

Office of the Governor

Funding Request for the FY 2022-23 Budget Cycle

Request Title

R-01 (OEDIT) Spending Authority for Arts in Public Places

Dept. Approval By:



Supplemental FY 2021-22

OSPB Approval By:



Budget Amendment FY 2022-23

X

Change Request FY 2022-23

Summary Information	Fund	FY 2021-22		FY 2022-23		FY 2023-24
		Initial Appropriation	Supplemental Request	Base Request	Change Request	Continuation
	<b>Total</b>	<b>\$14,788,734</b>	<b>\$0</b>	<b>\$14,788,734</b>	<b>\$2,000,000</b>	<b>\$2,000,000</b>
	FTE	3.0	0.0	3.0	0.0	0.0
<b>Total of All Line Items Impacted by Change Request</b>	GF	\$2,023,000	\$0	\$0	\$0	\$0
	CF	\$12,000,000	\$0	\$14,023,000	\$2,000,000	\$2,000,000
	RF	\$0	\$0	\$0	\$0	\$0
	FF	\$765,734	\$0	\$765,734	\$0	\$0

Line Item Information	Fund	FY 2021-22		FY 2022-23		FY 2023-24
		Initial Appropriation	Supplemental Request	Base Request	Change Request	Continuation
	<b>Total</b>	<b>\$14,788,734</b>	<b>\$0</b>	<b>\$14,788,734</b>	<b>\$2,000,000</b>	<b>\$2,000,000</b>
	FTE	3.0	0.0	3.0	0.0	0.0
04. Economic Development Programs, (A) Economic Development Programs, (1) Economic Development Programs - Council on Creative Industries	GF	\$2,023,000	\$0	\$0	\$0	\$0
	CF	\$12,000,000	\$0	\$14,023,000	\$2,000,000	\$2,000,000
	RF	\$0	\$0	\$0	\$0	\$0
	FF	\$765,734	\$0	\$765,734	\$0	\$0

Auxiliary Data

Requires Legislation? YES

Type of Request? Governor's Office Prioritized Request

Interagency Approval or Related Schedule 13s:

No Other Agency Impact



**Department Priority: R-01**  
**Request Detail: Spending Authority for Arts in Public Places**

Summary of Funding Change for FY 2022-23			
		Incremental Change	
	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2023-24 Request
Total Funds		\$2,000,000*	\$2,000,000*
FTE		0	0
General Fund	N/A	\$0	\$0
Cash Funds	N/A	\$2,000,000	\$2,000,000
Reappropriated Funds		\$0	\$0
Federal Funds		\$0	\$0

\*in spending authority

**Summary of Request**

The Office of Economic Development & International Trade (OEDIT) is requesting two technical fixes to the Colorado Creative Industries (CCI) Division's Arts in Public Places (AIPP) program. First, OEDIT is requesting that the long bill reflect CCI's spending authority for the approximately \$2 million it receives in cash funds (on average) for the AIPP program. Second, OEDIT is requesting to modify the current Creative Industries Cash Fund (Fund 25N0) to ensure it has three-year rollforward appropriation authority for AIPP funds in order to align AIPP funds with the capital construction timeline. This requires a statutory change as the fund is currently annually appropriated. These technical fixes will ensure the AIPP program and the funding it already receives can accomplish the intent of the AIPP statute.

## ***Current Program***

AIPP commissions artwork for people to enjoy in publicly accessible areas inside and outside of state buildings in Colorado. Colorado law requires 1% of the state's capital construction funds for new or renovated state buildings to pay for works of art. On average, this 1% amounts to approximately \$2 million each year. These art acquisitions form the state art collection.

AIPP works show diversity in style, imagery, materials, and techniques. The program's goal is to merge the art experience into public spaces.

OEDIT and CCI support public art because it:

- provides access to art for all people;
- activates public and underused spaces in interesting ways through creative placemaking;
- grows civic pride and connection to the community;
- supports artists, including local artists;
- adds human-scale to larger spaces;
- invites experiences and interactivity for people walking;
- illustrates or reflects a story or history of the space; and
- improves wayfinding.

## ***Problem or Opportunity***

As noted above, AIPP is funded through capital construction funds, with all approved capital construction projects transferring 1% of the approved amount to CCI. OEDIT's accounting and program staff discovered that CCI will not have the requisite spending authority to operate the AIPP in FY 2022-23 unless 1) cash funds spending authority is reflected in the FY 2022-23 Long Bill; and 2) the existing Creative Industries Cash Fund (Fund 25N0) is modified. Currently, the capital construction funds are deposited into the Creative Industries Cash Fund. This fund has the authority to carry unspent appropriated funds into the next fiscal year without further appropriation, but the capital construction funds are appropriated for three years. Most of the capital construction projects are not completed until that third year. Thus, artists cannot complete installation of works of art until the construction is completed.

Therefore, the purpose of the request to modify the spending authority for the existing cash fund is to mirror the spending authority of the capital construction funds and allow AIPP the appropriate length of time to engage with artists and receive final products prior to the expiration of the spending authority.

### ***Proposed Solution***

For AIPP, OEDIT's CCI tracks the locations where artworks are installed, the number of artworks commissioned or purchased, and the number of artists hired. As many agencies place a priority on Colorado artists, CCI also tracks the number of Colorado artists hired and their locations (rural vs. Front Range). CCI plans to implement other tracking measures this upcoming year to track additional data, for their diversity, equity, and inclusion initiatives. CCI retains a portion of the AIPP funds for administrative expenses, including staffing, as well as resources and support for local public art programs and artists. Temporary exhibitions are placed in the State Capitol, and AIPP channels resources to other areas to continue to make public art accessible to all Coloradans.

Theory of Change	The program's activities are to follow the committee selection process, as outlined in the statute, to select artworks for locations that receive funding through Capital Construction Funds and fall under the AIPP requirement. The outlined selection process ensures fair selection of an artist for the commission and to meet the goals and needs of the location and its community, and to meet the wider goals of public art (outlined below).		
Program Objective	Art in Public Places' program objective is to merge the art experience into public spaces. Public art activates public and underused spaces in interesting ways through creative placemaking, grows civic pride and connection to the community, invites experiences and interactivity for people walking, illustrates or reflects a story or history of the space, improves wayfinding, and adds human-scale to larger spaces. Public art also provides significant work and economic support for artists and it is the goal of this program to support Colorado-based artists, through selection for commissions, artwork purchases, and assistance with professional development and skills to grow their practice/business.		
Outputs being measured	OEDIT tracks the number of new projects, the number of artists selected (including Colorado artists located in rural and Front Range regions), and artworks completely installed. In FY 2020-21, there were no new projects funded through Capital Construction Funds. Fourteen artworks were installed in locations around the state for ongoing projects. Three artists from rural Colorado were selected for ongoing projects. In FY 2021-22, nine new projects received funding through Capital Construction Funds and are required to comply with the 1% for art. None of these projects have yet started the selection process. Three artworks for ongoing projects have been installed so far this fiscal year.		
Outcomes being measured	None		
Cost/Benefit ratio	N/A		
Evaluations	Pre-Post	Quasi-Experimental Design	Randomized Control Trial
Results of Evaluation	N/A	N/A	N/A
Continuum Level	2		

If this request is not implemented, CCI will not have the requisite authority to spend the funding they are slated to receive for the AIPP program, and thus the program will be halted for FY 2022-23 and beyond, meaning that the legislative intent behind the program will also not be met. This will impact the goal of the program - to merge public spaces and the arts experience - and artists that would have otherwise been given exposure through the program will not be able to participate. There are sixteen ongoing projects from past years, many of which have artists under contract and currently working on artworks. If spending authority is not awarded, these existing projects will be at risk, as CCI will not be able to pay artists who are already under contract or finish out selection processes for

other projects. Additionally, the new projects funded through Capital Constructions Funds in FY 2021-22 will not be able to proceed with the statutorily required public art allocation.

### ***Anticipated Outcomes***

Access to and authority to spend the AIPP dollars will ensure the program can adhere to the goals and processes outlined in the statute. The Art in Public Places program has been in place since 1977, and in those 40+ years has added over 600 artworks to the state's Public Art Collection. A good portion of the artworks are by Colorado artists, keeping these funds within the state economy and supporting local artists. Currently, the AIPP program has sixteen projects in process, in various stages, ranging from the selection process to artworks that are already in the process of being fabricated by artists. In addition to supporting artists, these funds often also support fabricators, installers, engineers, and other contractors who work on the creation of the artworks.

### **Assumptions and Calculations**

CCI estimates that it needs approximately \$2 million in spending authority in FY 2022-23 and beyond. Currently, there is nearly \$1 million in funds encumbered for existing contracts for artworks. The AIPP budget also has approximately \$500,000 unencumbered for ongoing projects where an artist has yet to be selected or put under contract. In FY 2021-22, nine projects funded through Capital Construction Funds are statutorily required to budget 1% of their construction line item for AIPP. These projects total approximately \$477,000 in additional funds to be taken into the AIPP appropriation. The nature of these art projects is that the full art project budget can almost never be spent in one fiscal year. Since the art projects are tied to large construction projects, the timing of the construction generally requires two years from artist selection to installation. Some of the funds taken in from FY 2021-22 CCF will not be spent until FY 2022-23, which is why the same amount of spending authority is needed, to account for those funds and also any new funds from FY 2022-23 CCF projects.

### ***Supplemental, 1331 Supplemental or Budget Amendment Criteria***

N/A.