

On April 1, 2004, \$360,000, the funds unspent by the Des Moines Public Art Commission, were transferred from the Public Art Account, CP040, PKS990000, PKS158 to the Greater Des Moines Community Foundation to be held in a trust account for the Greater Des Moines Public Art Foundation. The FY2005 allocation of \$200,000 was transferred on XX also to be held in this trust.

In the FY 2005 CIP, the following allocations have been made for Public Art in future years. Though these are the allocations that have been planned in the CIP, Council will retain the ability to adjust the City's contribution annually.

FY 2006: \$415,000

FY 2007: \$200,000

FY 2008: \$345,000
FY 2009: \$350,000
FY 2010: \$100,000

RECOMMENDATION —

Approval

BACKGROUND—

On October 22, 2001, the City Council established the Public Arts Commission and the Public Arts Program by Ordinance No 14,005. The 15-member Commission was appointed by the City Council and served as an advisory body to the City Council, City Departments, and Commissions and Boards regarding the Public Arts Program. Projects recommended by the Public Arts Commission and approved by the City Council include: the Downtown Storefront Public Art Project and the Orchard Place Mural.

On June 9, by Roll Call No. 03-1315, the City Council authorized the City Manager to negotiate a contract with the Greater Des Moines Community Foundation for the transfer of the Public Arts Program to the Foundation in order to leverage more private contributions to Public Art. Staff was directed to formulate the contract consistent with requirements and limitations included in City Council Communication 03-265.

On June 9th, a representative from the City Managers Office met with the Public Art Commission on to discuss the changes approved on June 9th and receive the group's concerns. The concerns were addressed in negotiations with the Foundation.

An Ad-hoc Board Workgroup meeting of the Greater Des Moines Community Foundation was held on August 29th. During this meeting, the group agreed to the tenets below as a basis for the contact between the City of Des Moines and the Greater Des Moines Community Foundation for the transfer of the Public Art Function.

1. To the extent possible, the City Ordinance would be used as a guide in the development of policies and procedures for the Des Moines Public Arts Fund.
2. The City of Des Moines would continue to allocate funds, based on annual appropriation, to the Des Moines Public Arts Fund.
3. Any funds allocated from the City would be used for public art in the City of Des Moines.
4. Any public art to be located on city property in the City of Des Moines would be reviewed by the Des Moines Public Arts Fund Board and a recommendation would be forwarded to the City Council. Final approval will be made by the City Council.
5. The Board of the Des Moines Public Arts Fund would solicit private funds to supplement the City funds.
6. The Board of the Des Moines Public Arts Fund would provide an annual report of funds and activities to the City Council, including the total of all funds raised, use of funds, and project descriptions and outcomes.
7. During the first six months, the Commission would retain the same Board as made up the City Commission, except for one new member, who would represent the City Council. After six months, excepting the City Council member, the Board terms would expire and the Community Foundation Board would make all appointments to the new Board.
8. A majority of Board members would be residents of Des Moines.
9. The Greater Des Moines Community Foundation would act as depository for all funds, public and private.

The City Council approved these tenets by Roll Call No. 03-2902 on December 22, 2003 and the Legal Department, working with the City Manager's Office, drafted a contract accordingly. In negotiation with the Greater Des Moines Community Foundation, a provision was added to the contract to allow four appointments by the Foundation in the six-month interim period to help smooth the transition to the new board. The contract was signed by Johnny Danos on behalf of the Greater Des Moines Community Foundation and by Mayor T. M. Franklin Cownie on March 19, 2004. The Public Art Funds were transferred to the Greater Des Moines Community Foundation on April 15, 2004.

At its June 7, 2004 meeting, the City Council amended the Public Art ordinance to accommodate changes that have been made to the Public Arts Program in the transfer of this funding and the duties of the Commission to the Greater Des Moines Community Foundation and the Public Arts Board.

This action approves an amendment requested by the Foundation to outline specifically the obligations of the 501(c)(3) organization created by the Greater Des Moines Community Foundation to administer the Public Art program, the Greater Des Moines Public Art Foundation, and the Greater Des Moines Community Foundation itself.