

## ORDINANCE NO. 3136

AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON, ENACTING A NEW CHAPTER OF THE MOUNT VERNON MUNICIPAL CODE, TO BE KNOWN AS CHAPTER 2.97, AND ESTABLISHING THE MOUNT VERNON PUBLIC ARTS COMMISSION.

WHEREAS, the City of Mount Vernon supports successful collaborations between the ARTS Community, business interests, service groups, schools, art patrons and artists for optimum utilization of artistic resources and talents.

WHEREAS, the City of Mount Vernon dedicates developing the cultural climate of Mount Vernon to enhance the community image, create a visually pleasing environment, and support the growth of the local economy.

WHEREAS, the City of Mount Vernon wishes to promote awareness of the arts as vital to our cultural heritage, ethnic diversity, and our contemporary lives.

WHEREAS, the City of Mount Vernon strives to provide for all its citizens access to the region's best arts.

WHEREAS, the City of Mount Vernon wishes to create long range plans for the expansion of art within the City and the opportunity for our residents to experience art in public places.

NOW, THEREFORE,

THE CITY COUNCIL OF MOUNT VERNON, WASHINGTON, DOES ORDAIN AS FOLLOWS:

SECTION 1: That section 2.97.010 the Mount Vernon Municipal Code is hereby enacted, which enacted section shall read as follows:

**Definitions.**

- A. "City" means the City of Mount Vernon
- B. "Commission" means the Mount Vernon Public Art Commission.
- C. "Commissioner" means an individual appointed to serve on the Public Art Commission.
- D. "Council" means the Mount Vernon City Council.
- E. "Mayor" means the Mount Vernon Mayor.
- F. "Public Art Fund" means the fund that is allocated by the council to implement the programs and policies described in this ordinance.
- G. "Public space" is any place or property within the city which is open to the general public for its use, or which is in public view, or is generally accessible to the public.

SECTION 2: That section 2.97.020 the Mount Vernon Municipal Code is hereby enacted, which enacted section shall read as follows:

**The Mount Vernon Public Art Commission.** There is hereby created a Public Art Commission.

- A. **Commission Structure-Membership.** The Commission is an advisory body with nine appointed Commissioners. All Commission members shall reside within the City of Mount Vernon at the time of appointment and throughout their terms of office. The Commission shall include one member who is a student in high school at the time of appointment and throughout the term of office. The Commission shall elect commission officers, which shall include a chairperson, vice chairperson, and secretary who shall serve for at least one year.
- B. **Appointment.** The mayor shall appoint nine Commissioners, which appointments shall be subject to confirmation by the council. Commissioners shall be conversant with public art and be experienced with community issues and concerns. Chapter 42.23 RCW – the Code of Ethics for Municipal Officers- shall apply to all commissioners. Prior to appointing members, public notice of available positions shall be provided at least two weeks in advance of appointment.
- C. **Commission Terms.** Initially, all Commissioners will be appointed to one-year terms effective January 1, 2003. Three members will then be appointed for a one-year term, three members will be appointed for a two-year term, and three members will be appointed for a three-year term. Commissioners may then be re-appointed for additional three-year consecutive terms on a rotational basis with the exclusion of the high school student-member. The high school student-member shall serve a fixed term of one year.
- D. **Commission Responsibilities.** The Commission shall be responsible for advising the Mayor and the council, developing policies for the acquisition, display and presentation of public art, identifying projects that can benefit from artists' involvement, selecting and commissioning artists, providing oversight for the maintenance of public artwork after the work is in place, and the development of the annual program plan. The Commission shall make a report to the council at least annually. Members shall serve without salary or other compensation.
- E. **Meetings.** All Commission meetings shall be open to the public and notice of the meetings shall comply with the Washington Open Public Meetings Act and documents will be deemed subject to Chapter 42.17 RCW. The Commission shall hold regular meetings at least monthly. The Commission shall keep minutes of its regular public meetings and records of all official actions shall be made available to the public upon approval of the minutes by the Commission. A majority of all the members of the Commission shall constitute a quorum at a regular or special meeting of the Commission.
- F. **Staff Services.** The Director of Parks shall be responsible for providing administrative and staff services for the commission and may assign Parks and Recreation Department staff members to provide services to the Commission.
- G. **Procedures.** The Commission shall establish its own procedures and rules for the transaction of its business. The procedures shall address the receipt and processing of citizen proposals and requests. The rules of the Commission shall provide that The Commission may appoint subcommittees in order to meet those functions and responsibilities of the Commission. Any

subcommittee appointed by the Commission shall be advisory to the Commission only.

- H. **Removal from the Commission.** The City Council may remove any member of the Commission from office for incompetency, incompatibility or dereliction of duty, or malfeasance in office, or other good cause. A member of the Commission may not absent himself or herself for three consecutive regular meetings. The end of the third such meeting, the City Council may entertain a motion to excuse the member from any such meeting or meetings as there may be shown to have been good cause for the absence, or if three such meetings be missed without good cause, declare the office vacant. The Mayor shall appoint a new member subject to confirmation by the council to complete the remainder of the term of the removed member.

SECTION 3: That section 2.97.030 the Mount Vernon Municipal Code is hereby enacted, which enacted section shall read as follows:

**Artists Involvement in Public Art Programs.** The Commission will involve artists at the earliest appropriate project stage. The Commission will establish the artist selection process and define the scope of the work on a case-by-case basis to be included within the Annual Public Art Program.

SECTION 4: That section 2.97.040 the Mount Vernon Municipal Code is hereby enacted, which enacted section shall read as follows:

**Selecting Artists.** Artists shall be selected to participate in the city's Public Art Program through one of the following ways:

- A. **Open competition.** The Commission or a designated art selection panel may solicit through public advertisement requests for artists' slides, resumes, and letters of interest. The Commission or designee will review submittals and recommend an artist that meets the Commission's requirements.
- B. **Invitational or Limited Competition.** The Commission or designated art selection panel may invite a limited number of artists to submit applications or prepare proposals. From this limited pool, the Commission or designee may recommend artists based upon established criteria.

SECTION 5: That section 2.97.050 the Mount Vernon Municipal Code is hereby enacted, which enacted section shall read as follows:

**Budget.** A separate fund named the "Municipal Arts fund" shall be created to support the Commission and the Public Art Program. The Commission programs and operating expenses shall be funded from this fund. The Director of Parks and Recreation shall be responsible for submitting the annual operating budget to the Mayor.

SECTION 6: That section 2.97.060 the Mount Vernon Municipal Code is hereby enacted, which enacted section shall read as follows:

**Authority to accept donations.** The city may receive offers of donations of artwork or funds for public art. Potential donors will be referred to the

Commission to discuss the nature of the gift and for review and approval. After review, the Commission will recommend consideration or rejection of the offer and make a site recommendation if applicable. All financial gifts, bequests, and donations accepted by the Commission are subject to the approval by council. Donated funds will be accounted for individually and may be administered by the finance director or designee, without further appropriation, consistent with the donor's restrictions and direction from the Commission.

SECTION 7: That section 2.97.070 the Mount Vernon Municipal Code is hereby enacted, which enacted section shall read as follows:

**Annual Plan.** The Commission, working in partnership with the city departments and citizens, shall develop a Public Art Program plan describing the art projects to be initiated from the Public Art Fund, the budget recommended for each art project, and any special projects categories to allow for program flexibility and responsiveness. The plan shall be transmitted to the Mayor who shall present the plan to the council. The council shall review the plan to be approved for spending authority by the first month of the new fiscal year.

SECTION 8: That section 2.97.080 the Mount Vernon Municipal Code is hereby enacted, which enacted section shall read as follows:

**Cooperation with other commission.** In carrying out the commission functions and responsibilities, the commission may cooperate with other municipal or county art/cultural commissions. However, in no event shall any appropriation be made from the public art fund nor shall any work effort be made by the commission towards art projects which do not directly concern or affect the placement of art work or projects within the city.

SECTION 9: That section 2.97.090 the Mount Vernon Municipal Code is hereby enacted, which enacted section shall read as follows:

Creation of Municipal Arts Fund.  
here is hereby established a special fund entitled " The Municipal arts Fund" into which all funds shall be deposited that are received by the City from whatever source for the purpose of acquisition of or otherwise providing for the advancement of visual and performing arts within the City, including federal, state, or local funds, or funds from private individuals or agencies or any other funds which the City may received or come into possession of from time to time.

SECTION 10:

**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.

PASSED AND ADOPTED this 12th day of February, 2003.

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MARK S. KNOWLES, Finance director

SIGNED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2003.

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SKYE K. RICHENDRFER, Mayor

Approved as to form:

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SCOTT G. THOMAS, City Attorney

Published \_\_\_\_\_