ORDINANCE NO. 18161

AN ORDINANCE introduced by Councilmembers Clark Duffy, Duane Pomeroy, and Gary Price, sitting as the Economic Development Committee, relating to the arts, creating the Office of the Arts, the Arts Advisory Committee, the Arts Grant Program, the Art in Public Places Program and establishing fees to be deposited to the Topeka Arts Fund and repealing City of Topeka Ordinance No. 17850.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. Office of the Arts created.

There is hereby created an Office of the Arts for the City of Topeka. The office shall be an adjunct to the Office of the Mayor. The Office of the Arts shall provide the technical assistance to arts programs and coordination of arts programs within the City of Topeka, administer the Topeka Arts Grant Program, and the Art in Public Places Program.

Section 2. Arts Advisory Committee created.

There is hereby created an Arts Advisory Committee within and a part of the Office of the Arts. The Arts Advisory Committee shall assist the Office of the Arts in carrying out its responsibilities as described in Section 1. The Arts Advisory Committee shall also serve as a focal point for providing assistance to arts programs within the City of Topeka, which may include but not be limited to the following activities:

a. Providing recommendations to the Mayor and City Council on Topeka Arts Grant Program requests;

b. Technical Assistance in Grant writing;

c. Technical Assistance in Fundraising;

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d. Distributing an advisory committee newsletter;

e. Providing technical assistance and coordination to the arts community;

f. Hosting special arts events;

g. Establishing and maintaining a detailed resource information database including "technical/performance" marketing and management resources;

h. Developing a supporting relationship with the Topeka-Shawnee County Public Library and Washburn University to support arts databases; and

i. Performing other such duties in making recommendations as may be requested by the Mayor and the City Council.

The Arts Advisory Committee shall prepare and file with the City Clerk an annual report on the state of affairs of the arts in the City of Topeka. Additional reports may be filed with the City Clerk in such manner and frequency as may be requested by the Mayor and City Council.

Section 3. Arts Advisory Committee membership.

The Arts Advisory Committee shall consist of eleven (11) members. One (1) member shall be appointed by each of the City Council members and the Mayor. The eleventh (11th) member of the committee shall be appointed by the Mayor as the chair of the committee. Each member of the Arts Advisory Committee shall be a resident of the City of Topeka. Members of the Arts Advisory Committee shall serve a term of four (4) years, corresponding to the term of the appointing authority. Members may be appointed for subsequent terms after the completion of the first term. Members shall serve until a successor is appointed. Committee members may be affiliated with other arts boards or committees by way of membership. Members of the Arts Advisory
Committee shall serve without compensation. Meetings shall be served at the call of the chair with at least one (1) meeting to be held quarterly. Any committee member that is absent for any three (3) scheduled meetings in a row shall automatically be removed from the Committee. Vacancies occurring on the Arts Advisory Committee shall be filled by appointment for the unexpired term by the appropriate appointing authority.

Section 4. Art in Public Places Program created.

There is hereby created an Art in Public Places Program that shall be administered by the Office of the Arts. The Art in Public Places Program provides opportunities for permanent or temporary displays of art in public places either on City-owned facilities or by the permission of the property owner on private property. Policies and procedures for administration of this program shall be approved by the Mayor based on recommendations of the Arts Advisory Committee.

Section 5. Topeka Arts Grant Program created.

There is hereby created a Topeka Arts Grant Program to be administered by the Office of the Arts. The Topeka Arts Grant Program shall provide opportunities for recipients to receive funding for art projects, programs, activities, or one time capital outlay expenses. The Topeka Arts Grant Program shall not be used to supplant funding for ongoing, repetitive operating expenses or for salaries. The Topeka Arts Grant Program is detailed in a separate resolution adopted and approved by the Topeka City Council.

Section 6. Topeka Arts Fund created.

There is hereby created in the City treasury the Topeka Arts Fund. All monies in the Topeka Arts Fund shall be expended in accordance with the appropriation acts of
the Topeka City Council. These monies shall only be used to finance the Office of the Arts, the Art in Public Places Program and the Topeka Arts Grant Program.

There is hereby established a surcharge on all capital improvements funded from the general improvement fund monies, all projects receiving property tax exemption through the City, and all projects undertaken through the use of industrial revenue bond financing; all projects undertaken by the Topeka Public Building Commission, and all multifamily housing or commercial development occurring within the designated neighborhood revitalization areas. The surcharge is calculated as follows:

1. For improvements, projects, and developments which cost up to $999,999.00 --- .50 percent of cost;
2. For improvements, projects, and developments which cost from $1,000,000.00 to $2,999,999.00 -- .40 percent of cost; and
3. For improvements, projects and developments which cost $3,000,000.00 or more -- .35 percent of cost.

All monies received as a result of this surcharge shall be deposited into the City treasury and credited to the Topeka Arts Fund. Additionally, monies from the City’s General Fund, origination fees collected from economic development revenue bonds issued by the City pursuant to K.S.A. 12-1740, et seq., and deposited in the Economic Development Fund, and monies from any other source legally available for such purpose may be credited to the Topeka Arts Fund.

Section 7. The Topeka Arts Fund surcharge shall be collected within thirty (30) days of the City’s approval of tax abatement or exemption for a project in a neighborhood revitalization area or for any other project receiving economic development incentive in the form of a tax abatement or incentive.
Section 8. Whenever the City Council finds that imposition of the Topeka Arts Fund surcharge would result in severe and undue economic burden or have a negative effect on economic development in the City of Topeka, the City Council may by resolution waive the entire surcharge or any portion thereof.

Section 9. That City of Topeka Ordinance No. 17850 is hereby specifically repealed.

Section 10. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Passed and approved by the City Council January 13, 2004.

James A. McClinton, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 1/14/04  BY BSC
TO BE CODIFIED X
NOT TO BE CODIFIED

SEAL OF TOPEKA
CAPITAL CITY INCORPORATED
FEB. 14, 1857