13-O-0191

A SUBSTITUTE ORDINANCE BY
COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

A SUBSTITUTE ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO AGREEMENTS WITH PERFORMERS, ARTISTS, AND SPONSORS FOR THE 2013, 2014, AND 2015 ATLANTA JAZZ FESTIVAL AND ATLANTA MUSIC FESTIVAL IN ATLANTA, AND ALLOWING THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS TO CHARGE ADMISSION FEES FOR SELECT EVENTS AT THOSE FESTIVALS; AND DIRECTING THAT ALL JAZZ FESTIVAL AND MUSIC FESTIVAL REVENUES AND EXPENSES BE DEPOSITED AND EXPENDED FROM THE ACCOUNTS LISTED BELOW; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") produces two music festivals each year for the benefit of Atlanta citizens and visitors, the Atlanta Jazz Festival ("Jazz Festival") and a second festival held during Labor Day weekend ("Music Festival") (collectively, the "Festivals"); and

WHEREAS, the Jazz Festival is held throughout the month of May, and includes approximately one hundred (100) free events and approximately five (5) events for which an admission price is charged; and

WHEREAS, the Music Festival is held for up to five (5) consecutive days, including the Labor Day Weekend, and includes approximately ten (10) free events and fifteen (15) events for which an admission price is charged; and

WHEREAS, the City pays for the Festivals from sponsors of each of the Festivals, from vendors at the Festivals, and from revenues generated by the Festivals' concerts that charge an admission price; and

WHEREAS, as the producer of the Festivals, the City must negotiate contracts with each of the performers and each of the sponsors; and

WHEREAS, the cost of the performers at each of the Festivals is up to $10,000.00 for local performers from the metro Atlanta region, up to $65,000.00 for national performers such as Gladys Knight or Boney James, and up to $100,00.00 for headline performers such as Aretha Franklin or Tony Bennett. The City also pays for the performers' backline (instruments, equipment, staging, sounds, and lights). Lastly, the City has the option to pay for non-local performers' round trip airfare, and hotel, meals, and ground transportation costs; and

WHEREAS, there are no greater than five (5) headlining performers at each of the Festivals;

WHEREAS, one way that the City pays for the Festivals is through sponsorships and the Festivals have different levels and types of sponsorships, depending upon the amount and type of the sponsor's contribution: Title Sponsors donate cash or in-kind donations of $150,000.00 or more; Presenting Sponsors donate cash or in-kind donations totaling $85,000.00 or more; Official Sponsors donate cash or in-kind donations totaling $50,000.00 to $100,000.00; Supplier Sponsors donate cash or in-kind donations totaling $25,000.00 to $75,000.00; and Media Sponsors provide Festival advertisement at no charge to the City; and

WHEREAS, any Title Sponsor contributing an amount of $250,000.00 or greater will have the option of having its name included in every instance that the Festival is mentioned and its logo added to Festival logo marks during an applicable Festival year; and

WHEREAS, contributions made by Jazz Festival sponsors are utilized for the Jazz Festival only and contributions made by Music Festival sponsors are utilized for the Music Festival only; and

WHEREAS, in exchange for the donations, sponsors receive numerous benefits, including: passes or tickets to the Festivals' events that otherwise require an admission fee; discounted tickets to the Festivals' events that require an admission fee and an opportunity to purchase those tickets in advance; gifts of Festivals-related merchandise; inclusion of sponsor's name or logo in the Festivals' press releases, advertisements, event related published stories, and television advertisements; and dedicated space at select Festivals' events wherein the sponsor can display its goods and a banner with the company logo; and

WHEREAS, the City determines which artists to pursue for each of the Festivals by researching the popularity of various artists, including review of published articles and polls, researching the cost of various artists and comparing those costs to the going rates within the industry for artists of similar notoriety, and the artists' availability. Based upon this information, the City creates a list of artists that it would like to have perform, approaches each artists and requests that she/he perform at one of the Festivals; and

WHEREAS, booking artists occurs at a quick pace, in that artist are generally unwilling to reserve a performance date without a guarantee that they will in-fact be hired for that date. Therefore, once the City determines that it wants a performer to appear at a Festival, it needs to quickly enter an agreement with that artist so that the artist is not hire by someone else; and

WHEREAS, because the City selects artists that it wishes to perform at these Festivals, and because of the pace of booking artists, the City's procurement process is not an effective manner of selecting and hiring artists, and the artist contracts for these Festivals should be exempt from the City's Procurement Code; and

WHEREAS, because the City allows for an unlimited number of sponsors for the Festivals, and because these arrangements are made at relatively close time proximity to the Festivals, the City does not have time to select and contract with Festivals' sponsors in the fashion set forth in the Procurement Code, the sponsor contracts for the Festivals should be exempt from the City's Procurement Code; and

WHEREAS, because the City allows for an unlimited number of vendors for the Festivals, and because these arrangements are made within a relatively close time proximity to the Festivals, the City does not have time to select and contract with Festivals' vendors in the fashion set forth in the Procurement Code, the vendor contracts for the Festivals should be exempt from the City's Procurement Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: The Mayor or his/her designee, on behalf of the City, is hereby authorized to enter into and execute agreements with artists to perform at the 2013, 2014, and 2015 Jazz Festival and the 2013, 2014, and 2015 Music Festival ("Artist Agreements"). The Artist Agreements with local artists shall provide a fee to the artist in an amount not to exceed $10,000 unless the artist has received national acclaim. The Mayor or his/her designee may enter into no greater than five Artist Agreements per each of the Festivals, whereby the fee paid to the artist is in an amount greater than $65,000 but not exceeding $100,000. All other Artist Agreements for the Festivals shall provide artist fees in an amount not to exceed $65,000. In addition, the Artist Agreements with all of the artists shall provide that the City shall pay for the Artists' technical rider requirements. The Artist Agreements with all of the artists other than the local artists shall provide that the City shall pay for the Artists' personal rider requirements. The technical rider requirements shall include backline (instruments, equipment, etc.) staging, sound, and lights, and in no event shall these costs exceed $15,000 per artist. The personal rider requirements shall include round-trip airfare, hotel, meal, and ground transportation costs of the artist, and in no events shall these costs exceed $5,000 per artist. The Mayor or his designee is not authorized to agree to the City expenditure of any additional money in the Artist Agreements, other than as set forth in this Section 1.

Section 2: The cost of the Jazz Festival Artist Agreements shall be charged to and paid from:

ADD TO ANTICIPATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
3710001	REVENUE ACCT	CONTRIBUTIONS/DONATIONS
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600346	GL PROJECT	ATLANTA JAZZ FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

ADD TO APPROPRIATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
5212001	EXPENSE ACCT	CONSULTANT/PRO

5222003		REPAIR/MAINTENANCE
5235003		TRAINING TRAVEL/PER DIEM
5311001		SUPPLIES CONSUM
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600346	GL PROJECT	ATLANTA JAZZ FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

The cost of the Music festival Artist Agreements shall be charged to and paid from:

ADD TO ANTICIPATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
3710001	REVENUE ACCT	CONTRIBUTIONS/DONATIONS
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600347	GL PROJECT	ATLANTA MUSIC FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

ADD TO APPROPRIATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
5212001	EXPENSE ACCT	CONSULTANT/PRO
5222003		REPAIR/MAINTENANCE
5235003		TRAINING TRAVEL/PER DIEM
5311001		SUPPLIES CONSUM
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600347	GL PROJECT	ATLANTA MUSIC FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

Section 3: The Mayor or his/her designee, on behalf of the City, is hereby authorized to accept donations for the Festivals and to enter into and execute agreements with sponsors of the 2013, 2014, and 2015 Jazz Festival and the 2013, 2014, and 2015 Music Festival ("Sponsor Agreements"). The Mayor or her designee is further authorized to provide benefits to sponsors in exchange for their donations. The Sponsor Agreements shall set forth the type of sponsorship, the sponsorship fee, and the benefits provided by the City to the sponsor. The Sponsor Agreements shall be for the following levels of sponsorships with the following associated fees: donate cash or in-kind donations totaling $85,000 or more; Official Sponsors donate cash or in-kind donations totaling $50,000 or more; Supplier Sponsors donate cash or in-kind donations totaling $25,000 or more; and Media sponsors donate cash or in-kind donations totaling $25,000 or more. The benefits provided to the sponsors shall be determined by the Commissioner of the Department of Parks, Recreation, and Cultural Affairs ("Commissioner") or his/her designee, but

shall be in the nature of advertisement of the sponsor in Jazz or Music Festival advertisements or at Jazz or Music Festival events, Jazz of Music Festival tickets, and Jazz or Music Festivals merchandise. Except that, any Title Sponsor contributing an amount of $250,000.00 or greater will have the option having its included in every instance that the Festival is mentioned and its logo added to the Festival logo mark during the applicable Festival year. The names of each type of sponsorship may be altered by the Commissioner or his/her designee from year to year. Jazz Festival Sponsors shall receive Jazz Festival benefits only, and Music Festival sponsors shall receive Music Festival benefits only. Sponsors of both Festivals may receive benefits from both Festivals. The Commissioner is authorized to include sponsor logos on and in advertisements for the Festivals, and to hand banners including sponsor logos at the Festivals' events.

Section 4: All Jazz Festival monetary contributions shall be deposited into:

ADD TO ANTICIPATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
3710001	REVENUE ACCT	CONTRIBUTIONS/DONATIONS
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600346	GL PROJECT	ATLANTA JAZZ FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

ADD TO APPROPRIATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
5212001	EXPENSE ACCT	CONSULTANT/PRO
5222003		REPAIR/MAINTENANCE
5235003		TRAINING TRAVEL/PER DIEM
5311001		SUPPLIES CONSUM
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600346	GL PROJECT	ATLANTA JAZZ FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

All Music Festival monetary contributions shall be deposited into:

ADD TO ANTICIPATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
3710001	REVENUE ACCT	CONTRIBUTIONS/DONATIONS
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600347	GL PROJECT	ATLANTA MUSIC FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

ADD TO APPROPRIATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
5212001	EXPENSE ACCT	CONSULTANT/PRO
5222003		REPAIR/MAINTENANCE
5235003		TRAINING TRAVEL/PER DIEM
5311001		SUPPLIES CONSUM
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600347	GL PROJECT	ATLANTA MUSIC FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

Section 5: The Commissioner or his/her designee is authorized to charge admission prices for the 2013, 2014, and 2015 Jazz and Music Festival events, provided that each of the Festivals has some events that are free. These admission prices shall be consistent with the market rate admission prices for the particular artist(s) performing at the event, as determined by the Commissioner.

Section 6: All revenues derived from Jazz Festival admission fees shall be used to pay for Jazz Festival costs only, and be deposited into:

ADD TO ANTICIPATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
3710001	REVENUE ACCT	CONTRIBUTIONS/DONATIONS
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600346	GL PROJECT	ATLANTA JAZZ FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

ADD TO APPROPRIATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
5212001	EXPENSE ACCT	CONSULTANT/PRO
5222003		REPAIR/MAINTENANCE
5235003		TRAINING TRAVEL/PER DIEM
5311001		SUPPLIES CONSUM
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600346	GL PROJECT	ATLANTA JAZZ FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

All revenues derived from Music Festival admission fees shall be used to pay Music Festival costs only, and deposited into:

ADD TO ANTICIPATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
3710001	REVENUE ACCT	CONTRIBUTIONS/DONATIONS
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600347	GL PROJECT	ATLANTA MUSIC FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

ADD TO APPROPRIATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
5212001	EXPENSE ACCT	CONSULTANT/PRO
5222003		REPAIR/MAINTENANCE
5235003		TRAINING TRAVEL/PER DIEM
5311001		SUPPLIES CONSUM
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600347	GL PROJECT	ATLANTA MUSIC FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

Section 7: The Mayor or his/her designee, on behalf of the City, is hereby authorized to enter into and execute agreements with artists to create the official artwork of the 2013, 2014 and 2015 Jazz Festival and the 2013, 2014, and 2015 Music Festival ("Official Artwork", and the related agreements the "Official Artwork Agreements"). The Official Artwork Agreements shall provide a fee to the artist such that the City expends an amount not to exceed $3,000 per year, or $9,000 total for the Official Artwork of the 2013, 2014, and 2015 Jazz Festival, and $3,000 per year, or $9,000 total for the Official Artwork of the 2013, 2014, and 2015 Music Festival.

Section 8: The City Attorney or his/her designee is herby authorized to copyright the Official Artwork. The cost of this copyright work, including filing fees, shall not exceed $500 during each of the years 2013, 2014, and 2015 or $1,500 total. The costs of the copyright work shall be charged to and paid from the accounts set forth in Section 4 above.

Section 9: The Mayor or his/her designee, on behalf of the City, is authorized to enter into and execute agreements for the acquisition of the rights to one or more of the recordings of live performances at or related to the Festivals, or other events a the Festivals, provided that said agreements potentially result in revenue generation for the City. The Mayor or his/her designee, on behalf of the City, is further authorized to enter into and execute agreements necessary to implement a revenue-generating project that will include a City website from which people can purchase recording of live performances at or related to the Festivals, or merchandise associated with performers at either of the Festivals. Those portions of the fees related to the Jazz Festival, as determined by the Commissioner or his/her designee shall be charged to and paid from:

ADD TO ANTICIPATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
3710001	REVENUE ACCT	CONTRIBUTIONS/DONATIONS
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600346	GL PROJECT	ATLANTA JAZZ FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

ADD TO APPROPRIATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
5212001	EXPENSE ACCT	CONSULTANT/PRO
5222003		REPAIR/MAINTENANCE
5235003		TRAINING TRAVEL/PER DIEM
5311001		SUPPLIES CONSUM
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600346	GL PROJECT	ATLANTA JAZZ FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

Those portions of the fees related to the Music Festival, as determined by the Commissioner or his/her designee shall be charged to and paid from:

ADD TO ANTICIPATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
3710001	REVENUE ACCT	CONTRIBUTIONS/DONATIONS
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600347	GL PROJECT	ATLANTA MUSIC FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

ADD TO APPROPRIATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
5212001	EXPENSE ACCT	CONSULTANT/PRO
5222003		REPAIR/MAINTENANCE
5235003		TRAINING TRAVEL/PER DIEM
5311001		SUPPLIES CONSUM
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600347	GL PROJECT	ATLANTA MUSIC FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

Section 10: All ordinances in conflict herewith are hereby waived for purposed of this Ordinance only, and only to the extent of the conflict.

13- 0 -0191

AN ORDINANCE BY
COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO AGREEMENTS WITH PERFORMERS, ARTISTS, AND SPONSORS FOR THE 2013, 2014, AND 2015 ATLANTA JAZZ FESTIVAL AND ATLANTA MUSIC FESTIVAL IN ATLANTA, AND ALLOWING THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS TO CHARGE ADMISSION FEES FOR SELECT EVENTS AT THOSE FESTIVALS; AND DIRECTING THAT ALL JAZZ FESTIVAL AND MUSIC FESTIVAL REVENUES AND EXPENSES BE DEPOSITED AND EXPENDED FROM THE ACCOUNTS LISTED BELOW; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") produces two music festivals each year for the benefit of Atlanta citizens and visitors, the Atlanta Jazz Festival ("Jazz Festival") and a second festival held during Labor Day weekend ("Music Festival") (collectively, the "Festivals"); and

WHEREAS, the Jazz Festival is held throughout the month of May, and includes approximately one hundred (100) free events and approximately five (5) events for which an admission price is charged; and

WHEREAS, the Music Festival is held for up to five (5) consecutive days, including the Labor Day Weekend, and includes approximately ten (10) free events and fifteen (15) events for which an admission price is charged; and

WHEREAS, the City pays for the Festivals from sponsors of each of the Festivals, from vendors at the Festivals, and from revenues generated by the Festivals' concerts that charge an admission price; and

WHEREAS, as the producer of the Festivals, the City must negotiate contracts with each of the performers and each of the sponsors; and

WHEREAS, the cost of the performers at each of the Festivals is up to $10,000.00 for local performers from the metro Atlanta region, up to $65,000.00 for national performers such as Gladys Knight or Boney James, and up to $100,00.00 for headline performers such as Aretha Franklin or Tony Bennett. The City also pays for the performers' backline (instruments, equipment, staging, sounds, and lights). Lastly, the City has the option to pay for non-local performers' round trip airfare, and hotel, meals, and ground transportation costs; and

WHEREAS, there are no greater than five (5) healing performers at each of the Festivals;

WHEREAS, one way that the City pays for the Festivals is through sponsorships and the Festivals have different levels and types of sponsorships, depending upon the amount and type of the sponsor's contribution: Title Sponsors donate cash or in-kind donations of $150,000.00 or more; Presenting Sponsors donate cash or in-kind donations totaling $85,000.00 or more;

Official Sponsors donate cash or in-kind donations totaling $50,000.00 to $100,000.00; Supplier Sponsors donate cash or in-kind donations totaling $25,000.00 to $75,000.00; and Media Sponsors provide Festival advertisement at no charge to the City; and

WHEREAS, any Title Sponsor contributing an amount of $250,000.00 or greater will have the option of having its name included in every instance that the Festival is mentioned and its logo added to Festival logo marks during an applicable Festival year; and

WHEREAS, contributions made by Jazz Festival sponsors are utilized for the Jazz Festival only and contributions made by Music Festival sponsors are utilized for the Music Festival only; and

WHEREAS, in exchange for the donations, sponsors receive numerous benefits, including: passes or tickets to the Festivals' events that otherwise require an admission fee; discounted tickets to the Festivals' events that require an admission fee and an opportunity to purchase those tickets in advance; gifts of Festivals-related merchandise; inclusion of sponsor's name or logo in the Festivals' press releases, advertisements, event related published stories, and television advertisements; and dedicated space at select Festivals' events wherein the sponsor can display its goods and a banner with the company logo; and

WHEREAS, the City determines which artists to pursue for each of the Festivals by researching the popularity of various artists, including review of published articles and polls, researching the cost of various artists and comparing those costs to the going rates within the industry for artists of similar notoriety, and the artists' availability. Based upon this information, the City creates a list of artists that it would like to have perform, approaches each artists and requests that she/he perform at one of the Festivals; and

WHEREAS, booking artists occurs at a quick pace, in that artist are generally unwilling to reserve a performance date without a guarantee that they will in-fact be hired for that date. Therefore, once the City determines that it wants a performer to appear at a Festival, it needs to quickly enter an agreement with that artist so that the artist is not hire by someone else; and

WHEREAS, because the City selects artists that it wishes to perform at these Festivals, and because of the pace of booking artists, the City's procurement process is not an effective manner of selecting and hiring artists, and the artist contracts for these Festivals should be exempt from the City's Procurement Code; and

WHEREAS, because the City allows for an unlimited number of sponsors for the Festivals, and because these arrangements are made at relatively close time proximity to the Festivals, the City does not have time to select and contract with Festivals' sponsors in the fashion set forth in the Procurement Code, the sponsor contracts for the Festivals should be exempt from the City's Procurement Code; and

WHEREAS, because the City allows for an unlimited number of vendors for the Festivals, and because these arrangements are made within a relatively close time proximity to the Festivals, the City does not have time to select and contract with Festivals' vendors in the fashion set forth

in the Procurement Code, the vendor contracts for the Festivals should be exempt from the City's Procurement Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: The Mayor or his/her designee, on behalf of the City, is hereby authorized to enter into and execute agreements with artists to perform at the 2013, 2014, and 2015 Jazz Festival and the 2013, 2014, and 2015 Music Festival ("Artist Agreements"). The Artist Agreements with local artists shall provide a fee to the artist in an amount not to exceed $10,000 unless the artist has received national acclaim. The Mayor or his/her designee may enter into no greater than five Artist Agreements per each of the Festivals, whereby the fee paid to the artist is in an amount greater than $65,000 but not exceeding $100,000. All other Artist Agreements for the Festivals shall provide artist fees in an amount not to exceed $65,000. In addition, the Artist Agreements with all of the artists shall provide that the City shall pay for the Artists' technical rider requirements. The Artist Agreements with all of the artists other than the local artists shall provide that the City shall pay for the Artists' personal rider requirements. The technical rider requirements shall include backline (instruments, equipment, etc.) staging, sound, and lights, and in no event shall these costs exceed $15,000 per artist. The personal rider requirements shall include round-trip airfare, hotel, meal, and ground transportation costs of the artist, and in no events shall these costs exceed $5,000 per artist. The Mayor or his designee is not authorized to agree to the City expenditure of any additional money in the Artist Agreements, other than as set forth in this Section 1.

Section 2: The cost of the Jazz Festival Artist Agreements shall be charged to and paid from:

ADD TO ANTICIPATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
3710001	REVENUE ACCT	CONTRIBUTIONS/DONATIONS
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600346	GL PROJECT	ATLANTA JAZZ FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

ADD TO APPROPRIATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
5212001	EXPENSE ACCT	CONSULTANT/PRO
5222003		REPAIR/MAINTENANCE
5235003		TRAINING TRAVEL/PER DIEM
5311001		SUPPLIES CONSUM
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN

600346	GL PROJECT	ATLANTA JAZZ FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

The cost of the Music festival Artist Agreements shall be charged to and paid from:

ADD TO ANTICIPATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
3710001	REVENUE ACCT	CONTRIBUTIONS/DONATIONS
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600347	GL PROJECT	ATLANTA MUSIC FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

ADD TO APPROPRIATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
5212001	EXPENSE ACCT	CONSULTANT/PRO
5222003		REPAIR/MAINTENANCE
5235003		TRAINING TRAVEL/PER DIEM
5311001		SUPPLIES CONSUM
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600347	GL PROJECT	ATLANTA MUSIC FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

Section 3: The Mayor or his/her designee, on behalf of the City, is hereby authorized to accept donations for the Festivals and to enter into and execute agreements with sponsors of the 2013, 2014, and 2015 Jazz Festival and the 2013, 2014, and 2015 Music Festival ("Sponsor Agreements"). The Mayor or her designee is further authorized to provide benefits to sponsors in exchange for their donations. The Sponsor Agreements shall set forth the type of sponsorship, the sponsorship fee, and the benefits provided by the City to the sponsor. The Sponsor Agreements shall be for the following levels of sponsorships with the following associated fees: donate cash or in-kind donations totaling $85,000 or more; Official Sponsors donate cash or in-kind donations totaling $50,000 or more; Supplier Sponsors donate cash or in-kind donations totaling $25,000 or more; and Media sponsors donate cash or in-kind donations totaling $25,000 or more. The benefits provided to the sponsors shall be determined by the Commissioner of the Department of Parks, Recreation, and Cultural Affairs ("Commissioner") or his/her designee, but shall be in the nature of advertisement of the sponsor in Jazz or Music Festival advertisements or at Jazz or Music Festival events, Jazz of Music Festival tickets, and Jazz or Music Festivals merchandise. Except that, any Title Sponsor contributing an amount of $250,000.00 or greater will have the option having its included in every instance that the Festival is mentioned and its

logo added to the Festival logo mark during the applicable Festival year. The names of each type of sponsorship may be altered by the Commissioner or his/her designee from year to year. Jazz Festival Sponsors shall receive Jazz Festival benefits only, and Music Festival sponsors shall receive Music Festival benefits only. Sponsors of both Festivals may receive benefits from both Festivals. The Commissioner is authorized to include sponsor logos on and in advertisements for the Festivals, and to hand banners including sponsor logos at the Festivals' events.

Section 4: All Jazz Festival monetary contributions shall be deposited into:

ADD TO ANTICIPATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
3710001	REVENUE ACCT	CONTRIBUTIONS/DONATIONS
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600346	GL PROJECT	ATLANTA JAZZ FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

ADD TO APPROPRIATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
5212001	EXPENSE ACCT	CONSULTANT/PRO
5222003		REPAIR/MAINTENANCE
5235003		TRAINING TRAVEL/PER DIEM
5311001		SUPPLIES CONSUM
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600346	GL PROJECT	ATLANTA JAZZ FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

All Music Festival monetary contributions shall be deposited into:

ADD TO ANTICIPATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
3710001	REVENUE ACCT	CONTRIBUTIONS/DONATIONS
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600347	GL PROJECT	ATLANTA MUSIC FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

ADD TO APPROPRIATIONS

7701	FUND	TRUST

140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
5212001	EXPENSE ACCT	CONSULTANT/PRO
5222003		REPAIR/MAINTENANCE
5235003		TRAINING TRAVEL/PER DIEM
5311001		SUPPLIES CONSUM
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600347	GL PROJECT	ATLANTA MUSIC FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

Section 5: The Commissioner or his/her designee is authorized to charge admission prices for the 2013, 2014, and 2015 Jazz and Music Festival events, provided that each of the Festivals has some events that are free. These admission prices shall be consistent with the market rate admission prices for the particular artist(s) performing at the event, as determined by the Commissioner.

Section 6: All revenues derived from Jazz Festival admission fees shall be used to pay for Jazz Festival costs only, and be deposited into:

ADD TO ANTICIPATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
3710001	REVENUE ACCT	CONTRIBUTIONS/DONATIONS
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600346	GL PROJECT	ATLANTA JAZZ FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

ADD TO APPROPRIATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
5212001	EXPENSE ACCT	CONSULTANT/PRO
5222003		REPAIR/MAINTENANCE
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5311001		SUPPLIES CONSUM
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600346	GL PROJECT	ATLANTA JAZZ FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

All revenues derived from Music Festival admission fees shall be used to pay Music Festival costs only, and deposited into:

ADD TO ANTICIPATIONS

7701	FUND	TRUST

140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
3710001	REVENUE ACCT	CONTRIBUTIONS/DONATIONS
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600347	GL PROJECT	ATLANTA MUSIC FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

ADD TO APPROPRIATIONS

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5212001	EXPENSE ACCT	CONSULTANT/PRO
5222003		REPAIR/MAINTENANCE
5235003		TRAINING TRAVEL/PER DIEM
5311001		SUPPLIES CONSUM
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600347	GL PROJECT	ATLANTA MUSIC FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

Section 7: The Mayor or his/her designee, on behalf of the City, is hereby authorized to enter into and execute agreements with artists to create the official artwork of the 2013, 2014 and 2015 Jazz Festival and the 2013, 2014, and 2015 Music Festival ("Official Artwork", and the related agreements the "Official Artwork Agreements"). The Official Artwork Agreements shall provide a fee to the artist such that the City expends an amount not to exceed $3,000 per year, or $9,000 total for the Official Artwork of the 2013, 2014, and 2015 Jazz Festival, and $3,000 per year, or $9,000 total for the Official Artwork of the 2013, 2014, and 2015 Music Festival.

Section 8: The City Attorney or his/her designee is herby authorized to copyright the Official Artwork. The cost of this copyright work, including filing fees, shall not exceed $500 during each of the years 2013, 2014, and 2015 or $1,500 total. The costs of the copyright work shall be charged to and paid from the accounts set forth in Section 4 above.

Section 9: The Mayor or his/her designee, on behalf of the City, is authorized to enter into and execute agreements for the acquisition of the rights to one or more of the recordings of live performances at or related to the Festivals, or other events a the Festivals, provided that said agreements potentially result in revenue generation for the City. The Mayor or his/her designee, on behalf of the City, is further authorized to enter into and execute agreements necessary to implement a revenue-generating project that will include a City website from which people can purchase recording of live performances at or related to the Festivals, or merchandise associated with performers at either of the Festivals. Those portions of the fees related to the Jazz Festival, as determined by the Commissioner or his/her designee shall be charged to and paid from:

ADD TO ANTICIPATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN

3710001	REVENUE ACCT	CONTRIBUTIONS/DONATIONS
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600346	GL PROJECT	ATLANTA JAZZ FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

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Those portions of the fees related to the Music Festival, as determined by the Commissioner or his/her designee shall be charged to and paid from:

ADD TO ANTICIPATIONS

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140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
3710001	REVENUE ACCT	CONTRIBUTIONS/DONATIONS
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
600347	GL PROJECT	ATLANTA MUSIC FESTIVAL
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Section 10: All ordinances in conflict herewith are hereby waived for purposed of this Ordinance only, and only to the extent of the conflict.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Community Development/Human Resources Committee

Caption: AN ORDINANCE BY
COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO AGREEMENTS WITH PERFORMERS, ARTISTS, AND SPONSORS FOR THE 2013, 2014, AND 2015 ATLANTA JAZZ FESTIVAL AND ATLANTA MUSIC FESTIVAL IN ATLANTA, AND ALLOWING THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS TO CHARGE ADMISSION FEES FOR SELECT EVENTS AT THOSE FESTIVALS; AND DIRECTING THAT ALL JAZZ FESTIVAL AND MUSIC FESTIVAL REVENUES AND EXPENSES BE DEPOSITED AND EXPENDED FROM THE ACCOUNTS LISTED BELOW; AND FOR OTHER PURPOSES.

Council Meeting Date: March 4, 2013

Requesting Dept.: Department of Parks, Recreation and Cultural Affairs

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).
THE PURPOSE OF THIS LEGISLATION IS AUTHORIZE THE MAYOR OR HIS DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO AGREEMENTS WITH PERFORMERS, ARTISTS, AND SPONSORS FOR THE 2013, 2014, AND 2015 ATLANTA JAZZ FESTIVAL AND ATLANTA MUSIC FESTIVAL IN ATLANTA, AND ALLOWING THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS TO CHARGE ADMISSION FEES FOR SELECT EVENTS AT THOSE FESTIVALS

2. Please provide background information regarding this legislation.

3. <u>If Applicable/Known:</u>

(a) Contract Type:

(b) Source Selection:

(c) Bids/Proposals Due:

(d) Invitations Issued:

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center:
The cost of the Jazz Festival Artist Agreements shall be charged to and paid from:

ADD TO ANTICIPATIONS

7701	FUND	TRUST
140401	GL DEPT	PRC CULTURAL AFFAIRS ADMIN
3710001	REVENUE ACCT	CONTRIBUTIONS/DONATIONS
6110000	FUNCTION/ACTIVITY	CULTURAL/RECREATION ADMIN
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600347	GL PROJECT	ATLANTA MUSIC FESTIVAL
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All Jazz Festival monetary contributions shall be deposited into:

ADD TO ANTICIPATIONS

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600347	GL PROJECT	ATLANTA MUSIC FESTIVAL
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

5. **Source of Funds:**

6. **Fiscal Impact:**

7. **Method of Cost Recovery:**

This Legislative Request Form Was Prepared By: Trina Horton, Departmental Contracting Officer

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE **ATTN: CANDACE L. BYRD**

Dept.'s Legislative Liaison: Trina Horton

Contact Number: (404) 546-6795

Originating Department: Department of Parks, Recreation and Cultural Affairs

Committee(s) of Purview: Community Development/Human Resources Committee

Chief of Staff Deadline: January 25, 2013

Anticipated Committee Meeting Date(s): February 12, 2013

Anticipated Full Council Date: March 4, 2013

Legislative Counsel's Signature: _____

Commissioner's Signature: _____

Chief Information Officer Signature *(for IT Procurements)* _____

Chief Procurement Officer Signature: _____

CAPTION
AN ORDINANCE BY
COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO AGREEMENTS WITH PERFORMERS, ARTISTS, AND SPONSORS FOR THE 2013, 2014, AND 2015 ATLANTA JAZZ FESTIVAL AND ATLANTA MUSIC FESTIVAL IN ATLANTA, AND ALLOWING THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS TO CHARGE ADMISSION FEES FOR SELECT EVENTS AT THOSE FESTIVALS; AND DIRECTING THAT ALL JAZZ FESTIVAL AND MUSIC FESTIVAL REVENUES AND EXPENSES BE DEPOSITED AND EXPENDED FROM THE ACCOUNTS LISTED BELOW; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any)
Mayor's Staff Only

Received by CPO: _____ (date) **Received by LC from CPO:** _____ (date)

Received by Mayor's Office: 1-25-13 (date) **Reviewed by:** _____ (date)

Submitted to Council: _____ (date)