

ORDINANCE NO. _____

An ordinance amending Chapter 2, “Administration,” by amending Sections 2-37.12 and 2-105, and Articles XVI and XXVI-a; changing the name of the Office of Cultural Affairs to the Office of Arts and Culture; changing the name of the Department of Communication and Information Services to the Department of Information and Technology Services; providing a saving clause; providing a severability clause; and providing an effective date.

Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 2-37.12, “Sales of Certain Collectible Property,” of Division 2, “Sale of Unclaimed and Surplus Property,” of Article IV, “Purchasing,” of Chapter 2, “Administration,” of the Dallas City Code is amended to read as follows:

“SEC. 2-37.12. SALES OF CERTAIN COLLECTIBLE PROPERTY.

(a) In this chapter:

(1) ARTS AND CULTURE DIRECTOR means the director of the office of arts and culture of the city or a designated representative.

(2[4]) COLLECTIBLE PROPERTY means an item of personal property owned by the city under the care and control of the Dallas Museum of Art originally acquired for exhibition, collection, or study, including, but not limited to, any work of art, antique, memorabilia, rare object, art education material or display, or other item of lasting interest or value.

~~[(2) CULTURAL AFFAIRS DIRECTOR means the director of the office of cultural affairs of the city or a designated representative.]~~

(b) Collectible property owned by the city under the care and control of the Dallas Museum of Art may be sold, exchanged, or otherwise disposed of in accordance with this section.

(c) All sales of collectible property must be under the direction and control of the arts and culture [~~cultural-affairs~~] director, who shall function for this purpose in the place of the director.

(d) The arts and culture [~~cultural-affairs~~] director shall sell, exchange, or otherwise dispose of particular collectible property designated for sale by the Dallas Museum of Art by one of the following methods:

- (1) public auction;
- (2) silent auction (public sale by unsealed written bids); or
- (3) sale by sealed bids from one or more interested person.

(e) A sale of collectible property may be held at any city, place, or location determined advisable by the arts and culture [~~cultural-affairs~~] director.

(f) The arts and culture [~~cultural-affairs~~] director may accept collectible property of at least like value in exchange for collectible property if, in the judgement of the arts and culture [~~cultural-affairs~~] director, it is in the interest of the city to do so, and if an offer of exchange constitutes the highest bid for collectible property to be sold.

(g) The arts and culture [~~cultural-affairs~~] director shall sell collectible property to the highest bidder. The arts and culture [~~cultural-affairs~~] director's decision as to the sufficiency and acceptance of the highest bid is final and no further approval is required.

(h) The arts and culture [~~cultural-affairs~~] director shall deposit all proceeds received from the sale of collectible property to the credit of a fund designated for that purpose.

(i) Proceeds of a sale of collectible property must be used by the Dallas Museum of Art to purchase other collectible property, such acquisition being of similar type and identified in the name of the original donor whenever feasible. Proceed of an exchange will be placed directly in the collection of the Dallas Museum of Art.

(j) The Dallas Museum of Art will preserve in its permanent files a record of all collectible property sold or exchanged and will record the source of funds or collectible property used to acquire other collectible property with proceeds of a sale or an exchange.

(k) The arts and culture [~~cultural-affairs~~] director shall follow the notice and record keeping requirements of Sections 2-37.5 and 2-37.6.”

SECTION 2. That Subsection (a), “Arts and Culture Advisory Commission and the Office of Cultural Affairs,” of Section 2-105, “Administration of the Public Art Program –

Responsibilities,” of Article X, “Public Art Program,” of Chapter 2, “Administration,” of the Dallas City Code is amended to read as follows:

"(a) Arts and culture advisory commission and the office of arts and culture [~~cultural affairs~~]. The arts and culture advisory commission, acting in cooperation with the director of arts and culture [~~cultural affairs~~], shall have the following duties and responsibilities associated with the administration of the public art program:

(1) The overall administration of the public art program, including the selection of resident members of the public art committee, the establishment of program policies and guidelines, the recommendations of program budgets, and the approval of all selection juries and all other recommendations made by the public art committee to the arts and culture advisory commission.

(2) The establishment of policies and guidelines to facilitate and encourage the donation of high quality artworks to the city.

(3) The establishment of policies and guidelines to ensure that the long-term collection of artworks by the city represents a broad range of artistic schools, styles, tastes, and media, without giving exclusive support to any particular one, and gives consideration to affirmative action.

(4) The review of a survey, to be updated annually, of the condition of the public art collection. The survey must include a report on the condition of each artwork, prioritized recommendations for the restoration, repair, and maintenance of the artwork, and estimated costs.

(5) The recommendation of an annual designation of funds for repair and maintenance of the public art collection. Any recommendation involving a work of art for which operation or maintenance costs exceed \$5,000 a year must be accompanied by a detailed fiscal note.”

SECTION 3. That Article XVI, “Department of Communication and Information Services,” of Chapter 2, “Administration,” of the Dallas City Code is amended to read as follows:

“ARTICLE XVI.

DEPARTMENT OF [~~COMMUNICATION AND~~] INFORMATION AND TECHNOLOGY SERVICES.

**SEC. 2-136. CREATED; DIRECTOR OF ~~[COMMUNICATION—AND]~~
INFORMATION AND TECHNOLOGY SERVICES.**

(a) There is hereby created the department of ~~[communication and]~~ information and technology services, the head of which shall be the director of ~~[communication and]~~ information and technology services who shall be appointed by the city manager and who shall be a person professionally competent by experience and training to manage such department.

(b) In addition to the office of director of ~~[communication and]~~ information and technology services, there will also be such additional personnel as may be necessary for the administration of the department as the council may provide, upon recommendation of the city manager.

**SEC. 2-137. DUTIES OF DIRECTOR OF ~~[COMMUNICATION—AND]~~
INFORMATION AND TECHNOLOGY SERVICES.**

The director of ~~[communication and]~~ information and technology services shall perform the following duties:

(1) Provide all information services for administration of the affairs of the city of Dallas to be used in municipal operations of the city and make such reports as may be required by the city manager.

(2) Acquire, maintain, and operate all telephone and radio communications systems used in municipal operations.

(3) Obtain and maintain radio licences from the Federal Communications Commission on behalf of all city departments and ensure compliance with all applicable regulations of the Federal Communications Commission.

(4) Perform such other duties as may be required by the city manager or by ordinance of the city council.”

SECTION 4. That Article XXVI-a, “Office of Cultural Affairs,” of Chapter 2, “Administration,” of the Dallas City Code is amended to read as follows:

“ARTICLE XXVI-a.

OFFICE OF ARTS AND CULTURE ~~[CULTURAL AFFAIRS]~~.

SEC. 2-162.1. CREATED; DIRECTOR OF ARTS AND CULTURE ~~[CULTURAL AFFAIRS]~~.

There is hereby created a division of the city manager’s office to be known as the office of arts and culture ~~[cultural affairs]~~, the head of which shall be the director of arts and culture ~~[cultural affairs]~~ who shall be appointed by the city manager and who shall be a person

professionally competent by experience and training to manage the office. The office of arts and culture [~~cultural affairs~~] will be composed of the director of arts and culture [~~cultural affairs~~] and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager.

SEC. 2-162.2. DUTIES OF THE DIRECTOR OF ARTS AND CULTURE [~~CULTURAL AFFAIRS~~].

(a) The director of arts and culture [~~cultural affairs~~] shall perform the following duties:

(1) Supervise and administer the office of arts and culture [~~cultural affairs~~] and WRR radio station.

(2) Manage cultural facilities of the city under the director's supervision as designated by the city manager or by ordinance or resolution of the city council, including approval of lease or license agreements for use of such cultural facilities for short terms not exceeding one year.

(3) Award cultural funding contracts to cultural organizations and to individuals as provided in Section 2-162.3 of this code.

(4) Perform such other duties as may be required by the city manager or by ordinance of the city council.

(b) The director of arts and culture [~~cultural affairs~~] and any designated representatives may represent the city in negotiating and contracting with persons planning to use any cultural facility under the management of the director of arts and culture [~~cultural affairs~~]. Short-term leases and license agreements with small or ethnically and culturally specific nonprofit arts and cultural organizations may be entered into for a nominal consideration, when the director of arts and culture [~~cultural affairs~~] finds it to be of benefit to the public.

SEC. 2-162.3. PROCUREMENT OF CULTURAL SERVICES.

(a) Except as provided in Subsection (f), contracts with organizations and individuals for cultural services shall be awarded in accordance with this section.

(b) Cultural services mean artistic and cultural services provided by individuals or organizations that have been recommended for funding by a review panel to the director of arts and culture [~~cultural affairs~~]. Eligibility requirements to serve on each review panel and a review panel process for recommendations must be approved by city council. Cultural services do not include any services described in Subsection (f) below.

(c) The director of arts and culture [~~cultural affairs~~] may procure services a maximum of five times per fiscal year for production, festivals, and exhibitions under \$50,000 without

panel review or recommendation by the arts and culture advisory commission as the director deems necessary to implement arts and culture programs when:

(1) timing of support needed is outside of the fiscal year's cultural support program application for cultural services;

(2) the support needed of from a Dallas-based 501(c)(3) cultural organization or individual artist;

(3) the service provided is less than one year in length; and

(4) the city manager, or designee, has issued a memorandum of justification establishing a special need that meets the requirements of Administrative Directive 4-5, as amended.

(d) Contracts for cultural services, requiring an expenditure of \$50,000 or less, may be authorized by the city manager by administrative action, approved as to for by the city attorney, without further city council approval.

(e) If a contract described under this section requires an expenditure exceeding \$50,000, the contract must be authorized by city council.

(f) This section does not apply to services that are required to be competitively bid under state law or subject to other state law requirements such as requirements to contact historically underutilized businesses or the special rules for architect and engineering agreements.

(g) All other contracts not covered under this section are governed by the other applicable provisions of this code or other local rules and regulations.

SEC. 2-162.4. CONTRACTS FOR RADIO STATION AIR TIME REQUIRED; OTHER RADIO STATION CONTRACTS.

(a) There shall be a contract made for the use of each period of air time sold by the radio station, no matter how small, and the sale shall be represented by written contract. Each contract shall be signed by the station manager or shall be approved by the station manager if the sale was made by some subordinate. In the event a contract for sale of air time provides for other services such as line rentals, commentators, musicians, announcers, and other costs incidental to the rendition of the program, then such contract shall distinctly specify each separate item or charge made for such service.

(b) Each contract shall provide for cancellation by the city upon reasonable notice, and shall distinctly specify whether the air time used is commercial, civic, or non-revenue and shall be signed by the person or organization so using the air time.

(c) The following types of contracts for the benefit of the radio station, requiring an expenditure of \$50,000 or less, may be authorized by the city manager by administrative action, approved as to form by the city attorney, without further city council approval:

(1) payment of copyright or license fees or royalties to obtain the rights to broadcast or play specific musical works or compositions;

(2) the purchase of rights to broadcast radio programs produced by persons or entities other than other radio station employees or former radio station employees less than two years after their employment with the city;

(3) the purchase of advertising, through radio, television, print, billboard, or other media, to promote the radio station, including services rendered in connection with the production or preparation of artwork, copy, or music used in such advertising;

(4) payment of fees to secure professional talent (other than employees of the radio station) for the purpose of promoting the radio station;

(5) payment of commissions (not to exceed 25 percent of the contract amount) to persons or advertising agencies (other than employees of the radio station) who render services in connection with the sale of radio station air time or the purchase of advertising to promote the radio station; and

(6) the purchase of services rendered in connection with market research and analysis, radio station ratings, and statistical, demographic, or other related research or analysis.

(d) If a contract described in Subsection (c) requires an expenditure exceeding \$50,000, the contract must be authorized by the city council. If a contract described in Subsection (c) is required by state law to be competitively bid, the rules stated in Sections 2-32 and 2-33(a) through (c) of this code apply to the contract.

(e) All other radio station contracts not covered by this section are governed by the other applicable provisions of this code.”

SECTION 5. That Chapter 2 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 7. That this ordinance shall take effect October 1, 2019, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By _____
Assistant City Attorney

Passed _____