

**CITY OF MERCER ISLAND
ORDINANCE NO. 25C-19**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON,
AMENDING MERCER ISLAND CITY CODE 4.40.200 RELATED TO THE 1%
FOR ART IN PUBLIC PLACES FUND; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, in 1993, the Mercer Island City Council established a 1% for Art in Public Places Fund to support the acquisition and maintenance of visual artworks for the public realm; and

WHEREAS, the 1% for Art in Public Places Fund requires all qualifying capital improvement projects to set aside 1% of the total project cost to support permanent public art installations; and

WHEREAS, there is not an option for a qualifying project to be exempt, or partially exempt, from contributing to the 1% for Art in Public Places Fund; and

WHEREAS, the City Council wishes to include in the Mercer Island City Code an option to exempt or partially exempt certain qualifying projects from the 1% for Art in Public Places Fund on a project by project basis;

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

Section 1. Amended. MICC 4.40.200 is amended as set forth in Exhibit A of this ordinance.

Section 2. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property, or circumstance, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance or its application to any other person, property, or circumstance.

Section 3. Effective date. This ordinance shall take effect and be in force 5 days after its passage and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON AT ITS MEETING ON THE 1ST DAY OF JULY 2025.

CITY OF MERCER ISLAND

Salim Nice, Mayor

Approved as to Form:

ATTEST:

Bio Park, City Attorney

Andrea Larson, City Clerk

Date of Publication: _____

EXHIBIT A

4.40.200 1% for art in public places fund.

- A. There is established in the city treasury a special fund to be known and designated as the "1% for art in public places fund" for the purpose of providing funds for 1%-for-the-arts projects.
- B. As used in connection with the 1% for art in public places funds and 1%-for-the-arts projects, the following terms have the meanings set forth below:
1. *Acquisition of real property* means the purchase of parcels of land or existing buildings and structures, including associated costs such as appraisals or negotiations.
 2. *Art in public places* means any expression by an artist of visual works of art available to the public in an open city-owned facility in areas designated as public areas, or on non-city-owned property if the work of art is installed or financed, either in whole or in part, by the city.
 3. *Arts council* means the Mercer Island arts council.
 4. *Demolition costs* means the cost of removing buildings or other structures from the property.
 5. *Equipment* means equipment or furnishings that are portable.
 6. *Qualifying capital improvement project* means projects funded wholly or in part by the city to construct or remodel any public project including buildings, decorative or commemorative structures, parks or any portion thereof; and projects involving the construction, renovation or repair of public streets, sidewalks, and parking facilities.
- C. All authorizations and/or appropriations for qualifying capital improvement projects shall include an amount of not less than one percent of the total project cost to be set aside for transfer to the 1% for art in public places fund, unless the City Council by a majority vote exempts or partially exempts a qualifying capital improvement project from this section. When partially exempting a project, the City Council may establish the amount less than the minimum amount described in subsection D to be set aside for transfer to the fund.
- D. For qualifying capital improvement projects that are not exempted or partially exempted by the City Council, the minimum amount to be appropriated for art in public places shall be as follows:
1. When the total estimated cost of a project exceeds \$100,000.00 the amount shall be based on the total amount of the awarded contract as originally approved by the city council or as subsequently amended multiplied by one percent.
 2. When the estimated cost of the project is \$100,000.00 or less the amount shall be based on the estimated cost of the project multiplied by one percent.

Provided, however, that any city-funded amount for the acquisition of real property or equipment or for demolition shall be excluded for the purposes of this calculation.

- E. In the case of a city project which involves the use of general obligation bond proceeds, funds appropriated shall be used for projects and for capital purposes consistent with the authorizing resolution or ordinance approved by the city council and the voters.
- F. The appropriations from qualifying capital improvement projects shall be pooled into the 1% for art in public places fund. The city council, upon advice and recommendation from the arts council, shall approve, from time to time, the amount to be authorized for 1%-for-the-arts projects. These funds shall be used for:
 - 1. Selection, acquisition and installation or display of original works of visual art which may be an integral part of the project, or be placed in, on or about the project or in another public facility; and
 - 2. Repairs and maintenance of public art acquired with 1%-for-the-arts funds; and
 - 3. Other project-specific expenses of selection and acquisition; provided, that no part of the funds shall be used to pay administrative staffing expenses of the program.
- G. Any unexpended 1%-for-the-arts funds which remain in the 1% for art in public places fund at the end of any budget year shall not be transferred to the general fund or otherwise lapse, but said unexpended funds shall be carried forward from year to year until expended for the purposes set forth in this section, unless otherwise directed by the city council.
- H. Annually, the arts council shall make recommendations to the city council that will reflect short and long range planning for art works and sites regarding the appropriation of 1%-for-the-arts funds. The recommendations will relate to but will not be limited by the following:
 - 1. Art projects will be responsive to the developing public art needs of the community;
 - 2. Art projects will reflect the scope, scale and character of the site; and
 - 3. Art projects will be part of new parks and building developments. The arts council shall carry out all necessary tasks and procedures consistent with established arts policies for the selection, placement and conservation of art works.
- I. All works of art purchased and commissioned from the 1% for art in public places fund shall be the property of the city and shall become part of the city art collection. The city art collection shall be developed, administered and operated by the Mercer Island Arts Council.