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Chapter 3.04CITY FUNDSSections:

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3.04.010 Disposition of incoming funds. The moneys coming into the treasury of the city from taxation, licenses, permits, fees, and other sources shall be deposited into a checking/savings sweep account at Mountain West Bank in Hailey, Idaho, and shall be accounted for in the following funds:

- A. General fund;
- B. Proprietary funds;
- C. Capital project funds;
- D. Debt service funds;
- E. Fiduciary funds.

The moneys from these funds shall be invested in interest bearing accounts at the State of Idaho Joint Powers Investment Pool. (Ord. 832 §1, 2002; Ord. 12 §1, 1903)

3.04.020 General fund. The ordinary running expenses of the city, not otherwise provided for in this chapter, shall be paid out of any moneys in the general fund. (Ord. 832 §2, 2002; Ord. 12 §2, 1903)

3.04.030 Proprietary funds. The ordinary running expenses of enterprise activities of the city, including water operations, wastewater operations, water replacement operations and wastewater replacement operations, not otherwise

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provided for in this chapter, shall be paid out of any moneys in the proprietary funds. (Ord. 832 §3, 2002)

3.04.040 Capital projects funds. The expenses of the city incurred through capital projects and construction funds, not otherwise provided for in this chapter, shall be paid out of any moneys in the capital projects fund. (Ord. 832 §4, 2002)

3.04.050 Debt services funds. The expenses of the city incurred through bonds, loans and other debt service activity, not otherwise provided for in this chapter, shall be paid out of any moneys in the debt services fund. (Ord. 832 §5, 2002)

3.04.060 Fiduciary funds. The expenses of the city incurred under fiduciary requirements and agency funds such as local improvement districts, not otherwise provided for in this chapter, shall be paid out of any moneys in the fiduciary fund. (Ord. 832 §6, 2002)

3.04.070 Interest bearing accounts. The city may enter into an agreement with the state for the placement of moneys held in those fund accounts listed in the previous sections, and other funds held contractually or for other purposes not contained in these sections, to be hereafter placed by the city treasurer in an interest bearing account utilized by the state and the city, jointly. (Ord. 832 §7, 2002; Ord. 443, 1982)

Chapter 3.08PUBLIC ARTSections:

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3.08.010 Purpose. It is the purpose of this Ordinance and the policy of the City to beautify public areas, to enhance the quality of life for Hailey citizens, to attract tourism, to enhance community interest in municipal facilities and to promote economic revitalization through the dedication of one and one quarter percent (1.25%) of the actual cost of all eligible Capital Improvement Projects for the funding of art in public places in the City. (Ord. 999 §2, 2008)

3.08.020 Definitions. As used in this chapter, the following words and terms shall have the following meanings, unless another meaning is plainly intended:
 “Capital Improvement Projects” shall, for the purposes of this Chapter, mean every capital municipal construction or improvement project or portion thereof, paid for wholly or in part by the City where the total cost of such project is reasonably anticipated to be in excess of twenty five thousand dollars (\$25,000.00). A Capital Improvement Project shall include construction, renovation or remodel of any public park, public building or structure, street or road, or public parking facility whether developed by the City or developed privately and leased back to the City. Capital Improvement Projects shall exclude:

1. Maintenance of public improvements such as streets, sidewalks, curbs, alleys or right-of-way improvements;
2. Subsurface public utility improvements such as storm and sanitary sewers, water lines, fire hydrants, and other appurtenances;
3. The portion of a Capital Improvement Project funded by State and/or Federal monies which prohibit expenditure of such monies for the arts;
4. A Capital Improvement Project undertaken before the effective date of this Ordinance; or
5. A Local Improvement District.

“City” shall mean the City of Hailey, Idaho.

“City Council” shall mean the duly elected and/or appointed city council of the City.

“Hailey Arts Commission” shall mean the commission established the City under Chapter 2.32 of the Hailey Municipal Code to promote art and cultural events and programs within the City.

“Public Art Account” shall mean that segregated account established under Section 3.08.050 of this ordinance and administered by the Hailey City Treasurer. (Ord. 999 §2, 2008)

3.08.030 Applicability. Capital Improvement Projects shall be governed by this Chapter. In the event a bond is used to fund a Capital Improvement Project, the Capital Improvement Project shall be an eligible capital improvement project if so approved by a) the bond election ordinance, or b) the bond ordinance authorizing revenue bonds or c) other appropriate laws or regulations. Where a Capital Improvement Project is funded in whole or in part by State and/or Federal monies, only the portion of the Capital Improvement Project which permits expenditure of such monies for the arts shall be used to calculate the one and twenty-five hundredths percent (1.25%) dedication for the arts. Where a Capital Improvement Project is funded in whole or in part by State and/or Federal monies and the State or Federal monies do not allow for expenditure of such monies for the arts, only the portion of the City’s required financial contribution to such Capital Improvement Project shall be used to calculate the one and twenty-five hundredths percent (1.25%) dedication for the arts and such percentage shall be in addition to the City’s minimum required contribution to such Capital Improvement Project. (Ord. 999 §2, 2008)

3.08.040 General requirements for public art. A. All works of public art will be located in a public place with public visibility and impact, and shall comply with all standards and guidelines for art in public places as recommended by the City of Hailey Arts Commission and approved by the City Council.

B. A professional artist will be selected through a public selection process to consult, conceptualize, and/or design and fabricate an art component for the identified capital project.

C. Public art purchased pursuant to this ordinance may be existing artwork or newly commissioned artwork.

D. Works of art may be an integral part of a structure, attached to a structure or detached from a structure within or outside of it. Works of art may also be located on any publicly owned property.

E. Selected public art shall be consistent with Hailey’s Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance. (Ord. 999 §2, 2008)

3.08.050 Administration. A. The City shall empower the Hailey Arts Commission, or its designee, to be responsible for the selection of artists, project management and maintenance of all public art in the City.

B. A Public Art Account shall be created into which funds from this ordinance shall be deposited. A separate sub-account shall be established for the maintenance and conservation of commissioned public art works. Money from the Public Art Account may not be spent for:

1. Objects of standard design or mass production.
2. Directional elements-unless executed by artists.

C. During annual budget process or during an interim budget process related to Capital Improvement Projects, the public art budget for each City project shall be identified and transmitted to the City Council. Funds for the public art component will be appropriated from the fund within which the Capital Improvement Project is budgeted.

D. A professional artist shall be selected through a public selection process to consult, conceptualize, and/or design and fabricate an art component for the identified capital project.

E. All works commissioned and purchased under this ordinance shall be maintained in perpetuity, unless de-accessioned from the collection. This includes regular care such as, but not limited to, cleaning, re-surfacing, and replacement of parts as well as care in response to vandalism. The Hailey Arts Commission or its designee is responsible for the maintenance of the public art collection.

F. Activities that support public awareness and understanding of public art in the City such as walking tours, printed materials, lectures and website development and maintenance may be funded from the Public Art Account, as recommended by the Hailey Arts Commission, and approved by the City Council.

G. An Annual report shall be prepared by the Hailey Arts Commission and submitted to the City Council on the condition and maintenance requirements on all public art established under this ordinance.

H. All completed artworks commissioned or purchased through this ordinance will be owned, insured, and maintained by the City. (Ord. 999 §2, 2008)

3.08.060 Source of funds. A. From each qualifying and funded Capital Improvement Project, the City shall set aside an amount equal to one and one quarter percent (1.25%) of such Capital Improvement Project's construction budget for the purchase and installation of public art regardless whether the Capital Improvement Project is completed.

B. In computing the amount to set aside in the Public Art Account, the project's budgeted costs to the City shall include all amounts paid by the City to third parties in connection with the projects, including but not limited to, amounts paid on contracts relating to the project and consultant fees incurred in connection with the project, but shall not include any portion of the project's cost which is not funded by the City unless it meets the definition of a Capital Improvement Project. The budget for the public art component shall be calculated for the budgeted eligible Capital Improvement Project costs at the time of project approval by the City Council. The City Council may modify the public art component budget if during planning or implementation of the project, the eligible capital project costs significantly vary from the budgeted costs at time of approval.

C. Of the one and one quarter percent (1.25%) from each qualifying Capital Improvement Project allocated to the Public Art Account:

1. No less than one percent (1%) of the eligible Capital Improvement Project costs shall be allocated toward purchase, creation or installation of public art pieces.

2. No more than one quarter of a percent (.25%) shall be used for administrative costs, including, but not limited to, costs of selection, project management, maintenance, repair and conservation.

D. As capital projects may require more than one year to implement, all unexpended project funds will be eligible to be re-budgeted each year, until project completion.

E. The Hailey Arts Commission may recommend and the City Council may decide that monies in the Public Art Account be pooled to do a larger project and/or expended on a project at an alternate site to be determined by the City.

F. Nothing contained herein shall preclude funding City public art by matching monies, donations, grants or other means. (Ord. 999 §2, 2008)