

**ORDINANCE NO. \_\_\_\_\_**  
**AN ORDINANCE AMENDING CHAPTER 4.98 (ONE PERCENT FOR ART PROGRAM) OF THE KITSAP COUNTY CODE**

**BE IT ORDAINED:**

Section 1. The title of Kitsap County Code Chapter 4.98, last amended by Ordinance 393 (2007) is amended as follows:

**Chapter 4.98 ~~ONE PERCENT FOR ART~~ IN PUBLIC WORKS CONSTRUCTION PROGRAM**

Section 2. Kitsap County Code Section 4.98.010, last amended by Ordinance 393 (2007) § 1 (part), is amended as follows:

**2.22.010 Short title.**

Th ordinance codified in this chapter may be cited as the “~~One Percent for Art Program Ordinance.~~”

Section 3. Kitsap County Code Section 4.98.030 (F) and (G), last amended by Ordinance 393 (2007) § 1 (part), are amended as follows:

**4.98.030 Definitions.**

F. “~~One Percent for the Arts Program~~ Common Fund” means the common pool for non-expended funds that are generated through this chapter.

G. “Public site” means any property owned by Kitsap County or any property owned by any public agency or municipality within the county which executes an interlocal agreement with the county to place on their property a work of art funded in whole or in part by the ~~One Percent for Art Program Ordinance.~~

Section 4. Kitsap County Code Section 4.98.050 (C) and (G), last amended by Ordinance 393 (2007) § 1 (part), are amended as follows:

**4.98.050 Powers and duties of arts board.**

C. Shall recommend the public site for the display of any work of art funded by any ~~One Percent for Art Program~~ grant.

G. May seek private monetary donations to the ~~One Percent for Art Program~~ and advise the board of commissioners regarding additional sources of public funds for this program.

Section 5. Kitsap County Code Section 4.98.060 (A), (B), and (F), last amended by Ordinance 393 (2007) § 1 (part), are amended as follows:

**4.98.060 Funds for acquisition of art.**

A. Projects in the capital improvement program shall include an amount for works of art equal to one-half of one percent of the total bid amount of the lowest responsive bid for the project. If a bond election ordinance, a bond ordinance authorizing revenue bonds, or other applicable laws or regulations, or an official interpretation by the board of commissioners or another governmental entity regarding allowable uses of funds which will be used for the project precludes art as an expenditure of funds, the amount of funds required for works of art shall be appropriated from a source of funds that does not preclude art as an expenditure of such funds.

B. A ~~One Percent for Art~~ Program Common Fund is established. If the ~~one~~ percentage amount authorized for a given project under the ~~One Percent for Art~~ Program is not expended, or if a surplus is available due to the work of art costing less than the one-half of one percent of the total project cost, then the non-expended amount shall be deposited into the ~~One Percent for Art~~ Program Common Fund for use on projects recommended by the arts board and approved by the board of commissioners.

C. Funds generated as described in subsection (A) of this section shall be budgeted as part of the capital improvements program budget. Additional private or public contributions and appropriations for works of art may be added to these funds and shall be deposited in the ~~One Percent for Art~~ Program Common Fund. At the request of the donor, such contributions may be earmarked for particular projects.

Section 6. Effective Date. This ordinance shall take effect immediately.

Section 7. Severability. If any provision of this ordinance or its application to any person, entity, or circumstance is for any reason held invalid or unconstitutional, the remainder of the ordinance, or the application of the provision to other persons, entities, or circumstances shall not be affected.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
KITSAP COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Daniels, Clerk of the Board

\_\_\_\_\_  
EDWARD E. WOLFE, CHAIR

APPROVED AS TO FORM:

\_\_\_\_\_  
CHARLOTTE GARRIDO, Commissioner

\_\_\_\_\_  
Deputy Prosecuting Attorney

\_\_\_\_\_  
ROBERT GELDER, Commissioner