

Ordinance No. 121006

Council Bill No. 114400

AN ORDINANCE relating to the organization of City government; creating an Office of Arts and Cultural Affairs in the Executive Department; abolishing the existing Seattle Arts Commission and creating a new Seattle Arts Commission; transferring some of the functions of the existing Seattle Arts Commission to the Office of Arts and Cultural Affairs and transferring some of its functions to the new Seattle Arts Commission; amending Chapter 3.14 and various other parts of the Seattle Municipal Code in connection therewith; authorizing the transfer of certain positions and incumbents; and repealing sections in chapter 3.56 of the Seattle Municipal Code.

CF No. _____

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| Date Introduced: | <u>NOV 12, 2002</u> | |
| Date 1st Referred: | To: (committee) | |
| <u>NOV 12, 2002</u> | <u>Budget</u> | |
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| <u>11-18-02</u> | <u>9-0</u> | |
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| | | |

The City of Seattle
Council Bill/Ordinance

11-18-02 Budget

11-18-02 Passed

This file is complete and ready

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Lucita
Councilmember

Committee Action:

11-18-02 Budget Committee: Pass As Amended

11-18-02 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: _____
(initial/date)

Law Dept. Review

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Review

City Clerk
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ORDINANCE 121006

AN ORDINANCE relating to the organization of City government; creating an Office of Arts and Cultural Affairs in the Executive Department; abolishing the existing Seattle Arts Commission and creating a new Seattle Arts Commission; transferring some of the functions of the existing Seattle Arts Commission to the Office of Arts and Cultural Affairs and transferring some of its functions to the new Seattle Arts Commission; amending Chapter 3.14 and various other parts of the Seattle Municipal Code in connection therewith; authorizing the transfer of certain positions and incumbents; and repealing sections in chapter 3.56 of the Seattle Municipal Code.

WHEREAS, since its creation in 1971, the Seattle Arts Commission has stimulated a diverse and lively arts environment drawing on the full potential of artists, reflecting and responding to civic concerns and aspirations, and enriching the lives of all members of our community; and

WHEREAS, the City recognizes the importance of the arts to young people, to economic growth, to the vitality of neighborhoods and communities, and to Seattle residents and visitors; and

WHEREAS, Seattle is a lively center of creative artistic expression in many forms and is home to innovative arts and cultural communities embracing all disciplines; and

WHEREAS, the City wishes to elevate the visibility and increase the effectiveness of the City's arts services within all of City government; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

ESTABLISHMENT OF NEW OFFICE

Section 1. Effective January 1, 2003, there is created within the Executive Department an Office of Arts and Cultural Affairs.

Section 2. Effective January 1, 2003, some of the functions of the Seattle Arts Commission are transferred to the Office of Arts and Cultural Affairs as set forth in this ordinance.

Section 3. Effective January 1, 2003, the Executive Director of the Seattle Arts Commission shall be the Director of the Office of Arts and Cultural Affairs.



1 Section 4. Effective January 1, 2003, the existing Seattle Arts Commission is abolished, and a
2 new Seattle Arts Commission is created as set forth in this ordinance. From and after January 1, 2003,
3 references in the Seattle Municipal Code and in other ordinances to the "Seattle Arts Commission" shall
4 refer to the Seattle Arts Commission created by this ordinance. The current commissioners who, absent
5 this ordinance, would be members of the existing Seattle Arts Commission as of January 1, 2003,
6 (hereafter referred to as the "current commissioners") shall, as of January 1, 2003, be members of the
7 new Seattle Arts Commission created by this ordinance, as follows: the positions on the new Seattle
8 Arts Commission shall be numbered from one (1) through fifteen (15), and the current commissioners
9 shall be taken in alphabetical order by last name and shall commence new terms on the new Seattle Arts
10 Commission beginning January 1, 2003 in positions starting with position one through however many
11 current commissioners there are.

12 Section 5. Effective January 1, 2003, the Director of the Department of Finance, under the
13 authority of the Mayor, shall transfer the assets and liabilities existing on January 1, 2003, from the
14 Seattle Arts Commission to the Office of Arts and Cultural Affairs, in order to effectuate this ordinance.

15 Section 6. Effective January 1, 2003, Seattle Arts Commission staff position incumbents shall
16 transfer along with their respective positions to the Office of Arts and Cultural Affairs, to the extent that
17 those positions appear in the position list that is adopted with the City's 2003 Budget.

CODE SECTIONS ADDED TO CHAPTER 3.14

Section 7. Effective January 1, 2003, the following sections are added to the Seattle Municipal Code Chapter 3.14 under a new Subchapter VI.

Subchapter VI. Office of Arts and Cultural Affairs

SMC 3.14.800 Office established—Purpose and Functions

There is established in the Executive Department an Office of Arts and Cultural Affairs, under the direction of the Mayor, to stimulate a diverse and lively arts and cultural environment that draws on the full potential of artists across a broad cultural spectrum, reflects and responds to civic concerns and aspirations, and enriches the lives of all members of our community. The functions of the Office of Arts and Cultural Affairs shall include the following:

A. Assist the City in the development of high quality arts and cultural programs and services, and promote Seattle as a capital of creativity and innovation;

B. Advise the City on arts and cultural policy;

C. Develop arts and cultural initiatives to encourage greater participation in, and increased public access to, arts and culture in Seattle. Such programs and initiatives may include partnerships with other City agencies, as well as other public or private entities;

D. Administer and implement the City of Seattle's Municipal Arts Fund, including the "One Percent (1%) for Art" appropriations;

E. Provide information and resources to artists and arts and cultural organizations; and

F. Promote Seattle's artistic and cultural assets in music, visual arts, performing arts, literary arts, and media arts.



SMC 3.14.810 Director—Appointment and Removal

The Director of the Office of Arts and Cultural Affairs shall be appointed by the Mayor, subject to confirmation by a majority vote of all members of the City Council, and may be removed by the Mayor upon his or her filing a statement of reasons therefor with the City Council.

SMC 3.14.815 Director—Duties

The Director of the Office of Arts and Cultural Affairs shall be the head of and responsible for the administration of the Office of Arts and Cultural Affairs. Under the direction of the Mayor, the duties of the Director of the Office of Arts and Cultural Affairs shall include the following:

A. Subject to the City's personnel ordinances and rules, appoint, assign, supervise, control, and remove all officers and employees in the Office of Arts and Cultural Affairs;

B. Prepare and update annually a Municipal Arts Plan, as required by SMC 20.32.040;

C. Manage the preparation of the preliminary proposed budget for the Office of Arts and Cultural Affairs subject to review and comment by the Seattle Arts Commission, authorize necessary expenditures and enter into contracts for professional and expert services in accordance with the adopted budget, develop and manage programs, and undertake authorized activities;

D. Administer all ordinances pertaining to the Office of Arts and Cultural Affairs and its functions;

E. Execute, administer, modify and enforce such agreements and instruments as he or she shall deem reasonably necessary to implement arts and culture programs consistent with all applicable laws and ordinances, as he or she shall deem appropriate for carrying out the responsibilities, functions, and activities of the Office of Arts and Cultural Affairs; apply for grants and donations for departmental programs; and solicit and use volunteer services;



1 F. Serve, in conjunction with other affected members of the Mayor's Cabinet, as the City's
2 representative to intergovernmental and public-private boards, commissions, organizations, and
3 committees engaged in issues pertaining to arts and culture;

4 G. Provide staff support for all commissions associated with the Office of Arts and Cultural
5 Affairs;

6 H. Consult with and report regularly to the commissions associated with the Office of Arts and
7 Cultural Affairs on the workings of the Office, and attend, either in person or by designated
8 representative, all regular meetings of the commissions;

9 I. Make periodic reports to the Mayor and City Council concerning the activities of the Office
10 of Arts and Cultural Affairs and programs for the arts and culture, generally;

11 J. Promulgate and amend, in accordance with the City Administrative Code,
12 SMC Chapter 3.02, rules and regulations to carry out Office of Arts and Cultural Affairs activities; and

13 K. Exercise such other and further powers and duties as shall be prescribed by ordinance.

14 **SMC 3.14.820 Seattle Arts Commission—Established**

15 There is established a Seattle Arts Commission to promote and encourage public programs to
16 further the development and public awareness of and interest in arts and culture and to act in an advisory
17 capacity to the City in connection with the artistic and cultural development of Seattle.

18 **SMC 3.14.825 Seattle Arts Commission—Membership and Officers**

19 The Seattle Arts Commission shall consist of fifteen (15) members. Except as provided for some
20 initial terms in Section 4 of this ordinance, seven (7) members shall be appointed by the City Council,
21 seven (7) members shall be appointed by the Mayor, and the fifteenth member shall be appointed by the
22 Commission as constituted. Positions on the Seattle Arts Commission shall be numbered from one (1)
23 through fifteen (15). For purposes of filling vacancies, odd-numbered positions from position one (1)
24



1 through position thirteen (13) shall be Mayor-appointed positions and even-numbered positions shall be
2 Council-appointed positions. Each member shall serve for a term of two (2) years, with an option for
3 renewal, not to exceed three (3) terms or six (6) years; provided that for positions one (1) through seven
4 (7), the initial terms shall be one (1) year, and these initial terms shall not count toward the three (3)-
5 term or six (6)-year maximum. Membership shall reflect Seattle's artistic, cultural, and geographic
6 diversity, and include members from the community at large. The Commission shall elect from its
7 members such officers as it shall deem necessary; provided, that a Chairperson shall be elected by a
8 simple majority of the members for a one (1) year term.

9 In addition to the members set forth above, one (1) designated young adult position shall
10 temporarily be added to the Seattle Arts Commission pursuant to the Get Engaged Program,
11 SMC Chapter 3.51. The terms of service related to the young adult member's role on this Commission
12 are set forth in SMC 3.51. The Get Engaged Program and all provisions related to this young adult
13 position will terminate as of August 31, 2003.

14 **SMC 3.14.830 Seattle Arts Commission—Duties**

15 The Seattle Arts Commission shall have the following duties:

- 16 A. Promote greater public participation in, and access to, arts and culture;
- 17 B. Advocate for the role of arts and culture in civic life, and for the value of arts in education;
- 18 C. Encourage donations and grants to the Civic Arts Account of the General Donation and Gift
19 Fund and advise the Director of the Office of Arts and Cultural Affairs regarding the receipt and
20 expenditure of such funds;
- 21 D. Advise the City concerning the receipt of or purchase of works of art to be placed on
22 municipal property, except for museums or art galleries or works of art placed or to be placed in
23 connection with projects reviewed by the Seattle Design Commission;
- 24



1 E. Advise and assist the City in connection with such other artistic activities as may be referred
2 to it by the City;

3 F. Review the preliminary proposed budget for the Office of Arts and Cultural Affairs as
4 prepared by the Director of the Office of Arts and Cultural Affairs, and comment as appropriate before
5 the budget is submitted to the Mayor;

6 G. Initiate, sponsor or conduct, alone or in cooperation with other public or private agencies,
7 public programs to further the development and public awareness of, and interest in, the fine and
8 performing arts;

9 H. Hold regular public meetings and keep a written record of its proceedings which shall be a
10 public record; and

11 I. Adopt administrative rules and procedures necessary to accomplish its purposes.

12 **SMC 3.14.840 Deaccessioning and disposition of surplus artworks.**

13 A. When the Seattle Arts Commission determines that an artwork is surplus to the City's
14 collection of artworks, the Commission may deaccession the same and arrange for its disposition
15 through an exchange of the artwork for one (1) or more other artwork(s) of comparable aggregate value
16 for the City's collection, with the City being responsible for the payment or receipt of any monetary
17 difference between the value of the City's artwork and the aggregate value of such exchanged
18 artwork(s); through a sale by an art gallery or dealer; through a public auction or process inviting bids or
19 proposals from the public and the acceptance of the best response; through the Director of Executive
20 Administration in the same manner as other surplus property; through an indefinite loan to another
21 governmental entity on condition that the receiving entity will maintain the artwork and provide an
22 accompanying notice of the City's retained ownership; or through redonation, sale or other arrangement
23 agreed upon with the donor or artist at the time of the City's acquisition of such artwork; and, in the
24



1 event the artwork has been destroyed or damaged beyond repair at a reasonable cost, or has no or only a
2 negligible value, it may be disposed of as scrap.

3 B. If an artwork was donated to the City on condition that the artwork be returned or transferred
4 to another person or entity when it is no longer displayed or ceases to be a part of the City's collection,
5 upon the occurrence of circumstances making such condition applicable, the Seattle Arts Commission
6 shall request directions from the donor or the donor's representative(s), as appropriate, and return the
7 artwork to the donor or transfer the artwork consistent with the terms of such condition, if such
8 condition applies, and the directions of the donor or the donor's representative.

9 C. In the event the artist has reserved a right to repurchase the artwork when the City's artwork
10 is to be disposed of, the Seattle Arts Commission shall allow the artist a reasonable opportunity to buy it
11 back at its fair market value, as determined by appraisal. Alternatively, the Commission may accept the
12 exchange of the artwork for one (1) or more other artwork(s) that the Commission is willing to include
13 in the City's collection and that has/have an aggregate appraised value equal to the fair market value of
14 the City's artwork.

15 D. The Office of Arts and Cultural Affairs may implement, in connection with the
16 deaccessioning of any artwork in the City's collection, a written commitment made to the creator or
17 donor of any artwork at the time such artwork is commissioned, purchased, donated, or otherwise
18 procured for the City's collection, to share with such creator or donor a portion of the proceeds of the
19 sale of such artwork upon its deaccessioning and removal from the City's collection if such sale
20 proceeds, after the deduction therefrom of all of the expenses related to such sale, exceed the amount
21 paid by the City for such artwork by at least Two Hundred Dollars (\$200) and the portion of such
22 proceeds that is provided to the creator or donor under such commitment does not exceed fifteen (15)
23 percent of such proceeds.
24



1 E. No artwork shall be deemed surplus to the City's collection of artworks if the City
2 administrative unit responsible for administration of the fund used to acquire the same requests its
3 retention and the City's legislative authority provides for the continued maintenance of such artwork.

4 **SMC 3.14.845 Application of proceeds of sale of artwork.**

5 A. The proceeds from the sale of a purchased artwork, after deducting the expenses of the sale
6 and any percentage share due to the artist, as authorized by subsection D of this section, shall be
7 deposited to the credit of the fund from which the expenditure was originally made to acquire the
8 artwork.

9 B. Any work of art that is an asset of a revenue bond or voter-approved general obligation bond
10 fund may be replaced by exchange for one (1) or more other works of art or an aggregate equivalent
11 value, and may not be disposed of as surplus or deaccessioned property without being so replaced until
12 after the redemption date for all bonds of the particular bond issue that served as the revenue source for
13 the acquisition of such work of art.

14 C. The proceeds from the sale of an artwork that had been donated to the City shall be deposited
15 and expended in accord with the donor's direction accompanying the gift, and in the absence of such
16 instructions, to the Municipal Arts Fund for use in acquiring other artworks.

17 D. The Office of Arts and Cultural Affairs is authorized to enter into contractual agreements
18 committing the City to provide the creator of an artwork to be acquired for the City's collection, upon
19 such artwork's subsequent deaccessioning and offering for sale, (1) a first right to purchase such
20 artwork, and (2) up to fifteen (15) percent of the net proceeds of such sale if, following the deduction
21 and payment of all sale-related expenses, such net proceeds equal or exceed Two Hundred Dollars
22 (\$200).



AMENDMENTS TO OTHER MUNICIPAL CODE SECTIONS

Section 8. Effective January 1, 2003, Section 5.40.120 of the Seattle Municipal Code (pertaining to Admission Tax) is amended as follows:

SMC 5.40.120 Receipts to General Subfund and Arts Account.

All receipts from the admission tax levied in this chapter shall be placed in the General Subfund of the General Fund, except that from and after January 1, 2001, twenty (20) percent of all admission tax receipts, other than receipts generated by men's professional basketball games and, during 2001, by men's professional football games, and men's professional baseball games, shall be deposited into the Arts Account of the General Subfund of the General Fund. Money in the Arts Account of the General Subfund shall be annually appropriated to the ~~((Seattle Arts Commission))~~ Office of Arts and Cultural Affairs for the following purposes:

A. Initiatives to keep artists living, working and creatively challenged in Seattle;

B. Initiatives to build community through the arts and create opportunities for the public to intersect with artists and their work; and

C. For each new generation, initiatives that include art opportunities for youth in and out of school.

Section 9. Effective January 1, 2003, Section 5.78.030 of the Seattle Municipal Code (pertaining to the City's Gift Catalogue program) is amended as follows:

SMC 5.78.030 Expenditures – ~~((Seattle Arts Commission))~~ Office of Arts and Cultural Affairs

The ~~((Seattle Arts Commission))~~ Director of the Office of Arts and Cultural Affairs is authorized to direct expenditures for the donations made to the Office of Arts and Cultural Affairs programs (formerly known as Seattle Arts Commission programs) in the City's Gift Catalogue as designated by the donor; and the City Director of Executive Administration is authorized to draw and to pay warrants



1 against said program accounts or subaccounts on vouchers approved by said Commission as to payee
2 and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Executive
3 Administration may elect to make payment by check.

4 Section 10. Effective January 1, 2003, Subsection 6.295.190(A) of the Seattle Municipal Code
5 (pertaining to All-Ages Dances and Dance Venues) is amended as follows:

6 **SMC 6.295.190 Music and Youth Commission—Composition and Authority**

7 A. There is established a twelve (12)-member Music and Youth Commission. The Music
8 and Youth Commission shall be housed and administratively supported within the Office of Economic
9 Development(~~or such other department or office as the Mayor shall designate~~). Six (6) Commission
10 members shall be appointed by majority vote of the City Council, and six (6) Commission members
11 shall be appointed by the Mayor, as follows:

12 ***

13 Section 11. Effective January 1, 2003, Section 20.32.020 of the Seattle Municipal Code
14 (pertaining to Art in Public Works Construction) is amended as follows:

15 **SMC 20.32.020 Definitions.**

16 A. "Office" means the Office of Arts and Cultural Affairs.

17 ~~((A-))~~ B. "Commission" means the Seattle Arts Commission.

18 ~~((B-))~~ C. "Construction project" means any capital project paid for wholly or in part by the
19 City to construct or remodel any building, structure, park, utility, street, sidewalk, or parking facility, or
20 any portion thereof, within the limits of The City of Seattle.

21 ~~((C-))~~ D. "Eligible fund" means a source fund for construction projects from which art is not
22 precluded as an object of expenditure.

23 ~~((D-))~~ E. "Municipal ~~((a))~~Arts ~~((p))~~Plan" means the plan required by Section 20.32.040 A.



1 ~~((E-))~~ F. "Administrative costs" means all costs incurred in connection with the selection,
2 acquisition, installation and exhibition of, and publicity about, City-owned works of art.

3 Section 12. Effective January 1, 2003, Section 20.32.030 of the Seattle Municipal Code
4 (pertaining to Art in Public Works Construction) is amended as follows:

5 **SMC 20.32.030 Funds for works of art.**

6 All requests for appropriations for construction projects from eligible funds shall include an
7 amount equal to one (1) percent of the estimated cost of such project for works of art and shall be
8 accompanied by a request from the ~~((Arts Commission))~~ Office of Arts and Cultural Affairs for
9 authorization to expend such funds after the same have been deposited in the Municipal Arts Fund.
10 When the City Council approves any such request, including the one (1) percent for works of art, the
11 appropriation for such construction project shall be made and the same shall include an appropriation of
12 funds for works of art, at the rate of one (1) percent of project cost to be deposited into the appropriate
13 account of the Municipal Arts Fund. Money collected in the Municipal Arts Fund shall be expended by
14 the ~~((Arts Commission))~~ Office of Arts and Cultural Affairs for projects as prescribed by the
15 ~~((m))~~Municipal ~~((a))~~Arts ~~((p))~~Plan, and any unexpended funds shall be carried over automatically for a
16 period of three (3) years, and upon request of the ~~((Arts Commission))~~ Office of Arts and Cultural
17 Affairs, carried over for an additional two (2) years. Any funds carried over for three (3) years, or upon
18 special request for five (5) years, and still unexpended at the expiration of such period shall be
19 transferred to the General Fund for general art purposes only; provided, that funds derived from revenue
20 or general obligation bond issues or from utility revenues or other special purpose or dedicated funds
21 shall revert to the funds from which appropriated at the expiration of said three (3) or five (5) year
22 period.



Section 13. Effective January 1, 2003, Section 20.32.040 of the Seattle Municipal Code (pertaining to Art in Public Works Construction) is amended as follows:

SMC 20.32.040 (~~Commission authority~~) Office of Arts and Cultural Affairs—Authority

To carry out its responsibilities under this chapter, the (~~Commission~~) Office of Arts and Cultural Affairs shall:

A. Prepare, adopt and amend with the Mayor's approval a plan and guidelines to carry out the City's art program, which shall include, but not be limited to, a method or methods for the selection of artists or works of art and for placement of works of art;

B. Authorize purchase of works of art or commission the design, execution and/or placement of works of art and provide payment therefor from the Municipal Arts Fund. The (~~Commission~~) Office of Arts and Cultural Affairs shall advise the department responsible for a particular construction project of the (~~Commission's~~) Office's decision, in consultation with the Seattle Arts Commission, regarding the design, execution and/or placement of a work of art, funds for which were provided by the appropriation for such construction project;

C. Require that any proposed work of art requiring extraordinary operation or maintenance expenses shall receive prior approval of the department head responsible for such operation or maintenance;

D. Promulgate rules and regulations consistent with this chapter to facilitate the implementation of its responsibilities under this chapter.

Section 14. Effective January 1, 2003, Section 20.32.050 of the Seattle Municipal Code (pertaining to Art in Public Works Construction) is amended as follows:

SMC 20.32.050 Municipal Arts Fund.



There is established in the City Treasury a special fund designated “Municipal Arts Fund” into which shall be deposited funds appropriated as contemplated by Section 20.32.030, together with such other funds as the City Council shall appropriate for works of art, and from which expenditures may be made for the acquisition and exhibition of works of art consistent with the plan specified in Section 20.32.040A, and for ~~((Seattle Arts Commission))~~ Office of Arts and Cultural Affairs staff costs and administrative costs (as defined in SMC Section 20.32.020F~~((E))~~) that are associated with developing and implementing the Municipal Arts Plan, but not the cost of maintaining City-owned art work, which maintenance cost may be paid from the Cumulative Reserve Subfund ~~((Fund))~~ or such other source(s) as may be specified by ordinance. Separate accounts shall be established within the Municipal Arts Fund to segregate receipts by source or, when so directed by the City Council, for specific works of art. Disbursements from such fund shall be made in connection with projects approved by the Seattle Arts Commission on vouchers approved by the ~~((Executive))~~ Director of the Office of Arts and Cultural Affairs~~((Commission))~~.

Section 15. Effective January 1, 2003, Subsection 22.900A.040(B)(5) of the Seattle Municipal Code (pertaining to Building and Construction Code Permit Fees) is amended as follows:

SMC 22.900A.040 Administration and enforcement.

B. The Director is authorized to administer, interpret, and enforce the provisions of this subtitle provided, that:

5. The Director of the (~~Seattle Arts Commission~~) Office of Arts and Cultural Affairs shall administer, interpret and enforce sections of this subtitle that are applicable to (~~Seattle Arts Commission~~) the Office's review of projects.

Section 16. Effective January 1, 2003, Section 22.900G.040 of the Seattle Municipal Code (pertaining to Building and Construction Code Fees Collected for Other Departments) is amended as follows:

SMC 22.900G.040 Fees for review by the ((Seattle Arts Commission)) Office of Arts and Cultural Affairs.

The fee for services furnished by the ((Seattle Arts Commission)) Office of Arts and Cultural Affairs is Fifty Dollars (\$50) per hour. The minimum charge is Two Hundred Dollars (\$200).

REPEALED

Section 17. Effective January 1, 2003, the following sections or subsections of the Seattle Municipal Code and the corresponding ordinances or sections or parts of sections of ordinances, respectively, are repealed:

- 3.56.010 Seattle Arts Commission—Commission Established—Membership
- 3.56.020 Seattle Arts Commission—Organization—Chairman
- 3.56.030 Seattle Arts Commission—Powers and duties
- 3.56.040 Seattle Arts Commission—Executive Director—Appointment and duties
- 3.56.060 Seattle Arts Commission—Deaccessioning and disposition of surplus artworks
- 3.56.070 Seattle Arts Commission—Application of proceeds of sale of artwork

MISCELLANEOUS PROVISIONS

Section 18. The headings in this ordinance are for reference purposes only. They have no legal effect, and shall not be codified.



1 Section 19. It is the express intent of the City Council that this ordinance makes only those changes
2 to the existing sections of the Seattle Municipal Code or uncodified ordinances shown by striking out,
3 inside double parentheses, text to be deleted, and underlining text to be added. To this end, errors in
4 showing the preexisting Seattle Municipal Code or uncodified ordinances are to be disregarded, and no
5 change in the Seattle Municipal Code is intended thereby.

6 Section 20. It is the express intent of the City Council that, in the event another ordinance has
7 heretofore been enacted that amended any section or subsection of the Seattle Municipal Code amended or
8 recodified herein, that earlier amendment should be effectuated with equal dignity to this ordinance if at all
9 possible in the codification of the Seattle Municipal Code and by the courts, notwithstanding the use in this
10 ordinance of an obsolete version of that part of the Seattle Municipal Code on which to show intended
11 amendments.

12 Section 21. In the event any section or subsection of the Seattle Municipal Code purported to be
13 amended or recodified herein has heretofore been repealed, the earlier repeal shall be given full effect, and
14 nothing in this ordinance shall be construed to reenact or preserve that section or subsection.

15 Section 22. It is the express intent of the City Council that, in the event a subsequent ordinance
16 refers to a position or office that was abolished by this ordinance, that reference shall be deemed to be to the
17 new position or office created by this ordinance, and shall not be construed to resurrect the old position or
18 office unless it expressly so provides by reference to this ordinance.

19 Section 23. It is the express intent of the City Council that, in the event a subsequent ordinance
20 refers to or amends a section or subsection of the Seattle Municipal Code or a previously enacted ordinance
21 that is amended or recodified herein, but the later ordinance fails to account for the change made by this
22 ordinance, the two sets of amendments should be given effect together if at all possible.




1 Section 24. The several provisions of this ordinance are declared to be separate and severable and
2 the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the
3 invalidity of the application thereof to any person or circumstance, shall not affect the validity of the
4 remainder of this ordinance or the validity of its application to other persons or circumstances.


5 Section 25. Any act consistent with the authority and prior to the effective date of this ordinance is
6 hereby ratified and confirmed.

7 Section 26. This ordinance shall take effect and be in force thirty (30) days from and after its
8 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
9 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.


10 Passed by the City Council the 18th day of November, 2002, and signed by me in open session
11 in authentication of its passage this 18th day of November, 2002.

12 
13 President _____ of the City Council

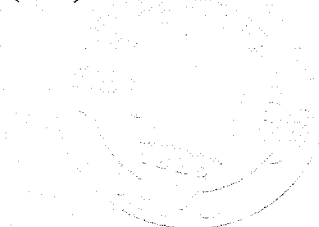
14 Approved by me this 25 day of November, 2002.

15 
16 Mayor

17
18 Filed by me this 27th day of November, 2002.

19 
20 City Clerk

21 (Seal)



Fiscal Note

Creation of the Office of Arts and Cultural Affairs

| Department: | Contact Person/Phone: | DOF Analyst/Phone: |
|-------------------------|---|--------------------|
| Seattle Arts Commission | Councilmember Nick Licata Frank Video 684-8803 | |

Legislation Title:

AN ORDINANCE relating to the organization of City government; creating an Office of Arts and Cultural Affairs in the Executive Department; abolishing the existing Seattle Arts Commission and creating a new Seattle Arts Commission; transferring some of the functions of the existing Seattle Arts Commission to the Office of Arts and Cultural Affairs and transferring some of its functions to the new Seattle Arts Commission; amending Chapter 3.14 and various other parts of the Seattle Municipal Code in connection therewith; authorizing the transfer of certain positions and incumbents; and repealing sections in chapter 3.56 of the Seattle Municipal Code.

Summary of the Legislation:

This legislation creates a new Office of Arts and Cultural Affairs within the Executive Department, effective January 1, 2003, and establishes the Office's scope of work to reflect the mission of the former Seattle Arts Commission department.

This legislation transfers the functions, responsibilities, assets, and staff of the Seattle Arts Commission to the new Office.

Through this legislation, the existing 15-position advisory Seattle Arts Commission is abolished and a new Seattle Arts Commission is created, with 7 members appointed by the City Council, 7 appointed by the Mayor, and the 15th appointed by the other 14, in addition to one temporary position added as part of the "Get Engaged" program. The legislation clearly delineates the roles and responsibilities of the Seattle Arts Commission and the Office of Arts and Cultural Affairs.

Finally, this legislation amends the following chapters of the Seattle Municipal Code to replace references to the Seattle Arts Commission with references to the Office of Arts and Cultural Affairs or the Seattle Arts Commission, as appropriate, and repeals Chapter 3.56 in its entirety. Chapters amended include:

- Chapter 5.40 – Admission Tax
- Chapter 5.78 - Gift Catalogue
- Chapter 6.295 – All-Ages Dances and Dance Venues
- Chapter 20.32 – Art in Public Works Construction
- Chapter 22.900A – Administration and Enforcement
- Chapter 22.900G – Fees Collected For Other Departments

Appropriations (in \$1,000s): This legislation does not appropriate funds.

| Fund Name and Number | Department | Budget Control Level* | 2002 Appropriation | 2003 Anticipated Appropriation |
|----------------------|------------|-----------------------|--------------------|--------------------------------|
| | | | | |
| TOTAL | | | | |

* This is line of business for operating budgets, and program or project for capital improvements



Expenditures (in \$1,000s): This legislation does not authorize expenditures.

| Fund Name and Number | Department | Budget Control Level* | 2002 Expenditures | 2003 Anticipated Expenditures |
|----------------------|------------|-----------------------|-------------------|-------------------------------|
| | | | | |
| TOTAL | | | | |

* This is line of business for operating budgets, and program or project for capital improvements

Notes:

Anticipated Revenue/Reimbursement (in \$1,000s): This legislation does not anticipate specific revenue or reimbursements.

| Fund Name and Number | Department | Revenue Source | 2002 Revenue | 2003 Revenue |
|----------------------|------------|----------------|--------------|--------------|
| | | | | |
| TOTAL | | | | |

Notes:

Total Permanent Positions Created Or Abrogated Through Legislation, Including FTE Impact; Estimated FTE Impact for Temporary Positions: This legislation does not create or abrogate positions, although it does transfer the staff of the Seattle Arts Commission to the Office of Arts and Cultural Affairs.

| Fund Name and Number | Department | Position Title* | 2002 FTE | 2003 FTE |
|----------------------|------------|-----------------|----------|----------|
| NA | | | | |
| TOTAL | | | | |

* List each position separately

Do positions sunset in the future? (If yes, identify sunset date):

Not applicable.

Background:

The financial cost of not implementing the legislation

N/A.

Possible alternatives to the legislation which could achieve the same or similar objectives

The structure and configuration of the current Seattle Arts Commission existing in 2002 could be continued, instead of creating the Office of Arts and Cultural Affairs and the new Seattle Arts Commission.

Is the legislation subject to public hearing requirements (If yes, what public hearings have been held to date):

No.

Other Issues (including long-term implications of the legislation):

FOR CAPITAL PROJECTS ONLY

This legislation does not involve capital projects.



From: Martha Lester
To: Margaret Carter
Date: 11/12/02 12:57PM
Subject: Nick's walk-on C.B.

CB 114400

Here is the title of the C.B. that Nick will walk-on today:

AN ORDINANCE relating to the organization of City government; creating an Office of Arts and Cultural Affairs in the Executive Department; abolishing the existing Seattle Arts Commission and creating a new Seattle Arts Commission; transferring some of the functions of the existing Seattle Arts Commission to the Office of Arts and Cultural Affairs and transferring some of its functions to the new Seattle Arts Commission; amending Chapter 3.14 and various other parts of the Seattle Municipal Code in connection therewith; authorizing the transfer of certain positions and incumbents; and repealing sections in chapter 3.56 of the Seattle Municipal Code.



ORDINANCE _____

AN ORDINANCE relating to the organization of City government; creating an Office of Arts and Cultural Affairs in the Executive Department; abolishing the existing Seattle Arts Commission and creating a new Seattle Arts Commission; transferring some of the functions of the existing Seattle Arts Commission to the Office of Arts and Cultural Affairs and transferring some of its functions to the new Seattle Arts Commission; amending Chapter 3.14 and various other parts of the Seattle Municipal Code in connection therewith; authorizing the transfer of certain positions and incumbents; and repealing sections in chapter 3.56 of the Seattle Municipal Code.

WHEREAS, since its creation in 1971, the Seattle Arts Commission has stimulated a diverse and lively arts environment drawing on the full potential of artists, reflecting and responding to civic concerns and aspirations, and enriching the lives of all members of our community; and

WHEREAS, the City recognizes the importance of the arts to young people, to economic growth, to the vitality of neighborhoods and communities, and to Seattle residents and visitors; and

WHEREAS, Seattle is a lively center of creative artistic expression in many forms and is home to innovative arts and cultural communities embracing all disciplines; and

WHEREAS, the City wishes to elevate the visibility and increase the effectiveness of the City's arts services within all of City government; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

ESTABLISHMENT OF NEW OFFICE

Section 1. Effective January 1, 2003, there is created within the Executive Department an Office of Arts and Cultural Affairs.

Section 2. Effective January 1, 2003, some of the functions of the Seattle Arts Commission are transferred to the Office of Arts and Cultural Affairs as set forth in this ordinance.

Section 3. Effective January 1, 2003, the Executive Director of the Seattle Arts Commission shall be the Director of the Office of Arts and Cultural Affairs.

1 Section 4. Effective January 1, 2003, the existing Seattle Arts Commission is abolished, and a
2 new Seattle Arts Commission is created as set forth in this ordinance. From and after January 1, 2003,
3 references in the Seattle Municipal Code and in other ordinances to the "Seattle Arts Commission" shall
4 refer to the Seattle Arts Commission created by this ordinance. The current commissioners who, absent
5 this ordinance, would be members of the existing Seattle Arts Commission as of January 1, 2003,
6 (hereafter referred to as the "current commissioners") shall, as of January 1, 2003, be members of the
7 new Seattle Arts Commission created by this ordinance, as follows: the positions on the new Seattle
8 Arts Commission shall be numbered from one (1) through fifteen (15), and the current commissioners
9 shall be taken in alphabetical order by last name and shall commence new terms on the new Seattle Arts
10 Commission beginning January 1, 2003 in positions starting with position one through however many
11 current commissioners there are.

12 Section 5. Effective January 1, 2003, the Director of the Department of Finance, under the
13 authority of the Mayor, shall transfer the assets and liabilities existing on January 1, 2003, from the
14 Seattle Arts Commission to the Office of Arts and Cultural Affairs, in order to effectuate this ordinance.

15 Section 6. Effective January 1, 2003, Seattle Arts Commission staff position incumbents shall
16 transfer along with their respective positions to the Office of Arts and Cultural Affairs, to the extent that
17 those positions appear in the position list that is adopted with the City's 2003 Budget.
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CODE SECTIONS ADDED TO CHAPTER 3.14

Section 7. Effective January 1, 2003, the following sections are added to the Seattle Municipal Code Chapter 3.14 under a new Subchapter VI.

Subchapter VI. Office of Arts and Cultural Affairs

SMC 3.14.800 Office established—Purpose and Functions

There is established in the Executive Department an Office of Arts and Cultural Affairs, under the direction of the Mayor, to stimulate a diverse and lively arts and cultural environment that draws on the full potential of artists across a broad cultural spectrum, reflects and responds to civic concerns and aspirations, and enriches the lives of all members of our community. The functions of the Office of Arts and Cultural Affairs shall include the following:

- A. Assist the City in the development of high quality arts and cultural programs and services, and promote Seattle as a capital of creativity and innovation;
- B. Advise the City on arts and cultural policy;
- C. Develop arts and cultural initiatives to encourage greater participation in, and increased public access to, arts and culture in Seattle. Such programs and initiatives may include partnerships with other City agencies, as well as other public or private entities;
- D. Administer and implement the City of Seattle's Municipal Arts Fund, including the "One Percent (1%) for Art" appropriations;
- E. Provide information and resources to artists and arts and cultural organizations; and
- F. Promote Seattle's artistic and cultural assets in music, visual arts, performing arts, literary arts, and media arts.

SMC 3.14.810 Director—Appointment and Removal

The Director of the Office of Arts and Cultural Affairs shall be appointed by the Mayor, subject to confirmation by a majority vote of all members of the City Council, and may be removed by the Mayor upon his or her filing a statement of reasons therefor with the City Council.

SMC 3.14.815 Director—Duties

The Director of the Office of Arts and Cultural Affairs shall be the head of and responsible for the administration of the Office of Arts and Cultural Affairs. Under the direction of the Mayor, the duties of the Director of the Office of Arts and Cultural Affairs shall include the following:

A. Subject to the City's personnel ordinances and rules, appoint, assign, supervise, control, and remove all officers and employees in the Office of Arts and Cultural Affairs;

B. Prepare and update annually a Municipal Arts Plan, as required by SMC 20.32.040;

C. Manage the preparation of the preliminary proposed budget for the Office of Arts and Cultural Affairs subject to review and modification by the Seattle Arts Commission, authorize necessary expenditures and enter into contracts for professional and expert services in accordance with the adopted budget, develop and manage programs, and undertake authorized activities;

D. Administer all ordinances pertaining to the Office of Arts and Cultural Affairs and its functions;

E. Execute, administer, modify and enforce such agreements and instruments as he or she shall deem reasonably necessary to implement arts and culture programs consistent with all applicable laws and ordinances, as he or she shall deem appropriate for carrying out the responsibilities, functions, and activities of the Office of Arts and Cultural Affairs; apply for grants and donations for departmental programs; and solicit and use volunteer services;

1 E. Serve, in conjunction with other affected members of the Mayor's Cabinet, as the City's
2 representative to intergovernmental and public-private boards, commissions, organizations, and
3 committees engaged in issues pertaining to arts and culture;

4 G. Provide staff support for all commissions associated with the Office of Arts and Cultural
5 Affairs;

6 H. Consult with and report regularly to the commissions associated with the Office of Arts and
7 Cultural Affairs on the workings of the Office, and attend, either in person or by designated
8 representative, all regular meetings of the commissions;

9 I. Make periodic reports to the Mayor and City Council concerning the activities of the Office
10 of Arts and Cultural Affairs and programs for the arts and culture, generally;

11 J. Promulgate and amend, in accordance with the City Administrative Code,
12 SMC Chapter 3.02, rules and regulations to carry out Office of Arts and Cultural Affairs activities; and

13 K. Exercise such other and further powers and duties as shall be prescribed by ordinance.

14 **SMC 3.14.820 Seattle Arts Commission—Established**

15 There is established a Seattle Arts Commission to promote and encourage public programs to
16 further the development and public awareness of and interest in arts and culture and to act in an advisory
17 capacity to the City in connection with the artistic and cultural development of Seattle.

18 **SMC 3.14.825 Seattle Arts Commission—Membership and Officers**

19 The Seattle Arts Commission shall consist of fifteen (15) members. Except as provided for some
20 initial terms in Section 4 of this ordinance, seven (7) members shall be appointed by the City Council,
21 seven (7) members shall be appointed by the Mayor, and the fifteenth member shall be appointed by the
22 Commission as constituted. Positions on the Seattle Arts Commission shall be numbered from one (1)
23 through fifteen (15). For purposes of filling vacancies, odd-numbered positions from position one (1)
24

1 through position thirteen (13) shall be Mayor-appointed positions and even-numbered positions shall be
2 Council-appointed positions. Each member shall serve for a term of two (2) years, with an option for
3 renewal, not to exceed three (3) terms or six (6) years; provided that for positions one (1) through seven
4 (7), the initial terms shall be one (1) year, and these initial terms shall not count toward the three (3)-
5 term or six (6)-year maximum. Membership shall reflect Seattle's artistic, cultural, and geographic
6 diversity, and include members from the community at large. The Commission shall elect from its
7 members such officers as it shall deem necessary; provided, that a Chairperson shall be elected by a
8 simple majority of the members for a one (1) year term.

9 In addition to the members set forth above, one (1) designated young adult position shall
10 temporarily be added to the Seattle Arts Commission pursuant to the Get Engaged Program,
11 SMC Chapter 3.51. The terms of service related to the young adult member's role on this Commission
12 are set forth in SMC 3.51. The Get Engaged Program and all provisions related to this young adult
13 position will terminate as of August 31, 2003.

14 **SMC 3.14.830 Seattle Arts Commission—Duties**

15 The Seattle Arts Commission shall have the following duties:

- 16 A. Promote greater public participation in, and access to, arts and culture;
- 17 B. Advocate for the role of arts and culture in civic life, and for the value of arts in education;
- 18 C. Encourage donations and grants to the Civic Arts Account of the General Donation and Gift
19 Fund and advise the Director of the Office of Arts and Cultural Affairs regarding the receipt and
20 expenditure of such funds;
- 21 D. Advise the City concerning the receipt of or purchase of works of art to be placed on
22 municipal property, except for museums or art galleries or works of art placed or to be placed in
23 connection with projects reviewed by the Seattle Design Commission;
- 24

1 E. Advise and assist the City in connection with such other artistic activities as may be referred
2 to it by the City;

3 F. Review the preliminary proposed budget for the Office of Arts and Cultural Affairs as
4 prepared by the Director of the Office of Arts and Cultural Affairs, modify it as appropriate, and
5 transmit an approved proposed budget to the Director of the Office of Arts and Cultural Affairs to be
6 submitted to the Mayor;

7 G. Initiate, sponsor or conduct, alone or in cooperation with other public or private agencies,
8 public programs to further the development and public awareness of, and interest in, the fine and
9 performing arts;

10 H. Hold regular public meetings and keep a written record of its proceedings which shall be a
11 public record; and

12 I. Adopt administrative rules and procedures necessary to accomplish its purposes.

13 **SMC 3.14.840 Deaccessioning and disposition of surplus artworks.**

14 A. When the Seattle Arts Commission determines that an artwork is surplus to the City's
15 collection of artworks, the Commission may deaccession the same and arrange for its disposition
16 through an exchange of the artwork for one (1) or more other artwork(s) of comparable aggregate value
17 for the City's collection, with the City being responsible for the payment or receipt of any monetary
18 difference between the value of the City's artwork and the aggregate value of such exchanged
19 artwork(s); through a sale by an art gallery or dealer; through a public auction or process inviting bids or
20 proposals from the public and the acceptance of the best response; through the Director of Executive
21 Administration in the same manner as other surplus property; through an indefinite loan to another
22 governmental entity on condition that the receiving entity will maintain the artwork and provide an
23 accompanying notice of the City's retained ownership; or through redonation, sale or other arrangement
24

1 agreed upon with the donor or artist at the time of the City's acquisition of such artwork; and, in the
2 event the artwork has been destroyed or damaged beyond repair at a reasonable cost, or has no or only a
3 negligible value, it may be disposed of as scrap.

4 B. If an artwork was donated to the City on condition that the artwork be returned or transferred
5 to another person or entity when it is no longer displayed or ceases to be a part of the City's collection,
6 upon the occurrence of circumstances making such condition applicable, the Seattle Arts Commission
7 shall request directions from the donor or the donor's representative(s), as appropriate, and return the
8 artwork to the donor or transfer the artwork consistent with the terms of such condition, if such
9 condition applies, and the directions of the donor or the donor's representative.

10 C. In the event the artist has reserved a right to repurchase the artwork when the City's artwork
11 is to be disposed of, the Seattle Arts Commission shall allow the artist a reasonable opportunity to buy it
12 back at its fair market value, as determined by appraisal. Alternatively, the Commission may accept the
13 exchange of the artwork for one (1) or more other artwork(s) that the Commission is willing to include
14 in the City's collection and that has/have an aggregate appraised value equal to the fair market value of
15 the City's artwork.

16 D. The Office of Arts and Cultural Affairs may implement, in connection with the
17 deaccessioning of any artwork in the City's collection, a written commitment made to the creator or
18 donor of any artwork at the time such artwork is commissioned, purchased, donated, or otherwise
19 procured for the City's collection, to share with such creator or donor a portion of the proceeds of the
20 sale of such artwork upon its deaccessioning and removal from the City's collection if such sale
21 proceeds, after the deduction therefrom of all of the expenses related to such sale, exceed the amount
22 paid by the City for such artwork by at least Two Hundred Dollars (\$200) and the portion of such
23
24

1 proceeds that is provided to the creator or donor under such commitment does not exceed fifteen (15)
2 percent of such proceeds.

3 E. No artwork shall be deemed surplus to the City's collection of artworks if the City
4 administrative unit responsible for administration of the fund used to acquire the same requests its
5 retention and the City's legislative authority provides for the continued maintenance of such artwork.

6 **SMC 3.14.845 Application of proceeds of sale of artwork.**

7 A. The proceeds from the sale of a purchased artwork, after deducting the expenses of the sale
8 and any percentage share due to the artist, as authorized by subsection D of this section, shall be
9 deposited to the credit of the fund from which the expenditure was originally made to acquire the
10 artwork.

11 B. Any work of art that is an asset of a revenue bond or voter-approved general obligation bond
12 fund may be replaced by exchange for one (1) or more other works of art or an aggregate equivalent
13 value, and may not be disposed of as surplus or deaccessioned property without being so replaced until
14 after the redemption date for all bonds of the particular bond issue that served as the revenue source for
15 the acquisition of such work of art.

16 C. The proceeds from the sale of an artwork that had been donated to the City shall be deposited
17 and expended in accord with the donor's direction accompanying the gift, and in the absence of such
18 instructions, to the Municipal Arts Fund for use in acquiring other artworks.

19 D. The Office of Arts and Cultural Affairs is authorized to enter into contractual agreements
20 committing the City to provide the creator of an artwork to be acquired for the City's collection, upon
21 such artwork's subsequent deaccessioning and offering for sale, (1) a first right to purchase such
22 artwork, and (2) up to fifteen (15) percent of the net proceeds of such sale if, following the deduction
23
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1 and payment of all sale-related expenses, such net proceeds equal or exceed Two Hundred Dollars
2 (\$200).

3 AMENDMENTS TO OTHER MUNICIPAL CODE SECTIONS

4 Section 8. Effective January 1, 2003, Section 5.40.120 of the Seattle Municipal Code (pertaining
5 to Admission Tax) is amended as follows:

6 **SMC 5.40.120 Receipts to General Subfund and Arts Account.**

7 All receipts from the admission tax levied in this chapter shall be placed in the General Subfund
8 of the General Fund, except that from and after January 1, 2001, twenty (20) percent of all admission tax
9 receipts, other than receipts generated by men's professional basketball games and, during 2001, by
10 men's professional football games, and men's professional baseball games, shall be deposited into the
11 Arts Account of the General Subfund of the General Fund. Money in the Arts Account of the General
12 Subfund shall be annually appropriated to the ((Seattle Arts Commission)) Office of Arts and Cultural
13 Affairs for the following purposes:

- 14 A. Initiatives to keep artists living, working and creatively challenged in Seattle;
- 15 B. Initiatives to build community through the arts and create opportunities for the public to
16 intersect with artists and their work; and
- 17 C. For each new generation, initiatives that include art opportunities for youth in and out of
18 school.

19 Section 9. Effective January 1, 2003, Section 5.78.030 of the Seattle Municipal Code (pertaining
20 to the City's Gift Catalogue program) is amended as follows:

21 **SMC 5.78.030 Expenditures – ((Seattle Arts Commission)) Office of Arts and Cultural Affairs**

22 The ((Seattle Arts Commission)) Director of the Office of Arts and Cultural Affairs is authorized
23 to direct expenditures for the donations made to the Office of Arts and Cultural Affairs programs
24

1 (formerly known as Seattle Arts Commission programs) in the City's Gift Catalogue as designated by
2 the donor; and the City Director of Executive Administration is authorized to draw and to pay warrants
3 against said program accounts or subaccounts on vouchers approved by said Commission as to payee
4 and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Executive
5 Administration may elect to make payment by check.

6 Section 10. Effective January 1, 2003, Subsection 6.295.190(A) of the Seattle Municipal Code
7 (pertaining to All-Ages Dances and Dance Venues) is amended as follows:

8 **SMC 6.295.190 Music and Youth Commission—Composition and Authority**

9 A. There is established a twelve (12)-member Music and Youth Commission. The Music
10 and Youth Commission shall be housed and administratively supported within the Office of Economic
11 Development(~~((or such other department or office as the Mayor shall designate))~~). Six (6) Commission
12 members shall be appointed by majority vote of the City Council, and six (6) Commission members
13 shall be appointed by the Mayor, as follows:

14 ***

15 Section 11. Effective January 1, 2003, Section 20.32.020 of the Seattle Municipal Code
16 (pertaining to Art in Public Works Construction) is amended as follows:

17 **SMC 20.32.020 Definitions.**

18 A. "Office" means the Office of Arts and Cultural Affairs.

19 ~~((A.))~~ B. "Commission" means the Seattle Arts Commission.

20 ~~((B.))~~ C. "Construction project" means any capital project paid for wholly or in part by the
21 City to construct or remodel any building, structure, park, utility, street, sidewalk, or parking facility, or
22 any portion thereof, within the limits of The City of Seattle.

1 ~~((C-))~~ D. "Eligible fund" means a source fund for construction projects from which art is not
2 precluded as an object of expenditure.

3 ~~((D-))~~ E. "Municipal ~~((a))~~Arts ~~((p))~~Plan" means the plan required by Section 20.32.040 A.

4 ~~((E-))~~ F. "Administrative costs" means all costs incurred in connection with the selection,
5 acquisition, installation and exhibition of, and publicity about, City-owned works of art.

6 Section 12. Effective January 1, 2003, Section 20.32.030 of the Seattle Municipal Code
7 (pertaining to Art in Public Works Construction) is amended as follows:

8 **SMC 20.32.030 Funds for works of art.**

9 All requests for appropriations for construction projects from eligible funds shall include an
10 amount equal to one (1) percent of the estimated cost of such project for works of art and shall be
11 accompanied by a request from the ~~((Arts Commission))~~ Office of Arts and Cultural Affairs for
12 authorization to expend such funds after the same have been deposited in the Municipal Arts Fund.
13 When the City Council approves any such request, including the one (1) percent for works of art, the
14 appropriation for such construction project shall be made and the same shall include an appropriation of
15 funds for works of art, at the rate of one (1) percent of project cost to be deposited into the appropriate
16 account of the Municipal Arts Fund. Money collected in the Municipal Arts Fund shall be expended by
17 the ~~((Arts Commission))~~ Office of Arts and Cultural Affairs for projects as prescribed by the
18 ~~((m))~~Municipal ~~((a))~~Arts ~~((p))~~Plan, and any unexpended funds shall be carried over automatically for a
19 period of three (3) years, and upon request of the ~~((Arts Commission))~~ Office of Arts and Cultural
20 Affairs, carried over for an additional two (2) years. Any funds carried over for three (3) years, or upon
21 special request for five (5) years, and still unexpended at the expiration of such period shall be
22 transferred to the General Fund for general art purposes only; provided, that funds derived from revenue
23 or general obligation bond issues or from utility revenues or other special purpose or dedicated funds
24

1 shall revert to the funds from which appropriated at the expiration of said three (3) or five (5) year
2 period.

3 Section 13. Effective January 1, 2003, Section 20.32.040 of the Seattle Municipal Code (pertaining
4 to Art in Public Works Construction) is amended as follows:

5 **SMC 20.32.040 ((Commission authority)) Office of Arts and Cultural Affairs—Authority**

6 To carry out its responsibilities under this chapter, the ((Commission)) Office of Arts and
7 Cultural Affairs shall:

8 A. Prepare, adopt and amend with the Mayor's approval a plan and guidelines to carry out the
9 City's art program, which shall include, but not be limited to, a method or methods for the selection of
10 artists or works of art and for placement of works of art;

11 B. Authorize purchase of works of art or commission the design, execution and/or placement of
12 works of art and provide payment therefor from the Municipal Arts Fund. The ((Commission)) Office of
13 Arts and Cultural Affairs shall advise the department responsible for a particular construction project of
14 the ((Commission's)) Office's decision, in consultation with the Seattle Arts Commission, regarding the
15 design, execution and/or placement of a work of art, funds for which were provided by the appropriation
16 for such construction project;

17 C. Require that any proposed work of art requiring extraordinary operation or maintenance
18 expenses shall receive prior approval of the department head responsible for such operation or
19 maintenance;

20 D. Promulgate rules and regulations consistent with this chapter to facilitate the implementation
21 of its responsibilities under this chapter.

Section 14. Effective January 1, 2003, Section 20.32.050 of the Seattle Municipal Code (pertaining to Art in Public Works Construction) is amended as follows:

SMC 20.32.050 Municipal Arts Fund.

There is established in the City Treasury a special fund designated "Municipal Arts Fund" into which shall be deposited funds appropriated as contemplated by Section 20.32.030, together with such other funds as the City Council shall appropriate for works of art, and from which expenditures may be made for the acquisition and exhibition of works of art consistent with the plan specified in Section 20.32.040A, and for ~~((Seattle Arts Commission))~~ Office of Arts and Cultural Affairs staff costs and administrative costs (as defined in SMC Section 20.32.020~~F((E))~~) that are associated with developing and implementing the Municipal Arts Plan, but not the cost of maintaining City-owned art work, which maintenance cost may be paid from the Cumulative Reserve Subfund ~~((Fund))~~ or such other source(s) as may be specified by ordinance. Separate accounts shall be established within the Municipal Arts Fund to segregate receipts by source or, when so directed by the City Council, for specific works of art. Disbursements from such fund shall be made in connection with projects approved by the Seattle Arts Commission on vouchers approved by the ~~((Executive))~~ Director of the Office of Arts and Cultural Affairs~~((Commission))~~.

Section 15. Effective January 1, 2003, Subsection 22.900A.040(B)(5) of the Seattle Municipal Code (pertaining to Building and Construction Code Permit Fees) is amended as follows:

SMC 22.900A.040 Administration and enforcement.

B. The Director is authorized to administer, interpret, and enforce the provisions of this subtitle provided, that:

5. The Director of the ~~((Seattle Arts Commission))~~ Office of Arts and Cultural Affairs shall

Section 16. Effective January 1, 2003, Section 22.900G.040 of the Seattle Municipal Code

SMC 22.900G.040 Fees for review by the ((Seattle Arts Commission)) Office of Arts and Cultural

The fee for services furnished by the ~~((Seattle Arts Commission))~~ Office of Arts and Cultural

REPEALED

Section 17. Effective January 1, 2003, the following sections or subsections of the Seattle

3.56.010 Seattle Arts Commission—Commission Established—Membership

3.56.020 Seattle Arts Commission—Organization—Chairman

3.56.030 Seattle Arts Commission—Powers and duties

3.56.040 Seattle Arts Commission—Executive Director—Appointment and duties

3.56.060 Seattle Arts Commission—Deaccessioning and disposition of surplus artworks

3.56.070 Seattle Arts Commission—Application of proceeds of sale of artwork

MISCELLANEOUS PROVISIONS

Section 18. The headings in this ordinance are for reference purposes only. They have no legal effect, and shall not be codified.

Section 19. It is the express intent of the City Council that this ordinance makes only those changes to the existing sections of the Seattle Municipal Code or uncodified ordinances shown by striking out, inside double parentheses, text to be deleted, and underlining text to be added. To this end, errors in showing the preexisting Seattle Municipal Code or uncodified ordinances are to be disregarded, and no change in the Seattle Municipal Code is intended thereby.

Section 20. It is the express intent of the City Council that, in the event another ordinance has heretofore been enacted that amended any section or subsection of the Seattle Municipal Code amended or recodified herein, that earlier amendment should be effectuated with equal dignity to this ordinance if at all possible in the codification of the Seattle Municipal Code and by the courts, notwithstanding the use in this ordinance of an obsolete version of that part of the Seattle Municipal Code on which to show intended amendments.

Section 21. In the event any section or subsection of the Seattle Municipal Code purported to be amended or recodified herein has heretofore been repealed, the earlier repeal shall be given full effect, and nothing in this ordinance shall be construed to reenact or preserve that section or subsection.

Section 22. It is the express intent of the City Council that, in the event a subsequent ordinance refers to a position or office that was abolished by this ordinance, that reference shall be deemed to be to the new position or office created by this ordinance, and shall not be construed to resurrect the old position or office unless it expressly so provides by reference to this ordinance.

Section 23. It is the express intent of the City Council that, in the event a subsequent ordinance refers to or amends a section or subsection of the Seattle Municipal Code or a previously enacted ordinance

1 that is amended or recodified herein, but the later ordinance fails to account for the change made by this
2 ordinance, the two sets of amendments should be given effect together if at all possible.

3 Section 24. The several provisions of this ordinance are declared to be separate and severable and
4 the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the
5 invalidity of the application thereof to any person or circumstance, shall not affect the validity of the
6 remainder of this ordinance or the validity of its application to other persons or circumstances.

7 Section 25. Any act consistent with the authority and prior to the effective date of this ordinance is
8 hereby ratified and confirmed.

9 Section 26. This ordinance shall take effect and be in force thirty (30) days from and after its
10 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
11 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

12 Passed by the City Council the ____ day of _____, 2002, and signed by me in open session
13 in authentication of its passage this ____ day of _____, 2002.

14
15 _____
President _____ of the City Council

16 Approved by me this ____ day of _____, 2002.

17
18 _____
Mayor

19
20 Filed by me this ____ day of _____, 2002.

21
22 _____
City Clerk

23 (Seal)

STATE OF WASHINGTON - KING COUNTY

--SS.

152259
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

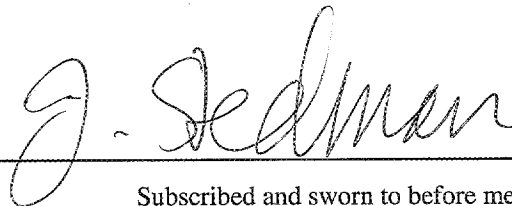
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORDINANCE 121006

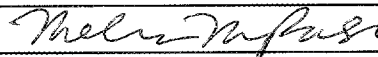
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12/4/2002



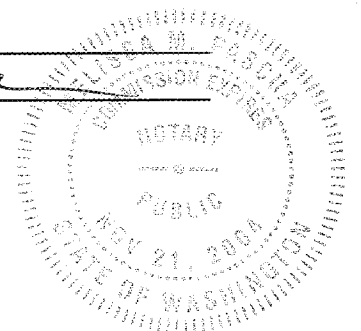
Subscribed and sworn to before me on

12/4/2002



Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, City of Seattle

ORDINANCE 121004

AN ORDINANCE relating to the organization of City government; creating an Office of Arts and Cultural Affairs in the Executive Department; abolishing the existing Seattle Arts Commission; creating a new Seattle Arts Commission; transferring some of the functions of the existing Seattle Arts Commission to the Office of Arts and Cultural Affairs and transferring some of its functions to the new Seattle Arts Commission; amending Chapter 3.14 and various other parts of the Seattle Municipal Code in connection therewith; authorizing the transfer of certain positions and incumbents; and repealing sections in chapter 3.58 of the Seattle Municipal Code.

WHEREAS, since its creation in 1971, the Seattle Arts Commission has stimulated a diverse and lively arts environment drawing on the full potential of artists, reflecting and responding to civic concerns and aspirations, and enriching the lives of all members of our community; and

WHEREAS, the City recognizes the importance of the arts to young people, to economic growth, to the vitality of neighborhoods and communities, and to Seattle residents and visitors; and

WHEREAS, Seattle is a lively center of creative artistic expression in many forms and is home to innovative arts and cultural communities embracing all disciplines; and

WHEREAS, the City wishes to elevate the visibility and increase the effectiveness of the City's arts services within all of City government; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

ESTABLISHMENT OF NEW OFFICE

Section 1. Effective January 1, 2003, there is created within the Executive Department an Office of Arts and Cultural Affairs.

Section 2. Effective January 1, 2003, some of the functions of the Seattle Arts Commission are transferred to the Office of Arts and Cultural Affairs as set forth in this ordinance.

Section 3. Effective January 1, 2003, the Executive Director of the Seattle Arts Commission shall be the Director of the Office of Arts and Cultural Affairs.

Section 4. Effective January 1, 2003, the existing Seattle Arts Commission is abolished, and a new Seattle Arts Commission is created as set forth in this ordinance. From and after January 1, 2003, references in the Seattle Municipal Code and in other ordinances to the "Seattle Arts Commission" shall refer to the Seattle Arts Commission created by this ordinance. The current commissioners who, absent this ordinance, would be members of the existing Seattle Arts Commission as of January 1, 2003, (hereafter referred to as the "current commissioners") shall, as of January 1, 2003, be members of the new Seattle Arts Commission created by this ordinance, as follows: the positions shall be numbered from one (1) through fifteen (15), and the current commissioners shall be taken in alphabetical order by last name and shall commence new terms on the new Seattle Arts Commission beginning January 1, 2003 in positions starting with position one through however many current commissioners there are.

Section 5. Effective January 1, 2003, the Director of the Department of Finance, under the authority of the Mayor, shall transfer the assets and liabilities existing on January 1, 2003, from the Seattle Arts Commission to the Office of Arts and Cultural Affairs, in order to effectuate this ordinance.

Section 6. Effective January 1, 2003, Seattle Arts Commission staff position incumbents shall transfer along with their respective positions to the Office of Arts and Cultural Affairs.

K. Exercise such other and further powers and duties as shall be prescribed by ordinance.

SMC 3.14.820 Seattle Arts Commission — Established

There is established a Seattle Arts Commission to promote and encourage public programs to further the development and public awareness of and interest in arts and culture and to act in an advisory capacity to the City in connection with the artistic and cultural development of Seattle.

SMC 3.14.825 Seattle Arts Commission — Membership and Officers

The Seattle Arts Commission shall consist of fifteen (15) members. Except as provided for some initial terms in Section 4 of this ordinance, seven (7) members shall be appointed by the City Council, seven (7) members shall be appointed by the Mayor, and the fifteenth member shall be appointed by the Commission as constituted. Positions on the Seattle Arts Commission shall be numbered from one (1) through fifteen (15). For purposes of filling vacancies, odd-numbered positions from position one (1) through position thirteen (13) shall be Mayor-appointed positions and even-numbered positions shall be Council-appointed positions. Each member shall serve for a term of two (2) years, with an option for renewal, not to exceed three (3) terms or six (6) years; provided that for positions one (1) through seven (7), the initial terms shall be one (1) year, and these initial terms shall not count toward the three (3)-term or six (6)-year maximum. Membership shall reflect Seattle's artistic, cultural, and geographic diversity, and include members from the community at large. The Commission shall elect from its members such officers as it shall deem necessary; provided, that a Chairperson shall be elected by a simple majority of the members for a one (1) year term.

In addition to the members set forth above, one (1) designated young adult person shall temporarily be added to the Seattle Arts Commission pursuant to the Get Engaged Program, SMC Chapter 3.51. The terms of service related to the young adult member's role on this Commission are set forth in SMC 3.51. The Get Engaged Program and all provisions related to this young adult position will terminate as of August 31, 2003.

SMC 3.14.830 Seattle Arts Commission — Duties

The Seattle Arts Commission shall have the following duties:

A. Promote greater public participation in, and access to, arts and culture;

B. Advocate for the role of arts and culture in civic life, and for the value of arts in education;

C. Encourage donations and grants to the Civic Arts Account of the General Donation and Gift Fund and advise the Director of the Office of Arts and Cultural Affairs regarding the receipt and expenditure of such funds;

D. Advise the City concerning the receipt of or purchase of works of art to be placed on municipal property, except for museums or art galleries or works of art placed or to be placed in connection with projects reviewed by the Seattle Design Committee;

E. Advise and assist the City in connection with such other artistic activities as may be referred to it by the City;

F. Review the preliminary proposed budget for the Office of Arts and Cultural Affairs as prepared by the Director of the Office of Arts and Cultural Affairs, and comment as appropriate before the budget is submitted to the Mayor;

G. Initiate, sponsor or conduct, alone or in cooperation with other public or private agencies, public programs to further the development and public awareness of, and interest in, the fine and performing arts;

H. Hold regular public meetings and keep a written record of its proceedings which shall be a public record; and

I. Adopt administrative rules and procedures necessary to accomplish its purposes.

SMC 3.14.840 Deaccessioning and disposition of surplus artworks

A. When the Seattle Arts Commission determines that an artwork is surplus to the City's collection of artworks, the Commission may deaccession the same and arrange for its disposition through an exchange of the artwork for one (1) or more other artwork(s) of comparable aggregate value for the City's collection, with the City being responsible for the payment of receipt of any monetary difference between the value of the City's artwork and the aggregate value of such exchanged artwork(s), through a sale of the artwork(s).

of the General Subfund shall be annually appropriated to the ~~(Seattle Arts Commission)~~ Office of Arts and Cultural Affairs for the following purposes:

A. Initiatives to keep artists living, working and creatively challenged in Seattle;

B. Initiatives to build community through the arts and create opportunities for the public to intersect with artists and their work; and

C. For each new generation, initiatives that include art opportunities for youth in and out of school.

Section 9. Effective January 1, 2003, Section 5.78.030 of the Seattle Municipal Code (pertaining to the City's Gift Catalogue program) is amended as follows:

SMC 5.78.030 Expenditures — ~~(Seattle Arts Commission)~~ Office of the Arts and Cultural Affairs

The ~~(Seattle Arts Commission)~~ Office of the Arts and Cultural Affairs is authorized to direct expenditures for the donations made to the Office of the Arts and Cultural Affairs programs (formerly known as Seattle Arts Commission programs) in the City's Gift Catalogue as designated by the donor; and the City Director of Executive Administration is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by said Commission as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Executive Administration may elect to make payment by check.

Section 10. Effective January 1, 2003, Subsection 6.295.190(A) of the Seattle Municipal Code (pertaining to All-Ages Dances and Dance Venues) is amended as follows:

SMC 6.295.190 Music and Youth Commission — Composition and Authority

A. There is established a twelve (12)-member Music and Youth Commission. The Music and Youth Commission shall be housed and administratively supported within the Office of Economic Development ~~(or such other department or office as the Mayor shall designate)~~. Six (6) Commission members shall be appointed by majority vote of the City Council, and six (6) Commission members shall be appointed by the Mayor, as follows:

Section 11. Effective January 1, 2003, Section 20.32.020 of the Seattle Municipal Code (pertaining to Art in Public Works Construction) is amended as follows:

SMC 20.32.020 Definitions.

A. "Office" means the Office of Arts and Cultural Affairs.

(A) B. "Commission" means the Seattle Arts Commission.

(B) C. "Construction project" means any capital project paid for wholly or in part by the City to construct or remodel any building, structure, park, utility, street, sidewalk, or parking facility, or any portion thereof, within the limits of The City of Seattle.

(C) D. "Eligible fund" means a source fund for construction projects from which art is not precluded as an object of expenditure.

(D) E. "Municipal (a) Arts (b) Plan" means the plan required by Section 20.32.040 A.

(E) F. "Administrative costs" means all costs incurred in connection with the selection, acquisition, installation and exhibition of, and publicity about, City-owned works of art.

Section 12. Effective January 1, 2003, Section 20.32.030 of the Seattle Municipal Code (pertaining to Art in Public Works Construction) is amended as follows:

SMC 20.32.030 Funds for works of art.

All requests for appropriations for construction projects from eligible funds shall include an amount equal to one (1) percent of the estimated cost of such project for works of art and shall be accompanied by a request from the ~~(Seattle Arts Commission)~~ Office of Arts and Cultural Affairs for authorization to expend such funds after the same have been deposited in the Municipal Arts Fund. When the City Council approves any such request, including the one (1) percent for works of art, the appropriation for such construction project shall be made and the same shall include an appropriation of funds for works of art, at the rate of one (1) percent of project cost to be deposited into the appropriate account of the Municipal Arts Fund. Money collected