

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ORDINANCE NO. 811

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

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

MULTNOMAH COUNTY ORDAINS AS FOLLOWS:

Section 1. Purpose.

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

2. The Public Art Program was established in 1980. Ordinances are in place that provide for MAC management and collection of funds for the Percent for Public Art Programs for Multnomah County, the City of Portland, and Metro. MAC is responsible for selection, acquisition, siting, maintenance, 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
deposited in the convention and trade show center special
fund shall be used to assist Metro for the following
purposes:
- 11 (a) First, to pay any expenses incurred or activities
12 identified under MCC 5.50.050(B)(4);
 - 13 (b) Second, if all expenses identified in subsection
14 (a) above have been satisfied, to pay any unfunded
annual operating expenses that may have been
incurred by the convention and trade show center;
 - 15 (c) Third, if all expenses identified by subsection (a)
16 above have been satisfied and if no otherwise
17 unfunded annual operating expenses exist or if
18 funds remain after the otherwise unfunded annual
operating expenses have been paid, to provide for
the promotion, solicitation, procurement, and
19 service of convention business at the convention
and trade show center to the extent necessary to
20 fully implement the annual marketing program
adopted by Metro;
 - 21 (d) Fourth, if the needs identified in the foregoing
22 subsections (a) through (c) have been fully
23 satisfied, to pay ancillary costs associated with
the development, construction and operation of the
24 convention and trade show center, including but not
limited to site acquisition costs and construction
costs including financing of those costs;
 - 25 (e) Notwithstanding the limitations on spending in
26 subparagraphs (a) through (d), Metro may use an
amount not to exceed \$600,000 per year, for three

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

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

(g) The transfer of funds for operation of the Portland Center for the Performing Arts and for the [Metropolitan Arts Commission] Regional Arts and Culture Council pursuant to subparagraphs (f) and (g) shall not be made if, prior to June 1 of any year, the Metro Council declares that an emergency requires the funds to be used for the Oregon 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:

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

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

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

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

Section 3. Amendment.

MCC 11.90.030 is amended to read:
11.90.030. Funding.

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

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

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

Section 4. Amendment.

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

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

- (A) Construction cost of a major county construction project involving the construction or alteration of a county building;
- (B) The capital improvement budgets in the division of facilities management and the exposition center for fiscal years beginning July 1, 1990;
- (C) The general fund portions of the parks development account and the recreational facilities fund devoted to parks development for fiscal years beginning July 1, 1990;
- (D) (C) The purchase price of any building, including the appurtenant land, acquired on or after July 1, 1990 by the county for use in whole or 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
14 buildings;
- 15 (C) To encourage the preservation of ethnic
16 cultural arts and crafts, including Pacific
Northwest Indian arts;
- 17 (D) To facilitate the preservation of art objects
18 and artifacts that may be displaced by a
construction project;
- 19 (E) To prescribe a method or methods of
20 competitive selection of art objects for
display;
- 21 (F) To prescribe procedures for the selection,
22 acquisition and display of art in county
buildings; and
- 23 (G) To set forth any other matter appropriate to
24 the administration of this chapter.
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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.

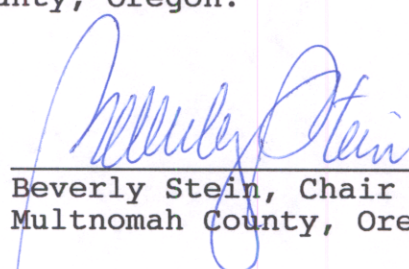
4 The Council's ~~commission's~~ decision as to the
5 selection, acquisition, allocation and display of art
6 objects shall be final.

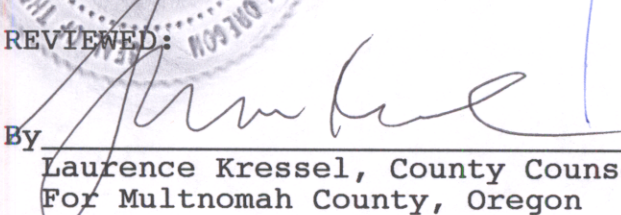
7 Section 8. Emergency Clause.

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.



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18 
19 _____
20 Beverly Stein, Chair
21 Multnomah County, Oregon

22 REVIEWED: 

23 By _____
24 Laurence Kressel, County Counsel
25 For Multnomah County, Oregon

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