



**CITY OF MILWAUKIE**  
*"Dogwood City of the West"*

**Ordinance No. 2125**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MUNICIPAL CODE BY ADDING A NEW CHAPTER 20.06 ADOPTING AN ART IN PUBLIC PLACES PROGRAM.**

**WHEREAS**, Artistic and cultural resources are essential to the quality of life of a community. Art in Public Places contributes to the economic vitality of a region by improving the quality of the built environment and fostering a positive community identity; and

**WHEREAS**, Historically, artists have helped shape great civic projects, from federal monuments to community development projects of local government agencies and special districts; and

**WHEREAS**, Art in Public Places for the City of Milwaukie integrates art into public capital improvement projects and development projects, which enhances Milwaukie's visual environment for those who live here now and for generations to come; and

**Now, Therefore, the City of Milwaukie does ordain as follows:**

Section 1. The Milwaukie Municipal Code is amended by adding a new Chapter 20.06 Art in Public Places Program, to read as shown on the attached Exhibit A.

Section 2. This ordinance shall take effect 30 days after passage.

Read the first time on July 5, 2016, amended, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on 7/19/16

Signed by the Mayor on 7/19/16.

  
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Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

  
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Pat DuVal, City Recorder

  
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City Attorney

## **Exhibit A**

Sections:

- 20.06.010 Title.
- 20.06.020 Purpose.
- 20.06.030 Definitions.
- 20.06.040 Dedication of 1.5% to Art in Public Places.
- 20.06.050 Art in Public Places Fund.
- 20.06.060 Siting of Art in Public Places Artwork.
- 20.06.070 Program Guidelines.
- 20.06.080 Ownership.

### **20.06.010 Title.**

This Chapter shall be known as the "Art in Public Places" program of the City of Milwaukee.

### **20.06.020 Purpose.**

Artistic and cultural resources are essential to the quality of life of a community. Art in Public Places contributes to the economic vitality of a region by improving the quality of the built environment and fostering a positive community identity. Historically, artists have helped shape great civic projects, from federal monuments to community development projects of local government agencies and special districts. Art in Public Places for the City of Milwaukee integrates art into public capital improvement projects and development projects, which enhances Milwaukee's visual environment for those who live here now and for generations to come.

### **20.06.030 Definitions.**

"Art in Public Places" means the program established by this ordinance to set aside a percentage of the total cost of City projects for Art in Public Places Artwork.

"Art in Public Places Fund" means a City fund or account into which all moneys derived pursuant to this Chapter shall be deposited. Monetary contributions for Art in Public Places shall also be deposited into the Art in Public Places Fund. Funds within the Art in Public Places Fund shall be solely be utilized for the purposes outline in this Chapter.

"Artwork" means all forms of original works of art accessible to the public and/or public employees including:

- A. Painting of all media, including both portable and permanently fixed works, such as murals;

B. Sculpture which may be in the round, bas-relief, high-relief, mobile, fountain, kinetic, electronic and others, in any material or combination of materials;

C. Other visual media including, but not limited to, prints, drawings, stained glass, calligraphy, glass works, mosaics, photography, film, clay, fiber/textiles, wood, metals, plastics or other materials or combination of materials, or crafts or artifacts.

D. Works of a wide range of materials, disciplines and media which are of specific duration, including performance events, and which are documented for public accessibility after the life of the piece has ended.

E. Art works that possess functional as well as aesthetic qualities.

“City Project” means any capital or development project in an amount over \$50,000 paid for wholly or in part by the City of Milwaukie to construct, rehabilitate, remodel or purchase for a public use any building, decorative or commemorative structure, park, parking facility or any portion thereof within the limits of the City of Milwaukie. “City project” does not include street, pathway or utility construction; emergency work; minor alterations; ordinary repair or maintenance necessary to preserve a facility; or service facilities not normally visited by the public, such as maintenance sheds or storage buildings, *or any project financed by a publically approved bond measure prior to July 1, 2016.*

“Deaccessioning” means relinquishing title to a work of Art in Public Places.

“Eligible Funds” means a source of funds for projects from which art is not precluded as an object of expenditure.

“Selection Committee” means the committee established by City Staff and the Milwaukie Arts Committee for each project. The Selection Committee is solely responsible for artist selection, review of design, execution, placement and acceptance of Art in Public Places Artwork, and shall communicate such progress to City Council.

“Total Cost” means the entire amount of the City’s contribution toward the construction or purchase of a City project. “Total cost” does not include costs for design and engineering, administration, fees and permits, building demolition, relocation of tenants, contingency funds, change order costs, environmental testing or indirect costs, such as interest during construction, advertising and legal fees. When a City project involves the purchase of real property, costs attributable to land acquisition are not included in total cost, while costs attributable to improvements on the real property that are acquired for public use are included in the total cost.

#### **20.06.040 Dedication of 1.5% to Art in Public Places.**

A. Dedication: One and one half percent (1.5%) of the Total Cost of a qualifying City Project shall be set aside for the acquisition of Art in Public Places Artwork. Artwork shall be sited in accordance with Section 20.06.060.

B. Restricted funds: If funding for a particular City Project is subject to legal restrictions that preclude Art in Public Places as an object for expenditure, the portion of the City Project that is funded with the restricted funds shall be exempt from the requirements of this Chapter.

C. Phased projects: As a general rule, where a City Project will be constructed in phases, the 1.5% dedication shall be applied to the estimated total cost of each phase of the Project at the time that funds for the phase are appropriated and encumbered. Nothing in this section prevents the Council from deciding to set aside all or part of the entire dedication from the funds of a particular phase, however, as the Council deems appropriate. In determining when to set aside the funds for a phased project, the City shall encourage an overall public art plan for phased work to ensure that art is not located on a piecemeal basis.

#### **20.06.050 Art in Public Places Fund.**

There is hereby created a special City fund or account called the Art in Public Places Fund into which the monetary contributions for Art in Public Places shall be deposited.

A. 1.5% of the total cost of City Projects shall be dedicated to Art in Public Places. Such funds shall be deposited into the Art in Public Places Fund at the time that budgeted funds are encumbered for the construction or purchase price of the City Project.

1. 1% of the total cost of City Projects shall be used for costs associated with the acquisition of Art in Public Places Artwork including, but not limited to, the design, purchase and siting of Artwork.

2. 0.5% of the total cost of City Projects shall be used for costs associated with administration of the Art in Public Places Program, including, but not limited to, costs of selection, conservation and maintenance of the collection, community education, deaccessioning and registration of Art in Public Places Artwork.

B. Monetary contributions shall be deposited in separate accounts within the Art in Public Places Fund if separate accounting is deemed appropriate by the City Manager or is required by law.

C. Monetary contributions made other than through the Art in Public Places Program shall be deposited in the Art in Public Places Fund and may be dedicated to or earmarked for a specific program or piece of Artwork, subject to acceptance by the City Council.

D. Disbursements from the Art in Public Places Fund shall be made only after authorization of the City Manager or the Manager's designee, and shall be made according to this Chapter and any guidelines adopted hereunder.

**20.06.060 Siting of Art in Public Places Artwork.**

Art in Public Places Artwork selected pursuant to this Chapter may be sited in, on or about any City Project or other property owned, leased or rented by or to the City of Milwaukie. Art in Public Places Artwork may be attached or detached within or about such property, and may be either temporary or permanent.

**20.06.070 Program Guidelines.**

The City Council shall adopt guidelines for administration of the Percent for Art Program. Such guidelines shall:

A. Provide for the appointment of representatives to the Selection Committee. The Selection Committee's membership shall include a Project architect, engineer, or project manager of given City Project; constituent representative (i.e., user of the facility being built or renovated); two representatives of the Milwaukie Arts Committee; two professional artists; one Community Development Department representative; one Neighborhood District Association representative from the respective neighborhood; one member of City Council.

B. Provide for a method or methods of selecting and contracting with artists for the design, execution and siting of Art in Public Places Artwork.

C. Determine the dedication and disbursement process for the Art in Public Places Fund.

D. Clarify the responsibility for maintenance of Art in Public Places Artwork, including any extraordinary operations or maintenance costs associated with Art in Public Places Artwork, prior to selection.

E. Facilitate the preservation of art objects, ethnic and cultural arts and crafts, and artifacts.

F. Provide a process to deaccession Artwork.

G. Set forth any other matter appropriate to the administration of this Chapter.

H. Provide for annual reporting to City Council and the Milwaukie Arts Committee on the Art in Public Places Program progress.

**20.06.080 Ownership.**

All Art in Public Places Artwork acquired pursuant to this Chapter shall be acquired in the name of the City of Milwaukie, and title shall vest in the City of Milwaukie.