

**BY THE COUNCIL: BAKER, FORNEY, MAPP, MASON, TERTELING-PAYNE,  
AND WETHERELL**

**AN ORDINANCE ADOPTING A POLICY OF THE CITY OF BOISE CITY, ADA COUNTY, IDAHO, PROVIDING THAT 1 PERCENT OF ELIGIBLE CAPITAL EXPENDITURES BE APPROPRIATED FOR ACQUISITION OF PUBLIC ART; PROVIDING DEFINITIONS REGARDING ELIGIBLE CAPITAL IMPROVEMENT PROJECTS; PROVIDING GENERAL REQUIREMENTS FOR PUBLIC ART; PROVIDING THAT UP TO .4 PERCENT OF ELIGIBLE CAPITAL IMPROVEMENT EXPENDITURES FOR CONSERVATION AND MAINTENANCE OF PUBLIC ART AND FOR PROJECT MANAGEMENT AND ASSOCIATED COSTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the 1997 City’s Comprehensive Plan sets the community goal of creating physical environments, through urban design and city planning, to allow citizens and visitors to experience art in their daily lives; and

**WHEREAS**, through the 1997 City’s Comprehensive Plan, the City Council has established the policy of incorporating public art in government projects, including buildings, parks, recreation facilities, in-transit and transportation facilities, and in public works facilities; of encouraging private developers to include public art in their projects; and of assisting neighborhood associations and the Neighborhood Enhancement Program to use public art to provide a sense of place or shared identity; and

**WHEREAS**, Boise City has demonstrated the value of including fine arts professionals as integral members of capital project design teams, from the conceptual beginnings of projects, in order to produce efficient and attractive public art; and

**WHEREAS**, Boise City has established an Arts Commission and staff that have demonstrated the capacity and expertise to manage a robust public art program for the community; and

**WHEREAS**, public art can enhance community interest in municipal facilities and has proven to be an important tool for revitalizing Boise’s downtown; and

**WHEREAS**, Boise is blessed with corporate and individual citizens with a commitment to public art and the willingness to create viable partnerships to develop public art in the community.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and City Council of the City of Boise, Idaho:

**Section 1.** That Title 2, Boise City Code, be and the same is hereby amended by the addition thereto of a new Chapter 23 to read as follows:

**2-23-01. Statement of Purpose: “Percent for Public Art” Program:**

In order to beautify public areas, enhance the quality of life for Boise citizens, attract tourism, promote City services and the purposes of participating departments through the use of public art, provide a mechanism to meaningfully involve citizens in the design of their environment, educate the public about city departments and public art, and encourage businesses to locate within the City, thus expanding Boise’s economic base, it is the policy of the City of Boise to dedicate one percent (1%) of the total cost of all eligible capital improvement projects to fund art in public places in the City. Associated project management, maintenance and education costs will be funded through the regular City budget process, not to exceed four tenths of a percent (.4%) of the total cost of all eligible capital improvement projects.

**2-23-02. Definitions: Eligible Capital Improvement Projects:**

a) Eligible capital improvement projects include all city projects or portions of projects, including construction, renovation or remodeling expenses that are not specifically excluded.

Costs excluded as ineligible for the program are:

1. Engineering, architect and other design and planning costs for capital projects, permits paid to another entity, building demolition costs, relocation costs of tenants, environmental testing or “indirect” cost charges, such as interest during construction, advertising, and legal fees,
2. Project costs for which art is not eligible by statute, law or regulation,
3. Major repair, renovation, and maintenance projects that would not be capitalized under the City’s fixed asset policy definition,
4. Any projects or project cost components specifically excluded by Boise City Council.

b) Eligible capital projects include capital improvement projects that are developed by other entities and leased back to Boise City.

c) Capital projects that are developed and implemented cooperatively with other public or private entities are eligible projects. The City will encourage public art funding partnerships between Boise and other public and private entities with which the City cooperatively develops capital projects. Boise shall provide funding for public art equivalent to one percent (1%) of the City’s funding of the eligible project budget. The entity partners will be encouraged to provide one percent (1%) public arts funding for the portion of the eligible capital costs for which they are responsible. If the entity partner(s) chooses not to fund the public art associated with their portion of the project funding, the City Council may choose to contribute the funding to achieve one percent (1%) of the total eligible project costs.

All completed artworks commissioned or purchased through this program will be owned, insured, and maintained by the City of Boise.

d) The “Percent for Public Art” program does not preclude funding or the acquisition or commission of other public art for municipal property through other sources or mechanisms, including contributions, donations or grants.

**2-23-03. Project Management, Planning, Maintenance and Education:**

a) **Project Management:**

The Boise City Arts Commission shall designate a person or persons to be responsible, in consultation with the respective City Departments, for the artist selection process, accessioning, de-accessioning, maintenance and conservation for all works of art in the public art program under the direction of the Arts Commission, the Mayor, and the Boise City Council. The staff person may be a full-time City employee or a temporary contract employee.

Associated project management costs include but are not limited to the selection process, printing, postage, artist proposal fees, meetings, office supplies, overhead, transportation, and personnel.

b) **Planning:**

An annual report/plan shall be prepared by the Boise City Arts Commission in cooperation with Boise City Department Heads and submitted to the City Council on all upcoming and in progress art projects, as well as the condition and maintenance requirements on all completed works of art in the public art program. The plan will be coordinated with the budget planning process. Capital project eligibility will be evaluated and resolved in the planning process.

When creating the annual report/plan, the Boise City Arts Commission and City Departments may decide to pool “Percent for Public Art” funds from projects within a single department to do a larger project and/or a project at an alternate site to be determined.

This annual report/plan shall be reviewed and adopted in coordination with the budget process on an annual basis by City Council. The report/plan shall be amended and re-approved through the year as necessary. Approvals of funding for the report will be enacted by the City Council as a component of the approved budget.

The “Percent for Public Art” program shall be consistent with the City’s strategic plan, comprehensive plan, goals and purposes, zoning and subdivision ordinances, and land uses contemplated therein.

c) **Maintenance:**

All works commissioned and purchased as part of the “Percent for Public Art” program 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 City will insure all works. Boise City Arts Commission is responsible for the maintenance of the public art collection.

d) **Education:**

Activities and collateral that support public awareness and understanding of Boise City’s public art collection include, but are not limited to, walking tours, printed materials, lectures, website development, and website maintenance.

**2-23-04. General Requirements for Art:**

- a) All works of public art will be located in a public place with public visibility and impact.
- 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) The Boise City Arts Commission shall adopt standards and guidelines for the development and selection of artists and projects. City Departments and relevant boards will be involved in the selection process. Boards and Department Heads will approve selection panel recommendations of proposed artist or artwork before presentation to City Council.
- d) Works purchased through the “Percent for Public Art” program may be existing artwork or newly commissioned artwork.
- e) 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.
- f) If deemed appropriate by the Boise City Arts Commission and the relevant City Department, “Percent for Public Art” funds for a capital improvement project may be used to create professional facilities for the exhibition of public art and the associated costs of changing exhibitions, facilities maintenance, professional curatorial, technical, and preparator staff.

If this option were utilized, the selection of a professional artist through a public selection process (2-23-04-b), would not be required. Instead an appropriate selection or bidding process for the facility’s design/fabrication, the method or choice of professional arts management of the changing exhibitions, and artist selection process would be recommended by the Boise City Arts Commission, in consultation with the City Department. The City Council must approve this option through review of the annual report/plan.

**2-23-05. Source of Funds: “Percent for Public Art” program.**

- a) **Public art component budget:** During budget development or during interim budget processes related to individual capital projects, the public art budget for each Boise City capital improvement 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.
  - 1. The public art component budget for each capital improvement project shall be calculated by multiplying one percent (1%) times the project’s eligible costs. 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.
  - 2. The public art component budget for each project shall be considered during the review and approval process for capital projects. The public art component calculated in 2-23-05-a will be included in the approved City capital improvement project budget, unless the City Council chooses to modify the amount. Approval of the capital improvement project budget or of the capital improvement program by the City Council shall, by policy, include and entail approval of the public art component associated with the capital improvement project or capital improvement program, unless specifically modified by the City Council.

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.

- b) **Associated project management, maintenance and other costs for public art projects:** For each eligible capital improvement project, an additional amount to fund projected project management, maintenance and other associated implementation and operating costs (“associated costs”) of the public art component, as defined in section 2-23-03, shall be identified during the City’s budget development or interim budget processes. The total project management and other costs for each project shall not exceed four tenths of a percent (.4%) of the total cost of the eligible capital improvement project.

The Boise City Arts Commission staff shall prepare a budget request for submission for consideration by the City Council within the two year budget process to appropriately address the maintenance needs of the entire City public art collection. On-going maintenance costs for public art, beyond that provided by the “associated costs” for new projects, shall be considered for funding within the two year budget as a base municipal cost. The “associated costs” approved for public art projects during a budget year shall not exceed the public arts project’s budget for that budget period which is approved by City Council within the City’s Two Year Operating and Capital Budget. The City Council may amend the associated project management, maintenance and other costs for public arts projects through the City’s interim budget process.

1. The “associated costs” shall be used for project management to plan and implement the project, for annually required maintenance of City-owned art, and for general administration costs related to arts projects, including but not limited to, costs related to the selection of art, siting, maintenance, de-accessioning, and community education as specified in 2-23-03.
2. The “associated costs” for all proposed public art component project budgets will be identified and reviewed within the City’s budget development process and will compete for funding with other budget requests and priorities.

**Section 2.** This ordinance shall take effect and be in full force on its passage, approval and publication.

ADOPTED by Boise City Council and duly enacted as an ordinance of Boise City at a regular session of the City Council, this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

APPROVED by the Mayor, this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

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H. BRENT COLES, MAYOR

Attest:

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Annette Mooney, CITY CLERK