



City Clerk

## CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk  
200 East Santa Clara Street  
San José, California 95113  
Telephone (408) 535-1260  
FAX (408) 292-6207

STATE OF CALIFORNIA)  
COUNTY OF SANTA CLARA)  
CITY OF SAN JOSE)

I, Lee Price, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 28762**", the original copy of which is attached hereto, was passed for publication of title on the **17<sup>th</sup> day of June, 2010**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **3<sup>rd</sup> day of August, 2010**, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA, KALRA,  
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **3<sup>rd</sup> day of September, 2010**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **9<sup>th</sup> day of August, 2010**.

(SEAL)

\_\_\_\_\_  
LEE PRICE, MMC  
CITY CLERK & EX-OFFICIO  
CLERK OF THE CITY COUNCIL

/rmk

**ORDINANCE NO. 28762**

**AN ORDINANCE OF THE CITY OF SAN JOSE  
DEFERRING THE PAYMENT OF THE PUBLIC ART  
ALLOCATION REQUIRED UNDER SAN JOSE MUNICIPAL  
CODE CHAPTER 22.08 FOR PUBLIC ART PROJECTS AT  
THE NORMAN Y. MINETA SAN JOSE INTERNATIONAL  
AIRPORT**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

- A. Notwithstanding the provisions of Chapter 22.08 of the San José Municipal Code, expenditures and/or appropriations that would otherwise be expended upon public art projects at the Norman Y. Mineta San José International Airport ("Airport") shall be deferred during FY 2010-2011 and for the fiscal years thereafter and shall not be expended on public art projects until the first annual budget adopted by City Council after total passenger activity at the Airport reaches 12.2 million passengers per year, except as follows:
1. There shall be appropriated in the FY 2010-2011 budget, a one-time allocation of \$70,000, to enable staff to provide supervision of a contracted art technician and to seek sponsorships for public art operations and potential future commissions;
  2. This deferral shall not apply to any public art projects at the Airport where the City has already executed an agreement with an artist.
- B. The first annual budget adopted by City Council after total passenger activity at the Airport reaches 12.2 million passengers per year shall include the public art allocation for such fiscal year calculated pursuant to the provisions of Chapter 22.08 of the San José Municipal Code, plus any public art allocation deferred pursuant to this Ordinance, unless otherwise provided by Ordinance of City Council. The Airport Department shall be responsible for keeping track of

the amount of the aggregate deferred public art allocation.

- C. This Ordinance shall go into effect retroactively and be effective as of on July 1, 2010.

PASSED FOR PUBLICATION of title this 17<sup>th</sup> day of June, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,  
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.



---

CHUCK REED  
Mayor

ATTEST:



---

LEE PRICE, MMC  
City Clerk