

Subchapter 1.28B

MUNICIPAL ART

PROGRAM

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1.28B.010 Purpose.

It is the purpose of this chapter and the policy of the City of Tacoma to dedicate 1 percent of each biennium's Adopted Capital Budget and 0.5 percent of the Adopted Capital Budget of Environmental Services, excluding capital outlay expenses, to the selection, acquisition, fabrication, installation, maintenance, management, deaccessioning, community education, and documentation and registration of public art and to provide artists, client departments, and the public with the rules that define the Municipal Art Program.

(Ord. 27835 Ex. A; passed Sept. 29, 2009)

1.28B.020 Definitions.

- A. Adopted Capital Budget means the appropriation authority established via ordinance by the City Council for City's Special Capital Funds. The Capital Budget is adopted at the same time as the City's Biennial Operating Budget.
- B. "Municipal Art Collection" means any work of art that has been commissioned by or accepted by the Tacoma Arts Commission and is accessioned into the collective body of artwork owned and managed by the City.
- C. "Municipal Art Fund" means a fund within the City of Tacoma into which eligible moneys dedicated to public art, including donations, are deposited.
- D. "Municipal Art Plan" means a report that describes the funding sources, budgets, and descriptions of proposed and ongoing public art projects and establishes budgets and descriptions for new public art projects.
- E. "Municipal Art Program" means the 1 percent for art program and all the associated management and implementation required to establish and maintain public art in the City of Tacoma.
- F. "Municipal Art Program Contribution" means the value equal to 1 percent of each biennium's Adopted Capital Budget and 0.5 percent of the anticipated capital budget of Environmental Services that is paid into the Municipal Art Fund.
- G. "Public art" means original artwork which is sited in a manner accessible and visible to the public and/or public employees and which has been approved as public art by the Tacoma Arts Commission acting on behalf of the Tacoma City Council.
- H. "Public space" means any place or property within the City limits that is open to the general public for its use or that is in public view or is generally accessible and visible to the public.

(Ord. 27835 Ex. A; passed Sept. 29, 2009)

1.28B.030 Municipal Art Fund.

There is hereby established a fund designated as the Municipal Art Fund into which shall be deposited Municipal Art Program Contributions, funds designated or appropriated for public art, public art maintenance, and any monetary gifts received.

- A. The Municipal Art Fund shall be used exclusively as a means of isolating and identifying all monetary transactions pertaining to the Municipal Art Program.
- B. Separate accounts shall be established within the Municipal Art Fund to segregate receipts by source and ensure that the art expenses meet the requirements of the funding source.
- C. A percentage of the Municipal Art Fund shall be appropriated for administrative costs associated with the project.

D. Staff salaries will not be funded from the Municipal Art Fund; however, administrative costs, including directly related staff costs associated with specific projects may be charged against the Municipal Art Fund.

E. In order to offset maintenance costs for the Municipal Art Collection, a maintenance account shall be established within the Municipal Art Fund for purposes of maintaining and repairing any artwork in the Municipal Art Collection. Unless precluded by applicable law, appropriations for artwork shall provide 5 percent of the biennial revenues be set aside for such maintenance account.

(Ord. 27835 Ex. A; passed Sept. 29, 2009)

1.28B.040 Appropriate Use of Program Funds.

The Municipal Art Fund shall support the following uses:

- A. The selection, acquisition, and display of works of art, which may be an integral part of the project; or which may be placed in, on, or about the project or other public space;
- B. Artist fees, design, planning, and predesign service contracts and commissions;
- C. Expenses for technical assistance provided by architects and/or engineers to artists in order to design, document, and/or certify the artwork;
- D. Repair and maintenance of City public artworks benefited by the Municipal Art Fund;
- E. Citizen forums and educational workshops to gather information and/or educate about public art and the City's public art collection;
- F. Documentation and public education material for the Municipal Art Program and public art projects; and
- G. Public art project management.

(Ord. 27835 Ex. A; passed Sept. 29, 2009)

1.28B.050 Funding Basis.

Calculations for each biennium's Municipal Art Program Contribution will follow these considerations:

- A. Calculation Base. All authorizations and/or appropriations for the City's Adopted Capital Budget shall include an amount equal to at least 1 percent of such authorization and/or appropriation.
- B. The Municipal Art Contribution from Environmental Services shall include an amount equal to at least 0.5 percent of the department's planned capital spending, not to exceed the total contribution amount calculated from the Adopted Budget.
- C. General Obligation Bond Proceeds. In the case of any City construction project that involves the use of General Obligation Bond proceeds, the resolution or ordinance submitted to the voters or the City Council shall include an allocation for public art equal to 1 percent of the eligible bond value. Bond proceeds shall be accounted for separately within the Municipal Art Fund and shall be applied directly to the project, if necessary, to comply with these requirements.

(Ord. 27835 Ex. A; passed Sept. 29, 2009)

1.28B.060 Appropriation.

At the time a City Capital Budget is proposed, the Office of Management & Budget shall calculate and include a budgeted line item identifying the Municipal Art Program Contribution amount for the biennium.

The calculated Municipal Art Contribution will be included the proposed City biennial operating budget.

(Ord. 27835 Ex. A; passed Sept. 29, 2009)

1.28B.070 Utilities.

The Tacoma Public Utilities Department is not required to participate in the Municipal Art Program but may do so voluntarily. General Government Utilities shall participate in the Municipal Art Program, but their contribution shall be 0.5 percent of their anticipated capital spending.

(Ord. 27835 Ex. A; passed Sept. 29, 2009)

1.28B.080 Municipal Art Plan.

When the appropriation for the Municipal Art Fund is approved by the City Council, a draft report identifying budget sources, program strategies, prioritized projects, descriptions, and proposed budgets will be developed by the Tacoma Arts Administrator in partnership with client departments for review by the Tacoma Arts Commission. The Tacoma Arts Commission will review the list of eligible projects within the City's Capital Facilities Program to determine which projects will be recommended to include public art. The plan may include public art projects that are not tied directly to the Capital Facilities Program.

Upon approval by the Tacoma Arts Commission, the Municipal Art Plan will be transmitted to the City Council for approval.

(Ord. 27835 Ex. A; passed Sept. 29, 2009)

1.28B.090 Authority of the Commission.

The Tacoma Arts Commission is authorized to adopt rules and policies to administer the Municipal Art Program. The Tacoma Arts Commission will create policies, procedures, and regulations consistent with this chapter and Subchapter 1.28A to facilitate the implementation of responsibilities under Subchapters 1.28A and 1.28B.

(Ord. 27835 Ex. A; passed Sept. 29, 2009)

1.28B.100 Severability.

If any section, subsection, sentence, clause, chapter, provision, or phrase of this chapter or its application to any person or circumstance is found to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of the chapter or the application or the provisions to other persons or circumstances.

(Ord. 27835 Ex. A; passed Sept. 29, 2009)