

Chapter 1.28

TACOMA ART COMMISSION

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**1.28.010 Creation of Art Commission.**

An art commission of the City of Tacoma, to be known as the "Tacoma Art Commission," is hereby established to serve as an advisory body to the Tacoma City Council. Said Commission shall consist of 15 members, who shall serve without compensation. (Ord. 26581 § 1; passed Mar. 7, 2000; Ord. 24275 § 1; passed Jan. 17, 1989; Ord. 22602 § 1; passed Dec. 22, 1981)

**1.28.020 Membership of Commission.**

The membership of said Commission, all of whom must reside within the City of Tacoma, shall consist of the following persons:

- A. A member of the City Landmarks Preservation Commission;
- B. A working professional artist;
- C. A person working in the Tacoma public education community;
- D. A person representing the Community Council or Neighborhood Business Districts;
- E. Eleven additional persons appointed by the City Council from persons representative of acknowledged accomplishment or persons working outside of professional practice in the arts, but who demonstrate a deep interest in and appreciation of cultural and artistic activities. (Ord. 26581 § 2; passed Mar. 7, 2000; Ord. 26386 § 6; passed Mar. 23, 1999; Ord. 24275 § 2; passed Jan. 17, 1989;

Ord. 23172 § 1; passed May 1, 1984; Ord. 22602 § 1; passed Dec. 22, 1981)

**1.28.030 Term of office of members.**

The term of office of the members appointed pursuant to subsection A of Section 1.28.020 shall be one year, and the terms of office of the remaining members shall be for periods of four years; provided, however, that in the appointment of the first Commission, of the 13 members provided for in subsections C and D of Section 1.28.020, three members thereof shall be appointed for one year, three members for two years, three members for three years, and four members for four years. At the expiration of each of said terms so provided for, a successor shall be provided for a term of four years. Each member shall serve until his or her successor is appointed and qualified. (Ord. 26581 § 3; passed Mar. 7, 2000; Ord. 24275 § 3; passed Jan. 17, 1989; Ord. 22602 § 1; passed Dec. 22, 1981)

**1.28.040 Vacancy or removal.**

- A. Vacancies on said Commission from whatever cause, except temporary vacancies as hereinafter provided, shall be filled by the City Council for the unexpired term.
- B. Any member of the Commission may be removed from said Commission prior to the expiration of his/her term by two-thirds vote of the City Council, subject to the provisions of subsection C.
- C. The appointment of any member of the Commission who has been absent from three consecutive regular or special meetings of the Commission without the approval of said Commission shall automatically terminate. The Administrator shall notify any member whose appointment has automatically ended and report to the appointing authority that a vacancy exists on said Commission and that an appointment should be made for the unexpired term. The Commission shall have the power and authority to excuse any member from attendance at any regular business meeting or study session for good cause. (Ord. 26581 § 4; passed Mar. 7, 2000; Ord. 24275 § 4; passed Jan. 17, 1989; Ord. 22602 § 1; passed Dec. 22, 1981)

**1.28.050 Temporary vacancies.**

A member of the Commission may be granted a leave of absence by the City Council and a temporary vacancy shall thereupon exist for the period of such leave of absence.  
During the period of such temporary vacancy, the City Council may fill such vacancy by a temporary appointment to said Commission; provided, however,

that the period of such temporary appointment shall not exceed the period of the temporary vacancy.

At the expiration of a leave of absence so granted, the member shall automatically resume full and permanent membership on said Commission. (Ord. 22602 § 1; passed Dec. 22, 1981)

**1.28.060 Automatic termination of appointment.**

*Repealed by Ord. 26581*

(Ord. 26581 § 5; passed Mar. 7, 2000; Ord. 22602 § 1; passed Dec. 22, 1981)

**1.28.070 Officers and Executive Committee.**

A. The Art Commission shall elect its officers, including a president, vice president, and other officers, as it may deem necessary. Committee chairs may be appointed or elected by the Commission as a whole. Such persons shall occupy their respective offices for a period of one year. The president and vice president shall be elected by the first meeting of each calendar year. In the absence of the president, the vice president is authorized to perform and carry out all of the duties and obligations of the president.

B. The Executive Committee shall consist of the President and Vice President of the Commission, any other elected officers, and sub-committee chairs. (Ord. 26581 § 6; passed Mar. 7, 2000; Ord. 24275 § 5; passed Jan. 17, 1989; Ord. 22602 § 1; passed Dec. 22, 1981)

**1.28.080 Meetings of the Commission.**

The Tacoma Arts Commission shall establish a regular time and place of meeting, and shall hold at least six regular meetings a year. Special meetings of the Commission may be called at any time by the President or by any eight or more members of the Commission upon personal notice being given to all members of the Commission. If personal notice cannot be given, written notice must be received by such members at least 24 hours prior to said meeting. (Ord. 24275 § 6; passed Jan. 17, 1989; Ord. 22602 § 1; passed Dec. 22, 1981)

**1.28.090 Organization and procedure.**

The Commission may make and alter any rules and regulations governing its organization and procedure not inconsistent with this chapter or any other ordinance of the City, subject to the approval of the City Council. Requests for recommendations and study of matters within the area of interest of the

Commission must be submitted to it five days prior to any scheduled meeting.

Eight of the members of the Commission shall constitute a quorum. A majority vote of the members present is required to take any action. The Commission shall keep an accurate record of its proceedings and transactions and shall submit an annual report to the City Council. All minutes of the Commission meetings shall be filed with the City Clerk. (Ord. 24275 § 7; passed Jan. 17, 1989; Ord. 22602 § 1; passed Dec. 22, 1981)

**1.28.100 Administration.**

The City Manager shall appoint an officer or employee of the City to act as Administrator of the Tacoma Art Commission. The Tacoma Art Commission shall be located within the Tacoma Economic Development Department, Cultural and Tourism Division. (Ord. 26581 § 7; passed Mar. 7, 2000; Ord. 24275 § 8; passed Jan. 17, 1989; Ord. 22602 § 1; passed Dec. 22, 1981)

**1.28.110 Functions of the Tacoma Art Commission.**

The functions of the Tacoma Art Commission shall be as follows:

- A. Foster arts and cultural programs for the enrichment of the City and its citizens.
- B. Foster the development of a local art community, encouraging an environment for the success of working individual artists.
- C. Coordinate and strengthen new and existing arts organizations and develop cooperation with regional entities.
- D. Encourage programs for cultural exchange and development.
- E. Further the vision of Tacoma as an international, progressive city. (Ord. 26581 § 8; passed Mar. 7, 2000; Ord. 24275 § 9; passed Jan. 17, 1989; Ord. 22602 § 1; passed Dec. 22, 1981)

**1.28.120 Works of art defined.**

*Repealed by Ord. 26581*

(Ord. 26581 § 9; passed Mar. 7, 2000; Ord. 24275 § 10; passed Jan. 17, 1989; Ord. 22602 § 1; passed Dec. 22, 1981)

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### **1.28.130 Monetary donations and gifts of works of art to the City.**

*Repealed by Ord. 26581*

(Ord. 26581 § 10; passed Mar. 7, 2000; Ord. 24275 § 11; passed Jan. 17, 1989; Ord. 22602 § 1; passed Dec. 22, 1981)

### **1.28.140 Contracts for artistic services.**

A. Findings. The City Council finds that public artistic expressions of all kinds enhance the cultural, economic, and educational life of the community and benefit the health and welfare of the City's residents. In its role as guardian of the health and welfare of the City, the City Council finds it appropriate, necessary, and desirable to promote and support public experiences of the performing, visual, literary, and other artistic disciplines for the good of the citizens of Tacoma. The Tacoma Art Commission shall plan and implement a cultural contracts program addressing the needs of the City.

B. Authority of Commission. The Tacoma Art Commission, acting through its Administrator, is hereby authorized to make funding recommendations allowing the City to enter into contracts for public presentation of cultural, artistic, and educational programs and performances as may, in its judgment, advance the above-described public purposes. (Section 1.28.110) All such contracts must be within the budget approved by the City Council during the budget process and approved by the Administrator of the Commission and by the City Manager, and, where the monetary value of any such contract exceeds the City Manager's authority, then by the City Council by resolution. (Ord. 26581 § 11; passed Mar. 7, 2000; Ord. 24275 § 12; passed Jan. 17, 1989)

### **1.28.150 Removal of art works from City collection.**

*Repealed by Ord. 26581*

(Ord. 26581 § 12; passed Mar. 7, 2000; Ord. 24275 § 13; passed Jan. 17, 1989)

### **1.28.160 Public Art.**

A. Purpose. The City of Tacoma accepts responsibility for expanding experiences with art in the public realm. Such art has enabled people in all societies to better understand their communities and individual lives. Artists capable of creating art for public places, in particular, artists who are residents of the City of Tacoma, must be encouraged, thereby enhancing Tacoma's standing as a regional leader in public art. A policy is hereby established to direct the inclusion of works of art in public places of the

City. The purposes of the program include the following:

1. Integrate the work and thinking of artists into the planning, design, and construction of City facilities, buildings, and public spaces.
2. Enhance and enrich the City's physical environment and public spaces.
3. Celebrate the multi-cultural and diverse character of Tacoma.
4. Contribute a sense of ownership and pride in public facilities and spaces to Tacoma citizens.
5. Engage the citizens of Tacoma in creative partnerships with artists.

This public art section shall be reviewed by the City Council in two years with subsequent reviews every four years.

#### B. Definitions.

1. "Acquisition" means the purchase of parcels of land, existing buildings and structures, and costs incurred by the City for the appraisals or negotiations in connection with such purchase.
2. "Arts selection panel" means a group of individuals, including artists, art and design professionals, and non-artist citizen representatives, established by the Tacoma Art Commission to select artists to provide works or services to the City.
3. "City" means the City of Tacoma.
4. "Client department" means the department or division responsible for construction or custodial management of a facility or Capital Facilities Program project after construction is complete.
5. "Commission" means the Tacoma Art Commission.
6. "Commissioner" means an individual appointed to serve on the Tacoma Art Commission.
7. "Construction" shall mean, for purposes of City construction projects that involve the construction of buildings, all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire extinguishing systems, and any other permanent work or permanent equipment, excluding the cost of sales tax, demolition, site preparation, property acquisition, financing, furnishings, fixtures, and equipment, design services, and environmental assessment and/or remediation. For City construction projects that do not involve the construction of buildings, such as sidewalks, "construction" shall have its usual and customary meaning but shall exclude the cost of sales tax,

property acquisition, financing, design services, and environmental assessment and/or remediation.

8. "Construction project" means any public work project, accessible, visible, and useable by the public that is paid for or funded wholly or in part by, or at the cost of, the City.

9. "Council" means the Tacoma City Council.

10. "Equipment and furnishings" shall mean any equipment or furnishings that are portable and of standard manufacture. "Equipment" shall not mean items that are custom designed or that create a new use for the facility, whether portable or affixed.

11. "Municipal Art Fund" means a fund within the City of Tacoma into which all monetary contributions for public art shall be deposited.

12. "Municipal Art Program" means the strategies that will identify opportunities for public art within the City and determine the project budgets. This task shall be implemented by the Art Commission staff and the Tacoma Art Commission working in partnership with client departments and citizens.

13. "Public art" means original visual creations which are sited in a manner accessible and visible to the public.

14. "Public art collection" means any work of art which has been accepted by the Tacoma Art Commission and is accessed into the collective body of artwork owned by the City.

15. "Public space" is any place or property within the City limits which is open to the general public for its use, or which is in public view, or is generally accessible and visible to the public.

16. "Public work" shall mean all work, construction, alteration, repair, or improvement other than ordinary maintenance. The term "public work" shall not include: work, construction, alteration, enlargement, improvement, repair, demolition, and/or maintenance for which no wage or salary compensation is paid, or ordinary maintenance which is defined as work that is performed on a regularly scheduled basis (e.g., daily, weekly, monthly, seasonally, semiannually, but not less frequently than once per year) to service, check, or replace items that are not broken; or work that is not regularly scheduled but is required to maintain the asset so that repair does not become necessary.

17. "Site preparation" shall mean all work performed in, on, or around a project site in anticipation of subsequent construction work inclusive of, but not limited to, select demolition, rough grading, environmental assessment and remediation, erosion control, and security fencing.

C. Artists' Involvement in Public Art Program. It is the intent of the Council to involve artists at the earliest appropriate project stage. The Commission will establish the artist selection process, and in collaboration with the client department, define the scope of work on a case-by-case basis. When defining the scope of work the Commission shall, as to a work or works of visual art as defined at 17 USC Section 100, ensure that appropriate waivers and consents to installation and removal are obtained. The City will include artists in a broad range of projects, including:

1. Planning. Artists may be selected to assist in the evaluation of options, strategies, limitations, opportunities for art, and aesthetic design in capital projects before the scope, quality, schedule, and budget are fixed.

2. Collaboration with Project Design Team. Artists may be selected as consultants on City construction projects in which the creation, documentation, and construction of the City construction project is collaboratively developed with the City's project managers, design team, the community, and the artist with the goal of improving the aesthetics of the entire project.

3. Site specific artwork. Artists may be selected to design artwork for a specific location.

4. Individual works of art. Artists may be commissioned to create a work of art or existing works of art may be purchased.

D. Municipal Art Fund. There is hereby established a special fund, designated as the "Municipal Art Fund," into which shall be deposited funds, appropriated as contemplated by subsection E below, together with incentives as noted in Chapter 13.06A of the Tacoma Municipal Code, gifts, bequests to the City for public art, and other funds as the City Council shall appropriate for works of art and from which expenditures may be made for specific works of art or for works of art in accordance with the Municipal Art Program specified in subsection K. The Municipal Art Fund shall be used exclusively as a means of isolating and identifying all monetary transactions pertaining to Municipal Art Programs. The City Treasurer of the city of Tacoma is hereby designated as the custodian of the Municipal Art Fund, and the disbursements of all money therefrom shall be made in the manner provided by law. Further, separate accounts shall be established within the Municipal Art Fund to segregate receipts by source or, when so directed by the City Council, for specific works of art. A percentage of the Municipal Art Fund shall be appropriated for administrative costs associated with the project and for maintenance

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of works of art. Staff salaries will not be funded from the Municipal Art Fund.

Appropriation of funds to support the Municipal Art Program shall be made to the Municipal Art Fund biennially, consistent with the City's budget cycle, Capital Facilities Program plan, and major capital projects identified by the City Council.

E. Funding Basis. All City construction projects, which are funded on or after March 18, 2000, will contribute to the City's Municipal Art Fund.

1. Calculation Base. The amount of the annual appropriation for art shall be equal to 1 percent of the eligible funds of City construction projects.

2. The following project categories shall be considered ineligible for and excluded from the Municipal Art Program calculation base: roadways, airport runways, sewers, and solid waste landfills. This ineligibility shall not preclude a client department, in cooperation with the Tacoma Art Commission, from proposing a public art project for a roadway, airport runway, sewer, or solid waste landfill project which presents an opportunity for the inclusion of public art.

3. At a minimum, the amount budgeted for art in a City construction project shall be equal to 1 percent of the construction costs.

4. In all cases where a City construction project has a scope of work that includes both eligible and ineligible project elements and eligible and ineligible project categories, the budget for art shall be calculated, at a minimum, in the eligible portions of the project. In all cases where a City construction project includes a source of funds which is eligible for a public art purpose but which may not be pooled with other funds and may not be used for another or different project, the budget for art in that City construction project shall include 1 percent of such eligible funds.

5. In all cases where the City appropriates funds that are used for a non-City construction project, 1 percent of eligible City funds to be applied toward the construction costs of that non-City construction project shall be appropriated for the Municipal Art Fund.

F. Appropriation. At the time a City construction project is proposed, the client department shall calculate and include a budgeted line item for art in each eligible project as described in subsection E above. The Finance Department shall confirm the calculations with the client department(s) and Tacoma Art Commission and include the agreed-upon appropriations for art in the proposed City biennial budget, including amendments. The amounts

budgeted for art in particular projects may be adjusted to reflect Council changes to the budget for the City construction project. Fund transfers to the Municipal Art Fund will occur as soon as practicable after a bid has been awarded for the City construction project that includes construction costs.

G. Ineligible Funds. The source of the funds shall not affect the calculation for public art for a City construction project; provided that revenues of Tacoma Public Utilities, any funds that are limited or restricted in use and cannot be expended for purposes identified in this section, and any other funds which are generated from special assessments on property for improvements made in a local improvement district, shall not be included in the bases for the calculation of the public art contribution. However, at the client department's discretion, other non-restricted funds may be used to add public art, as appropriate, within the project budget.

If the source of the funds requires or allows that public art be incorporated into the City construction project being funded, the funds will be maintained and separately account for in a sub-fund of the fund created for the City construction project and shall not be pooled in the Municipal Art Fund. Such funds, to the extent allowed by law, will be used directly for the funded project, or other eligible projects within the same fund, as part of the Municipal Art Program. Funding set aside in a sub-fund for art will only be used for that purpose unless otherwise approved by the City Council. Projects using restricted funds will follow the protocol described in Subsection K below.

H. Pooling funds. A policy is hereby established to direct the transfer and pooling of all Municipal Art Program monies within the Municipal Art Fund.

Pooling affords the opportunity to look at the needs of the City as a whole and use the art monies only in those projects which may have the greatest impact on communities or offer the best opportunities for artist involvement. Pooling on a departmental basis, or within an enterprise funds basis, affords the opportunity for the Tacoma Art Commission and client departments to work collaboratively on projects which reflect the missions and goals of individual departments and to ensure that art projects are adequately funded. It is not the Council's intent that every City construction project which contributes to the Municipal Art Fund shall include an art project. The decision regarding which City construction projects will include an art project will be determined jointly by the Tacoma Art Commission and the client department according to the protocol described in subsection K below.

I. Appropriate use of program funds. The Municipal Art Fund shall support the following uses:

1. the selection, acquisition, and display of works of art, which may be an integral part of the project; or which may be placed in, on, or about the project or other public space;
2. artist fees, design, planning, and pre-design service contracts and commissions;
3. expenses for technical assistance provided by architects and/or engineers to artists, in order to design, document, and/or certify the artwork;
4. repair and maintenance of City public artworks benefited by the Municipal Art Fund;
5. citizen forums and educational workshops, to gather information and/or educate about public art and the City's public art collection; and
6. documentation and public education material for the Municipal Art Program and public art projects.

J. Budgeting of funds. Following approval of the biennial budget and biennial Municipal Art Fund appropriation by the Council, the Tacoma Art Commission, in cooperation with the client department(s), shall submit the Municipal Art Program, which describes the art projects to be initiated from the fund, the budget recommended for each art project, and any special project categories to allow for program flexibility and responsiveness. The program strategies and budget shall be transmitted to the Council in a manner consistent with the biennial budget process.

K. Municipal Art Program.

1. Development of the Municipal Art Program. Development of the Municipal Art Program will mean the determination of project budgets and identification of opportunities for public art. This task shall be implemented by the Art Commission staff and the Tacoma Art Commission, working in partnership with client departments and citizens. The following management protocol shall apply:

- (a) On a biennial basis, each client department will develop a prioritized list of those City construction projects which are the most appropriate for inclusion of public art. In making the determination, departments will use the following criteria: high public visibility and accessibility and need for mitigation.
- (b) On a biennial basis, the client department(s) will submit the list of the prioritized projects to the Tacoma Art Commission for review and comment. The client department's director or lead representative shall meet with the Tacoma Art

Commission and/or Art Commission staff to discuss the prioritized projects, and the possibilities for artist involvement.

- (c) The Tacoma Art Commission shall make recommendations to the Council for the adoption of the Municipal Art Program.
- (d) Once the Council has approved the Municipal Art Program, the Tacoma Art Commission and the client department will collaboratively define the scope of the artist's involvement, the art project budget, project development schedule, and the architectural/engineering team's responsibilities in working with the art project.
- (e) Unforeseen opportunities not included in the Municipal Art Program may be presented by the Tacoma Art Commission to the Council for approval.
- (f) The planning for the inclusion of art shall occur at the earliest stage of a project and costs can be incurred for planning and design prior to the fund transfer using funds from the Municipal Art Fund or an interfund loan.
- (g) The Tacoma Art Commission shall ensure that projects generated by the Municipal Art Program include the services of Tacoma artists.

2. Project Management: The Tacoma Art Commission shall establish an ad hoc art committee to include citizens, facility users, and client department management to select, advise, and work closely with the artist during development of each art project.

L. General obligation bond proceeds. In the case of any City construction project which involves the use of General Obligation Bond proceeds, the resolution(s) or ordinance(s) submitted to the voters or the Council shall include an allocation for public art equal to 1 percent of the eligible project cost. Bond proceeds shall be accounted for separately or within the Municipal Art Fund, if necessary, to comply with these requirements.

M. Severability. If any section, subsection, sentence, clause, chapter, provision, or phrase of this chapter or its application to any person or circumstance is found to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of the chapter or the application or the provisions to other persons or circumstances. (Ord. 26581 § 13; passed Mar. 7, 2000)