

AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE CHAPTER 2.36 FOR THE PURPOSE OF REVISING AND CLARIFYING THE RESPONSIBILITIES OF THE MUNICIPAL ART COMMISSION OF THE CITY OF BELLINGHAM.

WHEREAS, the purpose of the Municipal Art Commission is to serve as an advisor and advocate for the enhancement and integration of the arts in the community; and

WHEREAS, the Municipal Art Commission is responsible for the purchase, management, and maintenance of public artwork; and

WHEREAS, the City adopted Ordinance 9510 on November 25, 1985 to amend and revise Bellingham Municipal Code Chapter 2.36 to clarify the responsibilities of the Municipal Art Commission ("MAC"); and

WHEREAS, the City adopted Ordinance 10533 on April 18, 1994 amending BMC 2.36 to increase the size of the MAC from nine to eleven members; and

WHEREAS, since these amendments, other City boards and commissions have been created which also review structures placed on public property, including the Design Review Board (DRB) and the Historic Preservation Commission (HPC); and

WHEREAS, the Directors of the Planning and Community Development Department, Parks and Recreation Department, Museum and Public Works Department have reviewed and approved the proposed municipal code changes; and

WHEREAS, the citywide Policy Review Team has also reviewed and approved the proposed municipal code changes;

NOW THEREFORE, THE CITY OF BELLINGHAM, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1: Bellingham Municipal Code Section 2.36.010 is hereby amended as follows:

2.36.010 - Purpose

A. The Bellingham Arts Commission ("BAC") is an advisory board to the Mayor in connection with the artistic and cultural development of the City of Bellingham.

B. The BAC and staff may, alone or in cooperation with any other private, civic or public body of any City County or the State of Washington, initiate, sponsor, or

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conduct programs to further public awareness and interest in the visual and performing arts.

C. The BAC shall adopt such administrative procedures as are necessary to accomplish the purposes set forth in this chapter. City officers and staff may consult and advise with the BAC on matters within the scope of this chapter, and the BAC may likewise consult and advise with such officers and staff.

Section 2: Bellingham Municipal Code Section 2.36.020 is hereby amended as follows:

2.36.020 - Membership

A. The BAC shall consist of up to 11 qualified members to be appointed by the Mayor, subject to confirmation by a majority of the City Council. Members shall be selected so as to represent as many as possible of the following arts and professions: painting, sculpture, music, literature, architecture and landscape architecture, performing arts, and historic traditions of the City, as well as lay members who have an interest in the artistic and cultural development of the City.

B. Every member shall be a citizen of the United States, a resident of the State of Washington for at least 3 years and Whatcom County for at least 2 years previous to their appointment. Additionally, members of the BAC must currently live in, work in, or manage a business within the city limits of Bellingham.

C. Members shall serve without compensation from the City, or from any trust, donation or legacy to the City for their services as such members; but this limitation shall not preclude a member or his/her firm receiving compensation from the City under contract or otherwise for services rendered outside his/her duties as a commissioner; provided, that any member having an interest or who contemplates acquiring an interest in any particular transaction, contract, or project must disqualify himself/herself from any official action contributing towards an official recommendation to the City on that subject.

Section 3: Bellingham Municipal Code Section 2.36.030 is hereby amended as follows:

2.36.030 - Terms of Office

A. Original appointments shall be as follows: At least 1 lay member and 2 others for 1 year; at least 1 lay member and 2 others for 2 years; at least 1 lay member and 2 others for 3 years. Thereafter, all appointments shall be for 3-year terms; provided that any vacancy shall be filled for the unexpired term. A request for renewal of the appointment of an existing member may be requested in writing to the Mayor, who may forward the request to City Council for approval.

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B. The Mayor may grant a member of the BAC an extended leave of absence and a temporary vacancy shall thereupon exist for the period of such leave of absence. At the expiration of the leave of absence, the member shall automatically resume full membership.

C. The Chair may grant a member temporary absence from a BAC meeting. Any member with three unexcused absences within a year forfeits appointment.

Section 4: Bellingham Municipal Code Section 2.36.040 is hereby repealed in its entirety.

Section 5: Bellingham Municipal Code Section 2.36.050 is hereby amended as follows:

2.36.050 - Authority and Duties

A. No artwork shall be contracted for or placed on property of the City, or become the property of the City by purchase, gift, or otherwise, except for the Museum or gallery, unless such artwork has first been submitted to the BAC for its review and recommendation to the Mayor.

B. The term "artwork" as used in this chapter shall include, without limitations, paintings, murals, stained glass, sculptures, bas-reliefs, monuments, fountains, arches, or other structures of a permanent or temporary character intended for ornament or commemoration.

C. No existing artwork in the possession of the City shall be removed, relocated or altered in any way without being submitted to the BAC for report and recommendation to the Mayor.

D. The BAC shall have similar authority and duties to those stated in subsection A of this section with respect to the aesthetic of new buildings, bridges, viaducts, elevated ways, gates, fences, lamp standards, etc. erected on or over land belonging to the City or public right-of-way, with the following exceptions:

- 1) Structures described in Section D which are reviewed by the Parks and Recreation Advisory Board, Design Review Board, Historic Preservation Commission, or Museum Society;
- 2) Standard memorial plaques and freestanding markers that are pre-approved by the Parks and Recreation Department;
- 3) Signs, unless publicly-owned, as regulated under BMC 20.12.040 A(3);
- 4) Alterations and exterior additions to structures if such alterations and additions have a valuation of less than \$50,000;

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- 5) Normal maintenance and repair of said structures;
- 6) Structures required for public safety; and
- 7) Cell towers, pump stations, and other required utilities; unless review is requested by the initiating department or BAC.

Section 6: Bellingham Municipal Code Section 2.36.060 is hereby repealed in its entirety.

Section 7: Bellingham Municipal Code Section 2.36.070 is hereby repealed in its entirety.

PASSED by the Council this 13th day of April, 2009.



Council President

APPROVED by me this 20th day of April, 2009.



Mayor

ATTEST: 

Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

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