

REPORT TO THE CITY COUNCIL

City of Salinas, California

DATE: December 6, 2016

FROM: Christopher A. Callihan, City Attorney

SUBJECT: **AN ORDINANCE FOR PUBLIC ART**

RECOMMENDATION:

It is recommended that the City Council adopt an Ordinance establishing a public art program.

DISCUSSION:

As a part of its most-recent strategic planning and goal setting the City Council established support for public art as one of its Priority Initiatives/Objectives for 2015-2016. Specifically, the City Council established the goal of making the city of Salinas “a place where people want to live, where diversity is valued and all citizens enjoy a high quality of life.” The proposed Ordinance, brought forward at the request of City Councilmembers McShane, Lutes, and Castañeda, establishes a public art program to move the City toward accomplishing this initiative and goal. This would bring the City of Salinas among approximately two hundred other cities across the country which have public art programs.

In summary, the proposed Ordinance imposes upon the City the requirement to contribute one-half percent of the value of each of its capital improvement program projects toward public art. The art would be placed either within the context of the capital improvement program project (in the context of the public work project, for example) or at some other publically-accessible place in the city. A Public Art Commission is created through the proposed Ordinance to review public art and to make recommendations and provide advice to the City Council relative to public art. The final determination of all matters regarding public art, however, resides with the City Council as the program requires the expenditure of public funds. Support would be provided at the Staff level by the Library and Community Services Director. The duties of the Commission are incorporated into the proposed Ordinance, with each of the members needing certain qualifications in order to be eligible for membership. The City Council will need to appoint members to the Arts Commission.

In its promotion of public art, the proposed Ordinance establishes a “Public Art Reserve Account” into which the City would appropriate funding equal to the amount of one-half percent of the total value of each of the projects identified in the adopted Capital Improvement Program Budget at the time the project is commenced or the purchase is made. Funds appropriated into the Public Art Reserve Account could be used to obtain and to install public art, to maintain and refurbish public art, among other identified uses. Grants and loans could also be made from the Public Art Reserve Account to support public art.

The City Council's Subcommittee on Commissions, Committees, and Boards reviewed the proposed Ordinance and recommended it be brought forward to the full City Council for consideration.

The Chamber of Commerce has indicated its "Provisional Support" for the proposed Ordinance, provided performance and temporary art were removed from the definition of "public art." The City Council's Subcommittee on Commissions, Committees, and Boards directed that performance art not be included within the definition, so that has not been included in the proposed ordinance. No similar direction was provided relative to temporary art, so that remains in the proposed ordinance. A copy of the Chamber of Commerce's letter is attached to this report for reference.

In addition to the most-recent reviews and considerations of the proposed Ordinance by the Subcommittee and by the Chamber of Commerce, Councilmember McShane hosted an "Arts Summit" on June 15, 2016. The Summit was well-attended by a variety of community members and groups, all of which indicated their support for a public art program. Councilmember McShane has also met with various community members and community groups since the Summit to receive input on a public art program. That input is reflected in the proposed Ordinance.

ISSUES:

Shall the City Council adopt the proposed Ordinance establishing a public art program?

FISCAL IMPACT:

There would be an immediate fiscal impact once the proposed Ordinance becomes effective: One-half percent of the value of each capital improvement program project would be dedicated to the public art program. This appropriation of funds would impact each of those projects which is commenced during the effective period of the proposed Ordinance and each purchase made during the effective period of the proposed Ordinance.

TIME CONSIDERATIONS:

There are no time considerations particular to these proposed actions; however, a significant amount of work has been done to develop the proposed Ordinance.

ALTERNATIVES:

The City Council may choose to not to adopt the proposed Ordinance and direct how otherwise to proceed.

An alternative would be for the City Council to consider creating a Capital Improvement Program Project specifically for public art and public art projects and fund that Program Project each year when it approves its Operating and Capital Improvement Program Budgets. This would be in lieu of the requirement that each project contribute one-half percent of its project value to public art.

CITY COUNCIL GOALS:

Adopting the proposed Ordinance is consistent with the City Council's goal of promoting economic development in the community and the quality of life for residents of and visitors to Salinas.

CONCLUSION

If adopted, the proposed Ordinance would make Salinas the first among the cities in Monterey County to establish a public art program. By committing City funds, the City would demonstrate its commitment to public art and would provide initial support for the program. Establishing the program in the manner set forth in the proposed Ordinance (where the only funds supporting the program come from the City's capital improvement program projects) would make Salinas somewhat unique as most other cities either place the obligation to support public art either on private projects or on a combination of private projects and capital improvement program projects.

With the program initiated, the City Council can review and determine the effectiveness of the program and determine whether additional funding is required or whether private projects should also be included within the program. To that end, the City Council could consider adopting the proposed Ordinance as a pilot program with a review at the six-month and the twelve-month anniversary of its effective date. This would afford the City Council the opportunity to determine the effectiveness of the proposed Ordinance, to determine whether changes to the program are necessary or required, to determine the full impact on the capital improvement program projects, and to determine the full extent to which public funds are being expended on public art.

Attachments:

Proposed Ordinance

November 21, 2016 Letter from Salinas Valley Chamber of Commerce