ORDINANCE NUMBER 1115

AN ORDINANCE OF THE CITY OF KETCHUM IN BLAINE COUNTY, IDAHO, AMENDING TITLE 12, CHAPTER 40, KETCHUM CITY CODE; WHICH PROVIDES A PERCENT FOR PUBLIC ART ON ALL ELIGIBLE CAPITAL IMPROVEMENT PROJECTS IN THE CITY OF KETCHUM; PROVIDING FOR SAVINGS AND SEVERABILITY; REPEALING ALL ORDINANCES AND PARTS OR ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, the Ketchum City Council has determined that it is in the public's best interest to promote and encourage the safe placement of public art within the City of Ketchum; and,

WHEREAS, the City Council established a Public Art Fund within the Parks & Recreation Fund to allocate monies for the administration and implementation of this Chapter; and,

WHEREAS, the City Council desires to amend Title 12, Chapter 40, to provide a more streamlined program for the Public Art Fund.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Ketchum, Idaho:

SECTION 1. That the following revisions be made to a Title 12, Chapter 40 of the Ketchum Municipal Code, to read as follows:

12.40.010 Purpose: It is the purpose of this Chapter and the policy of the City through the dedication of five percent (5.00%) ~~(1.33%)~~ of the actual cost of all eligible Capital Improvement Projects, as defined herein, for the funding of art in public places in the City in order to beautify public areas, to enhance the quality of life for Ketchum citizens, to attract tourism and to enhance community interest in municipal facilities, thereby expanding the City's economic base.

12.40.030 Eligible Capital Improvement Projects:

A. Eligible capital improvement projects shall include, for the purposes of this chapter, every capital municipal construction or improvement project or portion thereof, paid for wholly or in part by the City of Ketchum General Fund including, but not limited to, construction, renovation or remodel of any public park, public building or structure, street or road, or public parking facility developed by the city or developed privately and leased back to the City.

~~B. In the event bonds are used to fund capital improvement projects, the capital improvement projects shall be an eligible capital improvement project if so approved by:~~

~~1. The bond election ordinance; or~~
~~2. The bond ordinance authorizing revenue bonds; or~~

~~3. Other appropriate laws or regulations;~~

~~4. An official interpretation by another governmental entity regarding reliable use of funds which the agency is providing for the project and which includes art as an expenditure of funds.~~

~~C. The following categories of projects are exempt from the Percent for Art requirements:~~

~~1. Local Improvement Districts (LIDs).~~

~~2. Major repair, renovation or maintenance of public improvements such as streets, sidewalks, curbs alleys or right-of-way improvements that would not be capitalized under the City's fixed asset policy definitions.~~

~~3. Subsurface public utility improvements such as storm and sanitary sewers, water lines and other appurtenances.~~

~~4. Project costs for which art is not eligible by statute, law or regulation.~~

B~~D~~. All completed artworks commissioned or purchased through the Percent for Art program will be owned, insured and maintained by the City.

C~~E~~. Nothing contained herein shall preclude funding or the acquisition or commission of other public art for municipal property through other sources or mechanisms including contributions, matching monies, donations, or grants.

12.40.060 Source of Funds:

B. From each qualifying and funded capital improvement project, that does not exceed $1,000,000, the City shall place in the Public Art Account an amount equal to five percent (5.00%)~~one and one-third percent (1.33%)~~ of such capital improvement project's actual costs to the City regardless of whether or not such capital improvement project is completed. For projects that exceed $1,000,000, the amount to be placed in the Public Art Account shall be determined by the City Council. The City will review the prior year's budget, as set forth in the prior year's completed audit, to determine the amount of money spent on capital improvements and will budget that amount into the Public Art Fund.

C. In computing the amount to place in the Public Art Fund, the projected actual costs to the City shall include all amounts paid by the City to third parties in connection with the projects, including, but not limited to, amounts paid on contracts relating to the project and consultant fees incurred in connection with the project.

~~D. Of the one and one third percent (1.33%) from each qualifying capital improvement project allocated to the Public Art Account:~~

~~1. No less than one percent (1%) of the eligible capital improvement project costs shall be allocated toward purchase, creation or installation of public art pieces.~~

~~2. No more than one third of one percent (.33%) shall be used for administrative costs, including, but not limited to, costs of selection, project management, maintenance, repair and conservation.~~

SECTION 2. PUBLICATION OF ORDINANCE BY SUMMARY. In lieu of publishing this Ordinance in its entirety, the City of Ketchum shall publish the summary of this Ordinance, attached hereto as Exhibit A, and incorporated herein by reference. The City Council hereby finds that said summary is true and complete and provides adequate notice of the contents of this Ordinance to the public in compliance with law.

SECTION 3. SAVINGS AND SEVERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. REPEALER CLAUSE. All City of Ketchum ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED by the City Council and APPROVED by the Mayor of Ketchum this 17th day of March, 2014.

CITY OF KETCHUM, IDAHO

Nina Jonas, Mayor

ATTEST:

Sandra E. Cady, CMC
Clerk/Treasurer

SEAL