

CITY OF LYNNWOOD

ORDINANCE NO. 2759

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING LMC 3.14 IN ITS ENTIRETY; PROVIDING FOR FUNDING AND ACQUISITION OF ART IN PUBLIC PLACES; PROVIDING FOR FUNDING AND MAINTAINING A CUMULATIVE RESERVE ART FUND; PROVIDING FOR APPROPRIATIONS FROM MUNICIPAL CONSTRUCTION PROJECTS FOR WORKS OF ART; PROVIDING FOR SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION

WHEREAS, the City Council is committed to providing arts opportunities to enhance the quality of life of its citizens;

WHEREAS, the City Council has previously established an Arts Commission to promote experiences to further the appreciation of art through awareness and participation in all the arts;

WHEREAS, the City Council has previously established an Arts Commission to advise the Mayor and Council regarding the acquisition and display of art in public places;

WHEREAS, the City Council has previously established a cumulative reserve art fund and desires to enhance the funding to said fund; now, therefore,

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. **Purpose:** The City of Lynnwood has determined that it is a benefit to the community to provide increased access to public art and to enhance the visual aesthetics of the community. Public art provides a stimulating environment for the building/site users and fosters community pride and identity. Public Art also assists in creating an environment attractive to tourists, thereby playing a crucial role in the development of Lynnwood as a tourism destination. In harmony with this, it is the policy of the City to provide for acquisition, commissioning and display of works of art in public places of the City.

Section 2. **Definitions:**

- A. “Art Fund” means the City of Lynnwood Cumulative Reserve Art Fund.
- B. “City” means the City of Lynnwood.
- C. “Commission” means the Lynnwood Arts Commission.

- D. “Public Art” means capital acquisitions of works of art by the City of Lynnwood or art commissioned or purchased through joint projects between the City and other entities public or private.
- E. “Municipal Construction Project” means any capital project paid for wholly or in part by the City of Lynnwood to construct or remodel any building , park, parking facility, or any portion thereof, within the limits of the City of Lynnwood except for utilities, streets, sidewalks, walkways, tenant improvements, and furnishings.
- F. “Total Project Cost” means the total amount of funds appropriated for the project per construction bid award or negotiated construction contract award; provided, that the following shall be excluded when calculating the total project cost:
 - (1) the amount received from a source of funds for construction projects which precludes expenditures for works of art or cultural projects;
 - (2) the amount of funding provided by the following sources:
 - (a) revenue bonds;
 - (b) community development block grants;
 - (c) other federal, state or local grants;
 - (d) LID projects, unless specifically authorized in the LID process.
 - (3) any subsequent change orders for that project;
 - (4) sales tax or any other tax on the construction bid amount or negotiated construction contract award.

Section 3. Appropriations From Municipal Construction Projects For Works of Art:

Authorizations and/or appropriations for municipal construction projects shall include an amount equal to one percent (1%) of the total project cost, which shall be deposited in the Art Fund at the time of contract award. That amount shall not be modified because of subsequent change orders.

Section 4. Additional Contributions to Cumulative Reserve Art Fund:

- A. To maintain a minimum annual contribution of \$15,000.00 to the Art Fund, the City Administration and the City Council will budget revenue, up to \$15,000.00 annually, to make up the difference of revenue received from appropriations for municipal construction projects, provided, however, that revenue is available for that purpose.

- B. Provided, further, that special projects exceeding the maximum annual contributions and Art Fund balance may be funded as approved by the City Council.

Section 5. **Administration of Art Fund:** The Commission's procedures for recommending and obtaining authorization for expenditures from the Art Fund for acquisitions of public art shall comply with the City's Policy Procedure for Public Art Acquisition.

Section 6. **Severability:** If any section, subsection, sentence, clause, phrase or word of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 7. **Effective Date:** This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after its publication.

PASSED by the Lynnwood City Council this 8th day of December and signed in authentication of its passage this ____ day of December, 2008.

DON GOUGH,
Mayor

ATTEST:

APPROVED AS TO FORM:

JOHN MOIR
Finance Director

ERIC FRIMODT
Lynnwood City Attorney

SUMMARY OF ORDINANCE NO. 2759

of the City of Lynnwood, Washington

On the 8th day of December 2008, the City Council of the City of Lynnwood, Washington, passed Ordinance No. 2759. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING LMC 3.14 IN ITS ENTIRETY; PROVIDING FOR FUNDING AND ACQUISITION OF ART IN PUBLIC PLACES; PROVIDING FOR FUNDING AND MAINTAINING A CUMULATIVE RESERVE ART FUND; PROVIDING FOR APPROPRIATIONS FROM MUNICIPAL CONSTRUCTION PROJECTS FOR WORKS OF ART; PROVIDING FOR SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION

The full text of this Ordinance will be mailed upon request.

DATED this ____ day of _____, 2008.

JOHN MOIR
Finance Director