

**Chapter 5.74 Acquisition of Public Art Administrative Rules**

*Administrative Rule Adopted by the Office of Management & Finance Pursuant to Rule Making Authority*

**Introduction**

The purpose of this rule is to establish the procedures for bureaus of the City of Portland to comply with the administration of Chapter 5.74 of City Code (Acquisition of Public Art).

**Authority**

Authority for this administrative rule is established in the City Charter and City Code Chapter 5.74.

**Improvements and Maintenance**

The distinction between maintenance and repair and Improvement Projects subject to Ch. 5.74 is further established by Accounting Administrative Rules (ARC-FIN-6) pursuant to the Office of Management & Finance's Rule Making Authority.

**Filing CIP documents**

1. The Office of Management and Finance (OMF) shall create, maintain and revise the Public Art Eligibility Form to determine eligibility and monetary contributions under Chapter 5.74 in concert with the Regional Arts & Culture Council (RACC) and in accordance with Chapter 5.74 of City Code.
2. OMF shall provide the Public Art Eligibility Form to bureaus, accessible online, electronically or in hard copy form, prior to CIP planning.
3. When submitting CIP budget documents to the Office of Management and Finance, each project with costs in the budget year shall include a Public Art Eligibility Form.
4. Bureau CIP budgets and budget revisions that do not contain a Public Art Eligibility Form for each Capital Project with costs in the budget year shall not be considered complete by OMF.
5. OMF shall review and verify all Public Art Eligibility Forms and request appropriate changes by bureaus prior to submittal to RACC.
6. OMF shall submit CIP budgets and budget revisions to RACC.
7. RACC has the right to review and verify all Public Art Eligibility Forms and request appropriate changes from OMF.

**Disbursing funds to the Public Art Trust Fund**

1. RACC shall work in concert with the Participating Bureau and OMF to approve payment among the following means:
  - a. Payment in full upon issuance of an RFP for design/architectural services when the Improvement Project is one of architectural significance.
  - b. Payment in full no later than 50% design development when the Improvement Project is not of architectural significance.

- c. An aggregate payment or payments for completed Improvement Projects on July 1, December 7 or June 1 of the fiscal year in which the Improvement Projects were completed.
2. The Participating Bureau shall disperse funds and finalized Public Art Eligibility Form(s) upon invoice by RACC.

#### **Reconciling changes in costs and/or funds**

1. Only increases in an Improvement Project's scope and Eligible Costs or Eligible Funds as a result of Council action require a reconciliation of the project's Public Art allocation and additional payment to RACC.
2. Changes in Eligible Costs or Eligible Funds that result in a decrease of an Improvement Project's Public Art allocation after initial disbursement to RACC shall be reconciled by adjusting the Participating Bureau's future Public Art allocations by an equal amount.

#### **Accounting (DRAFT)**

1. Art objects shall be expensed, not capitalized.
2. (Pending Bond Council review) Participating Bureau's payments to RACC are considered expensed at the time of the payment.

#### **Working with RACC**

The Regional Arts & Culture Council may set forth guidelines in accordance with Chapter 5.74 to provide for planning, reporting and collaboration with Participating Bureaus.

#### **Multiple Participating Bureaus**

When more than one Participating Bureau contributes Eligible Funds towards completion of an Improvement Project, the following shall apply:

1. Should the Participating Bureaus have an Intergovernmental Agreement or other contractual obligation wherein a single Participating Bureau disburses all funds towards completion of an Improvement Project, the single Participating Bureau shall be responsible for disbursement to the Public Art Trust Fund.
2. Should Participating Bureaus share disbursement of funds towards completion of an Improvement Project, each Participating Bureau shall be responsible for disbursement to the Public Art Trust Fund.