

INTRODUCED: 1/6/2025

REFERRED TO: Education Committee

SPONSOR: Councilor Graves

DIGEST: amends Chapter 271 of the Revised Code of the Consolidated City and County to add a Reading Elevation Program

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SOURCE:

Initiated by:

Drafted by: LeAnnette Pierce

LEGAL REQUIREMENTS FOR ADOPTION:

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: \_\_\_\_\_ Date: January 2, 2025

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CITY-COUNTY GENERAL ORDINANCE NO. \_\_\_\_, 2025

PROPOSAL FOR A GENERAL ORDINANCE to amend Chapter 271 of the Revised Code of the Consolidated City and County to add a Reading Elevation Program.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 271 of the Revised Code of the Consolidated City and is hereby amended by adding the sections that are underlined and deleting the sections that have been ~~stricken through~~ to read as follows:

Chapter 271 ~~PUBLIC ART FOR NEIGHBORHOODS~~ INCENTIVE GRANT PROGRAMS

ARTICLE I. PROGRAM ESTABLISHMENT

Sec. 271-101. Incentive Grant Programs Established.

The Indianapolis-Marion County ~~Public Art for Neighborhoods~~ Incentive Grant Program is hereby established.

Sec. 271-102. Purpose.

~~The city accepts responsibility for expanding the opportunity for its citizens to experience art in, and for the beautification of, public places. The city also recognizes that the inclusion of public art in appropriate locations will promote the cultural heritage and artistic development of the city, enhance the city's character and identity, contribute to economic development and tourism, improve public safety, add warmth, dignity, beauty and accessibility to public spaces, and expand the experience and participation of citizens with the arts. A policy is therefore established to direct that funding for the inclusion of works of art and beautification of public space in certain capital improvement projects supported by the city be allocated through this public art for neighborhoods program.~~

It is the intent of this program to provide grants to programs that would not otherwise have a source of federal, state, or local funding.

Sec. 271-103. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section:

*Affordable housing* means a residential rental housing project owned by a governmental entity, a non-profit entity described in Section 501(c)(3) and any other entity which operates the project in compliance with the provisions of Section 142(d)(1)(A) or (B) or Section 42(g) of the Internal Revenue Code of 1986, as amended, and which serves one or more of the following purposes:

- (a) To benefit low-income and moderate-income persons;
- (b) To prevent or eliminate slums or blight; or
- (c) To respond to community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community.

*Arts Council* means the Arts Council of Indianapolis.

*Capital improvement project* means any capital project for which the city has provided or agreed to provide an economic incentive to a Recipient, for the construction or substantial renovation of any building, facility, or open space to which the public is generally invited; provided, however, that the term does not include the portion of a project that consists of affordable housing.

*Construction costs* means the total amount appropriated or otherwise allocated for a capital improvement project (including funding from outside sources which permit the acquisition of artwork for the eligible project with such funds).

*Economic incentive* means any direct or indirect use of tax increment funds for the benefit of a ~~recipient~~ Recipient, including but not limited to grants, loans, pledges, and bond sale proceeds.

*Public art for neighborhoods fund* means the special, non-reverting fund established by section 271-405-203.

*Public art for neighborhoods selection committee* means the selection committee created by section 271-406(b) 204(b).

*Reading elevation fund* means the special, non-reverting fund established by section 271-303.

*Reading elevation selection committee* means the selection committee created by section 271-304(b).

*Recipient* means any individual, partnership, association, organization, corporation or other entity, whether public or private, whether for profit or not for profit, which receives an economic incentive from the city for a capital improvement project.

~~Sec. 271-104. Funds for works of art and public space beautification.~~

~~This section applies only to economic incentive project agreements executed on or after January 1, 2016. If the estimated construction costs of a capital improvement project exceed \$100,000.00, and if the city has provided or agreed to provide an economic incentive for the project, then as part of the overall project agreement between the city and the recipient, the recipient must agree to contribute, from non-incentive funds, an amount equal to one (1) percent of the estimated value of the economic incentive to the public art for neighborhoods fund created by section 271-105. To the extent the recipient has already spent or agreed to spend funds on public art as part of a particular project, the recipient shall receive a dollar for dollar credit up to an amount equal to one (1) percent of the estimated value of the economic incentive, pending approval by the selection committee.~~

~~Sec. 271-105. Public art for neighborhoods fund.~~

~~There is hereby created a special fund, to be designated as the "public art for neighborhoods fund." This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of the year, and such balances shall not revert to the city or county general funds. The controller shall deposit in the public art fund all money received pursuant to section 271-104 for the selection, acquisition, commissioning, maintenance, display of artwork, public space beautification and expanded opportunities for community engagement with the arts.~~

~~Sec. 271-106. Public art grants program.~~

- ~~(a) The council may appropriate money from the public art for neighborhoods fund for the purpose of annually awarding sub-grants for public art and public space beautification. The council's appropriation for the purpose of the public art and public space beautification grants program shall be administered by the Arts Council of Indianapolis. Upon appropriation from the council for the public art grants program, the controller shall expend the appropriation to the Arts Council as an all-purpose grant and enter into agreements for the establishment of guidelines, application processes, and other criteria for multiple public purpose sub-grants in support of the council's desire to fund the selection, acquisition, commissioning, maintenance, display of artwork, public space beautification and expanded opportunities for community engagement with the arts. The Arts Council's guidelines shall establish protocols to ensure that the public art for neighborhoods program is geographically balanced and provides opportunities for neighborhoods to present projects that will install art projects in public space and to beautify public space. Projects may be located anywhere in the county.~~
- ~~(b) There is hereby created a public art for neighborhoods selection committee, composed of ten (10) members, with six (6) members appointed by the Arts Council, two (2) members appointed by the mayor, and two (2) members appointed by the city-county council. The members shall serve for terms of two (2) years and are eligible for reappointment. The Arts Council will name the chair of the selection committee. The members must have an interest in and understanding of city planning, neighborhood and community development, urban design, or the arts. The committee shall hold public meetings to determine the sub-grant recipients and shall consider the following elements, at a minimum, in evaluating projects; the level of community and neighborhood support; the opportunity for economic development; the ability to aid crime prevention; the design or artistic merit; the cost of the project; and the potential overall effect on quality of life in the neighborhood.~~
- ~~(c) In addition, the selection committee shall award at least fifty (50) percent of the total amount of the sub-grants for projects in neighborhoods where the average income is at or below one hundred thirty-eight (138) percent of the federal poverty line.~~

~~Sec. 271-107. Reporting and oversight.~~

~~The Arts Council shall provide an annual written report to the full council on what individuals and organizations received sub-grants from this process. This report shall be provided to the president of the council and all council members by December 1 of each year that appropriations were made to administer the program. The Arts Council shall also make an annual report in~~

~~person to a committee designated by the president of the council. This presentation will include a full review of the practices, policies and procedures used to award sub-grants, as well as information on other outcomes resulting from the placement of projects.~~

## ARTICLE II. PUBLIC ARTS FOR NEIGHBORHOODS PROGRAM

Sec. 271-~~402~~ 201. Public Arts for Neighborhoods - Purpose.

The city accepts responsibility for expanding the opportunity for its citizens to experience art in, and for the beautification of, public places. The city also recognizes that the inclusion of public art in appropriate locations will promote the cultural heritage and artistic development of the city, enhance the city's character and identity, contribute to economic development and tourism, improve public safety, add warmth, dignity, beauty and accessibility to public spaces, and expand the experience and participation of citizens with the arts. A policy is therefore established to direct that funding for the inclusion of works of art and beautification of public space in certain capital improvement projects supported by the city be allocated through this public art for neighborhoods program.

Sec. 271-~~404~~ 202. Funds for works of art and public space beautification.

This section applies only to economic incentive project agreements executed on or after January 1, 2016. If the estimated construction costs of a capital improvement project exceed \$100,000.00, and if the city has provided or agreed to provide an economic incentive for the project, then as part of the overall project agreement between the city and the ~~recipient~~ Recipient, the ~~recipient~~ Recipient must agree to contribute, from non-incentive funds, an amount equal to one (1) percent of the estimated value of the economic incentive to the public art for neighborhoods fund created by section 271-~~405~~ 203. To the extent the ~~recipient~~ Recipient has already spent or agreed to spend funds on public art as part of a particular project, the ~~recipient~~ Recipient shall receive a dollar for dollar credit up to an amount equal to one (1) percent of the estimated value of the economic incentive, pending approval by the selection committee.

Sec. 271-~~405~~ 203. Public art for neighborhoods fund.

There is hereby created a special fund, to be designated as the "public art for neighborhoods fund." This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of the year, and such balances shall not revert to the city or county general funds. The controller shall deposit in the public art fund all money received pursuant to section 271-~~404~~ 202 for the selection, acquisition, commissioning, maintenance, display of artwork, public space beautification and expanded opportunities for community engagement with the arts.

Sec. 271-~~406~~ 204. Public art grants program.

- (a) The council may appropriate money from the public art for neighborhoods fund for the purpose of annually awarding sub-grants for public art and public space beautification. The council's appropriation for the purpose of the public art and public space beautification grants program shall be administered by the Arts Council of Indianapolis. Upon appropriation from the council for the public art grants program, the controller shall expend the appropriation to the Arts Council as an all-purpose grant and enter into agreements for the establishment of guidelines, application processes, and other criteria for multiple public purpose sub-grants in support of the council's desire to fund the selection, acquisition, commissioning, maintenance, display of artwork, public space beautification and expanded opportunities for community engagement with the arts. The Arts Council's guidelines shall establish protocols to ensure that the public art for neighborhoods program is geographically balanced and provides opportunities for neighborhoods to present projects that will install art projects in public space and to beautify public space. Projects may be located anywhere in the county.

- (b) There is hereby created a public art for neighborhoods selection committee, composed of ten (10) members, with six (6) members appointed by the Arts Council, two (2) members appointed by the mayor, and two (2) members appointed by the city-county council. The members shall serve for terms of two (2) years and are eligible for reappointment. The Arts Council will name the chair of the selection committee. The members must have an interest in and understanding of city planning, neighborhood and community development, urban design, or the arts. The committee shall hold public meetings to determine the sub-grant recipients and shall consider the following elements, at a minimum, in evaluating projects; the level of community and neighborhood support; the opportunity for economic development; the ability to aid crime prevention; the design or artistic merit; the cost of the project; and the potential overall effect on quality of life in the neighborhood.
- (c) In addition, the selection committee shall award at least fifty (50) percent of the total amount of the sub-grants for projects in neighborhoods where the average income is at or below one hundred thirty-eight (138) percent of the federal poverty line.

Sec. 271-407205. Reporting and oversight.

The Arts Council shall provide an annual written report to the full council on what individuals and organizations received sub-grants from this process. This report shall be provided to the president of the council and all council members by December 1 of each year that appropriations were made to administer the program. The Arts Council shall also make an annual report in person to a committee designated by the president of the council. This presentation will include a full review of the practices, policies and procedures used to award sub-grants, as well as information on other outcomes resulting from the placement of projects.

ARTICLE III. – READING ELEVATION PROGRAM

Sec. 271-301. Reading elevation program – Purpose

The city recognizes the critical importance reading plays in the lives of our citizens and the future of our community. The city acknowledges that, for a variety of reasons, there are children reading below grade level. It is the intent of this ordinance to provide grant funds to programs that can assist in elevating or otherwise improving the reading levels of Indianapolis public school students currently reading below their grade level.

Sec. 271-302. Funds for reading elevation program.

- (a) This section applies to economic incentive project agreements executed on or after January 1, 2025. If the estimated construction costs of a capital improvement project exceed \$1,000,000.00, and if the city has provided or agreed to provide an economic incentive for the project, then as part of the overall project agreement between the city and the Recipient, the Recipient must agree to contribute, from non-incentive funds, an amount equal to one (1) percent of the estimated value of the economic incentive to the reading elevation program fund created by section 271-303.
- (b) The city shall provide initial seed money in the amount of \$340,000.00 to provide for the initial administration of the program. This money shall remain a portion of the reading elevation program fund created by section 271-303 and shall be used solely for the administration of the program. The Office of Education Innovation shall be intitled to an annual fee from this fund to administer the program.
- (c) By February 1<sup>st</sup> of each calendar year, the Department of Metropolitan Development shall provide an annual incentive project report to the council's education committee. This report shall include, but not be limited to, itemizing the project costs associated with the incentive projects approved by council over the course of the previous year, the anticipated amount of

incentive and non-incentive funding for each project, and the projected amount to be deposited into the program fund.

Sec. 271--303. Reading elevation fund.

There is hereby created a special fund, to be designated as the "Indianapolis-Marion County Reading Elevation Fund." This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of the year, and such balances shall not revert to the city or county general funds. The controller shall deposit in the Reading Elevation Fund all money received pursuant to section 271-302 for expenditures consistent with the provisions of this ordinance.

Sec. 271-304. Reading elevation grants program.

- (a) The council may appropriate money from the reading elevation fund for the purpose of awarding grants to programs providing reading assistance to public school students reading below grade level. The council's appropriation for the purpose of the reading elevation grants program shall be administered by the Office of Education Innovation (OEI) in conjunction with the council's Education Committee. Upon appropriation from the council for the reading elevation grants program, the OEI shall expend the appropriation as all-purpose grants. The OEI shall establish guidelines, application processes, and other criteria established or approved by the Education Committee for multiple public purpose grants in support of the council's desire to fund programs with demonstrable results in providing increases in reading skills. The OEI guidelines shall establish protocols to ensure that the proceeds from the program provide opportunities for any public-school students reading below grade level to obtain assistance. Projects must be located within Marion County.
- (b) In addition to the administration fee allowed by section 271-302(b), the OEI shall be entitled to obtain a grant for any self-run program meeting the criteria describe in section 271-304(a). However, any grant received by the OEI shall not exceed 15% of the total grant distribution in any round of grant disbursement.
- (c) There is hereby created a reading elevation program selection committee. The director of the OEI shall be the chair an ex officio member of the committee. The members of the committee shall be composed of seven (7) members as follows:

  - (1) Four (4) members appointed by the city-county council, 2 of whom shall community members and 2 of whom shall have experience in the field of education.
  - (2) Three (3) members appointed by the mayor.
- (d) The members shall serve for terms of two (2) years and are eligible for reappointment. The members must be Marion County residents and have an interest in and understanding of education and literacy. The committee shall hold public meetings to determine the sub-grant recipients and shall evaluate the performance of any program receiving funding. After the first year, the selection committee shall take into consideration the opinions of the parents of children involved prior to reauthorizing a subgrantee.
- (d) In addition, the selection committee shall award at least fifty (50) percent of the total amount of the sub-grants for projects in neighborhoods where the average income is at or below one hundred thirty-eight (138) percent of the federal poverty line.

Sec. 271-305. Reporting and oversight.

The Office of Education Innovation shall provide an annual written report to the full council on the individuals and organizations that received sub-grants from this process. This report shall be provided to the president of the council and all council members by December 1 of each year that appropriations were made to administer the program. The OEI shall also make an annual report in person to the council's Education Committee. This presentation shall include a full review of the

practices, policies and procedures used to award sub-grants, as well as information on other outcomes resulting from the placement of projects. In addition, parents of children receiving assistance shall be invited to report to the committee their thoughts on the program or progress of their individual student.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section , paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this \_\_\_\_\_ day of \_\_\_\_\_, 2025, at \_\_\_\_\_ p.m.

ATTEST:

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Vop Osili  
President, City-County Council

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Yulonda Winfield  
Clerk, City-County Council