

CITY OF NEWPORT
RESOLUTION NO. 3874

**A RESOLUTION REPEALING RESOLUTION NO. 3589
AND CREATING
A PERCENT FOR ARTS PROGRAM
FOR THE CITY OF NEWPORT**

WHEREAS, the City Council of the City of Newport adopted Resolution No. 3589 on May 7, 2012; and

WHEREAS, Resolution No. 3589 contained a general public arts policy and a percent for the arts policy; and

WHEREAS, in working with Resolution No. 3589, the Public Arts Committee recommended that there be two policies established by resolution - one for general public arts, and one for a Percent for Arts program; and

WHEREAS, the City Council reviewed the recommended Percent for Arts program at its work sessions of October 21, 2019 and January 19, 2021, and made several suggested revisions which are incorporated in Resolution No. 3874.

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. A Percent for Arts Program is created as follows:

A. Purpose and Creation of the Percent for Arts Program.

The City of Newport promotes the creation and inclusion of works of art in its public buildings and public spaces through the creation of a Percent for Arts Program. The Program provides cultural leadership to guide the evolution of a distinct and vibrant artistic character for civic public places and ensure a visual legacy. The Program is a vital ingredient in the cultural fabric and streetscape of a creative city. The Program is an intrinsic component of the City.

There is hereby established a Percent for Arts Program. In addition, there is hereby created a special Public Arts Fund to be used to account for the monies dedicated to the Percent for Arts Program. The Public Arts Committee will make recommendations to the City Council on policy matters related to the Percent for Arts Program.

B. Intent of the Percent for Arts Program.

1. Increase the livability and artistic richness of the city by making art a permanent part of our environment and a legacy for future generations;

2. Provide opportunities for the public to increase, through education, their awareness, appreciation, and knowledge of public art;
3. Develop a sense of place, community pride, and artistic identity through the creation of new works;
4. Support the integration of art and artists into a variety of public settings;
5. Encourage and promote art that inspires people and is an expression of the times;
6. Enhance the attractiveness of the city;
7. Promote cultural tourism; and
8. Provide opportunities for artists.

C. Percent for the Arts Requirement.

The Percent for Arts Program requires one percent (1%) of construction costs of eligible projects paid by the city to enhance and preserve art and art history in the community, except as provided for in Section E.

This Program creates no requirement on private developers. Private developers shall be encouraged by the city to voluntarily participate in the Percent for Arts Program.

D. Definitions.

1. ***Capital Improvement Program*** means the city's program for capital improvements.
2. ***Capital Improvement Project*** means any capital project paid for wholly or in part by the city for the construction, remodel, addition, or retrofit of any building or facility.
3. ***Construction Costs*** means the total amount appropriated for a capital improvement project (including funding from outside sources which permit the acquisition of artwork for the eligible project with such funds) less the actual costs of:
 - a. real property acquisition;
 - b. demolition of existing structures;
 - c. environmental remediation;

- d. equipment and furnishings in facilities such as lift or pump stations, etc.;
 - e. change orders to eligible projects; and
 - f. legal, design, and accounting fees.
4. ***Eligible Fund*** means a source of funds for a capital improvement project from which city expenditures for public art are not prohibited as an object of expenditure.
5. ***Eligible Project*** means any capital improvement project with the exception of those projects that have statutory, contractual, or other legal restrictions that prohibit expenditures for public art from all portions of the project funds.

E. City Council Right to Exclude Projects from the Percent for Arts Program.

The City Council reserves the right to limit the percentage of construction costs appropriated for artwork on an eligible project for which the construction costs exceed \$5,000,000.

City staff shall be responsible for relaying information to the City Council when a potential eligible project is discussed.

F. Notification of Public Arts Committee of Eligible Projects.

The Public Arts Committee shall review the city's capital outlay budget at the beginning of each fiscal year to identify potential eligible projects. City staff serves as liaison between other city staff, the Public Arts Committee, artist(s), consultants, and contractors.

G. Use of Funds.


Unless special circumstances dictate otherwise, at least eighty percent (80%) of the one percent (1%), of the eligible construction costs, should be considered for on-site artwork, with the remaining portion deposited in the Public Arts Fund to fund additional artwork and provide maintenance for existing works. In cases where the eligible construction costs are less than \$100,000, and with input from the Public Arts Committee, a particular piece of on-site artwork is not required and one hundred percent (100%) of the one percent (1%) should be deposited in the Public Arts Fund.

Section 2. Resolution No. 3589 is repealed in its entirety.

Section 3. Effective Date.

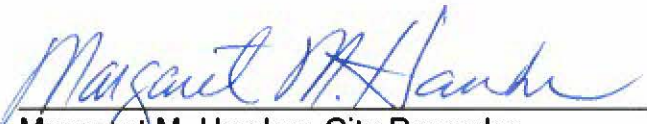
This resolution will become effective immediately upon adoption.

Adopted by the Newport City Council on February 1, 2021.



Dean H. Sawyer, Mayor

ATTEST:



Margaret M. Hawker, City Recorder