

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING) RESOLUTION NO. 87-717
GUIDELINES FOR THE IMPLEMENTATION)
OF A ONE PERCENT FOR ART PROGRAM) Introduced by the
) Executive Officer

WHEREAS, The Council of the Metropolitan Service District has adopted Ordinance No. 86-215 establishing a One Percent for Art Program; and

WHEREAS, Section 7 of Ordinance No. 86-215 requires guidelines to be adopted by Council resolution; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District adopts the following guidelines to provide the direction necessary for implementation of the One Percent for Art Program:

METROPOLITAN SERVICE DISTRICT

ONE PERCENT FOR ART GUIDELINES

- I. THE PURPOSE of these Guidelines is to provide a process for selecting, purchasing, commissioning, placing, and maintaining the Art purchased with art set-aside funds. This Art should be of redeeming quality, advance public understanding of art, and enhance the aesthetic quality of the site of Works of Art funded by these set-aside funds. The goal is to select and display Art which represents the best in artistic skills and to encourage public dialogue and understanding of Works of Art.
- II. GUIDELINE DEFINITIONS
 - A. "Affected Department": means the department responsible for the project which generates the One Percent for Art funds.
 - B. "Architect": The person or firm designing the Project to which the One Percent funding applies. Where the architect is a firm, the term Architect shall mean the principal of that firm in charge of designing the Project to which the One Percent funding applies.

- C. "Artist": A practitioner in the visual arts, generally recognized by critics and peers as possessing serious intent and recognized ability who produces Works of Art and is not a member of the Project architectural firm.
- D. "Coordinator": The staff person assigned by the director of the affected department to coordinate and facilitate the implementation of the One Percent for Art ordinance adopted by Metro.
- E. "Project": The construction or alteration of public structures by the Metropolitan Service District (Metro) which is subject to the One Percent for Art Program.
- F. "Advisory Committee": The Advisory Committee created for the purpose of advising Metro on the selection of artists and/or works of art in accordance with Metro's One Percent for Art Program.
- G. "Works of Art": All forms of original creations of visual art, including but not limited to:

Painting of all media, including both portable and permanently affixed works, such as murals;

Sculpture which may be in the round, bas-relief, high relief, mobile, fountain, kinetic, electronic, etc., in any material or combination of materials;

Other visual media including, but not limited to, prints, drawings, stained glass, calligraphy, mosaics, photography, clay, fiber and textiles, wood, metals, plastics, or other materials or combination of materials, or crafts or artifacts.

Artworks which possess functional as well as aesthetic qualities.

III. PROCESS

- A. Upon letting the contract for architects/engineers for designing the project, the Executive Officer shall appoint an Advisory Committee as directed by Section IV of these guidelines.
- B. The Advisory Committee shall:
1. Recommend suitable Art forms and the appropriate location for the Artwork during the schematic design phase of the project.
 2. Determine artist's prerequisites; specifics of Artist/Art form selection.

3. Prepare a statement of procedures to be followed in the selection process. The Committee may seek the advice of the Metropolitan Arts Commission (MAC) or other suitable advisors.
 4. Recommend expenditures for the program in accordance with the approved budget and further guidelines contained in Sections VIII and IX.
 5. Make the selection of the Artist and Work of Art.
 6. Work with the architect on designation of appropriate sites and incorporation of Artist's and Artwork's special requirements within construction documents.
 7. As part of the public review of the project's design, the Committee shall solicit opinions regarding recommended art locations and types.
- C. The Metro Council shall:
1. Approve the Advisory Committee's recommended Art location and types, at the time the Council approves the Project design.
 2. Approve contracts brought forward under this Program in accordance with the provisions of the Metro Code.

IV. ADVISORY COMMITTEE MEMBERSHIP

- A. The Executive Officer shall appoint and the Presiding Officer concur in the selection of the members and designate a chairperson of the Advisory Committee.
- B. The Advisory Committee shall be comprised of individuals from the following categories:
 - A Metro Councilor
 - A department head or a designated representative from the department responsible for the project which generates the One Percent for Art fund;
 - The Project Architect;
 - A citizen with a background in art;
 - A member of the Metropolitan Arts Commission or its designee or other suitable advisor.
- C. Advisors or consultants may be chosen by each Advisory Committee to provide advice. Such advisor can be those Metro employees who will be in contact with the Art, community representatives, members or employees of the Metropolitan Arts Commission or special national or international experts.

V. CRITERIA FOR SELECTION OF EACH PROJECT'S ART BY ADVISORY COMMITTEE

- A. Artists will be selected on the basis of their qualifications as demonstrated by past work if any, appropriateness of the proposal to the particular project, and its probability of successful timely completion as determined by the Advisory Committee.
- B. In recommending Artists and Works of Art, the Advisory Committee shall select those Artists and Works of Art of the highest aesthetic quality, and those which fulfill the purposes of the Program set forth above.
- C. In all cases, consideration will be given to materials, construction, durability, maintenance, public access and safety.
- D. Specifically excluded from selection are members of the Project Architect's firm.

VI. PROJECT IMPLEMENTATION

- A. The Executive Officer shall initiate this process early in each project's design phase, depending on the specific schedule of each project, so that the Advisory Committee can offer art-related recommendations on the project's schematic design alternatives.
- B. The Architect shall work closely with the Advisory Committee on the designation of appropriate sites and shall incorporate the Artist's or Artwork's special requirements within the construction documents, including the time of delivery and installation of the Work.
- C. Upon the designation of an Artist or a Work of Art, Metro and the Artist shall enter into a contract for the Artist's services or for the purchase and installation of a Work of Art. This contract shall require the Artist to produce or deliver a Work of Art for a guaranteed maximum cost by a specific time.

VII. MANAGEMENT, MAINTENANCE

- A. Metro will be responsible for the ongoing care and maintenance of all Works of Art purchased or commissioned for the Project.
- B. In those cases where a Work of Art may be expected to require extraordinary maintenance expenses, Metro may reduce the amount of its One Percent expenditure by an amount equal to the extraordinary maintenance expenses it will incur over a reasonable period.

VIII. APPLICATION OF PERCENT FUNDS: INCLUSIONS

Appropriations of Program funds may be spent for:

- A. The Work of Art itself, including but not limited to:
 - 1. Artist's design fee.
 - 2. Additional labor and materials required for production of Work.
 - 3. Artist's operating costs.
 - 4. Travel related to the Project.
 - 5. Transportation of the Work to the site and installation.
- B. Identification plaques and labels.
- C. Frames, mats, mountings, anchorages, containments, pedestals, or materials necessary for the installation, location, or security of the Work of Art.
- D. Photographs of completed Works.
- E. Insurance.
- F. Expenses for special advisors or consultants.
- G. Historical artifacts displaced by construction.
- H. Program administrative costs.

IX. APPLICATION OF PERCENT FUNDS: EXCLUSIONS

Appropriations of program funds shall not be spent for:

- A. Reproductions, by mechanical or other means, of original Works of Art.
- B. Those elements generally considered to be standard components of a landscape architectural design.
- C. "Art objects" which are mass-produced of standard design, such as playground sculpture or fountains.
- D. Modifications in or improvements to building surfaces or structural elements of the building, except for integral art as defined by the committee.
- E. Electrical, water, or mechanical service for activation of the Work of Art (i.e., utility costs).

F. In connection with the Works of Art: registration, dedication, unveiling, security and publicity after selection.

G. Architect's fees.

ADOPTED by the Council of the Metropolitan Service District
this 12th day of March, 1987.


Richard Waker, Presiding Officer

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7014C/486-4
03/16/87

STAFF REPORT

Agenda Item No 8.1, 9.1

Meeting Date March 12, 1987

CONSIDERATION OF METRO'S PROPOSED ONE PERCENT
FOR ART PROGRAM (ORDINANCE NO. 87-215 AND
RESOLUTION NO. 87-717)

Date: February 26, 1987

Presented by: Neil McFarlane

FACTUAL BACKGROUND AND ANALYSIS

In actions at meetings December 18 and January 8 Metro Council has resolved many issues surrounding the proposed Ordinance and Resolution establishing a One Percent for Art Program. On January 22 the Presiding Officer referred unresolved issues to the Management Committee. Meeting on February 20, the Management Committee approved changes summarized below.

Issues Previously Resolved
(reflected in attached revised drafts of the Ordinance and Resolution)

1. Artwork possessing functional as well as aesthetic qualities is allowed.
2. The one percent requirement does not apply to emergency work, minor alteration, or ordinary repair and maintenance.
3. Advisory committees established to help select art and artists for each project will invite comment on the proposed art from the public and adjacent neighborhoods.
4. Council may decide to display art in locations other than the actual project site.
5. Advisory committee may recommend a program of art integral to the project design, including artists, art works and placement within the project.
6. Performing art is not an eligible art form under this program.
7. The program will set aside a full one percent for art rather than an amount up to one percent.

Issues Not Resolved Previously
(addressed in attached draft Resolution and Ordinance)

1. Relationship of placement of art to Metro facilities

The Ordinance states the art need not be on the project site but must be "in proximity" to the site or within or "in proximity" to another District facility.

2. Point during the planning process at which a construction project could be declared exempt from the art program

The Ordinance states that exemptions must be approved by resolution prior to or at the time a contract for an architect has been entered into, or at the time Council decides to enter into a contract to participate financially in a project.

3. Council role clarified

Guidelines presented in the Resolution clarify Council's role as (1) deciding whether or not to exempt a project; (2) approving art program recommended by the advisory committee as part of overall project design approval; and (3) review of contracts with specific artists as part of normal contract review procedures.

4. Timing of formation of advisory committee

Committee would be formed upon letting a contract for the project architect.

5. Committee membership

The guidelines state members would be appointed jointly by the Executive Officer with the concurrence of the Presiding Officer.

6. Timing of community input

Guidelines specify that public comment on the art program would be solicited as part of public review for the overall project design.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 87-215 to establish a One Percent for Art Program for new construction or major alteration of major district facilities. The Executive Officer also recommends adoption of Resolution No. 87-717 to establish guidelines for Metro's One Percent for Art Program.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING A) ORDINANCE NO. 87-215
ONE PERCENT FOR ART PROGRAM FOR)
THE NEW CONSTRUCTION OR MAJOR)
ALTERATION OF MAJOR DISTRICT)
FACILITIES)

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Short Title

This Ordinance shall be known as the "Metropolitan Service District One Percent for Art Program" and may be so cited and pleaded and shall be referred to herein as "this program."

Section 2. Definitions

A. "Construction Cost" means budgeted construction cost, excluding design, engineering and administrative costs, cost for fees and permits, and indirect costs, such as interest during construction, land acquisition, relocation, demolition, street and utility, construction appurtenant to the main project, advertising and legal fees.

B. "Council" means the Council of the Metropolitan Service District.

C. "District" means the Metropolitan Service District.

D. "District Facility" means those facilities constructed at the direction of the District.

E. "Major District Construction Project" ("Project") means projects for construction, reconstruction or major renovation of a District facility with an estimated construction cost of \$100,000 or more. "Major District Construction Project" does not include emergency work, minor alteration, ordinary repair or maintenance necessary to preserve a facility.

Section 3. Policy

The Council finds that it is appropriate in Major District Construction Projects that one percent of the construction cost of such projects be devoted to the acquisition and display of art to be integral to, displayed in, upon, or in proximity to the project, or capable of display in other District facilities which the Council deems appropriate.

These funds shall be expended on art which is of redeeming quality, advances public understanding of art, and enhances the aesthetic quality of the location which will be the site of works of art funded by these funds. The goal is to select and display art which represents the best in artistic skills and to encourage public dialogue and understanding of works of art.

Section 4. Dedication

One percent of the construction cost of Major District Construction Projects shall be set aside for the acquisition of art, unless the Council, following a public hearing, by resolution exempts the project from the one percent program. Such an exemption must be approved prior to or at the time a contract for an architect has been entered into, or prior to or at the time a contract to participate financially in a project is entered in to by the Council, whichever is earlier.

Works of art may be integral to, or displayed in, upon or adjacent to the project, or capable of display in other District facilities.

The Council may order works of art removed or relocated if it finds that doing so is in keeping with the purposes of this Ordinance.

The Council may determine to use contributed funds in addition to or in lieu of the monies raised for the construction costs.

Section 5. Ownership

All art acquired pursuant to this ordinance shall be acquired in the name of the Metropolitan Service District and title shall vest in the Metropolitan Service District.

Section 6. Approvals

Contracts brought forward under this program shall be approved in accordance with the Metro Code.

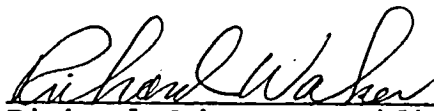
Section 7. Implementation

The Council shall adopt by resolution guidelines for implementing this program. The guidelines shall be interpreted in such a manner to fully carry out the purposes of this ordinance.

Section 8.

This ordinance shall be added to the Code of the Metropolitan Service District as part of Title II.

ADOPTED by the Council of the Metropolitan Service District
this 12th day of March, 1987.


Richard Waker, Presiding Officer

ATTEST:


Clerk of the Council

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7014C/486-3
03/02/87

cooperation between the architects and artists in order to include unique design features into the facility.

9. ORDINANCES

9.1 Consideration of Ordinance No. 87-224, for the Purpose of Waiving Metro Code Section 3.01.020(d) for Contested Case No. 87-2: Angel (First Reading and Public Hearing)

The Clerk read the ordinance a first time by title only.

Jill Hinckley, Land Use Coordinator, presented staff's report. She explained the Metro Code provided: "No petition will be accepted under this chapter if the proposed amendment to the UGB would . . . create an island of non-urban land within the UGB." Joseph Angel, property owner, had requested the Council waive that provision in order to allow him to submit a petition to the Council for locational adjustment of the UGB.

Councilor Van Bergen asked if the Council had the authority to grant such a waiver. Ms. Hinckley said it was her understanding any action made by ordinance could be waived by ordinance. The Council would not be waiving the provisions of Code Section 3.01.020(d) by adopting Ordinance No. 87-224, she said. Rather, it would be waiving that provision for the Angel case. Future parties could appeal for a similar waiver and the Council would evaluate each petition on a case-by-case basis.

Motion: Councilor Cooper moved, seconded by Councilor Kirkpatric, to adopt Ordinance No. 87-224.

Presiding Officer opened the public hearing.

Steven Janik, an attorney representing the applicant, Joseph Angel, requested the Council support staff's recommendation and adopt the ordinance. He explained the existing UGB had actually created the unique land situation and no new island of non-urbanized land would be created if the waiver were granted. The UGB boundaries were within 500 feet of each other and city water lines already served his client's property, he reported.

Councilor Knowles asked staff to explain why the Metro Code prohibited the acceptance of applications for UGB locational adjustments when an island of non-urban land would be created. Ms. Hinckley reported that such a condition would be illegal under the Statewide Land Use Planning Goals. However, she said, the Angel case, being a unique situation, was not in violation of the land use goals. She suggested the Council consider revising its Ordinance for cases such as the Angel property.

Councilor Van Bergen said he had received a telephone message from a constituent regarding the convention center which he had submitted for the record.

There was no further testimony and the Presiding Officer closed the public hearing. He asked for comments from Councilors on the proposed design. No comments were received and the Presiding Officer announced the Council concurred with the recommended design.

In response to Councilor Gardner's question, Mr. Frasca explained the design had not included provisions for day care because retail space had been reduced to accommodate lobby and ballroom features. If, however, the Council determined that day care should be part of the program, space could be found.

Ms. Sherburne said privately owned child care facilities were located near the convention center site and conventioners could certainly use those facilities. She further explained that because the convention center was not a year around business, it would be difficult for a child care provider to operate a profitable facility on-site.

An unidentified man urged the Council to listen to public testimony received and to investigate providing child care at the convention center.

8. REPORT ON THE OREGON CONVENTION CENTER PUBLIC ART PROGRAM

Tuck Wilson explained the Council had adopted Ordinance No. 87-215 and Resolution No. 87-717 which established the One Percent for Art Program and guidelines. Councilor Knowles had been appointed as Chairman of the Advisory Committee to administer the \$475,000 art program for the Oregon Convention Center per the Council-adopted guidelines.

Councilor Knowles then described the Advisory Committee's activities to date and introduced other committee members: Larry Kirkland, representing artists; Carol Edelman, Metropolitan Arts Commission; Robert Frasca, project architect; and Tuck Wilson, Executive Officer's representative. Per an intergovernmental agreement with the Metropolitan Arts Commission, Catherine Gleason would serve as the Advisory Committee coordinator. He reported the Committee had developed a "procurement" process for art which would include: developing a reference list of artists; selecting four to six finalists; soliciting proposals from artists for how art could be incorporated into the facility; and using those ideas to implement a competitive process for final selection of artists and artworks. Councilor Knowles emphasized the process would involve early

project and expose Metro to legal liability -- expenses that should not have to be bore by taxpayers.

Councilor Ragsdale said he agreed with Councilor Gardner. He was hopeful the Executive's group would make recommendations the Council could discuss as soon as possible.

Vote: A vote on the motion to approve the contract with Bishop Contractors, Inc. resulted in:

Ayes: Councilors Gardner, Knowles, Ragsdale, Van Bergen and Waker

Nays: Councilors Bonner, Collier, Hansen and Kelley

Abstain: Councilor Cooper

Absent: Councilors DeJardin and Kirkpatrick

The motion carried and the contract was approved.

8. ORDINANCES

8.1 Consideration of Ordinance No. 8.1, for the Purpose of Establishing a One Percent for Art Program for the New Construction or Major Alteration of Major District Facilities (Continued Second Reading); and

9.1 Consideration of Resolution No. 87-717, for the Purpose of Establishing Guidelines for Metro's One Percent for Art Program

Presiding Officer Waker announced this was a continued second reading of the Ordinance and the Clerk read the Ordinance by title only.

Neil McFarlane, Public Facilities Analyst, reviewed staff's written report and the history of Council and Management Committee Consideration of the Ordinance and companion Resolution since they were first introduced on December 18, 1986. At the Council's request, the Management Committee reviewed the proposed legislation on February 20 in order to recommend resolutions to issues that had not been resolved by the Council. Unresolved issues included:

1) relationship of placement of art to Metro facilities; 2) point during the planning process at which a construction project could be declared exempt from the art program; 3) the Council's role in administration of the program; 4) timing of formation of advisory committee; 5) committee membership; and 6) timing of community input. Mr. McFarlane and Management Committee Chair, Councilor Gardner, reported the revised Ordinance and Resolution now before the Council for final consideration reflected the Management Commit-

tee's recommendations. Councilor Gardner urged approval of the legislation.

Motion to Amend Ordinance No. 87-215: Councilor Ragsdale moved, Seconded by Councilor Collier, to amend Section 4, "Dedication," of the Ordinance as follows (deletions are in brackets):

"One percent of the construction cost of Major District Construction Projects shall be set aside for the acquisition of art[, unless the Council, following a public hearing, by resolution, exempts the project from the one percent program. Such an exemption must be approved prior to or at the time a contract for an architect has been entered into, or prior to or at the time a contract to participate financially in a project is entered into by the Council, whichever is earlier]."

Councilor Ragsdale explained no project should be excludable from the art program by resolution. He proposed that funds could be transferred to another project and that any changes to the program be authorized by adoption of an ordinance.

A discussion followed on Councilor Ragsdale's amendment. Councilor Kelley opposed the amendment because she thought the presence of solid waste facilities in neighborhoods should be mitigated by art works. Councilor Van Bergen thought Metro's community image could be improved by better maintenance and enhancement of facilities. Councilor Hansen also opposed the amendment.

Councilor Collier asked if the amendment would preclude art works at landfills. Councilor Ragsdale responded said the amendment would not preclude art works at the site or near the site. It would preclude installing art works elsewhere in the community. Presiding Officer Waker pointed out the public would not have access to the next regional landfill.

Vote on Motion to Amend the Ordinance: The vote resulted in:

Ayes: Councilor Ragsdale

Nays: Councilors Bonner, Collier, Cooper, Gardner, Hansen, Kelley, Knowles, Van Bergen and Waker

Absent: Councilors DeJardin and Kirkpatrick

The motion to amend the Ordinance failed.

Ayes: Councilors Bonner, Collier, DeJardin, Gardner, Hansen, Kirkpatrick, Knowles, Ragsdale, Van Bergen and Waker

Absent: Councilors Cooper and Kelley

The motion carried.

8. RESOLUTIONS

8.1 Consideration of Resolution No. 87-717, for the Purpose of Establishing Guidelines for Metro's One Percent fo Art Program

Motion: Councilor Van Bergen moved, seconded by Councilor Collier, to refer the Resolution to the Management Committee for discussions related to the same issues as for Ordinance No. 87-215, and for the Committee to report its findings to the Council on February 26, 1987.

Vote: A vote on the motion resulted in:

Ayes: Councilors Bonner, Collier, DeJardin, Gardner, Hansen, Kirkpatrick, Knowles, Ragsdale, Van Bergen and Waker

Absent: Councilors Cooper and Kelley

The motion carried.

8.2 Consideration of Resolution No. 87-731, for the Purpose of Establishing Metro Council Support for the Legislative Technical Committee of the Committee on Regional Convention, Trade and Spectator Facilities

Tuck Wilson, Convention Center Project Director, reviewed staff's written report. Councilor Ragsdale, Chair of the Council's Convention Center Committee, recommended the Council adopt the Resolution as a show of support for the proposed actions.

Motion: Councilor Ragsdale moved the Council adopt Resolution No. 87-731 and Councilor Van Bergen seconded the motion.

In response to Councilor Kirkpatrick's question, Councilor Ragsdale reported the legislative programs proposed by the Legislative Technical Committee would require staff support from Kim Duncan. Mr. Wilson added that Ms. Duncan would coordinate her efforts with the Council and key staff.

7.4 Consideration of Ordinance No. 87-215, for the Purpose of Establishing a One Percent for Art Program for the New Construction or Major Alteration of Major District Facilities (Second Reading); and

8.1 Consideration of Resolution No. 87-717, for the Purpose of Establishing Guidelines for Metro's One Percent for Art Program

The Clerk read the Ordinance by title a second time. Presiding Officer Waker announced the first reading and public hearing of the Ordinance had occurred on December 18, 1986.

Motion: Councilors DeJardin and Knowles moved the Ordinance be adopted at the meeting of December 18, 1986.

Phillip Fell, Legislative Liaison, explained at the December 18 meeting, the Council requested staff prepare amendments addressing six areas: 1) art may serve functional as well as aesthetic purposes (Kelley); 2) the Council should have the ability to exclude projects from the provisions of the Ordinance (Van Bergen); 3) Council should have the ability to determine location for display of artworks (Waker); 4) if artworks were to be placed in a neighborhood, that neighborhood should have an opportunity to present its preferences to the Advisory Committee (Knowles); 5) performing arts should be an eligible expenditure (Frewing); and 6) Council should have the option of spending "up to" one percent for art (Waker).

John Frewing, a Metro Councilor until December 31, 1986, testified it was his understanding that at the first reading of the Ordinance, the Council wanted the performing arts included in the program and that the program not be limited to local artists.

A discussion followed about how to administer a performing arts program. Mr. Frewing suggested a trust fund, ideally administered by the Metropolitan Arts Commission or another body, be established from which performing artists could be paid. He explained Michael Russo, a local artist who had testified at the December 18 public hearing, had urged Metro's arts program incorporate art which related to the region's unique character. Performing arts, he said, would achieve that goal.

Responding to Councilor Ragsdale's question, Mr. Fell reported the Ordinance as now written would fund performing arts facilities and equipment.

Edwin Schneider, President, Oregon Youth Philharmonic Association, spoke in support of including performing arts in the Ordinance. He

said a revolving trust fund, as suggested by Mr. Frewing, would be the best way to administer a performing arts program.

Greg Moss, past President of Oregon Artists Equity and current President of the National Artists Equity Association, urged the Council to limit its program to visual arts. He explained the visual artists' potential for earning revenue was limited to one time, he could not sell season tickets and his materials were often costly. Other jurisdictions had determined it best to limit programs to visual arts, he said.

Constance Haws, 19920 S.W. Oak Court, Aloha, objected to including performing arts in the program because audiences would have only one opportunity to enjoy a performance. Visual arts, however, could be enjoyed continuously.

There was no further testimony.

First Motion to Amend: Councilor Kelley moved, seconded by Councilor Gardner, to amend Resolution No. 87-717, page 2, Guideline II(G), "Works of Art," to include a new paragraph to read "Artworks which possess functional as well as aesthetic qualities."

Vote on the First Motion to Amend: A vote on the motion resulted in all twelve Councilors voting aye.

The motion carried and Resolution No. 86-717 was amended.

Second Motion to Amend: Councilor Van Bergen moved, seconded by Councilor Hansen, to amend Ordinance No. 87-215 as follows:

1. Replace the existing definition for "District Facility" with the following definition: "D. 'District Facility' means those facilities constructed at the direction of the District."
2. Replace the existing definition for "Major District Construction Project" with the following definition: "E. 'Major District Construction Project' ('Project') means projects for construction, reconstruction or major renovation of a District facility with an estimated construction cost of \$100,000 or more. 'Major District Construction Project' does not include emergency work, minor alteration, ordinary repair of maintenance necessary to preserve a facility."

Mr. Fell explained the Council would be voting on the concept of the amendment and staff would return on January 22 with more refined language for final consideration.

Councilor Knowles said he did not understand the need for the above amendment when the Council could exempt a program by resolution at any time. Eleanore Baxendale, General Counsel, explained that by establishing a clear policy by ordinance, the Council would be adopting a process that would most likely not be challenged in the future.

Councilor Knowles questioned whether the budget adoption process or the time when a contract was approved would be the most appropriate time to determine if the art program should apply to specific construction projects. Ms. Baxendale said she had discussed that issue with Kay Rich, Assistant Zoo director because the Zoo was the most prolific contractor in the agency. Mr. Rich had advised making a determination when a project architect was selected because the architect needed basic knowledge about what the project would include. Ms. Baxendale recommended the Council specify a time in the Ordinance.

After discussion, Councilors Ragsdale, DeJardin and Knowles agreed the Council should have the authority to deem a project inappropriate for the art program and to allocate those funds to another project. Councilor Kelley, however, was not sure the Council would want to spend the large amounts demanded by upcoming solid waste facilities projects.

Vote on Second Motion to Amend: The vote resulted in:

Ayes: Councilors Bonner, Collier, Cooper, Gardner, Hansen, Kelley, Kirkpatrick and Van Bergen

Nays: Councilors DeJardin, Knowles, Ragsdale and Waker

The motion carried.

Mr. Fell discussed a proposed amendment to the Ordinance and Resolution that, if adopted, would allow the display of artworks in locations other than actual Metro facilities.

In response to Councilor Bonner's concern, Ms. Baxendale said staff could draft language clarifying that the Council would determine the general location (i.e. facility) rather than specific placement (i.e. which wall) for artwork.

Third Motion to Amend: Councilor Knowles moved, seconded by Councilor Van Bergen, that Criteria V(B) and (D) of Resolution No. 87-717 be changed to read:

"B. In making the decisions regarding the expenditure of the Program funds, the Advisory Committee shall be guided by the goals and purposes of these Guidelines and the criteria set forth below. The Committee will first recommend to the Council appropriate locations for the display of the art. In addition: the Advisory Committee shall select Works of Art which are technically feasible to produce, display and maintain; the selection of the Artist(s) who will provide art integral to the project will be made as early in the conceptual design stage as practical, so the Artist(s) will be able to work with the Architect from the beginning of the project.

"The Committee will prepare a budget for its administrative operations and the selection process; funds may not be expended unless in conformance with the budget. Next the Committee shall prepare a statement of the procedures to be followed in the selection process. These procedures shall cover at least the method of advising prospective competitors of the selection process, a time schedule of the Committee's work, the nature of the proposals sought, the process by which the Works of art will be chosen, and the means of accomplishing the purposes of these Guidelines set forth above.

"D. The Advisory Committee shall solicit opinions regarding suitable art forms from the affected neighborhood."

The language was moved for adoption in concept only with the understanding staff would return with more refined language for final adoption by the Council at a later date.

Councilor Knowles explained he was proposing the amendment in order to bring about greater community involvement in the art program.

Councilor DeJardin suggested that under the proposed amendment, artwork could be placed in the Oregon City community to enhance the City's historical promotion efforts.

Councilor Hansen proposed a neighborhood representative be added to the artwork selection and placement committee. Presiding Officer

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January 8, 1987
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Waker said guidelines could be developed at a later date which would establish those procedures.

Vote on Third Motion to Amend: A vote on the motion resulted in all twelve Councilors voting aye.

The motion carried.

Responding to Councilor Hansen's earlier statement, Councilor Knowles said he had considered the option of having a neighborhood representative on selection committees but decided that provision was unnecessary because it would not guarantee the neighborhood representative would have the required technical expertise to judge the merit of proposed artworks.

A discussion followed the definition of "adjacent" in the Ordinance as it applied to artworks. Councilor Van Bergen said defined "adjacent" as directly on the premises of a Metro facility. Councilor Knowles said the artwork could be near the capital investment. Presiding Officer Waker instructed staff to return with final language for Council adoption that would define "adjacent" as very near the capital project. Councilor Van Bergen said he was still opposed to that language.

The Council then discussed whether the Ordinance should include performing arts. Councilor Cooper did not think performing arts appropriate because the benefits of such art were not long lasting.

Councilors Ragsdale and DeJardin supported including performing arts because visitors could easily glean the "Oregon experience" from performances. Councilor Ragsdale suggested a subcommittee be established to recommend specific language and guidelines for performing arts.

Councilor Gardner supported commissioning performing artworks because they could be performed repeatedly.

Councilor Van Bergen did not support including performing arts because he thought it too difficult to administer. He questioned whether the Council had the capability to establish an ongoing trust fund.

Councilor Knowles also opposed performing arts saying the Council should restrict its investment to works of a capital nature. Presiding Officer Waker concurred.

Councilor Bonner did not object to including performing arts in the Ordinance.

Fourth Motion to Amend: Councilor Van Bergen moved, seconded by Councilor Bonner, to amend the one percent for art Ordinance and Resolution to include provisions for performing arts.

Councilor Hansen said he would support the motion because the Advisory Committee could offer assistance in recommending how a performing arts program should be administered.

Councilor Knowles again explained he was strongly opposed to including performing arts in the program. He said the Council should limit its investment to capital items, especially if borrowed funds were being used to finance facilities.

Vote on the Fourth Motion to Amend: A vote resulted in:

Ayes: Councilors Bonner, DeJardin, Gardner, Hansen and Ragsdale

Nays: Councilors Collier, Cooper, Kelley, Kirkpatrick, Knowles, Van Bergen and Waker

The motion failed.

Fifth Motion to Amend: Councilor Van Bergen moved, seconded by Councilor Cooper, to amend the Ordinance and Resolution to provide for funding projects "up to one percent" rather than a full one percent.

Councilor Van Bergen explained it could be impossible to purchase artworks that were exactly one percent of the value of a total facility.

Councilor DeJardin said he supported a full one percent program. Any unused funds could be set aside for other projects, he explained, and a full one percent program represented a clear commitment to the program.

Vote on Fifth Motion to Amend: A vote resulted in:

Ayes: Councilors Cooper and Van Bergen

Nays: Councilors Bonner, Collier, DeJardin, Gardner, Hansen, Kelley, Kirkpatrick, Knowles, Ragsdale and Waker

The motion failed.

Motion to Continue the Ordinance: Councilor Ragsdale moved, seconded by Councilor DeJardin, to continue the second reading of Ordinance No. 87-215 to the meeting of January 22, 1987.

Vote on Motion to Continue: A vote resulted in all twelve Councilors voting aye.

The motion carried.

Motion to Continue to Resolution: Councilors Kirkpatrick moved, seconded by Councilor DeJardin, to continue consideration of Resolution No. 86-717 to the meeting of January 22, 1987.

Vote on Motion to Continue: A vote on the motion resulted in all twelve Councilors voting aye.

The motion carried and Ordinance No. 87-215 and Resolution No. 87-717 were continued to the meeting of January 22, 1987.

Presiding Officer Waker called a recess at 8:10 p.m. Deputy Presiding Officer Gardner reconvened the Council at 8:30 p.m. and explained Presiding Officer Waker left the meeting due to illness.

8.2 Consideration of Resolution No. 87-702, for the Purpose of Adopting Principles for a Legislative Program for the 1987 Legislative Session

Mr. Fell reported the Resolution before the Council did not include proposals for solid waste legislation because the Council Legislative Planning Committee determined it would be appropriate to seek the recommendation of the Council Solid Waste Committee prior to formal adoption of any proposed solid waste legislation. He then reviewed the major legislative programs recommended for 1987 including general government funding, Convention Center funding, transportation and administration.

Councilor Van Bergen said he did not support the proposed administration-related legislation concerning the definition of Zoo overtime pay. He thought Metro should be subject to the same tests as any other business.

Councilor Collier, Chair of the Legislative Planning Committee, reported the Committee met informally with Metro area legislators. The Solid Waste Committee would consider a recommendation for solid waste legislation at their meeting of January 13. Regarding Councilor Van Bergen's concerns, she said she also was uncomfortable with the Zoo overtime issue and would bring back more information to the Council on the matter.

the Ordinance could be amended to allow art to be installed in the surrounding community.

Presiding Officer Waker announced the second reading of the Ordinance would take place January 8, 1987.

8.1 Consideration of Resolution No. 86-717, for the Purpose of Establishing Guidelines for Metro's One Percent for Art Program

Motion: Councilor Kirkpatrick moved consideration of the Resolution be continued to January 8, 1987, and Councilor Kelley seconded the motion.

Presiding Officer Waker called a break at 7:35 p.m. The Council reconvened at 7:50 p.m.

9.5 Consideration of Resolution No. 86-723, for the Purpose of Supporting State of Oregon Financial Participation in the Construction Costs of the Oregon Convention Center

Tuck Wilson, Convention Center Project Manager, briefly explained the financing plan for the Convention Center project, adopted by the Council in May 1986, identified the State as providing \$15 million for the project. Resolution No. 86-723 would request the Governor-elect include a general fund appropriation of \$15 million in his recommended budget for the 1987-89 biennium and would ask the Speaker of the Oregon House and the President of the Oregon Senate to introduce legislation appropriating \$15 million from the general fund.

Norm Smith, member of the Convention, Trade and Spectator Facility Committee, reported the Committee recommended adoption of the Resolution.

Motion: Councilor Ragsdale moved the Resolution be adopted and Councilor Van Bergen seconded the motion.

Councilor Collier said she supported the Resolution but wanted to make sure this action was coordinated with the rest of Metro's Legislative Program. Councilor Ragsdale, Chair of the Council Convention Center Committee, agreed coordination would occur.

Vote: A vote on the motion resulted in all twelve Councilors voting aye.

The motion carried and Resolution No. 86-723 was adopted.