

EMERGENCY

IMD

- 2024

AUTHORIZING the City Manager to accept an in-kind donation of goods and services valued at up to \$13,140 from the Clifton Heights Urban Redevelopment Corporation for the painting of a mural at the Corryville Recreation Center; and **AUTHORIZING** the City Manager to design, install, and maintain the mural at the Corryville Recreation Center, notwithstanding any conflicting Cincinnati Recreation Commission rules and regulations or any provision of the Cincinnati Municipal Code that would prohibit the installation and maintenance of the mural.

WHEREAS, the Clifton Heights Urban Redevelopment Corporation (“CHURC”) has generously offered to paint a mural at the Corryville Recreation Center, with the assistance of two interns from the University of Cincinnati College of Design, Architecture, Art, and Planning; and

WHEREAS, the City Manager and CHURC intend to include participants from the Cincinnati Recreation Commission (“CRC”) summer camp program in the mural painting process; and

WHEREAS, the design, installation, and maintenance of the mural shall be performed under the management of the City Manager, and CHURC shall comply with the rules and regulations established by the City Manager and CRC and any agreement with the City or CRC regarding the design, installation, and maintenance of the mural, including the rules and regulations concerning its size, materials, means of installation, and maintenance as necessary to ensure public safety; and

WHEREAS, the City’s installation and maintenance of the mural is the City’s own expression, constitutes government speech, and does not signify the City’s intent to create a free speech forum; and

WHEREAS, the City will own the mural under this project, will maintain complete control over the location of the mural, and will require the artists who install or maintain the mural to waive their rights to the artwork, including waiving all applicable rights to the mural under the Visual Artists Rights Act of 1990, 17 U.S.C. Sections 106A and 113(d), so as to ensure that any expression made through the mural constitutes government speech; and

WHEREAS, the extent of maintenance and repair of the mural shall remain within the City’s discretion, and the mural shall remain subject to removal by the City, in part or in whole, at any time; and

WHEREAS, the City has an interest in promoting the arts, notwithstanding the provisions of the Cincinnati Municipal Code that would normally prohibit such displays, when the proposed display will not negatively impact the health, safety, or welfare of residents; and

WHEREAS, authorization to accept this in-kind donation is necessary because the value of this in-kind donation exceeds the \$5,000 maximum value for individual in-kind contributions authorized by Ordinance No. 317-2023; and

WHEREAS, acceptance of this in-kind donation requires no matching funds, and no FTEs/full time equivalents are associated with acceptance of this in-kind donation; and

WHEREAS, acceptance of this in-kind donation and the painting of the Corryville Recreation Center mural is in accordance with the “Collaborate” strategy to “[u]nite our [c]ommunities” as described on pages 210-211 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to accept an in-kind donation of goods and services valued at up to \$13,140 from Clifton Heights Urban Redevelopment Corporation for the painting of a mural at the Corryville Recreation Center.

Section 2. That the City Manager is authorized to design, install, and maintain the mural at the Corryville Recreation Center, notwithstanding any conflicting Cincinnati Recreation Commission (“CRC”) rules and regulations or any provision of the Cincinnati Municipal Code that would prohibit the installation and maintenance of the mural.

Section 3. That the design, installation, and maintenance of the mural shall be performed under the management of the City Manager, and CHURC shall comply with the rules and regulations established by the City Manager and CRC and any agreement with the City or CRC regarding the design, installation, and maintenance of the mural, including the rules and regulations concerning its size, materials, means of installation, and maintenance as necessary to ensure public safety.

Section 4. That the City’s installation and maintenance of the mural is the City’s own expression, constitutes government speech, and does not signify the City’s intent to create a free speech forum.

Section 5. That the City will own the mural under this project, will maintain complete control over the location of the mural, and will require the artists who install or maintain the mural to waive their rights to the artwork, including waiving all applicable rights to the mural under the Visual Artists Rights Act of 1990, 17 U.S.C. Sections 106A and 113(d), so as to ensure that any expression made through the mural constitutes government speech.

Section 6. That the City has an interest in promoting the arts, notwithstanding the provisions of the Cincinnati Municipal Code that would normally prohibit such displays, when the proposed display will not negatively impact the health, safety, or welfare of residents.

Section 7. That the extent of maintenance and repair of the mural shall remain within the City's discretion, and the mural shall remain subject to removal by the City, in part or in whole, at any time.

Section 8. That the proper City officials are authorized to do all things necessary and proper to carry out the provisions of Sections 1 through 7.

Section 9. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to accept the donated goods and services to comply with the project timeline.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk