

RESOLUTION NO. 2016-226

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE IMPLEMENTING A PERCENT FOR THE ARTS PROGRAM FOR ART IN PUBLICLY FUNDED FACILITIES AND PARKS (CEQA EXEMPT)

WHEREAS, the City Council of Elk Grove desires to enrich and enhance the City's cultural and visual landscape through visual arts; and

WHEREAS, in 2002, the City Council created a five-member Council-appointed Committee for the Arts (the Committee) to provide recommendations to the City Council for arts and entertainment within the City; and

WHEREAS, the City Council has directed Staff to coordinate with the Committee for the Arts to develop a funding mechanism for the purchase of and placement of art in public places allocating a percentage of funds from the construction cost budgets of publicly constructed facilities; and

WHEREAS, the Committee for the Arts has reviewed and commented on the Percent for the Arts Program and will continue to have input in its implementation; and

WHEREAS, the City Council recognizes the significance and importance of art in public places.

NOW, THEREFORE, BE IT RESOLVED that the Percent for the Arts program approved by this resolution is exempt from the California Environmental Quality Act (CEQA) pursuant to the following finding:

Finding: The program is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

Evidence: Section 15061(b)(3) of the CEQA Guidelines describes the General Rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment; where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed resolution and program does not approve any physical activity or any specific art project. The proposed resolution and program does not propose nor authorize any action that would have potential to cause a significant adverse effect on the environment. The proposed resolution and program provide a process for setting aside funding and selecting art for new City projects. The construction and installation of any art under this program would be subject to CEQA review at that time, to the extent those projects constitute "projects" under CEQA. Therefore, the approval of this program is exempt from CEQA under the section 15061(b)(3) because it will not have a significant impact on the environment.

BE IT FUTHER RESOLVED that the City Council of the City of Elk Grove hereby adopts and implements a "Percent for the Arts Program" for art in publicly funded facilities and parks as follows:

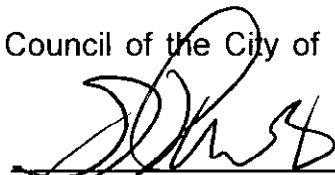
1. Designated Projects. The City Council designates the following public projects as being subject to the Percentage for the Arts Program, as described herein.
 - a. Animal Shelter.
 - b. Civic Center.
 - c. Old Town Plaza (all three phases).
 - d. City constructed parks in the Laguna Ridge Specific Plan and the Southeast Policy Area.

2. Eligible Projects. Additional projects that are eligible for a Percent for the Arts allocation for site specific artwork are those facilities and parks constructed with public funds and designated by the City Council for a public art component.

3. Eligible Artwork. Artworks to be commissioned or purchased by the City shall be selected through a review process of the Committee in coordination with the City's Public Works department. Once the Committee has a recommendation for artwork related to an eligible project the City Council will consider the recommendation. The City Council has final say on the selection and placement of artwork within the City as well as the appropriation and use of funds from this program. Artworks shall not include objects which are mass-produced and are of standard design. Limited editions signed by the artist; original prints; cast sculpture or photographs may be purchased

4. Eligible Funding. For eligible projects, the program will apply two (2%) percent for the first Ten Million and no/100ths (\$10,000,000.00) Dollars of the estimated construction cost at Thirty-Five (35%) percent design of a CIP project and a minimum of one (1%) percent for any construction cost above Ten Million and no/100ths (\$10,000,000.00) Dollars to any applicable publicly funded facility. Funding may be increased or decreased per project at the discretion of the City Council.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 9th day of November 2016.



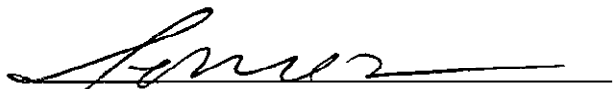
GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2016-226

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on November 9, 2016 by the following vote:

AYES : **COUNCILMEMBERS:** *Davis, Ly, Detrick, Hume, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California