

**CITY OF MAPLE VALLEY, WASHINGTON**

**ORDINANCE NO. O-12-519**

**AN ORDINANCE OF THE CITY OF MAPLE VALLEY, WASHINGTON, CREATING A NEW CHAPTER 3.35, "MUNICIPAL ARTS FUND" WITHIN TITLE 3 OF THE MAPLE VALLEY MUNICIPAL CODE, PROVIDING FOR SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE, AND PROVIDING FOR CORRECTIONS.**

WHEREAS, a Steering Committee was formed in October, 2011 to begin a process to develop recommendations for review by the City Council that would establish a public art program for the City; and

WHEREAS, on September 4, 2012, the City Council was presented with a report of the Steering Committee's activities, along with recommendations for future action; and

WHEREAS, at least eighteen cities in Washington have established a program to encourage and/or fund the acquisition and placement of public art in public spaces, associated with the expenditure by those cities on municipal public works projects; and

WHEREAS, following the September 4, 2012 presentation by the Steering Committee to the City Council, the City Council unanimously supported the idea that a City Arts Commission be created, and that the City Manager recommend to the City Council a sustainable way to fund the acquisition and placement of public art as a component of the expenditure of public funds on public works projects; and

WHEREAS, the City Council held a public hearing on September 4, 2012, for the purpose of considering a proposal to fund the acquisition and placement of public art as a component of the expenditure of public funds on public works projects; and

WHEREAS, the City Council desires to adopt an ordinance establishing a discretionary funding mechanism for the acquisition and placement of public art as a component of the expenditure of public funds on public works projects;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLY DO ORDAIN AS FOLLOWS:**

Section 1. New Chapter Created. The City Council hereby authorizes the creation of a new Chapter 3.35, Municipal Arts Fund, within Title 3 of the Maple Valley Municipal Code, as follows:

**Sections:**

3.35.010 Purpose.

3.35.020 Definitions.

3.35.030 Account created.

3.35.040 Donations.

**3.35.010 Purpose.** The City Council shall consider an appropriation in the annual budget as set forth herein for the purpose of providing funding for the acquisition and placement of public art as a component of the annual expenditure of City funds on public works projects. Such appropriation is at the discretion of the City Council and no requirement for funding for public art is set forth herein.

A. Per capita funding based on \$.25 per citizen; and

B. Up to a one percent (1%) set-aside from any city-funded capital project reflected in the annual Capital Improvement Program (CIP) wherein such project is visible and usable by the public. Such set aside shall be an annual case-by-case decision by the City Council and if approved, shall be reflected in each CIP project budget in the annual budget. The amount of set-aside shall only be calculated on the city-funded portion of a CIP project, and may not include any portion of grant monies received by the city toward the total funding of the project.

**3.35.020 Definitions.**

The following definitions are hereby established:

A. "Public works" shall mean a project on municipal owned property or municipal right of way that is visible to and accessible by the public, and includes any capital project paid for wholly or in part by the City to construct or remodel any building, structure, park, trail, street, sidewalk, or parking facility, or any portion thereof, within the limits of the City.

B. "Capital Improvement Program (CIP)" shall mean that portion of the City's annual budget that allocates money, on a six-year schedule, toward various categories of capital projects.

C. "Conservation" shall mean those activities required to conserve, repair, or preserve the integrity of the art work and setting within which the art work is located.

D. "Routine maintenance" means:

1. Those activities associated with keeping an art work or an art collection and its setting clean and well ordered; and
2. The removal of graffiti if it can be accomplished employing effective, artist pre-approved methods. Where necessary or prudent, consultation with the artist should be attempted to avoid damage to the art.

### **3.35.030 Account created.**

A. There is established in the City budget a special fund designated "municipal arts fund" into which shall be deposited funds appropriated as contemplated by Section 3.35.010, together with donations, gifts or bequests to the City for public art and related services. From this fund expenditures may be made for specific works of art and related services or for works of art in accordance with any plan that may be approved by the City Council after recommendation by the Arts Commission. Separate accounts shall be established within the municipal arts fund to segregate receipts by source if so directed by the donator/gifter/bequester; or, when so directed by the City Council for specific works of art.

The interest accruing in the municipal arts fund, if not required to be segregated, shall accrue separately as an art conservation reserve fund. Moneys held in the 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. In the event that excess funds are accumulated in the art conservation reserve, a percentage of reserve funds may be expended for special conservation projects as recommended by the Arts Commission and approved by the City Council.

Routine maintenance of works of public art shall be performed by City staff. When routine maintenance or any costs associated with conservation, repair, or restoration of public art exceed \$500.00, the Arts Commission may recommend the expenditure of art conservation reserve funds to support the cost of such routine maintenance or conservation, repair, or restoration.

Conservation, repair, and restoration of works of public art, once determined to be required, shall be fully born by the arts conservation reserve unless the expenditure of general fund moneys are specifically authorized by the City Council.

B. The Public Art program reflected in the 2012 budget as project "A1" shall be included in the municipal arts fund, and beginning with the 2013 budget, shall be a separate line item in the City's general fund.

### **3.35.040 Donations.**

The City Manager is hereby authorized to accept on behalf of the City of Maple Valley, donations for community art and related services and to carry out any conditions of the donation, so long as such conditions are within the authority of the City to meet. The City Manager will, for each donation, communicate an appropriate acknowledgment of acceptance on behalf of the City of Maple Valley and express appreciation therefor.

Prior to making his/her 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.

**Section 2.** Severability. If any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 3.** Effective Date. A summary of this ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five days after adoption and publication.

**Section 4.** Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this resolution, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or resolution numbering and section/subsection numbering.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON  
ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.

\_\_\_\_\_  
William T. Allison, Mayor

ATTEST:

\_\_\_\_\_  
Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Christy A. Todd, City Attorney

Date of Publication: December 4, 2012

Effective Date: December 9, 2012