

# WITHDRAWN

★ Roll Call Number

23-0746

Agenda Item Number

38

Date May 22, 2023

## RESOLUTION APPROVING SECOND AMENDMENT TO AGREEMENT WITH COMMUNITY FOUNDATION OF GREATER DES MOINES FOR ADMINISTRATION OF THE PUBLIC ARTS PROGRAM

**WHEREAS**, on October 22, 2001, by the passage of Ordinance No. 14,005, the City Council established the Public Arts Commission and the Public Arts Program, with the goal of annually funding the Public Arts Program at a level equal to 1.5 percent (1.5%) of the general obligation funds of the City appropriated for capital improvements as included in the adopted Capital Improvements Program (CIP); and

**WHEREAS**, on June 9, 2003, and December 22, 2003, by Roll Call Nos. 03-1315 and 03-2902 respectively, the City Council authorized the City Manager to negotiate and the Mayor to sign a contract with the Community Foundation of Greater Des Moines, formerly known as the Greater Des Moines Community Foundation ("Foundation") which provides that the uncommitted funds appropriated in FY2002/03 for public art, and that all future appropriations for public art, be transferred for administration by the Foundation for public arts projects consistent with the goals and objectives of the Public Arts Program and the requirements identified in Council Communication No. 03-265; and

**WHEREAS**, the terms of the contract with the Foundation have been memorialized by written Agreement dated March 19, 2004, which Agreement has been amended by Clarifying Amendment approved by the City Council on July 12, 2004, by Roll Call No. 04-1451; and

**WHEREAS**, the City Manager has now negotiated with the Foundation to further amend the Agreement and allow the Foundation to use up to 50 percent (50%) of the funding provided by the City toward administrative costs for the Foundation and the Foundation Board, as set forth in the Second Amendment on file in the office of the City Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that:

1. The Second Amendment to Agreement between the Community Foundation of Greater Des Moines and the City of Des Moines, in form on file in the office of the City Clerk, is hereby approved, and the Mayor is hereby directed and authorized to execute said Second Amendment on behalf of the City.
2. The City Manager or his designee is directed to administer said Agreement, as amended, for compliance.

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

Second by \_\_\_\_\_.

/s/ Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

\_\_\_\_\_  
Mayor

### CERTIFICATE

I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk