ORDINANCE NO. 2186

AN ORDINANCE of the City of Kent, Washington, creating a special fund to be known as the Kent Endowment for the Arts Fund; providing for payments into and disbursements from the fund.

WHEREAS the City of Kent is the owner of certain property within the City commonly known as Lower Mill Creek Canyon, and

WHEREAS Lower Mill Creek Canyon is a passive recreation area and also an area of the City where storm and surface waters from the Mill Creek Drainage Basin are received, retained and or detained before being released into the Mill Creek drainage system, and

WHEREAS detention and or retention ponds have been or will be built in Lower Mill Creek Canyon to receive, store and discharge storm and surface waters, and

WHEREAS the City has determined that earthwork sculptures designed and constructed as an integral part of the retention, detention basins in Lower Mill Creek Canyon would create an esthetically pleasing outlook to those persons visiting the Lower Mill Creek Canyon, and

WHEREAS the City has commissioned an internationally known artist to plan and design the earthworks sculptures, and

WHEREAS the Kent Arts Commission has recommended that the earthworks sculpture be constructed, and

WHEREAS the cost of the sculpture is such that the City cannot fund the entire cost, but must rely upon donations if the sculptures are to be constructed, and

WHEREAS a special fund needs to be established to provide for such donations, NOW, THEREFORE

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:
Section 1. There is hereby created a special fund in the City of Kent to be known as the "Kent Endowment for the Arts Fund", hereinafter called "the Fund".

Section 2. The sole purpose of the Fund is to provide for donations to be used solely for the construction of earthworks sculptures in Lower Mill Creek Canyon in the City of Kent.

Section 3. The Fund shall be administered as any other city fund by the Supervisor of Treasury Accounting. Any interest earned from investments of the Fund or any portion thereof shall be the exclusive property of the City of Kent.

Section 4. The Kent Arts Commission shall be the agency solely responsible for soliciting and receiving donations to the Fund. All donations shall be clearly designated as for "Kent Endowment for the Arts Fund" and shall be properly receipted for. The Kent Arts Commission shall keep a master list of all donations with sufficient identifying information so that refunds can be made if appropriate. A current copy of the master list of donors shall be provided the Supervisor of Treasury Accounting at all times.

Section 5. In the event that the earthworks sculptures are for any reason not constructed, all donations shall be refunded, less the actual costs incurred in administering the Fund.

Section 6. In the event that the earthworks sculptures are constructed and the donations received by the City into the Fund together with other monies either provided by or made available to the City, exceed the cost of construction, then, in that event, refunds may be made to those persons donating to the Fund. The amount of any such refund shall in no event be greater than the percentage of the donor's contribution to the total fund applied to the total amount to be refunded.

Section 7. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

ISABEL HOGAN, MAYOR
ATTEST:

BETTY GRAY, DEPUTY CITY CLERK

APPROVED AS TO FORM:

DONALD E. MIRK, CITY ATTORNEY

PASSED the 17th day of September, 1979.
APPROVED the 18th day of September, 1979.
PUBLISHED the 21st day of September, 1979.

I hereby certify that this is a true copy of Ordinance No. 3186, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BETTY GRAY, DEPUTY CITY CLERK