Jane Morris/Ann Gorman/Frank Video
ARTS Office Name Change ORD
July 16, 2014
Version #6

ORDINANCE _____

AN ORDINANCE relating to the Office of Arts and Cultural Affairs; changing the name of the department to the Office of Arts and Culture; providing for the confirmation of certain appointments to the Seattle Arts Commission; and amending Seattle Municipal Code Sections 3.14.800, 3.14.810, 3.14.815, 3.14.825, 3.14.830, 3.14.840, 3.14.845, 4.13.010, 5.09.020, 5.40.120, 5.78.030, 20.32.020, 20.32.030, 20.32.040, 20.32.050, 22.900A.040, 22.900B.060, and 22.900G.040.

WHEREAS, a new name will better reflect the spirit of inclusion and responsiveness that the Office now embodies with the added benefit of being shorter and easier to say and remember; and

WHEREAS, this action changes the name of the Office and does not authorize any other changes to the Office's functions, authority or funding, does not change the name of the separate commissioning body named the Seattle Arts Commission, and clarifies that all Seattle Arts Commission appointments are to be confirmed by the City Council; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS,

AMENDMENT OF CODIFIED ORDINANCES

Section 1. Section 3.14.800 of the Seattle Municipal Code, last amended by Ordinance 121006, is amended as follows:

3.14.800 Office established—((P))purpose and functions((.))

There is established in the Executive Department an Office of Arts and Culture ((~~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 Culture ((~~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.

Section 2. Section 3.14.810 of the Seattle Municipal Code, last amended by Ordinance 121006, is amended as follows:

3.14.810 Director—((~~A~~))appointment and removal((~~.~~))

The Director of the Office of Arts and Culture ((~~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.

Section 3. Section 3.14.815 of the Seattle Municipal Code, last amended by Ordinance 121006, is amended as follows:

3.14.815 Director—((~~D~~))duties((~~.~~))

The Director of the Office of Arts and Culture ((~~Cultural Affairs~~)) shall be the head of and responsible for the administration of the Office of Arts and Culture ((~~Cultural Affairs~~)). Under the direction of the Mayor, the duties of the Director of the Office of Arts and Culture ((~~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 Culture ((~~Cultural Affairs~~));

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

C. Manage the preparation of the preliminary proposed budget for the Office of Arts and Culture ((~~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 Culture ((~~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 Culture ((~~Cultural Affairs~~)); apply for grants and donations for departmental programs, and solicit and use volunteer services;

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

G. Provide staff support for all commissions associated with the Office of Arts and Culture ((~~Cultural Affairs~~));

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

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

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

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

Section 4. Section 3.14.825 of the Seattle Municipal Code, last amended by Ordinance 121568, is amended as follows:

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 Ordinance 121006, 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. The members appointed by the Mayor and the member appointed by the Commission shall be subject to confirmation by the City Council. 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 position shall be added to the Seattle Arts Commission pursuant to the Get Engaged Program, ((~~SMC~~)) Chapter 3.51. The terms of service related to this young adult position are set forth in ((~~SMC~~)) Chapter 3.51.

Section 5. Section 3.14.830 of the Seattle Municipal Code, last amended by Ordinance 123460, is amended as follows:

3.14.830 Seattle Arts Commission—((~~D~~))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 Culture ((~~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 Commission;

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

F. By May 1 of each year, submit a written report to the Director of the Office of Arts and Culture ((~~Cultural Affairs~~)) on the Commission's priorities for the funds solely allocated for the use of the Office of Arts and Culture ((~~Cultural Affairs~~)) for the following budget year. This report shall be provided to the City Council and shall be included in any initial budget recommendations made by the Director to the Mayor;

G. Within 15 days of the Mayor's presentation of the proposed budget, provide the City Council with written comments on the proposed Office of Arts and Culture ((~~Cultural Affairs~~)) budget, including how the proposed Office of Arts and Culture ((~~Cultural Affairs~~)) budget reflects the funding priorities outlined in subsection F of this Section 3.14.830;

H. 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;

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

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

Section 6. Section 3.14.840 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

3.14.840 Deaccessioning and disposition of surplus artworks((.))

* * *

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

* * *

Section 7. Section 3.14.845 of the Seattle Municipal Code, last amended by Ordinance 121006, is amended as follows:

3.14.845 Application of proceeds of sale of artwork((.))

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

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

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

D. The Office of Arts and Culture ((~~Cultural Affairs~~)) is authorized to enter into contractual agreements committing the City to provide the creator of an artwork to be acquired for the City's collection, upon such artwork's subsequent deaccessioning and offering for sale, (1)

a first right to purchase such artwork, and (2) up to fifteen (((~~15~~))) percent of the net proceeds of such sale if, following the deduction and payment of all sale-related expenses, such net proceeds equal or exceed ((~~Two Hundred Dollars ($200)~~)) $200.

Section 8. Section 4.13.010 of the Seattle Municipal Code, last amended by Ordinance 124454, is amended as follows:

4.13.010 Exemptions from the Civil Service and Public Safety Civil Service Systems((.))

In addition to those positions exempted by statute, City Charter, or other ordinance provision (elected officers, officers appointed pursuant to the City Charter, assistant City attorneys, heads of employing units, members of boards and commissions established by the City Charter,[1] members of boards and commissions established by ordinance, positions excluded from the Public Safety Civil Service System pursuant to Section 4.08.060, system-wide exemptions provided for in Section 4.13.020, and library employees), the positions of City employment listed in the subsections of this section requiring a particularly high degree of professional responsiveness and individual accountability, or requiring a confidential or fiduciary relationship with the appointing authority, or being judicial positions requiring insulation as a third branch of government, are hereby declared to be exempt from ((~~the Seattle Municipal Code~~)) Chapters 4.04, 4.08, and the rules of City Personnel, the Civil Service Commission, and the Public Safety Civil Service Commission regarding examination, selection, discipline, termination, and appeals.

Employment Unit		Titles of Exempt Positions
1.	All Employing Units	Administrative Secretary
		Assistant to the Superintendent, Assistant to the General Manager and Chief Executive Officer
		All legal advisors and associate legal advisors to employing units
		Apprentice
		Executive 1
		Executive 2
		Executive 3

		Executive 4
		IT Professional A, Exempt
		IT Professional B, Exempt
		IT Professional C, Exempt
		Manager 1, Exempt
		Manager 2, Exempt
		Manager 3, Exempt
		Office/Maintenance Aide
		Strategic Advisor 1, Exempt
		Strategic Advisor 2, Exempt
		Strategic Advisor 3, Exempt

In addition to the Titles of Exempt Positions in All Employing Units the positions listed below are exempt from civil service in the specified departments.		
2.	Arts and Culture ((~~Cultural Affairs~~)), Office of	None
3.	Auditor, Office of the City	All positions in the Office of the City Auditor except clerical positions classified in the Administrative Support class series
4.	City Budget Office	Admin Staff Analyst (PosNo. 00017844)
		Executive Assistant (PosNo. 00016933)
5.	City Light	City Light General Manager and Chief Executive Officer
		Power Marketer
		Electric Utility Executive 3, Officer Electric Utility Executive 3, Director (not Officer level)
		Electric Utility Executive 2
		Electric Utility Executive 1
		Planning & Development Specialist II (PosNo. 10004697)
6.	Civil Service Commission	Administrative Staff Assistant (PosNo. 00025687)
7.	Executive	Administrative Staff Assistant (OCPC)
		Planning and Development Specialist, Senior (OSE) (PosNo. 10004696)
		All directors of offices in the Executive Department
		All positions in the Office of the Mayor
		Executive Assistant (OED) (PosNo. 00025562)

8.	Department of Finance and Administrative Services	Claims Adjuster - FAS
		Investments/Debt Director
		Investments/Debt Director, Assistant
9.	Fire	All positions included in the Public Safety Civil Service are exempt from Chapters 4.04 and the rules of City Personnel and the Civil Service Commission regarding examination, selection, discipline, termination and appeals.
10.	Hearing Examiner, Office of	Executive Assistant, Senior (PosNo. 00007594) All positions in the Office of Hearing Examiner, except clerical positions classified in the Administrative Support and Accounting Support class series
11.	Human Services	Executive Assistant, Senior (PosNo. 00011390)
12.	Information Technology, Department of	Executive Assistant, Senior (PosNo. 00026709)
13.	Law	All positions in the Law Department, except clerical positions classified in the Administrative Support and Accounting Support class series
14.	Legislative	All positions in the Legislative Department, except clerical positions classified in the Administrative Support and Accounting Support class series
15.	Municipal Court	All Municipal Judges, Magistrates, and Court Commissioners
		All positions in the Probation Counselor class series
		Administrative Specialist III (PosNo. 00023563)

		Research and Evaluation Assistant (PosNo. 00011478)
		Bailiff
		Bailiff, Chief
		Executive Assistant (PosNo. 00016207)
		Executive Assistant, Senior (PosNo. 00011524)
		Municipal Court Marshal
		Municipal Court Marshal, Senior
16.	Neighborhoods	Administrative Staff Assistant (PosNo. 10004293)
17.	Parks and Recreation	Executive Assistant, Senior (PosNo. 00022313) Administrative Staff Assistant (PosNo. 00010227)
18.	Personnel	Administrative Staff Assistant (PosNo. 00025346)
19.	Planning and Development, Department of	Administrative Staff Assistant (PosNo. 00014435)
20.	Police	All positions included in the Public Safety Civil Service are exempt from Chapter 4.04 and the rules of City Personnel and the Civil Service Commission regarding examination, selection, discipline, termination and appeals. Administrative Staff Assistant (PosNo. 10002374) Executive Assistant, Senior (PosNo. 00006333) Management Systems Analyst (PosNo. 10004666) Police Chief, Assistant Police Chief, Deputy Victim Advocate (PosNo. 10004665)

21.	Public Safety Civil Service Commission	None
22.	Retirement	Administrative Staff Analyst (PosNo. 10004468)
23.	Seattle Center Executive Assistant, Senior (PosNo. 10001213)	
24.	Seattle Ethics and Elections Commission	All positions in the office of the Seattle Ethics and Elections Commission
25.	Seattle Public Utilities	None
26.	Transportation	Executive Assistant (PosNo. 00007689)
		Administrative Specialist II (PosNo. 00007744)
		Paralegal, Senior (PosNo. 10003513)
27.	Seattle Firefighter's Pension Board	All positions of the Seattle Firefighter's Pension Board
28.	Immigrant and Refugees Affairs, Office of	None

Section 9. Section 5.09.020 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

5.09.020 Definitions((.))

As used in this chapter:

((~~A.~~)) "Chairperson" means, for each Relevant Committee, the chairperson identified in the then-current resolution establishing the Committee.

((~~B.~~)) "City" means the City of Seattle.

((~~C.~~)) "Committee" means each of the Council standing committees established by Council resolution.

((~~D.~~)) "Cost" means the total cost of an Opinion-gathering Activity, including but not limited to the costs of consultant contracts, costs (including, if known, costs of employee time) of

developing and administering the questions or instrument, and costs (including, if known, costs of employee time) of preparing and reporting the Results, to all Departments, and over every year in the case of a multi-year Opinion-gathering Activity, but excludes:

1. The value of time spent by City employees in preparing and presenting an outline of a Department's Opinion-gathering Activities in accordance with subsections ((~~5.09.030.A(1)-(3)~~)) 5.09.030.A.1 – 5.09.030.A.3;

2. The value of time spent by City employees in obtaining the approvals contemplated in subsection 5.09.030.B; and

3. The value of time spent by City employees in reporting Results pursuant to subsection 5.09.030.C.

((~~E.~~)) "Council" means the Seattle City Council.

((~~F.~~)) "Department" means each of the following departments, offices, or other entities: the Department of Finance and Administrative Services, Department of Information Technology, Department of Neighborhoods, Department of Parks and Recreation, Department of Planning and Development, Human Services Department, Law Department, Legislative Department, City Budget Office, Office of Arts and Culture ((~~Cultural Affairs~~)), Office of Economic Development, Office of Housing, Office of Intergovernmental Relations, Office of Sustainability and Environment, Office of the Mayor, Personnel Department, Seattle Center, Seattle City Light, Seattle Fire Department, Office for Civil Rights, Seattle Police Department, Seattle Public Utilities and Seattle Department of Transportation. If the name of any Department is changed, or if a function or functions of any Department are transferred to another entity within City government, then the term "Department" shall also include the renamed Department and the entity taking over the function or functions.

((~~G.~~)) "Letter" means that letter dated February 27, 2004, from the President of the City Council to the Director of the Department of Finance, clarifying the interim process for complying with the Proviso.

((~~H.~~)) "Members" means, for each Relevant Committee, the members identified in the then-current resolution establishing the Committee.

((~~I.~~)) "Opinion-gathering Activities" include, but are not limited to, public and internal/employee polls, surveys, questionnaires, focus groups, telephone calling, automated telephone calling, or other mechanisms the primary purpose of which is to gather opinions or data from at least ten persons, and includes all consultant and other contracts related thereto, but excludes:

1. Public hearings that have been advertised in accordance with law;

2. Public forums at which the general public is welcome;

3. Public workshops at which the general public is welcome;

4. Department newsletters for which the general public is able to sign up;

5. Citizen input, whether received through letters, e-mails, faxes, phone calls, or in-person contacts, that (a) has not been solicited by the posing of questions by the City or any agent of the City, or (b) is offered in response to a question posed by the City or any agent of the City that is incidental to a communication, an activity, a discussion, or informational material the primary purpose of which is not opinion-gathering, data-gathering, or the providing of opinions or data;

6. Opinion-gathering activity required by ordinance, or by a contract or collective bargaining agreement approved by City ordinance, or otherwise required by law;

7. Input on policy issues requested by a Department manager from other managers within the same Department; and

8. Employee and citizen input, whether received through letters, e-mails, faxes, phone calls, or in-person contacts, concerning evaluations of training programs and routine department administrative matters (for example, placement of office equipment and scheduling of events).

((~~J.~~)) "Proviso" means that proviso adopted by the City Council as part of the approved 2004 City Budget at Tab 011, Action ID 1, Option B, Version 3.

((~~K.~~)) "Relevant Committee" means the Committee with duties most closely related to a particular Opinion-gathering Activity as determined by the Council President.

((~~L.~~)) "Results" means the findings, results, data, analysis, report or other product of an Opinion-gathering Activity, an explanation of how the findings, results, data, analysis, report or

other product will be used, and a description of any possible actions to be undertaken as a result of the Opinion-gathering Activity.

Section 10. Section 5.40.120 of the Seattle Municipal Code, last amended by Ordinance 123460, is amended as follows:

5.40.120 Receipts to General Subfund and Arts Account((.))

A. All receipts from the admission tax levied in this Chapter 5.40 shall be placed in the General Subfund of the General Fund, except that 75 percent of all admission tax receipts shall be deposited into the Arts Account of the General Subfund of the General Fund.

B. Money in the Arts Account of the General Subfund shall be annually appropriated to the Office of Arts and Culture ((~~Cultural Affairs~~)) to support the following purposes:

1. Arts-related programs and one-time capital expenditures that keep artists living, working and creatively challenged in Seattle;

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

3. Initiatives and programs that provide art opportunities for youth in and out of school.

C. Twenty-five percent of the funds appropriated to the Arts Account from admission tax receipts in 2011 and 2012 shall be directed to fund arts related programs conducted by the City's Department of Parks and Recreation that meet the funding criteria outlined in subsection B of this Section 5.40.120. This provision, designed to reflect temporary economic conditions, shall expire on December 31, 2012. The Director of the Office of Arts and Culture ((~~Cultural Affairs~~)) shall be notified by the City's Budget Office when the transfer occurs.

D. By June 1, 2011, the Office of Arts and Culture ((~~Cultural Affairs~~)) shall develop policies concerning the use of Arts Account funds, including one or more fiscal policies concerning the retention of revenues to ensure the long-term fiscal health of the Office of Arts and Culture's ((~~Cultural Affairs'~~)) program funding obligations. A draft of the policies shall be provided to the Seattle Arts Commission for comment, before being submitted to City Council in

the form of a resolution for formal Council review and consideration. The policies shall be updated from time to time to ensure that the Office of Arts and Culture's ((~~Cultural Affairs'~~)) fiscal policies address ongoing budget needs and priorities. Any such update shall follow the same review process as defined in this Section 5.40.120.

Section 11. Section 5.78.030 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

5.78.030 Expenditures—Office of Arts and Culture ((~~Cultural Affairs~~ .))

The Director of the Office of Arts and Culture ((~~Cultural Affairs~~)) is authorized to direct expenditures for the donations made to the Office of Arts and Culture ((~~Cultural Affairs~~)) programs (formerly known as Seattle Arts Commission programs) in the City's Gift Catalogue as designated by the donor; and the Director of Finance and Administrative Services 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 Finance and Administrative Services may elect to make payment by check.

Section 12. Section 20.32.020 of the Seattle Municipal Code, last amended by Ordinance 121006, is amended as follows:

20.32.020 Definitions((~~.~~))

((~~A.~~)) "Office" means the Office of Arts and Culture ((~~Cultural Affairs~~)).

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

((~~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.

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

((~~E.~~)) "Municipal Arts Plan" means the plan required by ((~~Section~~)) subsection 20.32.040.A

((~~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 13. Section 20.32.030 of the Seattle Municipal Code, last amended by Ordinance 121006, is amended as follows:

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 Office of Arts and Culture ((~~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 in the Municipal Arts Fund shall be expended by the Office of Arts and Culture ((~~Cultural Affairs~~)) for projects as prescribed by the Municipal Arts Plan, and any unexpended funds shall be carried over automatically for a period of three (((~~3~~))) years, and upon request of the Office of Arts and Culture ((~~Cultural Affairs~~)), carried over for an additional two (((~~2~~))) years. Any funds carried over for three (((~~3~~))) years, or upon special request for five (((~~5~~))) years, and still unexpended at the expiration of such period shall be transferred to the General Fund for general art purposes only; provided, that funds derived from revenue or general obligation bond issues or from utility revenues or other special purpose or dedicated funds shall revert to the funds from which appropriated at the expiration of said three (((~~3~~))) or five (((~~5~~))) year period.

Section 14. Section 20.32.040 of the Seattle Municipal Code, last amended by Ordinance 121006, is amended as follows:

20.32.040 Office of Arts and Culture ((~~Cultural Affairs~~))—((~~A~~))authority((.))

To carry out its responsibilities under this chapter, the Office of Arts and Culture ((~~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 Office of Arts and Culture ((~~Cultural Affairs~~)) shall advise the department responsible for a particular construction project of the 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 15. Section 20.32.050 of the Seattle Municipal Code, last amended by Ordinance 121006, is amended as follows:

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~~)) subsection 20.32.040.A, and for Office of Arts and Culture ((~~Cultural Affairs~~)) staff costs and administrative costs (as defined in ((~~SMC Section~~)) subsection 20.32.020.F) 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 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 Director of the Office of Arts and Culture ((~~Cultural Affairs~~)).

Section 16. Section 22.900A.040 of the Seattle Municipal Code, last amended by Ordinance 124047, is amended as follows:

22.900A.040 Administration and enforcement

A. For the purpose of this subtitle, the term "Director" means the Director of the Department or an authorized representative.

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

1. The Director of Public Health shall administer, interpret and enforce sections of this subtitle that are applicable to fuel gas piping permits;

2. The Director of Transportation shall administer, interpret and enforce sections of this subtitle that are applicable to Seattle Transportation review of projects;

3. The Director of Seattle Public Utilities shall administer, interpret and enforce sections of this subtitle that are applicable to Seattle Public Utilities review of projects;

4. The Chief of the Fire Department shall administer, interpret and enforce sections of this subtitle that are applicable to the Seattle Fire Department review of projects;

5. The Director of the Department of Neighborhoods shall administer, interpret and enforce sections of this subtitle that are applicable to Department of Neighborhoods review of projects;

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

7. The Superintendent of the Department of Parks and Recreation shall administer, interpret and enforce sections of this subtitle that are applicable to the Department of Parks and Recreation review of projects; and

8. The Director of the Office of Housing shall administer, interpret and enforce sections of this subtitle that are applicable to Office of Housing review of projects.

C. The Director is authorized to collect fees listed in subsection 22.900A.040.B or other fee related legislation for the Seattle Department of Transportation, the Seattle Fire Department, Public Health - Seattle & King County, the Department of Neighborhoods, the Department of Parks and Recreation, the Office of Arts and Culture ((~~& Cultural Affairs~~), the Office of Housing, or Seattle Public Utilities, and to transfer those funds to them.

D. Where no definite method is prescribed in the subtitle for calculating the amount of fees, the Director may assess charges as required to cover costs.

E. The Director has full authority to specify the terms and conditions upon which services and materials are made available, and the fees as determined by the Director shall be consistent with the reasonable estimated cost to the City for furnishing such services or materials.

F. The total fee assessed for any permit, decision, review, inspection, or approval may be rounded to the nearest whole dollar (rounded down: $.01 through $.50; rounded up: $.51 through $.99).

Section 17. Section 22.900B.060 of the Seattle Municipal Code, last amended by Ordinance 124047, is amended as follows:

22.900B.060 Revisions and additions to applications

A. According to standards promulgated by the Director, the Director may assess an additional fee for the plan examination of previous designs if a subsequent redesign of a project is submitted prior to permit issuance. The revision fee shall be assessed at the DPD hourly rate not to exceed the fee that would have been charged for the original design, provided that if the application is a Land Use application that requires additional Land Use review, the Land Use hourly rate in effect at the time the revision is filed shall be charged for that portion of the work. The total fee is the fee for the final design plus the revision fee.

B. The Director may assess a fee in addition to fees already charged for the original permit if the applicant makes an amendment to an existing unexpired or reestablished permit. The applicable fees will be assessed for all work necessary to process the amendment, including

review by the Seattle Department of Transportation, the Seattle Fire Department, Public Health - Seattle & King County, the Department of Neighborhoods, the Department of Parks and Recreation, the Office of Arts and Culture ((~~Arts& Cultural Affairs~~)), the Office of Housing, or Seattle Public Utilities associated with the submitted amendment.

Section 18. Section 22.900G.040 of the Seattle Municipal Code, last amended by Ordinance 121006, is amended as follows:

22.900G.040 Fees for review by the Office of Arts and Culture ((~~**Cultural Affairs .**~~))

The fee for services furnished by the Office of Arts and Culture ((~~Cultural Affairs~~) is ((~~Fifty Dollars ($50.00)~~)) $50 per hour. The minimum charge is ((~~Two Hundred Dollars ($200.00)~~))$200.

AMENDMENT OF UNCODIFIED ORDINANCES

Section 19. Any reference to the name "Office of Arts and Cultural Affairs" shall mean "Office of Arts and Culture" in all City of Seattle uncodified laws and their respective ordinances.

Section 20. Any City of Seattle contract, ordinance, resolution, fiscal note or other official document that makes reference to the name "Office of Arts and Cultural Affairs" shall be deemed to be referring to the "Office of Arts and Culture".

MISCELLANEOUS PROVISIONS

Section 21. The section headings in this ordinance are for reference purposes only. They have no legal effect and shall not be codified.

Section 22. It is the express intent of the City that this ordinance makes only those changes to the Seattle Municipal Code or codified ordinances shown by striking out for text to be deleted and underlining for text to be added. To this end, errors shown in the pre-existing Seattle

Municipal Code or uncodified ordinances are to be disregarded, and no change in the Seattle Municipal Code is intended thereby.

Section 23. It is the express intent of the City that, in the event a subsequent ordinance refers to the Department name "Arts and Cultural Affairs", by this ordinance, that reference shall be deemed to be to the new name of "Arts and Culture" created by this ordinance, and shall not be construed to resurrect the old Department name unless it expressly so provides by reference to this ordinance.

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

Section 25. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2014, and signed by me in open session in authentication of its passage this_____ day of _____, 2014.

_____

President _____of the City Council

THE MAYOR CONCURRING:

_____

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2014.

_____

City Clerk

(Seal)

Form revised: December 12, 2012

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Office for Arts & Cultural Affairs	Jane Morris / 684-8362	Ann Gorman / 684-5292

Legislation Title:
AN ORDINANCE relating to the Office of Arts and Cultural Affairs; changing the name of the department to the Office of Arts and Culture; providing for the confirmation of certain appointments to the Seattle Arts Commission; and amending Seattle Municipal Code Sections 3.14.800, 3.14.810, 3.14.815, 3.14.825, 3.14.830, 3.14.840, 3.14.845, 4.13.010, 5.09.020, 5.40.120, 5.78.030, 20.32.020, 20.32.030, 20.32.040, 20.32.050, 22.900A.040, 22.900B.060, and 22.900G.040.

Summary of the Legislation:
This Ordinance will authorize a change in name for the Office of Arts & Cultural Affairs to the Office of Arts and Culture.

Background:
The office requests a change in name for the office to better reflect the spirit of inclusion and responsiveness that the Office now embodies with the added benefit of being shorter and easier to say and remember for the public.

Please check one of the following:

__X__ **This legislation does not have any financial implications.**

____ **This legislation has financial implications.**

Other Implications:

a) **Does the legislation have indirect financial implications, or long-term implications?**
No.

b) **What is the financial cost of not implementing the legislation?**
None.

c) **Does this legislation affect any departments besides the originating department?**
No.

d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**
None.

e) **Is a public hearing required for this legislation?**
No.

f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No.

g) **Does this legislation affect a piece of property?**
No.

h) **Other Issues:** None.

List attachments to the fiscal note below: None.

City of Seattle
Edward B. Murray
Mayor

July 8, 2014

Honorable Tim Burgess
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Burgess:

I am transmitting the attached proposed Council Bill that will change the official name of the Office of Arts and Cultural Affairs to simply the **Office of Arts and Culture**.

This legislation will change the office's name only, and does not propose any other change in structure or organization of the office. We feel that the new name will not only be shorter and easier to remember for the public, but also has a less bureaucratic feel.

Thank you for your consideration of this legislation. Should you have questions, please contact Jane Morris at 684-8362.

Sincerely,

Edward B. Murray
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Office of the Mayor
Seattle City Hall, 7th Floor
600 Fourth Avenue
PO Box 94749
Seattle, Washington 98124-4749

Tel (206) 684-4000
Fax: (206) 684-5360
Hearing Impaired use the Washington Relay Service (7-1-1)
www.seattle.gov/mayor