



City of Ketchum

KETCHUM ARTS COMMISSION MEETING AGENDA MEMO

Meeting Date: Staff Member/Dept:

Agenda Item:

Recommended Motion:

None

Reasons for Recommendation:

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Policy Analysis and Background (non-consent items only):

Topics for discussion

Percent for Art collection for the Sun Valley Road rebuild project

The City Council did not dedicate any Percent for Art funds for the Sun Valley Road rebuild project because:

- the project exceeded the \$1,000,000 threshold outlined in section 12.40.060 of City Code; and
- legal interpretation of section 12.40 of City Code is that any Percent for Art funds awarded for eligible projects over \$1,000,000 are at the discretion of the City Council.

Discussion:

- Would the Arts Commission like to ask the City Council to reconsider their decision not to dedicate any Percent for Art funds for the Sun Valley Road rebuild project?
- If so, when and how would they like to make this request?

Changes to the Percent for Art language in City Code

The Arts Commission has expressed interest in pursuing potential changes to the city code governing the Percent for Art program. Based on Commission direction from past meetings, staff have developed the following potential changes. (See tracked changes in the attached document for details.)

12.40.050 - Administrative responsibilities, section A

Current text:

The City shall empower its parks and recreation director or designee, in cooperation with the Ketchum Arts Commission, to be responsible for the selection of artists, project management and maintenance of public art in the City commissioned through the percent for art program. The parks and recreation director shall make recommendations for and shall advise other City departments regarding the maintenance, repair or other conservation of public art.

Proposed new text:

The City shall empower its **Director of Community Engagement or designee**, in cooperation with the Ketchum Arts Commission, to be responsible for the selection of artists, project management and maintenance of public art in the City commissioned through the percent for art program. **The Community Engagement Director or designee, in cooperation with the Ketchum Arts Commission,** shall make recommendations for and shall advise other City departments regarding the maintenance, repair or other conservation of public art.

Primary changes

- Changes oversight of the selection of artwork from the Parks and Recreation Director, in coordination with the Arts Commission, to the Director of Community Engagement, in coordination with the Arts Commission.
- Changes oversight of artwork maintenance from the Parks and Recreation Director to the Director of Community Engagement, in coordination with the Arts Commission.

12.40.060 - Source of funds, section B

Current text:

From each qualifying and funded capital improvement project, that does not exceed \$1,000,000.00, the City shall place in the public art account an amount equal to five percent of such capital improvement project's actual costs to the City regardless of whether or not such capital improvement project is completed. For projects that exceed \$1,000,000.00, the amount to be placed in the public art account shall be determined by the City Council. The City will review the prior year's budget, as set forth in the prior year's completed audit, to determine the amount of money spent on capital improvements and will budget that amount into the public art fund.

Proposed new text:

From each qualifying and funded capital improvement project, **that does not exceed \$2,000,000.000**, the City shall place in the public art account an amount equal to five percent of such capital improvement project's actual costs to the City regardless of whether or not such capital improvement project is completed. **For projects that exceed \$2,000,000.00**, the amount to be placed in the public art account shall be determined by the City Council. The City will review the prior year's budget, as set forth in the prior year's completed audit, to determine the amount of money spent on capital improvements and will budget that amount into the public art fund.

Primary changes

- Changes the project threshold from \$1,000,000 to \$2,000,000

Potential other options

1. Change City Council discretion after the \$1,000,000 threshold is met to a lower percentage than 5%.

From each qualifying and funded capital improvement project that does not exceed \$1,000,000.00, the City shall place in the public art account an amount equal to five percent of such capital improvement project's actual costs to the City, regardless of whether or not such capital improvement project is completed. For projects that exceed \$1,000,000.00, the City shall place three percent of such capital improvement project's actual costs to the City, regardless of whether or not such capital improvement project is completed. The City will review the prior year's budget, as set forth in the prior year's completed audit, to determine the amount of money spent on capital improvements and will budget that amount into the public art fund.

2. Increase the threshold amount and change City Council discretion after the threshold is met to a lower percentage than 5%.

From each qualifying and funded capital improvement project that does not exceed \$2,000,000.00, the City shall place in the public art account an amount equal to five percent of such capital improvement project's actual costs to the City, regardless of whether or not such capital improvement project is completed. For projects that exceed \$2,000,000.00, the City shall place three percent of such capital improvement project's actual costs to the City, regardless of whether or not such capital improvement project is completed. The City will review the prior year's budget, as set forth in the prior year's completed audit, to determine the amount of money spent on capital improvements and will budget that amount into the public art fund.

Discussion:

- What changes would you like to propose to the City Council?
- When would you like to present this proposal to the City Council?

Sustainability Impact:

Financial Impact:

None OR Adequate funds exist in account:

Attachments:

1. Potential Changes to Percent for Art Ordinance

2.

3.

CHAPTER 12.40 - PERCENT FOR PUBLIC ART

12.40.010 - Purpose.

It is the purpose of this chapter and the policy of the City through the dedication of five percent of the actual cost of all eligible capital improvement projects, as defined herein, for the funding of art in public places in the City in order to beautify public areas, to enhance the quality of life for Ketchum citizens, to attract tourism and to enhance community interest in municipal facilities, thereby expanding the City's economic base.

(Ord. 1115, 2014)

12.40.020 - Percent for art program established.

There is hereby established a percent for art program, which shall be administered as set forth in this chapter.

(Ord. 1084, 2011)

12.40.030 - Eligible capital improvement projects.

- A. Eligible capital improvement projects shall include, for the purposes of this chapter, every capital municipal construction or improvement project or portion thereof, paid for wholly or in part by the City of Ketchum general fund including, but not limited to, construction, renovation or remodel of any public park, public building or structure, street or road, or public parking facility developed by the City or developed privately and leased back to the City.
- B. All completed artworks commissioned or purchased through the percent for art program will be owned, insured and maintained by the City.
- C. Nothing contained herein shall preclude funding or the acquisition or commission of other public art for municipal property through other sources or mechanisms including contributions, matching monies, donations, or grants.

(Ord. 1115, 2014)

12.40.040 - General requirements for art.

- A. 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.
- B. All works of public art shall 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 set forth by the City of Ketchum Arts Commission and approved by the City Council and Mayor.
- C. A professional artist, or artists, shall be selected through a public selection process to consult, conceptualize, and/or design and fabricate an art component for the identified capital project.
- D. Activities that support public awareness and understanding of the City of Ketchum's art in public places program such as walking tours, printed materials, lectures and website development and maintenance may be funded from the public art fund as recommended and approved by the Ketchum Arts Commission, City Council and Mayor.
- E. Money from the public art fund may not be spent for:
 - 1. Art objects of standard design or mass production, such as playground structures.
 - 2. Directional or other functional elements, such as supergraphics, signs, color coding, maps, etc., except where an artist is commissioned by the City.

(Ord. 1084, 2011)

12.40.050 - Administrative responsibilities.

- A. The City shall empower its **Community Engagement Director** ~~parcs and recreation director~~ or designee, in cooperation with the Ketchum Arts Commission, to be responsible for the selection of artists, project management and maintenance of public art in the City commissioned through the percent for art program. The **Community Engagement Director or designee, in cooperation with the Ketchum Arts Commission, ~~parcs and recreation director~~** shall make recommendations for and shall advise other City departments regarding the maintenance, repair or other conservation of public art.
- B. An annual report shall be prepared by the Ketchum Arts Commission and submitted to the City Council regarding the commission's activities in the furtherance of the objectives of this chapter, including the existing condition of all works of art in the percent for art program and completed and ongoing maintenance.

- C. Selected public art shall be consistent with the City's Comprehensive Plan, Downtown Master Plan, zoning and subdivision ordinances, and land uses contemplated therein.

(Ord. 1084, 2011)

12.40.060 - Source of funds.

- A. A public art fund within the parks and recreation fund shall be established into which funds authorized and collected pursuant to this chapter shall be deposited. A separate subaccount shall be established for the maintenance and conservation of commissioned public art works.
- B. From each qualifying and funded capital improvement project, that does not exceed ~~\$1,000,000.00~~ \$2,000,000.00, the City shall place in the public art account an amount equal to five percent of such capital improvement project's actual costs to the City regardless of whether or not such capital improvement project is completed. For projects that exceed ~~\$1,000,000.00~~ \$2,000,000.00, the amount to be placed in the public art account shall be determined by the City Council. The City will review the prior year's budget, as set forth in the prior year's completed audit, to determine the amount of money spent on capital improvements and will budget that amount into the public art fund.
- C. In computing the amount to place in the public art fund, the projected actual 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.

(Ord. 1084, 2011; Ord. 1115, 2014)