

...Title:

Resolution to Direct Preparation for Consideration by City Council an Ordinance that Would Repeal the Percent for Art Program Beginning July 1, 2013

...Memorandum:

In November of 2007, City Council approved an ordinance that established the “percent for art” program which funds public art by diverting funds from approved capital projects whose source of funding includes tax millages for streets, parks, and solid waste as well as water and sewer system funds. The action was taken by City Council and not expressly authorized by the voters even though funds in some cases were being allocated for public art from voter-authorized, dedicated tax millages. Acknowledging that the sources of the public art funding technically serve the purposes of those dedicated funds, many citizens question the appropriateness of the use of these funds in this manner.

It is largely acknowledged that since its inception, the “percent for art” program has been both controversial and plagued by operational challenges. The primary questions and concerns that have generated the “percent for art” program controversy include:

- Utilizing taxpayer dollars and public funds for public art.
- Reduced funds for much-needed capital infrastructure projects.
- Concern expressed by many Ann Arbor residents who do not believe voter-authorized tax millage funds for specific purposes should be used for public art, because they believe it is inappropriate and an unrelated purpose.
- The slow launch of the program, accumulated, unused surpluses at a challenging fiscal time for the City, and projects not universally accepted.
- The fact that the decision was made by City Council, not the voters, in spite of its impact on spending from voter-approved millages.

The operational challenges facing the “percent for art” program are widely recognized, including the current program restrictions cited as the primary reasons that dedicated public art millage-funding could be more effective than the current funding mechanism.

This resolution is based on the premise that voters should be provided the opportunity to decide the public art question at its fundamental level – whether or not to fund public art with public and taxpayer dollars. To simply ask voters how they would prefer to fund public art (millage or percent for art), but not ask whether/not they choose to fund public art with public dollars at all is not genuine enfranchisement.

Voters should be offered a clear choice – do you support public funding for public art – and by repealing the funding provisions of the “percent for art” ordinance prior to the November ballot question, voters would be provided that simple “yes/no” choice – an affirmative vote results in public funding for public art, a negative vote does not. With no prior action on the “percent for art” program, voters are offered an unsatisfying, unempowering “either/or” choice.

Specifically, this resolution directs the City Administrator and City Attorney to draft and bring to Council no later than City Council’s second meeting in September an ordinance to amend Chapter 24 (Public Art) of the Ann Arbor City Code to terminate, beginning July 1, 2013, the provisions which provide for funding public art through the set aside or allocation of 1% of capital improvement projects. The resolution retains the funding commitments to date for public art, including the allocations reflected in the FY13 budget.

...Body

Whereas, in November of 2007, City Council approved an amendment to the City Charter creating the “percent for art” program that funds public art through the allocation of funds from capital improvement projects;

Whereas, allocating funds to the “percent for art” program results in reduced funding for much-needed capital infrastructure improvements and many Ann Arbor residents believe the allocation of capital project funds to public art represents an inappropriate and unrelated use of dollars raised through tax millages and water and sewer system funds that they believe should be fully dedicated to their primary streets, parks, water/sewer, and solid waste purposes;

Whereas, voters were never provided the opportunity to have their voices heard on either the “percent for art” program specifically or more importantly, on the fundamental question of whether public art should be supported by public/taxpayer funding, regardless of its form;

Whereas, it is expected that City Council will place on the November ballot a proposal to amend the city charter to authorize a new, four-year millage of 0.10 mill to fund public art which if approved by voters, suspends the “percent for art” program funding only for the duration of the millage (the “percent for art” program funding would be re-instated if the millage were not renewed). If not passed by the voters, the “percent for art” program and funding continue in their present form;

Whereas, to truly enfranchise residents, voters should be offered a clear, yes/no choice on public funding for public art rather than an either/or choice of the mechanism used to fund public art;

Whereas, City Council action to repeal the funding provisions of the current “percent for art” program prior to the November ballot question would offer voters a clear, simple “yes/no” choice – an affirmative vote results in public funding for public art, a negative vote does not;

Whereas, a July 1, 2013 effective date for repeal of the “percent for art” program maintains the funding commitments for public art previously made to the program;

RESOLVED, That City Council directs the City Administrator and City Attorney or their designees to draft and bring to the City Council for consideration no later than City Council’s second meeting in September an ordinance to amend Chapter 24 (Public Art) of the Ann Arbor City Code to terminate, beginning July 1, 2013, the provisions which provide for funding public art through the set aside or allocation of 1% of capital improvement projects, commonly referred to as the “percent for art” program;

RESOLVED, That the amendment should allow funds previously set aside, allocated or otherwise designated for use for public art through the percent for art program, both funds for project specific art and in pooled art funds, including such funds in the July 1, 2012 to June 30, 2013 fiscal year budget, to still be used for those purposes; and

RESOLVED, That the amendment should address how repair and maintenance of works of art already funded through the percent for art program, or for which funds have been set aside, allocated or otherwise designated out of capital improvement projects through the percent for art program, including such funds in the July 1, 2012 to June 30, 2013 fiscal year budget, will be funded.

Sponsored by: Councilmember Lumm