

ORDINANCE NO. 2010-39

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to funding of public art; amending Section 3.80.020 of the Bainbridge Island Municipal Code (BIMC) to permit suspension of city contributions to the public art account.

WHEREAS, the City has established a public art account for the purpose of furthering the inclusion of art in public places in the city; and

WHEREAS, from time to time the City is presented by circumstances in which the prudent management of city financial priorities or other significant public interests would best be served by suspending city contributions to the public art account.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 3.80.020 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

3.80.020 Cultural resources subfund.

A. Creation. There is established in the city treasury a fund designated the city of Bainbridge Island cultural resources subfund. Two accounts shall be established in the subfund:

1. A public art account;
2. An arts and humanities account; and
3. The city's finance director shall create a third account in the city of Bainbridge Island cultural resources subfund. This account shall be for the maintenance, restoration, renovation, illumination or relocation of existing works of public art in the city's collection. This account shall be funded by taking a maximum of 10 percent of all new funds added to the public art account each year, starting with the contribution recorded in 2000 for capital improvements completed in 1999.
 - a. Public art commissions that are Artist-Made Building Parts (AMBP) shall not be maintained, restored, renovated, illuminated or relocated with funds from this new account. These AMBP become part of the facility in which they are installed and are to be maintained, restored, renovated, illuminated or relocated within general city funds. All new public art works shall be designated as either AMBP or not. A listing of existing public art work indicating AMBP designation is provided in Appendix 1,

City of Bainbridge Island Public Art Collection. The list shall be revised administratively from time to time as new public art projects are approved by the city and the public arts committee.

b. This new public art maintenance account is not intended to be used for everyday cleaning or polishing of public art works. This everyday maintenance is to be paid for by the facility where the piece is located.

All funds authorized or appropriated pursuant to this chapter shall be deposited into and maintained in the cultural resources subfund in separate accounts established for that purpose. Expenditures from the cultural resources subfund shall be made at the sole discretion of the city council, except as provided otherwise in this chapter or Chapter 3.82 BIMC. The cultural resources subfund shall be administered by the city's finance director.

B. Definitions of Project. "Project" means all capital municipal construction or improvement projects or portions of projects, paid for wholly or in part by the city, including:

1. Construction or renovation of any city street or sidewalk;
2. Construction, renovation or remodel of any public park, building, parking facility or any portion thereof within the city limits;
3. Construction of sewer or water facilities, or other utilities, except those projects which are completely underground; or
4. The acquisition of equipment which becomes affixed to real property owned by the city.

C. Source of Funds.

1. For each project, the city council shall place in the public art account an amount equal to two percent of the project's capitalized costs to the city regardless of whether the project is completed. The city's contributions to the public art account pursuant to this chapter shall be funded from the city's current expense general fund.

2. In computing the amount to place in the public art account, the project's capitalized costs to the city shall include:

a. All capitalized amounts paid by the city to third parties in connection with the project including, but not limited to, amounts paid on contracts relating to the project and consultant fees incurred in connection with the project; and

b. All capitalized project costs of city staff time spent on the project.

3. In computing the amount to place in the public art account, the project's capitalized costs to the city shall not include any portion of the project's cost which is not funded by the city.

4. The city's contributions to the public art account pursuant to this chapter may include developer art contributions if the contributions have been approved by the designated agency.

D. In the event any law, rule or regulation establishing a source of funds for a project prohibits, limits or excludes art as a proper expenditure of funds on the part of any other entity participating in the cost of the project, then the amount of funds acquired from such source shall be limited or excluded to the extent required by law in computing the amount to include in the authorization or appropriation for the project and to place in the cultural resources subfund.

E. Funds authorized or appropriated pursuant to this chapter in connection with a project, but not spent on that project, shall be placed in the cultural resources subfund. If the transfer to the cultural resources subfund is prohibited by law, funds authorized or appropriated pursuant to this chapter as a part of one project shall be spent either on that project, or for another project assigned to the fund or department which is the source of the funds, whichever is permissible by law, for selection, acquisition, maintenance or installation of public art works.

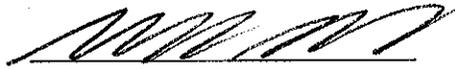
F. Any funds placed in the public art account, which are not spent, shall be carried over automatically from year to year. Upon the approval of the city council and at the request of the designated agency, funds placed in the public art account pursuant to this chapter may be transferred to an arts and humanities account in the cultural resources subfund.

G. Whenever it determines that the prudent management of city financial priorities or other significant public interest would be served, the city council may, by motion at a city council meeting, suspend city contributions to the public art account.

Section 2. This ordinance shall take effect and be in force five (5) days from its passage, approval, and publication as required by law.

PASSED BY THE CITY COUNCIL this 17th day of November, 2010.

APPROVED BY THE MAYOR this 17th day of November, 2010.



Bob Scales, Mayor

ATTEST/AUTHENTICATE:



Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	October 13, 2010
PASSED BY THE CITY COUNCIL:	November 17, 2010
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