



CO00001268

**SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington**

AMENDED ORDINANCE NO. 04-063

**RELATING TO COUNTY ARTS PROGRAMS,
ESTABLISHING THE SNOHOMISH COUNTY ARTS
COMMISSION, ESTABLISHING A COUNTY ARTS FUND,
AND ADOPTING A NEW CHAPTER 2.95 SCC**

BE IT ORDAINED:

Section 1. A new chapter is added to Title 2 of the Snohomish County Code to read:

Chapter 2.95

SNOHOMISH COUNTY ARTS COMMISSION

Sections:

- 2.95.010 Creation and purpose
- 2.95.020 Definitions
- 2.95.030 Arts commission membership
- 2.95.040 Duties and powers of arts commission
- 2.95.050 Arts program
- 2.95.060 Quorum; officers
- 2.95.070 Bylaws
- 2.95.080 Arts fund
- 2.95.090 Executive to provide staff support

2.95.010 Creation and purpose

There is hereby established the Snohomish county arts commission. The purpose of the arts commission is to propose and oversee a county arts program. The arts commission shall serve as an advisory board to the executive branch of county government and perform the arts-related duties described in SCC 2.95.040.

2.95.020 Definitions

- In this chapter, unless the context clearly requires otherwise,
- (1) "arts commission" means the Snohomish county arts commission established by SCC 2.95.010;
 - (2) "arts fund" means the fund created by SCC 2.95.080;
 - (3) "arts program" means the arts program established pursuant to SCC 2.95.050;

(4) "arts program administration" means staff responsibilities incidental to aiding the arts commission in implementing this chapter;

(5) "the arts" means all visual and performing artistic media. Visual media include but are not limited to drawing, tapestry, weaving, painting, mural, fresco, sculpture, mosaic, photograph, calligraphy, collage, assemblage, artist made or designed building parts, floor, wall or ceiling treatments, railings, corbels, lintels, beams, benches, and structural or functional elements of a building or structure. Performing media include but are not limited to music, theater, dance, storytelling, and performance art; and

(6) "works of art" mean products of the arts. Works of art may also include an area or space specifically designed, constructed and managed as a display area for visual media or a performance venue for performing media.

2.95.030 Arts commission membership

(1) The arts commission shall consist of seven members, to include at least one from each council district and two at-large members. Members shall be residents of Snohomish county. No more than two members may reside in any single municipal jurisdiction within the county.

(2) Two at-large members shall be appointed by the executive and five members shall be appointed by the county council. Council appointees shall be nominated by each council member, and not by any other council member, and confirmed by the council. The county executive may recommend names for appointment by the county council.

(3) Names of potential members may be submitted to the county executive from any source. The county executive shall notify county arts organizations of vacancies so that names of interested and qualified individuals may be submitted by such organizations for consideration.

(4) Each member shall (a) possess acknowledged accomplishment in one or more of the following fields: architecture, arts criticism, arts education, history, dance, communicative arts, crafts, theater, heritage arts, landscape architecture, literature, music, painting, photography, planning, sculpture, or ethnic arts; or (b) have publicly demonstrated a deep interest in and appreciation of cultural and artistic activities.

(5) Members shall be selected without respect to political affiliation.

(6) The original appointment of members to the commission shall be as follows: two for two years, two for three years, and three for four years, with all appointment terms (both executive and council) assigned by lots. Thereafter, appointments shall be made for four-year terms. All appointees shall serve until their successors are appointed.

(7) The terms of members on the arts commission shall be limited as provided in SCC 2.30.050.

(8) Vacancies for any unexpired term shall be filled by appointment for the remainder of the unexpired term.

(9) All members shall serve without compensation.

2.95.040 Duties and powers of arts commission

The arts commission

(1) shall advocate for the arts as a part of Snohomish county's culture;

(2) shall recommend an annual arts program to the county executive for approval;

(3) shall recommend criteria for the selection of any artist or work of art to be funded through the arts program, such selection criteria to be submitted to the county executive for approval;

(4) shall provide periodic reports to the county executive on recommended acquisitions of works of art;

(5) shall recommend to the county executive the public site or sites at which to install, display, mount or perform any work of art funded through the arts program;

(6) shall advise the county executive on the maintenance, conservation, removal, relocation, or alteration of any public arts facility or work of art owned by or loaned to the county;

(7) shall make recommendations to the county executive on the funding for specific works of art;

(8) may seek private or public donations and grants for the arts program, and

(9) shall provide an annual written report to the county council on or before September 1 of each year that describes the activities of the commission during the current calendar year and contains the arts program described in section .050.

2.95.050 Arts program

The arts program shall consist of the strategic objectives and specific tasks established in a calendar and plan, updated at least annually, recommended by the arts commission and approved by the county executive and county council acting by motion.

2.95.060 Quorum; officers

(1) Five members of the commission shall constitute a quorum. A vacancy in one or more positions on the commission shall not affect the validity of commission action so long as a quorum is present.

(2) All actions of the arts commission shall require the affirmative vote of a majority of the full commission.

(3) The arts commission shall select from among its members a chairperson and such other officers as may be necessary to conduct the commission's business.

2.95.070 Bylaws

The arts commission shall adopt bylaws governing

- (1) Compliance with the Open Public Meetings Act (chapter 42.30 RCW);
- (2) Rules of parliamentary procedure utilizing Robert's Rules of Order;
- (3) Order and conduct of business; and
- (4) Frequency of meetings.

2.95.080 Arts fund

- (1) The arts fund is hereby established.
- (2) The county may in the annual budget ordinance provide for contributions to the arts fund.
- (3) Private or other public contributions to the county for the arts, including but not limited to grants, bequests and gifts, shall be deposited into the arts fund. At the request of the donor, a contribution may be limited to a particular work or works of art as approved by the county executive and county council acting by motion.
- (4) Any other proceeds or revenues dedicated to the county arts program shall be deposited into the arts fund.
- (5) The costs of arts program administration may be paid from the arts fund.
- (6) Amounts on deposit in the arts fund, less the costs of arts program administration, shall be expended on works of art recommended by the arts commission and approved by the county executive pursuant to SCC 2.10.010. Expenditures from the arts fund may be made to create works of art, to acquire works of art, and to install, display, maintain or perform works of art. All expenditures from the arts fund shall be subject to appropriation by the county council.

2.95.090 Executive to provide staff support

- (1) The county executive may provide support for the arts program from existing county staff and resources. Any new staffing shall be subject to county council approval of overall county staffing levels.
- (2) The arts fund shall be managed by the finance director or his/her designee whose name and title shall appear on a master list maintained in the department of budget and finance.

Section 2. Snohomish County Code Section 2.10.010, last amended by Amended Ordinance No. 00-026 on June 7, 2000, is amended to read:

2.10.010 Executive functions.

The following functions of government not otherwise provided for in the charter are deemed executive functions and shall be performed by the county executive:

(1) Approval of all bonds and assignments of account running to or for the benefit of the county, including but not limited to: officials and employees bonds, except that the bond of the county executive shall be approved by the county council; cash bonds, bonds issued by a surety company, or assignments of account given to assure performance or maintenance; cash bonds, bonds issued by a surety company, or assignments of accounts to assure performance of conditions incidental to land use activities or to any other license or permit issued by the county; but not including any bond required in any civil or criminal court proceeding;

(2) Approval of change orders and orders for extra work on any contracts in accordance with chapter 3.04 SCC;

(3) Determination that the performance or other consideration to be delivered to the county under the terms of any contract has been performed or delivered; and to accept such performance or other consideration on behalf of the county. The county executive shall keep the county council advised of developments which will unreasonably delay completion of any contract or unreasonably increase the costs thereof;

(4) Approval of all insurance policies and certificates of insurance;

(5) Approval of payrolls of county officials and employees;

(6) Approval of and signing of all licenses to occupy or use Evergreen State Fairgrounds property as provided in SCC 2.32.150; PROVIDED, That the county executive shall submit an annual report to the county council not later than February 15th of each year, showing the contracts, parties, duration, amendments, licenses, permits and special services contracts;

(7) Upon receipt of any claim against the county, or any pleading in connection therewith, the county executive shall immediately forward copies thereof to the prosecuting attorney and the county department involved;

(8) Approval of the bringing of or joining in civil lawsuits seeking damages or injunctive relief in behalf of the county. The county council may also approve the bringing of or joining the county in any lawsuit in behalf of the county;

(9) Approval of budget transfers as provided in chapter 4.26 SCC as it now exists or is hereafter amended;

(10) Approval of escrow agreements on retained percentages as provided in RCW 60.28.010;

(11) Approval of all permits and licenses affecting any property under the jurisdiction of the department of parks and recreation, including deeds of right to use land for public recreation purposes and hazardous substances certifications required for property acquired with funds granted by the interagency committee for outdoor recreation (IAC), and declarations and other documents imposing protective covenants, conditions, and other restrictions on property acquired with funds granted by the state conservation futures program; PROVIDED, That the county executive shall submit an annual report to the county council not later than February 15th of each year, showing the contracts, parties, duration, amendments, licenses, permits and special services contracts;

(12) Approval of all agreements with any cities or towns of Snohomish county of the county jail or district court filing fees; PROVIDED, That the county council by resolution has previously established the rates to be charged and other terms of such agreements and has approved the forms of contracts to be utilized. The county executive shall submit to the county council an annual report not later than February 15th of each year showing rates and effective dates of such contracts approved by the county executive. Not later than December 1st of each year, the county executive shall submit to the county council the forms of contracts to be used on such agreements for the following year. Rates and terms to be used in such contracts shall be reviewed not less than once a year by the county council;

(13) Approval and acceptance of all contracts with landowners and/or developers required by or as a condition of any comprehensive plan amendment, rezone, variance, conditional use permit, plat or replat or any other land use control, final approval thereof which has been given by the county council or the hearing examiner; PROVIDED, That all such contracts shall be approved by the hearing examiner prior to approval by the county executive; and the county executive shall submit to the county council an annual report, due not later than February 15th of each year, showing the names of parties and the general purposes of such contracts as have been approved by the executive;

(14) Approval of all licenses to occupy, use or access the Snohomish County Airport and all airport leases; PROVIDED, That annually the county council by motion will establish the rates to be charged and other terms of any such lease and approve the form of lease utilized which rates, terms and form may be changed from time to time by the county council; and PROVIDED, FURTHER, That the county executive shall submit an annual report to the county council, not later than February 15th of each year, showing the names of parties, rents, reserve, areas rented, and time period of each such lease and license. Any lease or license executed pursuant to this section shall be deemed to be with the approval of the county council as required by chapter 15.04 SCC;

(15) Approval of contracts and contract amendments relating to the department of human services as set out in SCC 2.400.065;

(16) Approval of contracts with the cities, towns, or other municipal subdivisions for the purchase of gasoline, diesel oil or other petroleum products, and contracts for street or road maintenance with counties, cities, or towns; PROVIDED, That the county council has approved the schedule of charges to be made for various items of maintenance and the forms of contract to be used. The county executive shall submit an annual report to the county council, not later than February 15th of each year, showing the parties' services and charges on such contracts;

(17) Approval of contracts (city-county agreements) for grants in aid and for any projects previously approved in the annual or six year road program with the Washington State Department of Transportation; PROVIDED, That the county executive shall submit to the county council an annual report, not later than February 15th of each year summarizing such applications and contracts;

(18) Approving and signing public disclosure reports for lobbying activities by county officials and employees as required by chapter 42.17 RCW;

(19) Approve haul route agreements with other public agencies or contractors with public agencies permitting use of designated county roads, or sections thereof for detour routes or moving of heavy equipment or materials necessitated by the performance of a public works contract; PROVIDED, That the county executive shall submit an annual report to the county council not later than February 15th of each year, showing the contracts, parties, duration, amendments, licenses, permits and special service contracts;

(20) Approval of vouchers for payment of all claims presented against the county by persons furnishing goods or materials, rendering services or performing labor, or for any other contractual purpose as well as employee reimbursement claims for allowable expenses. Prior to approval by the county executive, all claims shall be certified for payment by the county auditing officer;

(21) Approval of agreements between the state and county for the purpose of participating in state work experience programs;

(22) Approval of waste reduction and recycling grant contracts; PROVIDED, That the county executive shall submit an annual report to the county council not later than February 15th of each year, showing the contracts, parties, duration, amendments, licenses, permits and special service contracts;

(23) Approval of grants and other contracts and contract amendments implementing programs or projects administered by the Office of Housing and Community Development, Department of Planning and Development Services; PROVIDED, The county council has approved necessary contracts with state, federal, or other sources of funds, if any funds from such sources are used, whether or not such

sources of funds are used, and the county council has appropriated funds for such programs or projects; and PROVIDED FURTHER, That the county executive shall submit to the county council an annual report, not later than February 15th of each year, showing the parties, contract amount, and purpose of each contract and contract amendment approved and signed by the county executive under this section;

(24) Approval of contracts and contract amendments implementing programs or projects administered by the juvenile court; PROVIDED, The county council has approved necessary contracts with state, federal, or other sources of funds, if any funds from such sources are used, whether or not such sources of funds are used, and the county council has appropriated funds for such programs or projects; and PROVIDED FURTHER, That the county executive shall submit to the county council an annual report, not later than February 15th of each year, showing the parties, contract amount, and purpose of each contract and contract amendment approved and signed by the county executive under this section;

(25) Approval of contracts and contract amendments implementing programs or projects administered by the department of planning and development services; PROVIDED, The county council has approved necessary contracts with state, federal, or other sources of funds, if any funds from such sources are used, whether or not such sources of funds are used, and the county council has appropriated funds for such programs or projects; and PROVIDED FURTHER, That the division shall submit to the county council an annual report, not later than February 15th of each year, showing the parties, contract amount, and purpose of each contract and contract amendment approved and signed by the county executive;

(26) Approval and submission of all applications for grants on behalf of the county unless the granting agency requires approval of such applications by the county council;

(27) Approval of contracts on behalf of the county for funds contributed to the county by grants, entitlements and shared revenue of every kind and nature; which do not obligate the county monetarily and implement programs, projects, or functions that the county council has specifically authorized by motion or ordinance; PROVIDED, That the county executive shall submit an annual report to the county council not later than February 15th of each year, showing the parties, contract amount, and purpose of each contract approved and signed by the county executive under this section;

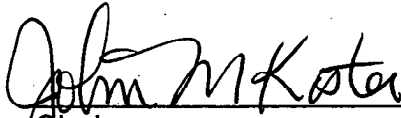
(28) Approval of contracts on behalf of the county for funds contributed to the county by grants that require match funds up to \$50,000 which implement programs, projects, or functions the county council has specifically authorized by motion or ordinance; PROVIDED,

That the county executive shall submit an annual report to the county council not later than February 15th of each year, showing the parties, contract amount, and purpose of each contract approved and signed by the county executive under this section;

(29) Approval of purchase and other contracts on behalf of the county that are recommended by the Snohomish county arts commission pursuant to chapter 2.95 SCC, including but not limited to contracts limiting the use of contributions to the arts fund and contracts providing for the purchase or use of works of art, provided that such contracts comply with SCC 3.04.140 concerning award and execution of contracts.

PASSED this 28th day of July, 2004.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

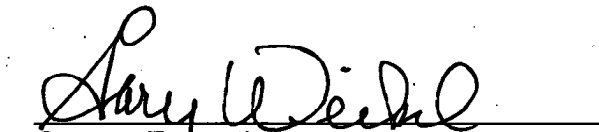

Chairperson

ATTEST:


Asst. Clerk of the Council

- APPROVED
 EMERGENCY
 VETOED

DATE: 7/30/04


County Executive

ATTEST:



GARY WEIKEL
Deputy Executive

Approved as to form only:

Deputy Prosecuting Attorney

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