

Subchapter 1.28A²⁷

TACOMA ARTS COMMISSION

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1.28A.010 Creation of an Arts Commission.

An arts commission of the City of Tacoma, to be known as the “Tacoma Arts Commission,” is hereby established to serve as an advisory body to the Tacoma City Council. (Ord. 27835 Ex. A; passed Sept. 29, 2009)

1.28A.020 Short title.

This chapter may be referenced as the “Tacoma Arts Commission Code.” (Ord. 27835 Ex. A; passed Sept. 29, 2009)

1.28A.030 Tacoma Arts Commission – Declaration of purpose.

It is hereby declared, as a matter of public policy, that support for artists and arts organizations, development and stewardship of public art, cultural tourism, arts education, and cultural development are public necessities and essential for the continuing growth and development of Tacoma’s citizens, economy, and quality of life. The primary duty of the Tacoma Arts Commission is to identify and actively encourage the development and sustainability of the arts in the City by serving as the City’s primary resource in matters of art, culture, public art, and cultural tourism, as provided for in this chapter.

The Purpose of the Tacoma Arts Commission is to:

- A. Promote the arts as vital tools in building Tacoma’s community and economy for the benefit of all its citizens.
- B. Promote and support a diversity of arts and cultural opportunities for our citizens to experience.
- C. Act as a catalyst to bring government, arts and culture, and private sectors together for public benefit.
- D. Encourage strategic investments in arts organizations that increase public connection with the arts.
- E. Create a unique identity and sense of place through the development and stewardship of public art.
- F. Fund programs that encourage artistic excellence and expand exposure to a wide variety of art forms.
- G. Foster the development of the local arts community, encouraging an environment for the success of working individual artists.
- H. Promote programs for cultural exchange and development.. (Ord. 27835 Ex. A; passed Sept. 29, 2009)

1.28A.040 Composition of the Tacoma Arts Commission.

All members of the Tacoma Arts Commission shall have a demonstrated interest and familiarity with arts and culture, either through professional practice or volunteer work, and shall be residents within the boundaries of the City.

The Tacoma Arts Commission shall consist of 15 members who represent the following:

- A. A working professional artist.
- B. A person working in the Tacoma public education community.
- C. A person representing the Cross District Association or Community Council.
- D. Professional Positions: In addition to the above, the Tacoma Arts Commission shall always include a minimum of four individuals who have had professional experience or training related to the arts, originating from employment or study within the following disciplines: arts or art history, arts administration, architecture, art criticism, art education, curation, conservation, heritage arts, literature, music, new media, performing arts, public art, visual arts, or a related field. These positions shall be named Professional Positions 1 through 4.

²⁷ Chapter 1.28 repealed and reenacted by subchapters 1.28A and 1.28B. Ord. 27835; passed Sept. 29, 2009.

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E. At-Large Positions: The remaining positions may be filled at-large from persons representative of acknowledged accomplishment or persons working outside of professional practice in the arts but who demonstrate a deep interest in and appreciation of cultural and artistic activities. These shall be referred to as At-Large Positions 1 through 8.

F. The provisions of this chapter and Subchapter 1.28A.050 shall be enforced as vacancies occur, following the adoption of this legislation. (Ord. 27835 Ex. A; passed Sept. 29, 2009)

1.28A.050 Terms of Commissioners.

A. Terms of the Commissioners of the Tacoma Arts Commission shall be three years.

B. Terms of all Commissioners shall begin on January 1 and end on December 31.

C. Each member shall serve until his or her successor is appointed and qualified.

D. In the event that a position is vacated before the expiration of the term, except temporary vacancies as hereinafter provided, the position shall be filled by the City Council for the remainder of the unexpired term.

E. The appointment of any member of the Tacoma Arts Commission who has been absent from three consecutive regular or special meetings of the Tacoma Arts Commission without the approval of said Tacoma Arts Commission shall automatically terminate. The Administrator shall notify any member whose appointment has automatically ended and report to the appointing authority that a vacancy exists on said Tacoma Arts Commission and that an appointment should be made for the unexpired term. The Tacoma Arts Commission shall have the power and authority to excuse any member from attendance at any regular business meeting or study session for good cause.

F. Any member of the Tacoma Arts Commission may be removed from said Tacoma Arts Commission prior to the expiration of his or her term by two-thirds vote of the City Council, subject to the provisions of subsection E.

G. Commissioners who move out of the City of Tacoma limits may carry out the duration of their term, but may not be reappointed. (Ord. 27835 Ex. A; passed Sept. 29, 2009)

1.28A.060 Members shall serve without compensation.

Members of the Tacoma Arts Commission shall serve without compensation. (Ord. 27835 Ex. A; passed Sept. 29, 2009)

1.28A.070 Powers and duties of the Tacoma Arts Commission.

The Tacoma Arts Commission shall have the power and duty to:

A. Act in an advisory capacity to the City Council in all matters pertaining to the arts and culture of the City;

B. Recommend to the City Council the adoption of such ordinances, rules, and regulations as it may deem necessary for the administration and preservation of fine arts, performing arts, and aesthetic aspects of the community;

C. Work cooperatively with City boards and commissions, City departments, and other public and private organizations in creating and promoting art and cultural programs and activities within the City;

D. By establishing policies, act as a catalyst bringing government, the arts and culture, and public sectors together for the cultural benefit of all;

E. On behalf of the City, establish policies that encourage, conduct, sponsor, or co-sponsor public programs to further the development and public awareness of, and interest in, the arts;

F. Review and evaluate funded programs to ensure compliance and effective stewardship of City funds;

G. Encourage the use of professional practices in working with artists;

H. Provide professional development services for artists through technical assistance;

I. Serve as the City's art ambassadors to artists, arts organizations, and the general public;

J. Officially recognize excellence in the arts and community outreach through the annual AMOCAT awards;

K. Communicate to the public about the City's arts programs and policies.

L. Review and make recommendations upon all works of art to be acquired by the City, either by purchase, gift, or otherwise pursuant to Accession and Gift Policies, adopted by Resolution No. 34963.

M. Review and make recommendations with reference to any existing work of art in the Municipal Art Collection in connection with the relocation or

alteration thereof, pursuant to Deaccessioning policy, adopted by Resolution No. 34963.

N. Review and make recommendations upon all works of art to be removed from the Municipal Art Collection, pursuant to the Deaccessioning policy, adopted by Resolution No. 34963.

O. Promulgate policies and procedures for the development and implementation of public art in the City;

P. Prioritize public art projects in a way that identifies and defines the public art projects and programs to be developed from the 1 percent for art moneys identified in the Capital Facilities Program and/or other public art managed by the Municipal Art Program (Subchapter 1.28B TMC);

Q. Provide stewardship to the Municipal Art Collection by reviewing the condition of the artwork every two years and making recommendations for its care, maintenance, or improvement, including routine maintenance, conservations, and emergency maintenance when required;

R. Record, maintain, and house all data related to accessed works in the Municipal Art Collection;

S. Review and make recommendations for permit applications requesting that visual artwork and artistic elements be considered for placement on City of Tacoma property and upon request for placement upon City rights-of-way;

T. Review and make recommendations for artwork included as part of Building and Land Use permits or development agreements when required or requested. (Ord. 27835 Ex. A; passed Sept. 29, 2009)

1.28A.080 Contracts for Cultural Services.

A. Authority of Commission. The Tacoma Arts Commission, acting through its Administrator, is authorized to develop and oversee a Contracts for Cultural Services program to support public experiences of the performing, visual, literary, and other artistic disciplines for the good of the citizens of Tacoma.

B. The Tacoma Arts Commission shall establish relevant programs; recommend, review, and approve funding guidelines; determine funding levels for each program; participate in competitive selection processes; review and approve recommendations for funding; and evaluate outcomes. (Ord. 27835 Ex. A; passed Sept. 29, 2009)

1.28A.090 Officers and Executive Committee.

A. The Tacoma Arts Commission shall have one Chair and one Vice Chair with terms of one year, elected by simple majority of the Commissioners present at a regular meeting.

B. The Chair and Vice Chair will be elected before the first meeting of the year and will start their term at the first meeting of the year.

C. The Chair shall preside over all meetings of the Tacoma Arts Commission. In the absence of the Chair, the Vice Chair is authorized to perform and carry out all of the duties and obligations of the Chair.

D. If the Chair relinquishes his or her authority or quits before the term's end, the Vice Chair automatically becomes Chair.

E. In the event that the Vice Chair relinquishes his or her authority or quits before his or her term ends, a new general election will take place electing a new Vice Chair for the completion of the term.

F. The Executive Committee shall consist of the Chair and Vice Chair of the Tacoma Arts Commission, any other elected officers, and subcommittee chairs.

G. Committee chairs may be appointed by the Chair or elected by the Tacoma Arts Commission as a whole. (Ord. 27835 Ex. A; passed Sept. 29, 2009)

1.28A.100 Meetings of the Tacoma Arts Commission.

A. The Tacoma Arts Commission shall establish a regular time and place of meeting and shall hold at least six regular meetings a year.

B. Special meetings of the Tacoma Arts Commission may be called at any time by the Chair or by a minimum of any three or more members of the Tacoma Arts Commission upon personal notice being given to all members of the Tacoma Arts Commission. If personal notice cannot be given, written notice must be received by such members at least 24 hours prior to said meeting. (Ord. 27835 Ex. A; passed Sept. 29, 2009)

1.28A.110 Organization and procedures.

A. The Tacoma Arts Commission may make and alter any rules and regulations governing its organization and procedure not inconsistent with this chapter or any other ordinance of the City.

B. A simple majority of appointed, filled positions shall constitute a quorum.

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C. A majority vote of the quorum is required to pass any motion.

D. The Tacoma Arts Commission shall have the power and authority to excuse any member from attendance at any regular business meeting or study session for good cause.

E. Requests for recommendations and study of matters within the area of interest of the Tacoma Arts Commission shall be submitted to the Executive Committee for review and inclusion on the agenda.

F. The Tacoma Arts Commission shall keep an accurate record of its proceedings and transactions. All minutes of the Tacoma Arts Commission's meetings shall be filed with the City Clerk.

G. The Tacoma Arts Commission shall submit an annual report to the City Council.

H. The Tacoma Arts Commission is subject to the provisions of the Open Meetings Act, chapter 42.30 RCW; to public disclosure provisions; and to the provisions of the Ethics Code, Chapter 1.46 TMC.

I. The Tacoma Arts Commission will adopt bylaws and/or administrative rules and regulations that conform to the authority of the Tacoma Municipal Code to support the implementation of Subchapters 1.28A and 1.28B. (Ord. 27835 Ex. A; passed Sept. 29, 2009)

1.28A.120 Administration.

The City Manager shall appoint an officer or employee of the City to act as Administrator of the Tacoma Arts Commission. The Tacoma Arts Commission shall be located within the Community and Economic Development Department.

The Tacoma Arts Administrator shall act as ex officio secretary and shall keep accurate records of the Tacoma Arts Commission's proceedings and transactions, conduct official correspondence, assist in organizing and supervising the Tacoma Arts Commission, and organize and supervise clerical and technical work of the Tacoma Arts Commission to the extent required to administer this chapter.

The Tacoma Arts Administrator shall be responsible for providing such other staff service as may be required by the Tacoma Arts Commission within the limits of the budget for the Community and Economic Development Department, as approved by the City Council.

In addition, the Tacoma Arts Administrator shall:

A. Implement and administer the "Contracts for Cultural Services" program;

B. Implement policies and procedures related to arts and cultural planning for the City of Tacoma;

C. Develop and implement cultural programming that supports the purposes of the Tacoma Arts Commission, as set forth in Chapter 1.28 TMC;

D. Act as resource and ombudsman for arts- and culture-related issues in the City;

E. Coordinate the development of a Municipal Art Plan in partnership with client departments and the Tacoma Arts Commission;

F. Manage the selection and implementation of public art projects for all City departments;

G. Manage the stewardship of the Municipal Art Collection, including maintenance and conservation;

H. Upon request by the Public Works Department, review permit applications for compliance with Tacoma Municipal Code Title 13, as related to bonus and variance requests involving art;

I. Represent the City of Tacoma on local, regional, and/or national steering committees, panels, and boards;

J. Make public presentations on issues related to arts and culture;

K. Provide information to civic groups, public agencies, and citizen groups interested in arts and culture;

L. Recommend such policies, rules, and regulations for adoption by the Tacoma Arts Commission, as are deemed necessary to carry out the purposes of this chapter;

M. Respond to requests for interpretations of the codes, policies, and procedures related to public art, as defined herein and within related documents adopted by the Tacoma Arts Commission;

N. Fulfill the essential duties and responsibilities, as outlined in the City of Tacoma's Arts Administrator job description;

O. Perform other duties as required by the City Manager, City Council or the Community and Economic Development Department.. (Ord. 27835 Ex. A; passed Sept. 29, 2009)

Subchapter 1.28B**MUNICIPAL ART PROGRAM**

- 1.28B.010 Purpose.
- 1.28B.020 Definitions.
- 1.28B.030 Municipal Art Fund.
- 1.28B.040 Appropriate Use of Program Funds.
- 1.28B.050 Funding Basis.
- 1.28B.060 Appropriation.
- 1.28B.070 Utilities.
- 1.28B.080 Municipal Art Plan.
- 1.28B.090 Authority of the Commission.
- 1.28B.100 Severability.

1.28B.010 Purpose.

It is the purpose of this chapter and the policy of the City of Tacoma to dedicate 1 percent of the construction costs for Capital Improvement Projects 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. "Alteration" means a physical change to a structure or a site. Alteration does not include normal maintenance and repair or total demolition.
- B. "Comprehensive Local Improvement Districts (LIDs)": streetscape improvements that are initiated by the City of Tacoma in highly visible areas, such as downtown, mixed-use centers, and business districts.
- C. "Construction Costs" means the total value of all construction work, as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems, site work, and any other permanent work or permanent equipment.
- D. "Eligible Capital Improvement Project" means any visible or accessible project paid for, wholly or in part, by the City of Tacoma for the construction or alteration thereof of a structure, park, trail, Comprehensive LID, parking facility, or any portion thereof, within the City of Tacoma limits. Improvement projects that are developed privately or in partnership with the City and leased back to the City of Tacoma participate fully in the Municipal Art Program, pursuant to the provisions of this chapter. The City is not precluded from including a public art component in other capital projects not listed here and may do so voluntarily.

E. "Eligible Fund" means a source fund for construction projects from which art is not precluded as an object of expenditure.

F. "In Lieu Fee" is a payment made to the Municipal Art Fund instead of including artwork in the project. In Lieu Fees shall be equal to the value of 1 percent of construction costs. Projects may include artwork in a project less than the value of 1 percent for art and pay an In Lieu Fee equal to the balance. In Lieu Fees are identified in Title 13 TMC.

G. "Maintenance" means any work that is performed on a regularly scheduled basis, e.g., daily, weekly, monthly, seasonally, semiannually, but not less frequently than once per year, to service, check, or replace items that are not broken, or work that is not regularly scheduled but is required to maintain the asset so that repair does not become necessary.

H. "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.

I. "Municipal Art Fund" means a fund within the City of Tacoma into which eligible moneys dedicated to public art, including donations, are deposited.

J. "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.

K. "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.

L. "Municipal Art Program Contribution" means the value equal to 1 percent of construction costs that is paid into the Municipal Art Fund.

M. "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.

N. "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

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Municipal Art Program Contributions, funds designated or appropriated for public art, public art maintenance, any monetary gifts received, and/or In Lieu Fees.

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. The Tacoma City Treasurer is hereby designated as the custodian of the Municipal Art Fund, and the disbursements of all money therefrom shall be made in the manner provided by law.

B. Separate accounts shall be established within the Municipal Art Fund to segregate receipts by 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 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 eligible projects will follow these considerations:

A. Calculation Base. All authorizations and/or appropriations for eligible Capital Improvement Projects paid for wholly or in part by the City of Tacoma shall include an amount equal to at least 1 percent of such authorization and/or appropriation.

B. Each eligible project will pay a Municipal Art Program Contribution equivalent to 1 percent of the construction costs.

C. Funds appropriated as part of any one project, but not deemed necessary or appropriate in total or in part for said project site, may be accumulated in the Municipal Art Fund and expended for art in other City projects or existing public facilities that are owned or leased by the City.

D. If the source of funding or other appropriate laws with respect to any particular project precludes art as an object of expenditure of funds, the amount of funds so restricted shall be excluded from the total project cost in making aforesaid calculation.

E. If a component of the project is not eligible to participate in the Municipal Art Program, the value of that component will not be included in the calculation.

F. In all cases where the City appropriates funds that are used for a non-City construction project, 1 percent of eligible City funds shall be transferred to the Municipal Art Fund to be used for public art.

G. Grant Moneys: Grant-funded Capital Improvement Projects will participate unless artwork is explicitly prohibited. City department shall inform all funders that the City of Tacoma contributes amounts equivalent to 1 percent of construction costs for artists' services and/or artworks, as specified herein.

H. 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 project cost. 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.

I. Comprehensive Local Improvement Districts (LID). Comprehensive LIDs shall contribute 1 percent of the City's contribution. Funding from Comprehensive LIDs shall be accounted for separately within the Municipal Art Fund and shall be applied directly to the project. (Ord. 27835 Ex. A; passed Sept. 29, 2009)

1.28B.060 Appropriation.

At the time a City construction project is proposed, the client department shall calculate and include a budgeted line item identifying the Municipal Art Program Contribution in each eligible project.

The Finance Department shall confirm the calculations with the client department(s) and Tacoma Arts Commission staff and include the agreed upon appropriations for art in the proposed City biennial budget, including amendments. The amounts budgeted for art in particular projects may be adjusted to reflect City Council changes to the budget for the City construction project.

Final construction costs will be calculated from the bids accepted to construct a project. (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. (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 to determine which projects will be recommended to include public art.

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)