



# Public Arts Advisory Committee Agenda

**January 15, 2025**

**Regular Meeting, 4:30pm–6:30pm**

**Siskiyou Conference Room, 51 Winburn Way**

- I. (4:30) CALL TO ORDER:**
  - a. Welcome & Announcements
  - b. Quorum count – *If no quorum is achieved within 15 minutes of meeting start, the meeting will be cancelled.*
  - c. Land Acknowledgment (attached)
  - d. Labor Acknowledgement (attached)
- II. (4:35) APPROVAL OF MINUTES**
  - a. October 16, 2025, regular meeting
- III. (4:40) PUBLIC FORUM** (for items not on the agenda; up to 3 minutes per speaker)
- IV. (4:50) LIAISON REPORTS**
  - a. City Council Liaison, Gina DuQuenne
  - b. APRC Liaison, Michael Gardiner & APR Staff Liaison, Rachel Dials
  - c. Community Development Liaison, Veronica Allen
- V. (5:00) DISCUSSION ITEMS, MOTIONS, AND UPDATES** (up to 10 minutes per topic)
  - a. Chair & Vice Chair – Nominations & Voting
  - b. Traffic Signal Box Update
  - c. Strategic Planning & Annual Work Plan
  - d. Ashland Municipal Code (AMC) Proposed Changes
  - e. Playwright’s Walk Plaques Update
  - f. Other Project Updates – South Ashland Beautification Project, Guanajuato Heart, Maintenance
- VI. (5:50) ROUND TABLE** – Member open discussion of project opportunities (2 mins. each)
- VII. (6:00) MEETING PLANNING** (up to 15 minutes)
  - a. Quorum Count
  - b. Agenda Creation – discuss Public Forum items, etc. for inclusion at the next meeting
- VIII. (6:15) ADJOURNMENT** – **Next Meeting: February 19, 2026, at 4:30 pm**

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## Public Arts Advisory Committee Agenda

### **Land Acknowledgement**

*"We acknowledge and honor the aboriginal people on whose ancestral homelands we work – the Ikirakutsum Band of the Shasta Nation, as well as the diverse and vibrant Native communities who make their home here today. We denounce the egregious acts of the colonizers and government and recognize the horrific impacts that still exist today. We honor the first stewards in the Rogue Valley and the lands we live and depend on: Tribes with ancestral lands in and surrounding the geography of the Ashland Watershed include the original past, present and future indigenous inhabitants of the Shasta, Takelma, and Athabaskan people. We also recognize and acknowledge the Shasta village of K'wakhakha - "Where the Crow Lights" - that is now the Ashland City Plaza."*

### **Labor Acknowledgement**

*We also pause to recognize and acknowledge the labor upon which our country, state, and institutions are built.*

*We remember that our country is built on the labor of enslaved people who were kidnapped and brought to the U.S. from the African continent and recognize the continued contribution of their survivors. We also acknowledge all immigrant & indigenous labor, including voluntary, involuntary, trafficked, forced, and undocumented peoples who contributed to the building of the country and continue to serve within our labor force. We acknowledge all unpaid care-giving labor.*

*To the people who contributed this immeasurable work and their descendants, we acknowledge their indelible mark on the space in which we gather today. It is our collective responsibility to critically examine these histories, to repair harm, and to honor, protect, and sustain their contribution to our society.*



# Public Arts Advisory Committee Meeting Minutes

## **DRAFT MINUTES**

**October 16, 2025**

**Regular Meeting 4:30–6:30 PM**

**Siskiyou Conference Room, 51 Winburn Way**

### **I. (4:33) CALL TO ORDER:**

- a) Welcome & Announcements – new member Jay Bowen
- b) Quorum count – achieved
- c) Land Acknowledgment – read by: Sue Sears
- d) Labor Acknowledgement – read by: Tish Way

#### **Attendance**

Present:

Chair, Cassie Preskenis  
Vice Chair, Susan MacCracken Jain  
Kate Womack  
Heather Warden  
Russell Copley  
Sue Sears  
Jay Bowen

Absent: Tish Way; Gina Duquenne, City Council Liaison; Emily Simon, SERJAC Liaison; Rachel Dials, APR Staff Liaison

Staff Present: Veronica Allen, Staff Liaison; Michael Gardiner, APRC Liaison

### **II. (4:36) APPROVAL OF MINUTES**

- a) September 18, 2025, regular meeting  
Motion: Russell Copley moved to accept the minutes as presented  
Second: Susan MacCracken-Jain  
**Vote:** All ayes – motion passed unanimously (MacCracken Jain, Womack, Warden, Copley, Sears, Preskenis, Bowen)

### **III. (4:37) LAISON REPORTS**

- a) APRC Liaison, Michael Gardiner – Butler-Perozzi Fountain update (Spring 2026)
- b) Community Development Liaison, Veronica Allen – TSB Project ODOT delay to 2026

### **IV. (4:53) PUBLIC FORUM**

- a) Kathryn – shared her photos for donation in PAAC projects or other opportunities

### **V. (5:00) OTHER BUSINESS UPDATES**

- a) **Art Maintenance Report & Velocity Update** – Mike Morrison provided an update on potential costs. Motion: Susan moved to repair Velocity with carryover funds up to \$3,500. Second by: Heather & Jay. **Vote:** All ayes – motion passed unanimously (MacCracken Jain, Womack, Warden, Copley, Sears, Preskenis, Bowen)

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## Public Arts Advisory Committee Meeting Minutes

- b) **Ancestor's Future: Crystallizing Our Call by Micah Blacklight update** – an anonymous donation has fully funded the rest of the project
- c) **Playwrights Walk Plaque (PWWP)** – artist selected as Betty LaDuke who has requested the plaque be located in such a place to not be stepped on/walked on; funding hopeful by beginning of November for the sister plaque, update on the OSF plaques

### VI. (5:30) DISCUSSION ITEMS – FORMAL ACTIONS & MOTIONS

- a) **Budget Update** – PWWP had a correction in installation cost from original estimate of \$1,000 to \$2,000, second previously approved plaque would need a motion to pass to correct; Motion by Kate to allocate up to \$2,500 towards installation of the previously approved plaque and the installation of the sister city/Betty LaDuke plaque. Second by Heather with **all ayes** – motion passed unanimously (MacCracken Jain, Womack, Warden, Copley, Sears, Preskenis, Bowen)
- b) **Public Art Story Map Refresh** – Susan presented recommendations for discussion, such as reorganizing public art from North to South, starting with We Are Here. Consensus was reached to reorder the Story Map from North to South.
- c) **South Ashland Beautification Project** – (Formerly referred to as Sabrina Cotta Project); Discussion, brainstorming, & Task Group Formation. Peter Finkle provided a list of possible recommendations for locations, Mike Morrison provided feedback on ROW locations (medians & crosswalks).  
**Motion** by Susan to form a Task Group to evaluate Fringe Festival art piece(s) for feasibility & to work with public works to obtain installation costs and to evaluate options to acquire additional Mural fest pieces in South Ashland. **Second** by Kate. **Vote:** All ayes. (MacCracken Jain, Womack, Warden, Copley, Sears, Preskenis, Bowen). Task group formed by Cassie, Sue, and Heather and tasked to bring this information to the November meeting. Prompted a discussion on locating the second Guanajuato Heart in town near the Calle, will be on November agenda.
- d) **Meeting Frequency** – Discussion on limiting meetings to every other month but longer meeting times, opinions were mixed, discuss let to a **motion** by Cassie to cancel 3 meetings a year, starting with this December, then one in Spring, and Summer, and to add quorum forecasting and agenda creation to the end of each agenda moving forward. **Second** by Sue & Susan. **Vote:** all ayes (MacCracken Jain, Womack, Warden, Copley, Sears, Preskenis, Bowen).
- e) **Annual Work Plan – End of Year Reporting to City Council** – Discussed needing to start the End of Year report to council and to include the Strategic Plan & Timeline with November adoption by PAAC for December 15<sup>th</sup> Presentation to Council. Task Group formed by Susan & Cassie with support by Kate.

### VII. (6:24) ROUND TABLE/ANNOUNCEMENTS - none

### VIII. (6:25) ADJOURNMENT – Next Meeting Date: Thursday, November 20, 2025, at 4:30 PM.

**December meeting CANCELLED**

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# Proposed Ashland Municipal Code (AMC) Changes

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING AND UPDATING CHAPTER 2.29 – PUBLIC ART

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold lined through~~, and additions are bold underlined.

WHEREAS, Article 2, Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the City wishes to make minor updates to Chapter 2.29 for administrative clarity and for easy of the administration of public art.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1.

2.29.020 Definitions

- A. "Acquisition" means the inclusion of an artwork in the Ashland Public Art Collection by any means including direct purchase, commission or acceptance of a gift.
- B. "Artwork" means visual works of public art as defined herein.
- C. "Ashland public art collection" means all public art acquired by the City by any means.
- D. "Capital improvement program (CIP)" means the City's program for advance planning of capital improvements.
- E. "City project" or "project" means any capital improvement project in an amount over \$25,000.00 paid for wholly or in part by the City of Ashland to purchase or construct any public building, decorative or commemorative public structure, sidewalk, or multi-use pathway construction, park facility construction, or any portion thereof, within the limits of the City of Ashland. "City project" or "project" does not include public utility improvements (e.g., electric, water, sewer, or storm water), LID improvements, including but not limited to streets, sidewalks and associated improvements, property acquisition, earth work, emergency work, minor alterations, rehabilitation, minor or partial replacement, remodeling or ordinary repair or maintenance necessary to preserve a facility. Notwithstanding the above limitation, the Council or responsible contracting officer may include any new City street or utility project (limited to water, sewer and storm water projects) in an amount over \$25,000.00 as a City project under this chapter, by either vote of the Council or inclusion in the contract solicitation documents prepared by the responsible contracting officer.

- F. "Commercial development fee" means funds deposited by a commercial developer into the public art account when the developer prefers not to incorporate public art into the project and follow the public art process for art acquisition and approval.
- G. "~~Commission Committee~~" as applied in AMC Chapter 2.29 means the Ashland Public Arts Advisory Committee as Commission created by AMC ~~2.13.010.D 2.17.010~~, ~~consisting of seven (7) members appointed by the Mayor and confirmed by the Council.~~
- H. "Eligible funds" means a source of funds for projects from which art is not precluded as an object of expenditure.
- I. "Participating department" means the department that is subject to this chapter by its sponsorship of a City project.
- J. "Percent for art" means the program established by this chapter to set aside a percentage of the total cost of city projects for public art.
- K. "Public art" means all forms of original works of art in any media that has been planned and executed with the specified intention of being sited or staged on property owned or property City property or on property owned or controlled by the City of Ashland, including within public rights of way, usually outside and accessible to the public.
- L. "Public art account" means the City of Ashland public art account in the City budget established by this chapter into which all moneys donated, appropriated or derived pursuant to the percent for art program shall be deposited. Funds within the public art account shall be utilized for the purposes outlined in this chapter.
- M. "Removal" means the exclusion of an artwork from the Ashland public art collection by the removal and disposal through any available means, such as relinquishing title through sale, gift or destruction.
- N. "Selection panel" means a group of individuals selected by the ~~Commission-Committee~~ that will evaluate the proposals associated with a particular project in a public meeting.
- O. "TLT funds" means the portion of transient lodging tax funds allocated for public art.
- P. "Commercial development fee" means funds deposited by a commercial developer into the public art account when the developer prefers not to incorporate public art into the project and follow the public art process for art acquisition and approval.
- Q. "Total cost" means the entire amount of the City's financial contribution toward construction and maintenance of a project. (Ord. 3201 § 2, renumbered, 08/20/2021; Ord. 3003, added, 02/18/2010. Formerly 2.29.005)

2.29.100 Process for acquiring public art

A. *General.* The ~~Committee Public Art Commission~~ will call for entries by issuing a request for proposal, a request for qualification or by invitation. The call for entries will include specific guidelines and criteria for the specific project. Every call for entry must comply with the City's public contracting rules.

1. *Acquisition.* Acquisition of public art will generally result from:
  - a. The commissioning or purchasing of a work of public art by the City using city funds or donated funds, in accordance with public contracting laws and AMC Chapter 2.50; or
  - b. An offer made to the City to accept a work of public art as a gift, donation, or loan.

2. *Removal.* Removal of public art may be by request or owing to some damage or destruction of the artwork.

B. *Selection Panel.* A selection panel, separate from the Committee ~~may be composed of representatives from, but not necessarily limited to, any the follow groups: art professionals and enthusiasts, residents living near the proposed site, community members, Committee members, and City administrative staff.~~ This panel will be responsible for evaluating the proposals submitted by artists and providing a recommendation to the full Committee. ~~Public Art Commission, consisting of art professionals and enthusiasts, residents near the proposed site, community members, and city administrators will be chosen to evaluate the proposals received from artists.~~ A different selection panel shall be chosen for each project by the Committee ~~after the City has placed a notice on the City's website and the Committee has endeavored to solicit participation of property owners within 300 feet of the proposed site.~~ Commission after the following notifications have been made:

- ~~1. An ad is placed in a newspaper of general circulation in the City,~~
- ~~2. Postcards are sent out to all property owners located within 300 feet of the proposed site, and~~
- ~~3. A notice is placed on the City's website.~~

The Committee ~~Commission~~ shall pick the Selection Panel by examining applications received from interested parties.

C. *Evaluation of Acquisition Proposals.* Proposals which meet the minimum requirements set forth in the call for entries will be given to the Selection Panel for review. The proposals for acquisition shall be evaluated based upon criteria set forth in the call for entries at a public meeting. The Selection Panel will evaluate the proposals and make a recommendation to the Committee ~~Public Art Commission~~ regarding which proposals to accept. The Committee ~~Commission~~ shall forward that recommendation to the City Council for final selection. This chapter does not exclude land use approval processes when required for the use or structure.

D. *Removal and Disposal Process.* Except as provided in AMC 2.29.140.B, neither the Council nor the Committee ~~Commission~~ is bound to follow any particular process for removal and disposal of art in the Ashland Public Art Collection. (Ord. 3003, added, 02/18/2010)

#### 2.29.110 Review process for gifts or donations

The Committee ~~Commission~~ may solicit gifts and bequests of public art or funds to benefit the Ashland Public Art Collection. The Council shall decide whether to accept all such gifts of art work on behalf of the City and the Ashland Public Art Collection on its own motion or upon a recommendation by the Committee ~~Commission~~ based on its own evaluation, or by recommendation of the Committee ~~Commission~~ after the Selection Panel has evaluated the artwork using the guidelines in AMC 2.29.130 and the total cost over the life of the artwork. All art works or funds shall be administered by the City in accordance with its terms. Funds donated to the Committee ~~Commission~~ shall be placed in a special account to be used exclusively for the purposes of the Committee ~~Commission~~ or as designated by the donor. Funds in this account may only be expended after they have been properly budgeted or approved by the City. (Ord. 3003, added, 02/18/2010)

2.29.120 Public Art on Private Property

Before public art can be placed on private property the ~~Committee~~ ~~Commission~~ shall determine whether the site is appropriate for public art under the Site Selection criteria in AMC 2.29.130. If the site is found to be appropriate for public art, the City shall secure authorization to use and access the private property where the public art will be located before the acquisition process for public art is initiated. ~~There shall be a written agreement or legal instrument, granting the City permission and control of the property so that the property can be used for public art purposes, including access for installation, maintenance and removal of the artwork.~~ Public art can then be acquired for placement on private property by following the process for:

- A. Acquisition in AMC 2.29.100, or
- B. Gifts and donations in AMC 2.29.110. (Ord. 3003, added, 02/18/2010)

2.29.130 Guidelines for recommendation by the ~~Committee~~ ~~Commission~~

A. *Selection Guidelines for Works of Public Art.*

- 1. *Quality.* The artwork should be of exceptional quality and enduring value.
- 2. *Site.* The artwork should enhance the existing character of the site by taking into account scale, color, material, texture, content, and the social dynamics of the location.
- 3. *History and Context.* The artwork should consider the historical, geographical, and cultural features of the site, as well as the relationship to the existing architecture and landscaping of the site.
- 4. *Initial Cost.* The total cost of the artwork, including all items related to its installation, should be considered.
- 5. *Maintenance and Durability.* The durability and cost to maintain the artwork should be considered and quantified, particularly if the work is servicing, repainting, repairing or replacement of moving parts.
- 6. *Permanence.* Both temporary and permanent art works shall be considered.
- 7. *Media.* All forms of visual media shall be considered, subject to any requirements set forth by city ordinance.
- 8. *Public Liability.* The artwork should not result in safety hazards, nor cause extraordinary liability to the City.
- 9. *Diversity.* The artwork in the Ashland Public Art Collection should encourage cultural diversity.
- 10. *Commercial Aspect.* The artwork shall not promote goods or services of adjacent or nearby businesses.
- 11. *Compliance.* Artworks shall not violate any federal, state, or local laws, including specifically AMC Chapter 18.96.

B. *Guidelines for Site Selection.*

- 1. *Ownership or Control.* **Public art can be situated in three property scenarios: (1) on publicly owned property, (2) on privately owned property where the City maintains the artwork, and (3) on privately owned property where the property owner maintains the public artwork. For public art placed on private property managed by the City, there must be a written agreement or legal instrument granting the City permission to use the property for public art purposes. This agreement should specify access for installation, maintenance, and removal. In the case of privately owned property where**

the owner maintains the public artwork, a written agreement should outline the property owner's maintenance responsibilities, public viewing access, and conditions for removal.

~~Public art should be placed on a site owned or controlled by the City, or there should be a written agreement or legal instrument, granting the City permission to use the property for public art purposes, including access for installation, maintenance and removal.~~

2. *Visual Accessibility.* Public art should be easily visible and accessible to the public.
3. *Visual Enhancement.* Public art should visually enhance the overall public environment and pedestrian streetscape.
4. *Pedestrian Accessibility.* Public art should experience high levels of pedestrian traffic and be part of the City's circulation paths.
5. *Circulation.* Public art should not block windows, entranceways, roadways or obstruct normal pedestrian circulation or vehicle traffic.
6. *Scale.* Public art should not be placed in a site where it is overwhelmed or competing with the scale of the site, adjacent architecture, large signage, billboards, etc. (Ord. 3003, added, 02/18/2010)

## 2.29.140 Standards for the Ashland Public Art Collection

A. *Acquisitions.* The following minimum standards and criteria shall apply to the acquisition of artworks.

1. Artworks may be acquired by direct purchase, commission, gift or any other means.
2. Acquisition, whether by direct purchase, commission, gift, or otherwise, shall occur by a legal instrument of conveyance or other writing transferring title of the artwork to the City and clearly defining the rights and responsibilities of all parties.
3. The City shall obtain the rights of ownership and possession without legal or ethical restrictions on the future use of the artwork upon final acceptance of the artwork, except where expressly provided in the contract with the artist. The artists shall retain all rights and interests in the artwork except for the rights of ownership and possession.
4. The City shall only acquire artworks if: 1) the artist warrants that they ~~he~~ will not make a duplicate of the artwork, or permit others to do so, without written permission by the City, and 2) the artist gives permission to the City to make two-dimensional reproductions as long as all such reproductions provide the copyright symbol, name of the artist, title of the artwork, and the date of completion.
5. Complete records, including contracts with artists, shall be created and maintained for all artworks in the Ashland Public Art Collection.

B. *Removal.*

1. The ~~Committee Commission~~ may recommend removal and/or disposal based on one or more of the following conditions. No public hearing is required for a removal recommendation.
  - a. The site for an artwork has become inappropriate because the site is no longer accessible to the public or the physical site is to be destroyed or significantly altered.
  - b. The artwork is found to be forged or counterfeit.

- c. The artwork possesses substantial demonstrated faults of design or workmanship.
  - d. The artwork causes excessive or unreasonable maintenance.
  - e. The artwork is damaged irreparably, or so severely that repair is impractical.
  - f. The artwork presents a physical threat to public safety.
  - g. The artwork is rarely displayed.
  - h. A written request for removal has been received from the artist.
2. Council Removal Process.
- a. On its own motion, or following receipt of a recommendation from the Committee Commission the Council may remove and dispose of any artwork previously accepted into the Ashland Public Art Collection in their sole discretion.
  - b. Acceptance or placement of donated art by the City does not guarantee continuous public display of the artwork regardless of physical integrity, identity, authenticity, or physical condition of the site.
  - c. Removal officially deletes the work from the City of Ashland Public Art Collection by a relinquishment of title to the artwork; thus, eliminating the City's obligation to maintain and preserve the artwork.
  - d. Notwithstanding the above, Artwork shall be disposed of in accordance with any specific terms for removal and disposal set forth in the contract with the Artist.
3. Removal and Disposal.
- a. The City may donate the artwork to another governmental entity or a nonprofit organization.
  - b. A work that is deemed to have retained sufficient monetary value to warrant resale shall be disposed of through a public sale, auction, or any other means as established by city ordinance.
  - c. Artworks removed from the Ashland Public Art Collection may be disposed of through any appropriate means, including the City's procedures for the disposition of surplus property.
- C. *Borrowing of Artworks.*
- 1. The Committee Commission may also recommend artworks be borrowed.
  - 2. With the exception of ownership, the eligibility, review criteria, and procedure for borrowed works shall be the same as those established in this article for acquisition.
  - 3. The borrowing of artworks shall be pursuant to written agreement between the City and the artist.
  - 4. Nothing herein prohibits the City from securing other works of art or art exhibitions for display inside its facilities. (Ord. 3003, added, 02/18/2010)

2.29.150 Maintenance of the Ashland Public Art Collection

- A. Except where expressly provided in a contract or warranty for public art the City shall be responsible for all maintenance of all artworks in the Ashland Public Art Collection.
- B. Within the limitation of the City budget the City shall provide necessary and appropriate maintenance of the Ashland Public Art Collection, including, but not limited to, regular custodial care and landscape maintenance. Maintenance shall be performed in accordance with any special instructions or procedures necessary for the preservation of the work.

C. Any evidence of damage, deterioration, vandalism or theft of artworks in the Ashland Public Art Collection shall be immediately reported to the appropriate City Department. City staff shall keep the ~~Committee~~ ~~Commission~~ and Council informed of damage to City property. (Ord. 3003, added, 02/18/2010)

2.29.160 Parks commission

The standards and procedures in this article are in addition to, not in derogation of, the Ashland parks commission review responsibilities for projects proposed in city parks. Nothing herein exempts public art projects from compliance with all applicable federal, state, and local laws including, but not limited to, land development regulations and building code compliance. (Ord. 3003, added, 02/18/2010)

2.29.170 Development of guidelines

The ~~Committee~~ ~~Commission~~ shall have the ability to establish further guidelines concerning its operations; however, only the criteria and processes of this chapter will be legally binding. (Ord. 3003, added, 02/18/2010)

2.29.180 Creation, funding and use of Ashland public art account

A. *Establishment.* The Council hereby establishes a separate account entitled the Ashland public art account to be reflected in the City budget. All funds donated, appropriated or generated for the purpose of public art acquisition and education shall be deposited in this account and used solely for such purposes, in accordance with this article and other applicable law. Funds generated pursuant to the Commercial Development Fee in lieu established in Chapter 18, as well as the Transient Occupancy Tax Resolution authorized in Chapter 4.24, and the Percent for Art dedication in this section shall all be deposited into the Ashland Public Art Account.

B. *Permitted Purposes of Public Art Account.* The public art account shall be used solely for the acquisition, placement, maintenance, and removal of artworks for inclusion in the Ashland Public Art Collection and for art education purposes, such as community outreach presentations and workshops, in accordance with the provisions of this article and other applicable law.

C. *Requirement for Dedication of a Percent for Art.* Any city official or employee who authorizes or appropriates expenditures on behalf of a participating department for a city project shall, to the degree that there are eligible funds, include within the budget for the project a monetary contribution for the public art account equal to one-half percent (0.5%) of the total cost of the project.

1. One-half percent (0.5%) of the total cost of a qualifying city project shall be dedicated to the public art account. Such funds shall be deposited into the public art account by the City official or employee acting on behalf of the participating department no earlier than the time that budgeted funds are encumbered for construction of the City project and no later than final inspection of the completed city project.

2. The participating department shall consider the siting of public art as part of the design and engineering phase of any city project. If costs are incurred by the participating department to comply with this article requirement prior to transfer of the one-half percent (.5%) dedication for the City project to the public art account, the participating department may deduct such costs (not to exceed one-half percent) from the one-half percent (.5%) dedication at the time such funds are transferred.

D. *Restricted Funds.* If funding for a particular city project is subject to legal restrictions that preclude public art as an object for expenditure, the portion of the City project that is funded with the restricted funds shall be exempt from the dedication requirements of this article.

E. *Phased Projects.* As a general rule, where a city project will be constructed in phases, the one-half percent (0.5%) dedication shall be applied to the estimated total cost of each phase of the City project at the time that funds for the phase are appropriated and encumbered. However, nothing in this section prevents the Council from deciding to hold or set aside all or part of the entire dedication from the funds of a particular phase, as the Council deems appropriate. In determining when to hold or set aside the funds for a phased project, the City will consider an overall public art plan for the project to ensure that art is not located on a piecemeal basis with phase construction.

F. Monetary contributions for public art shall be deposited in separate accounts within the public art account if separate accounting is deemed appropriate by the Administrative Services Director (Finance) or is required by law.

G. Monetary contributions or appropriations made other than through the percent for art program shall be deposited in the public art account and may be dedicated to or earmarked for a specific education program or work of art, subject to acceptance by the Council.

H. Disbursements from the public art account shall be made only after authorization of the City Manager or the Administrative Services Director (Finance), and shall be made according to this article and other applicable city ordinances, including but not limited to the public contracting code (AMC Chapter 2.50).

I. The Council may adopt by resolution case specific waivers or guidelines for administration of the percent for art program, including case-by-case waivers of the required dedication set forth herein based on the availability of public funds, as well as any other matters not specifically addressed herein and appropriate or necessary to the administration of the program.

**SECTION 2. Severability.** Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

**SECTION 3. Codification.** Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 3-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the \_\_\_\_\_ day of \_\_\_\_\_, 2026, and duly PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

ATTEST:

\_\_\_\_\_  
Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
Tonya Graham, Mayor

Reviewed as to form:

\_\_\_\_\_  
Johan Pietila, City Attorney