



CITY OF OREGON CITY

Staff Report

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To: Oregon City Arts Commission
From: Daniel Gering, Tourism Program Specialist

Agenda Date: May 19, 2022

SUBJECT:

City Ordinance to Establish a “Percent for Art Ordinance” on Public Capital Projects

STAFF RECOMMENDATION:

At this time, staff does not recommend pursuing the passage and implementation of a “Percent for Art” Ordinance. The Oregon City Arts Commission is the only advisory group within the City government that has been allotted its own budget by the City Commission to support the Arts in Oregon City. Instead of seeking additional funding by imposing a one percentage allocation against public capital projects, the Arts Commission should work to establish goals and programs to support the Art industry by utilizing the funds that it already has.

EXECUTIVE SUMMARY:

Over the years, there have been efforts in Oregon City to support the installation of public art by imposing a certain percent on the construction budgets associated with capital public projects. Federal and state agencies supported the installation of public artwork by imposing a percentage of the construction budget of capital projects to pay for public art installed on the premises of public buildings. This report reveals the history of Oregon City’s efforts to impose a “Percent for Art” Ordinance against capital public works projects.

BACKGROUND:

Staff had been requested, by the Arts Commission and the Chair, to investigate the following questions related to funding of public art in Oregon City:

Question 1: Does the State of Oregon or the Federal government require public capital projects to include a dedicated 1% (or more) of the project’s budget for the installment of art as part of the project?

In 1975 the State of Oregon's Percent for Art legislation (ORS 276.080) was passed that required all building construction plans with budgets over \$100,000 to set aside no less than one percent to pay for and install public work projects. However, that requirement only applied to State of Oregon projects and was managed by the Oregon Arts Commission.

In 1963 the US General Services Administration implemented an Art in Architecture program which sets one-half of one percent to be dedicated art that would be installed on Federal capital projects. The program only applied to Federal building projects and is not a broad scope requirement for other levels of government.

Question 2: Was the cross-street banner project on Molalla Ave, and the associate art installed, funded due to some form of "Percent for Art" requirement?

Staff investigated and found that Portland General Electric had notified Oregon City Public Works that existing light poles were no longer able to support the original cross-street banner system and would need to be replaced. Public Works applied and was awarded grant funds from the Metro Enhancement Community Grant Program. These funds, in conjunction with monies provided by Public Work, were used to commission new cross-street banner poles and the associated art that was attached to the poles.

Question 3: What happened to the Oregon City version of the "Percent for Art" Ordinance?

In early 2002-2004, the previous Oregon City Arts Commission created a draft for a "Percent for Art" Ordinance, however, the Ordinance was never adopted. The last known discussions by the Arts Commission was in 2004 when a revised Ordinance was going to be brought before the City Commission sometime after the November 2004 election. Nothing was brought forward.

In further research, the City of Oregon City had created a Goal and Objective in 2009, to "Enhance the Livability of Our Community" and item #5 specifically called out to "Establish Percent for Arts program".

In a meeting on November 12, 2013, there was a discussion at the City Commission meeting to reestablishment the Arts Commission. The "Percent for Art" Ordinance was also discussed again at that meeting. The Ordinance was to be brought to the Commission in a future meeting for approval. However, that did not happen. In an update

document of Goal in 2014, the “Percent for Art” program had been listed as “To Be Determined”.

After that date, there were no further record of discussions related to the “Percent for Art” Ordinance.

At this time, staff does not recommend pursuing the passage and implementation of a “Percent for Art” Ordinance for the following reasons:

- Inflationary pressures are having a detrimental impact on the cost of construction
- Establishing a mandatory tax or apportionment on the budgets of public capital projects translate into an indirect tax on the citizens of Oregon City, increasing the cost of their sanctioned public projects and ultimately increasing the cost of public services.
- The Arts Commission has not yet established the level of “goodwill” and positive exposure necessary to gain public support for such an ordinance.

Staff recommends negotiating with public agencies to include art in their projects instead of a mandatory approach.

BUDGET IMPACT:

Amount: NA

FY(s): NA

Funding Source(s): NA