

## Ordinance No.

### **AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING OLYMPIA MUNICIPAL CODE CHAPTER 2.100, ARTICLE II, RELATING TO THE ARTS COMMISSION**

**WHEREAS**, the Olympia Arts Commission was established in 1988; and

**WHEREAS**, periodic review of the governing ordinances in the Olympia Municipal Code (OMC) keeps policy and practice modernized and in alignment; and

**WHEREAS**, finance and arts staff have reviewed the Arts Commission section of the OMC and recommend certain changes;

#### **NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:**

**Section 1. Amendment of OMC 2.100, Article II.** Olympia Municipal Code Chapter 2.100, Article II, Arts Commission is hereby amended to read as follows:

#### Article II. ARTS COMMISSION

- [2.100.100](#) Established--Purpose.
- [2.100.110](#) Duties of Commission.
- [2.100.120](#) Budget.
- [2.100.130](#) Public Art--Purpose.
- [2.100.140](#) Public Art--Duties of Commission.
- [2.100.150](#) Public Art--Allocation of Municipal Funds.
- [2.100.160](#) Public Art--Definitions.
- [2.100.170](#) Public Art--Funds for Public Art.
- [2.100.180](#) Public Art--Municipal Art Fund.
- [2.100.190](#) Administrative Guidelines--Public Art, Art Programs and Services.
- [2.100.200](#) Public Art--Maintenance and Conservation of Public Art.
- [2.100.210](#) ~~Donations for Community Art Programs and Services; City Manager Authorized to Accept Gifts of Art.~~
- [2.100.220](#) ~~Donations of funds under \$10,000 for Community Art Programs and Services; Application of Ordinance.~~
- [2.100.230](#) ~~Donations for Community Art Programs and Services; Community Arts Account Established~~  
Appropriation of Donations for Fundraising Efforts and Special Projects.
- [2.100.240](#) Appropriation of Donations for Art Programs and Services.

#### **2.100.100 Established--Purpose**

There is hereby established an Arts Commission (the Commission) to accomplish the following:

- A. To promote and encourage public programs to further the development and public awareness of, and interest in, the fine, literary, and performing arts and the cultural heritage of the area; and

- B. To advise the City Council in connection with the artistic and cultural development of the Olympia area; and
- C. To provide local artistic and cultural services to community members of the Olympia area by making available to the City and its community members expertise on the subject of visual, literary, and performing arts and cultural heritage; and
- D. To encourage donations, grants, or other support to further expand artistic, cultural programs and services for the community members of the Olympia area; and
- E. To reach out to and work with the governments, institutions, and community members of neighboring jurisdictions in connection with these purposes, and ultimately to include representatives of said jurisdictions on the Commission.

### **2.100.110 Duties of Commission**

The Commission is empowered to take the following actions:

- A. To encourage, conduct, sponsor or cosponsor, on behalf of the City, public programs to further the development and public awareness of, and interest in, the fine, literary, and performing arts, and the area's cultural heritage;
- B. To provide recommendations to the City Council and other groups on cultural and artistic endeavors and projects in which the City becomes involved and to act as a representative of the community in such matters;
- C. To advise the City Council concerning the receipt of or purchase of works of art to be placed on municipal property;
- D. To encourage donations, grants and other support to further expand arts and cultural services and programs available to community members of Olympia and the region;
- E. To encourage participation in local artistic and cultural events and programs by community members and governments of neighboring jurisdictions;
- F. Review all proposed ~~donations for art~~ Gifts of Art and financial donations that are 10,000 or greater for programs and services to ensure that such donations are consistent with the goals of the Commission and the authority of the City of Olympia. After such review, submit a recommendation ~~on the proposed donation(s) to the Director of the Parks, Arts, and Recreation Department and the City Manager for formal acceptance or rejection provided the donation is under \$10,000 in value to the City Council for formal acceptance (by ordinance) or rejection; and~~
- G. ~~Prepare and recommend to the City Council a plan that outlines the expenditures of donations received and held in the Community Art Account for art programs and services; and~~
- HG. To take such other actions as the City Council may direct from time to time.

### **2.100.120 Budget**

The Commission's programs and operating expenses shall be funded from the City General Fund and from grants, donations, and other like sources. The City Manager shall include said budget within the annual operating budget of the City.

### **2.100.130 Public Art--Purpose**

The City wishes to expand experience with visual, literary, and performing art. Such art has enabled people in all societies to understand more clearly their communities and individual lives. Artists capable of creating art for public places must be encouraged and Olympia's standing as a regional leader in public art enhanced. A policy

is therefore established to direct the inclusion of works of art in public works of the City and to explore means for encouraging artists to live and work in Olympia. When opportunities and funding allow, the City may also support performing arts in public places when such ~~performing art is opportunities are~~ consistent with the Municipal Art Plan.

#### **2.100.140 Public Art—Duties of Commission**

To carry out its responsibilities hereunder, the Commission shall:

A. Prepare and recommend to the City Council for approval a Municipal Art Plan and guidelines to carry out the City's Public Art Program, which shall include, but not be limited to:

1. ~~a method~~methods for the selection of artists or works of art and for placement of works of public art at municipally owned, leased or rented property; and
2. ~~support~~support of performing and literary arts programs, if consistent with the Municipal Art Plan.

B. Recommend purchase of works of art, advise on public art works in progress, or commission the design, execution and/or placement of works of art. The arts program staff shall advise the department responsible for a particular construction project of the Arts Commission's recommendation regarding the design, execution and/or placement of a work of art in connection with such construction project.

C. Review all proposed ~~donation of works or gifts of~~ art to the City, proposed donation of funds for the acquisition of works of art, if restricted or dedicated in any way, and proposed donation of sites for works of art to ensure ~~that such donations are consistent~~cy with the goals of the Commission and the City.

D. Promulgate rules and regulations consistent with Sections [2.100.130](#) through [2.100.170](#) to facilitate the implementation of the Arts Commission's responsibilities.

#### **2.100.150 Public Art--Allocation of Municipal Funds**

OMC Sections [2.100.130](#) through [2.100.170](#) ~~of this chapter~~ provide allocation of certain municipal funds for the purpose of selecting, acquisitioning and installing art works in public places and further provides that moneys collected be held in a "Municipal Art Fund" to be expended for projects and programs as prescribed in the "Municipal Art Plan" to be developed by the Arts Commission. All works of art purchased and commissioned under the Municipal Art Plan shall become a part of the City art collection developed, administered, and operated by the City Arts Program.

Moneys in the Municipal Art Fund may also be used for the following:

1. toward the creation of a live/work housing project for local artists; or
2. toward the City's Public Art and performing and literary arts, as provided in the Municipal Art Plan.

#### **2.100.160 Public Art--Definitions**

A. "Commission" means the Olympia Arts Commission.

B. "Conservation" means those activities required to conserve, repair, or preserve the integrity of the artwork and setting within which the artwork is located.

C. "Construction project" means any capital project paid for wholly or in part by the City to construct any building, structure, park, street, sidewalk, or parking facility, or any portion thereof, within the limits of the City.

DG. "Major maintenance" means conservation efforts to improve the condition of an artifact by stabilizing physical condition problems and addressing surface disfigurement arising from deterioration and/or damage.

ED. "Municipal Art Plan" means a plan outlining the City expenditures of designated funds for Public Art projects for a one-year period.

EE. "Public Art" includes visual, literary, and performing arts.

GF. "Routine maintenance" means:

1. Those activities associated with keeping an artwork and its setting clean and well-ordered; and
2. The removal of graffiti, if it can be accomplished employing effective, pre-approved methods.

## **2.100.170 Public Art—Funds for Public Art**

Moneys for the Municipal Art Fund ~~shall~~may be secured through any of the following methods:

A. An annual amount equaling up to one dollar per capita may be appropriated from the City's General Fund for Public Art; ~~and~~

B. ~~All~~ Requests for appropriations from the General Fund for new construction projects visible and usable by the public, and exceeding five hundred thousand and no/100 dollars (\$500,000.00), which shall include an amount equal to one percent of the estimated construction cost of such project for Public Art;

C. Donations, to include fundraising efforts;

ED. The Arts Program Manager, in consultation with City management and department directors, may suggest to the City Council other appropriate funds on a project basis.

## **2.100.180 Public Art--Municipal Art Fund**

There is established in the City treasury a special fund designated "Municipal Art Fund" into which shall be deposited funds appropriated as contemplated by ~~Section OMC 2.100.170~~, together with gifts or bequests to the City for such purpose, and other funds as the City Council shall appropriate for Public Art, and from which expenditures may be made for specific Public Art in accordance with the Plan ~~specified in Section OMC 2.100.140~~. In the case of designated design/build construction projects where a public artist is on the design team, the one percent for art funds may remain in the project budget to pay for the public art component of the project. Moneys in the Municipal Art Fund may also be used toward the creation of a live/work housing project for local artists. ~~Separate accounts shall be established within the Municipal Art Fund to segregate receipts by source or, when so directed by the City Council, for specific works of art.~~ A percentage of the Municipal Art Fund will be appropriated for administrative costs associated with the project. Arts program staff salaries will not be funded from the Municipal Art Fund, except where specifically provided for art conservation. Donations received for Public Art projects and purposes shall be administered pursuant to applicable policies adopted by the City.

~~The interest accruing in the Municipal Art Fund shall be segregated as an art conservation reserve. Moneys held in the for art conservation reserve may be expended for staff time, professional services, supplies, and operating costs associated with the conservation, repair, restoration, or maintenance of works of Public Art as prescribed in an annual maintenance plan to be developed by the Arts Commission. In the event that excess funds are accumulated in the art conservation reserve, a percentage of reserve funds may be expended for special maintenance projects as recommended by the Arts Commission and approved by the City Council or as needed to maintain the integrity of the artwork.~~

## **2.100.190 Administrative Guidelines--Public Art, Art Programs and Services**

The City Manager or designee is hereby authorized to promulgate administrative guidelines to carry out the provisions of Sections ~~2.100.130~~ OMC 2.100.110 through 2.100.240. Any major changes to said guidelines shall be submitted to the City Council for review.

## **2.100.200 Public Art--Maintenance and Conservation of Public Art**

Routine maintenance of works of Public Art shall be performed by the Parks, Arts and Recreation Department consistent with the artist's specifications ~~whenever possible and/or best practices in art conservation~~. ~~All maintenance costs shall be borne by the Municipal Art Fund. Minor routine costs shall be borne by the Parks, Arts and Recreation Department's budget. When routine maintenance costs exceed the resources of the Parks, Arts and Recreation Department, the Commission, in consultation with the arts program staff, may recommend the expenditure of art conservation reserve funds to support the cost of supplies and labor to perform routine maintenance.~~

Major maintenance, including Conservationconservation, repair, and/or restoration of works of Public Art, once determined to be required by arts program staff ~~and the Arts Commission~~, shall be performed by the artist or other contractor and the costs shall be fully borne by the ~~arts conservation reserve~~Municipal Art Fund.

## **2.100.210 ~~Donations for Community Art Programs and Services; City Manager Authorized to Accept~~Gifts of Art**

~~The City Manager is hereby authorized to accept on behalf of the City of Olympia donations for community art programs and services valued at less than \$10,000 and to carry out any conditions of the donation, so long as such conditions are within the authority of the City. The City Manager will, for each donation, communicate an appropriate acknowledgment of acceptance on behalf of the City of Olympia and an expression of appreciation.~~

~~Prior to making the City Manager's determination whether to accept a donation or whether any condition thereof is within the authority of the City, the City Manager shall receive and review the recommendation of the Arts Commission and the Director of the Parks, Arts and Recreation Department.~~

Proposed Gifts of Art shall be reviewed by the Arts Commission and recommended to City Council for formal acceptance or rejection. Each acceptance will be conveyed by ordinance into the City's possession, with an agreement signed by the artist and/or donor.

## **2.100.220 Donations of funds under \$10,000 for Community Art Programs and Services; ~~Application of Ordinance~~**

~~Sections OMC Chapter 3.56, 2.100.210, as well as 2.100.230, and 2.100.240 of this Chapter shall govern the receipt, holding, acceptance and allocation of any funds under \$10,000 that are donated to the City and that are to be used only for the purpose of supporting community art programs and services.~~

## **2.100.230 ~~Donations for Community Art Programs and Services; Community Arts Account Established~~ Appropriation of Donations for Fundraising Efforts and Special Projects**

~~There is a special revolving account designated the "Community Arts Account" within the Special Accounts Control Fund. Donated funds received for community art programs and services pursuant to Sections 2.100.210, 2.100.230, and 2.100.240 shall be deposited into the "Community Arts Account." Funds held within the Community Arts Account shall be expended upon appropriation for arts programs and services set forth in the Municipal Art Plan for such programs and services approved by the City Council.~~

At times, the City may wish to establish special accounts for fundraising efforts and/or special projects as approved by the City Council. Donated funds received and accepted by the City in response to fundraising efforts and special events shall be deposited into the appropriate fund. Funds shall be expended upon appropriation for such programs and services approved by the City Council.

#### **2.100.240 Appropriation of Donations for Art Programs and Services**

Any donation given and ~~received-accepted~~ without conditions may be appropriated, pursuant to the Municipal Art Plan, for the enhancement or expansion of existing City art programs and services, or for the development of new art programs or services. ~~If an approved donation is conditional, it shall be deposited in the Community Arts Account and Donations with conditions~~ may be used only for purposes set forth in the condition. In either event, a proper credit shall be given to the fund source, such as "this program sponsored by the City of Olympia Arts Commission with support provided by the ~~"Community Arts Account."~~ (list the Donor)". Enhanced or expanded art programs and services funded ~~from the Community Arts Account~~ by donation will continue only if funds are available to continue such programs.

**Section 2. Corrections.** The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 3. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

**Section 4. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 5. Effective Date.** This Ordinance shall take effect thirty (30) days after passage and publication, as provided by law.

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MAYOR

**ATTEST:**

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CITY CLERK

**APPROVED AS TO FORM:**

  
DEPUTY CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**