

BY THE COUNCIL:

BISTERFELDT, CLEGG, EBERLE,
JORDAN, SHEALY AND THOMSON

AN ORDINANCE REPEALING ORDINANCE NO. 6042 (“PERCENT FOR PUBLIC ART”) AND ENACTING BOISE CITY CODE TITLE 1, CHAPTER 25 (“PERCENT FOR PUBLIC ART”); ADOPTING A POLICY OF THE CITY OF BOISE CITY 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; REVISING THE PLANNING PROCEDURE FOR PUBLIC ART PROJECTS; PROVIDING FOR THE POOLING OF BOTH GENERAL FUND AND ENTERPRISE FUND PERCENT FOR ART FUNDS; PROVIDING THAT IN COORDINATION WITH THE DEPARTMENT OF ARTS & HISTORY OTHER CITY DEPARTMENTS MAY ASSIST IN THE MAINTENANCE OF PUBLIC ART WITHIN THOSE DEPARTMENTS’ FACILITIES; CORRECTING THE NAME OF THE DEPARTMENT OF ARTS & HISTORY; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council adopted Ordinance No. 6042 known as the “Percent for Public Art” ordinance on March 6, 2001; and,

WHEREAS, upon its passage and approval, Ordinance No. 6042 was codified as Title 2, Chapter 23; and,

WHEREAS, Ordinance No. 6042 was never incorporated into the Boise City Code; and,

WHEREAS, upon establishment of the Foothills Conservation Advisory Committee by Ordinance No. 6088, on June 5, 2001, it likewise was codified as Title 2, Chapter 23 and made a part of the Boise City Code; and,

WHEREAS, there exists a numbering conflict between Ordinance No. 6042 and Ordinance No. 6088, which requires the repeal and re-enactment of the “Percent for Public Art” ordinance.

NOW, THEREFORE, BE IT ORDAINED, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BOISE, IDAHO:

Section 1. That Boise City Ordinance No. 6042 is hereby **REPEALED**.

Section 2. That the Boise City Code is hereby amended by the addition thereto of a New Chapter, Title 1, Chapter 25, to read as follows:

1-25-01. 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.

1-25-02. 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.

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

1-25-03. Project Management, Planning, Maintenance and Education.

A. Project Management.

- 1) The Boise City Department of Arts & History (“the Department”) 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 Department, the Mayor, and the Boise City Council. The staff person may be a full-time City employee or a temporary contract employee.
- 2) 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.

- 1) The Department shall prepare an annual report and plan of all upcoming and in-progress art projects in cooperation with Boise City department heads and shall submit it to the City Council. The plan will be coordinated with the budget planning process. Capital project eligibility will be evaluated and resolved in the budgeting and planning process.
- 2) All general fund Percent for Art allocations shall be pooled and the Department shall prioritize project opportunities based on criteria approved by City Council and incorporated into the administrative guidelines. The City Council shall approve project opportunities prior to implementation.
- 3) All enterprise funded Percent for Art allocations will be pooled within the fund and in the department that generated them (Public Works or Airport) and project opportunities will be prioritized by the relevant department and the Department of Arts & History based on the priorities agreed upon between the two. City Council will approve project opportunities prior to implementation.
- 4) 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 allowed land uses.

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. The Department is responsible for the maintenance of the public art collection. Other City Departments may assist in the maintenance for public art located in facilities under their direction such as Boise Airport and Parks and Recreation.

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.

1-25-04. 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 Department 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 the 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 Department and the germane 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 as set forth in section 1-25-04 B. above, would not be required. Instead the Department, in consultation with the germane City Department, would recommend 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. The City Council shall approve this option through review of the annual report/plan.

1-25-05. 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.
- B. 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.
- C. 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 this section 1-25-05 A. shall 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.
- D. **Associated Project Management, Maintenance and Other Costs.**
- 1) 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 BCC 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.
 - 2) The Department 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 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.

- i) 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 section 1-25-03 above.
- ii) 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 3. That a summary of this ordinance, attached hereto as Exhibit “A”, be approved as to both form and content.

Section 4. This ordinance shall take effect and be in full force on its passage, approval and publication.

PASSED by the Council of the City of Boise, Idaho, this 14th day of December 2010.

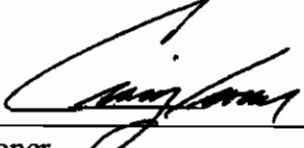
APPROVED by the Mayor of the City of Boise, Idaho this 14th day of December 2010.

APPROVED:



David H. Bieter
Mayor

ATTEST:



Craig Croner
Interim City Clerk

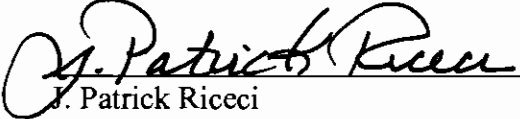


EXHIBIT A

**STATEMENT OF BOISE CITY ATTORNEY
AS TO ADEQUACY OF SUMMARY
OF ORDINANCE NO. 6799**

The undersigned, J. Patrick Riceci, in his capacity as Assistant City Attorney of the City of Boise City, Idaho, hereby certifies that he is a legal advisor of the City and has reviewed a copy of the attached Summary of Ordinance No. 6799 of the City of Boise City, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A (3).

DATED this 24th day of November, 2010.



J. Patrick Riceci
Assistant Boise City Attorney

**SUMMARY OF ORDINANCE NO. 6799
OF THE CITY OF BOISE CITY, IDAHO**

PUBLIC NOTICE IS HEREBY GIVEN that the City of Boise City, Idaho, adopted at its regular meeting of December 14th 2010, that Ordinance No. 6799 entitled:

AN ORDINANCE REPEALING ORDINANCE NO. 6042 (“PERCENT FOR PUBLIC ART”) AND ENACTING BOISE CITY CODE TITLE 1, CHAPTER 25 (“PERCENT FOR PUBLIC ART”); ADOPTING A POLICY OF THE CITY OF BOISE CITY 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; REVISING THE PLANNING PROCEDURE FOR PUBLIC ART PROJECTS; PROVIDING FOR THE POOLING OF BOTH GENERAL FUND AND ENTERPRISE FUND PERCENT FOR ART FUNDS; PROVIDING THAT IN COORDINATION WITH THE DEPARTMENT OF ARTS & HISTORY OTHER CITY DEPARTMENTS MAY ASSIST IN THE MAINTENANCE OF

PUBLIC ART WITHIN THOSE DEPARTMENTS' FACILITIES; CORRECTING THE NAME OF THE DEPARTMENT OF ARTS & HISTORY; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance repeals and re-enacts Ordinance No. 6042, commonly known as the One Percent for Art ordinance. The ordinance readopts as a policy of the City of Boise that one percent (1%) of eligible capital expenditures be appropriated by the City Council for the acquisition of public art. The ordinance defines "eligible capital improvement projects", certain general requirements for public art and provides that up to four tenths of one percent (0.4%) of eligible capital improvement expenditures be dedicated to the conservation and maintenance of public art and for project maintenance and associated costs.

The ordinance revises the current planning procedure for public arts projects and provides for the pooling of both general fund and enterprise fund percent for art funds. The ordinance provides that the Department of Arts & History may coordinate with other departments of the City to assist with the maintenance of public art within those other departments' facilities.

The ordinance corrects the name of the Department of Arts & History.

The effective date of the Ordinance is the date of its passage, approval and publication. A copy of the full text of the Ordinance is available at the Office of the City Clerk, 150 North Capitol Boulevard, in Boise, Idaho 83701. Examination may be requested in writing or in person during regular business hours of the Clerk's Office, from 8:00 a.m. until 5:00 p.m. pursuant to Section 50-901A (4), Idaho Code.

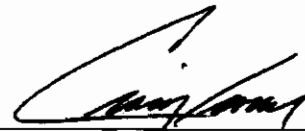
DATED this 14th day of December 2010.

City of Boise City, Idaho

ATTEST:



David H. Bieter
Mayor



City Clerk **Craig Croner**





Terri Schorzman
Director

Boise City Hall
150 N. Capitol Boulevard

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Mayor
David H. Bieter

City Council
President
Maryanne Jordan

Council Pro Tem
Alan W. Shealy

Vernon L. Bisterfeldt
Elaine Clegg
David Eberle
TJ Thomson

Department of Arts & History

TO: Mayor David H. Bieter
Members of the City Council

FROM: Terri Schorzman, Director
Karen Bubb, Public Arts Manager

ORDINANCE NUMBER: O-36-10

DATE: November 19, 2010

SUBJECT: Policy change on project identification process for Percent-for-Art projects and Percent-for-Art Ordinance amendments

ACTION REQUIRED: Approval of O-36-10.

RECOMMENDATION: City staff, Arts & History Commission, and Executive Management Team recommends that City Council approve the attached recommendations for process changes and amendment ordinances and that the Mayor sign O-36-10.

FISCAL IMPACT/BUDGET IMPLICATIONS: These items have no fiscal impact or implication to the budget. The policy revisions are to ensure a more transparent and democratic way to allocate existing resources. The ordinance amendments are to update the name of the agency and align the ordinance with the policy revisions and make no change is budget allocations.

BACKGROUND:

Since the Percent-for-Art Program was founded in 2001, all dollars that have been generated because of an eligible capital project in a particular department have funded art projects either directly related to that particular capital project or related to that Department. Most public art projects are multi-year and are tracked internally. The decision regarding when to pool and when to keep dollars on a generating capital project have been made in consultation between the Department of Arts & History's Public Art Manager and the various department representatives, receiving approval from department heads and relevant commissions or boards.

Criteria for decision making has been:

1. Is the generating capital project a ready and appropriate place for art (see site selection guidelines on page 15 of the green booklet)? If yes, then proceed to number 2. If no, proceed to number 3.
2. Are the funds sufficient for a public art project at this site or do they need to be pooled to do a more significant project at another location? If yes, proceed. If no, move to number 3.
3. Is there a department-related location that is underserved where we would like to do an art project?

4. Once a location is selected and budget is sufficient, we look at who the audience is at that site and what the opportunities are for the allocated budget. We release a call to artists or select an artist on contract to create a design for the project, based on these considerations.

Historically, this method has proven successful; however, it does not provide the Arts & History Department the flexibility to allocate percent for art funds on projects with no nexus to a department or capital project. This prevents us from initiating projects at sites within the City not connected to a City Department (such as a downtown location) and does not facilitate the leveraging of public funds for private or other governmental dollars when partnership opportunities arise. This method also prevents us from doing larger budget projects with funds pooled across departments or responding to small budget opportunities quickly.

QUESTIONS CONSIDERED

Should all general fund percent for art dollars be pooled and allocated irrespective of the generative source or should all or a percentage of a nexus remain? If dollars are pooled (either in whole or part) what criteria will direct how decisions are made regarding which projects opportunities to pursue and how they are prioritized? Is it possible to build in greater program flexibility for creating and responding to community partnerships?

COMMENTS CONSIDERED

- Public art needs to continue to be integrated into neighborhoods across the City.
- Consider a percentage of the percent for art funds staying with the generating department and a percentage going into a general “pool” for projects that do not have a nexus back to a capital project.
- As the public art collection grows, should we more proactively plan what we want to purchase or commission? For example, do we want to feature the work of Pacific Northwest artists or include more bronze works or commission more art about the environment?
- Consider how we might best use public funds to leverage private investment in art.

To answer these questions, in October the Department of Arts and History convened an Ad-Hoc Committee representing general departments. Members of the committee included:

Arts & History:	Karen Bubb/Public Art Staff, Terri Schorzman/Director
Parks & Recreation:	Mollie Holt/Administrative Manager
Library:	Laurel White/Neighborhood Library Services Manager
Legal:	Pat Riceci/Lawyer
Finance/Budget:	Brent Davis/Budget Advisor
IT:	George Burns/Programmer Analyst
City Council:	Elaine Clegg/City Council Member
Community (VAAC):	Robyn Salathe/Architect
Police & Fire:	Declined to participate on the committee due to staffing issues but indicated support of goals.

Ad-Hoc Committee Goals:

1. Identify and approve criteria and guiding principles for identifying and prioritizing public art project opportunities.
2. Develop/approve a comprehensive art planning process
3. Make recommendations, if necessary, for changes to the Percent-for-Art Ordinance

The committee put forth the attached recommendation, which is recommended to be approved by Boise City Department of Arts & History and the Executive Management Team.

ATTACHMENTS: O-36-10



Arts & History

THE VISUAL ARTS ADVISORY COMMITTEE

The Visual Arts Advisory Committee (VAAC) is the standing committee charged by the Department of Arts & History (A & H) to make recommendations regarding the Public Art Program. The VAAC develops policies and goals for the selection, placement and maintenance of works of art acquired through the Percent for Art Program and other public/private arts program. The A & H Commission reviews and approves all committee recommendations. Membership includes a minimum of two A & H board members, preferably with visual arts expertise. Up to six arts professionals who may be artists, arts educators, architects, landscape architects, curators, arts professors, arts writers will also be appointed to VAAC. Up to two non-elected City Department Representatives such as staff, volunteers or commissioners. Lastly, up to two community members who may be diverse professionals such as a developer, city planner, lawyer, marketing specialist or a small business owner. The committee meets once monthly. The A & H Commission chair approves final appointments. Members are appointed to serve 3-year terms and may be re-appointed. Terms are established on the calendar year, starting in January and ending in December.

Responsibilities include:

1. Develop and revise policy and guidelines for the Public Art Program.
2. Receive public art project briefings by A & H staff.
3. Recommend Selection Panel members for public artist selection processes.
4. Participate in the development and recommendation of an annual plan prioritizing public art investments for Boise's percent for art funds.
5. Technically review direction of projects, semi-finalists, final artist selections, and final proposals before the projects go forward for approval to A & H Commission, City Council and Mayor.
6. Review and make recommendations regarding suitability of artwork donations to the public collection.
7. Develop, with the assistance of staff, educational and promotional programs for the Public Art Collection and educational lectures/programs for local artists.
8. Advise A & H staff regarding the overall vision of Boise's Public Art Program.

DEPT OF ARTS & HISTORY
VISUAL ARTS ADVISORY COMMITTEE *As of October 2010*

Visual Arts Commission Chairperson
Jessica Flynn (Media/Communications)
Red Sky Public Relations
jessicaflynn@redskypr.com
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4018 Irving Street
Boise, ID 83706

* **Richard Young** (Artist, BSU Art Dept. Chair)
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Amy Pence-Brown (Artist/Independent Curator of Art)
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Maggie Frole Spurling (Parks & Rec Board)
Parks and Recreation Committee
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* **Jane Lloyd**
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kbubb@cityofboise.org
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A & H Address:

Street address:

City Hall

Boise City Department of Arts & History
150 N. Capital Blvd.
Boise, Idaho 83701

OR

Mailing address:

Boise City Department of Arts & History
(name)
PO Box 500
Boise, Idaho 83701-0500
City Website: www.cityofboise.org

***A & H Commission Board Members**

12 positions total (9 currently filled)

2 A & H Commissioners
2 non-elected City Department Reps
6 artists or arts professionals
2 community members

Current Vacant Positions:

Need 3 artists/arts professionals



General Fund Public Art Project Opportunities FY 11

(excluding Airport/ Public Works enterprise funds)

Contact:	_____
Title:	_____
Type:	<input type="checkbox"/> Landmark <input type="checkbox"/> Aesthetic <input type="checkbox"/> Cultural/Historical <input type="checkbox"/> Functional <input type="checkbox"/> Memorial
Site:	_____
Artist Eligibility:	_____
Budget Range:	_____
Funder(s):	_____
Stakeholders:	_____
Timeline:	_____
New City Facility?	<input type="checkbox"/> Yes <input type="checkbox"/> No Art Underserved Area? <input type="checkbox"/> Yes <input type="checkbox"/> No

PA Opportunity Ranking Rubric		
Criteria	Max Score	Project Score
Extra Points For:		
New Significant City Facility	*10	
High Citizen Impact	20	
Site Appropriate	15	
Strong Community/Cultural Value	15	
In Area Underserved with Art	15	
Budget Commensurate with Project Value	10	
Broadens Public Art Collection	5	
Partnership(s) Value	5	
Maintenance access/low need	5	
Public Education Value	5	
Leverages \$\$	5	
TOTAL*	100	

**Total value does not include extra points for new City facility. Points would be added to any qualifying opportunity.*

Reviewer Notes: _____

Attached Documents:

1. Brief Project Narrative: Define project opportunity including projected citizen impact, relationship of art to site, community value, partnerships engaged, projected maintenance for type of art, and any public education value of art.
2. Map or other Site Information
3. Other related documents, background information, partner letters

Boise City Public Art Project Opportunity Prioritization

DRAFT Revised October 22, 2010

Summary of Purpose

The following proposed process for identifying public art project opportunities offers a flexible, responsible, and responsive way to select opportunities that appropriately expend public funds for the highest and best good. Planning will proceed with a clear understanding of where public art already exists so that we might serve areas without concentrations of public art. The types of public art we currently have in our collection will be cataloged, analyzed and considered so that we may thoughtfully grow our collection as a strong, positive reflection of Boise's values and culture. Leveraging public funds to expand projects, working with partners across all City neighborhoods and integrating art into key City facilities and parks are priorities. Note that this process only applies to art projects paid for with general fund and excludes enterprise funded projects (i.e. Airport or Public Works). This process also excludes donations of art, which are handled through a separate process, unless the proposed donation is proposed to have partial funding from Boise City general fund, which then would be assessed through this process.

Comprehensive Art Planning Process:

Public Art Project Facilitation

The Public Arts Manager, a full-time staff member of the Boise Department of Arts and History, is responsible for facilitating and administering public art projects. The overall process includes the securing of funds, issuing a "call to artists," facilitating the art selection process, preparing contracts, working with artists, collecting and disbursing funds, overseeing final installation, preparing dedication and developing media attention for all projects. The manager works with the guidance of the Visual Arts Advisory Committee, the Boise City Arts & History Commission, Boise City Council, CCDC, and project partners.

Gathering Project Opportunities

To initiate the public art project identification process, the public art staff person meets with the following and gathers a list of possible project opportunities (see page 2 for definition of an opportunity), keeping in mind the goals, objectives, and criteria stated later in this document:

- **City Departments:** Representatives from each City general-funded department would offer their recommendations for public art opportunities connected to their departments. An example would be a sculpture for a significant park under construction, murals for a new library branch being built, or project opportunities that promote the goals and objectives of a specific department.
- **Possible Public Partners:** Capital City Development Corporation, Ada County, Idaho State agencies, Greater Boise Auditorium District, Boise School District, and Ada County Highway District are examples of possible public partners with whom to pursue new public art projects.
- **Possible Private Partners:** Business owners, developers, or individuals who are interested in jointly funding a public art project are examples of those with whom City staff may meet to identify possible public art partnerships.
- **Community Groups:** Neighborhood associations, non-profit organizations, or other special-interest stakeholder groups would be consulted to consider possible project opportunities which could be pursued in partnership such as neighborhood landmarks, or art in a neighborhood park.

Preparing Opportunities for Consideration:

VAAC reviews and analyzes existing public art collection site locations and types to develop a context and vision for how they might envision growing the public art collection.

Once project opportunities have been identified and compiled by staff in a consistent manner, a list shall be submitted to the Visual Arts Advisory Committee (VAAC) for consideration.

Based on available funds and the above stated goals, objectives, and criteria, VAAC will rank the projects, using the rubric provided at end of document, and make a recommendation to the Arts & History Commission. Rubric scores and written feedback (if desired and appropriate) will be provided for projects sponsors and approval bodies. VAAC reserves the right to ask for clarification or revisions to project opportunities before finalizing recommendations. Some funds may be held back to be responsive to project opportunities that occur mid-year. Arts & History Commission recommendation will be forwarded as information to other City Department and to the City Council for final approval before projects are initiated.

Projects not prioritized for funding may be put forward in the following year for consideration.

Project Implementation:

Project opportunities approved by City Council will be implemented by public art staff.

Under \$10,000 Exceptions:

The Arts & History Department Director has the authority to approve projects that are under \$10,000. These may be permanent or temporary public art project opportunities with a permanent leave-behind, such as an oral history, cataloged documentation, or other permanent record that can be exhibited or shared with the public. This purchasing threshold amount is in line with other City purchasing regulations. This allowance provides greater flexibility for the Department to be responsive to opportunities throughout the year that have a minimal budget impact and provide a positive citizen benefit. VAAC, Arts & History Commission, and City Council will be informed of these expenditures, but will not approve them.

Defining A Public Art Opportunity:

Public Art Opportunity:

A public art project opportunity is defined by the following essential components:

1. Project Opportunity Contact/Sponsor
2. Project Opportunity Title and Brief Narrative
3. Type of project
 - Landmark artwork
 - Aesthetic works of personal expression
 - Social, cultural, or historical statements
 - Functional works of art
 - Memorials
4. Site
5. Funder(s)
6. Artist Eligibility (Open to Idaho artists only, Regional Artists, National Artists)
7. Budget range
8. Stakeholders/Partners
9. Timeline

When considering public art project opportunities one needs to take into consideration the stated program goals and objectives as approved by Boise City Council which are as follows:

Boise City Public Art Program Goals: *(excerpt from current program guide and approved by City Council)*

- Contribute to Boise's identity as a cultural destination
- Make art of enduring excellence an essential element in the development and redevelopment of Boise and its neighborhoods
- Use art to recognize the cultural diversity that is and has been part of Boise's history
- Commission and purchase artwork from local, regional, and national artists who can weave diverse artistic disciplines, cultural perspectives and life experiences into the fabric of our community
- Engage residents and visitors through education and outreach programs about our public art collection
- Broaden the role of the artist in the community and create opportunities for artists to pursue creative careers in Boise
- Provide for the proper maintenance and cataloging of the public art collection.

Boise City Public Art Program Objectives: *(excerpt from current program guide and approved by City Council)*

- To facilitate partnerships and collaborative opportunities for artists to work with community organizations, public departments and agencies, private businesses and institutions
- To nurture the integration of art, architecture and landscape architecture throughout Boise
- To encourage art that is responsive to its site
- To address public art as early as possible in each project
- To provide for public participation in art selection and the celebration of completed works
- To partner with City Departments, private developers, and other public partners to include public art as integral components of their capital projects and programs
- To build a collection that represents broadly diverse styles and aesthetic attitudes

Opportunity Selection Criteria:

Site Selection Guidelines: Ways to Identify Signature Opportunities

(excerpt from current program guide and approved by City Council)

In selecting a site suitable for public art, the criteria should include, but not be limited to, the following:

- Is a site publicly accessible at all times, allowing for contemplation and interaction between the public and the work of art?
- Is the site on public property or is the owner of the site a partner in the project?
- Does a site suggest art opportunities that would extend the breadth, vitality and quality of Boise's Public Art Program?
- Will art on the site enhance the pedestrian experience of the space and contribute to the visual interest of the area?
- Does the site fall within the prominent paths of circulation (an entry point, transit corridor, or plaza area), or is the site situated near a place of congregation (park, transportation center, entertainment or retail centers)?

- Is the site one that would help identify a neighborhood or district, communicating its unique characteristics to those who pass by?

Additional Criteria to Consider:

Inclusion of Art in Development of Signature City Facilities:

Significant new City facilities such as library branches or parks as identified by the Departments shall receive special consideration as a preferred site for public art. Art funds for such projects shall be allocated early in the process so that the selected artist can be involved as early as possible.

Citizen Impact:

The greater the potential for high citizen impact, the greater the benefit and the higher the proposed opportunity will be ranked.

Geographic Impact:

All current city-owned public art projects are located on a map to determine current geographic concentrations of public art and identify underserved areas. Whenever possible, priority is to be given to neighborhoods that are underserved with art.

Maintenance:

Public art projects owned by the City need to be accessible for future maintenance and be designed to require as limited regular maintenance as possible.

Leveraging Public Funds:

Whenever possible, it is beneficial to leverage City general funds by partnering with other public or private entities to fund a joint project that is mutually beneficial.

Ranking Rubric

PA Opportunity Ranking Rubric	
Criteria	Score
Extra Points For:	
New Significant City Facility	10
Primary Criteria	
High Citizen Impact	20
Site Appropriate	15
Strong Community/Cultural Value	15
In Area Underserved with Art	15
Budget Commensurate with Project Value	10
Broadens Public Art Collection	5
Partnership(s) Value	5
Public Educational Value	5
Maintenance access/low need	5
Leverages additional \$\$	5
TOTAL*	100
<i>Total value does not include extra points for new City facility. Points would be added to any qualifying opportunity.</i>	

When desired or appropriate, written feedback from VAAC may also accompany ranking results so that the project sponsor and public can understand why a project was ranked in the way that it was and have the opportunity to revise the project opportunity in future years if not selected.

LEGAL NOTICE
EXHIBIT A
STATEMENT OF BOISE CITY ATTORNEY
AS TO ADEQUACY OF SUMMARY
OF ORDINANCE NO. 6799

The undersigned, J. Patrick Riceci, in his capacity as Assistant City Attorney of the City of Boise City, Idaho, hereby certifies that he is a legal advisor of the City and has reviewed a copy of the attached Summary of Ordinance No. 6799 of the City of Boise City, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code Section 50-901A (3).

DATED this 14th day of December, 2010.
J. Patrick Riceci, Assistant Boise City Attorney

SUMMARY OF ORDINANCE NO. 6799
OF THE CITY OF BOISE CITY, IDAHO

PUBLIC NOTICE IS HEREBY GIVEN that the City of Boise City, Idaho, adopted at its regular meeting of December 14th 2010, that Ordinance No. 6799 entitled:

AN ORDINANCE REPEALING ORDINANCE NO. 6042 ("PERCENT FOR PUBLIC ART") AND ENACTING BOISE CITY CODE TITLE 1, CHAPTER 25 ("PERCENT FOR PUBLIC ART"); ADOPTING A POLICY OF THE CITY OF BOISE CITY 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; REVISING THE PLANNING PROCEDURE FOR PUBLIC ART PROJECTS; PROVIDING FOR THE POOLING OF BOTH GENERAL FUND AND ENTERPRISE FUND PERCENT FOR ART FUNDS; PROVIDING THAT IN COORDINATION WITH THE DEPARTMENT OF ARTS & HISTORY OTHER CITY DEPARTMENTS MAY ASSIST IN THE MAINTENANCE OF PUBLIC ART WITHIN THOSE DEPARTMENTS' FACILITIES; CORRECTING THE NAME OF THE DEPARTMENT OF ARTS & HISTORY; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance repeals Ordinance No. 6042, known as the One Percent for Art ordinance. The ordinance readopts as a policy of the City of Boise that one percent (1%) of eligible capital expenditures be appropriated by the City Council for the acquisition of public art. The ordinance defines "eligible capital improvement projects", certain general requirements for public art and provides that up to four tenths of one percent (0.4%) of eligible capital improvement expenditures be dedicated to the conservation and maintenance of public art and for project maintenance and associated costs.

The ordinance revises the current planning procedure for public arts projects and provides for the pooling of both general fund and enterprise fund percent for art funds. The ordinance provides that the Department of Arts & History may coordinate with other departments of the City to assist with the maintenance of public art within those other departments' facilities.

The ordinance corrects the name of the Department of Arts & History.

The effective date of the Ordinance is the date of its passage, approval and publication. A copy of the full text of the Ordinance is available at the Office of the City Clerk, 150 North Capitol Boulevard, in Boise, Idaho 83701. Examination may be requested in writing or in person during regular business hours of the Clerk's Office, from 8:00 a.m. until 5:00 p.m. pursuant to Section 50-901A (4), Idaho Code.

DATED this 14th day of December 2010.

City of Boise City, Idaho

David H. Blawie, Mayor

ATTEST: Chris Clark, Interim City Clerk

Pub. Dec. 20, 2010.

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