

SIOUX FALLS VISUAL ARTS COMMISSION
WORKING SESSION MEETING
Wednesday, September 13, 2023 - 5:30-7:00pm
Start Up Sioux Falls, 100 E. 6th Street, Sioux Falls

MEETING ASSISTANCE: UPON REQUEST, ACCOMMODATIONS FOR MEETINGS WILL BE PROVIDED FOR PERSONS WITH DISABILITIES. PLEASE CONTACT THE HUMAN RELATIONS OFFICE, FIRST FLOOR, CITY HALL, 224 WEST 9TH STREET, SIOUX FALLS, SD AT 367-8745 (VOICE) OR 367-7039 (TDD) 48 HOURS IN ADVANCE OF THE MEETING.

Joe Schaeffer, Board Chair
Kellen Boice, Board Vice-Chair
Diane deKoeper, Staff Liaison

AGENDA

- | | |
|--|-------|
| ITEM 1. Call to Order & Quorum Determination | Joe |
| ITEM 2. Welcome Members and Guests | Joe |
| ITEM 3. Approval of Working Session Agenda | Joe |
| ITEM 4. Approval of August 9, 2023 Working Session Meeting Minutes | Joe |
| ITEM 5. Public Input on Non-Agenda Items
<i>(5-minute comment period per individual)</i> | Joe |
| ITEM 6. Unfinished Business | |
| a. None | |
| ITEM 7. New Business | |
| a. Repair & Maintenance Log of City Owned Artwork | Diane |
| b. Policy DRAFT regarding acceptance of artwork gift to the city
(draft available at meeting) | Joe |
| c. Policy DRAFT regarding placement of city owned artwork on
non-city owned property (draft available at meeting) | Joe |
| ITEM 8. Announcements | |
| a. We Can Do It! sculpture dedication at Embee, Tuesday, September 19, 2023 at Embe | |
| b. VAC Regular Meeting: Tuesday, September 19, 2023 9:00am at Carnegie Town Hall | |
| ITEM 9. Adjournment | |

SIOUX FALLS VISUAL ARTS COMMISSION
WORKING SESSION MEETING
Wednesday, August 9, 2023 5:30 p.m. - 7:00 p.m.
Start Up Sioux Falls Conference Room

MEETING ASSISTANCE: UPON REQUEST, ACCOMMODATIONS FOR MEETINGS WILL BE PROVIDED FOR PERSONS WITH DISABILITIES. PLEASE CONTACT THE HUMAN RELATIONS OFFICE, FIRST FLOOR, CITY HALL, 224 WEST 9TH STREET, SIOUX FALLS, SD AT 367-8745 (VOICE) OR 367-7039 (TDD) 48 HOURS IN ADVANCE OF THE MEETING.

MEETING MINUTES

ITEM 1. Call to Order & Quorum Determination: Chairperson Joe Schaeffer called the meeting to order at 5:36 p.m.

Member Participants: Joe Schaeffer, Jennifer Hoelsing, Wyatt Dickson, and James Zajicek attended the meeting in person. Mike Jamison and Kellen Boice were absent from the meeting.

Other Participants: Diane deKoeyer, Planning and Development Services

ITEM 2. Welcome Members and Guests: None

ITEM 3. Approval of the Regular Agenda: Commissioner Hoelsing made a motion to approve the regular agenda and Commissioner Zajicek seconded the motion. The agenda was unanimously approved.

ITEM 4. Approval of the February 9, 2023 Working Session Meeting Minutes: Commissioner Dickson made a motion to approve the meeting minutes and Commissioner Zajicek seconded the motion. The minutes were unanimously approved.

ITEM 5. Public Input on Non-Agenda Items, Chairperson: No one from the public was in attendance at the meeting to provide input.

ITEM 6. Unfinished Business:

a. Dedication for *We Can Do It!* at EmBe

September 19 from 8:00 am to 9:00 am at EmBe. Diane will confirm where to meet for children's lesson prior to dedication.

ITEM 7. New Business

a. Policy DRAFT regarding acceptance of artwork gift to the city

Diane handed out draft provided by the attorney's office for commissioners to review for next month's meeting.

b. Policy DRAFT regarding placement of city owned artwork on non-city owned property.

Same as item (a) above.

c. Arts Commission

Joe requested to add an item to the regular VAC agenda on August 15 to review Director Eckhoff's presentation on the Arts Commission to council a couple weeks ago.

ITEM 8. Announcements

- a. Drafts will be emailed to all commissioners for September's Working Session for review.

ITEM 9. Adjournment: 6:25 pm

THINGS TO CONSIDER:

- Exceptions for public access ie. Private city offices or areas of city-owned property not frequented by the public
- Rights for reproduction-license for use of images of artwork
- No guarantee for remaining in original placement
- Maintenance agreement or endowment for donated artwork
- Who has the final authority to accept gifts of art and

CITY OWNED ART DISPLAYED ON PRIVATE PROPERTY

PUBLIC-PRIVATE PARTNERSHIP

Require legal agreement outlining financial responsibilities of each party related to:

1. Funding
2. Fabrication
3. Installation
4. Lighting
5. Maintenance
6. Insurance
7. Move to different location or deaccession

ART GIFTED TO THE CITY

Require legal agreement outlining financial responsibilities of each party related to:

1. Funding
2. Fabrication
3. Installation
4. Lighting and landscaping
5. Maintenance/Repair/Vandalism
6. Insurance
7. Appraisal
8. Moving to different locations-was the artwork specific to original site?
9. Deaccession

DISPOSAL OF ART GIFTED TO THE CITY

1. Criteria
2. Return to artist or donor?
3. Donate to tax exempt institution?
4. Sale or auction-Proceeds go to?
5. Destruction/disposal?
6. Minimum display time period before deaccessioning?

Section 1. CITY OWNED ART DISPLAYED ON PRIVATE PROPERTY

1.1 No work of art financed or installed either wholly or in part with City funds or with grants procured by the City shall be installed on privately owned property without a written agreement between the City of Sioux Falls and the private property owner.

1.2 The City shall specify the proprietary interests in the work of art and specify provisions required of all City Contract and additional terms as deemed necessary or desirable by the City Attorney. In addition, such written agreement shall specify that the owner of said private property shall assure:

- a. The installation of the work of art will be done in a manner which will protect the work of art and the public;
- b. That the work of art will be maintained in good condition; and
- c. That insurance and indemnification will be provided as is appropriate.
- d. Signed Agreement related to installation, procurement, lighting, maintenance, insurance, moving to alternate location and/or deaccession

Section 2. ART GIFTED TO THE CITY

2.1. Donation Initiation

Proposals for donated artwork can be initiated by the Visual Arts Commission, Staff Liaison, or others in the community. If initiated by others outside the Visual Arts Commission, a Donation Application must be submitted in writing and approved to move forward by a majority vote of the Visual Arts Commission. Submissions will be reviewed by the Commission and acceptance will be considered based on the criteria set forth in section 2.3.

2.2 Donation Applications are reviewed ____ times per year during the Visual Arts Commission _____ meeting throughout the year. The Visual Arts Commission may elect to review Donation Applications at other times under special circumstances. Each Donation Application should include:

- A cover letter explaining that the artwork is offered to the City as a gift and why the work should be added to the collection
- An explanation of whether the donation is for a permanent addition to the City collection or if it is a temporary loan
- A description of how the work of art contributes to the overall goals of the Visual Arts Commission and the City of Sioux Falls
- Artist's resume or biography information and examples of the artist's past work

- Maquettes, images or the actual work to show the condition and proper scale of the work
- Proof of the artwork's provenance, exhibition history or a letter of authenticity from the artist, if appropriate
- A current estimate of value
- A site plan and landscaping plan for proposed installation site
- A conservation assessment authored by the artist or a conservator describing the artwork's condition, expected life span, and maintenance requirements, including projected costs for maintenance
- Proposed donation of funds to support ongoing maintenance of the artwork;
- An acknowledgement that the artwork complies with all aspects of the Safety Policy
- A statement that the proposer has legal authority to donate the artwork; and • Additional information as requested.

2.3 Selection Criteria

- The selection panel may consider the following questions when conducting reviews of proposed artwork:
- Aesthetic Quality and Artistic Merit
- What has the artist accomplished with the work and does it align with the proposed project goals?
- Does the work under consideration have artistic merit?
- Is the work relevant to the City, its values, culture and people and does it contribute to the fabric of the City? Is the work an integral component of the overall project?
- Is the work of art appropriate for the community it serves?
- Placement / Siting
- What is the relationship of the work to the site? Is it appropriately scaled?
- Will the work help to anchor and activate the site and enhance the surrounding area?
- Will there be convenient public access to the site?
- Will additional parking or access accommodations be required?
- What are the utility requirements of the artwork?

- Does the artwork have a connection with the surrounding community?
- Fabrication, Handling and Installation
- Are the projected costs accurate and realistic?
- Have written estimates been obtained from qualified technical support and fabrication contractors?
- Does a certain site present any special obstacles to installation?
- Can the work easily be removed if necessary?
- Maintenance Requirements
- Is the work suitable for outdoor display or special indoor environments?
- Are the materials durable and will they last? Does the work have a limited lifespan due to built-in obsolescence or any inherent weakness?
- What are the existing or projected maintenance requirements of the work? Are they excessive or cost prohibitive? Are any unusual or ongoing costs likely?
- What are the artist's suggestions for protection of the work from vandalism?
- Liability and Safety
- Is any aspect of the work a potential safety hazard?
- Does the work meet building code requirements?
- Does the work or any portion of the work require a professional seal (structural engineer, electrical engineer, etc.)?
- Will fencing or other types of security measures be required?

2.4 Selection Jury

The Visual Arts Commission can serve as the jury for donation applications, however, may alternately select a jury to review submissions. In such cases, applications shall be considered by the jury and a final choice or choices will be presented to the Visual Arts Commission for recommendation to the City Council for acceptance.

2.5 Maintenance considerations

When accepting a gift into the collection, the donor may be required to sign a maintenance agreement with the City of Sioux Falls or establish a maintenance endowment to ensure

adequate care for the artwork. The Visual Arts Commission is unlikely to recommend acceptance of donations that require immediate or extensive maintenance.

2.6 Written Agreement Required

All artworks gifted and accepted by the City of Sioux Falls must have a written agreement between the City of Sioux Falls and the artist.

Section 3. DEACCESSION-DISPOSAL OF ART GIFTED TO THE CITY

Withdrawal of a work of art from the City of Sioux Falls' public art collection due to need for replacement of deteriorating artwork or artwork that no longer fits the original intent due to changes in structures, traffic patterns, and/or landscaping are removed from the collection through deaccessioning. Unless artworks were created as temporary, semi-permanent art or the art is on loan, artwork in the collection is considered permanent and may be considered for deaccession through a recommendation to City Council determined by a majority vote of the Visual Arts Commission.

3.1 Criteria for Deaccession

The Visual Arts Commission may recommend deaccession of artwork for any of the following reasons:

- The artwork endangers public safety;
- The artwork has been severely damaged or is determined to be in unsatisfactory condition and continued maintenance or repair is not feasible;
- The artwork lacks a suitable display site or the artwork is site specific in an area/building that is slated for re-development, remodeling, or destruction;
- The condition or security of the artwork cannot be reasonably guaranteed where located;
- The artwork is incompatible with the rest of the collection or is not aligned with the current Public Art Goals;
- The City or Visual Arts Commission wishes to replace the artwork with a piece of more significance;
- The artwork requires excessive maintenance or has faults in design or workmanship, causing an undue maintenance burden for the City of Sioux Falls;
- The artwork is fraudulent or not authentic;
- The artist requests the removal from the collection;

- The artwork is a maquette or other item for which there is no longer storage;
- The City cannot properly care for or store the artwork;
- The artwork is a memorial or monument that is out-of-date or has lost significance to the community;
- Significant adverse public reaction towards artwork has continued unabated over a five-year period; or for any other significant reason recommended by the Visual Arts Commission to City Council or by City Council at its discretion.

3.2 Disposition/Disposal of Artwork

While deaccession is being considered, the disposal or disposition of the artwork must be considered as well. The Visual Arts Commission may recommend that City Council consider the following options for disposition of a deaccessioned artwork, listed in order of preference:

- Return to the artist;
- Return to the donor;
- Donation or trade to another tax-exempt public institution;
- Sale or auctioned, with preference given for sale at an advertised public auction or public marketplace that will best protect the interest, objectives and legal status of the collection (with proceeds returned to the Visual Arts Program or maintenance fund);
- Destruction/disposal; or
- Any other option deemed appropriate by the Visual Arts Commission.

3.3 Artist involvement The Visual Arts Commission and staff will make every effort to involve the artist (or artist's estate) in the decision to deaccession a work of art. Before recommending deaccession of any artwork, the Visual Arts Commission shall comply with all terms and conditions relating to deaccession which are found in the acquisition contract or any other agreement which may exist between the artist and the City of Sioux Falls.

3.4 Process

The Visual Arts Commission will regularly review the pieces in the City's Public Art collection to determine whether any piece(s) should be recommended for deaccession. In addition, the Visual Arts Commission reserves the right to recommend to City Council deaccession any artwork at any time deemed appropriate by the Visual Arts Commission. Consideration and determination of recommendations to City Council for deaccessioning must take place during a regularly scheduled Visual Arts Commission meeting or a special meeting.

3.5. Deaccession Report

The Staff Liaison will present the Visual Arts Commission with a written deaccession report with the following information:

- Data and information about the artwork that is proposed for deaccession;
- Narrative on the history of the work of art and its acquisition;
- Value of work to be deaccessioned;
- Correspondence with the artist (if any);
- Detailed account for the reason(s) for its removal from the collection;
- Time frame and budget for removal of the artwork;
- Review by the City attorney outlining any legal issues related to the request (as needed);
- Means of disposal or disposition of the artwork; and
- If artwork is to be sold or auctioned, where proceeds from the sale will be placed.

The Staff Liaison shall also submit the report to the appropriate City of Sioux Falls departments so that they may provide any feedback on the deaccession. No public artwork shall be removed, re-sited or altered by any other City department or public or private entity or individual without the prior review and approval of the City Council.

3.6. Public Notice

This deaccession report will be made public as part of the Visual Arts Commission agenda materials posted prior to the official meeting and vote to deaccession. The public shall be encouraged to attend and comment on the deaccession.

3.7 Visual Arts Commission Approvals

A majority of Visual Arts Commission members in a quorum must approve a deaccession of artwork from the City's collection. The final decision will be forwarded to City Council for final determination and made public through the Visual Arts Commission minutes.

ART IN PUBLIC PLACES GUIDELINES | BROOKINGS, SD

The vision of the Brookings Public Art Guidelines is to
create public art spaces and experiences
that enrich the quality of life in
Brookings, South Dakota and beyond.

INDEX

Introduction

Enabling Documents

Rights and Responsibilities

Acquisition Policy

Donation Policy

Collections Maintenance Policy

Public Right-Of-Way Policy

Deaccessioning Policy

Opportunities and Partners

INTRODUCTION

MISSION

The Brookings Public Arts Commission strives to enhance the built environment and reputation of the City of Brookings; enriches the lives of its residents and visitors; serves as a vehicle to attract new businesses and citizens; and encourages artists and the community to engage in creative activities and artistic development.

DEFINITIONS

Acquisition: The process used for acquiring a work of art for the City's public art collection. Artworks may be acquired by means of purchase, donation, bequest, exchange or other transactions by which title passes to the City of Brookings

Accession: the formal transfer of ownership of a work of art into the City's collection and subsequent cataloging of the work within the collection inventory.

Administrator: includes the Brookings Public Arts Commission and any representatives thereof.

Agreement: includes any written agreement pertaining to the planning, design, development, fabrication, delivery and/or installation, maintenance and deaccession of an artwork, including but not limited to letters of intent (LOIs), memoranda of understanding (MOUs), commission agreements, contracts and construction agreements.

Artist: Artist is a person(s) with a sustained practice in the creation of works of fine art or crafts, and includes individuals or artist teams. For the purposes of the Public Art Program, "Artist" may not apply to the project design architect, landscape architect, or other design professionals on the project design team.

Artwork: Original creative expression by an Artist(s).

Built Environment: The buildings, structures and improvements of the City.

Commission: The Brookings Public Arts Commission appointed by the City Council, pursuant to Ordinance No. 16-006.

Deaccession: the formal catalog process used for the removal or relocation of an object from the City's public art collection; for example, to protect public safety-when the artwork presents a hazard or liability through deterioration or damage, artwork may be deaccessioned.

Public Art: Public Art is art in public spaces. Public Art may include, but is not limited to, permanent or temporary works of art such as murals, sculpture, memorials, integrated architectural ornamentation, community art, digital new media, or performance art. Public Art would normally not include paving, incidental architectural ornamentation, landscaping, signs, plaques, or markers, historical or religious artifacts, or other objects of unknown authorship. The City reserves the right to enter into a memorandum of understanding or other agreements with community art partners for temporary or long-term installations on City-owned property.

Public Art Collection: the collection of art purchased, commissioned, gifted, or otherwise acquired by the City to display in public places.

Public Art Collection Program: the process, policies and procedures by which new Public Art is obtained by the Brookings Public Art Commission for the City of Brookings pursuant to Ordinances 16-005 and 16-006 and these guidelines.

ENABLING DOCUMENTS

Brookings City Ordinances 16-005 and 16-006, adopted on February 12, 2016, established the Dedicated Public Art Fund and the Brookings Public Arts Commission.

PUBLIC ART FUND

Purpose

The purpose of the Dedicated Public Art Fund is to provide funding for the advancement of a comprehensive public art appreciation and public displays program through design, purchase, acquisition, installation and maintenance of public art as well as other public art-related activities for the City of Brookings.

Funding

The Dedicated Public Art Fund receives an annual appropriation of one percent (1%) of annual capital expenditures from each revenue fund which is within the City Council's budgetary authority and which has an appropriation for capital expenditures. As part of the annual budget preparation process, the Capital expenditures used for purposes of establishing this annual appropriation includes equipment, infrastructure, construction projects and real estate that are either new acquisitions or replacements or enhancements of existing capital assets.

Administration

In accordance with Government Accounting Standards Board Statement No. 54 ("GASB 54"), the dedicated public art fund shall be reported as part of the general fund for financial reporting purposes, but shall be maintained individually for accounting purposes and budgetary comparisons. A Brookings Public Arts Commission, which is charged with the duty to recommend policies and guidelines for the advancement of public art throughout the community, shall also recommend to the city manager proposed expenditures of the public art fund which are less than \$25,000. The city council shall have final approval of all policies and guidelines recommended by the commission, and shall also approve proposed expenditures for public arts projects which equal or exceed \$25,000.

Effective Date

The effective date of the Public Art Fund is January 1, 2017.

BROOKINGS PUBLIC ARTS COMMISSION

Mission

The Brookings Public Arts Commission strives to enhance the built environment and reputation of the City of Brookings; enriches the lives of its residents and visitors; serves as a vehicle for attracting new businesses and citizens; and encourages artists and the community to engage in creative activities and artistic development.

Purposes

The role and purposes of the Brookings Public Arts Commission are as follows:

1. To develop a unified public art strategy for the City of Brookings;
2. To advise the City Council and other community groups and agencies who are initiating a public art project concerning the proposed site, selection of a professional artist and commissioning of a public artwork;
3. To oversee the Public Art Fund;
4. To guide and monitor design development process of public art projects through reviews at various stages to ensure artistic and design quality, integration with the site and relevance to the community;
5. To approve the final design of public art projects prior to fabrication;
6. To approve the final artwork, installation procedures, and maintenance plan of public art projects prior to installation; and
7. To prepare recommendations and report upon the design or proposed design of any municipal building, bridge, approach, fence or other structure containing public art elements and that is erected or to be erected upon land belonging to the City, and upon the design or proposed design of any arch, bridge, structure or approach which is the property of any person, firm or corporation, and extends in, over or upon any street, avenue, highway, park or public place.

Membership

Manner of Appointment, Composition, Terms, and Compensation: Members of the Brookings Public Arts Commission (Commission) will be appointed by the Mayor, with the advice and consent of the City Council, for three-year terms that commence in January. Members may be appointed for additional three-year terms. The initial terms of office shall be staggered in 1, 2 and 3 year increments. Any members whose term expires may be reappointed.

The Commission shall include specific professional expertise in public art or the visual arts, such as contemporary arts curator, museum director, professor of art or art history, and design professionals such as architects, landscape architects, and urban planners. The Commission shall consist of at least three art or design professionals. The Commission shall be comprised of eight (8) to ten (10) members who are representative of the following: Brookings Arts Council, SDSU School of Design, South Dakota Art Museum, Chamber of Commerce and/or Convention Visitor's Bureau Board, art professional, design professional, landscape architect/urban planner, representative from the Historical Preservation Commission, and two citizens-at-large.

Non-voting liaisons shall include, but are not limited to, Community Development Director, City Park and Recreation Director, City Clerk, and Finance Director.

All members of the Commission shall serve without compensation.

Qualification of Members: A majority of the members of the Commission shall be residents of the City.

Vacancies: If a vacancy on the Commission occurs prior to the expiration of a term, the vacancy may be filled by appointment for a term not exceeding three years. If a member is absent from three consecutive regular meetings without authorization from the chairperson, the member's seat may be considered vacant, and a new member may be appointed.

Officers: The Commission will designate from among its membership a chairperson, vice-chairperson and such other officers and subcommittees as it deems appropriate and necessary.

Meetings: The Commission will meet at such times and places as may be determined by the Commission. A majority of members of the Commission shall constitute a quorum. The Commission meetings shall be open to the public and shall comply with City open meetings policies.

Powers and Authority: The powers and authority of the Commission shall include, but are not limited to:

1. The Commission shall develop and recommend revisions to the Brookings Public Art Guidelines, which shall include criteria for accepting donations or gifts, both of cash and tangible art, a method or methods for the selection of artists and public art projects and for the placement of public art projects. The City Council shall have final approval of all Brookings Public Art policies and guidelines.
2. The Commission shall recommend to the City Manager and City Council proposed public art acquisitions and the placement, maintenance, relocation, and deaccessioning of artwork acquired through the public art program.
3. The Commission shall have the custody and care of all works of art owned by the City and under the control of any department of the City. The term "work of art" shall apply to and include all paintings, mural decorations, statues, bas-reliefs, sculptures, monuments, fountains, arches, ornamental gateways and other structures of a permanent character intended for ornament or commemoration.
4. No work of art shall become the property of the City by purchase, gift or otherwise, until it, or a design or model thereof, and a proposed plan for it shall have been approved by the Commission.
5. No work of art shall be erected or placed in, over or upon, or allowed to extend in, over or upon any street, avenue, square, park or other property belonging to the City without approval of the commission in consultation with appropriate city departments. The Commission may recommend the removal, relocation or alteration of any existing work of art owned by the City, and no such work of art shall be removed, relocated or altered without such recommendation and approval. The additional, removal, relocation, or alteration of any work of art shall be approved by the city manager or the city manager's designee.
6. The commission shall study, prepare recommendations and report upon the design or

proposed design of any municipal building, bridge, approach, fence or other structure erected or to be erected upon land belonging to the city, and upon the design or proposed design of any arch, bridge, structure or approach which is the property of any person, firm or corporation, and extends in, over or upon any street, avenue, highway, park or public place.

7. The Commission shall recommend the purchase or commission of public art projects, including the design, execution and/or placement of such public art with approval of expenditures by the City Manager and City Council consistent with Section 2-115 of Municipal Code.
8. The commission shall consult with the department responsible for a particular construction project regarding the design, execution and/or possible placement of a public art project in connection with such construction project.
9. The Commission shall review the inventory of public art, including assessing the status of maintenance, compile a list of potential sites for public art projects, and prepare recommendations as to location, relocation, and deaccessioning of public art.
10. The Commission may also initiate public forums when appropriate to determine thematic approaches and location options for public art.

BYLAWS | Brookings Public Arts Commission

ARTICLE 1. NAME.

The name of the commission is the Brookings Public Arts Commission (Commission).

ARTICLE 2. PURPOSE AND DUTIES.

The purpose of the Commission is to enhance the built environment of the City of Brookings and enriches the lives of its citizens through public art. A dedicated funding source for an established program of public art enhances the reputation of the City and serves as a vehicle for attracting new businesses and citizens. A public art program encourages the community's artists and citizens to engage in creative activities and artistic development. A public arts commission can develop and implement a unified public art strategy for the community.

The duties of the Brookings Public Arts Commission are as follows:

- A. To develop a unified public art strategy for the City of Brookings;
- B. To advise the City Council, the City Manager, and other community groups and agencies who are initiating a public art project concerning the proposed site, selection of a professional artist and commissioning of a public artwork;
- C. To oversee the Public Art Fund;
- D. To guide and monitor the design development process through reviews at various stages to ensure artistic and design integrity, integration with the site and relevance to the community; and
- E. To approve the final design prior to fabrication; to approve the final artwork, installation procedures, and maintenance plan prior to installation; and to approve deaccessioning procedures.

ARTICLE 3. MEMBERSHIP.

- A. The Commission is composed of eight to ten members appointed by the Mayor with the advice and consent of the City Council.

- B. Members shall serve for a term of three years beginning January 1 on the year of appointment. Any members whose term expires may be reappointed.
- C. Individual members may not act in an official capacity except through the action of the Commission.
- D. If a member is absent three (3) consecutive regular meetings without authorization from the chairperson, the member's seat may be considered vacant and a new member may be appointed. This does not apply to an absence due to illness or injury of the member, an illness or injury of a member's immediate family member, active military service, or the birth or adoption of the member's child for 90 days after the event. The member must notify the staff liaison of the reason for the absence not later than the date of the next regular meeting of the Commission. Failure to notify the liaison before the next regular meeting of the Commission will result in an unexcused absence.
- E. A member who wishes to resign shall submit a written notification to the Commission Chair. If a vacancy on the Commission occurs prior to the expiration of a term, the vacancy will be filled in accordance with City policies.

ARTICLE 4. OFFICERS.

- A. The officers of the Commission shall consist of a chair and a vice-chair and such other officers as it deems appropriate and necessary.
- B. Officers shall be elected annually by a majority vote of the Commission at the first regular meeting in January. In the event a current officer becomes ineligible to serve, the Commission may hold an emergency election as needed.
- C. A member may not hold more than one office at a time.
- D. The chair, vice chair, and City staff comprise the executive committee.

ARTICLE 5. DUTIES OF OFFICERS.

- A. The chair shall preside at all Commission meetings, appoint all committees, represent the commission at ceremonial functions, and approve all meeting agendas.
- B. In the absence of the chair, the vice-chair shall perform all duties of the chair.
- C. If the chair and vice chair will be absent, the chair may designate another member as acting chair for purposes of running a meeting.
- D. The chair, vice chair, and acting chair have the same voting privileges as any other member.

ARTICLE 6. AGENDAS.

- A. After first consulting with and receiving input from the staff liaison, the chair shall approve each meeting agenda.
- B. Commission staff shall submit the meeting agenda through the City meeting notification system for each meeting not less than 72 hours before the meeting.
- C. Posting of the agenda must comply with all state and City open meetings requirements.

ARTICLE 7. MEETINGS.

- A. All meetings shall be open to the public and shall comply with City open meetings policies. The Commission may not conduct a closed meeting unless it complies with SDCL 1-25-2. (*Executive and Closed Meetings*) and receives approval from city staff and the City Attorney.
- B. The Commission shall meet monthly. The Commission shall adopt a schedule of the meetings for the upcoming year.
- C. The chair may call for a special meeting or may cancel a meeting due to lack of business or

quorum.

- D. A majority of members shall constitute a quorum. A quorum is required to hold a meeting and to conduct business. Members may also attend via teleconference or video conference with prior arrangements with staff.
- E. All meetings shall be governed by Robert's Rules of Order.
- F. The Commission shall allow citizens to address the Commission on agenda items during a time set aside for citizen communications. The chair may limit a speaker's time as needed.
- G. The staff liaison shall prepare and maintain all Commission agendas, minutes, and all other documents and records.
- H. All members of the Commission shall observe decorum pursuant to the City Code of Ethics and other City policies.

ARTICLE 8. COMMITTEES

- A. The Commission may establish committees as needed. Those may include, but are not limited to, the following: Executive, Policy Review, Selection, Public Education/Public Relations, Special Projects, and Fundraising.
- B. Committees may be established by the chair, executive committee, or by an affirmative vote of the Commission.
- C. Committee membership cannot exceed quorum of the full Commission. Membership may include individuals not appointed to the Commission.
- D. Committees shall select a Commission member as chair.
- E. Requirements regarding quorum, meeting notice, staffing, and minutes do not apply to committees.
- F. All committees shall make an annual report to the full Commission at the November meeting for inclusion in the City's annual report.

ARTICLE 9. AMENDMENT OF BYLAWS.

A bylaw amendment requires an affirmative vote of the majority of members. The bylaws were approved by the Brookings Public Arts Commission at their meeting held on September 14, 2017.

RIGHTS AND RESPONSIBILITIES

OWNERSHIP

All works of art acquired pursuant to Brookings Public Arts Program shall be acquired in the name of, and title shall be held by, the City of Brookings.

EXEMPTIONS

The following are exempt from the provisions of this chapter:

1. All works of art in the collections of, or on display at, or under the auspices of the Brookings Arts Council; and
2. All works of art in display in private City offices or other areas of City-owned facilities that are not generally frequented by the public.

DIGITAL IMAGES

Whenever images are posted on the website, the City will acknowledge project credits: specifically, the name of the artist, the name of the photographer, the commissioning agency, the date of the work, and a copyright ©.

INTELLECTUAL PROPERTY

Copyright

The artist retains all rights under the Copyright Act of 1976 (17 USC Section 101) as the sole author of the work for the duration of the copyright. The duration of copyright in the United States is currently the life of the author plus seventy (70) years. Title to the artwork passes to the client or commissioning agency/organization upon their written acceptance of and payment for the work; copyright belongs to and remains with the artist.

Although the City may “own” the work of art, the artist who created the work owns the copyright to the work of art, including all ways in which the work is represented, other than in situ. Artists may wish to register their copyright with the Federal government. The City will not request that artists waive or share any of their legal copyright privileges as defined and awarded by the Federal government. The City may, however, as part of their contractual agreement with the Artist, require that the Artist grant the City license to use the image of the Artwork for purposes of publicity, promotion, educational and other city purposes (See Right to Reproduce the Work).

Rights to Reproduce the Work

The artist and the City must each agree to the right to reproduce the artwork in any and all forms. Typically, artists will be asked to grant the City or commissioning agency/organization license to make two-dimensional reproductions of the work for non-commercial and educational purposes. The City or commissioning agency/organization in turn agrees to include a credit to the artist and a notice of copyright on all such reproductions.

Visual Artists Rights Act (VARA)

The Visual Artists Rights Act of 1990, known as VARA, (17 USC Section 106A) assures an artist’s protection of his/her “visual art” especially as it affects post-sale rights, including all drawings, sketches, and prototypes. Under VARA, artists have the right to prevent any intentional distortion, mutilation, or other modification to their work. In some cases where the art is integrated, (building, landscape, infrastructure, etc.) the City may ask the artist to waive their VARA rights in favor of a negotiated agreement.

It is standard professional practice that agencies agree not to intentionally alter, modify, change, destroy, or damage the work of art without first obtaining permission from the artist. However, the Commission recognizes that due to the ever-changing nature of cities, it may be impossible to guarantee that any work of art will remain where originally installed and may need to be relocated. Necessary changes to buildings and other infrastructure may require that artwork that cannot be removed may be altered, damaged or even destroyed. Artist’s contracts with the City must address this possibility as part of their agreement with the City by waiving VARA rights in favor of a negotiated agreement. If the artist’s work is accidentally damaged or altered, the artist has the right to request that the work not be attributed to the artist until such time as the work is fully restored.

CONTRACT INDEMNIFICATION

Indemnity refers to the party with ultimate responsibility for liability. In the event that there are injuries, damages and/or lawsuits, an indemnity clause will establish who will be responsible for paying the costs and any judgment.

Indemnification language could require a party to be responsible regardless of that party's actions or involvement in a situation that leads to liability. However, generally, indemnification responsibilities are limited to the scope of the work to be performed under the initial agreement and only apply when the indemnifying party somehow contributed to the situation that created the liability.

The City of Brookings endorses Mutual Indemnification for liability resulting from negligent or willful behavior because this is the best compromise between artist and client or commissioning agency. Suggested indemnification language may include, "The Parties shall and hereby agree to defend, indemnify and hold harmless the other party from liability that arises out of the Party's negligent or willful action.

INSURANCE REQUIREMENTS

Contracting agencies may request that the selected artist carry General Liability Insurance and Automobile Insurance. It is standard practice for artists to hold \$1,000,000 (one million dollars) in General Liability coverage per incident regardless of the size of the contract or project budget until final acceptance into the public arts program. If the Artist is an individual and not a company or corporation, Automobile Liability Insurance may be limited to the minimum required for individuals in the state. General Liability and Commercial Automobile Liability policies must be endorsed to name the City of Brookings as additionally insured.

Other insurance that may be required is Worker's Compensation Insurance (if Artist is an employer), Insurance Against Loss. Artists' subcontractors must provide the same insurance. Licensed professionals that the Artist may subcontract with, such as engineers, architects or landscape architects who sign and stamp construction documents shall also provide proof of professional liability insurance upon request.

PAYMENT SCHEDULES

Per the national art organization recommendations, the Public Arts Commission recommends payment of approximately 10% upon signing the contract and a retainage of approximately 5% until title is transferred to the City and a maintenance schedule has been submitted.

CONSERVATION AND MAINTENANCE OF ARTWORKS

Care of a public art collection is a continuing responsibility in which the City preserves the work of art as well as the collection in its entirety. It is recommended that all public artworks be maintained with attention to their unique materials. The Commission shall establish a regular maintenance schedule for each work in the collection and the artist of record shall provide maintenance instructions to the City of the work. The Commission will conduct an artwork inventory and evaluate the condition of the art annually to determine if any extraordinary maintenance is required. Maintenance and conservation treatment plans shall be part of the Commission's annual plan submitted to Council for approval.

The City will withhold final acceptance of the artwork until the artist has provided a maintenance plan or maintenance document because not all project elements will be overtly obvious to those

charged with evaluation (i.e.: projects in which landscape, water, and media made be integrated with the final project). The Artist shall be required to provide the City with copies of all construction documents, shop drawings, site/architectural plans and drawings, product specifications, warranties, and the names of all subcontractors, vendors and suppliers along with a statement of intent, so that it is understood how to maintain the site as conceived by the artist.

The Commission will manage an integrated Collections Management Program, including conducting regular inventory of artworks within the City’s collection, evaluation of the collection condition; initiate treatment proposals and consult with professional conservators as necessary and complete or contract for the maintenance, conservation and/or restoration of the works of art. Where feasible or desirable, the Commission will oversee the training of maintenance personnel by conservators and/or program staff to perform routine maintenance tasks like dusting or washing of an artwork or changing lightbulbs. The Commission shall also be responsible for updating project records and documentation, including the advice of a professional conservator during the development of design documents and prior to fabrication of the art, and maintaining documentation of all conservation treatments performed on artworks in the collection.

COMMISSION CODE OF ETHICS

The Brookings Public Arts Commission members and City staff are expected to adhere to transparent accountability while implementing the City’s public arts programs. In doing so, the Commission and the staff will not accept any work of art that violates clear title or transparent provenance or is in potential conflict with the United Nations Educational Scientific and Cultural Organization Convention ([UNESCO](#)), Native American Graves Protection and Repatriation Act ([NAGPRA](#)), or national protection acts, or the laws of the State of South Dakota. No Commission member, administrator, or collection staff may use his or her position for personal financial gain, to benefit another on the Commission, or to benefit an individual associated with the City. No Commission member, administrator, or director may use their position to allow use or transport of collections objects for private purposes. No Commission member or staff shall purchase objects for the collection from each other or take advantage of privileged information to compete for collections, acquisitions or donations. No Commission member, administrator, City staff, or elected official may obtain a tax benefit for a donation to the public art collection, nor offer formal written appraisals for objects that are under consideration for acquisitions or donation.

PUBLIC DISCLOSURE

All Brookings Public Arts Commission (“Commission”) meetings are open to the public. Meeting agendas and supplemental materials are posted according to City and state regulations and are open to the public. All agendas, minutes and other agenda materials are available on the City of Brookings website: www.cityofbrookings.org.

BEST PRACTICES/CORE VALUES

The City of Brookings will utilize Best Practices of the Public Art Network (PAN) Council and Americans for the Arts (AFTA) in managing its public arts projects and practices.

All organizations and entities commissioning Artwork should consider their process for developing projects and selecting artists in light of the principles in Americans for the Arts Statement on Cultural Equity.

ACQUISITION POLICY

BACKGROUND

This policy provides a framework for acquiring works of art through the Brookings Public Arts Program. The Brookings Public Arts Commission is responsible for the acquisition and maintenance of such art. The objective of the Commission is that the City of Brookings' public art collection represents Brookings' significance as an artistic community and aspires to touch the life of every citizen and visitor,

CRITERIA FOR PUBLIC ART PROJECTS

All public art projects accepted or funded by the Commission or the City must:

1. Promote meaningful collaboration between the artist, the City, and any other relevant parties;
2. Achieve high visibility, by being in an area where residents and visitors commonly congregate or travel.
3. Be composed of the highest quality materials and constructed according to best practices to achieve results that endure without requiring unusual maintenance;
4. Be well integrated into the context of the surrounding environment. Current usage, historic significance, nearby building materials, foliage and landscape features, public rights-of-way, and potential audiences are all relevant;
5. Be accessible to all, with special consideration to those with special needs. Access to public art must meet all requirements of the Americans with Disabilities Act and other relevant laws; and
6. Be primarily an artwork of artistic merit of known authorship, and not an advertisement for any commercial establishment, or be an object whose main identity is as an artifact of primarily historical or religious interest.

SELECTION OF ARTISTS

It is the Commission's responsibility to oversee and approve the selection of artists for public art projects. The Commission shall establish an Artist Selection Panel for each public art project. Representation on the panel shall include:

- 1-2 members of the Commission;
- A representative of the host site or department;
- A project architect or landscape architect if appropriate;
- 2-3 Arts Professionals or Artists;
- A Community Representative.

The primary objective of the selection process is to select an artist whose experience, aesthetic, commitment to collaboration and community fabrication skills align with the needs of a given public art project. The selection process will be conducted in an open and consistent manner. All selections will be awarded on a competitive basis.

Potential election process models include:

Open Call: For projects with an anticipated cost of over \$25,000 the Commission publishes a Request for Qualifications (RFQ) open to all interested artists. To apply, artists are asked to submit examples of their past work and qualifications for consideration. RFQ's may be issued for specific projects or to establish a pre-qualified pool for consideration for a number of projects. Upon establishing the applicant pool, the Selection panel may then proceed as follows:

The selection sub-committee will review the submissions to select a short list (3-5) artists who will be paid an honorarium to develop site proposals. The panel will then reconvene to review the project proposals and make a recommendation for the winning proposal to the Commission for approval. For the proposal phase, artists will be given 4-6 weeks to develop their proposal. Proposals should only be requested when the commissioning agency/organization is prepared to consider the proposal as a conceptual approach to the project and not the final design. All proposal materials should be returned to those artists not selected for the project, and the authority representing the commissioning agency/organization should assume that all ideas presented for the project, including copyright, belong to the artist. For some projects, it may be preferable to select finalists for interview before selecting one artist to recommend to the Commission to seek a full proposal, or the panel may make a direct selection of an artist based on the panelists' ranking of the applicants.

Select Call: For small projects (under \$25,000) the Commission may solicit proposals from a select group of artists without public advertisement. The selection sub-committee will review these submissions and make a recommendation to the Commission.

Direct Call: For projects with budgets below \$10,000 or for when the artist is, for some specified reason, the sole provider of the artwork, the Commission may make a direct call. Examples of sole source provider would be if, for instance, there is a need to repair, restore or expand that particular artist's artwork, or if the project calls for a media or approach for which there are no other qualified practitioners within a reasonable geographic area.

REQUEST FOR PROPOSALS (RFP)

Artist or Community-Initiated Projects: The Commission may consider funding for Artist-Initiated or Community-Initiated projects (for which the artist has already been selected) in addition to Commission-Initiated projects. Such projects will be evaluated on an annual basis so that proposals may be considered on a competitive basis. Funding such projects is entirely at the Commission's discretion and based on available funds and funding priorities. As per the Commission's authority, all proposals for art on City property must be approved by the Commission, regardless of whether or not City funding is awarded.

Purchases: The Commission may request the submission of pre-existing artwork for consideration for purchase for display in public sites. For such purchases, the Commission will issue an RFP, which will describe the criteria for the artwork and range of purchase price.

GENERAL REQUIREMENTS:

All submissions must include evidence of previous work and credentials but should not include a specific project proposal (except in the case for of artist initiated proposals). Calls for entries must be sufficiently detailed to permit artists to determine if their work is appropriate for the project

under consideration. All solicitations must state that entry into the selection process constitutes an agreement to all conditions set forth during the process, and that entry constitutes permission for the Commission to photograph or scan any accepted work, photo or slide for use in promotional materials, websites, films, television programs, videos or archival records produced by the City.

At any time during the selection process, the Commission may request to see the original work (if it exists at the time).

Every acquisition carries with it an explicit responsibility that it be displayed, maintained, preserved and documented. This is a permanent, ongoing commitment unless otherwise specified.

Artwork will be selected based on:

1. Quality of the work's construction;
2. Aesthetic merit and originality of the work;
3. Benefit to the City's public art collection;
4. Appropriateness of the work's scale, materials and content for the proposed site;
5. Financial considerations, including sources of funding and maintenance costs;
6. Susceptibility to damage, vandalism, or theft;
7. Potential for public endangerment;
8. Technical feasibility;
9. Timeline for acceptance of the work;
10. Donor restrictions;
11. Availability of the proposed site;
12. Suitability of an available site.

DEPARTMENT INPUT

Whether working to select artwork for a designated site or selecting a site for an already acquired artwork, the Commission strives to get input from relevant City departments. Relevant departments will typically be either a department receiving artwork for its building/grounds or a department whose general responsibilities will be materially impacted by the placement of artwork at a particular site. The Commission and/or staff will contact the director of a relevant department(s) to discuss potential sites and will invite the director to serve on any formal selection committee. The Commission encourages participation by the relevant department director. Selection processes are determined by the Commission and vary by project. The Commission and/or staff will ask the director of the relevant department to provide any concerns they have concerning the sites and/or their impact on department operations before a selection process begins

DONATION POLICY

The City of Brookings subscribes to a policy of selective acquisition of art with preference for works of art that are of significant artistic merit, meet the city's collection guidelines, and are of relevance to the city's history, culture and collection priorities. Care and discernment are exercised in acquiring artworks because of limitations of staffing and finances to manage the public art collection and the desire to collect significant art of high quality.

Donations are an important part of the City of Brookings' art collection. The city has limited funds for administration, protection and maintenance. Likewise, there are a limited number of suitable municipal sites appropriate for the installation of artwork (see opportunities map). To ensure the quality of the collection, the Commission uses the guidance in this policy to decide whether a proposed donation is appropriate for addition to the City's collection. The Commission accepts only those works that will, in its discretion, further the goals of the Public Art Guidelines.

The Commission requests individuals or entities interested in donating artwork must follow the City's donation proposal process. Individuals or corporations interested in donating a work of art must complete an official donation application and submit it to the Brookings City Clerk. The donation proposal form is available on the City website.

Funds to maintain artworks in the City's collection are limited. Therefore, when accepting a gift into the City's collection, the Commission may require the donor sign a maintenance agreement or establish a maintenance endowment to ensure an adequate quality of care for the artwork. It is unlikely that the Brookings Public Arts Commission will consider any donation that requires immediate or extensive maintenance.

The Commission reviews gifts during their meetings, which are announced publicly on the City website. After review, the Commission may choose to accept or decline a gift, or to table an offer.

COLLECTIONS MAINTENANCE POLICY

INVENTORY

BACKGROUND

The Commission will develop an inventory of the public art program collection in Brookings. A copy of the public artworks inventory will be updated annually and made available on the City website.

PROCESS

Information regarding newly acquired artworks should be entered into the inventory and database by the Commission as the artworks are installed. The inventory should be structured and managed, so as to be a resource to community residents and visitors seeking to view Brookings' public art collection. Current information is included as an addendum.

Ideally, the following information will be recorded in the inventory and database:

1. Title of the artwork
2. Medium
3. Dimensions
4. Photograph(s)
5. Value, if available
6. Artist
7. Location
8. Year created
9. Year acquired
10. Donor, if donated
11. Maintenance/conservation instructions

MAINTENANCE POLICY

BACKGROUND

The goal of the policy is to maintain the City's collection of publicly owned artwork to ensure Brookings citizens' long-term enjoyment of the collection. The Public Art Maintenance Policy provides the documentation, preservation and maintenance processes, which will support this goal. The Public Art Maintenance Policy will be implemented on a piece-specific basis that recognizes the value of each work of art in the collection.

Documentation includes, but is not limited to, periodic condition reports, records of actual maintenance performed and an assessment of those efforts, photographs, artist's maintenance recommendation, methods and materials information, potential problems with the work, finishes information (e.g., painter's name; when, where, what, and how the piece was finished), quality of materials used, installation information, warranties and professional and other knowledgeable opinions regarding preservation and maintenance. The documentation may also include the artist's resume, artwork history, where the work has been exhibited, and a personal interview with the artist.

Preservation includes placement, installation, security, regularly scheduled maintenance and emergency repairs (with consideration of the natural process of aging).

Maintenance will be performed according to a scheduled piece-specific plan to clean, repair, and preserve each piece in the public collection. This plan will include measures to assess the ongoing effectiveness of preservation.

PROCESS

Documentation. The initial documentation will occur before a piece is accepted into the City collection. A standardized form will be used for this purpose. The Commission will identify appropriate City departments and staff, outside contractors, service people and experts to review this documentation.

Documentation will reside in the official City records. The Commission will be responsible for creating and maintaining the documentation. The Commission will use the projected cost of maintenance as one consideration in its final determination of acceptance and placement. Although documentation and maintenance recommendations alone will not be used to specifically exclude artwork from the City collection, the recommendation may play a role in that final determination.

Maintenance and Conservation Documentation: When an artwork is accepted into the City collection, an initial level of maintenance and a maintenance schedule will be established for it. The documentation will include a standard for regular maintenance (e.g., timing, type of maintenance) and will identify any maintenance issues that may require special attention. Each medium will require knowledgeable people to develop maintenance criteria. In addition, the maintenance criteria may include future historic and aesthetic considerations for each piece. The maintenance documentation may be reviewed and revised as needed with the artist's input and permission.

Annually, the Commission will initiate an inspection and condition report. Paid professional condition appraisers/conservators and/or knowledgeable volunteers, craftspeople or industry experts will perform the inspection of each piece. The inspection and condition report will become part of the permanent documentation of the specific piece and will be filed with the official records of the City.

Paid professionals and/or trained City staff will perform regular maintenance according to the maintenance schedule and condition report for each specific piece annually. The Commission will initiate and coordinate the regular maintenance activities.

Emergency Maintenance or Repair. The Commission will be notified of the need for emergency repair before any work is done. Paid professionals and/or trained City staff will perform emergency maintenance or repair on a timely basis.

Policy Implementation. Designated City staff and a sub-committee of the Commission will implement and monitor the Public Art Maintenance Policy and will report to the Commission annually, or more often if needed, on the status of art work maintenance. City staff will oversee the quality control, evaluation and corrective maintenance actions carried out by this policy.

Funding. Funding for maintenance will be established through a budget developed by the Commission and presented to the Commission each November. Funds will come from the Brookings Public Art Fund. Maintenance funding will take precedence over art purchases.

Contract Services. Contracts with paid professionals/craftspeople will follow established City guidelines and will be handled through the appropriate City department.

PUBLIC RIGHT-OF-WAY POLICY

BACKGROUND

This policy is to provide visual arts planners with general guidelines to consider when developing installations that impact the public right-of-way (PROW). The goal of this collaborative experience is to support the maintenance and growth of the public and private art collections within the City of Brookings and to enhance our community's quality of life.

STANDARDS

The City of Brookings utilizes the Manual of Uniform Traffic Control Devices (MUTCD) when determining uses, signage, visual sightline requirements, and other matters that impact the PROW. The MUTCD is nationally accepted as the primary standard for these requirements.

INSTALLATIONS ADJOINING THE PROW

When considering installations along the PROW, the following factors shall be considered in making a determination about a particular installation.

1. ADA requirements: For example: does the installation impact the egress of a person with disabilities;
2. Impact on flow of pedestrians, bicycles, or traffic: For example: does the installation cause undue interruption of the flow of individuals on a sidewalk or cross walk;
3. Safety impacts; and
4. Maintenance requirements that may be created by the installation.

INSTALLATIONS WITHIN THE PROW

When considering installations in the PROW, the following factors shall be considered in making a determination about a particular installation.

1. ADA compliance
2. Impact on flow of pedestrians, bicycles, or traffic
3. Safety impacts
 - a. Does the installation cause undue distraction for drivers, so that vehicles are more likely to cause accidents from slowing?
 - b. Does the installation cause a blockage of sightlines such that safety for drivers, pedestrians or cyclists is compromised?
 - i. These sightlines will be different in each installation, so size may be a factor at certain locations. For example, in an installation at a traditional intersection location close to the sightlines at the corners may create a significant hazard; or within a roundabout, installations that create blind spots for drivers related to pedestrians will create a significant hazard.
 - ii. The height of installations is not generally an issue except when a foundation structure is required that may limit visibility for pedestrians in wheelchairs or may cause drivers to “rubber neck” for better viewing.
 - c. In installations that are within the PROW, project planners must be sensitive to pieces that may draw pedestrians into the traffic flow for viewing. In roundabout situations, this is a critical factor as a round-about is developed to keep speeds relatively high and do not have clear locations for drivers to stop. Generally, roundabout islands are not designed in such a manner as to accommodate pedestrian traffic. If a piece is designed into a roundabout prior to construction, it may be possible to create and place design elements that can accommodate these issues. It is also recommended that recognition for pieces (artist signatures, piece descriptions, etc.) be placed outside of the roundabouts’ flow of traffic versus on the island itself.
4. Maintenance requirements that may be created by the installation.

COLLABORATIVE EFFORTS

In cases where the Commission is seeking to locate a piece adjoining the PROW or within the PROW, prior to final selection, the City Engineering Department requests a sketch drawing with estimated measurements be provided. The earlier in the process that detailed information can be provided, the better staff will be able to identify potential issues. Appropriate City staff will review the particular piece for the factors noted above. If the department has particular issues with one or several factors, the City Engineer will provide a detailed description of the issues to the Commission with recommendations concerning possible adjustments that may remedy the noted issues.

POST-INSTALLATION

If an issue arises, the City Engineering Department and the Commission will work collaboratively to develop a post-installation monitoring plan for traffic flow, accident data, and other factors to determine if future alterations to the installation are necessary. If site alterations are identified, staff will work with the Commission to develop possible remedies to alleviate the noted impacts.

DEACCESSIONING POLICY

BACKGROUND

Deaccessioning is a procedure for withdrawing the display of a work of art from the City of Brookings' public collection. As part of the ongoing evaluation of the collection, the Commission will review the Permanent Collection when deemed appropriate. Works of art that came into the City collection prior to adoption of this policy will be subject to this deaccessioning procedure. The Commission is responsible for deciding whether any piece(s) should be deaccessioned.

CRITERIA

Deaccession is the procedure for the permanent removal of a work from the City's collection. An artwork may only be considered for deaccession for these reasons:

1. It has deteriorated or has been damaged such that restoration is impractical, infeasible, or would render the work false;
2. It no longer exists due to theft, accident or natural disaster;
3. It requires excessive maintenance or is found to be of inferior workmanship;
4. It is demonstrated to be fraudulent, not authentic or in violation of copyright law;
5. It endangers public safety;
6. Its site has experienced significant changes that prevent its continual display and no suitable replacement site is available;
7. Its security cannot be reasonably guaranteed;
8. It is not regularly on display, with no plans for its future display; or
9. It has been determined to be significantly incompatible or inferior in the context of the collection.

Artwork may only be removed from the City's collection through deaccession after careful and impartial evaluation of the artwork within the context of the City's collection by the Commission. The deaccession evaluation must include:

1. A good faith effort to inform the artist or the artist's estate that the artwork is being considered for deaccession;
2. A review of all pertinent accession documentation, including a review of legal documents by the City Attorney;
3. A written recommendation on deaccession by an independent art professional such as a curator, conservator, historian or architect; and
4. A review of any pertinent written correspondence, media coverage, and other evidence of public opinion.

If the Commission deems deaccession appropriate, it will submit a formal recommendation, including a written statement of findings to the City Manager. If the City Manager decides that deaccession is appropriate, the artwork will be disposed as follows:

1. The artist or estate of the artist will be given first option to acquire the work through purchase, exchange, or other terms as determined by the Commission;
2. The artwork may be sold in accordance with all relevant laws governing surplus public property and all resulting proceeds will be allocated to the Public Art Fund;
3. The artwork may be loaned to a gallery, museum or similar institution; or
4. The artwork may be donated to a gallery, museum or similar institution.

The City is responsible for all costs associated with the removal or relocation of the artwork unless another person or entity agrees to assume these costs. Any proceeds from the sale of public art belongs to the Public Art Fund. A record of deaccessioned artwork will be kept with the documentation of the City's collection.

ALTERATION, MODIFICATION, OR DESTRUCTION OF ARTWORK:

It is the primary responsibility of the Commission to preserve and protect the art collections under its management for the City of Brookings. However, under certain conditions, and in accordance with the constraints of the Visual Artists Rights Act of 1990 (17 U.S.C. 106A and 113 (d), known as VARA, or in the case where the Artist has waived their rights under CAPA and VARA, in accordance with the City's contractual agreement with the artist, the Commission may authorize actions that would alter, modify or destroy an artwork.

CONDITIONS:

Removal and disposal, destruction, alteration or modification of an artwork may be considered under the following circumstances:

The work has faults of design or workmanship, or is damaged so that repair or remedy is impractical, infeasible or is an unjustifiable allocation of resources.

The work poses a threat to public safety, or in some other way poses a potential liability for the City. In the event that the condition of the artwork represents an imminent safety hazard, and cannot be removed without risk of damage or destruction, the Commission will proceed in accordance with the provisions specified under "Emergency Removal."

The Commission deems it necessary in order for the City to exercise its responsibilities in regard to public works and improvements, or in furtherance of the City's operations, or for any other good cause.

OPTIONS:

If, for any of the above reasons, the City finds it necessary to pursue plans that would modify, remove, destroy or in any way alter an artwork, and the Commission approves such action, then the Commission shall make a reasonable effort to notify the artist by certified mail of the City's intent, and outline possible options, which include, but are not limited to the following:

Transfer of Title to the Artist: The artist will be given the first option of having the title to the artwork transferred to them. If the artist elects to pursue title transfer, they are responsible for the object's removal and all associated costs.

Disclaim Authorship: In the case where the City contemplates action which would compromise the integrity of the artwork, the artist shall be given the opportunity to disclaim authorship and request that their name not be used in connection with the given work. **Alteration, Modification or Destruction:** If alteration, modification, or destruction of an artwork protected under the Visual Artists Rights Act of 1990 is contemplated, the Commission must secure a written waiver of the artist's rights under this section. In the case of an emergency removal that may result in destruction or irreparable damage, the City Manager will act in accordance with the advice of the City Attorney.

OPPORTUNITIES & PARTNERS

OPPORTUNITIES MAP

The Commission will initiate the development of an inventory of public property upon which public artworks may be located within the City of Brookings. A copy of the Public Art Opportunities Map will be made available on the City website. Information regarding public property on which public artworks may be located should be entered onto the Public Art Opportunities Map by the Commission as potential locations are identified. The map should be structured and managed so as to be a resource to the community as well as groups or individuals wishing to place artworks on public property.

INTEGRATION

In addition to its responsibilities of acquiring and maintaining public art, the Commission is a resource for the City of Brookings. Other City departments as well as the Brookings City Council are encouraged to seek input from the Brookings Public Arts Commission to integrate the arts throughout the City, in its building projects and in the City's master plan. Opportunities for input could include, but are not limited to:

1. Construction and maintenance of streets, boulevards and public right of ways
2. Construction of bike lanes and bike parking

3. Beautification of common items such as electric boxes, sidewalks, street signs, etc.
4. Public parks and spaces
5. Other building projects that may provide opportunities for public art including alleys, walls and underutilized spaces
6. Integrate public art opportunities in the City's 5 Year Capital Improvement Plan

PUBLIC-PRIVATE PARTNERSHIP

The successful creation and execution of a strategy for public art in Brookings, South Dakota requires a collaborative network of public and private partnerships. The City alone does not have the staff or resources to acquire an extensive inventory of public art. The private sector alone cannot place art on public or City property. Together, the public and private sectors can translate the community vision of supporting the creative class and high quality of life in Brookings into a systematic program for the selection, acquisition and display of public art, including pieces on City property.

No work of art financed or installed either wholly or in part with City funds or with grants procured by the City shall be installed on privately owned property without a written agreement between the Commission, acting on behalf of the City and the private property owner. The City shall specify the proprietary interests in the work of art and specify other provisions deemed necessary or desirable by the City Attorney. In addition, such written agreement shall specify that the owner of said private property shall assure:

1. That the installation of the work of art will be done in a manner which will protect the work of art and the public;
2. That the work of art will be maintained in good condition; and
3. That insurance and indemnification will be provided as is appropriate.

OWNERSHIP IN A PARTNERSHIP

It is anticipated that most of the public artworks displayed on municipal property or public art easements will be either owned by the City of Brookings, private foundations, charitable organizations, individuals, or displayed on municipal property through a license agreement. In some instances, privately owned artworks suitable for display on public property may be secured through a loan agreement.

Public artwork is to be identified with a plaque or marker identifying the City (e.g., "City of Brookings Public Art Collection") the artist's name, title of the work, and year created. The plaque or marker may include the name(s) of the donor. Corporate script or logos are not permitted.

MONETARY PARTNERSHIP

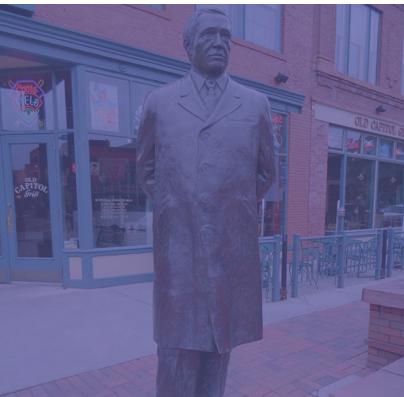
With these goals in mind, several mechanisms of public and private funding should be considered. Financial contributions and gifts by corporations, private individuals and foundations can leverage limited public dollars. Regardless of the source, it is important to know what constitutes usual and customary expenditures for public art projects. The following items represent the types of expenditures generally associated with the commissioning and placement of public artwork. The following are representative of expenditures to be considered:

1. Cost of actual artwork.
2. Artist and artwork selection related expenses, including proposal and project related honoraria.
3. Documentation and public education materials.
4. Pre-design, design, planning and service contracts.
5. Expenses for technical assistance provided by architects or engineers.
6. A designated fund for project costs, maintenance, restoration and conservation.
7. Site preparation.

With these considerations in mind, a combination of public and private investments as described above will allow the City of Brookings to develop a robust public art collection that will enhance its environment for generations to come.

Donors may contribute money to acquire, install and/or maintain art. Gifts should be directed to the City of Brookings - Public Art Fund. The City of Brookings serves as the entity that collects, controls and administers the investment of the contributed financial resources in public art.

Donations from the private sector or grants from the private or public sector shall be encouraged as a means to broaden the existing program potential. These funds shall be maintained in a separate fund for the public art program.



ART IN PUBLIC PLACES HANDBOOK 2019

UPDATED & REVISED 2022



City of
Golden







CONTENTS

01 Introduction & Mission/Vision/Goals.....	2
02 AIPP Definitions	6
03 Groups Involved with Golden AIPP Program...10	
04 Public Art Acquisition: Guidelines.....	15
05 Public Art Acquisition: Methods.....	19
06 Safety Policy	29
07 Maintenance Policy.....	33
08 Deaccession Policy.....	37
Appendix.....	41





SECTION 1

INTRODUCTION & MISSION/VISION/GOALS

Section 1: Introduction & Mission/Vision/Goals for the Golden AIPP Program

1.A. Introduction

Golden is a scenic, bustling, former gold rush town, resting between two mesas at the base of the Rocky Mountain foothills. The City's Art in Public Places Program (AIPP Program) has helped to create a unique, vibrant and art-filled downtown and creek-side area, and this public art collection contributes to the quality and cultural identity of our community.

Golden's art collection began as several generous donations of traditional sculpture to the City. These sculptures reflect the early history of Golden's foundations and heritage. In recent decades, the collection has grown, become more diverse and has been sprinkled throughout the community. It is beginning to tell a new, more contemporary story about Golden, its communities and its bright future. As the City continues to progress, the AIPP Program will continue to evolve along with it, communicating its collective history and shared vision for the future of this community.

1.B. AIPP Program Mission and Vision

Mission: To enrich the public environment and experience for residents and visitors through the arts.

Vision: To create and support diverse arts projects and programs of and for the entire Golden community, through leadership, stewardship, and partnerships.

1.C. Golden AIPP Program Goals

Background: In 2013, an Art in Public Places Handbook was written, outlining the policies and procedures that guide the AIPP Program. In 2022, these policies and procedures were updated and edited to better reflect the goals and purpose of the AIPP Program.

The following four program goals were identified for the future of the program:

Goal A. Advocate for Advancing The Arts in Golden

Art contributes to our quality of life, civic pride and economic vitality. We will be the City's key advocates for including art in all City decisions, planning, and construction, where possible. We will support City leadership as it considers establishing broader support for arts and culture and we will embrace and elevate all arts in Golden.

Goal B. Create a Diverse and Accessible Collection for Golden

As stewards of the City's public art collection, we will create a collection of permanent and temporary artwork that:

- Features work of the highest level of artistic excellence;

- Features work by a broad and diverse group of artists, working in a variety of methods and media;
- Explores and reflects a diversity of themes, subjects and traditions; and
- Enriches public spaces in all parts of our City and is accessible and available to everyone.

Goal C. Maintain our Collection for Golden

Golden's collection of artwork is an asset to our community. We will maintain, conserve and care for the collection for generations to come.

Goal 4. Promote the Arts for Golden and Beyond

Golden's public art collection will inspire, educate, and create conversation. We will promote and inform the public about Golden's public art and seek to increase public understanding through education, media, and events.





SECTION 2

AIPP DEFINITIONS

Section 2: AIPP Definitions

Public art is defined in City of Golden Municipal Code Chapter 2.60 (see appendix) but is further detailed in this handbook.

2.A. Public Art

“Public art” as defined by this policy, is artwork that is:

- Owned by the City of Golden and acquired (in whole or in part) with public funding and sited on public property; and/or
- Donated or loaned specifically to the City’s AIPP Program; and/or
- Sited on private-property and owned by the City according to a legal agreement ; and/or
- Privately-sponsored artwork that is sited on publicly-owned land according to a legal agreement between City of Golden and private sponsor.

2.B. Inclusions

The Golden AIPP Program includes public art that is:

- Temporary or permanent;
- Located inside or outside of a public building;
- Located in the public right-of-way; and/or
- Located on private land according to a legal agreement between City of Golden and a private landowner.

2.C. Types of Public Art

Public art may include, but is not limited to, the following types of artwork:

- Sculpture: in the round, bas-relief, mobile, kinetic, in any material of combination of materials;
- Painting: all media, including portable and permanently affixed works and murals;
- Digital, projected and electronic art;
- Graphic Arts: printmaking and drawing;
- Mosaics;
- Photography, film or video;
- Light-based art;
- Craft: clay, fiber and textiles, wood, metal, plastics, glass, and other materials; both functional and nonfunctional;
- Mixed media & collage;
- Fountains, memorials and decorative memorial plaques;
- Earth works and environmental installations;
- Conceptual and text-based artwork;
- Sound-based artwork;
- Functional artwork: pavers, benches and other functional items if designed by an artist; and
- Performance-based artwork that produces a permanent leave-behind.

2.D. Not Considered Public Art

The Golden AIPP Program does not consider the following to be public art:

- Directional elements, signage, or way-finding elements except where those elements are an integral part of a work of art designed by an artist;
- Educational plaques except where the plaque is an integral part of a work of art designed by an artist;
- Objects which are mass-produced and not designed by artists, such as standard playground equipment, benches, drinking fountains, and light fixtures.
- Decorative, ornamental, or functional architectural elements unless designed by an artist;
- Landscape gardening, except where these elements are designed by an artist, are an integral part of a work of art, or in service to a work of art;
- Signage, murals or artwork which serves as advertising for a business; and/or
- Temporary or permanent artwork that is privately sponsored and located on private land according to a legal agreement between the private entity and the City.





SECTION 3
GROUPS INVOLVED WITH
GOLDEN AIPP PROGRAM

Section 3: Groups Involved with the Golden AIPP Program

The City of Golden's AIPP program is administered solely by the Public Art Commission (PAC) and involves other groups as outlined in the section below. Other departments, commissions and entities such as Public Works, Parks and Recreation, and the Downtown Development Authority shall have advisory roles in the Golden Public Art Program, but the PAC has final approval for the City's expenditures of public funding on artwork and makes decisions for the city-owned art collection, including acquisitions, maintenance, and planning.

3.A. Public Art Commission (PAC)

The purpose of the PAC is to be stewards of the AIPP Program for the City of Golden. As such, they are charged with oversight of acquiring, managing, maintaining the public art collection as well as acting as program spokespeople and champions. Members of the PAC are appointed by City Council to carry out the duties and responsibilities of the AIPP Program for the City of Golden. The establishment and responsibilities of PAC are defined in Golden Municipal Code (GMC) Chapter 2.64 (see appendix) but are further detailed in this handbook.

3.A.1. Appointment & Membership

The City Council shall appoint a Golden Public Art Commission composed of seven members as follows:

- The Executive Director of the Foothills Art Center or their designee (*ex officio* member);
- A representative selected by the board of directors of the Golden Civic Foundation (upon approval of City Council);
- Additional members shall be individuals who are artists, arts professionals or have demonstrated interest or expertise in architecture, art criticism, art education, art history, graphic arts, interior design, landscape architecture, town planning or other art and design related fields, or who have demonstrated a strong interest in the visual arts and civic improvement;
- All PAC members shall either be full-time residents of Golden or business owners in Golden; and
- Other non-residents of Golden will be considered for board membership on a case-by-case basis.

3.A.2. PAC Duties & Responsibilities

The duties and responsibilities of PAC are defined in GMC Chapter 2.64 (see appendix) but is further detailed in this handbook. The PAC shall:

- Adopt rules of procedure governing its proceedings consistent with the Golden Charter and Municipal Code;
- Select, acquire, and maintain the city's public art in fulfillment of the goals of the City's AIPP Program Goals (see Section 1);
- Identify suitable locations within the city for public art;
- Facilitate the maintenance, preservation and safety of the public art collection;

- Prescribe procedures for the competitive and transparent selection, acquisition, placement, display, rotation and deaccessioning of public art;
- Oversee the public art budget as well as solicit grant funding for public art projects;
- Prepare an annual report of the PAC's yearly activities, including expenditures and goals for the coming year;
- Act as ambassadors for the AIPP program within in the community; and
- Promote public art through a public education program and materials.

3.A.7 Meetings

The PAC shall meet monthly at a regularly scheduled time and place as agreed upon by its members, which shall be open and accessible to the public. A public record of all meetings will be kept.

3.B Staff Liaison(s)

The Golden City Manager shall appoint Staff Liaison(s) to provide administrative support and assistance to the PAC as necessary to accomplish the duties of the PAC and the purposes of this section. The City Manager may appoint additional staff to assist with the duties of the PAC as needed.

3.C Consultant(s)

The PAC may hire consultants and/or specialists to assist with elements of the program as needed.

3.D City Council & City Manager

The PAC has full approval authority for its own policies and expenditures. In some cases, in accordance with Golden's purchasing policies and City Codes, the City Council or City Manager may request to approve projects or contracts on a case-by-case basis.

3.D. Selection Jury

The PAC may serve as the jury for all art acquisitions. However, the PAC may alternatively select a special jury to review submissions. In such cases, proposals shall be considered by the jury and a final choice(s) will be presented to the PAC for acceptance. These types of selection juries can provide additional community input, specialist input and other important perspectives for the public art selection process. The PAC, together with the Staff Liaison, shall decide whether a jury is needed and confirm the use of a jury through a majority vote of the PAC.

3.D.1. Jury Size & Membership

The size of the jury shall be determined by the PAC. Jurors are appointed by a majority vote of the PAC and serve at the discretion of the PAC. Jury members may be removed by a majority vote of the commissioners. The jury may include but is not limited to:

- One professional artist;
- One art professional which may include an additional artist, art historian, museum curator, or arts coordinator;
- One community lay person interested in the project;
- One person who either lives or works near the proposed site for the artwork;
- One PAC member;

- City of Golden Staff or leadership as needed for their knowledge of the project area, neighborhood, etc.; and
- Additional jurors may be chosen for the jury as deemed appropriate.

3.D.2. Jury Voting rights

Each juror has one vote, and no juror has the right of veto. If a consensus cannot be reached by the jury, then a majority vote carries the decision. The jury has the right to make no selection if there is no proposal judged to be of sufficient merit. The jury will forward its decision to the PAC for final vote and acceptance.

3.D.3. Non-Voting Jury Advisors and Consultants

The Staff Liaison or their appointee shall serve as a nonvoting resource for each selection and will keep records of the jury deliberations and decisions. The PAC may also appoint non-voting advisors and consultants to provide guidance and advice related to the project. For example: artwork appraisers, engineers, conservation and maintenance specialists and other arts professionals. Advisors do not vote.

3.E. Conflict of Interest

It is expected that members of the PAC, AIPP Staff and Liaisons, Selection Juries, members of subcommittees, panels or any other ad hoc groups or individuals working with the AIPP program may be aware of the work of some artists and arts organizations who submit their work for consideration for public art projects. Such awareness alone does not constitute a conflict of interest, nor does owning a piece of work by a submitting artist. A conflict of interest is deemed to exist if a member/jurist is related to an artist, either through family, marriage or domestic partnership, any other relationship of economic interdependence, a business relationship such as representing the work of an artist as a gallery owner, or if a member stands to gain direct benefit, whether financial or otherwise, from the selection of an artist. If a member is related to an artist under consideration in one of the ways mentioned above, they shall state that they have a conflict of interest and shall recuse themselves from voting or further discussion on the project in question.





SECTION 4

PUBLIC ART ACQUISITION: GUIDELINES

Section 4: Public Art Acquisition: Guidelines

The mission of the PAC and the AIPP Program is to enrich the public environment and experience for residents and visitors through the arts. The PAC will continue to expand and add variety to the public art collection in alignment with the mission, vision and goals outlined in Section 1. The following section provides the policy for acquiring works of art through Golden's AIPP Program.

4.A. Acquisition Policies

All Public Art shall be selected through a fair and transparent process. The PAC may adopt new policies and procedures at any time to guide their process. Artwork may be acquired by a variety of methods: direct commission via open competition, direct purchase (with or without competition), permanent donation, community collaboration and/or temporary loan. Each acquisition method is described in detail in Section 5: Public Art Acquisition: Methods.

4.B. Funding

AIPP new acquisitions, projects and programs may be funded via the following sources:

4.B.1. One-Percent Funding

According to the AIPP ordinance (see appendix), one percent (1%) of the construction cost of each new City of Golden Capital Improvement Project (CIP) with an estimated construction cost of over fifty-thousand dollars (\$50,000) may be deposited in the City's Art in Public Places Reserve Account (Reserve Account). With guidance from the AIPP Staff Liaison, the City's CIP project managers and Accounting staff will ensure the proper allotment of funds to be reserved for artwork in the Reserve Account in each case.

4.B.2. Yearly Allotment

The City of Golden will annually allocate funds to support general AIPP expenses to ensure consistency for the program. City Council may elect to provide the AIPP program with a yearly budget allotment for its programs and collection maintenance. The Staff Liaison to the PAC shall make recommendations to the PAC, City Council and City Staff for yearly allotment funding during Golden's annual budget process.

4.B.3. Donated and/or Grant Funds

The PAC may combine any of the funding sources listed above with donated/granted funds from various outside sources for the acquisition of artwork. The combined donated funds shall be used according to donor or grantor designation or if undesignated at the discretion of the PAC.

4.C. Budget Assignment

At the time of an acquisition approval, whether by donation, commission, loan or purchase, the proposed budget for an artwork shall be set aside in the AIPP Reserve Account and should cover all costs of design, fabrication, installation, and maintenance. Costs may include:

- Pedestals, bases, lighting, landscaping or other display components;
- Site development, rental equipment, site-safety, or other installation needs;

- An identification plaque, photography and dedication ceremony; and
- Contingency.

4.D. Site Selection

To ensure public art is safe, properly sited as well as fairly and equitably distributed throughout the City of Golden, the PAC shall consider the criteria below to guide the placement of art projects. City Departments will provide support, professional expertise, and advisement as needed for installations selected by the PAC. Criteria shall include:

- Relationship of scale of the artwork and the site's physical dimensions;
- Whether or not there is other public art in the vicinity;
- Compatibility of the design and location with the character of the site;
- Relationship of proposed artwork to existing artworks in the vicinity;
- Accessibility to the general public, with particular attention paid to Americans with Disabilities Act (ADA);
- Visibility and access for the public at least during normal building or park operating hours without cost or permission;
- Vehicular, bicycle and pedestrian traffic patterns, including ingress/egress;
- Public safety (see Section 6. Safety Policy);
- Environmental impacts;
- Impacts on adjacent property owners;
- Sightline obstruction and traffic impacts/distractions;
- Maintenance requirements created by the installation, such as landscaping, lighting, underground utilities and accessibility for maintenance;
- Future development of the site; and
- Any other criteria deemed by the PAC or the City to be important.

4.E. Contracts & License Agreements

Following the final selection of an artwork or artist, regardless of funding source or acquisition method, a written contract or license agreement shall be prepared by the PAC and the Staff Liaison and approved by the City Attorney. Each contract will be drafted on a case-by-case basis, but usually outlines the following items:

- Project scope and deliverables;
- Description of artwork to be acquired;
- Insurance requirements for all parties;
- Contract amount and payment schedule;
- Project milestones;
- Artists' rights, including copyright;
- City of Golden's rights vis-à-vis the artwork;
- Warranties and maintenance/restoration agreements;
- Provisions for making changes to the contract or contract amount;
- Provisions for cancellation of the contract by any party; and
- Other legal requirements as requested by City Attorney.





SECTION 5

PUBLIC ART ACQUISITION: METHODS

Section 5: Public Art Acquisition: Methods

As stated in Section 4, public art shall be selected in a fair and transparent selection process. At every phase of art selection, the public will have opportunities to be involved and kept apprised of the PAC's activities through the PAC's regular open and accessible meetings and minutes. Artwork may be acquired by the following methods: direct commission via open competition, direct purchase (with or without competition), permanent donation, community collaboration and/or temporary loan. Each acquisition method is outlined below.

5.A. Project Initiation

All acquisitions of artwork may be initiated by the PAC, Staff Liaison, or others in the Golden community (Community Proposal). If the project is initiated internally--by the PAC or AIPP Staff Liaison--these acquisitions can occur at any time. Unsolicited Community Proposals will be proposed and reviewed twice a year every April and October (or at times to be announced to the public by the PAC). To move forward, Community Proposals must be approved to move forward by a majority vote of the PAC. This policy shall apply to all acquisition methods stated below.

5.B. Acquisition Policy for Direct Commissions

A direct commission allows the PAC to directly solicit artists to create a unique proposal for a particular site. The resulting artwork is a distinctive original work of art proposed and specifically designed for a location in the City of Golden. Usually, such commissions are solicited and selected via an open competition.

5.A.1. Direct Commission Project Initiation

New commissions for artwork can be initiated by the PAC, Staff Liaison, or others in the Golden community (see 5.A. above for details).

5.A.2. New Direct Commission Proposal

All new art commissions must go before the PAC and be accompanied by a New Commission Proposal which briefly outlines the proposed project. New Commission Proposals shall include the following information:

- Brief project introduction and how the project will further the AIPP Program Goals;
- Selection method;
- Proposed project location;
- Proposed type of artwork and materials;
- Proposed purpose/audience;
- Expected timeline;
- Expected budget requested from Public Art funds and/or from other funding sources;
- Maintenance considerations; and
- Any other information pertinent to the project as needed/requested.

5.A.3. City Staff Review

Before the PAC approves the Commission Proposal to move forward, the PAC may require review by City of Golden Staff for consideration of the following factors: public safety, pedestrian, and vehicular traffic patterns, impacts on operational functions of the City, environmental impacts and other planning issues.

5.A.4. PAC Review and Approval

Following review and comments by City Staff, the PAC shall review the New Commission Proposal and approve or disapprove the project to move forward through a majority vote. They may also request additional information. The PAC will base their decision on the following criteria:

- Whether the proposed project adheres to Golden's AIPP Goals (Section 1) and stated policies;
- Whether the proposed project is in alignment with existing PAC master/strategic plans;
- How the new artwork will contribute to the overall diversity of the collection and Golden community at large;
- Whether the proposed site is appropriate and meets the standards outlined in Section 4.D.;
- Expected budget, available resources, and timing of the project; and
- Other criteria as noted by the Staff Liaison and PAC.

5.A.5. Approved Commission Proposals:

Once a Commission Proposal has been approved by the PAC, the PAC and the Staff Liaison will create an outline of the next steps toward completion of the project. Items to include are:

- Selection Jury appointment;
- Project orientation from City staff, as needed;
- Method of selection (see Section 5.A.7. below);
- Timing of selection process;
- Project integration dates;
- Budget;
- Expected impacts on the neighborhood or area during installation; and
- Other items pertinent to understanding the approved project.

5.A.6. Budgeting Approved Commissions

Once the PAC approves a Commissioned project to move forward, the Staff Liaison shall set aside appropriate funding in the AIPP Reserve Account to cover all costs of the project and a contingency.

5.A.7 Art Selection Methods for Commissioned Art

Most often, new commissions are selected using a competitive process open to artists according to criteria set by the PAC or selection jury. The PAC can serve as the jury for open competitions, however, may alternately select a jury to review submissions (see Section 3.D.above). In such cases, proposals shall be considered by the jury and a final choice or choices will be presented to the PAC for acceptance.

5.A.8 Selection Methods Available to PAC for Direct Commissions

Open Competition via Request for Qualification (RFQ):

- Project is advertised to the public and all interested and qualified artists may submit qualifications (images of past work, biography, artist statement, etc.) for consideration.
- One or more artists may be selected to move on to a proposal phase. Artists are paid a small honorarium/artist fee to cover the cost of their artwork proposal and/or travel to the site.

- Artists will be selected for commission based upon their artwork proposal. If no proposal is deemed suitable, the project can be suspended, or re-called using any selection method.
- Records of the selection process are reviewed and certified in a public meeting of the PAC.

Open Competition via RFQ & Interview

- Project is advertised to the public and all interested and qualified artists may submit qualifications (images of past work, biography, artist statement, etc.) for consideration.
- One or more artists may be selected to move on to an interview phase. Artists are not paid for their interview and do not develop or present an artwork proposal.
- Artists will be selected for commission based upon their interview, qualifications and other answers to questions as directed by the selection jury or PAC. If no interviewee is deemed suitable, the project can be suspended, or re-called using any selection method.
- Records of the selection process are reviewed and certified in a public meeting of the PAC.

Limited Competition/Invitational

- A select number of artists are invited to submit qualifications or proposals for a site. An appropriate fee shall be allocated for the artists' participation and/or proposals as determined by the PAC.
- Artists will be selected for commission based upon their proposal, interview, qualifications, and other answers to questions as directed by the selection jury or PAC. If no invitee is deemed suitable, the project can be suspended, or re-called using any selection method.
- Records of the selection process are reviewed and certified in a public meeting of the PAC.

5.A.9. Selection Criteria

When evaluating qualifications, a proposal or interview by a particular artist, the PAC or selection jury generally considers:

- The artist's excellence and experience with public art projects;
- The ability of the artist to work cooperatively and effectively with the PAC and the City of Golden;
- The artist's presentation;
- The technical feasibility of a proposed project and the artist's technical ability; and
- Other factors deemed by the PAC to be important.

5.B. Acquisition Policy for Direct Purchase

Direct purchase results in acquisition of artwork that is already fabricated, and part of an artist's collection or part of a collection or from a gallery. The artwork can be acquired without competition or via an open call for artwork. The artwork is then purchased and modified to be installed in Golden.

5.B.1. Direct Purchase Project Initiation

Proposals for Direct Purchases of artwork can be initiated by the PAC, Staff Liaison, or others in the community. The PAC may approach an artist directly, or vice-versa. If initiated by an artist or others outside the PAC, the acquisition must be proposed (see section below) and may move forward if approved by a majority vote of the PAC.

5.B.2. City Staff Review

Before the PAC approves a Direct Purchase to move forward, the PAC may require review by City of Golden Staff for consideration of the following factors: public safety, pedestrian, and vehicular traffic patterns, impacts on operational functions of the City, environmental impacts and other planning issues.

5.B.3. PAC Review

Following review and comments by City Staff, the PAC shall consider the following prior to any direct purchase of artwork:

- Whether the proposed project furthers Golden's AIPP Program Goals (Section 1) and stated policies;
- Whether the proposed artwork is in alignment with existing PAC master/strategic plans;
- How the new artwork will contribute to the overall diversity of the collection and Golden community at large;
- Whether the artwork can be appropriately sited and meets the standards outlined in Section 4.D.;
- Expected budget, available resources and timing of the project; and
- Other criteria as noted by the Staff Liaison and PAC.

5.B.4. Direct Purchase Proposals

Artists or others outside the PAC who approach the PAC to purchase an artwork should be prepared to submit the following to the PAC:

- A cover letter explaining why the work should be added to the City's public art collection and how this purchase will further the stated AIPP Program Goals;
- A proposal overview with the artist's name, title of the artwork, dimensions, medium, date produced, number in the edition if applicable, restrictions on reproduction, and other information the artist deems pertinent;
- Proposed location for artwork and installation requirements;
- A resume and references;
- A maquette and/or images or the actual work to show scale and condition of artwork;
- A conservation assessment describing the artwork's condition, along with a maintenance plan, authored by the artist or a qualified conservator;
- A signed statement indicating that they have read and will comply with all aspects of the Art in Public Places Safety Policy and other relevant policies;
- Proof of provenance;
- A signed statement that the proposer has legal authority to sell the artwork; and/or
- A release of image rights for the piece permitting publishing of photographs of the piece as the City of Golden sees fit.

5.B.5. Direct Purchase via Open Call for Artwork

In some cases, the PAC may solicit an “Open Call for Artwork” to purchase artwork that is for sale from different artists, galleries, or collectors. This type of open call will result in more choices for the PAC.

5.B.6. Selection Jury

The PAC can serve as the jury for open competitions, however, may alternatively select a jury to review submissions (see section 3.D. above). In such cases, proposals shall be considered by the jury and a final choice or choices will be presented to the PAC for acceptance.

5.B.7. Selection Methods Available to PAC for Direct Purchases via Open Call

The PAC and the Staff Liaison shall be responsible for developing the selection process and public participation component for each direct purchase. The project will consider the following selection methods:

Open Call for Artwork:

- A site, budget and criteria for artwork is advertised to the public and all interested and qualified artists may submit images of existing artwork for purchase.
- A work of art is selected and approved for direct purchase from these submissions. If no work is deemed suitable, the project can be suspended, or re-called using any selection method.
- Records of the selection process are reviewed and certified in a public meeting of the PAC.

Limited Competition/Invitational:

- A selected number of qualified artists are invited to submit works of existing art for sale.
- A work of art is selected and approved for direct purchase from these submissions. If no invitee is deemed suitable, the project can be suspended, or re-called using any selection method.
- Records of the selection process are reviewed and certified in a public meeting of the PAC.

5.C. Acquisition Policy for Donations

Generous donations from members of the community, arts organizations and private parties have been the foundation of the City of Golden’s public art collection. The PAC encourages donations of artwork that follow these policies and advance the goals of the AIPP Program.

5.C.1. Limitations

Golden’s AIPP Program has limited project funds as well as municipal sites appropriate for the installation of artwork. To ensure the quality and diversity of the collection, the PAC uses the following guidelines to carefully consider whether a proposed donation is appropriate to add to the City’s collection. The PAC accepts only those works that will, in its discretion, further the AIPP Program Goals.

5.C.2. Donation Initiation

Proposals for donated artwork can be initiated by the PAC, Staff Liaison, or others in the community. If initiated by others outside the PAC, a Donation Application must be submitted and approved to move forward by a majority vote of the PAC.

5.C.3. Donation Applications

Any donation proposal to the PAC must be done so through a written Donation Application submitted to the PAC. To assure fairness and transparency, Donation Applications are reviewed only twice a year during the PAC's regular April and October meetings. The PAC may elect to review Donation Applications at other times under special circumstances. Each Donation Application should include:

- A cover letter explaining that the artwork is offered to the City as a gift and why the work should be added to the City's collection;
- An explanation of whether the donation is for a permanent addition to the City's collection or if it is a temporary loan (see Section 5.D.);
- A description of how the work of art contributes to the overall AIPP Program Goals;
- Artist's resume or biography information and examples of the artist's past work;
- Maquettes, images or the actual work to show the condition and proper scale of the work;
- Proof of the artwork's provenance, exhibition history or a letter of authenticity from the artist, if appropriate;
- A current estimate of value;
- A site plan and landscaping plan for proposed installation site;
- A conservation assessment authored by the artist or a conservator describing the artwork's condition, expected life span, and maintenance requirements, including projected costs for maintenance;
- Proposed donation of funds to support ongoing maintenance of the artwork;
- An acknowledgement that the artwork complies with all aspects of the Safety Policy (see Section 6);
- A statement that the proposer has legal authority to donate the artwork; and
- Additional information as requested.

5.C.4. Maintenance considerations

When accepting a gift into the collection, the PAC may require that the donor sign a maintenance agreement or establish a maintenance endowment to ensure adequate care for the artwork. The PAC is unlikely to consider donations that require immediate or extensive maintenance.

5.C.5. Timing

To assure fairness and transparency, the PAC reviews Donation Applications by outside parties twice per year at their regular April and October meetings, unless otherwise published. Exceptions to this timing can be made if deemed appropriate by a majority of the PAC. After review, the PAC may choose to accept or decline a gift, or to table an offer.

5.C.6. Selection Jury

The PAC can serve as the jury for donation applications, however, may alternately select a jury to review submissions (see Section 3.D. above). In such cases,

applications shall be considered by the jury and a final choice or choices will be presented to the PAC for acceptance.

5.D. Acquisition Policy for Loans

To increase the variety and artistic quality of public art for the community, the City of Golden will occasionally display art loaned to the City by artists, institutions or organizations. This allows for rotating exhibitions of artwork and assures that the art displayed within the City remains fresh. To ensure the quality of the works displayed, the City designates the PAC as the entity to review such loans. The PAC shall use the following guidelines to decide whether a proposed loan is appropriate, the duration of the loan, and where it should be located.

5.D.1. Loan Initiation

Proposals for loans of artwork can be initiated by the PAC, Staff Liaison, or others in the community. If initiated by others outside the PAC, in order to move forward, the acquisition must be proposed and approved by a majority vote of the PAC.

5.D.2. Solicitation of Loaned Artwork

In some cases, such as an exhibition of local artists in a public building, the PAC may solicit an "Open Call for Artwork" to request loans from different artists, galleries, or collectors. This type of open call will result in more choices for the PAC. The selection process will follow similar guidelines as Section 5.B. for Direct Purchase above. In the solicitation to the artists, the loan term, location of display, and compensation to the artist shall be clearly stated.

5.D.3. Process for Consideration of Unsolicited Loaned Artwork

The PAC requests that individuals or entities interested in loaning artwork follow the steps to the Donation Procedure in Section 5.C. above. In addition to the items listed on the Donation Proposal, the lender must indicate that the loan is offered on a temporary basis, the duration of the loan, and any other terms for the loan. Other items may be requested including:

- Precise terms of loan offer (terms, duration, etc.);
- Details on installation and de-installation;
- Terms for any required maintenance during the term of the loan;
- Terms of repair agreement if artwork is damaged during the loan term; and
- Insurance requirements.

5.D.4. Loan Agreement

Following the final selection of an artwork or artist, a Loan Agreement shall be prepared by the PAC and the Staff Liaison and approved by the City Attorney. The loan agreement may include the following stipulations:

- Terms of installation and de-installation of the artwork, including details of transportation of the artwork to the site. Installation and removal must take place with the assistance of the appropriate City staff.
- Terms of insurance for the artwork during transport and the loan period as well as liability insurance to cover the City and the artist(s) and/or owner.
- Agreement that the City is not responsible for normal wear and tear, damage resulting from the exposure to the elements, gradual deterioration, vandalism or damage due to force majeure.

- Permission for the City to photograph artwork for the AIPP program’s promotional use.

5.D.5. Exemptions

These guidelines shall not apply to:

- Artwork loaned to City staff or officials for display in their personal offices;
- Gifts of State presented to the City by other governmental entities (municipal, state, national or foreign); and
- Artwork loaned to nonprofit organizations that manage City entities or properties or to City of Golden museum(s).

5.E. Special Temporary Artwork, Exhibitions & Murals

“Temporary artwork” is defined separately from loaned artwork above (Section 5.D.).

Temporary artwork is proposed for a site as a semi-permanent work that will be destroyed, weathered away or removed after a period of time. Examples of temporary artwork include environmental works of art, installations, event-based artwork or murals.

5.E.1. Temporary Art Agreement

Acquiring Temporary Art shall follow the appropriate acquisition method outlined in Section 5.A, B, and C. In addition, a Temporary Art Agreement outlining the terms of the temporary exhibition, installation or mural shall accompany the required application/proposal. Information that must be included:

- Expected short term maintenance costs and procedures;
- Expected term or lifespan of art installation;
- Value of artwork (for insurance purposes);
- Proposed site; and
- Proposed disposal of the artwork (if applicable) or deaccession procedure and disposition.

5.E.2. PAC and Staff Approval

All temporary works of art will be reviewed by the PAC in consultation with appropriate City departments such as Public Works, Fire, Community and Economic Development, Recreation, and/or Police. Their recommendations will be considered prior to approval by the PAC or selection committee.

5.E.3. Insurance & Maintenance

Golden shall maintain appropriate insurance for the work of art for the duration of the temporary display period. Golden shall maintain and conserve the loaned artwork during its term of installation or according to the Temporary Art Agreement.





SECTION 6

SAFETY POLICY

Section 6: Safety Policy

Maintaining a safe environment for our community and visitors is of key importance for the AIPP Program. All art accepted into Golden's public art collection is evaluated regularly to make sure artwork is not damaged or does not become a safety hazard. The City of Golden through the PAC should endeavor to follow safety precautions provided by the City's risk management agency when considering art for purchase and placement. This safety policy should be provided to any artist or donor as part of the acquisition process.

6.A Design for Safety

All artwork on display in the collection should be constructed with consideration given to the following points:

- No sharp points, corners or edges that could cut or puncture;
- No protrusions or projections that could entangle clothing;
- No pinch, crush or shearing points that could entrap a body part or clothing;
- No trip or slip hazards that may cause a fall, or cause injury if fallen upon;
- No suspended hazards; and
- The art should be securely anchored to avoid toppling.

6.B. PAC and Staff Review

A review process shall take place to evaluate each art piece before it is acquired for the collection. PAC members (and City Staff representatives as needed) should ask the following questions:

- Is it suitable content for public display in accordance with community standards?
- Does it pose any physical hazards, such as those stated above?
- Has the artwork (and its supports) been reviewed and approved by a licensed engineer?
- Could the artwork be easily damaged?
- Should it be accessible for the public to touch, or should such access be prohibited?
- Even if such access is prohibited is it likely that people, especially children, would attempt to play on or around the art piece, especially if it is an unmonitored location? Does this pose additional safety hazards?

6.C. Location review

The PAC shall consider proposed locations for the following safety issues:

- Avoid situating pieces near playgrounds, which may invite children to play on the art piece, unless the art piece was designed for that purpose or could safely withstand this type of interaction;
- If climbing is permitted, create a soft fall area under the sculpture;
- Consider the proximity to roadways so that the art piece does not obstruct traffic line of sight or risk being struck by traffic;
- Consider signage that warns of climbing or touching the art; and
- Discourage activities that put the public or artwork in danger.

6.D. Removal & Repair of Art

Once the art is on display, it will be reviewed regularly for damage or deterioration. If a piece is damaged and/or declared a safety hazard, it will be repaired or removed immediately.





SECTION 7

MAINTENANCE POLICY

Section 7: Maintenance Policy

The works of art in the collection are assets of the City of Golden. As such, it is the responsibility of the City and the PAC to maintain the collection of publicly-owned artwork to ensure the long-term value of these assets and that the collection can be enjoyed for generations to come. The following policy outlines the documentation, preservation, and maintenance processes that will support this goal. The policy will be implemented on a piece-by-piece basis that recognizes the value of each work of art in the collection. The AIPP program shall not maintain artwork outside of its acknowledged collection without prior legal agreement between the City and the owner of the artwork.

7.A. Documentation

Each work of art in the collection shall be properly and regularly documented with the following:

- Complete inventory of the collection including current location of each work;
- Periodic condition reports;
- Records of actual maintenance performed and an assessment of those efforts;
- Photographs and maintenance documentation;
- Artist's maintenance recommendation, methods and materials information, potential problems with the work, finishes information (e.g., painter's name; when, where, what, and how the piece was finished), quality of materials used, installation information, warranties, professional and/or other knowledgeable opinions regarding preservation and maintenance; and
- Artist's resume, artwork history, estimated value, where the work has been exhibited, and any transcriptions or recordings of personal interviews with the artist.

7.B. Pre-Acquisition Maintenance Documentation

Before a piece is accepted into the City's collection the PAC and Staff Liaison will review the artwork and provide an expected maintenance assessment. The PAC will engage appropriate City staff and outside contractors and/or experts as needed to assess the work. If available, the artist will also be consulted for recommendations on maintenance. This information will become part of the permanent documentation of the specific piece and reside in the records of the Staff Liaison.

7.C. Maintenance Process

7.C.1. Inspection and Condition Report

At regular intervals determined by the PAC, the collection will be surveyed for maintenance and repair reporting. Paid professional condition appraisers/conservators and/or knowledgeable volunteers, craftspeople or industry experts will perform the inspection for each piece. An inspection and condition report for each piece will become part of the permanent documentation of the specific piece and will reside with the Staff Liaison.

Each medium will require that personnel with the appropriate expertise be consulted to develop maintenance criteria.

7.C.2. Maintenance Plan

Based on the inspection and condition report, artist maintenance recommendations and pre-acquisition maintenance assessment, a maintenance plan will be developed and updated annually to schedule and perform cleaning, repair, and other required maintenance to preserve each piece in the public collection. This plan is initiated by the PAC and coordinated by the Staff Liaison.

7.C.3. Performing Routine Maintenance

Paid professionals and/or trained and supervised volunteers will perform routine maintenance according to the maintenance schedule and condition report for each specific piece. The Staff Liaison will initiate and coordinate routine maintenance activities.

7.C.4. Artist Involvement

Some works of art will be accompanied by a set of maintenance recommendations provided by the artist and/or owner. In these cases, all efforts will be made for the maintenance or repair to be undertaken by the artist or their designee.

7.C.5. Special & Emergency Maintenance

Paid professionals/craftspeople or knowledgeable volunteers will perform maintenance that requires specialized tools, equipment, or knowledge on an "as needed" basis. The PAC will use the condition report and/or site visits to determine need. If a work of art has been deemed unsafe to the public, it shall be removed from its site and stored until repairs can be made or considered for de-accession (Section 6.D.).

7.C.6. Funding

Funds for maintenance will be established through a budget developed by the PAC and the Staff Liaison. Funds will come from the AIPP Reserve Account. In cases of donated artwork, potential donors may be requested to contribute to the future maintenance fund. In some cases, additional supplemental funding may be requested for larger repairs at the annual AIPP budget review.





SECTION 8

DEACCESSION POLICY

Section 8: Deaccession Policy

Occasionally, public art needs to be refreshed and/or deteriorating artwork must be removed from the collection. Deaccessioning is a procedure for withdrawing a work of art from the City of Golden's public art collection. All artwork in the collection will be considered permanent parts of the collection unless these artworks were created as temporary, semi-permanent art or the art is on loan. Artworks may be considered for removal from the collection (deaccessioned) with a majority vote of the PAC.

8.A. Criteria for Deaccession

The PAC may deaccession artwork for any of the following reasons:

- The artwork endangers public safety;
- The artwork has been severely damaged or is determined to be in unsatisfactory condition and continued maintenance or repair is not feasible;
- The artwork lacks a suitable display site or the artwork is site specific in an area/building that is slated for re-development, remodeling, or destruction;
- The condition or security of the artwork cannot be reasonably guaranteed where located;
- The artwork is incompatible with the rest of the collection or is not aligned with the current Public Art Goals;
- The City or PAC wishes to replace the artwork with a piece of more significance;
- The artwork requires excessive maintenance or has faults in design or workmanship, causing an undue maintenance burden for the City of Golden;
- The artwork is fraudulent or not authentic;
- The artist requests the removal from the collection;
- The artwork is a maquette or other item for which there is no longer storage;
- The City cannot properly care for or store the artwork;
- The artwork is a memorial or monument that is out-of-date or has lost significance to the community;
- Significant adverse public reaction towards artwork has continued unabated over a five-year period; or
- For any other significant reason articulated by the PAC, at its discretion.

8.B. Disposition/Disposal of Artwork

While deaccession is being considered, the disposal or disposition of the artwork must be considered as well. The PAC may consider the following options for disposition of a deaccessioned artwork, listed in order of preference:

- Return to the artist;
- Return to the donor;
- Donation or trade to another tax-exempt public institution;
- Sale or auctioned, with preference given for sale at an advertised public auction or public marketplace that will best protect the interest, objectives and legal status of the collection (with proceeds returned to the AIPP Program or maintenance fund);
- Destruction/disposal; or
- Any other option deemed appropriate by the PAC.

8.C. Artist involvement

The PAC and staff will make every effort to involve the artist (or artist's estate) in the decision to deaccession a work of art and in some cases, the PAC may require formal permission of the artist before considering removal from the collection. Before deaccessioning any artwork, the PAC shall comply with all terms and conditions relating to deaccession which are found in the acquisition contract or any other agreement which may exist between the artist and the City of Golden.

8.D. Process

The PAC will regularly review the pieces in the City's Public Art collection to determine whether any piece(s) should be recommended for deaccession. In addition, the PAC reserves the right to deaccession any artwork at any time deemed appropriate by the PAC.

Deaccessioning process must take place during a regularly scheduled PAC meeting or a special meeting (see Section 3.A.8).

8.E. Deaccession Report

The Staff Liaison will present the PAC with a written deaccession report with the following information:

- Data and information about the artwork that is proposed for deaccession;
- Narrative on the history of the work of art and its acquisition;
- Value of work to be deaccessioned;
- Correspondence with the artist (if any);
- Detailed account for the reason(s) for its removal from the collection;
- Time frame and budget for removal of the artwork;
- Review by the City attorney outlining any legal issues related to the request (as needed);
- Means of disposal or disposition of the artwork; and
- If artwork is to be sold or auctioned, where proceeds from the sale will be placed.

8.F. City Staff Input

The Staff Liaison shall also submit the report to the appropriate City of Golden departments so that they may provide any feedback on the deaccession. No public artwork shall be removed, re-sited or altered by any other City department or public or private entity or individual without the prior review and approval of the PAC.

8.G. Public Notice

This deaccession report will be made public as part of the Public Art Commission agenda materials posted prior to the official meeting and vote to deaccession. The public shall be encouraged to attend and comment on the deaccession.

8.H. PAC Approvals

A majority of PAC commissioners in a quorum must approve a deaccession of artwork from the City collection. The final decision will be documented and made public through the PAC minutes.





APPENDIX

APPENDIX

Golden Municipal Code Chapter 2.60 Art in Public Places

2.60.010

The purpose of this chapter is to provide a means to fund the acquisition of artwork by the City for display in public places, to establish guidelines for selection of artwork for the City's public art collection, to provide for the display of the City's collection and to provide for the management, maintenance and repair of artwork in the City's public art collection.

2.60.020: Definitions

As used in this chapter, unless the context otherwise requires, the following words or phrases shall have the meanings ascribed below:

Artwork includes, but is not limited to, a sculpture, monument, mural, fresco, relief, painting, fountain, banner, mosaic, ceramic, weaving, carving and stained glass, but would not normally include landscaping, paving, architectural ornamentation or signs, unless such elements are an essential component of the artwork itself.

Commission means the Public Art Commission created and established in section 2.64.010 of this Code.

Construction Cost means the actual cost of any construction project, including any contingency reserve, but excluding land acquisition costs, engineering and administrative costs, costs of fees and permits, and indirect costs, such as interest during construction, advertising and legal fees.

Construction Project means the construction, substantial renovation or addition to any public building, facility, park or other public improvement by the City or its agents, including, without limitation, all landscaping, parking areas and similar areas and facilities associated with such improvement, with an estimated total construction cost of \$50,000.00 or more. "Construction project" includes only those projects designed to create a permanent improvement and does not include projects that are primarily for the purpose of ordinary maintenance, repair or replacement. The term "construction project" does not include any improvements made by any special improvement district, and any other improvements exempted by the City Manager from the requirements of section 2.60.040 of this chapter. If a question arises as to whether a construction project is subject to the provisions of this chapter, the City Manager shall make the final determination.

Public Art means any artwork displayed for two weeks or more in or on City owned property in an area open to or viewable by the public, on the exterior of any City-owned facility, or on non-City property open to or viewable by the public, if the artwork is installed or financed, in whole or in part, with City funds or grants procured by the City, or if the artwork is owned by, donated to, or on loan to the City.

Reserve Account means the art in public places reserve account established by this chapter.

2.60.030: Account Established

There is hereby established a reserve account within the sales and use tax capital fund, to be known as the "Art in Public Places Reserve Account." The funds set aside from construction projects pursuant to section 2.60.040 of the Code, and all funds received by the City for public art, whether donated, earned, or secured through grants or otherwise obtained by the City, shall be deposited in this account. City Council may also fund the account in its discretion and subject to appropriation. The funds in this account shall be expended only for acquisition, installation, maintenance, repair or removal of public art and for expenses incurred by the City in the administration of this chapter and chapter 2.64 of this Code.

2.60.040: Funds for Public Art

- a) The City shall cause an amount equal to one-percent (1%) of the construction cost of each construction project for which the total estimated construction cost is fifty-thousand dollars (\$50,000) or more to be deposited in the City's Art in Public Places Reserve Account, and that amount shall be included by the City in all estimates of necessary expenditures and all requests for authorizations or appropriations for such construction projects. If any project is partially funded from any source that precludes art as an object of expenditure of funds, then this section shall apply only to the amount of funds not so restricted. All funds set aside for artwork shall be paid into the reserve account. Alternately, the City may include public art as part of the overall design of a City construction project pursuant to section 2.60.050 of the code.
- b) As an alternative to determining the funding level based upon the construction costs as provided in subsection (a) above, and in an effort to create a more predictable and consistent funding level, the City Council may, in conjunction with the annual adoption of the City Capital Improvement Program, adopt a resolution to establish a policy pertaining to a fixed amount of funds to be deposited in the Art in Public Places Reserve Account. Such resolution will consider the average or typical level of funding that would otherwise be deposited based upon the construction cost calculation in subsection (a) above.
- c) Funds in the Art in Public Places Reserve Account shall be expended as directed by the Public Art Commission consistent with the terms of this chapter and chapter 2.64 of this code, the City's policies regarding Art in Public Places, and the City's purchasing policy.

2.60.050: Site Integrated Public Art

Artistic elements incorporated into the original designs of buildings and public spaces create opportunities to enhance the aesthetic character of public spaces through site-integrated public art. In lieu of the one percent deposit in the art in public places reserve account provided for in section 2.60.040 of the Code, the City may choose to include site-integrated public art as a part of the overall design and installation of a City construction project. The value of the public art provided must be equal to or greater than one percent of the total estimated construction cost of the project. Artwork included as part of a City construction project design must comply with all applicable ordinances, rules, and regulations, and with the City's policies regarding art in public places. All proposals for site-integrated public art shall be subject to review and approval by the Public Art Commission .

2.60.060: Public Art Selection Criteria

The Public Art Commission shall review all artwork proposed for the AIPP Program for conformance with the following criteria and the purposes of this chapter.

- a) Conceptual compatibility of the design with the immediate environment of the site;
- b) Appropriateness of the design to the function of the site;
- c) Compatibility of the design and location with the architectural or historical character of the site;
- d) Creation of an internal sense of order and desirable environment for the community by the design and location of the artwork;
- e) Preservation and integration of natural features for the project;
- f) Appropriateness of the materials, textures, colors and design to the expression of the design concept;
- g) Representation of a broad variety of tastes within the community and the provision of a balanced inventory of art in public places to ensure a variety of style, design and media throughout the community;
- h) Anticipated costs and labor to install, maintain, or repair the artwork;
- i) Compliance with all aspects of the City's art in public places safety policy; and
- j) Whether the proposed artwork will further the following goals of the City's AIPP Program:

- i. Enrich the public environment for residents and visitors through the incorporation of the visual arts;
- ii. Increase the livability and artistic richness of the Golden community
- iii. Enable the City to attain recognition on state and national levels as a leader in the visual arts;
- iv. Increase public access to artwork and to promote understanding and awareness of the visual arts in the public environment;
- v. Make the mundane interesting, fun, playful or inspiring;
- vi. Promote diversity and pluralism in public art and to reflect a wide range of multicultural expression; and
- vii. Contribute to the economic vitality, quality of life, and civic pride of the Golden community.

2.60.070: Approval and Display of Public Art and Site Selection

All public art installed or relocated in the City after the effective date of this chapter shall first be reviewed and approved by the Public Art Commission prior to installation or relocation.

- a) Artwork selected by the Public Art Commission for inclusion in the City's public art collection pursuant to the provisions of this chapter may be placed in, on or about any City property, or on private property by agreement with the owner thereof if the artwork will be visible and exposed to the public on the private property. Placement of public art shall comply with the City's policies applicable to art in public places, and the name of the artist shall be identified on or near all public art.
- b) Public art owned by the City may also be loaned for exhibition elsewhere, upon such terms and conditions recommended by the Public Art Commission and subject to approval by the City Manager.
- c) City officials responsible for the design or construction of construction projects in the City shall make appropriate space available for the placement of public art, in consultation with the Public Art Commission . The Public Art Commission shall advise the department responsible for the particular construction project of the commission's

decision regarding the design, implementation and placement of public art in connection with such project.

d) Public art may be installed on privately owned property with a written agreement between the City and the property owner specifying the proprietary interests in the artwork. Any such agreement shall be subject to review and approval as to form by the City attorney before execution by the City, and shall ensure that:

- i. The installation of the public art will be done in a manner that will protect the artwork and the public; and
- ii. The public art will be maintained in accordance with the City's policies concerning art in public places; and
- iii. The property owner shall indemnify the City and provide adequate property insurance for the artwork.

e) Installation, maintenance, alteration, refinishing and relocation of public art shall be done in consultation with the artist whenever feasible.

f) No public art shall permanently be removed, altered or changed without the review and approval of the Public Art Commission ; except that review and approval of the Public Art Commission shall not be required for temporary removal of public art by City personnel for maintenance or repair, or for temporary or permanent removal of public art that, in the sole discretion of the City Manager, poses a public health or safety hazard.

g) The staff liaison to the Public Art Commission shall maintain a detailed record of all public art, including site drawings, photographs, designs, names of artists and names of architects whenever feasible, shall give appropriate recognition to the artists, and shall appropriately publicize and promote the city's public art and AIPP Program.

h) All other provisions of this chapter notwithstanding, the placement of public art shall be subject to the city manager's authority to issue and adopt rules, orders, and regulations as are reasonably necessary for the administration, protection and maintenance of buildings and property belonging to the City of Golden and any other public buildings and property under the control, management or supervision of the city manager, as provided in section 2.08.110 of this Code.

2.60.080: Ownership

All artwork donated to the city and all artwork purchased or acquired by the city at the direction of the Public Art Commission and using city funds shall be titled in the name of, and owned by, the city.

2.60.090: Exemptions

The following artwork is exempt from the provisions of this chapter:

- a) All artwork in the collections of, or on display at, or under the auspices of, the Golden History Museums; and
- b) All artwork on display in private city offices or other areas of city-owned facilities that are not generally accessible to or frequented by the public.

2.08.010: Authority of City Council Generally

The corporate authority of the City of Golden being by law vested in the city council, the council shall be the body of final responsibility in all matters affecting the city, and shall have all powers, and be subject to responsibilities and limitations, which may now or hereafter be granted or imposed by law.

Golden Municipal Code Chapter 2.64 Public Art Commission

2.64.010: Creation and Appointment

- a) There is hereby created a Public Art Commission for the City, which shall be comprised of seven voting members, as follows:
- b) Five of the members shall be residents of the City and appointed by the mayor, with approval by a majority of the City council;
 - i. One member shall be the executive director of the Foothills Art Center or their designee, with approval by a majority of City council.
 - ii. One member shall be selected by the board of directors of the Golden Civic Foundation, with approval by a majority of City council.
 - iii. All members shall serve without compensation.
- c) Members of the Public Art Commission shall not hold any other municipal office or position on a standing municipal board, commission or authority, except that members of the commission may serve on other temporary committees, task forces, or similar ad hoc groups.
- d) The City Manager shall appoint a Staff Liaison to provide administrative support and assistance to the commission as necessary to accomplish the duties of the commission and the purposes of this chapter.

2.64.020: Terms

The five resident members and the one member selected by the Golden Civic Foundation shall serve terms of four years, and shall be eligible for reappointment for no more than two consecutive terms. Upon initial appointment, three of these members shall be randomly selected to serve initial terms of two years. The term of the executive director of the Foothills Art Center or their designee shall be ex officio, subject to approval by City council.

2.64.030: Authority to Adopt Procedures

The Public Art Commission shall have the authority to adopt rules of procedure governing its proceedings consistent with applicable requirements and provisions of the Golden Charter and Municipal Code, and shall conduct all of its proceedings in accordance with such rules. The rules of procedure shall be posted and available to the public.

2.64.040: Meetings

The rules of procedure shall include the time and place of regularly scheduled meetings, which shall be open to the public. A record of all meetings will be kept at City Hall. The commission may call special meetings, as it deems necessary, subject to public notice within reasonable time before the meetings. Such meetings shall be open to the public. In the event there is no business pending before the commission, the regular monthly meeting may be cancelled.

2.64.050: Officers

The Public Art Commission shall choose one of its members to act as chair and one member to serve as vice-chair. The chair shall preside at all meetings of the board, except that in his/her absence, the vice-chair shall preside. The City shall provide a secretary to the board.

2.64.060: Duties of the Commission

- a) The primary purposes of the Public Art Commission shall be to promote, select, acquire, and maintain public art in fulfillment of the goals of the City's AIPP Program, to

administer the provisions of this chapter and chapter 2.60 of this Code pertaining to the City's AIPP Program, and to adopt policies and guidelines necessary for such administration.

b) The commission shall prepare and submit, not later than March of each year, a report to City council of its activities and expenditures for the prior year.

c) The commission shall prepare and submit an annual plan to City council describing its goals and plans for the City's AIPP Program for the coming year, and amend such plan as necessary.

2.64.070: Adoption of Policies and Guidelines

a) The Public Art Commission shall adopt policies and guidelines:

i. To identify suitable art objects for City buildings or property;

ii. To facilitate the preservation of art objects and artifacts that may be displayed in public places;

iii. To prescribe a method or methods for competitive selection of art objects for display;

iv. To prescribe procedures for the selection, acquisition, placement, display, rotation and Deaccessioning of public art;

v. To address safety and other precautions with respect to the selection, location and maintenance of public art; and

vi. To address any other matter necessary for the administration of chapters 2.60 and 2.64 of this Code and the City's AIPP Program.

b) All policies adopted by the Public Art Commission and any amendments thereto, are subject to review and approval by City council, and shall be effective upon City council's adoption of same by resolution.

Phase I Approved by Minneapolis City Council 9/13/02
Phase II Approved by Minneapolis City Council 4/02/04
Phase III Approved by Minneapolis City Council 8/31/07
Revisions Approved by Minneapolis City Council 4/27/23

Public Art Policies and Procedures



505 4th Ave S, Suite 510
Minneapolis, MN 55415

TABLE OF CONTENTS

1.	Definitions	3
2.	History, Timeline and Process	4
3.	Scope	8
4.	Purpose, Goals and Values	9
5.	General Policies [Existing policies were moved to this Section from several places in the document.]	11
6.	Responsibility, Authority and Partners	12
7.	Project and Site Selection	17
8.	Project Development and Design Review	21
9.	Artist Selection	24
10.	Public Education	27
11.	Conservation and Maintenance	28
12.	Gifts and Loans	36
13.	Encroachment Permits	40
14.	Deaccession and Removal	42
15.	Receipt and Completion	47
16.	Acquisitions	48
	Appendix A: Comparison of Public Art Criteria	53
	Appendix C: Summary of Community Engagement Policies	65

SECTION 1. DEFINITIONS

1.1 Public Art

Public art is publicly accessible original art that enriches the city and evokes meaning. It may include permanent visual art, performances, installations, events and other temporary works. Public art should consider the site, its context and audience. Public art may possess functional as well as aesthetic qualities; it may be integrated into the site or a discrete work. (Adapted from the Center for Neighborhood's Framework for Public Art and Design.)

1.2 Capital Funds as They Pertain to Public Art

The City's capital funds shall be dedicated to the acquisition of public art assets, such as outdoor sculpture and artwork integrated into physical structures and environments.

1.3 Art in Public Places Program

Art in Public Places is a program of the Planning Division of the Minneapolis Community Planning and Economic Development Department and is overseen by the City's Public Arts Administrator. The program is responsible for the planning and commissioning of all artwork developed through the Art in Public Places budget, which receives an annual allocation from the net debt bond of the City's Capital Long-Range Improvement process. The program also works in partnership with all City departments in the implementation of the planning, commissioning, acquisition, handling, conservation and maintenance of all public artwork under the jurisdiction of these entities.

SECTION 2. HISTORY, TIMELINE AND PROCESS

2.1 History

2.1.1 **Programs and Projects:** In 1987, the Minneapolis Arts Commission proposed the development of an Art in Public Places program for the City of Minneapolis. The Minneapolis Arts Commission is a City commission which exists to foster the arts and advises the City Council on arts related matters. The Art in Public Places program was designed to create high quality public art, promote the City's cultural image, enhance the everyday experience of citizens, and assure accessibility to everyone regardless of economic or social position in the community. Four artist-designed bus benches on Hennepin Avenue launched the program with funding through a capital appropriation. In subsequent years the program commissioned a number of artworks, including:

- Eleven artist-designed manhole covers in downtown Minneapolis;
- A 29,000 square foot mural on a grain elevator on Hiawatha Avenue;
- A 225-foot painting on a downtown construction barrier, designed by 50 students from the Minneapolis College of Art and Design;
- A commemorative, life-sized statue of Hubert Humphrey for City Hall; and
- Five reproductions of artwork for the Hawthorne Transportation Center.

Another early focus for the Art in Public Places program was a 1988 comprehensive survey of twenty-four public artworks owned by the City of Minneapolis and the Minneapolis Park and Recreation Board.

In 1992, the Art in Public Places program became a regular part of the City's Capital Improvement program, and the Arts Commission created the Neighborhood Gateways program. In a 1991 petition to the City Council, the Arts Commission proposed a program offering neighborhood residents the opportunity to sponsor public art gateways in their neighborhoods (Petn. No. 255360, Resolution No. 91R554). As of 1992, sixteen gateways have been commissioned. Projects generated by the Art in Public Places program have encompassed a total of thirty-one neighborhoods in all thirteen wards of the City.

Other City departments have been involved in public art planning and commissioning during this time as well. The most significant of these projects was the creation of eleven artworks for the 1990 renovation of Nicollet Mall, which was funded through a special assessment service district, for a cost of approximately 1.4 million dollars.

2.1.2 **Policy Development:** Until 2002, the City did not have comprehensive public art policies; however, a few policies were previously established for specific projects. In 1990, the Nicollet Mall Implementation Board developed policies for the works on the Mall. In 1991, the Minneapolis Arts Commission adopted policies and procedures for the operation of the Neighborhood Gateways

program, and in 1995, the Arts Commission also approved a policy for artwork on city roadways. In 1996, the City adopted a policy related to the installation of commemorative and decorative items on the property of the Minneapolis Convention Center (Petr. No. 262342). Other relevant policies and authorities include:

- Chapter 36 of the Code of Ordinances, which defines the duties of the Arts Commission as they pertain to public art;
- Policy VII-K, of the Minneapolis Park and Recreation Board's General Operating Procedures, which defines procedures for Public Art in the Parks; and
- The Visual Artists Rights Act of 1990.

In 1991, the Arts Commission drafted a conservation policy; however, the City never implemented this policy or consistently allocated funding toward maintenance. As a result, most artworks commissioned since 1988 have not received regular maintenance. Many are deteriorating rapidly and in urgent need of repair to meet both aesthetic and public safety standards.

In 2001, the Minneapolis Mayor and City Council approved a new arts vision for the City, which included the recommendation to "incorporate arts into public infrastructure projects" (Petr. No. 266625). The policy recommendations that follow are a first step toward implementing this recommendation and toward providing direction to all City staff who are involved in planning, commissioning, accepting, handling and maintaining public art.

- 2.1.3 **Link with the Minneapolis Plan:** In 2000, the Minneapolis Mayor and the City Council adopted *The Minneapolis Plan*. City public art programs support a number of the goal areas of the plan, including the development of: community building, growth centers, learning, leisure and culture, and city form.

2.2 Timeline

Beginning in 2001, the Minneapolis Arts Commission and the Public Art Administrator established the following timeline and priorities for public art policy and procedure development:

2.2.1 Phase I, to be drafted in 2002:

- Definitions
- History, Timeline and Process
- Scope
- Purpose, Goals and Values
- Project and Site Selection
- Responsibility, Authority and Partners
- Conservation and Maintenance

2.2.2 Phase II, to be drafted in 2003:

- Artist Selection
- Panel Procedures
- Approval Processes
- Gifts, and Loans
- Encroachment Permits
- Deaccession and Removal
- Receipt and Completion

2.2.3 Phase III, to be drafted in 2004:

- Processes for Community Involvement and Public Education
- Public Art Funding and Budgeting
- Contracts
- Completion of Artworks
- Inventory and Documentation
- Evaluation of the Art in Public Places Program
- ADA Compliance

2.3 Process

Phase I and II policies and procedures were developed by a Public Art Working Committee. This committee process was formed by the Minneapolis Arts Commission in 2001, staffed by Mary Altman, Public Arts Administrator and facilitated by Mary Ellen Murphy, an independent consultant. The 2002 and 2003 Public Art Working Committees included representatives from a variety of City departments, prospective partners and constituents:

- Tom Daniel, Minneapolis Community Development Agency
- Steve Collin and Dennis Morris, Department of Public Works
- Lois Eberhart, Near Northside Redevelopment Project
- Susan Fiene, Neighborhood Gateways Artist
- Catherine Geisen-Kisch, 1st Ward Council Member Ostrow's Office
- Matthew James, Office of Cultural Affairs
- Deborah Jindra and Frank Stubbs, Minneapolis Arts Commission
- Heidi Andermack, Northeast Minneapolis Arts Association
- Vernon Wetternach, Minneapolis Mayor's Office
- Willey Willette, Former Minneapolis Arts Commissioner
- Tom Witek, Minneapolis Parks and Recreation Board

Phase II Policies recommended the Minneapolis Arts Commission establish a Public Art Advisory Panel. (See Section 6). This panel advised the development of Phase III Policy Recommendations.

In developing the following policies the committees and Panel considered:

- Related documents from the following cities and sources: Arlington, Virginia; Alexandria, Virginia; Anchorage, Alaska; Atlanta, Georgia; Broward County, Florida; City of Minneapolis Public Art Policies and Procedures

Longmont, Colorado; Phoenix and Tucson, Arizona; Cheltenham Borough, England; *Going Public*, and *Public Art 101*;

- The other relevant policies outlined in Section 2.1.2 above;
- Community recommendations generated by the 2001 Center for Neighborhoods Public Art Policy Initiative.

The Advisory Panel also considered recommendations for Public Art in the Minneapolis Plan for Arts and Culture, which was adopted by the Minneapolis City Council on 9/02/2005.

SECTION 3. SCOPE

3.1 Scope of Policies and Procedures

These public art policies and procedures pertain to artwork commissioned through the Art in Public Places program, as well as to gifts and donations of public artwork to the City. They also apply to the planning, purchasing, commissioning, handling, conservation and maintenance of public artwork under the jurisdiction of all City departments. Any agreements the City of Minneapolis develops with site owners, site managers and other partners for public art projects shall be consistent with these policies. The scope of these policies shall be revisited during Phase III of public art policy development, and will be a topic of ongoing discussion between the Public Art Working Committee, the Minneapolis Mayor's office, the City Council and the independent boards and commissions of the City.

SECTION 4. PURPOSE, VALUES AND GOALS

4.1 Purpose

The mission of the Art in Public Places program is to enrich the lives of local citizens and visitors by integrating public art into City planning, services, design and infrastructure. The following values and goals shall guide the City in making decisions regarding public art. Project committees, panels, the Minneapolis Arts Commission and other interpreters of these goals and values shall apply them as appropriate to each project, artist and community. Indicators of the values and goals listed in Sections 4.2.2 through 4.2.4 shall be developed specifically with each neighborhood site that is the focus of a City public art project. Review criteria for all policy areas of public art shall be based on these values and goals. (See Appendix A for a comparison of criteria in all policy areas.)

4.2 Values and Goals

4.2.1 Stimulate Excellence in Urban Design and Public Arts:

- Enhance the aesthetic environment of public places within the City through engaging, unique and high quality public artworks.
- Engage qualified and experienced artists.

4.2.2 Enhance Community Identity and Place:

- Build awareness of community history, identity, cultures and geography.
- Develop artworks that are integrated into City building projects and are compatible with their settings.

4.2.3 Contribute to Community Vitality:

- Promote Minneapolis as a nationally and internationally recognized arts city and tourist destination.
- Build the capacity of and cooperation between the private and public sectors, artists, arts and community members.
- Encourage civic dialogue about important City issues.
- Develop and maintain safe artworks.

4.2.4 Involve a Broad Range of People and Communities:

- Enhance opportunities for all citizens, neighborhoods and organizations to participate in the planning and creation of artworks.
- Celebrate the City's cultural communities.
- Provide opportunities for the community to come together.

4.2.5 **Value Artists and Artistic Processes:**

- Provide a range of creative opportunities for artists with a range of experiences.
- Ensure the ongoing integrity of artworks and respect the creative rights of artists.
- Always involve artists directly in the concept, design and creation of artworks.
- Ensure budgets adequately support artists and the creative process.

4.2.6 **Use Resources Wisely:**

- Develop and sustain projects in a cost-effective manner.
- Use City funds to leverage private investment in public art and use public art to leverage private investments in other city ventures.

SECTION 5: GENERAL POLICIES

5.1 Access to Artworks

The City shall seek to assure continuing access to artwork by the public, although the City may limit availability due to circumstances such as funding, public safety, display space and deaccession.

5.2 Integrity of Artworks

The Art in Public Places program and its partners in this effort shall seek to insure the ongoing integrity of the artwork and the sites for which they were created, to the greatest extent feasible, in accordance with the artist's original intentions, and consistent with the rights afforded by the 1990 Visual Artists Rights Act.

SECTION 6: RESPONSIBILITY, AUTHORITY AND PARTNERS

See Appendix B for a comparison of the approval processes for all public art policy areas.

6.1 The Minneapolis Arts Commission

6.1.1 **Purpose and Responsibilities:** The Minneapolis Arts Commission, was established in 1974 “ with responsibility to foster development of the arts; to stimulate participation in and appreciation of the arts by all city residents; to encourage cooperation and coordination between artists and the various arts; to seek financial support for the arts; to act as an advocate for the arts before private and public agencies; to advise the city council with respect to arts related matters; to strive for high standards of quality in the arts; and to represent the arts whenever possible.” (Ord. of 12-20-74, § 1). The Arts Commission duties include advising the city council on gifts of art, as well as the commission, placement and maintenance of works of art within the city.

The Arts Commission may, at any time, choose to make recommendations on any City public art project to any City department, the Mayor, or the City Council. The Commission shall be represented on all artist selection panels and shall review recommendations by the Public Art Advisory Panel. A rationale shall be included with all Commission recommendations to the City Council.

6.2 The Public Art Advisory Panel

6.2.1 **Purpose and Responsibilities:** The Minneapolis Arts Commission shall establish a Public Art Advisory Panel for the purpose of interpreting and reviewing proposed public art projects based on the criteria identified in these policies and procedures, and making recommendations to the Arts Commission on the following:

- Project Site Selection (Section 7);
- Design Review (Section 8)
- Conservation and maintenance of artworks (Section 11);
- Gifts and Loans (Section 12);
- Permits (Section 13);
- Deaccession and Removal (Section 14).

6.2.2 **Membership:** Panel members shall have staggered two-year terms. Members shall be recommended by the Public Arts Administrator and approved by the Minneapolis Arts Commission’s Executive Committee. The Public Art Advisory Panel shall have a balance of members from various ethnic communities, City Council wards, neighborhoods and businesses. It shall consist of eleven members with the following representation:

- Two Artists;

- Arts administrator from an appropriate organization;
- Architect or landscape architect;
- Three arts Commissioners;
- Two engineers or technical representatives (i.e. Public Works staff);
- One planner or developer;
- Three community representatives;
- As necessary, other experts, as non-voting members.

6.2.3 **Procedures:** The panel shall be chaired by one or more Arts Commissioners. Panelists shall:

- Not recruit applicants or submit applications for projects
- Not give advice to applicants or answer their questions, and shall direct such questions to the Public Art Administrator.
- Panel meetings shall be open to the public.
- Public meetings held by the panel shall be open to the public and the dates, times and locations shall be posted on the City's web site.
- The Public Art Administrator shall provide panelists with ballots with the appropriate criteria for review of applications or interviews.

6.2.4 **Conflict of Interest:** Panelists shall declare conflicts at the beginning of their meetings. A conflict of interest exists if a panelist, an organization the panelist is associated with, as a staff or board member, or a panelist's family member, has the potential to gain financially from the project under consideration by the panel. In order to promote public confidence in this process, a panelist may also consider declaring a conflict if they think there may be a perception that they have a conflict. If a panelist has a conflict, he/she must not participate in the panel's discussion or decision regarding the project and must refrain from discussion and from influencing colleagues.

6.3 Artist Selection Panels

6.3.1 **Purpose and Responsibilities:** The purpose of artist selection panels shall be to interpret and review artist's proposals based on the selection criteria.

6.3.2 **Membership:** The membership of artist selection panels shall be recommended by the Public Arts Administrator and approved by the Minneapolis Arts Commission's Executive Committee. The panel shall have a balance of members from various ethnic communities and City Council wards. They shall consist of nine members with the following representation:

- Artist
- Arts administrator
- Project architect or landscape architect (if this representative wishes to recruit applicants, they shall be non-voting)
- Arts Commissioner

- A project site representative (i.e., board member or departmental representative)
- Public Works staff member
- A community representative
- 2 at-large members (may be from project steering committee if not already represented, or students, educators, elected officials, etc.)

6.3.3 **Procedures:** Panel members shall not recruit applicants or submit applications for projects, except the project architect or landscape architect. Panelists shall refrain from giving advice to applicants or answering their questions, and direct such questions to the Public Art Administrator. All panel meetings are open to the public and the dates, times and locations of these meetings shall be posted in requests for proposals and on the City's web site. The Public Art Administrator shall provide panelists with a ballot to assist them in reviewing each application or interview in terms of the criteria. Decisions shall be based on a majority vote of the panel.

6.3.4 **Conflict of Interest:** Panelists shall declare conflicts at the beginning of their meetings. A conflict of interest exists if a panelist, an organization the panelist is associated with as a staff or board member, or a panelists family member, has the potential to gain financially from the project under consideration by the panel. In order to promote public confidence in this process, a panelist may also consider declaring a conflict if they think there may be a perception that they have a conflict. If a panelist has a conflict, he/she must not participate in the panel's discussion or decision regarding the project and must refrain from discussion and from influencing colleagues.

6.4 The Public Art Administrator

The Public Art Administrator shall oversee the Art in Public Places program, as well participate in the planning, purchasing, commissioning, donation, placement, handling, conservation and maintenance of public artwork under the jurisdiction of all City departments.

6.5 City Departments

City Departments may recommend projects for possible funding or staff support by the Art in Public Places program. They may also include proposing sites and funds in their own Capital Improvement Plans. City departments are also accountable to the City's Public Art Policies and Procedures. Public art projects under the jurisdiction of any City Department must be reviewed and approved according to these public art policies and procedures.

6.6 Independent Boards, Commissions of the City and the Neighborhood Revitalization Program (NRP)

Independent Boards and Commissions may recommend their capital projects for participation in the Art in Public Places program. They may also include public art

City of Minneapolis Public Art Policies and Procedures

projects in their own requests to the Capital Long-Range Improvement Committee. Public art projects developed in partnership with these entities must be reviewed and approved according to these public art policies and procedures. City staff coordinating public art projects shall work closely with the staff of these boards and commissions when working in partnership with them or placing projects on their property. Agreements with these boards and commissions shall reflect the policies and procedures of all partners.

6.7 The Capital Long-Range Improvement Committee (CLIC)

CLIC reviews proposals for funding the Art in Public Places program and makes recommendations to the Mayor for the capital budget. CLIC may also review funding proposals for public art in the budget of other City Departments or independent boards of the City.

6.8 The Minneapolis Planning Commission

The preliminary location and design of public art projects (Section 7) and gifts (Section 12) shall be reviewed by the Planning Commission (unless they waive this review). The Planning Commission shall review gifts and loans when applicable under Minn. Stat. sec. 462.356 or the City Charter, Chapter 13, Section 4 to determine compliance with the City's Comprehensive Plan.

6.9 The Mayor

The Mayor develops an annual budget based on the recommendations of CLIC for the funding of the Art in Public Places program. The Mayor appoints eight members of the Minneapolis Arts Commission, which plays a strong role in city public art projects.

6.10 The City Council

The City Council approves the budget for the Art in Public Places program, as well as other budgets for public art. The Minneapolis Council President appoints nine members of the Minneapolis Arts Commission. The execution of all contracts over \$50,000 and the must be approved by the City Council. The City's ownership of artworks must be documented through a Receive and File Action of the City Council upon receipt and completion.

6.11 The Community

Everyone within the city is invited to participate in City of Minneapolis public art projects. "Community" is not solely defined by geographic boundaries and may include residents, users, community organizations and institutions, neighborhood associations, businesses, cultural communities, advocacy groups, students and youth. This definition shall be included in all notices of community meetings, community surveys and requests for proposals.

6.12 Artists

Artists may be invited to submit RFPs for the creation of works of public art. Local Artists shall also serve on project and artist selection panels.

6.13 Project Steering Committees

A Steering committee shall be created to advise each public art project and to inform the community about the public art projects as they develop. In lieu of creating separate steering committees, the Art in Public Places program or commissioning department may choose to work with existing steering committees working on a related project for the same site. The membership of Steering Committees shall be flexible, but shall contain representatives who are capable of assessing the project and designs based on the review criteria. Steering Committee membership for each project shall be approved by the Minneapolis Arts Commission.

6.13 Private Site Owners

Site owners must also comply with the City's Public Art Policies and Procedures when working in partnership with the program. City staff coordinating public art projects shall work closely with the representatives of these sites and adhere to their policies when working in partnership or placing projects on their property. Agreements entered into with private site owners shall reflect the policies and procedures of all partners.

SECTION 7: PROJECT AND SITE SELECTION

The following is a process for determining project sites and which projects should receive support from the Art in Public Places program and/or budget. Project and site selection decisions are also contingent upon available staffing and funding.

7.1 Objectives

- 7.1.1 Identify annual priorities that are consistent with the goals of the Art in Public Places program and the planning efforts of the City of Minneapolis.
- 7.1.2 Provide opportunities for projects to be initiated from multiple stakeholder groups.
- 7.1.3 Balance projects across wards and neighborhoods.
- 7.1.4 Be aware of and receptive to initiatives which come from the community.
- 7.1.5 Be proactive in soliciting proposals from the community.
- 7.1.6 Educate City staff and partners about public art and its important role in public infrastructure and planning.
- 7.1.7 Use public resources wisely and leverage financial support for public art from multiple sources.
- 7.1.8 Create a manageable work plan for the Public Arts Administrator and other Art in Public Places program staff.
- 7.1.9 Develop public artworks that can be sustainable.

7.2 Types of Projects and Sites to be Considered

The focus of the program shall be public infrastructure and City building projects, such as buildings, roads, bridges and other structures and spaces constructed by the City. The types of projects to be considered may include:

- 7.2.1 Creation of public art master plans for specific developments or areas;
- 7.2.2 Commissions by artists or commissions for artists to serve on design teams for City infrastructure and plans;
- 7.2.3 Community-based public art projects that address a particular issue or neighborhood site;
- 7.2.4 Initiatives from the for-profit sector needing technical assistance in developing an artwork on public property or private property in public view; and
- 7.2.5 Maintenance of existing works of public art.

7.3 Types of Support from the Art in Public Places Program

Types of support provided to selected projects shall be recommended by the selection panel and may include one or more of the following.

- 7.3.1 Artist fees supported from the Art in Public Places budget;

7.3.2 Consultant fees supported from the Art in Public Places budget; and

7.3.3 Staff assistance, which may include:

- Coordination and implementation of public art projects;
- Information about available resources;
- Leveraging of resources (fundraising assistance); and
- Public relations assistance.

7.4 Process for Long-Term Projects (1-3 Years in Advance of Fabrication)

7.4.1 The Art in Public Places program brings possible panel capital recommendations before the Capital Long-Range Improvement Committee (CLIC).

7.4.2 CLIC brings recommendations to the Mayor. The Planning Director, Director of Community Planning and Economic Development, and the Mayor prepare a budget and act on CLIC's capital recommendations.

7.4.3 City Council approves budget.

7.4.4 The Planning Commission reviews the annual plan for Art in Public Places in terms of compliance with the comprehensive plan.

7.4.5 The Public Arts Administrator invites other City staff to submit a letter of intent describing possible goals and projects to be considered for support from the program.

7.4.6 Heads of City departments, the Neighborhood Revitalization Program and independent City boards (i.e. Library Board, Park and Recreation Board) meet with the Public Arts Administrator to prioritize goals/projects to be considered for support from the Art in Public Places program. Staff whose goals/projects have been identified for further consideration complete a brief application.

7.4.7 The Public Art Advisory Panel meets and reviews proposals, selects projects, and makes recommendations for types of support from the Art in Public Places program budget.

7.4.8 The Art in Public Places program forms steering committees or works with existing steering committees to oversee the development of each individual project and/or commission.

7.5 Emergency Process for Short-Term Projects (Under One Year)

- 7.5.1 The Public Arts Administrator may review emergency requests for project support. Such projects may be approved by the Planning Director within the context of the selection criteria listed below, the constraints of the program budget, and other City processes.

7.6 Selection Criteria

The criteria listed below shall be used for evaluating proposed projects:

7.6.1 Stimulate Excellence in Urban Design and Public Arts:

- Does the site provide an opportunity to make an engaging or bold artistic statement?
- Does the site/project provide an opportunity for a unique public artwork?
- Is the site/project an opportunity to draw an artist with a significant or engaging body of work?

7.6.2 Enhance Community Identity and Place:

- Does the site, surrounding area or project provide an opportunity to reflect on the community and its characteristics, including history, identity, geography and cultures?
- Are there opportunities within the site/project to integrate artwork into the design or function of structures?

7.6.3 Contribute to Community Vitality:

- Will the site be visible to and attract visitors and residents?
- Is the project making an effort to build capacity and cooperation between the private and public sectors, artists, arts organizations and community members?
- Does the site have the potential to engage these groups?
- Is the site located on one of the City's commercial corridors?
- Does the site/project provide an opportunity to encourage civic dialogue on City issues?
- Is the proposed site and artwork location safe?

7.6.4 Involve a Broad Range of People and Communities:

- Does the site/project provide an opportunity to engage citizens, neighborhoods and organizations in the planning and creation of the artwork?
- Will the site/project support an artwork that meets ADA regulations?
- Does the site/project provide an opportunity to celebrate one or more of the City's cultural communities?
- Does the site provide an opportunity for people to gather and come together?

7.6.5 Value Artists and Artistic Processes:

- Can the site/project accommodate a range of artists working in a range of media or nurture an emerging artist?
- Can the proposed site or design process include an artist and artistic process as a central element?

7.6.6 Use Resources Wisely:

- Are the conditions at the proposed site stable enough to support an artwork for several years or is the site expected to undergo significant changes in the future?
- Is there an opportunity to create an artwork that can be maintained within standard City maintenance procedures and cycles?
- Is the proposed site workable within the public art timeline and budget?
- Can funds be leveraged for the artwork from the construction budget?
- Does the site/project provide an opportunity for a specific grant, private partnership or donation?

The Panel shall also evaluate projects based on their ability to comply with other City building and code regulations, such as Chapter 520.160 of the Zoning Code which defines “mural.” (Adopted November 12, 1999.) The Panel shall also strive to balance projects between wards. The long-term vision of the program is to develop at least one work of public art in every neighborhood in the City.

7.7 Evaluation

The Public Art Administrator shall retain an outside consultant to evaluate this selection process and make recommendations to the program, the Mayor, and the City Council for proceeding beyond 2004.

SECTION 8: PROJECT DEVELOPMENT AND DESIGN REVIEW

8.1 Objectives

- 8.1.1 Develop high quality works of art for the City.
- 8.1.2 Build community support for public artworks early in the process.
- 8.1.3 Develop artworks that enhance communities and the sites where they are located.
- 8.1.4 Respect artists' creative rights.
- 8.1.5 Develop safe artworks.
- 8.1.6 Develop artworks that are cost effective and sustainable.
- 8.1.7 Support an efficient workload for staff.

8.2 Community Input

Community input shall be gathered on all public art projects prior to the development of the request for proposals and after the artist(s) has created a fully-developed design for the artwork. The type of input gathered shall be consistent with the City's Public Art Values and Goals, and shall include discussion of location, safety, maintenance and community involvement strategies. The specific vehicles used for gathering community input shall be selected by the Steering Committee, but shall always include sharing information at existing neighborhood meetings, as well as at least two of the following other approaches:

- 8.2.1 Review of existing plans, histories or public art plans for the site or area.
- 8.2.2 Conducting surveys or interviews of nearby residents or site users
- 8.2.3 Internet discussions.
- 8.2.4 Holding an event such as a public meeting or design workshop;
- 8.2.5 Gathering information at existing events or cultural gatherings.

Opportunities for public input shall be posted at the future site of the public artwork and in the appropriate neighborhood newspaper. They shall also be sent to relevant community groups and neighborhood organizations. Residents within a three-block radius shall also be notified of such opportunities.

Summaries of surveys interviews, discussions, meetings, gatherings and events shall be made available to anyone requesting the information.

8.3 Design Development and Review

Throughout the following process, artists, the Steering Committee, Public Arts Administrator and the Public Art Advisory Panel shall be guided by the criteria outlined in Section 8.4 below:

- 8.3.1 The project Steering Committee shall review community input summaries and provide feedback to the Public Arts Administrator on the Request for Proposals and on examples of specific selection criteria for artists.

- 8.3.2 Steering Committee representatives shall serve on the Artist Selection Panel. (See Section 6.3.2 for exact make-up of Artist Selection Panels.)
- 8.3.3 After selected, but prior to design development, artists shall meet with the Steering committee to discuss the scope of the project and community input to date.
- 8.3.4 Artists shall develop preliminary designs.
- 8.3.5 Project Steering Committees shall respond to artist's draft designs and provide feedback.
- 8.3.6 After the artist(s) has created a fully-developed design for the artwork it shall be shared with the broader community through two of the vehicles identified in Section 8.2 above.
- 8.3.7 The design shall then be reviewed by experts and technicians (art conservator, engineer, police, foresters, Committee on people with Disabilities) identified by the Public Arts Administrator or other project managers.
- 8.3.8 Artist's final design shall be brought before the Public Art Advisory Panel and Minneapolis Arts Commission, prior to the execution of any agreements for fabrication of the design. Artists or members of the project Steering Committee shall have the opportunity to address both of these groups with respect to the design. The Minneapolis Arts Commission shall be the final authority in design review of public artworks.
- 8.3.9 The Steering Committee shall also meet at the site upon completion of the public art project to verify that the work is consistent with the work approved by the Arts Commission.
- 8.3.10 The Public Arts Administrator shall hold a final meeting of the Steering Committee to obtain feedback on the process and interview members about lessons learned.

8.4 Criteria

- 8.4.1 **Stimulate Excellence in Urban Design and Public Arts:**
 - Is the design engaging and high quality in concept and construction?
 - Is the quality of design comparable to other artwork commissioned by the City?
 - Is design idea unique, one-of-a-kind or part of a limited edition?
 - Does design comply with the City's on premise and off premise sign regulations (use of logos or other trademarked materials is prohibited)?
 - Are the design presentation materials appropriate and high quality?
- 8.4.2 **Enhance Community Identity and Place:**
 - Does the design reflect the community or setting and the above characteristics?
 - Is the artwork design integrated into the site design and function?
- 8.4.3 **Contribute to Community Vitality:**
 - Will the completed work have the potential to attract visitors and residents?

- Will the completed work or proposed process encourage civic dialogue about City issues?
- Will the proposed project be safe?

8.4.4 Involve a Broad Range of People and Communities:

- Will the proposed project involve community members in the creation of the artwork?
- Does the design address ADA regulations as they apply to public art?
- Does the design celebrate one or more of the City's cultural communities?
- Will the completed work bring people together or create a gathering place?

8.4.5 Value Artists and Artistic Processes:

- Does the design present a unique or appropriate cultural, geographic or artistic perspective?
- Does the design appropriately support the integrity of the artwork and the moral rights of the artist?
- Does design process include the artist and the artistic process as a central element?
- Does the budget demonstrate appropriate support for the artist and the artistic process?

8.4.6 Use Resources Wisely:

- Is the design sustainable, secure and technically feasible?
- Is the design workable within the timeline and budget?

SECTION 9: ARTIST SELECTION

9.1 Objectives

- 9.1.1 Foster a competitive application environment that results in strong proposals from artists and high quality works of art for the City.
- 9.1.2 Conduct artist selection early in the project to maximize the artist's impact on the project.
- 9.1.3 Create opportunities for a wide range of artists including emerging and established.
- 9.1.4 Foster the development of design teams who support artists and select artists who are compatible with the other team members.
- 9.1.5 Select artists who are sensitive to the communities in which they will be working.
- 9.1.6 Keep application and design costs low and reasonable.
- 9.1.7 Support an efficient workload for staff, artists and design teams.

9.2 Application Process

- 9.2.1 **Application Format:** A *process* request for proposals (RFP) is recommended. Unlike a standard RFQ or RFP, a process RFP asks for an artist or team's qualifications, a description of their process for working and very preliminary ideas. This format is respectful of artists and ensures that the selection panel has the best information. The overall format and content for public art RFPs shall be approved by the Public Art Advisory Panel. RFPs over \$50,000 shall also be approved by the Permanent Review Committee and the City Council.
- 9.2.2 **Selection Method:** In most cases, an open call for artists is recommended. This call may be distributed locally, nationally or internationally, depending on the project needs. In cases where there is a specific artistic vision or a more renowned artist is desired, an invitational call may be used. Artist registries may be considered for large multi-year, multi-site projects.
- 9.2.3 **Selection Timeframe:** When working with a design team, the artist may be brought on before, with, or after the team. It is essential that the artist be hired no later than the very early stages of the design phase; it is preferred, though, that hiring occur before the design phase begins.

9.3 Artist Selection Criteria

The criteria listed below shall be used for evaluating artist and team qualifications, proposed processes and project ideas.

- 9.3.1 **Stimulate Excellence in Urban Design and Public Arts:**
 - Is the artist's submission, previous work and/or proposed idea engaging and high quality in concept and construction?

- Is the quality of the artist's previous work comparable to other artwork commissioned by the City?
- Is proposed idea unique, one-of-a-kind or part of a limited edition?
- Is the artist not over represented in the City's collection?
- Does the proposed project comply with the City's on premise and off premise sign regulations (use of logos or other trademarked materials is prohibited)?
- Does the artist have a significant or engaging body of work?
- Does the artist have experience collaborating with architects and other professionals?
- Does the artist have experience with architectural and engineering drawings and methods?
- Does the artist have experience in comparable projects and artistic disciplines?

9.3.2 **Enhance Community Identity and Place:**

- Is the artist familiar with the community or setting and its characteristics, including history, identity, geography and cultures?
- Does the artist's previous work demonstrate awareness of the respective community or setting and the above characteristics?
- Do the proposed ideas demonstrate awareness of the community or setting and the above characteristics?
- Are the proposed ideas suited to integration into the site design?
- Does the artist have experience integrating artwork into infrastructure and building function?

9.3.3 **Contribute to Community Vitality:**

- Do the artist's previous projects or proposed ideas have the potential to attract visitors and residents?
- Does the artist's previous work or proposed process build capacity and cooperation between the private and public sectors, artists, arts organizations and community members?
- Does the artist's previous work or proposed process encourage civic dialogue about City issues?
- Are the artist's previous projects or proposed ideas safe?

9.3.4 **Involve a Broad Range of People and Communities:**

- Does the proposed process involve community members in the design or creation of the artwork?
- Does the artist have experience working with communities and with diverse groups?
- Does the artist have a demonstrated ability to address ADA regulations as they apply to public art?
- Does the artist's previous or proposed process celebrate one or more of the City's cultural communities?
- Does the artist have experience in projects that bring people together or create gathering places?

9.3.5 Value Artists and Artistic Processes:

- Does the artist have a unique or appropriate cultural, geographic or artistic perspective?
- Is the proposed project or process an opportunity to nurture an emerging artist?
- Does the proposed project or process appropriately support the integrity of the artwork and the moral rights of the artist?
- Does the proposed project or design process include the artist and the artistic process as a central element?
- Does the budget demonstrate appropriate support for the artist and the artistic process?

9.3.6 Use Resources Wisely:

- Is the artist's previous work or proposed project sustainable, secure and technically feasible?
- Has the artist created an artwork that can be maintained within standard City maintenance procedures and cycles?
- Has the artist's previous work been within the timeline and budget and is the artist able to work within the City's timeline and budget?

SECTION 10: PUBLIC EDUCATION

10.1 Objectives

- 10.1.1 Educate the community about public artworks and artists.
- 10.1.2 Use artworks as a means to educate the community about City services and places.
- 10.1.3 Develop educational programs that are appropriate for the community.
- 10.1.4 Reduce the risk of vandalism.
- 10.1.5 Support an efficient workload for staff.

10.2 Public Information and Events

Upon completion of a public artwork, the City shall distribute a press release to local media informing the public about the artwork, post information on the City's website and hold a public dedication. The City may provide informational flyers about the artwork at the site and to relevant community groups and neighborhood organizations. Information about each public artwork owned by the City shall be posted on the City's website.

10.3 Plaques

The City shall install a plaque for each public artwork developed by the City. Plaques shall contain the title of the artwork, artist name(s), year of dedication, responsible department for the commission, and a credit to all sponsors, who contribute funding toward ten percent or more of the artwork's costs. Sponsor credits shall be limited to the individual or institution name and shall not exceed the point size of responsible department. The plaque shall also acknowledge the Minneapolis Arts Commission. When appropriate, plaques shall include a phone number for reporting vandalism or damage.

SECTION 11. CONSERVATION TREATMENT AND MAINTENANCE

11.1 Definitions

- 11.1.1 **Maintenance:** Regular routine inspection and care of artwork, such as cleaning and applying protective surface coatings. A conservator usually carries out maintenance, though a skilled City employee can be trained by a conservator to carry out routine maintenance.
- 11.1.2 **Treatment or Conservation Treatment:** Repair is done when needed to return artwork to its original condition and integrity, which may be the result of flaws, neglect, aging, damage or vandalism. A professional conservator usually carries out treatments, often in collaboration with artists or other experts.
- 11.1.3 **Condition Assessments:** Inspections of artwork include information on the present location, the current condition and the treatment or maintenance needed. Inspections may be carried out by City staff, but thorough assessments should occasionally be conducted by the Public Arts Administrator or a professional conservator.
- 11.1.4 **Artwork Definition and Scope:** A detailed definition of the scope of each artwork shall be created by the artist(s) and the Public Arts Administrator and shall be reflected in all agreements. The definition may include all parts of the artwork designed by the artist, and may include bases, lighting and landscape elements.

11.2 Objectives

- 11.2.1 To inspect the condition of City-owned public artwork on a regular basis;
- 11.2.2 To clean and provide other appropriate routine maintenance to public artwork;
- 11.2.3 To insure timely conservation of public artwork;
- 11.2.4 To integrate longevity and maintenance considerations into artist's planning, and City approval processes for artwork;
- 11.2.5 Maintain artworks so that they continue to be safe and contribute to the vitality of communities.
- 11.2.6 To establish a treatment and maintenance program for public art with regular procedures, agreements and documentation;
- 11.2.7 To educate public employees about public art and its important role in public infrastructure and planning;
- 11.2.8 To use public funds wisely by avoiding costly conservation expenses resulting from neglect; and
- 11.2.9 To leverage private and volunteer support for maintenance of public art, whenever possible.

11.3 General Policies for Conservation Treatment and Maintenance

- 11.3.1 **Purpose:** Art works shall be efficiently maintained and preserved in the best possible condition as understood by the Art in Public Places program and consistent with the artist's original intention.

11.4 Responsibility, Authority and Partners

The Minneapolis Arts Commission shall have the final authority in decisions regarding conservation of public art. The Public Art Administrator shall oversee the condition assessment, treatment, maintenance, disposition and relocation of artwork, working in collaboration with the following partners:

- 11.4.1 **Experts:** Arts professionals, professional arts conservators, city staff, and other individuals familiar with art materials, fabrication methods, and the artistic intent shall inspect and evaluate artwork.
- 11.4.2 **Artists:** Artists shall develop artwork with maintenance requirements that can be realistically maintained by the City. Artist's specifications may be taken into account in maintaining artwork along with applicable conservation standards. Artists (if possible) shall be notified of all repairs and may be involved in conducting treatments and maintenance.
- 11.4.3 **Site Owners, Site Managers and Other Partners:** The Art in Public Places program may work with the following site representatives and partners, as appropriate, to implement these policies: Department of Public Works, Minneapolis Park and Recreation Board (MPRB), Municipal Building Commission (MBC), Minneapolis Library Board, Minneapolis Public Schools, Minneapolis Public Housing Authority, Hennepin County, other governmental agencies, and private businesses or landlords. Contractual agreements for treatment and maintenance shall be developed for artwork on the property of the Minneapolis Parks and Recreation Board, other governmental agencies or private businesses. These agreements shall seek to insure the integrity of the artwork. They shall also be consistent with the policies and procedures of each partner and shall stipulate the roles of each respective party in staffing and funding treatment and maintenance for the life span of the artwork. Property owners shall be responsible for keeping the area surrounding the artwork clean and groomed. They shall also be responsible for protecting the artwork from maintenance equipment, such as mowers and plows.

11.5 Maintenance Planning and Documentation for Existing Works

- 11.5.1 **Assessing Repair and Maintenance Needs of Existing Works developed through the Art in Public Places program:** Artwork shall be inventoried and receive cursory inspections once a year during the City's year-end physical

inventory process. Artwork shall receive regular, thorough, condition examinations, which include the present locations and conditions of artwork, as well as cost estimates for treatment and maintenance. These thorough examinations shall occur every 1-5 years, depending upon the needs of individual works. They shall also occur when required by reports of damage.

11.5.2 Assessing Repair and Maintenance Needs of Existing Works developed through other City Departments: This artwork shall be inventoried and receive cursory inspections once a year, during the City's year-end physical inventory process. This artwork shall also receive thorough condition examinations, which include the present locations and conditions of artwork, as well as cost estimates for treatment and maintenance, at the discretion and expense of the respective City department or agency.

11.5.3 Maintenance Plans for Existing Works: Treatment and maintenance plans for existing artwork shall be developed by the responsible department or agency as treatments and repairs are applied. A maintenance plan shall include detailed specifications for monthly maintenance, winter maintenance, maintenance of plantings (if applicable), annual routine maintenance, other periodic maintenance and a long-term prognosis. The Public Art Administrator shall periodically request a copy from these partners of these maintenance or treatment plans.

11.6 Maintenance Planning and Documentation for New Works

11.6.1 Preventative Maintenance:

- **Sustainable Artwork:** Artists shall be commissioned to develop sustainable artwork, that is artwork which can be realistically maintained by the City, using City resources and within the guidelines described in these policies and procedures. Artists shall work with The Art in Public Places program and its partners to implement preventative maintenance strategies (such as applying graffiti coatings, selecting durable materials and providing wood chip borders near mowed areas) as part of the construction and installation of artwork, as long as those strategies do not interfere with the approved artist's proposal or integrity of the artwork.
- **Design Approval and Final Receipt and Completion:** Before design approval and prior to final receipt and completion, an art conservator, or other qualified City staff, such as engineers, concrete experts, landscape architects, maintenance crews and police, shall review the proposed design for possible flaws in structural design and fabrication.
- **Inherent Flaws:** Artists shall also be responsible for the cost and execution of repairs related to any defects in workmanship or inherent flaws in artwork, which they are commissioned to fabricate. Inherent flaws may include any quality within the material or materials incorporated into the artwork which, either alone or in combination, result in the deterioration of the artwork. Artist's plans for public artwork shall be

reviewed and approved by certified structural engineers. When an artist is commissioned to fabricate an artwork, this review may be at the artist's expense. (City staff shall encourage artists to contract with vendors, obtain warranties and hold manufacturers accountable for inherent flaws in their work.)

11.6.2 Maintenance Plans for New Works: All new artwork must have a treatment and maintenance plan that projects both staff time and funding needs. As part of their contractual requirements, commissioned artists shall consult with the Art in Public Places program, an art conservator (provided by the Art in Public Places program), and all other appropriate partners on a maintenance plan for each new artwork. These maintenance plans shall include documentation of materials used to fabricate the artwork and a reasonable annual budget for maintenance. Artwork that includes landscaping as an integral part shall include a maintenance plan for the landscaping elements as well. Maintenance plans for new works shall be reviewed and approved by the Public Art Steering Committees overseeing the development of artwork, to ensure there are no major concerns with materials, safety or maintenance.

11.6.3 Landscaping as Part of the Artwork and Artist's Original Design:

- Artwork with landscaping elements shall be commissioned only for sites with an irrigation source and an ongoing source of funding for the operation and maintenance of the irrigation system. Exceptions shall only be made if plantings are sustainable within the local climate without irrigation and a budget provides watering for two years or until the plantings are established.
- Artists shall create a landscaping plan for such artwork. Property owners and experienced horticulturists or landscape architects shall approve this plan. Such landscaping shall also be included in the artwork's maintenance plan and contractual agreements with property owners.
- The City's responsibility for funding maintenance of such landscaping shall be proportional to Art in Public Place's original role in funding the creation of landscaping portion of the artwork.
- Volunteer and garden club maintenance is not an acceptable solution for the life span of an artwork.

11.6.4 Landscaping Altered by Installation of Artwork: Any landscaping disturbed or altered by the installation of artwork shall be restored afterward in a manner consistent with the design for the artwork and the site, and at the expense of the Art in Public Places program.

11.6.5 Supplemental Landscaping: Maintenance of decorative landscaping that is supplemental to the artwork and not part of the artist's original design shall not be staffed or funded by the Art in Public Places program. This may include landscaping in the area where the artwork has been installed or landscaping

that has been added later. The artist and the property owner shall approve such landscaping in advance.

- 11.6.6 **Life Span of Artwork:** Condition assessments and maintenance plans for new works shall also include an estimated life span for each artwork. This life span shall be selected from one of four categories: 1) temporary-up to 5 years, 2) midspan-up to 15 years, 3) long term-up to 50 years, 4) permanent or site integrated- part of site/structure and cannot be removed.

11.7 Implementing Conservation Treatment and Maintenance

- 11.7.1 **Roles and Responsibilities:** When treatment or maintenance is approved, the Art in Public Places program, in conjunction with its partners, shall handle repairs, in consultation with a qualified art conservator. The artist shall be notified (if possible) of all repairs and may be involved in the treatment and maintenance of the work, if practical and for a reasonable fee. If an artist disagrees with the conservator's condition assessment and does not think the suggested alterations are in keeping with the integrity of the artwork, they may request changes to the repair plan in writing to the Public Art Administrator. Other independent contractors shall be involved in treatment and maintenance as needed.

- 11.7.2 **Annual Maintenance Plan:** Condition examinations and plans for artwork shall be reported to the Public Art Advisory Panel by the Public Arts Administrator, which shall meet annually to review potential treatment and maintenance projects and make recommendations for priorities. Public Art Advisory Panel recommendations shall result in an annual treatment and maintenance plan, which shall include staffing, treatments and restoration for specific artwork, ongoing routine inspection and maintenance for all artwork, and artwork to be deaccessioned.

- 11.7.3 **Repair by Other City Departments, Site Owners and Managers:** To ensure proper repair, other City departments, City agencies, other governmental partners, site owners and site managers, shall consult with the Public Arts Administrator before beginning any cleaning procedures, treatment or emergency maintenance activities conducted on artwork under the jurisdiction of City departments. The Art in Public Places program shall periodically request an update from these partners of the public artwork in their possession. These partners shall report to the Art in Public Places program any damage, vandalism or graffiti to artwork. Except in cases of emergency, they shall not remove or relocate artwork without the consent of the Public Arts Administrator.

- 11.7.4 **Emergency Repairs:** The Public Art Administrator may approve emergency treatment or movement necessary to prevent damage to artwork, to facilitate

emergency repairs of City infrastructure or to insure public safety. This includes removal of graffiti.

11.7.5 Training and Technical Assistance: Commissioned artists shall be trained in maintenance prevention strategies. The Art in Public Places program and its partners shall be responsible for communicating these Conservation Treatment and Maintenance Policies to artists, as well as any City department, City agency, or site responsible for routine maintenance of artwork or adjacent areas. A professional conservator shall train staff conducting routine maintenance of any kind on artwork. These staff may include building custodians, snowplow operators or landscaping crews. The Art in Public Places program shall develop a maintenance manual for each artwork and coordinate and fund all training for these staff. When possible, the Art in Public Places program shall also provide technical assistance to community groups, private businesses, and individual artists regarding the treatment and maintenance needs of privately owned public artwork.

11.7.6 Signage: When appropriate, artworks shall include signage with a phone number for reporting vandalism or damage.

11.8 Criteria

Criteria for determining treatment and maintenance priority shall include:

11.8.1 Stimulate Excellence in Community Design and Public Arts:

- Is the artwork engaging and high quality in concept and construction?
- Is the quality of this artwork comparable to other artwork commissioned by the City?
- Is the artwork unique, one-of-a-kind or part of a limited edition?
- Is the artist not over represented in the City's collection?
- Does the artist have a significant or engaging body of work?

11.8.2 Enhance Community Identity and Place:

- Does the artwork raise awareness of the community or setting and its characteristics, including history, identify, geography and cultures?
- Is the artwork an icon associated with the community or setting and the above characteristics?
- Is the artwork integrated into the site design?

11.8.3 Contribute to Community Vitality:

- Does the artwork draw visitors to the community?
- Has it attracted strong public attachment or support over time?
- Does the conservation effort have the potential to build capacity and

cooperation between the private and public sectors, artists, arts organizations and community members?

- Is the artwork a catalyst for civic dialogue about City issues?
- Is the artwork safe or will repairing it make it safe?

11.8.4 Involve a Broad Range of People and Communities:

- Does the artwork engage a broad range of people?
- Does the current artwork and site meet ADA regulations or can it be modified to do so?
- Does the artwork celebrate one or more of the City's cultural communities?
- Does the artwork bring people together or create a gathering place?

11.8.5 Value Artists and Artistic Processes:

- Does the artist have a unique or appropriate cultural, geographic or artistic perspective?
- Is the original artistic integrity of the artwork intact?
- Will foregoing treatment or maintenance undermine the artist's intention or reputation?
- Did someone other than a practicing artist create the artwork?

11.8.6 Use Resources Wisely:

- Does the artwork not have any of the following problems: Requiring excessive maintenance or repair, having faults of design or workmanship, or securing the artwork is impractical or unfeasible (without substantially replacing it)?
- Will immediately treating or maintaining the artwork stabilize its condition?
- Is it more practical within the overall maintenance plan to repair the artwork at this time (i.e. cost-effective to do two similar treatments at same time)?
- Can City maintenance workers be trained to maintain the artwork within standard City maintenance procedures and cycles?
- Are conservation costs less than fifty percent of the artwork's financial value?
- Will immediately addressing short-term maintenance needs prevent increased long-term treatment costs?
- Does conservation of this artwork provide an opportunity for a specific grant, private partnership or donation?

11.9 Funding for Conservation Treatment and Maintenance

- 11.9.1 **The Art in Public Places Program Budget:** The City shall establish and dedicate a percentage of the Art in Public Places program budget for funding treatment and maintenance costs for artwork generated through the program. The fund shall address increases to the City's collection of public artwork.
- 11.9.2 **Other City Departments and Agencies:** Departments or agencies housing artwork not generated through the Art in Public Places program shall be responsible for routine maintenance and treatment needs due to vandalism or deterioration. These entities shall secure funding and budget for art maintenance and the Public Arts Administrator shall periodically request information from these entities regarding their spending on art maintenance. The City shall only acquire new artwork if an annual maintenance for such artwork is budgeted and funded for the life span of the artwork. The Public Arts Administrator shall be available to assist them in the development of these budgets. These entities shall be responsible for funding repairs to any artwork damaged by their staff or equipment (i.e., mowers and plows) while working in adjacent areas.
- 11.9.3 **Gifts:** The City shall only accept artwork as gifts and loans of public art if an annual maintenance for such artwork is donated or otherwise funded for the life span of the artwork.
- 11.9.4 **Adopt a Sculpture Program:** Adopt a Sculpture program may assist the Art in Public Places program in funding conservation and maintenance, but such partnerships can only be expected to cover ten percent of treatment and maintenance costs.

SECTION 12: GIFTS AND LOANS

12.1 Objectives:

- 12.1.1 Foster a gift and loan program that results in a high-quality City public art collection.
- 12.1.2 Engage applicants early and clearly communicate public art goals, policies and procedures.
- 12.1.3 Be proactive in soliciting gifts that help achieve the City's goals.
- 12.1.4 Accept artworks that enhance communities and welcome the community into public spaces.
- 12.1.5 Ensure artworks are safe and durable.
- 12.1.6 Respect the creative rights of artists.
- 12.1.7 Keep the application process as clear and simple as possible.
- 12.1.8 Support an efficient workload for staff.

12.2 Definitions

- 12.2.1 **Gift:** The addition of an artwork to the City's public art collection without payment by the City for the artwork.
- 12.2.2 **Loan:** The temporary addition of an artwork to the City's public art collection, to be returned to the owner at the end of the use period, either with or without payment by the City for the artwork.
- 12.2.3 **Life Spans:** 1) Temporary-up to 5 years, 2) Midspan-up to 15 years, 3) Long term-up to 50 years, 4) Permanent or site integrated- part of site/structure and cannot be removed.
- 12.2.4 **Portable Collection:** City-owned artworks that are easily moved or removed from display, such as framed artworks and small-scale sculptures. The collection does not include any of the historic, large-scale artworks in the locally and nationally historically-designated areas of City Hall, such as the paintings in the Council Chambers or *Father of Waters*.
- 12.2.5 **Public Area:** Any area of a City-owned or -operated building or property to which the public has access. This includes open outdoor spaces, lobbies, reception areas, hallways, and meeting rooms where meetings occur with the public. It also includes the spaces assigned to the City within City Hall, with the exception of the Council Chambers.
- 12.2.6 **Placement:** Installation or display of an artwork.
- 12.2.7 **Applicant:** Any person group or organization may request to donate or loan works of art to the City.

12.3 General Policies

- 12.3.1 **Funding and Costs:** All costs related to the artwork shall be the responsibility of the applicant. These may include but shall not be limited to the costs of:

- Assessment by an art conservator of the condition of the artwork prior to consideration by the Public Art Advisory Panel and Arts Commission.
 - Funds to defray the costs of City administration of the gift.
 - A plaque or signage.
 - Transportation, installation, and site restoration.
 - Maintenance.
- 12.3.2 **Placement of Artwork:** Placement of artworks obtained by gifts and loans is restricted to public areas.
- 12.3.3 **Life Spans:** For artworks that have not been assigned a life span, the Public Arts Administrator may engage experts to assist in assigning the artwork a life span, based on the life expectancy of the artwork's materials and fabrication methods.
- 12.3.4 **Artwork Acquired Outside of this Process:** Section 12.3 shall apply to all artwork acquired prior to the adoption of this policy and by any means other than by following this policy.

12.4 Acceptance Process

- 12.4.1 **Preliminary Offer:** A preliminary offer shall be submitted by the applicant and reviewed by the Executive Committee of the Arts Commission. This Committee shall determine whether the Arts Commission shall consider the request. If this committee approves considering the gift or loan, then the Public Arts Administrator shall work with the applicant to bring a full application before the Public Art Advisory Panel and the Minneapolis Arts Commission.
- 12.4.2 **Application:** The Public Arts Administrator shall provide potential applicants with a form that shall serve as the applicant's formal offer for consideration by the City. Clear instructions for completing the form and a copy of these gift and loan policies shall also be provided.
- 12.4.4 **Review Process:**
- Prior to requesting a formal application, the Public Arts Administrator shall request that departments or agencies affected by the proposal review and comment on technical issues, such as structural modifications or requirements, upcoming construction or remodeling, mechanical requirements and attachments, and how the placement of the art might affect use of the space. If these departments determine that the proposal is feasible, the applicant shall be asked to submit a formal application.
 - The Public Art Advisory Panel shall review the application and make a recommendation to the Minneapolis Arts Commission.
 - The Commission shall consider and act on the Public Art Advisory Committee's recommendation.
 - The Commission's recommendation shall be forwarded to the City Council, which shall determine whether to accept the gift or loan.

12.4.5 **Gifts and Loans of Artworks Not Yet Created:** In the case of offers of gifts and loans to the City for artworks that are in the design phase and have not yet been created, the Arts Commission may make a recommendation to the City Council regarding acceptance of the artwork prior to its completion.

12.4.6 **Contracts:** The applicant shall execute an agreement with the artists involved (if living) that is consistent with these public art policies and procedures, including outlining the term of the agreement (for loans), appropriate compensation to the artist, and retention of copyrights by the artist.

For complex projects or Gifts or Loans of Artworks Not Yet created, the City may require the applicant to enter into an agreement outlining the terms of the gift.

12.4.7 **Public Meeting:** The Minneapolis Arts Commission may hold a public meeting for the purpose of gathering community feedback on a proposed gift or loan. The Public Art Advisory Panel or the Commission may also decide to hold additional public meetings or gather community input through other methods.

12.4.8 **Placement and Term of Placement:** The application may include a proposed location. The Arts Commission's determination shall include whether this is an acceptable location or the artwork shall be displayed elsewhere, and the time period of the placement.

12.4.9 **Compliance with Applicable Policies and Regulations:** Obtaining artwork by gift or loan shall be done in a manner that complies with all other applicable city, state and federal procedures, policies and regulations, including City procurement policies, where applicable.

12.6 Review Criteria

The criteria listed below shall be used for evaluating offers of gifts and loans.

12.4.1 **Stimulate Excellence in Urban Design and Public Arts:**

- Is the artist's previous work or proposed artwork engaging and high quality in concept and construction?
- Is the quality of the artist's previous work and/or this artwork comparable to other artwork commissioned by the City?
- Is the artwork unique, one-of-a-kind or part of a limited edition?
- Is the artist not over-represented in the City's collection?
- Does the proposed project comply with the City's on premise and off premise sign regulations (use of logos or other trademarked materials is prohibited)?
- Does the artist have a significant or engaging body of work?

- Does the artist have experience collaborating with architects and other professionals?
- Does the artist have experience with architectural and engineering drawings and methods?
- Does the artist have experience in comparable projects and artistic disciplines?

12.4.2 Enhance Community Identity and Place:

- Does the proposed project demonstrate awareness of the community or setting and its characteristics, including history, identity, geography and cultures?
- Is the proposed project in accordance with adopted policy, historic use or master plans?
- Is a suitable site currently available for the artwork?
- Is the proposed artwork suited to integration into the proposed site design?
- Does the proposed artist have demonstrated success integrating artwork into infrastructure and building function?

12.4.3 Contribute to Community Vitality:

- Does the proposed project or artwork have the potential to attract visitors and residents?
- Does the proposed project or process build that capacity and cooperation between the private and public sectors, artists, arts organizations and community members?
- Does the artist's previous work or proposed process or artwork encourage civic dialogue about City issues?
- Is the proposed project or artwork safe?

12.4.4 Involve a Broad Range of People and Communities:

- Does the proposed process involve community members in the design or creation of the artwork?
- Does the artist have experience working with communities and with diverse groups?
- Do the proposed project or artworks meet ADA regulations?
- Does the artist's previous work or the proposed process or artwork celebrate one or more cultural communities?
- Does the artist have experience in projects that bring people together or create gathering places, or will the artwork bring people together?

12.4.5 Value Artists and Artistic Processes:

- Does the proposed project or artwork include a unique or appropriate cultural, geographic or artistic perspective?
- Does the proposed project or artwork nurture an emerging artist?
- Is the original artistic integrity of the artwork intact?

- Will displaying the artwork undermine the artist’s intention or reputation?
 - Do the applicant’s contracts with the artist and fabricators comply with the law?
 - Does the proposed artwork or design process include the artist and the artistic process as a central element?
 - Does the budget demonstrate appropriate support for the artist and the artistic process?

12.4.6 Use Resources Wisely:

- Is the proposed project or artwork durable, secure and physically and financially feasible?
- Is the proposed project consistent with section 11.9.3: “The City shall only accept artwork as gifts and loans if an annual maintenance for such artwork is donated or otherwise funded for the life span of the artwork?”
- Is the proposed project workable within City timelines?
- Does the proposed project include a detailed budget which covers City expenses for managing the project, including supporting administrative costs preparing the site, delivering and installing the work, and providing signage?
- Have all restrictions by the applicant been clearly identified and can the City meet these restrictions?
- Does the proposed project or artwork leverage private investment in public art or other city ventures?
- Does it comply with other City building and code regulations?

SECTION 13: ENCROACHMENT PERMITS

13.1 Objectives:

- 13.1.1 Engage applicants early and clearly communicate public art goals, policies and procedures.
- 13.1.2 Support efforts to enhance communities through public art projects.
- 13.1.3 Respect and encourage artists.
- 13.1.4 Keep the application process as clear and simple as possible.
- 13.1.5 Support an efficient workload for staff.

13.2 Definitions

- 13.2.1 **Encroachment Permit:** “A permit issued by the City Clerk upon review and approval of the Public Works Department and the Council Member of the Ward that allows the temporary placement of a privately owned object over, under or upon the public right of way or public property, excluding Park Board property.” (Chapter 95.10, Code of Ordinances, 1976.) These public art policies discuss any “art”-related approvals that occur in connection to the City’s encroachment permit process.

13.3 Review Process

At the request of the Department of Public Works, the Public Art Advisory Panel and the Minneapolis Arts Commission shall evaluate and comment upon applications for encroachment permits to place art in the right of way. For long-term projects or projects of significant public interest, this review process may include an application form and one or more public meetings, as well as other policies and procedures outlined in Section 12.4. Encroachment permits for art in the right of way shall be evaluated based on the review criteria outlined in Section 12.5.

SECTION 14: DEACCESSION AND REMOVAL

14.1 Objectives:

- 14.1.1 Maintain a deaccession program that results in a high-quality City public art collection.
- 14.1.2 Provide a process for proposing artworks for display in City buildings and clearly communicate public art goals, policies and procedures.
- 14.1.3 Eliminate artworks that are unsafe, not repairable or no longer meet the needs of communities.
- 14.1.4 Respect the creative rights of artists.
- 14.1.5 Keep the deaccession process as clear and simple as possible.
- 14.1.6 Support an efficient workload for staff.

14.2 Definitions

- 14.2.1 **Deaccession:** The process of removing a work from the City's collection by selling, donating or destroying it.
- 14.2.2 **Removal:** The process of deinstalling an artwork so it is no longer on view but remains in the City's collection.
- 14.2.3 **Life Spans:** 1) Temporary-up to 5 years, 2) Midspan-up to 15 years, 3) Long term-up to 50 years, 4) Permanent or site integrated- part of site/structure and cannot be removed.
- 12.2.8 **Portable Collection:** City-owned artworks that are easily moved or removed from display, such as framed artworks and small-scale sculptures. The collection does not include any of the historic, large-scale artworks in the historically designated areas of City Hall, such as the paintings in the Council Chambers or *Father of Waters*.
- 12.2.9 **Applicant:** Deaccession or removal requests may be submitted by one of the following:
 - The Public Arts Administrator,
 - A City-recognized neighborhood organization,
 - City department or division director,
 - Independent Board or Commission of the City,
 - City Council Member,
 - Mayor.
 - Individuals, except those listed above, cannot propose the deaccession or removal of an artwork, and need to work with the above individuals and groups to submit applications to do so.

14.3 General Policies

- 14.3.1 **Funding and Costs of Deaccession or Removal:** If deaccession or removal is necessary for the applicant's project, they may be required to cover the costs of deaccession or removal. This may include but is not limited to the costs of:

- Assessment by an art conservator of the condition of the artwork prior to consideration by the Public Art Panel and the Arts Commission.
- Funds to defray the costs of City administration of the deaccession or removal.
- Costs of deaccession, removal, mechanical, transportation, storage, and site restoration.

14.3.2 **Life Spans:** Life spans that have been assigned to the work during the acquisition, gift, or commissioning process shall be taken into consideration as part of requests for deaccession or removal. For artworks that have not been assigned a life span, the Public Arts Administrator may engage experts to assist in assigning the artwork a life span, based on the life expectancy of the artwork’s materials and fabrication methods.

14.3.3 **Privately-owned artworks:** These policies and procedures do not apply to privately-owned artworks or artworks loaned and displayed in non-public areas of City buildings. For privately-loaned works, staff are encouraged to enter into a loan agreement with the artist. A loan form shall be made available to staff for this purposes.

14.4 Application Process

14.4.1 **Timeframe:** Permanent public artworks (see Section 11.6.6 for the definition of “permanent”) shall be in place for at least five years before deaccession or removal requests are considered. Works from the City’s portable collection shall be in place for a period of two years before deaccession or removal requests are considered. Exceptions to this requirement may be considered under special circumstances and shall reviewed as part of the process outlined in this policy.

14.4.2 **Preliminary Deaccession and Removal Request:** A preliminary request shall be submitted by the applicant and reviewed by the Executive Committee of the Arts Commission. This Committee shall determine whether the Arts Commission shall consider the request. If this committee approves considering the request, then the Public Arts Administrator shall work with the applicant to bring a full application before the Public Art Advisory Panel and the Minneapolis Arts Commission.

14.4.3 **Application:** The Public Arts Administrator shall provide applicants with a form that shall serve as the applicant’s formal request for consideration by the Arts Commission. Clear instructions for completing the form and a copy of these policies shall also be provided.

14.4.4 **Review Process:**

- The Public Arts Administrator shall request departments or agencies affected by the proposal review and comment on technical issues, such as site restoration, upcoming construction or remodeling, mechanical

requirements, and how the deaccession or removal of the art might affect use of the space. If these departments determine that the proposal is feasible, the applicant shall be asked to submit a formal application.

- The Public Art Advisory Panel shall review the application and make a recommendation to the Minneapolis Arts Commission.
- The Commission shall consider and act on the Advisory Panel's recommendation.
- The Commission's recommendation shall be forwarded to the City Council, which makes the final decision regarding deaccession and removal.

14.4.5 **Public Meeting:** The Minneapolis Arts Commission or the Public Art Advisory Panel shall hold at least one public meeting for the purpose of gathering community feedback on a proposed deaccession or removal. The Public Art Advisory Panel or the Commission may also decide to hold additional public meetings or gather community input through other methods.

14.4.6 **Artist Involvement:** If deaccession or removal is recommended, the artist (if available) shall be contacted and invited to provide input to Public Art Advisory Panel. Any modifications to the artwork that are needed to accommodate removal shall be approved by the artist (if living), and the artist shall be appropriately compensated for consulting on such issues.

14.4.7 **Recommendation:** The Public Art Advisory Panel and Arts Commission's recommendations may include dismissing or modifying the request and/or, moving, selling, donating, disposing, or storing the artwork.

14.4.8 **Compliance with Applicable Policies and Regulations:** Deaccession and removal of artwork shall be done in a manner that complies with all other applicable City, state and federal procedures, policies and regulations. .

14.6 Review Criteria

The criteria listed below shall be used for evaluating requests for deaccession or removal.

- 14.5.1 **Stimulate Excellence in Urban Design and Public Arts:**
- Is the artwork of inferior quality in concept or construction or compared to other artwork owned by the City?
 - Is the artwork fraudulent or not authentic?
 - Is the artwork not unique and/or a reproduction?
 - Is the artist over-represented in the City's collection?
 - Does the applicant wish to replace the artwork with a more appropriate work by the same artist?
 - Does the artist lack a significant or engaging body of work?

14.5.2 **Enhance Community Identity and Place:**

- Is the artwork significantly less appropriate given changes in the function or character of the setting or the community?
- Does the artwork lack value specific to its community or geography?
- Is the artwork contrary to adopted policy and historic use or master plans?
- Is the artwork incompatible with the current site design and function and/or the design and function of other possible sites?
- If the site is going to be demolished or adapted, or is it not possible to successfully incorporate the artwork into redevelopment of the site?
- Is no suitable new site available for the artwork?

14.5.3 **Contribute to Community Vitality:**

- Is the site no longer publicly accessible?
- Has the artwork been the source of significant adverse public reaction over at least five years?
- Has the artwork demonstrated long term failure to foster community dialogue about civic issues?
- Is the artwork unsafe?

14.5.4 **Involve a Broad Range of People and Communities:**

- Has the applicant gathered input from various people and groups in considering deaccession or removal of the artwork?
- Do a broad range of people support the deaccession or removal of the artwork?
- Does the current artwork or site fail to meet ADA regulations, and is it impossible to modify them to do so?
- Is the artwork a source of contention among various cultural communities?
- Has the artwork failed as a gathering place?

14.5.5 **Value Artists and Artistic Processes:**

- Does the artist have an inappropriate cultural, geographic or artistic perspective?
- Is the original artistic integrity of the artwork no longer intact or can it no longer be maintained?
- Does continued display of the artwork undermine the artist's intention or reputation?
- Has the artist been involved in discussions about deaccession or removal of the work?
- Did someone other than a practicing artist create the artwork?

14.5.6 **Use Resources Wisely:**

- Does the artwork require excessive maintenance or repair, have faults of design or workmanship, or is repairing or securing the artwork impractical or unfeasible?

- Are the terms of the original contracts unfulfilled?
- Is the cost of repair or conservation more than fifty percent of the original commission costs or current appraised value?
- Can the City no longer meet the donor's restrictions (for gifts) or other obligations?
- Does deaccession or removal of the artwork provide an opportunity for a new project that could be supported privately?
- Is another governmental or non-profit agency better suited to provide care and maintenance?

SECTION 15. RECEIPT AND COMPLETION

15.1 Objectives

- 15.1.1 To document the City's ownership of artworks.
- 15.1.2 To review all artworks prior to acceptance and ensure they are completed in accordance with the project goals and appropriate agreements.
- 15.1.3 To confirm agreement among all partners that artworks are complete and all parties have fulfilled their responsibilities.
- 15.1.4 To acknowledge the transfer of insurance liabilities to the City.

15.2 Report Form

The Public Art Administrator shall provide the appropriate City Department or Project Steering Committee with a form for evaluating completion of the artwork and its installation, and for submitting a Receive and File Report to the Arts Commission. Clear instructions for completing the form and a copy of these policies shall also be provided.

15.3 Process for Documenting Receipt and Completion

The City's ownership of artworks must be documented through an official Receive and File of the City Council upon receipt and completion. A Receive and File Action on all artwork shall be submitted to the Minneapolis Arts Commission by the City Department that commissioned the artwork after:

- 15.3.1 The artwork is received or completely installed.
- 15.3.2 The full completion of the artwork by the artist(s) as defined in the applicable contract(s) or scope(s) of services;
- 15.3.3 A thorough inspection of the artwork by the Public Arts Administrator and other appropriate City staff;
- 15.3.4 Verification by the appropriate project steering committee that the work is consistent with the work approved by the Arts Commission.

- 15.3.5 The Arts Commission shall then forward the report to the City Council. Once the Council has officially received the report, the Public Arts Administrator will enter the artwork into the City's Public Art Inventory.

- 15.3.6 The Public Arts Administrator shall hold a final meeting of the Steering Committee to obtain feedback on the process and interview members about lessons learned.

SECTION 16: ACQUISITIONS

16.1 Objectives

- 16.1.1 Maintain a high-quality City portable Public Art collection.
- 16.1.2 Provide a process for staff and departments to propose artworks for display in City buildings.
- 16.1.3 Be proactive in acquiring acquisitions that help achieve the City's goals.
- 16.1.4 Accept artworks that enhance communities and welcome the community into public spaces.
- 16.1.5 Ensure artworks are safe and durable.
- 16.1.6 Respect and encourage artists.
- 16.1.7 Keep the exhibitions and acquisitions process as clear and simple as possible.
- 16.1.8 Support an efficient workload for staff.

16.2 Definitions

- 16.2.1 **Acquisition:** The addition of an artwork to the City's portable collection through purchase.
- 16.2.2 **Life Spans:** 1) Temporary-up to 5 years, 2) Midspan-up to 15 years, 3) Long term-up to 50 years, 4) Permanent or site integrated- part of site/structure and cannot be removed.
- 16.2.3 **Portable Collection:** City-owned artworks that are easily moved or removed from display, such as framed artworks and small-scale sculptures. The collection does not include any of the historic, large-scale artworks in the historically designated areas of City Hall, such as the paintings in the Council Chambers or *Father of Waters*.
- 16.2.4 **Public Area:** Any area of a City owned or operated building or property, to which the public has access. This includes open outdoor spaces, lobbies, reception areas, hallways, and meeting rooms where meetings occur with the public. It also includes the spaces assigned to the City within City Hall, with the exception of the Council Chambers.
- 16.2.5 **Employee Common Spaces Definition:** Any area of a City-owned or operated building or property, to which a large number of employees use and have access. This includes open outdoor spaces, lobbies, reception areas, commons, and hallways. It also includes these spaces assigned to the City within City Hall. It does not include offices or meeting rooms, unless they meet the definition of Public Spaces above.
- 16.2.6
- 16.2.7 **Placement:** Installation or display of an artwork.
- 16.2.8 **Applicant:** Eligible applicants are City department or division directors. Anyone wanting to acquire artworks for the portable collection, must go through a department or division director.

16.3 General Policies

- 16.3.1 **Funding and Costs:** All costs related to artwork acquisition and the exhibition of the artwork shall be the responsibility of the applicant department. This may include but is not limited to the costs of:
- An assessment by an art conservator of the condition of the artwork prior to consideration by the Public Art Panel and the Arts Commission.
 - Installation by an art installer.
 - Security hardware.
 - A plaque or signage.
 - Mechanical.
 - Maintenance required to keep the artwork in good condition.
- 16.3.2 **Placement of Artwork:** Placement of artworks obtained by acquisition shall be restricted to public areas and employee commons spaces.
- 16.3.3 **Life Span of Artwork:** For artworks that have not been assigned a life span, the Public Art Administrator may engage experts to assist in assigning the artwork a life span, based on the life expectancy of the artwork's materials and fabrication methods.
- 16.3.4 **Artwork Acquired Outside of this Process:** This Section 16.3 shall apply to all artwork acquired prior to the adoption of this policy and by any means other than by following this policy.

16.4 Acceptance Process

- 16.4.1 **Preliminary Request:** A preliminary request shall be submitted by the applicant and reviewed by the Executive Committee of the Arts Commission. This Committee shall determine whether the Arts Commission will consider the request. If this committee approves considering the request, then the Public Arts Administrator shall work with the applicant to bring a full application before the Public Art Advisory Panel and the Minneapolis Arts Commission.
- 16.4.2 **Application:** The Public Arts Administrator shall provide potential applicants with a form that shall serve as the applicant's formal application for consideration by the Arts Commission. Clear instructions for completing the form and a copy of these acquisitions policies shall also be provided.
- 16.4.3 **Review Process:**
- The Public Arts Administrator shall request departments or agencies affected by the application review and comment on technical issues, such as needed structural modification or requirements, upcoming construction or remodeling, mechanical requirements and attachments, and how the placement of the art might affect use of the space. If these departments determine that the is feasible, the applicant shall be asked to submit a formal application.
 - The Public Art Advisory Panel shall review the application and make a recommendation to the Minneapolis Arts Commission.

- The Commission shall consider and act on the Public Art Advisory Committee's recommendation. The Arts Commission or the department may determine whether to forward a recommendation to the City Council, should the need be determined based on City-wide significance and/or value.

- 16.4.4 **Acquisitions of Artworks Not Yet Created:** In the case of proposed acquisitions for artworks that are in the design phase and have not yet been created, the Arts Commission may make a decision regarding the acquisition of the artwork prior to its completion.
- 16.4.5 **Contracts:** The applicant shall work with the Public Arts Administrator to execute an agreement with the artists involved (if living) that is consistent with these public art policies and procedures.
- 16.4.6 **Public Meeting:** The Minneapolis Arts Commission may hold a public meeting for the purpose of gathering community feedback on a proposed acquisition. The Public Art Advisory Panel or the Commission may also decide to hold additional public meetings or gather community input through other methods.
- 16.4.7 **Placement and Term of Placement:** The application may include a proposed location. The Arts Commission's determination shall include whether this is an acceptable location based on the criteria for site selection (Section 7.6), whether the artwork should be displayed elsewhere and the time period of the placement.
- 16.4.8 **Compliance with Applicable Policies and Regulations:** Acquisition of artwork shall be done in a manner that complies with all other applicable city, state and federal procedures, policies and regulations, including City procurement policies, where applicable.

16.5 Review Criteria

The criteria listed below shall be used for evaluating applications for acquisitions:

- 16.5.1 **Stimulate Excellence in Urban Design and Public Arts:**
- Is the artist's previous work or proposed artwork engaging and high quality in concept and construction?
 - Is the quality of the artist's previous work and/or this artwork comparable to other artwork commissioned by the City?
 - Is the artwork unique, one-of-a-kind or part of a limited edition?
 - Is the artist over-represented in the City's collection?
 - Does the proposed project comply with the City's on premise and off premise sign regulations (use of logos or other trademarked materials is prohibited)?
 - Does the artist have a significant or engaging body of work?

- 16.5.2 **Enhance Community Identity and Place:**
- Does the proposed project demonstrate awareness of the community or setting and its characteristics, including history, identity, geography and cultures?
 - Is the proposed project in accordance with adopted policy, historic use or master plans?
 - Is a suitable site currently available for the artwork?
 - Is the content of the proposed artwork compatible with its proposed setting?
- 16.5.3 **Contribute to Community Vitality:**
- Does the proposed project or artwork have the potential to attract visitors and residents?
 - Does the proposed project or process build that capacity and cooperation between the private and public sectors, artists, arts organizations and community members?
 - Does the artist's previous work or proposed artwork encourage civic dialogue about City issues?
 - Is the proposed project or artwork safe?
- 16.5.4 **Involve a Broad Range of People and Communities:**
- Does the proposed process involve community members in the design or creation of the artwork?
 - Does the artist have experience working with communities and with diverse groups?
 - Does the proposed project or artwork meet ADA regulations?
 - Does the work, the artist's previous work or the proposed artwork celebrate one or more cultural communities?
- 16.5.5 **Value Artists and Artistic Processes:**
- Does the proposed artwork include a unique or appropriate cultural, geographic or artistic perspective?
 - Does the proposed artwork nurture an emerging artist?
 - Is the original artistic integrity of the artwork intact?
 - Will displaying the artwork undermine the artist's intention or reputation?
 - Do the applicant's contracts with the artist comply with the law?
 - Does the proposed artwork or design process include the artist and the artistic process as a central element?
 - Does the budget demonstrate appropriate support for the artist and the artistic process?
- 16.5.6 **Use Resources Wisely:**
- Is the proposed project or artwork durable, secure and physically and financially feasible?
 - Has the applicant appropriately budgeted for maintenance and expenses?

- Is the proposed project workable within City timelines?
- Does the proposed project include a detailed budget which covers City expenses for managing the project, including supporting administrative costs, paying the artist, preparing the site, delivering and installing the work, and providing signage?
- Have all restrictions by applicant been clearly identified and can the City meet these restrictions?
- Does the proposed artwork leverage private investment in public art or other City ventures?
- Does it comply with other City building and code regulations

APPENDIX C: SUMMARY OF COMMUNITY ENGAGEMENT POLICIES

Policies for Community Engagement are integrated throughout all sections in the City of Minneapolis Public Art Policies and Procedures. To make these policies accessible to people particularly interested in how communities are engaged in the public art process, this appendix has been created. Please see the full document to for a full understanding of the context of these policies within other issues, such as artist involvement, staff involvement, etc.

Section 4. Purpose, Values and Goals

Purpose:

The mission of the Art in Public Places program is to enrich the lives of local citizens and visitors by integrating public art into City planning, services, design and infrastructure.

Community Values and Goals:

4.2.2 Enhance Community Identity and Place:

- Build awareness of community history, identity, cultures and geography.
- Develop artworks that are integrated into City building projects and are compatible with their settings.

4.2.3 Contribute to Community Vitality:

- Build the capacity of and cooperation between the private and public sectors, artists, arts and community members.
- Encourage civic dialogue about important City issues.
- Develop and maintain safe artworks.

4.2.4 Involve a Broad Range of People and Communities:

- Enhance opportunities for all citizens, neighborhoods and organizations to participate in the planning and creation of artworks.
- Celebrate the City's cultural communities.
- Provide opportunities for the community to come together.

Section 5: General Policies

Access to Artworks:

The City shall seek to assure continuing access to artwork by the public, although the City may limit availability due to circumstances such as funding, public safety, display space and deaccession.

Section 6: Roles and Responsibilities

The Community:

Everyone within the city is invited to participate in City of Minneapolis public art projects. “Community” is not solely defined by geographic boundaries and may include residents, users, community organizations and institutions, businesses, cultural communities, advocacy groups, students and youth. This definition shall be included in all notices of community meetings, community surveys and requests for proposals.

Steering Committees:

A Steering committee shall be created to advise each public art project and to inform the community about the public art projects as they develop. In lieu of creating separate steering committees, the Art in Public Places program or commissioning department may choose to work with existing steering committees working on a related project for the same site. The membership of Steering Committees shall be flexible, but shall contain representatives who are capable of assessing the project and designs based on the review criteria. Steering Committee membership for each project shall be approved by the Minneapolis Arts Commission.

Section 7: Project Selection

Objectives:

- 7.1.3 Balance projects across wards and neighborhoods.
- 7.1.4 Be aware of and receptive to initiatives which come from the community.
- 7.1.5 Be proactive in soliciting proposals from the community.

Eligibility:

- 6.6 Independent Boards and Commissions *of the City of Minneapolis, including NRP groups* may recommend their capital projects for participation in the Art in Public Places program. They may also include public art projects in their own requests to the Capital Long-Range Improvement Committee.
- 7.2.3 Community-based public art projects that address a particular issue or neighborhood site.

Review Authority:

- The Public Art Advisory Panel is responsible for site selection. It includes 3 community members (section 6.2).

Community Criteria:

7.6.2 Enhance Community Identity and Place:

- Does the site, surrounding area or project provide an opportunity to reflect on the community and its characteristics, including history, identity, geography and cultures?
- Are there opportunities within the site/project to integrate artwork into the design or function of structures?

7.6.3 Contribute to Community Vitality:

- Will the site be visible to and attract visitors and residents?
- Is the project making an effort to build capacity and cooperation between the private and public sectors, artists, arts organizations and community members?
- Does the site have the potential to engage these groups?
- Is the site located on one of the City's commercial corridors?
- Does the site/project provide an opportunity to encourage civic dialogue on City issues?
- Is the proposed site and artwork location safe?

7.6.4 Involve a Broad Range of People and Communities:

- Does the site/project provide an opportunity to engage citizens, neighborhoods and organizations in the planning and creation of the artwork?
- Will the site/project support an artwork that meets ADA regulations?
- Does the site/project provide an opportunity to celebrate one or more of the City's cultural communities?
- Does the site provide an opportunity for people to gather and come together?

Section 8: Project Development and Design Review

Objectives:

8.1.2 Build community support for public artworks early in the process.

8.1.3 Develop artworks that enhance communities and the sites where they are located.

8.1.5 Develop safe artworks.

Community Input:

Community input shall be gathered on all public art projects prior to the development of the request for proposals and after the artist(s) has created a fully-developed design for the artwork. The type of input gathered shall be consistent with the City's Public Art Values and Goals, and shall include discussion of location, safety, maintenance and City of Minneapolis Public Art Policies and Procedures

community involvement strategies. The specific vehicles used for gathering community input shall be selected by the Steering Committee, but shall always include sharing information at existing neighborhood meetings, as well as at least two of the following other approaches:

- 8.2.1 Review of existing plans, histories or public art plans for the site or area.
- 8.2.2 Conducting surveys or interviews of nearby residents or site users
- 8.2.3 Internet discussions.
- 8.2.4 Holding an event such as a public meeting or design workshop;
- 8.2.5 Gathering information at existing events or cultural gatherings.

Opportunities for public input shall be posted at the future site of the public artwork and in the appropriate neighborhood newspaper. They shall also be sent to relevant community groups and neighborhood organizations. Residents within a three-block radius shall also be notified of such opportunities.

Summaries of surveys interviews, discussions, meetings, gatherings and events shall be made available to anyone requesting the information.

Process:

Throughout the following process, artists, the Steering Committee, Public Arts Administrator and the Public Art Advisory Panel shall be guided by the criteria outlined in Section 8.4 below:

- 8.3.1 The project Steering Committee shall review community input summaries and provide feedback to the Public Arts Administrator on the Request for Proposals and on examples of specific selection criteria for artists.
- 8.3.2 Steering Committee representatives shall serve on the Artist Selection Panel. (See Section 6.3.2 for exact make-up of Artist Selection Panels.)
- 8.3.3 After selected, but prior to design development, artists shall meet with the Steering committee to discuss the scope of the project and community input to date.
- 8.3.5 Project Steering Committees shall respond to artist's draft designs and provide feedback.
- 8.3.6 After the artist(s) has created a fully-developed design for the artwork it shall be shared with the broader community through two of the vehicles identified in Section 8.2 above.
- 8.3.7 The design shall then be reviewed by experts and technicians (art conservator, engineer, police, foresters, Committee on people with Disabilities) identified by the Public Arts Administrator or other project managers.
- 8.3.8 Artist's final design shall be brought before the Public Art Advisory Panel and Minneapolis Arts Commission, prior to the execution of any agreements for fabrication of the design. Artists or members of the project Steering Committee shall have the opportunity to address both of these groups with respect to the design. The Minneapolis Arts Commission shall be the final authority in design review of public artworks.

- 8.3.9 The Steering Committee shall also at the site upon completion of the public art project to verify that the work is consistent with the work approved by the Arts Commission.
- 8.3.10 The Public Arts Administrator shall hold a final meeting of the Steering Committee to obtain feedback on the process and interview members about lessons learned.

Community Criteria:

- 8.4.2 Enhance Community Identity and Place:
- Does the design reflect the community or setting and the above characteristics?
 - Is the artwork design integrated into the site design and function?
- 8.4.3 Contribute to Community Vitality:
- Will the completed work have the potential to attract visitors and residents?
 - Will the completed work or proposed process encourage civic dialogue about City issues?
 - Will the proposed project be safe?
- 8.4.4 Involve a Broad Range of People and Communities:
- Will the proposed project involve community members in the creation of the artwork?
 - Does the design address ADA regulations as they apply to public art?
 - Does the design celebrate one or more of the City's cultural communities?
 - Will the completed work bring people together or create a gathering place?

Section 9: Artist Selection

Objectives:

- 9.1.5 Select artists who are sensitive to the communities in which they will be working.

Public Meeting:

- 9.3.3 All panel meetings are open to the public and the dates, times and locations of these meetings shall be posted in requests for proposals and on the City's web site.

Review Authority:

- Artist Selection Panels are responsible for artist selection. They include 1 community member, 1 site representative and 2 at-large members (Section 9.3).

Community Criteria:

9.3.2 Enhance Community Identity and Place:

- Is the artist familiar with the community or setting and its characteristics, including history, identity, geography and cultures?
- Does the artist's previous work demonstrate awareness of the respective community or setting and the above characteristics?
- Do the proposed ideas demonstrate awareness of the community or setting and the above characteristics?
- Are the proposed ideas suited to integration into the site design?
- Does the artist have experience integrating artwork into infrastructure and building function?

9.3.3 Contribute to Community Vitality:

- Do the artist's previous projects or proposed ideas have the potential to attract visitors and residents?
- Does the artist's previous work or proposed process build capacity and cooperation between the private and public sectors, artists, arts organizations and community members?
- Does the artist's previous work or proposed process encourage civic dialogue about City issues?
- Are the artist's previous projects or proposed ideas safe?

9.3.4 Involve a Broad Range of People and Communities:

- Does the proposed process involve community members in the design or creation of the artwork?
- Does the artist have experience working with communities and with diverse groups?
- Does the artist have a demonstrated ability to address ADA regulations as they apply to public art?
- Does the artist's previous or proposed process celebrate one or more of the City's cultural communities?
- Does the artist have experience in projects that bring people together or create gathering places?

Section 10: Public Education

Objectives:

10.1.6 Educate the community about public artworks and artists.

10.1.7 Use artworks as a means to educate the community about City services and places.

10.1.8 Develop educational programs that are appropriate for the community.

10.1.9 Reduce the risk of vandalism.

10.1.10 Support an efficient workload for staff.

Public Information and Events:

Upon completion of a public artwork, the City shall distribute a press release to local media informing the public about the artwork, post information on the City's website and hold a public dedication. The City may provide informational flyers about the artwork at the site and to relevant community groups and neighborhood organizations. Information about each public artwork owned by the City shall be posted on the City's website.

Plaques:

The City shall install a plaque for each public artwork developed by the City. Plaques shall contain the title of the artwork, artist name(s), year of dedication, responsible department for the commission, and a credit to all sponsors, who contribute funding toward ten percent or more of the artwork's costs. Sponsor credits shall be limited to the individual or institution name and shall not exceed the point size of responsible department. The plaque shall also acknowledge the Minneapolis Arts Commission. When appropriate, plaques shall include a phone number for reporting vandalism or damage.

Section 11: Conservation Treatment and Maintenance

Objectives:

11.2.5 Maintain artworks so that they continue to be safe and contribute to the vitality of communities.

Funding:

11.6.3 Volunteer and garden club maintenance is not an acceptable solution for the life span of an artwork.

Review Authority:

- The Public Art Advisory Panel prioritizes projects for conservation treatment. It includes 3 community members (section 5.2).

Community Criteria:

11.8.2 Enhance Community Identity and Place:

- Does the artwork raise awareness of the community or setting and its characteristics, including history, identity, geography and cultures?
- Is the artwork an icon associated with the community or setting and the above characteristics?

11.8.3 Contribute to Community Vitality:

- Does the artwork draw visitors to the community?
- Has it attracted strong public attachment or support over time?
- Does the conservation effort have the potential to build capacity and

cooperation between the private and public sectors, artists, arts organizations and community members?

- Is the artwork a catalyst for civic dialogue about City issues?
- Is the artwork safe or will repairing it make it safe?

11.8.4 Involve a Broad Range of People and Communities:

- Does the artwork engage a broad range of people?
- Does the current artwork and site meet ADA regulations or can it be modified to do so?
- Does the artwork celebrate one or more of the City's cultural communities?
- Does the artwork bring people together or create a gathering place?

Section 12: Gifts and Loans

Objectives:

- 12.1.9 Accept artworks that enhance communities and welcome the community into public spaces.

General Policies:

- 12.3.2 Placement of Artwork: Placement of artworks obtained by gifts and loans is restricted to public areas.

Public Meeting:

- 12.4.7 The Minneapolis Arts Commission may hold a public meeting for the purpose of gathering community feedback on a proposed gift. The Public Art Advisory Panel or the Commission may also decide to hold additional public meetings or gather community input through other methods.

Review Authority:

- The review and approval process includes the Public Art Advisory Panel (3 community members, section 5.2), Minneapolis Arts Commission (7 laypeople) and City Council.

Community Criteria:

12.4.2 Enhance Community Identity and Place:

- Does the proposed project reflect the community or setting and its characteristics, including history, identity, geography and cultures?

12.4.3 Contribute to Community Vitality:

- Does the proposed project or artwork have the potential to attract visitors and residents?

- Does the proposed project or process build that capacity and cooperation between the private and public sectors, artists, arts organizations and community members?
- Does the artist's previous work or proposed process or artwork encourage civic dialogue about City issues?
- Is the proposed project or artwork safe?

12.4.4 Involve a Broad Range of People and Communities:

- Does the proposed process involve community members in the design or creation of the artwork?
- Does the artist have experience working with communities and with diverse groups?
- Does the proposed project or artworks meet ADA regulations?
- Does the artist's previous work or the proposed process or artwork celebrate one or more cultural communities?
- Does the artist have experience in projects that bring people together or create gathering places, or will the artwork bring people together?

Section 13: Encroachment Permits

Objectives:

13.1.2 Support efforts to enhance communities through public art projects.

Review Authority:

- The review and approval process includes the Public Art Advisory Panel (3 community members, section 5.2) Minneapolis Arts Commission (7 laypeople) and *Department of Public Works*.

Community Criteria:

Same as for section 9.

Section 14: Deaccession and Removal

Objectives:

14.1.2 Eliminate artworks that are unsafe, not repairable or no longer meet the needs of communities.

Eligibility:

14.4.1 Deaccession or removal requests may be submitted by ...A neighborhood organization.

Public Meeting:

14.4.4 The Minneapolis Arts Commission or the Public Art Advisory Panel shall hold at least one public meeting for the purpose of gathering community feedback on a proposed deaccession or removal. The Public Art Advisory Panel or the Commission may also decide to hold additional public meetings or gather community input through other methods.

Review and Approval:

- The review and approval process includes the Public Art Advisory Panel (3 community members, section 5.2) Minneapolis Arts Commission (7 laypeople) and City Council.

Community Criteria:

14.5.2 Enhance Community Identity and Place:

- Is the artwork significantly less appropriate given changes in the function or character of the setting or the community?

14.5.3 Contribute to Community Vitality:

- Is the site no longer publicly accessible?
- Has the artwork been the source of significant adverse public reaction over at least five years?
- Has the artwork failed to contribute to the overall community dialogue about civic issues?
- Is the artwork unsafe?

14.5.4 Involve a Broad Range of People and Communities:

- Has the applicant gathered input from various people and groups in considering removal of the artwork?
- Do a broad range of people support the removal of the artwork?
- Does the current artwork or site fail to meet ADA regulations, and is it impossible to modify them to do so?
- Is the artwork a source of contention among various cultural communities?
- Has the artwork failed as a gathering place?

Section 15: Receipt and Completion

Objectives:

15.1.3 Confirm agreement among all partners that artworks are complete and all parties have fulfilled their responsibilities

Process:

15.3.7 Verification by the appropriate project steering committee that the work is consistent with the work approved by the Arts Commission.

15.3.6 The Public Arts Administrator shall hold a final meeting of the Steering Committee to obtain feedback on the process and interview members about lessons learned.

Review and Approval:

- The review and approval process includes the Steering Committee, experts, Minneapolis Arts Commission and City Council.

Section 15: Acquisitions

Objectives:

16.1.4 Accept artworks that enhance communities and welcome the community into public spaces.

General Policies

16.4.2 Placement of Artwork: Placement of artworks obtained by acquisition shall be restricted to public areas and employee commons spaces.

Process:

16.4.6 Public Meeting: The Minneapolis Arts Commission may hold a public meeting for the purpose of gathering community feedback on a proposed acquisition. The Public Art Advisory Panel or the Commission may also decide to hold additional public meetings or gather community input through other methods.

Review and Approval:

- The review and approval process includes the Steering Committee, experts, Minneapolis Arts Commission and optionally the City Council.

Community Criteria

16.5.2 Enhance Community Identity and Place:

- Does the proposed project demonstrate awareness of the community or setting and its characteristics, including history, identity, geography and cultures?
- Is the proposed project in accordance with adopted policy, historic use or master plans?
- Is a suitable site currently available for the artwork?
- Is the content of the proposed artwork compatible with its proposed setting?

16.5.3 **Contribute to Community Vitality:**

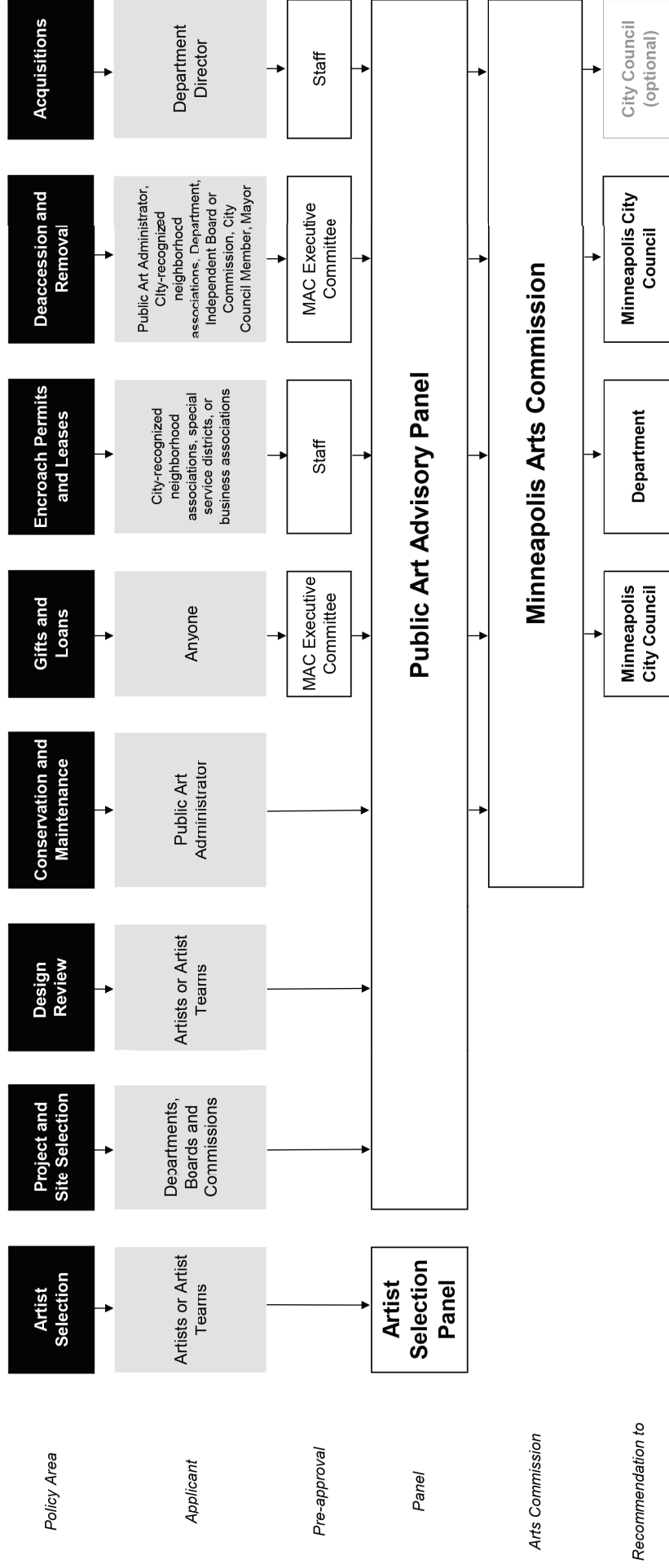
- Does the proposed project or artwork have the potential to attract visitors and residents?
- Does the proposed project or process build that capacity and cooperation between the private and public sectors, artists, arts organizations and community members?
- Does the artist's previous work or proposed artwork encourage civic dialogue about City issues?
- Is the proposed project or artwork safe?

16.5.4 **Involve a Broad Range of People and Communities:**

- Does the proposed process involve community members in the design or creation of the artwork?
- Does the artist have experience working with communities and with diverse groups?
- Does the proposed project or artwork meet ADA regulations?
- Does the work, the artist's previous work or the proposed artwork celebrate one or more cultural communities?

Attachment B: Authority and Responsibilities

Public Art Policies and Procedures





City of Raleigh

North Carolina

Public Art Policy



DOCUMENT SUMMARY

Public art serves as a crucial component in the City of Raleigh's civic and cultural life. The City intends to integrate a wide range of artworks reflecting diverse artistic disciplines and points of view into public locations throughout the community. In support of this goal, this document outlines the policy that facilitates the development of public art throughout the City. It provides a guide for City departments considering the placement of public art. To successfully implement this policy, City department heads should ensure that employees are familiar with the procedures herein for proper compliance and execution.

The following sections outline the purpose of the City of Raleigh Public Art Policy, the acceptable criteria for project types and the process for implementing and realizing public art projects.

Section 1 contains introductory information, the criteria for art selection, information about the development of a public art master plan and the process for identifying and selecting art and artists. Raleigh's public art program, which determines and implements the funding apparatus for current and future Percent for Art public art projects, is fundamental to the public art process.

Section 2 addresses key personnel and agencies and explains their roles as they relate to public art and the Municipal Art Collection.

Section 3 discusses the Municipal Art Collection, including its operations, collection care and management responsibilities (acquisitions, maintenance and placement).

Section 4 explains deaccessioning of artworks already in the City's possession.

Section 5 encompasses a glossary of important definitions.

Section 6 contains an appendix detailing the public art program's project implementation process, including artist selection, contractual agreements and project design. It reproduces in their entirety City ordinances that established the public art program in 2009. Section 6 also contains policies on acquisitions and citizen-initiated public art projects.

TABLE OF CONTENTS

Section 1 - Public Art in Raleigh

- 1.1 Purpose
- 1.2 Appropriation and Allocation of Percent for Art Funds
- 1.3 Percent for Art Process
- 1.4 Public Art Project Types
- 1.5 Criteria for Selection
- 1.6 Criteria for Non-Acceptance
- 1.7 Community Input
- 1.8 Public Art Master Plan
- 1.9 Public Art Project Selection Methods
- 1.10 Art in Private Development

Section 2 - Roles and Responsibilities

- 2.1 Raleigh City Council
- 2.2 City of Raleigh Arts Commission
- 2.3 Public Art and Design Board
- 2.4 Office of Raleigh Arts
- 2.5 Executive Director, Office of Raleigh Arts
- 2.6 Public Art Director, Office of Raleigh Arts
- 2.7 Site Agencies / City Departments
- 2.8 Artist Selection Panel

Section 3 - Municipal Art Collection

- 3.1 Acquisition Types
- 3.2 Acquisition Review and Acceptance Process
- 3.3 Collections Maintenance and Responsibilities
- 3.4 Maintenance Procedures
- 3.5 Placement of Works of Art
- 3.6 Municipal Loan Program

Section 4 - Deaccessioning Policy and Procedures

- 4.1 Criteria for Deaccessioning
- 4.2 Procedure for Deaccessioning
- 4.3 Manner of Disposition
- 4.4 Use of Net Proceeds from Deaccessioning
- 4.5 Records

Section 5 – Definitions

Section 6 – Appendix

Percent for Art Public Art Program Process

- 6.1 Artist Selection Panel Membership
- 6.2 Artist Selection Panel Process
- 6.3 Contractual Agreements
- 6.4 Design Development and Review
- 6.5 Project Completion

Public Art Ordinances

- 6.6 Ordinance No. 2009–563
- 6.7 Ordinance No. 2009–643
- 6.8 Ordinance No. 2011–874
- 6.9 Ordinance No. 2016-606

Related Policies

- 6.10 Review and Acceptance of Citizen-Initiated Artworks on City Property
- 6.11 Acquisition Policy, Municipal Art Collection

Section 1 - Public Art in Raleigh

The City of Raleigh recognizes the value of public art to its citizens and visitors. Public art matters because it is an essential building block for engaging, imaginative spaces that enliven the public realm, foster shared community interactions, celebrate our unique stories and collective history and inspire us to experience the world with fresh perceptions. We envision public works of art that transform and activate civic spaces and create a unique identity for Raleigh as a destination place. Significantly, public art plays a key role in Raleigh's 30-year Comprehensive Plan, adopted by the City Council in 2009. The Comprehensive Plan affirms the integral function of arts and culture in the City's enduring spirit and vitality.

The City of Raleigh commenced an exciting civic undertaking in 2009 with the creation of a public art program, joining hundreds of cities across the country with similar programs. The City public art program incorporates the work and ideas of artists and designers into public settings while creating connections among artists, project partners and communities. Prior to the program's establishment, the City of Raleigh Arts Commission (CORAC) developed select public artworks funded primarily with private donations, including the popular Red Wolf Ramble project. The public art program is administered by the Office of Raleigh Arts. It is directed by the CORAC and the Public Art and Design Board (PADB), with guidance from the Raleigh Arts Plan.

A primary aim of the CORAC, the PADB and the public art program is to raise public awareness of the impact of public art and its cultural and economic contributions. These include sustaining jobs, promoting the City's identity and civic pride, attracting visitors and developing vibrant, creative spaces.

1.1 Purpose

The purpose of this policy is to give direction for:

- Establishing a diverse collection of public artworks.
- Creating works of public art with the cooperation of the community.
- Involving local, regional and national artists of diverse backgrounds.
- Providing ongoing opportunities for artists to advance their art forms with temporary and permanent public artworks.
- Considering economic development and cultural tourism when advocating for public art.
- Understanding of public art and encouraging public dialogue.
- Incorporating art and design projects of the highest quality throughout the community, in essence creating a museum without walls and making art accessible to all.
- Providing a legacy of art and culture for future generations.

1.2 Appropriation and Allocation of Percent for Art Funds

The City established Percent for Art (PA) funds to administer and implement public art projects. PA funds are used for the selection, acquisition, installation, administration and maintenance of artworks and art projects commissioned or purchased through the public art program. The city manager appropriates PA funds concurrently with appropriations for City construction projects. Financial resources are maintained in accordance with accepted governmental accounting procedures. All appropriations to and allocations from PA funds occur in accordance with all legal restrictions associated with the source of financing.

Capital Improvement Program (CIP) projects that are required to be bid or otherwise contracted pursuant to the provisions of N.C.G.S. 143-129 and that provide significant general public access – for example, public safety centers, senior centers, cultural arts venues, parks and recreation facilities and streetscape projects such as gateway arteries and thoroughfares – are eligible for PA funding.

The amount of PA funding for a project is one percent of estimated construction costs, based on the bid or other price obtained under the above-referenced statute. Land acquisition, professional services (architectural, engineering, surveying, etc.), furnishings and equipment and all other soft costs are not included in the amount subject to the one percent allocation.

The city manager reviews all eligible projects approved as a part of the annual CIP process and refers them to the PADB. If the city manager declines to refer a project that the PADB considers eligible for PA funding, it may ask the city manager to reconsider. The PADB collects all available information about the project, including budget, site, schedule and constituent interests and then determines the desirability of a call for artists and the nature and geographical extent of the call.

Some projects otherwise eligible under Sec. 9-10007 of the ordinance establishing PA funding may not be suitable for the installation of public art. If a project is deemed unsuitable for public art, one percent of its estimated cost may be placed into a General Application Pool (GAP) account for the acquisition and administration of public art. Money held in this account may be appropriated upon recommendation by the PADB. Money from this fund may be used to acquire art for public projects that do not qualify under Sec. 9-10007 or to supplement PA funding for another eligible project. GAP funds may also be used for artist design services, maquettes, shipping or other expenses, including administration of the program required to obtain and place artwork. It is permissible to spend more than one percent of a project's cost on art if the additional cost is privately funded or paid for by an additional allocation upon recommendation by the PADB.

After the funding amount is established for a PA project or designated for GAP, five percent of the PA project funds are allocated for administrative PA expenses.

1.3 Percent for Art Process

The City follows specific guidelines for the creation of public art, including the formation of an artist selection panel, the panel's procedure for selecting artists and artwork for specific sites and the process for a project's acceptance into the Municipal Art Collection. See the appendix in Section 6 for details.

1.4 Public Art Project Types

For the purposes of this document, works of public art may include but are not be limited to:

- Sculpture in the round, bas relief, mobiles, fountains, kinetic and electronic work in any approved material or combination of materials.
- Paintings in all media, including oils and acrylics, that are portable or permanently affixed, such as murals.
- Graphic arts, such as printmaking, drawing and banners.
- Mosaics, including works executed in tile, glass, stone or other materials.
- Crafts using clay, fiber and textiles, wood, metal, plastics, stained glass and other materials, both functional and ornamental.
- Photography, including digital and traditional photographic print media.
- Mixed media, which may include any combination of two- and three-dimensional forms of media, including collage.
- Earth works, environmental installations and environmental art.
- Ornamental or functional decorative elements designed by practicing artists or other persons submitting as artists, including design professionals who are not members of the City design team for the project.
- Light-based or luminal art that is experiential, site-specific or installation-based work that explores optical phenomena or work composed of transmitted light, artificial or natural light

sources, projections or sculpture that incorporates light sources as major compositional and expressive elements.

- Sound art or media with primarily aural-based expressive elements, including electronic, audio media, found or experimental sound sources.
- Video and animation, projected or displayed on a video monitor;
- Portable art that may be displayed at locations other than a substantially permanent location or adjacent to the project site.
- Temporary performance or time-based art.

1.5 Criteria for Selection

The selection panel may consider the following questions when conducting reviews of proposed artwork:

Aesthetic Quality and Artistic Merit

- What has the artist accomplished with the work and does it align with the proposed project goals?
- Does the work under consideration have artistic merit?
- Is the work relevant to the City, its values, culture and people and does it contribute to the fabric of the City? Is the work an integral component of the overall project?
- Is the work of art appropriate for the community it serves?

Placement / Siting

- What is the relationship of the work to the site? Is it appropriately scaled?
- Will the work help to anchor and activate the site and enhance the surrounding area?
- Will there be convenient public access to the site?
- Will additional parking or access accommodations be required?
- What are the utility requirements of the artwork?
- Does the artwork have a connection with the surrounding community?

Fabrication, Handling and Installation

- Are the projected costs accurate and realistic?
- Have written estimates been obtained from qualified technical support and fabrication contractors?
- Does a certain site present any special obstacles to installation?
- Can the work easily be removed if necessary?

Maintenance Requirements

- Is the work suitable for outdoor display or special indoor environments?
- Are the materials durable and will they last? Does the work have a limited lifespan due to built-in obsolescence or any inherent weakness?
- What are the existing or projected maintenance requirements of the work? Are they excessive or cost prohibitive? Are any unusual or ongoing costs likely?
- What are the artist's suggestions for protection of the work from vandalism?

Liability and Safety

- Is any aspect of the work a potential safety hazard?
- Does the work meet building code requirements?
- Does the work or any portion of the work require a professional seal (structural engineer, electrical engineer, etc.)?
- Will fencing or other types of security measures be required?

1.6 Criteria for Non-Acceptance

Artwork fails to meet professional standards for acceptable public art practice if one or more of the following applies:

- Faults of design or workmanship pose a public health or life safety hazard or diminish the value of the work.
- The artwork is fraudulent, inauthentic or appears to be of inferior quality relative to the quality of other works in the Municipal Art Collection.
- The artwork is not the original work of fine art, such as a sculpture or painting. If the artwork is one of a multiple, it will be accepted only as an authorized limited edition. In the case of fine art prints and photographs, a limited edition is 200 or fewer.

1.7 Community Input

Community input on public art projects is part of the overall conceptual design development of a construction project. There are numerous opportunities for community involvement, public input and discussions of location, safety, maintenance. Community input and information-sharing may take place at neighborhood meetings or occur in other ways, such as:

- Reviews of existing plans, histories or public art plans for the site or area at meetings of City commissions, boards and other organizations.
- Surveys or interviews of nearby residents or site users.
- Hosted or facilitated internet discussions.
- Events such as public meetings, forums or design charrettes/ workshops.
- Cultural events and gatherings.

1.8 Public Art Master Plan

Over the past 25 years, the City has witnessed enormous growth and the concurrent need to support and increase cultural opportunities, including permanent and temporary public art, for residents and visitors. A report by the CORAC in 2008 outlined the critical goals and steps needed to develop a public art program. In response, the City Council passed the Half-Percent for Art ordinance in 2009, officially establishing the City's first public art program. (See ordinance in the appendix, Section 6.) In 2016, the City Council increased the Percent for Art allocation to one percent.

As discussed in the City of Raleigh's 2030 Comprehensive Plan, the CORAC, working with the PADB, looks forward to developing a Public Art Master Plan. This plan will provide a detailed framework for public art stewardship in Raleigh while setting forth policy measures and processes to enable the City to fulfill its public art objectives effectively and efficiently.

The Public Art Master Plan will:

- Advance goals for public art in the City of Raleigh.
- Identify opportunities and needs for public art across the City.
- Develop a strategy for the equitable distribution of public art in public places.
- Define maintenance requirements for public art.
- Identify opportunities for collaboration with entities such as the N.C. Department of Transportation to broaden the impact of public art.
- Reflect and document community input obtained during the master planning process.
- Establish the format and process of annual percent-for-art plans.
- Identify funding mechanisms for public art.

1.9 Public Art Project Selection Methods

One of the following selection methods may be used to select artists or artist teams for eligible public art projects:

- *Open Invitational/Open Entry*
This process is open to all qualified artists with possible limitations based on geographical or other eligibility criteria. Some competitions may also be open to other design professionals. The project is advertised and project guidelines are published. No fees will be charged to artists submitting materials and applications. A single artist may be selected, or a limited number of finalists may be paid an honorarium to prepare a specific site proposal and/or attend an interview with the selection panel.
- *Limited Invitational/Focused Invitational*
Selected artists are invited to enter a competition or are pre-selected as candidates for a particular project or site. Artists are considered for a commission by invitation only. The Office of Raleigh Arts and members of the selection panel generate the names of artists to be invited. A finalist may be asked to submit a proposal in the form of a drawing or maquette and/or attend an interview with the selection panel. This method generally applies when a certain type of artwork or certain qualifications and experience are required, such as sculpture competitions, site-specific works and works requiring design team expertise.

1.10 Art in Private Development

As municipal public art programs have become increasingly common throughout the nation, private developers are demonstrating a growing commitment to public art. The City of Raleigh does not have a formal policy regarding art in private development. However, the 2030 Comprehensive Plan states that public art should be incorporated into both public and private development.

Specifically:

Action AC 1.2: Develop a public art master plan that reflects a coordinated vision to bring privately-funded art to the public realm. The plan should highlight significant places in the City and include an inventory of possible future sites for public art.

Action AC 1.4: Explore innovative public and private funding opportunities for public art.

Accordingly, the City encourages creative public/private partnerships that enhance the profile of art in the City, support the City's mission and Public Art Policy and contribute to a culturally vibrant and aesthetically beautiful destination.

Section 2 - Roles and Responsibilities

The following roles and responsibilities related to this Public Art Policy apply to groups and individuals. Each of the following groups and individuals has reviewed the City of Raleigh resolution pertaining to ethical responsibilities (Resolution No. 1988-955A) and is expected to abide by its terms and provisions, thereby ensuring that representatives from each agency operate within acceptable standards of conduct.

2.1 Raleigh City Council

The City Council periodically reviews the Public Art Policy and related documents to assess compliance by City departments. The City Council appropriates Percent for Art funding.

2.2 City of Raleigh Arts Commission

The City of Raleigh Arts Commission (CORAC) is composed of members appointed by the City Council. Bylaws adopted by the City Council in 1977 established and govern the CORAC. The CORAC approves works of art before they are acquired or transferred, sold or deaccessioned from the Municipal Art Collection. The CORAC advocates for public art in Raleigh and reviews public art projects not generated by Percent for Art (PA) funds.

Duties include but are not limited to:

- Establishing and approving curatorial and programmatic goals, policies and guidelines as they pertain to artwork acquired on behalf of the City.
- Approving the accession, care and deaccession of all donations of artwork accepted into the Municipal Art Collection.
- Reviewing the cleaning, repair and overall care of artwork in the Municipal Art Collection at the recommendation of the public art director and in compliance with currently accepted standards of care.
- Approving temporary public art projects that are not under the auspices of the Public Art and Design Board.
- Approving citizen-initiated public art projects with budgets under \$10,000.

2.3 Public Art and Design Board

The Public Art and Design Board (PADB) is composed of individuals appointed by the chair of the CORAC. Bylaws adopted by the City Council in 2009 established and govern the PADB. The PADB is authorized to review and approve matters related to the PA public art program.

The PADB, in consultation with the public art director, the Office of Raleigh Arts staff and other City staff recommends the nature and placement of PA public art projects.

Duties include but are not limited to:

- Coordinating the development of this Public Art Policy with the CORAC.
- Reviewing and approving all issues related to PA projects, artist selection, design concepts and all other aspects of the public art program.
- Convening monthly or as needed to review issues related to PA selection panel recommendations, artist selections, project budgets and other program and project-related issues.
- Retaining the final authority for matters related to PA public art projects. The PADB may reject or reevaluate any related decisions, selections or recommendations and may recommend and authorize changes to the public art project in the best interest of the community, artists and others. The PADB reserves the right to reject selection panel recommendations or recommend modifications or changes.
- Providing guidance for citizen-initiated public art projects with project budgets over \$10,000 and approving or rejecting proposals for citizen-initiated projects.

2.4 Office of Raleigh Arts

The Office of Raleigh Arts administers the programs of the CORAC and the PADB, curates the Municipal Art Collection and coordinates public art projects.

2.5 Executive Director, Office of Raleigh Arts

The executive director is responsible for supervising the work of the public art director in order to develop a vision for the curatorial and programmatic goals of the public art program. The executive director works to ensure that these goals are in concert with the broader mission and goals of the Office of Raleigh Arts and the City of Raleigh.

2.6 Public Art Director, Office of Raleigh Arts

The public art director works with the executive director, the CORAC and the PADB to facilitate the vision for the curatorial and programmatic goals of the public art program. The public art director works to ensure that these goals are in concert with the broader mission and goals of the Office of Raleigh Arts and the City of Raleigh. The public art director is responsible for the overall management of art projects from inception to completion.

The public art director's responsibilities include but are not limited to:

- Working with site agencies and project teams to follow public art project guidelines, criteria and budgets for each project and facilitating inter-agency communication and interaction throughout the life of the project.
- Providing project management services as necessary throughout all phases of public art projects and providing periodic reports to the PADB and the CORAC.
- Soliciting comments and managing the public input process on public art projects in partnership with the sites' project managers.
- Soliciting review comments and approvals for proposed artworks from site agencies and other City departments as necessary regarding accessibility, safety, liability, feasibility and maintenance.
- Reviewing and evaluating artworks acquired for the Municipal Art Collection and developing broad curatorial and collections care policies for the Collection as a whole.
- Overseeing the proper documentation, inventory and management of the Municipal Art Collection and consulting with professional conservators when appropriate regarding conservation and maintenance.

2.7 Site Agencies / City Departments

Site agencies are the City departments conducting Capital Improvement Program (CIP) projects that generate PA funds and are the potential recipients of PA artworks. Site agencies are also City departments where artwork from the Municipal Art Collection or on loan from outside sources has been sited permanently or temporarily. These departments are accountable to the City Public Art Policy. This policy applies to City departments that display artwork using City funds in interior or exterior public spaces owned, leased and operated by the City or display privately funded works of art on City easements.

The director or an authorized representative in each site agency works with the public art director regarding artwork sited at the agency. The site agency's responsibilities include but are not limited to:

- Meeting with the public art director to discuss art projects and providing information and coordinating with the public art director to identify artwork donated to the site agency's jurisdiction for inclusion in the Municipal Art Collection.
- Ensuring that allocations for public art as provided through the department's construction budget are transferred and designated for use.
- Ensuring that public art-related coordination is included in the design and engineering consultant's scope of services agreement as required.

- Providing information for CIP projects regarding eligibility, including construction timelines and design drawings as requested, assigning an agency representative as liaison and attending meetings relative to the public art project.
- Working with the public art director to ensure that artworks in the Municipal Art Collection are the installed and maintained in accordance with nationally accepted standards.

The following are City department exceptions:

- Artwork donated or loaned directly to City employees or elected City officials for display in personal City offices.
- Artwork loaned to the Pullen Arts Center or Sertoma Arts Center due to their visual arts-specific mission.
- Artwork that uses temporary non-invasive support, such as easels for exhibition purposes.

The City does not accept responsibility for insurance or maintenance of any artworks identified in the above exceptions.

2.8 Artist Selection Panel

Artist Selection Panels (ASPs) are convened to review, interpret and provide recommendations for qualified artists and art proposals, based on criteria provided at the inception of the public art selection process.

Duties include but are not limited to:

- Reviewing and narrowing the artist application pool based on the project's goals and the site criteria.
- Reviewing and narrowing the finalists through proposals or interviews.
- Reserving the option to make no selection from submitted applications and to reopen the competition or propose other methods of selection.
- Providing recommendations to the PADB for projects and final concept designs.

The involvement of an ASP may continue as the "client group" for a project after the artist/project is selected.

Section 3 - Municipal Art Collection

The City of Raleigh has acquired many works of art that are on view in public spaces, including parks, municipal buildings and City offices. The artworks have until now been under the care and maintenance of the individual departments that acquired them. With this Public Art Policy, the City declares that there is one Municipal Art Collection and that there is one authority, the City of Raleigh Arts Commission (CORAC), for the acquisition and maintenance of the Municipal Art Collection. The full documentation of the Municipal Art Collection will facilitate opportunities for public access to the Collection's rich history. City departments are advised to follow the procedures outlined in this policy for artwork review and acceptance.

To fully support the care and management of the Municipal Art Collection, consideration must be given to providing funding and staffing at a level consistent with national standards for proper collections management.

The City Acquisition Policy and Public Art Policy set the criteria for approval of acquisitions for the Collection by the CORAC. The CORAC also approves the deaccession of artworks in the Collection.

3.1 Acquisition Types

Artwork considered for acquisition, whether by the CORAC or by City departments, must have a direct connection to the arts programming and objectives of the City. The CORAC approves all artwork designated for the Municipal Art Collection, including quality, placement and use. The CORAC takes into account the extent to which an acquisition meets the criteria and objectives discussed in the Acquisition Policy and any other factors that may influence acceptance or rejection of an acquisition. A chief consideration is whether the work can be sited rather than stored. City departments are required to defer to the CORAC for approval of acquisitions.

Gifts

- The Municipal Art Collection includes artworks acquired through donations, including gifts to the City by way of the mayor or a city councilor. A wide range of artworks may be acquired with no limits on form or size provided they meet the established criteria.

Purchases of Artwork

- The City may purchase artwork for the Collection. The artwork is subject to the process and criteria in place for acceptance by the CORAC.

Percent for Art Public Art

- Public art created as a part of the Percent for Art program (section 1.3) is accessioned into the Collection upon successful project completion.

Monuments & Memorials

- The CORAC can consider requests for monuments/memorials that are artwork. The CORAC works with the affected City departments on acceptance, approval, placement, siting and location of monuments/memorials. Donors typically pay the costs of design, manufacturing and installation. Simple memorial requests are referred to the appropriate City department.

Citizen-Initiated Artwork

- The CORAC reviews all requests for citizen-initiated artwork-related projects. Citizens who wish to site privately-funded artwork on public land or rights-of-way (e.g., murals) must comply with the Citizen-Initiated Public Art Policy.

Additional Requirements for Proposals of Large-Scale Citizen-Initiated Artworks

- Proposals for large-scale artworks or public monuments (projects requiring project team input regarding design, construction, fabrication, installation and placement) and proposals having benefactors contributing \$10,000 total to the artwork require careful consideration and may require several meetings and significant public comment before a final decision. Such projects are referred to the Public Art and Design Board (PADB). All costs are the responsibility of the presenter. Projects with high visibility or significant financial contributions may require approval by the City Council.

Loans

- Artwork loans of less than one year are at the discretion of City departments, in conformance with the criteria established in this Public Art Policy.
- Due to the long-term impact of artwork on display on City property, artwork loans of more than one year are reviewed by the public art director. The public art director works closely with the department director or designee to ensure an inclusive and collaborative process.

3.2 Acquisition Review and Acceptance Process

- The potential donor meets with the Office of Raleigh Arts to review the appropriateness of the acquisition. The proposed acquisition must be of appropriate theme, character and design for public display and be consistent with criteria in the Acquisition Policy and Public Art Policy.
- Acquisitions must be of the highest quality design, materials and construction. Durability and maintenance requirements may be factors in considering acquisitions. The artwork should retain its intended appearance and function over a substantial period of time.
- The donor provides support materials and forms as directed by the Office of Raleigh Arts.
- The CORAC in most cases formally reviews and decides whether to approve the acquisition at its next regular meeting or as scheduled by the Office of Raleigh Arts.
- Once the CORAC approves a donation, the donor provides signed documentation, depending upon the type of acquisition, to the Office of Raleigh Arts, formally transferring ownership to the Municipal Art Collection.
- The Office of Raleigh Arts works closely with site agencies to determine a suitable location for the artwork. Once a site has been identified and the artwork placed, signage properly crediting the donor is placed next to the artwork.

3.3 Collections Maintenance and Responsibilities

Office of Raleigh Arts Responsibilities

- The Office of Raleigh Arts retains a physical inventory of all artworks in the Municipal Art Collection. The inventory is conducted annually, with findings reported to the risk management section of the City Finance Department. The inventory record tracks object movement and is updated as needed. An inventory of artworks in the Collection is continuously maintained and includes estimated valuations of objects in the Collection. New donations to the Collection require an appraisal at the time of the gift, typically provided and paid for by the donor. Valuations of artworks are established principally for insurance purposes.
- The public art director oversees the assessment, treatment, maintenance and relocation of artwork. Cleaning and repair of artworks in the Municipal Art Collection are under the direction of the public art director, who complies with currently accepted standards of care and conservation.
- The public art director, in collaboration with site agencies, coordinates repairs with the involvement of other art conservators or independent contractors as needed. Reasonable efforts are made to notify artists of repairs to their works.

Site Agency/City Department Responsibilities

- Site agency representatives work with the Office of Raleigh Arts to identify art under their purview and assist with proper documentation and cataloguing of artworks in the municipal inventory. Following the initial site cataloguing, the Office of Raleigh Arts conducts annual inventories with the cooperation of site agencies.
- Site agencies undertake cleaning and repairs only as specified by the Office of Raleigh Arts. Site agencies must not remove, alter or relocate artwork in the Municipal Art Collection and are responsible for keeping the area surrounding the artwork clean and neat. Site agencies are responsible for protecting the artwork from damage caused by watering systems, furniture placement and maintenance equipment, such as mowers.
- Site agency staff, including service technicians and landscaping employees conducting maintenance of any kind on artwork, receive training as needed by the Office of Raleigh Arts, artists or professional conservators. The public art director determines whether a trained specialist is required and under what conditions nonspecialist labor may be used.

- Site agencies report any graffiti, damage or vandalism of artwork in the Collection to the Office of Raleigh Arts. The Office of Raleigh Arts reports the incident to police, corrects the damage within 48 hours and prepares an annual report for the site agencies detailing damage to artworks.
- Agreements for treatment and maintenance of artworks are developed when needed. These agreements ensure the integrity of the artworks and stipulate the roles of each responsible agency in staffing, funding and maintenance for the lifespan of the artworks. These agreements include directions to the site agency for routine maintenance and cleaning, including frequency and type of work to be performed.
- The site agency may make agreements with other appropriate parties for maintenance of artworks. These parties may include other governmental agencies, City departments or private contractors and are subject to the approval of the Office of Raleigh Arts.

3.4 Maintenance Procedures

Objects in the Municipal Art Collection require a wide range of care under the oversight of the Office of Raleigh Arts. The Office of Raleigh Arts creates an annual maintenance plan and long-term forecast reports to determine current and future Collection needs. When available, funding is allocated by the CORAC for framing, documenting and routine maintenance of artworks in the Municipal Art Collection. Secure storage is provided for artwork not on display. Limited funding is allocated for maintenance of artworks created through the public art program. The Office of Raleigh Arts works closely with site agencies to determine funding for special conservation or restoration projects outside the scope of routine maintenance.

A centralized computerized collections management system is used to inventory, photograph, document and track all artworks in the Municipal Art Collection. All documentation, both written and visual, is maintained in an easily retrievable format. Exhibited artworks are labeled with the title, artist and date of the work, at a minimum. At the discretion of the Office of Raleigh Arts, artworks may be temporarily placed in storage or loaned to other institutions such as nonprofit galleries and museums.

3.5 Placement of Works of Art

Works of art in the Municipal Art Collection may be moved throughout City facilities at the discretion of the Office of Raleigh Arts, taking into account requests from individual departments. As mentioned in Section 3.2, the Office of Raleigh Arts works closely with City departments to ensure consensus and open communication for determining site locations for artwork. While the intent is that a site-specific artwork remain in the location for which it was created, the Office of Raleigh Arts reserves the right to move a piece if circumstances dictate. The Office of Raleigh Arts may consider relocating site-specific artwork for one or more of the following reasons:

- The condition or security of the artwork can no longer be reasonably assured at its current site.
- The artwork has become a danger to public safety in its current site.
- The site has changed so that the artwork is no longer compatible as placed.

3.6 Municipal Loan Program

City officials and staff may borrow certain objects from the Municipal Art Collection for installation in approved public buildings and other public venues. In general, more significant artworks are installed in key public spaces. The focus of display is on matching artworks to appropriate spaces in terms of scale, visibility and profile.

Security arrangements are based on the value and significance of the artworks and where they are exhibited or displayed. Those borrowing works in the Collection must follow check-out procedures as directed by the Office of Raleigh Arts. The Office of Raleigh Arts reserves the right at any time to

remove artwork deemed at risk, without advance notice to the borrower. The Office of Raleigh Arts reserves the right to consider loans on a case-by-case basis and has the authority to approve or reject loan requests.

Section 4 - Deaccessioning Policy and Procedures

Deaccessioning is the process of removing artwork from the Municipal Art Collection. This policy recognizes that over time there may be reasons to deaccession artworks. Deaccessioning is considered only after careful and impartial evaluation of artworks within the context of the Collection. At the beginning of the process, the Office of Raleigh Arts makes reasonable efforts to notify any living artist whose work is being considered for deaccession.

Decisions related to deaccessioning are made by the City of Raleigh Arts Commission (CORAC), according to these guidelines:

- The CORAC may, from time to time, deem it necessary to deaccession objects for the betterment of the Collection. In considering an object or group of objects for deaccessioning, the CORAC must always be aware of its role as trustee of the Collection for the benefit of the public.
- Generally, objects are acquired for perpetuity and not with the thought of disposal. At issue is the CORAC's responsibility to the community, its donors and the public.
- Objects in the Collection should be retained permanently if they continue to be useful to the purposes and activities of the CORAC and the Collection, if they continue to contribute to the integrity of the Collection and if they can be properly stored, preserved, used and exhibited.

4.1 Criteria for Deaccessioning

Objects may be deaccessioned when conditions require or when such action would improve or refine the Collection. Reasons for deaccessioning may include but are not limited to situations where:

- The use of the site has changed, the artwork is no longer appropriate, and the artwork cannot be reasonably protected or maintained.
- The artwork's annual maintenance cost is deemed excessive.
- The artwork has been damaged beyond reasonable repair.
- The artwork requires extensive conservation or restoration that is cost-prohibitive.
- The artwork is deemed inappropriate or requires removal because of new developments in the direction of the Collection.
- The artwork was commissioned or accepted with the provision or understanding that it was to have a limited lifecycle or installation period.

4.2 Procedure for Deaccessioning

Deaccession of any object from the Collection is based on a written recommendation of the public art director. The recommendation must specify reasons for the deaccession. The executive director of the Office of Raleigh Arts reviews and endorses the recommendation before presenting it to the CORAC. The CORAC may approve the deaccession only upon a two-thirds majority vote. City and state regulations may apply when deaccessioning City property.

4.3 Manner of Disposition

The manner of disposition should be in the best interest of the City of Raleigh and the public. Disposition should occur as follows:

- Unless the CORAC specifically determines an alternative means of disposition, all dispositions are by sale with the primary objective of obtaining the best possible price. Sales of artworks are allowed through public auction, art gallery or dealer resale or direct bidding by individuals. Trade

through artist, gallery, museum or other institution for one or more other artworks of comparable value by the same artist is acceptable.

- Artworks that were commissioned or accepted into the Collection as site-specific works may be destroyed in lieu of being sold or reinstalled at an alternative site. This process is known as decommissioning rather than deaccessioning. Generally, site-specific works are created for a specific location and are not appropriate for relocation.
- In rare instances, the Office of Raleigh Arts may recommend reinstallation of artwork if its integrity and original intent or purpose can be preserved. When possible, this is done with the cooperation and supervision of the artist or the artist's estate. Didactic signage is installed at the site, explaining that the work has been re-sited and providing information related to the original site, commission and intention.
- Deaccessioned objects may be placed in another institution where they serve a similar purpose to that for which they were originally acquired.
- Regarding sale or trade of artworks, the Office of Raleigh Arts offers the right of first refusal to the artist, if still alive, and/or the original donor if the artwork was a gift to the City. In the case of artwork by a living artist, an exchange may be made if appropriate.
- Absent mandatory donor restrictions or requirements, the Office of Raleigh Arts staff, officers, board members and their immediate family members (spouses and minor children and other family members who live at home) and other members of their immediate households and controlled entities may not be the purchasers or recipients of deaccessioned objects.

4.4 Use of Net Proceeds from Deaccessioning

Net proceeds from the sale of deaccessioned objects (i.e., the proceeds of the disposition less all related expenses) must not be used as operating funds. Net proceeds are designated "for acquisition only" and must be used only for the growth or care of the Collection, consistent with acquisition procedures. The donor of a deaccessioned object that enters the Collection as a gift is fully credited in documentary files, in publications and on identifying labels for artwork purchased with proceeds of the sale. The purchased artwork, so credited, is labeled and identified as a "gift of [name of original donor] by exchange."

4.5 Records

Conditions and circumstances of any deaccession are entered in the Collection's permanent records. If possible, a file on the object is retained, including object and donor history, photographs, conservation/restoration records, appraisals and other relevant records.

Section 5 - Definitions

Acquisition: The inclusion of an artwork in a permanent art collection acquired through a commission, purchase, gift or other means.

Accession: The formal process used to accept an artwork into the Municipal Art Collection and record an item as a Collection object.

Artist: Individual artist, team of individual artists or artist team leader of individuals from other disciplines whose body of work and professional activities demonstrate serious ongoing commitment to the fine arts.

Artist Fees: The portion of the project budget reserved for payment to the artist for creative services for design, fabrication and project management. Fees do not include other labor, materials, travel and per diem allowances for out-of-town artists.

Artist Selection Panel (ASP): An ad hoc panel whose charge is to review artists and art proposals and make recommendations to the Public Art and Design Board for their selection.

Artwork or Work of Art: A tangible creation by an artist.

Capital Improvement Program (CIP): A 10-year, two-phase plan adopted by City Council that serves as a statement of City policy regarding the timing, location and funding of major public facilities in the City of Raleigh.

City: The City of Raleigh.

City of Raleigh Arts Commission (CORAC): Charter-mandated commission governed by 12 members appointed by the City Council. The CORAC serves as the official advisory body and advocate for the arts to the City Council. The makeup, function, powers and duties of the CORAC are defined in City Charter Section 22 and further defined in Ordinance 1977-563. The CORAC is a part of the City Parks, Recreation and Cultural Resources Department.

Deaccession: The process of removing an object permanently from a collection, through sale, exchange or any other transaction by which title is transferred from the collection to another institution or individual. Under certain conditions, it may also include disposal by intentional destruction.

Donor: The individual, corporation or other entity offering a donation to the City.

General Application Pool (GAP): A collection of monies from Percent-for-Art-eligible projects that the Public Art and Design Board deems inappropriate for the inclusion of public art. GAP funds are used to support the City public art program.

Loaned Artwork: Artwork given for use over a period of time and returned to the owner at the end of the use period.

Monuments: Structures, sculptures or other objects erected to commemorate a person or an event.

Municipal Art Collection: The Municipal Art Collection comprises all artworks owned by the City that have been accessioned by the CORAC on behalf of the City.

Percent for Art (PA): A method of financing public art programs by ordinance requiring that a percentage of capital project budgets be appropriated for artworks.

Plaque: Signage affixed on or near an artwork to identify the title, artist, media, etc.

Public Art: Artworks purchased or commissioned with funds generated by the PA ordinance. The artworks are created, usually by artists or design team collaborations, for public places and public experiences.

Public Art and Design Board (PADB): Ordinance-mandated board of seven members appointed by the chair of the CORAC to review and approve matters related to the PA public art program.

Public Art Program: The CORAC program that administers the purchase and commissioning of artworks acquired as a result of the PA ordinance.

Public Art Director: The Office of Raleigh Arts staff member assigned to manage public art projects for the public art program and to oversee the Municipal Art Collection and Block Gallery exhibitions.

Project Team (or Design Team): Professionals, including architects, engineers, City staff and landscape architects, engaged in the collaborative design of CIP projects.

Site: Real property or land that is owned, leased or operated by the City of Raleigh.

Site Agency: The City department conducting the CIP project that generates public art funds and the recipient of the art purchased or commissioned by the CORAC.

Section 6 - Appendix

Percent for Art Public Art Program Process

6.1 Artist Selection Panel Membership:

The Public Art and Design Board (PADB) establishes written criteria for selecting art for public placement. After the PADB determines that a Percent for Art (PA) project is appropriate for public art, an Artist Selection Panel (ASP) recommends the artist and art.

The ASP reports directly to the PADB. The ASP may range in size from three to seven members, depending on the scope and method to be used for the public art project.

The chair of the PADB appoints the chair of the ASP. The PADB approves ASP members, based on the recommendation of the PADB chair, the ASP chair and the public art director. One member of the ASP must be a member of the PADB. Another member must be the site project manager or design professional recommended by the director of the department or agency responsible for the site. Other members may be artists, arts professionals, design professionals or neighborhood representatives.

The PADB chair appoints new members to fill vacancies that arise during the course of the ASP's work.

6.2 Artist Selection Panel Process

The ASP serves as the preliminary review, advisory and recommending body for a PA project. The public art director assists the ASP chair in presiding over panel meetings and overseeing the artist selection process. The ASP interviews and selects an artist to recommend for the project.

ASP reviews are scheduled in advance and open to observers who wish to attend. The ASP chair or public art director instructs panelists on the duties and responsibilities relating to the project.

Panelists should verify that they have no conflict of interest relative to the project. If the ASP cannot reach a consensus on an artist, it takes a vote, with the majority carrying the decision. Each panelist has one vote, and no panelist has the right of veto.

The ASP chair presents the recommendation to the PADB. The PADB has final authority to approve the artist and can accept or reject the panel's recommendation. If the PADB approves the recommendation, it is reported as information to the City of Raleigh Arts Commission and the City Council.

The ASP has the option of making no selection. In that case, a new selection process may be initiated or the PADB may approve another artist, open a new competition, pursue a direct selection, commission an alternative artist or abandon the project. In such event, the PADB determines whether to continue or disband the ASP.

The ASP may meet throughout the duration of the project, from conception to completion, or disband after the artist is selected. If a panel disbands, the PADB reviews and monitors the remainder the project.

6.3 Contractual Agreements

Upon final approval of the artist by the PADB, the public art director negotiates with the artist using the City contract developed specifically for this purpose.

6.4 Design Development and Review

The following process guides the design development and review of a public art project:

- After selection but prior to design development, the artist meets with the project team and the ASP or the PADB to discuss the scope of the project and community input to date.
- The artist gathers information and conducts research, solicits community input if appropriate and begins preliminary designs.
- The ASP or the PADB responds to the artist's draft designs and provides feedback.
- After the artist has created a fully developed design for the artwork, it may be shared with the public.
- The design is reviewed by relevant experts and technicians (art conservators, engineers, police, Mayor's Committee for Persons with Disabilities, etc.) as needed and identified by the public art director or other project team members.
- The artist's final design is brought before the PADB prior to the execution of any agreements for fabrication of the design. The PADB is the final authority in the design review stage.
- The public art director may hold a final meeting of the ASP to obtain feedback on the process and interview members about lessons learned.

6.5 Project Completion

At the completion of a project, the following procedures apply to the transfer of project responsibility to the Municipal Art Collection:

- Within 15 days following the completion of the artwork installation, the artist provides a transfer of title document.
- As a condition of final payment to the artist, the artist must complete a Conservation Record form documenting fabrication methods, artistic intent and routine and cyclical maintenance requirements.
- Upon project completion, the PADB recommends to the CORAC final acceptance of the artwork into the Municipal Art Collection.

Public Art Ordinances

6.6 ORDINANCE NO. 2009-563

An ordinance to establish a Percent for Art program in the City of Raleigh

Whereas, a public art program is important to a city because it brings both economic and social benefits to the public and visitors to the City; and

Whereas, the City Council wishes to create and establish a program that enhances the visual environment of the City by incorporating the work of artists into the City's capital improvements; and

Whereas, the most efficient and effective way to achieve this goal is to guarantee a source of funding for public art by setting aside for art a portion of the capital budget for certain city projects; and

Whereas, the City of Raleigh Arts Commission has worked hard to help create a plan that the City can implement in a reasonable time to accomplish the goal of increasing the quantity of diverse public art throughout the City; and

Whereas, the City Council wishes to enact an ordinance in furtherance of that suggested program.

Now therefore be it ordained by the City Council of the City of Raleigh that:

Section 1. Chapter 10 of Part 9 of the Raleigh City Code, consisting of Sections 9-10001 through 9-10005, is hereby denominated as Article A of Part 9.

Section 2. There is hereby created a new Article B of Part 9 to read as follows:

Article B. Public Art

Sec. 9-10006. Public Art and Design Board. The Chair of the City of Raleigh Arts Commission shall, within thirty days of the enactment of this ordinance, appoint a Public Art and Design Board. The membership of the Board shall be seven members. The City of Raleigh Arts Commission Chair shall appoint six members and the City of Raleigh Arts Commission Chair will be the ex officio seventh member. Subsequent members shall be appointed by the Chair of the City of Raleigh Arts Commission and serve according to the time and term limits of Part One, Chapter 4 or the Raleigh City Code. The Public Art and Design Board shall develop a Public Art Policy establishing guidelines for the Public Art Program and will forward the same to the City Council for approval. The city manager shall review all eligible projects approved as a part of the annual Capital Improvement Program and refer them to the City of Raleigh Arts Commission for immediate referral to the Public Art and Design Board. The City of Raleigh Arts Commission may request the city manager to review his recommendation if it feels that an eligible project was not forwarded for review. The City of Raleigh Arts Commission shall refer to the Public Art and Design Board the list of projects from the CIP that it believes are eligible for and appropriate for the installation of public art. The Public Art and Design Board shall collect all available information about the project including budget, site, schedule and constituent interests. The Public Art and Design Board shall then determine the desirability of a call for artists and the nature and geographical extent of that call. Once the Public Art and Design Board has determined a project is appropriate for public art, it shall appoint a five-member Artist Selection Panel (ASP) to serve in selecting art for the project. Before the appointment of the first ASP, the City of Raleigh Arts Commission shall establish written criteria to use in selecting art for public placement. At least one member of the ASP must be a member of the Public Art and Design Board. The other members shall be an artist, an arts professional, a design professional and a representative of the department or agency in whose building or on whose property the proposed work will be located. The members are not required to be members of the City of Raleigh Arts Commission. The department or agency representative will be named by the city manager. The ASP shall interview and select an artist for the project and forward that recommendation to the Public Art and Design Board which will approve or disapprove the recommendation. If the recommendation is approved it will be forwarded to the City Council as information. The city manager will then negotiate a contract between the City and the artist.

Sec. 9-10007. Eligible Projects. CIP projects that are required to be bid or otherwise contracted for pursuant to the provisions of N.C.G.S. 143-129 and provide significant general public access such as public safety centers, senior centers, parks and recreation buildings and community centers and streetscape projects as examples shall be eligible for funding. The amount of funding for a project shall be one-half of one percent of the hard construction costs of the bid or other price obtained under the above referenced statute. Land acquisition, professional services (architectural, engineering, surveying, etc.) furnishings and equipment and all other soft costs are not to be included in the amount subject to the one-half of one percent allocation.

Sec.9-10008. Fund Management. It is recognized that all projects otherwise eligible according to the provisions of Sec. 9-10007 are not necessarily suitable for the installation of public art. If it is determined that a project is not suitable for public art the one-half percent of its cost will be placed into an account for the maintenance and acquisition of public art. Money held in this account may only be appropriated by the City Council upon recommendation from the Public Art and Design Board. Money from this fund may be used to maintain art, acquire art for public projects that do not qualify under Sec. 9-10007 or to supplement the one-half percent amount for an eligible project. The fund may be used for artist design services, acquisition of art, maquettes, shipping or other expenses, including administration of the program, required to obtain and place the art. It is permissible to spend more than one-half percent of the project cost on art for the project so long as the remainder of the cost is privately funded or paid for by an additional appropriation by the City Council upon recommendation by the Public Art and Design Board Sec. 9-10009. Project Coordination. It is understood that coordination between the Public Art Program and City construction management is vital to achieve timely completion of CIP projects. In order to achieve this cooperation the chair of the ASP for a particular project shall make every effort to expedite the public art side of a project and the City construction management staff and arts staff shall cooperate fully with the project ASP. The City shall include in any professional service RFP or RFQ language that indicates one or more artists may be included on the design team and will be selected by an independent process. The project architect shall be informed during negotiations for the architect's professional services of the requirement for artist involvement in the process which may include the artist on the project design team. Any unresolved conflict shall be decided directly by the City Council.

Sec. 9-10010. Form and Medium. Any art acquired pursuant to this policy shall be designed and created by visual artists. In addition to the traditional forms of art such as sculpture, painting, fresco, glass, mosaic and others the public art requirement may also be met by incorporating artistic elements into the overall architectural design if created by a visual artist. Any art installed pursuant to this program shall become and remain the property of the City of Raleigh.

Sec. 9-10011. Administrative Action. Within sixty days after the passage of this ordinance the city manager shall cause to be created an administrative process to guide the various city contracting departments as to how each is to interact in the percent for public art process.

Section 3. The provisions of this ordinance are declared severable according to the severability provisions found in Part 14 of the Raleigh City Code.

Section 4. Any ordinance or ordinance section in conflict herewith is hereby repealed to the extent of such conflict.

Section 5. It is understood that current budgetary restraints may make it difficult to fully staff the public art process and that the City may continue to operate under the Percent for Arts Resolution (Res. 2009-822) passed by the City Council on February 17, 2009.

Section 6. This ordinance is effective July 1, 2009.

Adopted: March 17, 2009

Effective: July 1, 2009

Distribution: All Department Heads

6.7 ORDINANCE NO. 2009-643

An ordinance to amend the current public art ordinance by making certain technical changes.

Now therefore be it ordained by the City Council of the City of Raleigh that:

Section 1. Sec. 9-10006 of the Raleigh City Code is hereby amended by deleting the third sentence thereof and inserting in lieu the following sentence:

“The members of the Board may be residents or nonresidents of the City and shall be appointed by the City of Raleigh Arts Commission Chair.”

Section 2. All ordinances and portions of ordinances in conflict herewith are repealed to the extent of any such conflict.

Section 3. The provisions of this ordinance are declared to be severable according to the provisions of Part 14 of the Raleigh City Code.

Section 4. This ordinance is effective upon adoption.

Adopted: September 1, 2009

Effective: September 1, 2009

6.8 ORDINANCE NO. 2011-874

An ordinance to amend the Raleigh Percent for Art ordinance by including additional projects eligible for funding.

Now therefore be it ordained by the City Council of the City of Raleigh that:

Section 1. Sec. 9-10007 of the Raleigh City Code is hereby amended by adding the following language after the first sentence of that section:

“Streetscape projects shall include, but not be limited to, all roadway improvements for all Gateway arteries and thoroughfares. Streetscape projects shall not include general roadway landscape improvements, small intersection improvement projects or traffic calming projects.”

Section 2. All laws and clauses of laws in conflict herewith are repealed to the extent of any such conflict.

Section 3. The provisions of this ordinance are declared to be severable pursuant to the provisions of Part 14 of the Raleigh City Code.

Section 4. This ordinance is effective July 1, 2011.

Adopted: May 3, 2011

Effective: July 1, 2011

6.9 ORDINANCE NO. 2016-606

An Ordinance To Amend The City of Raleigh Code of Ordinances, Part 9, Parks, Recreation and Cultural Affairs, Chapter 10, Arts Commission, Article B, Public Art, To Increase the Percentage for Public Art from Eligible Capital Projects

Be it ordained by the City Council of the City of Raleigh, North Carolina that:

Section 1. Pursuant to Ordinance No. 2009 – 563 adopted March 17, 2009 and effective July 1, 2009, Raleigh City Code Section 9-10007 is hereby amended by deleting the language "one half (1/2) of one (1) per cent" and substituting in lieu thereof the language "one (1) per cent."

Section 2. Pursuant to Ordinance No. 2009 – 563 adopted March 17, 2009 and effective July 1, 2009, Raleigh City Code Section 9-10008 is hereby amended by deleting the language "one half (1/2) of one (1) per cent" and substituting in lieu thereof the language "one (1) per cent."

Section 4. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 5. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

Adopted: June 20, 2016
Effective: July 1, 2016

Related Policies

6.10 Review and Acceptance of Citizen-Initiated Artworks on City Property

REVIEW AND ACCEPTANCE OF CITIZEN-INITIATED ARTWORKS ON CITY PROPERTY	
Purpose To establish the administrative process for the review of citizen-initiated artworks temporarily sited on City property or the public right-of-way, and the review and acceptance of citizen-initiated artworks permanently sited on City property or the public right-of-way.	Public Art Policy Section 3.1
Policy The City of Raleigh's Public Art Program shall comply with the Public Art Policy ¹ in order to maintain established standards for reviewing public art projects that originate with private citizens or organizations, use private funding sources or donations, and are located on City of Raleigh property or the public right-of-way. Such projects are deemed to be "large scale" when they require review and input regarding design, construction, fabrication, installation, placement or maintenance and/or have benefactors contributing \$10,000 or more.	PADB approved 4/29/14 CORAC approved 5/13/14 City Council approved 10/21/14

Responsibilities

- It is the expectation of citizens and/or organizations presenting projects for consideration that they abide by the City of Raleigh Arts Commission's (CORAC's) timeline and process for project review in advance of its inception.
- Public art projects expected to be on site for one year or less, regardless of budget amount, are considered temporary public art projects that are not designated for Raleigh's Municipal Art Collection. They are subject to review, guidance and approval by CORAC).
- Smaller-scale citizen-initiated permanently-sited artworks are referred to CORAC for review, guidance and approval.
- Large-scale citizen-initiated permanently-sited public art projects are referred to the Public Art and Design Board (PADB) for review, guidance and recommendation for acceptance to CORAC.
- The citizens and/or organizations presenting the project will be responsible for all costs associated with the artwork, including insurance, fabrication, installation, removal (if needed) and any maintenance or repair costs associated with a temporary public art project, unless otherwise determined by the City.
- CORAC, on behalf of the City of Raleigh, reviews all permanently-sited artwork and approves its accession into Raleigh's Municipal Art Collection.
- Maintenance and care of artwork accepted into the Municipal Art Collection is the responsibility of the City of Raleigh.
- Per City regulations, artwork that is donated or commissioned using outside funding sources requires City Council approval for final acceptance into the Municipal Art Collection after CORAC's approval.

¹ City of Raleigh Public Art Policy, Section 3.1, Page 11.

Procedure – Design Review and Installation

1. The project is reviewed by the City’s public art Director for consideration.
2. The project is reviewed by the City department responsible for the public space as well as City departments that may have regulatory authority (i.e. Inspections, etc.)
3. If needed, preliminary funding and site approval is reviewed and approved by City Council.
4. The project is presented to either CORAC or PADB, depending on scope and budget. The presenters should provide schematics/drawings for the site, a timeline for project completion, and project budget as a part of their overview. Presenters will review the information with committee/board members and be available for follow-up questions.
5. CORAC or PADB may appoint a board liaison to design committees or selection panels that are formed in order to help with shaping the design of the artwork. Inclusion of a board member ensures compliance with Raleigh’s Public Art Policy in order to facilitate the likelihood of design acceptance.
6. Once a design has been finalized, the presenter will provide an update on the project, including visuals of the design that outline scale, color and materials; fabrication and installation details; and maintenance requirements. Presenters will review the information with the respective board and will be available for follow-up questions.
7. CORAC or PADB will offer a recommendation for the design that may include acceptance, modifications or rejection.
 - a) Accepted project designs may move forward with fabrication and installation.
 - b) Project designs requiring modification either may be accepted with modifications or require another review prior to approval;
 - c) Rejected designs do not receive a recommendation and should not move forward.
8. PADB will advise CORAC of their recommendation prior to fabrication proceeding.
9. For artwork offered to the City as a gift, CORAC’s acceptance recommendation is forwarded to City Council for approval prior to fabrication.

Upon successful completion of a project that City Council has accepted as a gift, CORAC accessions the artwork into the Municipal Art Collection.

6.11 Acquisition Policy, Municipal Art Collection

ACQUISITION POLICY, MUNICIPAL ART COLLECTION		Public Art Policy Section 3.2
<u>Purpose</u>	<p>To establish the criteria and acceptance process for the review of artwork that is accepted into the City of Raleigh’s Municipal Art Collection.</p>	
<u>Mission Statement:</u>		<p>CORAC approved 4/08/14</p>
<p>The City of Raleigh’s Municipal Art Collection enriches the City, its residents and visitors, and fosters an artistic community through the acquisition, maintenance and display of exceptional visual art created by local artists, both past and present, as well as regional and nationally renowned artists.</p>		
<u>Policy</u>		
<p>The City of Raleigh’s Office of Raleigh Arts shall comply with the Public Art Policy¹ in order to consider artwork for acquisition into the City’s Municipal Art Collection, whether acquired by the Office of Raleigh Arts or by City departments. The artwork must have a direct connection to the arts programming and objectives of the City of Raleigh.</p> <p>Per the City of Raleigh’s Public Art Policy, there are several ways that artwork is acquired for the Municipal Art Collection. To that end, the following acquisition policy defines the criteria used when considering artwork for the Collection.</p>		
<u>Roles and Responsibilities</u>		
<ul style="list-style-type: none"> • Office of Raleigh Arts staff, including but not limited to the Public Art Director, make acquisition recommendations to the Art and Education Committee (AEC) or the Public Art and Design Board (PADB) depending on the type of art to be acquired. • The City of Raleigh Arts Commission (CORAC), on the recommendation of the PADB and/or the AEC, approves all artwork designated for Raleigh’s Municipal Art Collection. CORAC takes into account the extent to which the acquisition meets accepted criteria and objectives as designated below. • CORAC approves all artwork purchased with City funds. The City Council approves all donations of artwork to the City, which are first recommended by CORAC. • City departments are required, when considering any of the acquisition types below, to direct their consideration for approval to CORAC. • Objects are added or removed from the Poster or Education Collections at the discretion of the Office of Raleigh Arts, and do not need to be approved by PADB, AEC, or CORAC. 		

¹ City of Raleigh Public Art Policy, Section 3.2, Page 11.

Criteria

Criteria for acquisitions to the Municipal Art Collection include but are not limited to:

- The artwork is relevant to the Collection's mission.
- The artwork is of high aesthetic merit.
- The artwork is of the highest quality materials and construction. Generally, acquisitions should take into consideration durability and relatively low maintenance. The artwork should retain its intended appearance and function over a substantial period of time.
- The artwork has historical or cultural significance, especially for the City of Raleigh and its history.
- Consideration will be given to the presence and number of works by the same artists that are already in the collection.
- The artwork has potential for study and teaching purposes at the City's Art Centers.
- The artwork has clear title and satisfactory provenance.
- The artwork can be preserved within the resources of the Office of Raleigh Arts and the City of Raleigh. Liability associated with the artwork, based on the work's susceptibility to theft, damage and vandalism, and special insurance requirements will be evaluated. No artwork shall be acquired if the City cannot give it proper storage, protection, and preservation.
- The artwork is appropriate in scale, material, form and content for the audience and for the intended destination for the artwork.
- The City can secure exclusive or non-exclusive copyright license on all acquisitions. In general, fair use permits the Collection to carry out its exhibition and education programs, even when it does not hold copyright or non-exclusive license.

Procedure for Municipal Art Collection Acquisitions

1. The artwork under consideration for acquisition is reviewed by the City's Public Art Director.
2. Artworks may be added to the Collection by means of gift, bequest, purchase, commission, exchange, or any other transaction by which title to an object passes to the City.
3. The AEC reviews all potential acquisitions, with the exception of completed Half-Percent for Art (HPA) public art commissions, prior to presentation to CORAC. The PADB reviews completed HPA public art commissions, and offers recommendations on acceptance into the Collection to CORAC.

4. The AEC uses to the above criteria to review the acquisition, and may choose to:
 - a) Recommend to CORAC the acceptance of the artwork into the Municipal Art Collection.
 - b) Recommend to CORAC the rejection of the artwork into the Municipal Art Collection.
5. For artwork offered to the City as a gift, CORAC's acceptance recommendation is forwarded to City Council for final approval.
6. CORAC accepts the artwork into the Municipal Art Collection.
7. Once approved by the CORAC, the donor or seller provides signed documentation, depending upon the type of acquisition, to the Office of Raleigh Arts, formally transferring ownership of the artwork to the Collection. All documentation related to the object will be kept as part of the object's accession file and maintained by the Office of Raleigh Arts.

Conditions

- All artworks accepted into the Collection become the City's exclusive property and, if unrestricted, may be displayed, loaned, retained or disposed of in the best interests of the Collection, the City and the public they serve.
- If an entire collection is being offered, the collection on balance must meet the established criteria for acquisitions. CORAC is required to consider the disposal of those artworks not to be accessioned into the Collection, and every effort will be made to align decisions on such disposal with the wishes of the donors and their legal representatives, as may be appropriate.
- No artwork will be accepted into the Collection if it is offered with any restrictions, unless there is convincing reason to do otherwise. If an artwork is acquired with restrictions, the conditions will be stated clearly in writing and will become part of the accession records for that artwork.
- Objects bequeathed to the City for the Art Collection should be approved for acquisition prior to the City being designated as the beneficiary. If this is not done, the Collection and the City will not be under any obligation to accept the bequest. All objects bequeathed to the City are subject to the approval of CORAC. The Office of Raleigh Arts and the City will observe appropriate confidentiality with regard to accepted testamentary distribution of artworks.
- All acquisitions will be evaluated to avoid possible violations of legal and ethical standards involving ownership, possession and authenticity. The Office of Raleigh Arts and the City of Raleigh will not knowingly acquire an artwork unless valid title to the item in question can or has been acquired.
- The Office of Raleigh Arts, CORAC or the City of Raleigh does not provide appraisals. Upon request, the Office of Raleigh Arts will provide a list of independent outside appraisers, without making specific recommendations, and, if appropriate, will also identify organizations of appraisers as a courtesy to potential donors.