

1                   BEFORE THE BOARD OF COUNTY COMMISSIONERS  
2                                 FOR MULTNOMAH COUNTY, OREGON  
3   ORDINANCE NO. 811  
4

5             An ordinance amending MCC Chapters 5.50 (Transient Lodging  
6 Tax) and 11.90 (Arts Commission) to substitute the Regional Arts  
7 and Culture Council for the Metropolitan Arts Commission as the  
8 recipient of certain funds and as administrator of the Percent for  
9 Art program.

10  
11 (Shaded language is to be deleted; underlined language is new)

12  
13 MULTNOMAH COUNTY ORDAINS AS FOLLOWS:  
14

15 Section 1. Purpose.

16             1. Multnomah County decided in 1973 that a vital arts sector  
17 was a worthwhile investment and co-founded the Metropolitan Arts  
18 Commission (MAC) by Intergovernmental Agreement with the City of  
19 Portland to support the development of the arts and increase their  
20 availability to the public.

21             2. The Public Art Program was established in 1980.  
22 Ordinances are in place that provide for MAC management and  
23 collection of funds for the Percent for Public Art Programs for  
24 Multnomah County, the City of Portland, and Metro. MAC is  
25 responsible for selection, acquisition, siting, maintenance,  
26 administration, deaccessioning, community education, and

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1 registration of Public Art of the City/County Public Art  
2 Collection.

3 3. Multnomah County was a primary sponsor, funder and  
4 participant of the citizen driven Arts Plan 2000+ and accepted its  
5 findings in February, 1992.

6 4. Multnomah County and the City of Portland recognized the  
7 increasingly regional scope of MAC's duties and amended the  
8 Intergovernmental Agreement in 1993 to include Clackamas,  
9 Washington, and Clark Counties allowing for regional representation  
10 and service delivery.

11 5. Multnomah County was an active participant in the Metro  
12 Regional Arts Funding Task Force, which recommended short and long  
13 term solutions to arts programs and facilities needs including the  
14 transition of MAC to a regional, nonprofit organization.

15 6. MAC has restructured into a nonprofit organization, The  
16 Regional Arts and Culture Council (RACC), in order to implement the  
17 Arts Plan 2000+ and Metro Regional Arts Funding Task Force  
18 recommendation to provide more cost effective, efficient and  
19 flexible services. This ordinance substitutes RACC for the MAC as  
20 the manager of the Percent for Public Art Programs.

21 7. Ordinance 790, adopted in June 1994 recognized the value  
22 of the Arts to the greater community and supported the allocation  
23 of \$600,000 a year for 3 years to the Performing Arts Center and  
24 \$100,000 a year for 3 years to the Metropolitan Arts Commission  
25 from the current hotel tax designated for the Oregon Convention  
26 Center, subject to certain conditions. This ordinance substitutes

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1 the Regional Arts and Culture Council for the Metropolitan Arts  
2 Commission as the recipient of the tax revenues dedicated to arts  
3 programs and program management.

4  
5 Section 2. Amendment.

6 MCC 5.50.050(B)(5) is amended to read:

- 7 (5) After voters have approved issuance of general obligation  
8 bonds to finance or partially finance construction of the  
9 convention and trade show center or financing for  
10 construction has been obtained by some other means, funds  
11 deposited in the convention and trade show center special  
12 fund shall be used to assist Metro for the following  
13 purposes:
- 14 (a) First, to pay any expenses incurred or activities  
15 identified under MCC 5.50.050(B)(4);
  - 16 (b) Second, if all expenses identified in subsection  
17 (a) above have been satisfied, to pay any unfunded  
18 annual operating expenses that may have been  
19 incurred by the convention and trade show center;
  - 20 (c) Third, if all expenses identified by subsection (a)  
21 above have been satisfied and if no otherwise  
22 unfunded annual operating expenses exist or if  
23 funds remain after the otherwise unfunded annual  
24 operating expenses have been paid, to provide for  
25 the promotion, solicitation, procurement, and  
26 service of convention business at the convention  
and trade show center to the extent necessary to  
fully implement the annual marketing program  
adopted by Metro;
  - (d) Fourth, if the needs identified in the foregoing  
subsections (a) through (c) have been fully  
satisfied, to pay ancillary costs associated with  
the development, construction and operation of the  
convention and trade show center, including but not  
limited to site acquisition costs and construction  
costs including financing of those costs;
  - (e) Notwithstanding the limitations on spending in  
subparagraphs (a) through (d), Metro may use an  
amount not to exceed \$600,000 per year, for three

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1 years beginning with Metro's fiscal year 1994-1995,  
2 for operation of the Portland Center for the  
Performing Arts.

3 (f) Notwithstanding the limitations on spending in  
4 subparagraphs (a) through (e), Multnomah County may  
5 transfer an amount not to exceed \$100,000 per year,  
6 for three years beginning with fiscal year 1994-  
1995, as a special appropriation to the  
[Metropolitan Arts Commission] Regional Arts and  
Culture Council.

7 (g) The transfer of funds for operation of the Portland  
8 Center for the Performing Arts and for the  
[Metropolitan Arts Commission] Regional Arts and  
9 Culture Council pursuant to subparagraphs (f) and  
10 (g) shall not be made if, prior to June 1 of any  
11 year, the Metro Council declares that an emergency  
12 requires the funds to be used for the Oregon  
13 Convention Center. Any such declaration shall be  
in writing and shall be transmitted from Metro to  
the Chair of Multnomah County. The circumstances  
pertaining to the Oregon Convention Center  
warranting a declaration of an emergency shall  
include, but not be limited to:

14 (i) Current resources except beginning fund  
15 balance do not meet current expenditures less  
16 renewal and replacement fund transfer and  
unappropriated balance;

17 (ii) Revenues from the tax drop by more than 25% in  
any year when measured against the prior year;

18 (iii) A major structural failure at the  
19 center (not otherwise insured) such  
20 that total reserves are insufficient  
21 to repair the damage without the use  
of all or part of the 3-year  
\$2,100,000 commitment.

22 (iv) Or any other situation that threatens the  
23 normal operation of the convention center.

24 Section 3. Amendment.

25 MCC 11.90.030 is amended to read:  
26 11.90.030. Funding.

(A) One and thirty-three one-hundredths percent of

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1 the construction costs, capital improvement costs,  
2 budgets, development funds and purchase prices listed in  
3 MCC 11.90.035 shall be set aside for the acquisition of  
4 art. The acquired art may be an integral part of the  
5 newly acquired building or property attached thereto or  
6 be capable of display in other public buildings or on  
7 other public property. Siting variances may be granted  
8 by the board.

9 (B) Thirty-three one-hundredths percent of the 1.33  
10 percent in subsection (A) of this section shall be  
11 dedicated solely for use by the Regional Arts and Culture  
12 Council metropolitan arts commission for the purpose of  
13 payment of administration, public education, or  
14 maintenance costs of the commission's Percent for Art  
15 program.

16 Section 4. Amendment.

17 Section 11.90.035 is amended to read:  
18 11.90.035. Funding Sources.

19 The following shall be subject to the art  
20 acquisition policy referred to in MCC 11.90.030:

21 (A) Construction cost of a major county  
22 construction project involving the  
23 construction or alteration of a county  
24 building;

25 (B) The capital improvement budgets in the  
26 division of facilities management and the  
27 exposition center for fiscal years beginning  
28 July 1, 1990;

29 (C) The general fund portions of the parks  
30 development account and the recreational  
31 facilities fund devoted to parks development  
32 for fiscal years beginning July 1, 1990;

33 (D) (C) The purchase price of any building, including  
34 the appurtenant land, acquired on or after  
35 July 1, 1990 by the county for use in whole or  
36 part by the county.

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1 Section 5. Amendment.

2 MCC 11.90.040 is amended to read:

3 **11.90.040. Administration.**

4 The Regional Arts and Culture Council ~~metropolitan~~  
5 ~~arts commission~~ shall in its discretion administer the  
6 provisions of this chapter relating to art acquisition  
and display.

7 Section 6. Amendment.

8 MC 11.90.050 is amended to read:

9 **11.90.050. Adoption of guidelines.**

10 The Regional Arts and Culture Council ~~metropolitan~~  
11 ~~arts commission~~ shall have the authority:

- 12 (A) To determine the cases in which it would be  
inappropriate to display art in a county  
building;
  - 13 (B) To identify suitable art objects for county  
buildings;
  - 14 (C) To encourage the preservation of ethnic  
15 cultural arts and crafts, including Pacific  
Northwest Indian arts;
  - 16 (D) To facilitate the preservation of art objects  
17 and artifacts that may be displaced by a  
construction project;
  - 18 (E) To prescribe a method or methods of  
19 competitive selection of art objects for  
display;
  - 20 (F) To prescribe procedures for the selection,  
21 acquisition and display of art in county  
22 buildings; and
  - 23 (G) To set forth any other matter appropriate to  
24 the administration of this chapter.
- 25  
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1 Section 7. Amendment.

2 MCC 11.90.060 is amended to read as follows:

3 11.90.060. Finality of commission's decision.

4 The Council's ~~commission's~~ decision as to the  
5 selection, acquisition, allocation and display of art  
6 objects shall be final.

7 Section 8. Emergency Clause.

8 This Ordinance, being necessary for the health, safety, and  
9 welfare of the people of Multnomah County, an emergency is  
10 declared, and the Ordinance shall take effect upon its execution by  
11 the County Chair, pursuant to Section 5.50 of the Charter of  
12 Multnomah County.

13  
14 ADOPTED this 26th day of January, 1995, being  
15 the date of its First reading before the Board of County  
16 Commissioners of Multnomah County, Oregon.



17  
18 *Beverly Stein*  
19 \_\_\_\_\_  
20 Beverly Stein, Chair  
21 Multnomah County, Oregon

22 REVIEWED: *[Signature]*  
23 By \_\_\_\_\_  
24 Laurence Kressel, County Counsel  
25 For Multnomah County, Oregon

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