



Cambridge Historical Commission

831 Massachusetts Avenue, Cambridge, Massachusetts 02139. Telephone 617/349-4683
Fax 617/349-6165, TTY 617/349-6112, E-mail HistComm@ci.Cambridge.ma.us



William B. King, *Chair*, Allison M. Crump, *Vice Chair*, Charles M. Sullivan, *Executive Director*
M. Wyllis Bibbins, Suzanne R. Green, Helen F. Moulton, Robert G. Neiley, Jo M. Solet, *Members*
Jennifer Jones, Anthony C. Platt, *Alternates*

June 13, 1998

To: Robert W. Healy, City Manager

From: Charles M. Sullivan, Executive Director
Cambridge Historical Commission

Re: City Council Order #065- 3/2/98
Public Art Acceptance Policy

The Historical Commission has jurisdiction over public art installations in historic districts and on premises designated as a landmark because most such installations would be regarded as "structures" under M.G.L. Ch. 40C and Chapter 2.78 of the City Code.

For example, 40C requires that "no building or structure within an historic district shall be constructed or altered in any way that affects exterior architectural features" unless the commission has issued the required certificate (Sec. 6). The statute defines "construction" as including "the words 'built,' 'erected,' 'installed,' 'enlarged' and 'moved,'" and a "structure" as including "a combination of materials other than a building" (Sec. 5).

Most public art installations would require the Commission to issue a Certificate of Appropriateness. In such a proceeding, the Commission reviews "the historic and architectural value and significance of the site [and] the general design, arrangement, texture, material, and color of the features involved." In the case of new construction, such as an art installation, the Commission "shall consider the appropriateness of the size and shape of the . . . structure, both in relation to the land area on which the . . . structure is situated and to buildings and structures in the vicinity" (Sec. 7).

In the course of reviewing an application for a public art installation, the Commission would be guided by the purpose statement of the Historic Districts Act:

"to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of

buildings and places significant in the history of the commonwealth and its cities and towns . . . and the encouragement of design compatible therewith" (Sec. 1).

Since the establishment of the first historic district in 1963, the Commission has reviewed several applications for public art installations, including the Dawes memorial in 1976, an art installation at Fort Washington in the 1980s, and the Irish famine monument in 1996. In recognition that there now exists another public process for evaluating public art, the Cambridge Historical Commission unanimously adopted the following resolution on October 7, 1997, :

That, with respect to applications for proposed private gifts of art on public land over which the Historical Commission had jurisdiction, Certificates of Appropriateness would not be granted without the prior approval of the artwork by the Public Arts Committee. Furthermore, applications for Certificates of Appropriateness for art on private property within the jurisdiction of the Commission, the Commission would not grant the Certificate without first seeking a recommendation from the Public Arts Committee.

This resolution was adopted after consultation with the Director of the Cambridge Arts Council and was intended to allow coordination between the policies and practices of the two agencies.

cc: Pallas Lombardi, Cambridge Arts Council

Cambridge Arts Council

57 Inman Street Cambridge, MA 02139 (617) 349-4380

Council Order #065
dated 3/2/98

SITING PUBLIC ART - SUMMARY

Survey of Procedures

Two kinds of programs were reviewed:

- a) municipal programs similar in size to Cambridge
- b) larger programs recognized for innovation.

Cambridge is the only city in Massachusetts with a legislated public art program. Other cities, including Boston and Somerville, commission art on an ad hoc basis but do not have standard operating procedures for the selection of sites.

Siting Public Art

Cambridge Public Art Ordinance requires that the art be part of the funded construction project. Cities that are not restricted to construction projects often develop *masterplans* for site selection.

Two general methods for siting public art:

- a) The Architect and Art Committee select site(s) for art before an artist is selected.
- b) The artist collaborates with the Art Committee and the Architect on siting art.

According to the Cambridge Public Art Ordinance, the Cambridge Arts Council determines the site for art.

Since 1988 CAC seeks consensus about the siting of the art with the department responsible for the project.

1998 the Public Art Commission revised the Guidelines expanded the process to involve the public participants on the Art Committee in siting the art.

REPORT ON THE PROCEDURES FOR SITING PUBLIC ART

Prepared by Hafthor Yngvason, Director of Public Art

In response to Council Order #065, dated 3/2/98, regarding the report on the process of revising the procedures for siting public monuments and art in Cambridge, including the current procedures as well as a survey of other American cities, the following is offered:

The Cambridge Arts Council's Public Art Commission (PAC) and the Public Art Director have reviewed and revised the guidelines for implementation of the Cambridge Public Art Ordinance. A draft of the guidelines was presented for discussion in a public forum on March 16.

A COMPARISON OF PROGRAMS AND PROCEDURES

As part of the review process for the Guidelines and in response to the City Council's request, the Director of Public Art did a survey of public art procedures in other American cities. Currently, there are over 140 legislated public art programs on municipal, county, and state levels in the U.S. Two kinds of programs were selected for review: a) municipal programs similar in size to Cambridge (including Bellevue, Washington; Duluth, Minneapolis; Evanston, Illinois; and Santa Cruz, California); and b) larger city and county programs that are recognized in the field for their innovative approaches to public art (Seattle, Washington; Phoenix, Arizona; and San Jose, California).

Cambridge is the only municipality in Massachusetts with a legislated percent for art program. Public art is commissioned on an ad hoc basis by other cities and towns, including Boston and Somerville. The Boston Art Commission has "legal authority to approve and site new public art on property owned by the City of Boston" (see attached program description) but does not have standard operating procedures for the selection of sites. The City of Somerville does not have guidelines for public art, according to Cecily Miller, Director of the Somerville Arts Council. Sites for murals and sculptures that are commissioned by the city through grant funds are negotiated on a project-by-project basis, sometimes with involvement of community representatives.

General Geographic Location of the Art

The survey shows that among American cities with legislated public art programs, the general geographic location of public art is commonly determined by a requirement that the art be placed in or about the construction project from which funds for the art are derived. This is required by the Cambridge Public Art Ordinance and by many ordinances developed at a similar time as the Cambridge Ordinance.

Some cities, counties and states (including Seattle, Washington; Phoenix and Tucson, Arizona; San Jose, California; Bellevue, Illinois; and Broward County, Florida) are allowed by their ordinances to site art apart from facilities. City of Bellevue's One Percent for Art Procedural Guidelines state, for instance:

"Sites of eligible construction projects shall not necessarily be the determined site for placement of works of art. Eligible funds shall be deposited into the Municipal Art Fund and accumulated until such time an appropriate site is determined." (p. 8).

The City of Phoenix Percent for Art Guidelines state:

"Artwork may be placed either as an integral part of the construction project in connection with which the funds were appropriated or *may be placed in, on or about other public facilities*. Site determination may be restricted by the fund source." Procedures 1 (c) (italics added).

See also Seattle's Standard Operating Procedures #400-005 7.1.5.1.

With flexibility in the use of art funds, some programs have commissioned *masterplans* for the general geographic location of public art. This approach replaces the process of selecting sites on project-by-project basis with a comprehensive city-wide plan that incorporates public art into urban design and community development programs. The strength of this approach is that it provides a strategy and criteria for: a) selection of sites for art based on the importance and visibility of the site; and b) the allocation of public art among various neighborhoods, based on community needs and strengths.

Site Selection

The Cambridge Public Art Guidelines of 1988 state that the "[s]iting of artwork may be determined in the Annual Art Plan, or proposed by the artist selected for the project." These two options are commonly stated in public art guidelines (see City of Phoenix, Percent for Art Guidelines, Procedures 1 (c), and Duluth Public Arts Commission, Draft of Procedures and Implementation of 1% for Art Projects, Development of Artwork Projects b). It may be useful to explore these two general options as they suggest different approaches to public art.

1) One or more possible sites for art are specified before an artist is selected. The sites are usually chosen by a committee consisting of representatives of the public art agency, the City department or agency responsible for the capital project of which the art project is a part (e.g. the Council on Aging for a senior center), project architect or designer, and community representatives. A prospectus (RFP or Art Plan) is developed, specifying the location (often with the aid of architectural drawings) along with other requirements that may apply, such as size and media. Artists develop proposals or submit completed artworks that meet the requirements specified. Selection methods include:

* *Open Competition*: The project description (including a description of the chosen site) is widely publicized and proposals are accepted from all artists. No proposal fees are paid and artists do not personally present their proposals. Finalists are selected and those artists are invited to refine and present their proposals for a fee.

* *Limited Competition*: A small number of artists, selected by a jury, are invited to develop and present proposals in response to project description. Artists are paid for the development and presentation of the proposals.

* *Direct Purchase*: The jury recommends acquisitions based on review of completed artworks.

2) Possible sites are proposed by the artist selected as part of the artist's conceptual proposal. This approach allows the artist to engage in dialogue with the community and other program designers about site selection as part of more extensive discussion about the art. The artist is selected based on the quality of his/her prior work and appropriateness of his/her approach to the project's overall requirements (in a process combining an initial review by a jury and final selection by the Art Committee). Potential site(s) may be suggested to the artist by the Art Committee or other members of the community or the site(s) may be proposed by the artist as part of his/her conceptual proposal(s). In either case, it is important about the site selection - and about the process in general -- that it is collaborative, inclusive, and gradual; i.e. the artist's concepts and design options are developed through active involvement with the community over time.

Comparison

There is a marked difference between the two approaches described above. The first approach calls for a distinct division of roles and is likely to result in discreet works of art (limited in scope to pre-defined guidelines) while the second approach opens the site-selection to collaborative approach and is likely to result in art that is more integrated into the environment.

Some public art programs reserve the first approach for projects where the architecture is mostly completed before the artist's involvement. The City of Seattle, for instance, divides projects in two general categories and recommends two different approaches for site selection based on the status of the capital project:

- * "In the case of sites under development,... the designer and artist shall work collaboratively [to] coordinate the location of the artwork within the construction project.
- * "In the case of existing sites, where development is completed, the Staff and the artist shall consult with designated City official(s) on location(s) for artworks, and these locations(s) shall be determined by agreement between the Department [that owns, manages, or has jurisdiction over the site] and the Seattle Arts Commission." Standard Operating Procedures #400-005 (7.1.5.1 c and d).

The collaborative method, where the artist is involved in the site selection, is highly recommended by experts on public art for two reasons:

- * It encourages further engagement between the artist and the community during proposal development as the artist's design will go through several iterations before a final design is developed (a comparable community interaction is unlikely when artists are asked to develop a proposal in response to RFP).
- * It affords an increased scope for the artist's creative input by involving the artist at an early stage in the overall design of an improvement project: "It is axiomatic that the early involvement of the artist in the project design team dramatically enhances the change of a successful public art project... If the artist is present during the project design conceptual development and the schematic phase, the art project will be more relevant to the architectural context and will be more fully integrated into the overall project." (Public Art and Design Master Plan, Broward Cultural Affairs Division, Broward County, Florida (1995), Section 1.2). See also City of

THE CAMBRIDGE PUBLIC ART ORDINANCE AND GUIDELINES

According to the Cambridge Public Art Ordinance, the Cambridge Arts Council is empowered to determine the location of art:

"To carry out its responsibilities under this chapter, the Cambridge Arts Council shall:...

(3) Determine the geographic location of such works of art and architecture, and the location within individual sites and buildings where such works shall be placed or created; provided that to the maximum feasible extent each such ... project shall be placed ... in and about the construction project from which funds were derived for payment of that ... project." Sec. 2.114.050 (C)

Given the requirement that art projects be sited "... in and about the construction project ..." the Guidelines of 1988 recognize the importance of seeking agreement about the location of the art within said construction project with the department responsible for the site:

"Recommended sites/art locations: Siting of artwork may be determined in the Annual Art Plan, or proposed by the artist selected for the project. In either case, location of artwork is by agreement between the [Public Art] Commission and the department responsible for the site." (p. 2)

It is common among public art programs in American cities that the responsibility for siting of artworks is shared by the art agency and the department responsible for a particular construction project (see Duluth Public Arts Commission's Procedures for Development and Implementation of 1% for Art Projects; "Development of Artworks Projects (b)"; Seattle's Standard Operating Procedures #400-005 7.1.6; and City of Phoenix Percent for Art Guidelines, Responsibilities 1.4.)

RECOMMENDATIONS

In revising the Guidelines, the Cambridge Public Art Commission explicitly recognizes the importance of expanding the process to involve the general public in discussion about the proposed location of artworks. Towards this end, the new Guidelines recommend that the role of community Art Committees be formally and systematically expanded to provide advice and feedback *throughout the course of each project*. (It is important to note that Art Committee meetings are open and publicly announced.)

Increased Community Involvement

The Guidelines of 1988 formally limited the role of community "advisors" to the proposal review (see page 5 in the 1988 Guidelines), where their function is confined to reviewing completed proposals and offering their opinions and preference to the art jury.

The collaborative approach described above (p. 3) has been emphasized in the new Guidelines, as it offers several opportunities for the Art Committee to review the artist's proposals in progress (the pre-selection of sites is left as an option for special cases). By consistently

involving all interested parties, the recommended process assures two things: first, that the artist has enough information to develop a realistic proposal and, secondly, that a variety of concerns and interests are brought to bear on the artist's proposal.

It should be noted that Art Committees have been involved in recent projects. For instance, Art Committees were formed to participate in the artist selection process for Central Square, Frisoli Youth Center, the Water Treatment Facility, and Morse School and these committees have, to a varying degree, been involved throughout the proposal development (see attached description of the Morse School process).

Art Committee

To ensure that a wide range of community interests and concerns are considered at every stage of project development, an ad-hoc Art Committee should be established for each project. The Art Committee is intended to bring together groups and individuals with strong interest in a place or facility to advise on various aspects of the project. Committee members are sought through a variety of ways, such as through announcements in local papers and the Public Art Plan, and recruitment at public meetings and at meetings of representative groups, such as neighborhood and business associations.

The role of the Art Committee is to serve as liaisons with the wider community, advise on outreach and education activities, interview candidate artists, make final selection of artist(s), and provide information, advice, and feedback to the artist during proposal development.

Artist Selection

An initial public meeting is held during which the community is asked to give input on the nature of the project. Special account is taken of the intended function of the place or facility, its unique physical character, its historical background, and the social and demographic constitution of its public.

The Art Committee actively participates in the artist selection. A jury selects a group of artists based on the quality of their prior work and appropriateness of their approach to the project's overall requirements (e.g. proven ability to work with youth in case of a project for a youth center). These artists are invited to interview with the Art Committee, who is responsible for the final selection of artist(s) for the project.

Proposal Development

The collaborative process offers several opportunities for the community to review the artist's proposal in progress.

Research: The artist meets with the Art Committee to learn about the nature of the project and the community's expectations. The artist may also have more targeted meetings with other groups and individuals involved in the shaping of a particular project to research specific areas of his/her potential involvement, e.g. meetings with the City department or agency responsible for the capital project which the art project is a part of and/or a steering committee for the

project (e.g. the Central Square Committee for the Central Square Improvement Project) to review the general plan for the project; the project designers (architects, landscape architects, engineers) to review their design concept and criteria, technical requirements, and schedules, as well as to explore collaboration on design of some aspects of the capital project (if the design is at early stages); the Historical Commission and other agencies that may provide background information relative to the project.

Conceptual Design: In response to the information and opportunities identified in the above meetings and other research, the artist formulates initial artistic concepts (including sites). At this stage of development, while the art is literally a work-in-progress, the artist is encouraged to explore various options with interested parties. The artist presents his/her concepts with the help of schematic visual materials (sketches) and verbal descriptions to the Art Committee, in an open meeting, to explore the feasibility of each concept.

Detailed Proposal: Based on the Art Committee's feedback, the artist develops one or more concepts in detail. The artist presents the detailed proposal with the assistance of a model, drawings, or other graphic materials to the Art Committee for its feedback and suggestions. If the artist serves as a member of a design team, the artist may also participate in periodic on-board reviews with the Design Team.

Final Approval

Only after the Art Committee's review and feedback does the artist's detailed proposal go to the Public Art Commission for final approval. The Public Art Commission reviews the proposal with regard to availability of resources, maintenance requirements, and security and safety.

**City of Cambridge
Draft of Public Art Guidelines, 1998**

Cambridge public art guidelines

introduction

In 1979 the Cambridge Arts Council developed a Public Art Ordinance which was passed by the City Council. Cambridge Municipal Code, Chap. 2.114 (Public Development Arts Projects). The Ordinance specifies that one percent of capital expenditures can be committed to the incorporation of art into construction projects at city-owned sites.

The Ordinance marks an extraordinary opportunity for the citizens of Cambridge to enjoy a wide variety of art in their daily lives. It promotes "the enjoyment of the arts...by increasing the quantity and quality of such arts available in public buildings, facilities and spaces" through capital expenditures.

public art commission

The Public Art Commission is a seven-member commission appointed by the City Manager. It advises the Cambridge Arts Council in the implementation of the Ordinance, including the development of guidelines and the overall direction of the program. Members, who live or work in Cambridge, are appointed for two years and represent various art disciplines.

Public Art Commission

David Perry, Chair, Architect
Craig Bowen, Conservator
Rebecca Cheng, Architect
Wilfredo Chiesa, Artist
Stella Aguirre McGregor, Public Art Coordinator
Jennifer Riddell, Curator
Helen Shlien, Curator

Public Art Staff:

Hafthor Yngvason, Director of Public Art
M.C. Lamarre, Public Art Administrator

community involvement & education

A successful public art program depends upon the active involvement of the patrons and beneficiaries of public art. Since the inception of the Ordinance, community representatives have participated in public art projects by serving on art committees, being liaisons for the wider community and adding a vital balance to the decision-making process.

The Arts Council is interested in expanding the community's role in its projects through outreach and education. There are many ways to educate the community about the context and significance of contemporary public art. Workshops, artists' talks, field trips, forums, seminars, school programs, visiting artists programs, art tours, publications, media inserts, articles, WEB page, television and radio programming all provide means to inform the community about the program and the public art collection.

public art plan & public forum

The Cambridge Arts Council is charged with formulating an annual plan "for the development and creation of arts in public buildings and spaces in the various neighborhoods and sections of the City." (Code, Section 2.114.050(A). This Public Art Plan includes "an itemization of the city's priorities for choosing, creating and placing works of art" in Cambridge.

It is important that the overall direction of the Public Art Plan be developed with community input at a public forum where artists and the community have the opportunity to express and discuss their ideas, opinions, concerns, and desires for public art in Cambridge.

At the *Public Art Forum*, the public art program goals for the upcoming year are presented by members of the Public Art Commission and staff. The Forum is widely publicized through print and broadcast media.

Beyond providing an occasion for public input in the development of new projects, the forum provides an opportunity to raise awareness and interest in public art in Cambridge, to promote the idea that art belongs to everyone, and to disseminate information on the range of aesthetic goals and directions being pursued nationally.

Public Art Program

GOALS

- * artistic excellence
- * creative freedom
- * community involvement and education

ART COMMITTEE

An Art Committee is established for each project to ensure that a wide range of community interests and concerns are considered at every stage of the project development.

The Art Committee is intended to bring together groups and individuals with a strong interest in a place or a facility to advise on the various aspects of the project.

Committee members are sought through a variety of ways, such as through recruitment at public art forums and public meetings, press releases and announcements in the Public Art Plan. Staff and Public Art Commission members additionally recruit from representative groups, such as neighborhood organizations, businesses, relevant city agencies, the project architect or designer, and other interested parties.

The *role* of the Art Committee is to:

- * serve as liaisons with the wider community;
- * advise on outreach and education activities;
- * interview and make final selection of artists when the "interview" method is used (see *Artist Selection*);
- * provide information, advice and feedback to the artist during proposal development.

An important function of the Art Committee is to provide comprehensive *project information* for use by the jury when selecting artists and by the commissioned artist(s) for each project. Special account is taken of the intended function of place or facility, its unique physical character, its historical background, and the social and demographic constitution of its public.

Art Committee meetings are arranged by the Public Art staff throughout the duration of each project. The number of meetings varies. The meetings are open and announced in the local media and appropriate community newsletters.

ARTIST SELECTION

Art Jury

The Public Art Ordinance establishes that public art shall be selected with the assistance of a professional arts jury appointed by the Arts Council. Code. Section 2.114.050(B).

The members of the art jury, usually 3, are chosen by the Arts Council for each project, with the advice of the Public Art Commission. Many resources are used to find jurors who are knowledgeable about public art and represent varying artistic points of view. Resumes of artists, curators, educators, art historians, and art administrators are solicited from art professionals and institutions.

Art Criteria

The art jury makes aesthetic decisions after reviewing project information from the Art Committee, the Public Art Commission, and staff. The following criteria is considered in the selection:

- * *Excellence*
- * *Diversity*
- * *Appropriateness*

Selection Methods

The Public Art Commission decides on the artist selection method used for each project. The Commission can choose one or a variation of the methods described below.

- 1) *Interview*: The jury selects a small number of candidate artists. The candidates are interviewed by the Art Committee, who makes the final selection of the artist(s).
- 2) *Invitational*: The jury selects artist(s) to join a design team and to develop and present ideas and proposal(s) in collaboration with other members of the design team.
- 3) *Direct Purchase*: The jury reviews existing art and recommends works for acquisition to the Art Committee who makes the final decision.
- 4) *Limited Competition*: The jury selects a limited number of artists, who are paid to develop and present proposals.
- 5) *Open Competition*: Project description is widely publicized and proposals are accepted from all artists. No proposal fees are paid and artists do not personally present their proposals. Finalists may be selected and those artists are paid to refine and present their proposal.
- 6) *Artist Roster*: Similar to a limited competition, this method is proposed for projects with limited funding and tight deadlines. Periodically a jury reviews the slide registry and selects a number of artists who would be interested in such projects. When an opportunity becomes available, the commissioning group selects artist(s) from the roster based on a review of the artist's slides and subsequent interview.

Eligibility

All professional artists are eligible for public art commissions. The Cambridge Arts Council recognizes its responsibility to foster the arts in Cambridge and encourage the development of local artists. Thus, first priority is given to artists living or working in Cambridge, followed by artists in the Greater Boston area, the New England region and other areas of the country.

The Arts Council's *public art slide registry* is the main resource for the selection of artists. It provides each art jury with broad range of artists interested in public art commissions. Artists are encouraged, through the Public Art Plan and through media announcements, to submit slides of recent work and a resume to the slide registry. The registry is open to all professional artist.

PROJECT IMPLEMENTATION

A contract is executed between the artist and the City, acting by and through the Arts Council, for the artist's services, or for the purchase and installation of an artwork. The Arts Council is responsible for providing liaison between the artist, the city department or agency responsible for the capital project of which the art project is a part, the Art Committee, and other interested parties in order to facilitate exchange of information.

PROPOSAL REVIEW

A vote of the Cambridge Arts Council must be taken for the final approval of a proposal. The Arts Council and the Public Art Commission review the proposal with regard to non-aesthetic issues, as described below.

** Availability of resources:* The artist submits a detailed budget, including a cost estimate of site presentation, installation, storage, transportation, insurance, and fees of consultants if appropriate.

** Durability and maintenance requirements:* An assessment by a qualified art conservator is commissioned, addressing the structural and surface integrity of the proposed artwork; susceptibility to theft, vandalism, accidental damage, environmental deterioration; and maintenance requirements.

** Security and Safety:* The proposal is reviewed by the sponsoring agency with regard to technical issues and security. A review may also be requested from appropriate governmental agencies with regard to the American Disability Act or Environmental Protection Agency requirements and regulations.

In the event of technical problems with a proposed artwork, artists may be given the option of modifying the work to suit the situation or the jury may be reconvened to select an alternative artist or work of art.

CONSERVATION AND MAINTENANCE

The City of Cambridge has made an important funding commitment for the ongoing maintenance of its public art. The collection includes more than 116 publicly sited artworks acquired over the past two decades.

New Acquisitions: An important aspect of the Conservation and Maintenance program is that it provides commissioned artists with access to qualified conservators during proposal development. The conservators advise artists on materials, construction techniques, and preventative measures, and help develop a maintenance plan for the work.

Ongoing Care: Professional art consultants are commissioned to monitor the collection, develop an annual treatment plan, and oversee ongoing care for the art. The treatment plan, including a list of priorities, is presented to the Public Art Commission for approval and allocation of funds.

The Public Art Commission supports an *internship program*. Interns are selected each season to carry out routine maintenance, such as surface cleaning and graffiti removal, under supervision of qualified conservators.

Conservation and Repairs: If regular maintenance is not sufficient to preserve the work, a conservation proposal is requested from professional conservators or the artist in consultation with a conservator.

DEACCESSION POLICY

Deaccessioning is a procedure for the withdrawal of an artwork from public exhibition. Standards applied to deaccessioning and disposal must be at least as stringent as those applied to the acquisition process and should not be subject to changes in fashion and taste.

The Public Art Commission decides when a work should be deaccessioned after a careful and impartial evaluation of the artwork as per the criteria listed below and in accordance with the Visual Artists Rights Act of 1990:

- * the artwork endangers public safety;
- * the condition or security of the artwork cannot be reasonably guaranteed in its present location;
- * the physical condition of the artwork is so poor that restoration is impossible or will render the work false;
- * the artwork has been damaged and repair is impractical or unfeasible in the judgment of impartial conservator;
- * the artwork requires excessive maintenance because of faults of design or workmanship;
- * significant changes in the use, character or actual design of the site prohibits the retention of the artwork as originally conceived.

City of Cambridge
Public Development Arts Ordinance of 1979

Chapter 2.114

PUBLIC DEVELOPMENT ARTS
PROJECTS

Sections:

- 2.114.010 Short title.
- 2.114.020 Findings.
- 2.114.030 Purpose.
- 2.114.040 Definitions.
- 2.114.050 Cambridge Arts Council—
Powers and duties.
- 2.114.060 Public Development Arts
Fund—Allocation and
designation.
- 2.114.070 Public Development Arts
Fund—Created—Purpose.
- 2.114.080 Public Development Arts
Fund—Expenditure time
limitations.

2.114.010 Short title.

The ordinance codified in this chapter shall be known as the "Public Development Arts Ordinance of 1979." (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 1(A))

2.114.020 Findings.

The City Council finds that:

A. The City recognizes that it has a responsibility to make the advantages of the arts available to its residents; that construction projects financed with public funds normally include expenditures for finishing and adornment which, if effectively planned and executed will help the City to fulfill this responsibility;

B. The City wishes to increase the benefits which its citizens will derive from the creative efforts of artists;

C. The City should expand the access of its residents to the benefits of the arts by designating a portion of appropriations for capital expenditures for the acquisition, creation, design and/or

development of art which shall be utilized in and about City buildings and public facilities. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 1(B))

2.114.030 Purpose.

The purposes of this chapter are:

A. To promote the enjoyment of the arts by the residents of the City by increasing the quantity and quality of such arts available in public buildings, facilities and spaces;

B. To improve and expand the value and use of public buildings and facilities through the placement in such buildings and facilities of distinguished works and creations of artistic endeavor; and

C. To create a funding program which, without substantially increasing the total cost of construction projects as defined in this chapter, will ensure that arts are acquired, created, developed and otherwise made available for the enjoyment of the residents of the City. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 1(C))

2.114.040 Definitions.

For the purposes of this chapter the following words and descriptions shall have the following meanings:

A. "Cambridge Arts Council" means the Council established in 1974 by order of the City Council.

B. "Construction project" means any capital project paid for in full or in part by the City, through its own eligible funds or with eligible funds appropriated to it by other governmental units, to construct or remodel any building, decorative or commemorative structure, park, street, sidewalk, parking facility or utility or any portion thereof within the corporate limits of the City and with respect to the construction of which bidding is required under State law.

C. "Eligible funds" means a source of funding for construction projects from which arts are not excluded as an appropriate purpose for expenditure.

D. "Public Development Arts Fund" means the fund set aside by this chapter in the City treasury for the purpose of allocating moneys for the development and creation of arts in and upon public construction projects in the City.

E. "Public development arts project or projects" means art to be funded from the public development arts fund; such projects may be an integral part of a building, attached to a building, placed within or outside of a building, or in the case of performing arts performed in a public building or space; said art may include but shall not be limited to, paintings, sculpture, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, bas-reliefs, tapestries, photographs, drawings, drama, instrumental or vocal music, dance and landscape items, including the artistic placement of natural materials or manmade fountains or objects or other functional art objects.

F. "Supplemental funds" means those funds appropriated by the City Council or contributed by individuals or other sources, and placed in the Public Development Arts Fund in addition to those funds made available from eligible funds, which shall be used for implementing the purposes of this chapter. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 2)

2.114.050 Cambridge Arts Council—Powers and duties.

To carry out its responsibilities under this chapter, the Cambridge Arts Council shall:

A. Establish annually, after meetings held regularly with relevant City agencies, private, nonprofit organizations, neighborhood organizations and interested Cambridge citizens and artists, and after holding a public hearing publicized for a full calendar week in at least two newspapers of local general circulations a plan for the development and creation of arts in public buildings and spaces in the various neighborhoods and sections of the City; such plan shall include an itemization of the City's priorities for choosing, creating and placing works of art in

public buildings within the neighborhoods of the City; preferences for the types of works to be financed and developed during the fiscal year, and guidelines for the selection of artists and locations for public development arts projects;

B. Select public development arts projects, following consultation with such of the parties referred to in subsection A of this section, and, as a usual practice, with the assistance of a professional arts jury appointed by the Cambridge Arts Council, as may be appropriate;

C. Determine the geographic location of such works of art and architecture, and the location within individual sites and buildings where such works shall be placed or created; provided, that to the maximum feasible extent each such public development arts project shall be placed, created or performed in and about the construction project from which funds were derived for payment of that public development arts project;

D. Establish budgets for all commissioned projects, including budgets for materials, fees, operating and maintenance expenses, and other reasonably contemplated items of expense in the acquisition, development, creation, implementation, and, where applicable, ongoing maintenance of such projects;

E. Establish procedures to be followed by other departments for the maintenance and preservation of such works of art;

F. Establish rules and regulations, with the approval of the City Manager, to provide for the proper administration and implementation of its responsibilities, including necessary administrative budget and such rules and regulations as may be required for the selection of artists and art works; commissioning and contracting with such artists; criteria for the allocation of works of art among the various neighborhoods of the City; criteria for choosing among various artists and recommending acquisition of various works of art or art projects, and such other rules as may be appropriate or necessary for the implementation of this chapter;

G. Make an annual report to the City Council describing its program for meeting its responsibilities under this chapter. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 3)

**2.114.060 Public Development Arts Fund—
Allocation and designation.**

All requests by City departments for appropriations or other authorizations for construction projects from eligible funds shall include and set aside an amount equal to no less than one percent of the total estimated costs of such projects for art; copies of such requests, authorization, application, proposals or appropriations shall be delivered by the City department or agency responsible for obtaining the eligible funds to the Cambridge Arts Council as early as possible in the planning stages of the projects. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 4(A))

**2.114.070 Public Development Arts Fund—
Created—Purpose.**

There is created a Public Development Arts Fund in the City Treasury, into which money

collected by appropriations under Section 2.114.060 of this chapter and supplemental funds shall be placed. The fund shall be used by the Cambridge Arts Council exclusively to carry out the purposes of this chapter. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 4(B))

**2.114.080 Public Development Arts Fund—
Expenditure time limitations.**

Any moneys appropriated to the Public Development Arts Fund which have not been spent within three years of such appropriation, or, upon special approval by the City Council, within five years, shall be transferred to the City's general fund for the purposes of the general art needs of the City; provided, that funds derived from revenue or general obligation bond issues authorized by the City Council or from utility revenues or other special purpose or dedicated funds shall revert to the funds from which they derive at the expiration of the three or five-year period, whichever applies. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 4(C))

**City of Cambridge
Guidelines and Procedures for the Implementation
of Percent for Art Program, 1988**



Cambridge Arts Council

57 Inman Street Cambridge, MA 02139 (617) 498-9033

GUIDELINES AND PROCEDURES FOR THE IMPLEMENTATION OF PERCENT FOR ART PROGRAM

All percent for art (PA) projects are announced annually in the City's Public Art Plan developed by the Percent for Art Commission. A prospectus is developed for each project by the Public Art Commission providing details (a description of the project, budget, selection process, jury, materials to be submitted, and the deadline). The Annual Public Art Plan is widely distributed and available by calling or writing to the Cambridge Arts Council, 57 Inman Street, Cambridge, Massachusetts 02139 - 617-498-9033.

In response to both the City of Cambridge and the Cambridge Arts Council's interest in enhancing the physical environment of the City, the Public Development Arts Fund Ordinance was developed and passed by the City Council on June 25, 1979. This Ordinance marks an extraordinary opportunity for the citizens of Cambridge to enjoy a wide variety of artworks in their daily lives. It is the intention of the ordinance to assist in the incorporation of the art into new and existing structures in as intimate and imaginative ways as possible so as to further weave the arts into the texture of the Cambridge Community.

The following guidelines are written with the intention of providing a structure that is flexible but one that demands a high standard of excellence for all the selected art. We are fully aware that the decisions made today will reflect on our society for decades to come, and we plan to undertake that responsibility with imagination and intelligence.

The Percent for Art Program specifies that 1% of City capital improvement project funds shall be set aside for the commissioning, purchase and installation of artworks, either as an integral part of the eligible construction project, or at another City-owned site. Projects vary widely, and include commissions of new artworks, the selection of artists to work as collaborators with architects or members of design teams, the purchase of existing artworks by artists, and the selection of artists to perform at City-owned sites.

The Percent for Art Commission, a standing sub-committee of the Cambridge Arts Council, oversees the development and implementation of the Annual Art Plan. The Annual Art Plan

is a plan for the expenditure of available 1% for Art and public art funds prepared by the Public Art Commission and staff.

Project Development

In preparation for the development of the Annual Arts Plan, the Public Art staff works with City departmental representatives and the project architect/designer to identify eligible construction projects, and develop the following guidelines for artwork:

- a) Scope of work for participation of artist in design process.
- b) Recommended sites/ art locations. Siting of artwork may be determined in the Annual Art Plan, or proposed by the artist selected for the project.
In either case, location of artwork is by agreement between the Commission and the department responsible for the site.
- c) Site profile - demographic, socio-economic, use and development, and historic information about project sites.
- d) Maintenance. Potential for vandalism and/or accidental damage at the site is assessed.

The Public Art staff then assists the Public Art Commission in specific planning of artwork projects and recommending the allocation of funds, selection procedures, and guidelines for each art project.

Artist Selection

The Commission nominates panelists and reviews all art proposals to ensure that they meet the following art criteria prior to recommending to the CAC confirmation of the Commission's recommendation for panel members and artworks to be commissioned, performed or purchased.

A. Art Criteria

- 1) High Quality
- 2) Appropriate for its site
- 3) Requiring minimum maintenance
- 4) Durable

The Commission has established the following general guidelines for artist selection.

Eligibility

The overriding criterion in selection of the art for the PDAP is the selection of artwork of the highest quality. However, the Cambridge Arts Council recognizes its responsibility to

foster the arts in Cambridge and to encourage the development of Cambridge artists and craftspeople. Thus, the Public Development Art Plan will give priority first to professional artists residing or working in Cambridge, then to artists in the Greater Boston area, then to artists in the New England region and finally to those in other areas of the country.

- Commissioners suggest artists who should be added to the pool (slide registry/Artbank and performance bank) to the PA staff and staff requests materials from artists
- At least half of the money expended over a 5-year period for artists' commissions and purchase of existing work should be to artists associated with the New England region.
- Generally, artists are asked to submit slides of recent works and a resume via Calls to Artists and the Art Plan. For certain projects, a letter of intent or interest may also be required. In the commissioning of new works, an artist or artists are also asked to prepare artwork proposals, and are paid for the proposals.

For collaborations or design team projects, finalists are interviewed. In the case of purchases, artworks are selected from the submitted slides of existing artwork or studio visits to review existing work.

Methods of Selection

The Commission shall determine the method of selection for each project.

1. Direct Purchase. The panel selects the artist or a completed work after receiving advice from the advisory members of the art selection committee and reviewing the appropriate archives, files and other sources and/or by studio or gallery visits and interviews with artists.

2. Limited Competition: The panel, after a review similar to that described above, invites a limited number of artists to participate in a limited competition. Each visual artist will be paid a fee for the necessary time and materials for research, site visitation and other travel, conferences and production and delivery of sketches or maquettes in the form of a proposal. Performing and media artists will not be paid proposal fees but will be reimbursed for a fixed sum for expenses for interview purposes. If in the opinion of the panel, none of the participating artists' work should be commissioned, the Commission will decide on a new selection procedure.

3. Open Competition: Any professional artist in the designated geographical area is eligible to enter. The competition may be in one or two stages, the second stage involving a limited number of finalists who will prepare more detailed sub-

mittals, for the specific project, will be prepared and its availability widely publicized in the media.

In all of the above methods, with rare exception, submissions are invited from all interested artists.

Project Implementation

A contract is executed between the artist and the City for the artist's services, or for purchase and installation of an artwork. The PA staff is responsible for contracting and liaison with the artist and City departments in the completion of each artwork project.

Art Juries

Artist(s)/artwork for each project is selected by a jury recommended by the Commission and approved by the Cambridge Arts Council. The Commission may not constitute itself as a jury. The jury is staffed by the PA Coordinator or Project Manager.

A different jury is convened for each project. Generally, the jury size ranges from one to five jurors. Juries of three or more include at least one artist; the remaining jurors are chosen from groups such as museum professionals, patrons, arts educators, architects, designers and critics.

Jury members are paid per day, plus food, travel and lodging expenses as set by the Commission. Anyone receiving compensation by the City does not receive compensation as a juror.

Advisors to the jury are often chosen to represent those who will be in constant contact with the artwork selected. They may be from the Commission, community representatives, City employees (i.e. project managers, architects and designers), or others, depending on the nature of the project. Advisors to the jury are not paid, and do not vote.

Jurors each have one vote, and no juror has the right to veto. If a consensus cannot be reached by the jury, then the 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's selection of an art proposal or artist recommendation is presented by the staff to the Commission for its review and recommended to the Cambridge Arts Council for final approval.

A formal vote of the full Arts Council must be taken before jury selection becomes final. Before this vote is taken, the department responsible for the site reviews the proposed work for technical feasibility and maintenance costs, and any other reviews are scheduled as necessary.

NOTE: Artists are not informed that they have been hired, commissioned or their work purchased or to be performed until the entire review process is complete and the Cambridge Arts Council has confirmed the Commission's recommendation.

Conservation

Conservation and restoration funds shall come from the PDAF upon recommendation of the Commission and approval of the Council. The artist shall be consulted about restoration work and conservation work on his/her artwork and be given the first option to repair the artwork. If the artist is unable or unwilling to perform the work, the Commission shall select a qualified person to perform the work. The Commission will decide with the assistants of a qualified art panel when a work should be deaccessioned. The Commission is mindful of the State's Preservation Law and will act in accordance with that law. Whenever possible, an artist should be in agreement with the relocation, restoration, or destruction of his/her work.

Public Education and Information

In the broadest and most expansive sense, community education may be effective in increasing public awareness about public art and may take many different formats. The Commission will identify methods to inform and educate the public about the art for which they are the benefactors and patrons. PDAF monies shall be expended to encourage a meaningful dialogue between the artists and the communities where public art is presented.

City of Cambridge
Morse School Community Review Process

MORSE SCHOOL PUBLIC ART - COMMUNITY REVIEW PROCESS

Art Committee

James Coady, Principal; Carol Campbell, Art Teacher; William Foster, Assistant to the Principal; Janine Hahn, Korean Parent Liason; Janice Milley, Family Liaison; Keith Hoffses, R.A., Design Collaborative of Cambridge; Spechin Kim, Parent; Susan Montgomery Grout, Parent; Maria Homlboe, Parent; Gillian McMullen, Parent; Terry Regan, Parent; Ann Tikkanen, Parent; and Byung-Hu Yoom, Parent.

1st Meeting, June 5, 1997

The community Art Committee met with the three art jurors to discuss the parameters of the art project. The meeting started with a walk through the school building guided by the architect, Keith Hoffses, to explore opportunities and limitations posed by the design and the use of space. Also discussed was demographics of the student body, Core Knowledge curriculum, Korean Bilingual Program, area characteristics (Charles River, Magazine Beach, historical Cambridgeport), and potential sites for art (cafeteria, lobby wall, lobby ceiling, the wall in front of the library, the library's story-telling area, courtyard, main lobby, kindergarten entrance, exterior play areas).

2nd Meeting, August 11, 1997

The Art Committee interviewed three candidate artists who had been selected by the Jury. Tomie Arai was unanimously selected by the Art Committee based on the quality of her previous work and her experience working with youth in collaborative school projects.

3rd Meeting, September 10, 1997

After touring the school building and meeting with the architect, the art teacher, and the principal, the artist met with the full Art Committee to discuss the project in general and the placement of art in particular. The following locations were identified as primary sites for art because of their common use by the whole student body: lobby, library, library foyer, courtyard, and cafeteria.

4th Meeting, December 4, 1997

The artist presented to the Art Committee preliminary proposals for three sites, showing potential locations, media, approximate sizes, and general themes. The proposals were: a) Lobby: a porcelain enamel mural for the south wall, measuring 8' x 16' with a montage of images (drawings and photographs) from the school community and the neighborhood. b) Lobby: glass panes with etched and sandblasted images to be installed along the bottom and top of the courtyard windows (6 glass panes, each 2' x 4'). The images would suggest the cycles of nature. c) Library: a circular ceramic tile and copper piece, 8' diameter, to be high on a wall facing the entrance. Isolated design elements, such as silhouettes of leaves, could be carried over into the windows.

5th Meeting, March 18, 1998

In conjunction with artist's research visit to Cambridge, a special meeting was held and promoted in the Cambridge Chronicle to provide parents and other community members who had not been involved to this point with an opportunity to meet the artist, review her preliminary proposals, and to discuss the project direction.

6th Meeting, May 28, 1998

The artist presented to the Art Committee a detailed design for a silk-screened mural for the lobby. She noted that due to cost, silk-screening on porcelain enamel would only allow for 3-4 colors; she suggested silk-screening the images onto wood panels, which would allow the use of more colors. The design was well received by the Art Committee. The suggestion to use wood instead of porcelain enamel was supported as long as the mural would be durable.

June 16, 1998

The art proposal will be presented to the Morse School Improvement Council.

7th Meeting, July 13, 1998

The artist's detailed proposal will be presented to the Public Art Commission for review with regard to the artist's budget, maintenance requirements, safety and security. The Art Committee will be invited to attend the PAC meeting to review the final design.

**City of Bellevue
One Percent for Art Procedural Guidelines**

1% FOR ART PROCEDURAL GUIDELINES

FILED NO. 5279
CITY OF BELLEVUE --
DATE 3-19-79
CITY CLERK P. Weber
R. # 3318

Standard Operating Procedure

March 14, 1979

Purpose

To establish the procedure for the allocation and expenditure of funds for Art in the construction of public works.

These Guidelines were approved by the Bellevue Arts Commission on and adopted by the City Council on 3-19-1979 for implementation of Ordinance No. 2606, passed by the City Council on September 23, 1978.

Organizations affected

All Capital projects in the city, except utility fund projects.

References

Ordinance No. 2606, generally referred to as the "1% for Art Ordinance."

Capital Improvement Program (CIP), a 25-year plan for new city projects.

Capital outlays requests in City Budget.

Intent

The stated intent of the Ordinance is "to expand the opportunity for its (Bellevue) residents to experience art in public places and create a more visually pleasing and humane environment."

Definitions

"Commission" means the Bellevue Arts Commission.

"Review Panel" means the Review Panel for 1% for Art Projects. The review panel recommends the type of art which best suits a given 1% for Art project and reviews the jury selection of the Commission.

"Construction project or public work" means any capital project paid for wholly or in part by the City of Bellevue or paid for with monies granted to the City of Bellevue by other governmental agencies, including but not limited to any project to construct or remodel any buildings, decorative or commemorative structure, park, pedestrian or bicycle pathway, sidewalk, parking facility or beautification project or any portion thereof within the limits of the City of Bellevue. Specifically excluded are projects for roadway maintenance, projects converting overhead power and telephone lines to

underground, all projects of the Bellevue Waterworks Utility, and all Local Improvement Districts.

"Eligible Fund" means a source of money for construction projects from which works of art are not precluded as an object of expenditure.

"Municipal Art Fund" means a special City fund into which shall be deposited all 1% for Art funds authorized by this Ordinance and appropriated for construction projects or grant requests together with other moneys as the City Council shall appropriate for works of art.

"Estimated budget costs" means estimated cost of construction excluding such costs as overruns, change orders, architect fees, and taxes, etc. The estimated cost of construction shall be deemed established when:

- a. adopted by the City Council in its award of a contract on a capital project, or
- b. approved by the City Manager where City Council approval is not required.

"Eligible Project" is a construction project for which the source funds are not restricted as to their use for works of art.

"1% for Art Calculation," for appropriation purposes, is based on the estimated cost of construction excluding costs such as overruns, changed orders, architects' fees, and taxes. If the source of funding or other appropriate law with respect to any particular project precludes art as an object of expenditure of funds, the amount of funds so restricted shall be excluded from the total project cost in making the calculation.

"Municipal Art Plan" is an annual plan prepared by staff, reviewed by the Commission, submitted to the City Manager, and approved by the Council for the expenditure of available 1% for Art funds.

"Memorandum of Understanding" is a signed agreement specifying those projects which have been determined to be eligible.

"Works of Art" means all forms of original visual art. For the purpose of these Guidelines, all forms of original visual art will be considered and shall include but not be limited to:

- | | |
|----------------|--|
| Sculpture: | in the round, bas relief, high relief, mobile, fountain, kinetic, electronic; in any material or combination of materials. |
| Painting: | all media, including portable and permanently affixed works, such as murals. |
| Graphic Works: | printmaking, drawing and applied graphic design. |
| Mosaics. | |

Photography.

Crafts: both decorative and utilitarian, in clay, fiber and textiles, wood, metal, glass and stained glass, plastics and other materials.

Calligraphy.

Mixed Media: any combination of forms or media, including collage.

Responsibilities

Departments shall prepare, as part of the annual budget process, a Memorandum of Understanding. Departments shall include an amount for works of art at least equal to 1% of the estimated budget cost in all requests for eligible projects.

Due to the complexity and variety of conditions under which various bond funds, intergovernmental and private grants are made available, determinations as to use of such funds for art must be made on a case-by-case basis. Appropriate criteria for such use will depend upon the nature and type of restrictions placed on the expenditure of such funds and upon an analysis of the project itself. Because of the above, the department is initially responsible to determine the eligibility of a construction project at the earliest possible time.

The department shall submit its draft Memorandum of Understanding for review by the staff and Commission prior to the submittal of its annual capital outlay requests to the City Manager.

In cases where agreement cannot be reached between the Department and the staff regarding the eligibility of a project, the matter will be referred to the City Manager.

Departments shall deposit an amount equal to 1% of expenditures on eligible projects into the Municipal Art fund.

The staff shall review the capital outlay requests and Memoranda of Understanding for proper allocation of funds for art, prepare an annual Municipal Art Plan for the expenditure of available 1% for Art funds, authorize payments from the Municipal Art Fund, and collect administrative costs against each project.

The City Manager shall review the annual capital outlay requests regarding the allocation of funds for works of art. The City Manager shall review the Municipal Art Plan and make recommendations to the City Council.

The Legal Department shall provide legal counsel when requested by the City Manager and/or staff to assist in the determination of eligibility of funds for works of art.

The Finance Department shall issue warrants from the Municipal Art Fund upon vouchers approved by the staff and the City Manager. The Finance Department

shall monitor expenditures from the Municipal Art Fund.

The City Treasurer shall provide a summary reporting mechanism detailing the status of, and all activity within, the Municipal Art Fund. This report shall be transmitted to the staff and reviewed by City Manager and the Arts Commission quarterly.

The City Departments and divisions shall be responsible for including a request for a 1% for Art allocation in all grant requests covering eligible construction projects.

The Grants Office shall be responsible to ensure that 1% for Art is included in all eligible construction grant applications.

The Grants Office shall obtain matching grant funds from applicable sources to match applicable 1% for Art project monies.

The staff shall develop and administer 1% for Art projects. The proposed projects shall be reviewed by the Arts Commission and recommendations for approval directed to the City Manager with final approval by the City Council.

The staff shall advise the departments of its plan for the execution and/or placement of works of art and of progress on its implementation.

The staff shall submit a quarterly activity report to the Mayor and City Council. The review will include:

- Procedure for complete selection process

- Amount of funds to be expended for specific projects

- Location of the art work where applicable

- Major milestones for each project - i.e., completion of selection, completion of the commissioning of artists, and final project completion.

Departments requesting emergency construction projects not included in the annual Capital Improvement Project Report will notify the Arts Commission for its review of the project's eligibility for 1% for Art allocation. The request shall then follow the procedures outlined above.

Specific Responsibilities

The "Review Panel" for 1% for Art Projects shall:

- Have a flexible organization and a changing membership in accord with the following statements contained in this section;

- Review applicable 1% for Art Projects and recommend to the commission the type of art, but not select the art work, which, in the Panel's opinion, best suits a given project;

Review the proposed jury appointments of the Commission to each 1% for Art Project;

The Panel shall include:

A City Council member appointed by the Mayor,
A community representative appointed by the Commission,
The architect assigned to the given project,
The department head of the department directly concerned with the project,
One member of the Commission appointed by the Commission.

*The Commission shall:

Review and recommend to the City Council all 1% for Art Programs and Projects;

Recommend to the City Council the general policies, procedures, and Procedural Guidelines for the 1% for Art Program;

Determine a method of selection (direct selection, open competition or limited competition) for each project;

Appoint each art selection jury membership in accord with these Procedural Guidelines.

*The Staff shall:

Develop 1% for Art Programs for the expenditure of monies deposited in the Municipal Art Fund. Such programs shall be reviewed by the Arts Commission, the Panel, and the City Council;

Review each project and make staff recommendations;

Develop an art selection jury membership roster.

Coordinate all competitions;

Develop artist contracts, following artist selection, for review and approval by Legal Department, City Manager, and City Council.

*The Art Selection Jury shall:

Have a flexible organization;

Be appointed by the Commission in consultation with the Review Panel.

Normally consist of the following, taking into consideration the scope and nature of the given 1% for Art Project:

- One art professional
- One community or departmental representative

- The project architect or landscape architect or engineer
- One professional arts generalist
- One Commission member;

Examine proposals and submissions submitted by artists;

Make a selection (within the intent and scope of these Procedural Guidelines) of an artist's design for the specific art work to be commissioned to execute a work for the project, or select an artist whose existing work is to be purchased for the project.

*The Artist shall:

Submit proposals to the Staff;

Execute and complete the work in a timely and professional manner.

Transfer title of an existing work of art to the City of Bellevue.

Maintain a close working relationship with the staff, the architect or landscape architect or the engineer on commissioned work;

Return to the Arts Commission for review and approval should any significant change occur in the scope, material, design of the work subsequent to preliminary design approval within accepted city procedures.

Be responsible for all phases of the design and execution of the work, including installation, unless otherwise stipulated in the contract.

Selection of Artists

Eligibility requirements shall be recommended for each project by the Arts Commission.

Professional eligibility

Artists will be selected on the basis of their qualifications, as demonstrated by past work of art, appropriateness of the proposal to the particular project, and its probability of successful completion, as determined by the Art Selection Jury.

Specifically excluded are student works of art done under the supervision of art teachers or done to satisfy course requirements, artists who are the project architect/landscape architect/engineer or members of the project, their firm and artists who are members of the Bellevue Arts Commission, staff or agents.

Methods of Selection

- Direct Selection: The artist shall be chosen directly by an art selection jury.
- Open Competition: Any artist, subject to any limitations established by Commission direction, may enter.
- Limited Competition: Artists will be selected and invited to enter.

Criteria for Selection of Works of Art

- Quality: Of highest priority is the quality of the work, its conception and execution.
- Media: All visual art forms may be considered, subject to limitations.
- Style and Nature: The art should be appropriate in scale, material, form and content for both its immediate and general, social and physical environment, in which it is to be placed.
- Elements of Design: The jury and the artist will take into account that public art may have considerations in addition to the aesthetic, that it may serve to establish focal points, terminate areas, modify, enhance or define specific spaces or establish identity.
- Permanence: Due consideration will be given to structural and surface soundness, permanence, and protection against theft, vandalism, weathering, excessive maintenance and repair costs.
- Public Liability: Each work will be examined for unsafe conditions or factors that may bear upon public liability.
- Acquisition: Either existing works or those commissioned specifically for a given project may be acquired.
- Diversity: The overall program will strive for diversity in style, scale, media, artists and distribution of the works.

Execution of Works

After an artist has been selected, the artist will enter into a contract with the City to perform the work, to be executed either by the artist or by an independent contractor. Staff will administer the contracts upon Council approval.

The artist will present the proposed design to the Staff and the Arts Commission for their review. At some time during the proposed design phase, the artist may be requested to make a public presentation at an appropriate

forum in the community where the work will be placed.

Payment to the Artist

Payment of the artist's basic services shall be at regular intervals. They shall be in proportion to services actually performed and completed. At no time shall the total payments received by the artist exceed the following levels for the various stages of completion:

Preliminary Design Phase	40%
Execution Phase	30%
Installation/Completion	30%

Placement of Works of Art

Works of art selected and implemented shall be placed in, on or about any municipal construction project or other municipally-owned, leased or rented property.

Works of art may be attached or detached within or about such property, and may be either temporary or permanent.

Placement of works of art shall be authorized only upon review and recommendation by the Arts Commission.

Staff responsible for the design and construction of projects shall make appropriate space available for the placement of works of art.

Sites of eligible construction projects shall not necessarily be the determined site for placement of works of art. Eligible funds shall be deposited into the Municipal Art Fund and accumulated until such time an appropriate site is determined.

Maintenance of Works of Art

Normal maintenance of works of art shall be ordinarily the responsibility of the department in which works of art are located. Such department's maintenance division shall review with the arts staff the appropriate maintenance techniques for each work of art. If a department does not have a specific maintenance division, the General Services Department shall be responsible for the maintenance of works of art as determined by the City Manager.

Unusual maintenance of works of art, due to such things as potential vandalism, shall be reviewed by the Staff, and appropriate measures will be taken to repair and/or maintain works of art. Unusual maintenance costs may be expended from the Municipal Art fund.

An annual review of the repair of the City's works of art shall be made by staff and a report shall be submitted to the City Manager and the City Council for review.

Provisions for Review and Amendment

These Guidelines are subject to periodic review and recommended revisions by the Staff to the Arts Commission. Upon the recommendation of the Commission, the revised Guidelines, if any, shall be submitted for City Council approval.

City of Boston
The Boston Art Commission, Program Description

THE BOSTON ART COMMISSION

The Boston Art Commission, established in 1890, is the oldest municipal art commission in the United States. It exercises legal authority to approve and site new public art on property owned by the City of Boston. In addition, the Commission preserves and protects all monuments, paintings, statues, fountains and memorials. The dynamic behind these efforts is the belief that artworks should not be limited to the - sometimes -relative isolation of museums and galleries, but should be woven into the fabric of the city itself, providing a visual focus in the urban landscape. As art is thus integrated more successfully into the experience of daily life, one hopes that one result might be an increased appreciation both for art and for the quality of the visual environment of which it becomes a part.

Among the varied services provided by the commission are:

Adopt-A-Statue Program

This unique public/private partnership, was developed to maintain and conserve our valuable monuments which convey so graphically much that is central to Boston's rich heritage. The program raises funds that establish a permanent endowment for the annual maintenance of public art in the city.

Edward Ingersoll Browne Fund

In 1892, Edward Ingersoll Browne, a successful Boston trust attorney with a strong sense of civic pride and public spirit, wrote his will directing that one-third of his estate be set aside in a special open space improvement fund for the City of Boston. The Art Commission has representation on this board and assists in determining that all proposals submitted comply with the terms of Mr. Browne's will.

Community Process

The Art Commission initiates and facilitates a community process by drawing on the support and input of residents, businesses and houses of worship in communities where new art is to be sited. This involves the presence of the Director of the Art Commission at specially called community meetings to discuss and review the necessary stages of the approvals process through city and regulatory agencies. New art is never sited until this process has been completed.

Call to Artists

Following the initial community meetings and when the concept has been agreed upon, a call to artists is made; at this juncture we generally engage the services of a slide registry firm or cull from our own files a selection of artists most appropriate for the project. The selection is based on an artists previous accomplishments in an area of public art that most closely replicates the preferences voiced by the community.

Technical Assistance

The commission provides technical assistance to artists seeking information on city policies with regard to the siting of public art; to communities seeking to initiate a public art program and, most frequently, to students of public art who wish to conduct research using our extensive files.

The commission also assists in the development of committees and support groups in areas where public art is to be sited and provides a loan service of slides and prints for publication in text books nationally.

Research

On a weekly basis questions are raised by telephone and/or mail requesting the whereabouts of a particular piece of public art; these questions can come from tourists visiting the city, from scholars, from Boston residents and from art school students.

Speaker's Forum

The Director of the Boston Art Commission is available to speak on particular aspects of Boston's public art.

REVIEW CRITERIA FOR APPROVAL OF PUBLIC ART

What follows is intended as a guide through the approvals process of the Boston Art Commission. It is by no means exhaustive, but is intended to give some direction as applicants develop elements of their projects for approval. The Art Commission meets each month at Boston City Hall. Persons seeking approval for public art pieces must meet with the Director first in order to be scheduled for a presentation.

Appropriate Design Documentation

The appropriate level of design documentation will be required at all stages of the design process. The Director of the Boston Art Commission will work with the project proponents to determine the appropriate levels of documentation. The following checklist for such documentation is intended to expedite the review process.

Conceptual Design

Conceptual drawings, site context drawings, working models, sketches and/or elevations to convey the 3-dimensional quality of the proposed concept.

Existing Conditions Statement

For proposed site: existing context, topography, vegetation, historical, and spatial/scale relationships.

Design Development

Proposed grading, site work, restoration, construction, site materials, commemorative/interpretive plaques, safety, liability, security, and ADA compliance.

Working Drawings and Specifications

Construction drawings for all walls, paving, structural elements to be placed on site and lighting plan. Installation details for all additional amenities.

Plan for Installation/Removal

To include planting, interpretive material, lighting and final details. For a temporary installation, site must be restored to its original condition, a schedule for removal must be filed with the Boston Art Commission and removal costs are at the expense of the artist.

Schedule

The design documentation and review schedule must be coordinated with the Director of the Boston Art Commission.

Public Health and Safety

Issues related to pedestrian and vehicular traffic, sightlines, dangerous surfaces or materials, etc.,

Security

Issues related to visibility, access and egress, pedestrian circulation, etc.

Design Quality

Issues related to form, color, texture, scale, massing, relationship to play of light and shadow, environmental, seasonal variations, etc.

Maintenance and Conservation

Issues related to durability and soundness of material relative to theft, vandalism, weathering, upkeep and repair.

Budget and Income Sources

A detailed budget is required as is a list of proposed funding sources.

Endowment

It is a strict requirement of the Boston Art Commission that every new piece of public art, erected on or in property belonging to the City of Boston, must have a solid endowment in place for maintenance and conservation of the artwork in perpetuity.

City of Duluth
Draft of Procedures for Development and Implementation
of 1% for Art Projects

DULUTH PUBLIC ARTS COMMISSION

DULUTH PUBLIC ARTS FUND, INC.

DRAFT OF PROCEDURES FOR DEVELOPMENT AND IMPLEMENTATION OF 1% FOR ART PROJECTS

The Duluth Public Arts Fund, Inc. (PAF) of the Duluth Public Arts Commission (PAC) oversees the development and implementation of the Municipal Art Plan. Staff reviews the City's annual Capital Improvement Plan for new construction, and with departmental staff identifies projects eligible for 1% for Art and potential sites for artwork. Artwork may be placed either as an integral part of the eligible construction project OR may be placed in, on or about other publicly-owned spaces. The PAC staff assists the Public Arts Commission in planning specific artwork projects, and recommending the allocation of funds, the selection procedures, and guidelines for each art project. The recommendations are presented in the form of an annual Municipal Art Plan to the Mayor. The Municipal Art Plan then governs the year's expenditure of 1% for Art funds.

Development of Artwork Projects

In planning art projects for the Municipal Art Plan, PAC staff works with departmental representatives and the project architect/designer to develop the following guidelines for artwork appropriate for each site:

- a) Recommended medium (painting, sculpture, etc.) and/or scope of work for participation of artist in design process.
- b) Recommended location. Siting of artwork may be determined in the Municipal Art Plan, or proposed by the artist selected for the project. In either case, location of artwork is by agreement between the PAC and the department responsible for the site.
- c) Maintenance. Potential for vandalism and/or accidental damage at the site is assessed.

Jury Selection and Responsibilities

Artist(s)/artwork for each project is selected by a jury appointed by the Public Arts Commission. The PAC may also constitute itself as a jury. The following guidelines are used in the PAC's selection of a jury and in determining the jury's responsibilities. The jury is staffed by the PAC Staff Members.

- a) The number of jurors appointed for projects depends upon the size and complexity of each project. Generally, the jury size ranges from three jurors to five jurors.
- b) Juries of three or more include at least one artist and at least one member of the Public Arts Commission. Other jurors are chosen from such

fields as museum professional, patron, arts educator, architect, designer, critic.

- c) Advisors to the jury are often chosen to represent those who will be in constant contact with the artwork selected. They may be City employees, community representatives or others, depending on the nature of the project. Advisors to the jury are not paid, other than travel expenses if they are from outside of the City of Duluth.
- d) Project managers, architects and designers who are regular, full-time City employees may be non-paid, ex-officio juror, acting in an advisory capacity to the jury.
- e) The jury members are paid \$50 per day, plus food, travel and lodging expenses. Anyone receiving compensation by the City does not receive compensation as a juror.
- f) The PAC staff issues written instructions to jurors detailing the duties and responsibilities relating to each project, before the first jury meeting.
- g) If a consensus cannot be reached by the jury, then a vote is taken, with the majority carrying the decision. Jurors each have one vote and no juror has the right of veto.
- h) The jury has the option to make no selection, if there is no proposal judged to be of sufficient merit.
- i) The jury's decision is presented by the jury spokesperson to the full PAC for their approval.
- j) A formal vote of the full Arts Commission must be taken before jury selection becomes final. Before this vote is taken, the department responsible for the site reviews the proposed work for technical feasibility and maintenance costs, and other reviews are scheduled as necessary.

Artist Selection

Artwork or an artist for each project is selected by a jury and subject to the procedures outlined below. The PAC has established the following general guidelines for artist selection, and for each project designates the method of selection to be followed.

- a) At least half of the money expended over a 5-year period for artists' commissions and purchases of existing work should be to artists living within the City of Duluth.
- b) All projects are open to any artist, within a project's possible residency requirements.

c) Methods of selection:

1. Slide submission. Artists are asked to submit slides of their current work. The jury reviews all slides and requests a limited number of artists to prepare specific proposals for the project. Artists are paid for out of pocket expenses of the proposal preparation. The jury selects one artist for the commission.
2. Artwork proposals. Artists are asked to submit specific proposals for a project site. The jury reviews all proposals and a) selects one artist for the commission, or b) asks a limited number of artists to prepare more detailed proposals and then selects an artist for the commission.
3. Limited entry. The jury invites a limited number of artists to enter. The artists submit slides or prepare proposals. (Artists are paid for proposal preparation.) One artist is selected for the commission.
4. Direct selection. The jury directly selects the artist(s) or completed work(s).

Project Implementation

A contract is executed between the artist and the Public Arts Fund, Inc. for the artist's services, or for purchase and installation of an artwork. The PAC staff is responsible for contracting and liaison with the artist and City departments in the completion of each artwork project.

Administration of the Art in Public Places Program

The administration of the Municipal Art Plan is handled by the PAC staff and is overseen by the PAC and the PAF members.

The PAC staff maintains a comprehensive and current compilation of publicly-owned spaces within the city for consideration as sites for artwork projects. This "site bank" is continually updated through periodic surveys of City departments and agencies.

A file of potential jurors is maintained by the PAC staff. Names are solicited regularly from all areas of the arts community, and documentation of the experience and credentials of candidates requested.

When appropriate, the PAC appoints an advisory committee or task group to study and recommend on policy matters, or to serve as resources in planning for the annual Municipal Art Plan. A resource file of qualified citizens who wish to participate through advisory committees and task groups is maintained through regular requests for interested citizens to indicate their interest and background.

Procedures set forth in the Collection Management System developed for the City's collection are followed with each acquisition, to insure professional standards of documentation, registration, care and installation of all works owned by the City.

All procedures are handled as openly as possible. Artwork projects are announced through public media, as well as through mailings and the PAC News. Projects are announced at least one month before the deadline for submissions.

**City of Phoenix
Percent for Art Guidelines**

Percent for Art Guidelines

The goal of the Percent for Art program is to acquire for the City of Phoenix works of art which enhance the aesthetic quality of public spaces, are of the highest quality, and advance public understanding of art. These guidelines provide a process for selection, purchase, commission, placement, and maintenance of artworks funded by the Percent for Art program.

ORGANIZATIONS AFFECTED

1. All City Departments
2. The Phoenix Arts Commission

REFERENCES

1. Ordinance G-2797 creating the Phoenix Arts Commission on August 7, 1985 and stating its responsibilities.
2. Ordinance G-2953 establishing a Percent for Art Ordinance.

POLICY

1. To expand public experience with the visual arts, it is the policy of the City to include works of art in its public works, through the development and implementation of a Project Art Plan.
2. The Project Art Plan, developed by the Phoenix Arts Commission in consultation with the Departments shall determine the nature and placement of Percent for Art projects.
3. Establishment of the Phoenix Arts Commission and the 1% for Art Ordinance by the City Council expresses the City's intent to provide its citizens with expanded experience with the visual arts, to enhance Phoenix's standing in public art, and to encourage artists capable of creating art for public places. The Phoenix Arts Commission has identified the following policies and objectives as important to the development and implementation of a Project Art Plan which aims to carry out this intent.
 - 3.1 The primary objective shall be to provide art of the highest quality, acquired and presented as an expression of our time, and displayed in spaces accessible to citizens as they participate in the activities of the City and engage in public life.

3.2. Artwork project shall be developed with the objective of contributing to a sense of the City's identity. The articulation of major urban focal points shall be a priority, and citizen's pride and participation in neighborhoods shall also be recognized through development of artwork projects in coordination with neighborhood residents, associations, or other representative organizations.

3.3. The Project Art Plan shall seek to provide increased opportunities for Arizona artists to put their work before the public, and to participate with citizens in the development of artwork projects in public places.

3.4. The planning process for artwork projects shall, insofar as possible, relate to the City's various planning functions, and shall coordinate with City Departments, Boards and Commissions as advised by associated Departments (see Commission Responsibility 1.7).

3.5. Wherever possible, sites for artwork projects will be identified at the planning or early development stages, in order that artwork projects can be effectively and economically integrated through planning and implementation concurrent with site development.

DEFINITIONS

1. "Commission" is the Phoenix Arts Commission.

2. "Art in Public Places Committee" is a standing committee of the Arts Commission, responsible for recommending to the Commission on matters relating to the Percent for Art Ordinance through development and implementation of the Project Art Plan.

3. "Municipal Art Funds" are accounts established by the Finance Department Division of Accounts, through which one percent of eligible Capital Improvement Program funds, as appropriated by the City Council, are maintained.

4. "Project Art Plan" is the multiple year Percent for Art project plan prepared annually, adopted and amended as necessary by the Commission, submitted to the City Manager's Office and approved by the Mayor and City Council for carrying out the City's Percent for Art program.

5. "Project" the design, construction or alteration of public works (public structure or other public space) by a governmental body which is subject to the ordinance of the City set forth above and attached.

6. "Works of Art" are all forms of original creations of visual art, including but not limited to:

Arts services to the master plan, conceptual design, design development or construction administration phases of Capital Improvement Projects.

Painting of all media, including both portable and permanently affixed works, such as murals;

Sculpture which may be in the round, bas-relief, high relief, mobile, fountain, kinetic electronic, etc., in any material or combination of materials;

Other visual media including, but not limited to, prints, drawings, stained glass, calligraphy, mosaics, photography, clay, fiber and textiles, wood, metals, plastics, or other materials or combination of materials, or crafts or artifacts.

7. "Consultant" is any firm, individual, joint venture or team of firms or individuals (including any subconsultants engaged by the consultant) with which the City contracts for design or other consulting services related to public works projects.

8. "Department" is any City department owning, managing or having jurisdiction over any site, facility, or building or other space, existing or planned, which may be a potential site for development of an artwork project.

9. "Appropriate City Official" is the Department head responsible for a construction project or site, or staff as designated by the Department head.

10. "Artist" is a practitioner in the visual arts, generally recognized by critics and peers as a professional of serious intent and recognized ability who produces Works of Art and is not a member of the Project architectural firm.

11. "Architect/Designer" is the person or firm designing the Project to which the percent funding applies. Where architect is a firm, the term Architect shall mean the principal of that firm in charge of designing the Project to which the percent funding applies.

12. "Selection Panel" the Selection Committee appointed by the Phoenix Arts Commission upon recommendations of the Art in Public Places Committee - for the purpose of selecting the project artist(s) (three methods of selection.)

RESPONSIBILITIES

1. Commission responsibilities

1.1. The Commission shall annually prepare, adopt and amend as necessary, with approval of the City Manager, Mayor, and City Council, a Project Art Plan, which shall allocate available Percent for Art funds for

artwork projects at specific sites and shall include, but not be limited to, general descriptions of the type and nature of artworks or art projects.

1.2. The Commission shall commission works of art, or the design, execution and/or placement of art projects in accordance with the Project Art Plan, and recommend the project, contracts and payments to the City Council.

1.3. The Commission shall maintain a master plan of sites and descriptions of priority project types to serve as a multiple year guide to project location and types.

1.4. The Commission shall consult with the Department responsible for a particular construction project or other site to be included in the Project Art Plan regarding the execution and/or placement of an artwork project in connection with such construction project or other site, prior to adoption of the Project Art Plan. (see Procedure 1.4.)

1.5. Funds in the Municipal Art Fund shall be allocated for artwork projects subject to the propriety of their expenditure according to Departmental source, and the Commission shall advise the Department of allocation of funds for artwork projects prior to adoption of the Project Art Plan (see procedure 1.4.)

1.6. The Commission shall provide that any proposed work of art requiring extraordinary operation or maintenance expenses receive approval of the Department head responsible for such operation or maintenance and the Office of Management and Budget prior to the implementation of the project.

1.7. The Commission shall communicate with Departmental advisory boards to the extent advised by the Department head.

1.8. The Commission shall establish procedures for implementation of the Project Art Plan, including a procedure for obtaining information on the credentials and experience qualifying persons to serve as jurors in the selection of artists or artwork and as resource persons in the development of artwork projects; a procedure for obtaining information on professional artists and their works; and a procedure for insuring adequate standards of documentation, registration, care and installation of all artworks purchased by the City.

1.9. The Commission staff shall make a quarterly report on the Project Art Plan to the City Manager and Departments, showing the location, types of artwork, the artist(s) commissioned, and the dollars expended for each artwork project, and the status of each

project. The Commission shall make quarterly reports on projects in planning, design and execution to the City Council or its designated subcommittee.

1.10 The Commission shall ensure that a significant portion of artists selected and subsequently contracted to produce artworks or to provide arts services shall be, at the time of the selection, residents of the State of Arizona.

2. Departmental Responsibilities

2.1. Within each Department, the appropriate City official(s) has responsibility to provide information and coordinate with Commission staff to identify existing or planned sites under the Department's jurisdiction or management which are suitable for the location of artwork projects.

2.2. Within each Department, the appropriate City official(s) shall provide information and coordinate with Commission staff the development and implementation of artwork projects at Departmental sites.

2.3. Department heads have the responsibility to inform the Commission of the relationship of any advisory board to the Department, and shall advise the Commission of that group's responsibilities in the development and implementation of artwork projects, and shall inform the Commission to what extent direct communication is necessary.

2.4. Departments shall inform the Commission of proposed or planned projects involving design, construction, renovation or further development of a site or facility at the earliest possible point, in order to allow for adequate review of the project's potential for incorporation of artwork, and for planning of an appropriate artwork project.

2.5. The Planning Department shall inform the Commission of planning studies and long-range policy recommendations which bear upon planning for the incorporation of artwork in existing or planned urban spaces.

2.6. The City Manager shall review the Project Art Plan and make recommendations to the Mayor regarding its approval.

2.7. The Parks, Recreation and Library Department shall pay warrants upon the Project Art Fund upon vouchers approved by the Executive Director of the Arts Commission. The Arts Commission shall monitor expenditures from the Municipal Art Fund against the Project Art Plan.

3. Coordination with City Departments

3.1. In the event of a difference regarding propriety of expenditure of departmental Percent for Art funds which cannot be resolved between the Department and the Commission through procedures established herein, the Commission or the Department shall refer the question first to the Budget and Research Department and, if resolution is not reached, in writing to the City Manager, including in the report the background of the difference and requesting assistance with resolution.

PROCEDURE

1. Development of the Project Art Plan. The project type and placement of artwork projects shall be authorized by the City Council upon recommendation from the Phoenix Arts Commission, through the Project Art Plan.

1.1. The Art in Public Places Committee shall meet monthly, and shall oversee the development and implementation of the Project Art Plan.

1.2. Citizen participation will be encouraged in the development of the Project Art Plan, and public meetings will be held to hear citizens' comments and suggestions. In addition, the Committee may appoint ad hoc citizen advisory groups to study and recommend on programs and procedural matters, and to serve as resources in planning for artwork projects.

1.3. The Art in Public Places Committee will recommend to the Commission the site, nature, allocation of funds from the Municipal Art Fund, criteria and selection process for each art project.

1.3.1. In developing specific art projects, Commission staff shall work with the appropriate City official(s) and the project designer and/or project manager for the site to determine the following parameters:

a) Recommend those art projects which shall be open only to artists residing in the State of Arizona at the time of selection.

b) Recommend medium (painting, sculpture, electronic, etc.) and/or format for participation of artist in project design.

c) Recommend location(s). Artwork may be placed either as an integral part of the construction project or may be placed in, on or about other public facilities. Site determination may be restricted by the fund source.

In the case of sites under development, the Department will keep the Commission apprised of progress in selection of planning consultants and/or designers, and shall include coordination with the art project in the scope of services for the project. Upon selection of a planning consultant and/or designer, the artist selection process will be carried out, under the advisement of the planning consultant and/or designer. The designer and artist will then coordinate the design and execution of the artwork within the construction project.

c) Maintenance. Any proposed work of art, which is demonstrated by the Department head or the Commission to require extraordinary operations or maintenance expense, shall be subject to prior review by the appropriate Deputy City Manager and approval by the City Manager.

1.4.2. Allocation of funds

Funds shall be allocated for projects subject to the propriety of expenditures according to the laws and regulations governing the fund source. Commission staff will advise Departments of the proposed allocation of funds from that Department's fund sources prior to adoption of the Project Art Plan. Commission staff will work with Departmental staff to meet any legal constraints. Given the specific use limitations on a wide variety of Departmental fund sources, propriety of expenditure must be determined on a case-by-case basis where questions arise.

1.4.3. Selection process

The Art in Public Places Committee shall maintain the following general guidelines relating to artist selection, and within each project designate the method of selection to be followed.

- 1) Open entry: Any professional artist is eligible to enter. Generally, an open, unjuried slide bank will serve as the principle resource for artist selection.

- 2) Limited entry or invitational: Panel invites a limited number of artists to enter. The names of the artists invited will be publicly announced upon receipt of written acceptance from the artists.

- 3) Direct selection of the artist(s) or completed work, by the panel or curator.

1.5 Staff will compile the Art in Public Places Committee's recommendations in the form of a Project Art Plan, which shall be presented to the Commission for adoption. Prior to adoption of the Project Art Plan, Commission staff will consult with each affected Department regarding plans for the allocation of funds, and for the execution and/or placement of artwork at specific sites.

1.6. Following adoption by the Commission, the Project Art Plan will be transmitted to the Mayor, City Manager, and City Council for approval. Upon final approval, the Project Art Plan will guide expenditures from the Municipal Art Funds.

1.7. The Art in Public Places Committee shall periodically review the Project Art Plan for possible revision or amendment. The Commission will amend the Project Art Plan by the process outlined in Procedures 1.4 through 1.6.

2. Implementation of the Project Art Plan will be managed by the Executive Director or designee, and individual projects will be coordinated between the appropriate City official(s) within the Department and the Commission staff.

2.1. Artist application forms, requests for qualifications or proposals and calls for artists will be disseminated as broadly as possible, through direct mail, artists' organizations, and the media. Special attention and effort will be given to encouraging Arizona artists, emerging artists, and artists representing diverse cultures to apply.

2.2. The Commission will utilize visual artists slide banks. The responsibility for providing up-to-date information is the artist's. Such slide banks will serve as the major resources in artist selection, except in selection processes requiring submissions from design teams or proposal or specific preexisting artworks for purchase.

2.3. Individual project budgets shall cover costs attendant to the selection, purchase or design and execution, and placement of each artwork, and itemize each expenditures as in-Arizona or out-of-state, and shall be approved by the Art in Public Places Committee.

2.4. Panels, assembled for each separate project from a list of qualified individuals approved by the Commission, shall select artists, design teams, and/or review artworks for commission or purchase. Upon approval in the Project Art Plan, a curator may serve as selector.

2.4.1. The following guidelines shall be used in the Art in Public Places Committee's selection of a panel for each project and in determining the panel's responsibilities and jurisdiction.

a) The number of panelists and makeup of the panel appointed for projects will depend upon the size and complexity of each project. Generally, the panel size will range from one

panelist for a small project, to five jurors for a large project. All projects with single artists' commissions over \$10,000 shall have more than one panelist.

b) Panelists of three or more shall include at least one artist. At least one person representing the user group of a facility or community nearest the site shall advise the panel. This person may be a City employee such as a project manager, a community representative, or other individual, and may be designated a voting member of five-member panels.

c) Project managers, architects and designers who are employed by the City as staff or planning consultant and/or designer on the project under consideration shall be non-paid members acting in an advisory capacity.

d) Panel members shall be paid in accordance with a schedule determined by the Art in Public Places Committee and approved by the Commission. Panelists' travel and expenses shall be reimbursed as incurred in connection with the selection process (in accordance with City of Phoenix regulations).

e) Panel review shall be open to observers who wish to attend. The panelists may elect to cast votes in closed session. Panel review will be organized and staffed by the Public Art Program Manager or designee.

f) The staff shall issue written instructions to panelists detailing the duties and responsibilities relating to the project, before the first jury meeting.

g) If a consensus cannot be reached, then a vote shall be taken, with the majority carrying the decision. Jurors shall each have one vote and no juror shall have the right of veto.

h) The jury shall have the option of making no selection. In the event that no selection is made, a new selection process may be initiated or the project abandoned.

i) The jury's decision will be recorded by the Executive Director or his designee in the form of a written report to the Art in Public Places Committee, and if approved, it will be recommended to the full Commission for formal vote.

2.4.2. File of potential jurors

Commission staff will establish and maintain a file of potential jurors, containing information on the credentials and experience qualifying individuals to serve in this capacity. The procedure and format for gathering this information shall be established by the Commission.

2.5. Design, execution and installation of the artwork.

2.5.1 The Commission staff shall research and document past fees for services or purchase or commission prices paid to selected artists, and use this research in negotiating an appropriate contract amount.

2.5.2. The Commission will negotiate the contract with the artist, and with other consultants as necessary, for the purchase or design, execution and installation of the artwork. Contracts will be executed by the City Manager, or his designee.

2.5.3. The contract with the artist will be administered by the Commission staff.

2.5.4. On-site activity in connection with the artwork installation will be coordinated between Commission staff and the appropriate City official(s) within the Department having jurisdiction over the site and/or construction.

a) In the case of sites under development, the appropriate City official(s) within the Department will coordinate the concurrent site development with the artwork installation in the most efficient manner possible.

b) In the case of existing sites not under joint development, the appropriate City official shall coordinate with Commission staff in overseeing and facilitating the installation.

2.5.5. Unless otherwise agreed, maintenance of permanently installed artworks shall be the responsibility of the Department having jurisdiction over the site, and maintenance of temporarily installed portable works shall be the responsibility of the Department which owns the works.

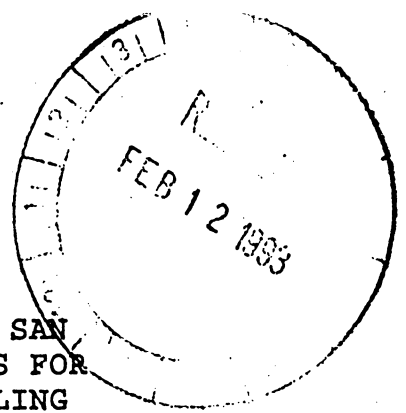
2.5.6. Location of artwork, either temporarily or permanently, at sites not under the jurisdiction of the Department which owns the work shall be by interdepartmental or intergovernmental agreement. The agreement shall be developed by the Commission and shall set forth responsibility for maintenance and duration of the installation.

2.6. In general, Departmental staff and consultant(s) hired by Departments in connection with projects where an artwork is included shall not receive additional compensation for time spent in connection with the implementation of artwork projects. However, where a specific technical or professional task is performed by such staff or consultant(s) solely in connection with the artwork, and where the task is necessary to the execution or installation of the artwork, and where it is not feasible to include as the responsibility of the artist under the terms of the percent allotment, fees for services may be negotiated provided that reimbursement is requested prior to establishment of the project budget and is approved by the City Manager.

2.7. Project files and records. Staff shall maintain records on each project, which shall include, but not be limited to the following:

- a) Contract(s) with the artist(s) and consultant(s) participating in the project.
- b) Records of Commission action bearing on the project.
- c) Interdepartmental agreements relating to the siting or implementation of the project.
- d) Correspondence, memoranda relating to the project.
- e) Records of all billings made in connection with the project.
- f) All proposals submitted and other visual or written material relating to the artist's design or method of execution as are submitted or become available.

**City of San Jose
Guidelines and Procedures
for the Art in Public Places Program**



RESOLUTION NO. 64284

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ESTABLISHING GUIDELINES AND PROCEDURES FOR THE ART IN PUBLIC PLACES PROGRAM AND REPEALING RESOLUTION NO. 57955.

WHEREAS, the City of San Jose ("City") and the Redevelopment Agency of the City of San Jose ("Agency") desire to enhance the appearance of public places constructed as City or Agency projects by incorporating works of art in and about such places; and

WHEREAS, the City's Arts Commission is dedicated to encouraging the use of art and to engaging artists to help beautify the appearance of the City; and

WHEREAS, the Arts Commission is able to assist other commissions and to advise both the City and the Agency on placement of art in public places; and

WHEREAS, the City has concurrently proposed for adoption an ordinance, which among other things, amends various provisions of Title 22 of the San Jose Municipal Code, in order to expand the existing Art in Public Buildings Program into an Art in Public Places Program (the "City Ordinance"); and

WHEREAS, this Resolution sets forth guidelines and supplemental procedures for implementation of the Art in Public Places Program;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Notification of the Arts Commission.

A. For purposes of this Resolution, notification of the Arts Commission shall occur by notification of the Director of the City's

Department of Convention and Cultural Affairs. References in this Resolution to either Title 22 of the San Jose Municipal Code or the Art in Public Places Program shall mean and include the provisions of Title 22 as amended by the City Ordinance.

B. As soon as is reasonably possible after the adoption of the annual Capital Improvement Budget of the City, the City Manager shall notify the Arts Commission of "Eligible Construction Projects" (alternatively, "ECPs" or "Projects") and of the amounts budgeted for each ECP.

C. The City Manager or the appropriate department head also shall notify the Arts Commission of pending and proposed processes for the selection of architectural and design-related consultants for ECPs. The Director of the Department of Convention and Cultural Affairs should to the greatest extent possible be given the opportunity to designate a staff member to participate as a non-voting member in such selection processes.

D. The City Manager or the appropriate department head shall notify the Arts Commission of the implementation schedule for each ECP as soon as is reasonably possible after the implementation schedule is determined. Each Project implementation schedule also shall include the following:

1. Project location and function;
2. Amount of construction appropriation;
3. Project designer/architect/engineer; and
4. City department(s), division(s) of the Agency, or other entity responsible for, or affected by the Project, with the name and/or title of a representative to be contacted regarding the Project.

SECTION 2. Development of Workplan.

A. The Director of any City department affected by, or responsible for the construction of an ECP, shall designate an appropriate staff member to meet with the staff of the City's Department of Convention and Cultural Affairs to discuss:

1. The nature of each ECP identified in the five year Capital Improvement Plan and the annual Capital Improvement Budget.
2. The funding currently available for each Project.
3. The construction schedule for each Project.
4. Potential locations for art at each Project site.
5. Development of timetables and guidelines for selection of works of art for each ECP.
6. A list of recommended work(s) of art resulting from each ECP, including the following:
 - a. The nature of the proposed work of art (e.g., figurative sculpture, abstract painting, narrative mural, decorative floor design or commemorative statue, monument).
 - b. The process for the selection of the work of art (e.g., open competition, invitational competition or direct selection). Downtown locations shall also be reviewed by Urban Design Review Board.
 - c. If a work of art is to be selected by a jury, the composition of such jury, including the number of

individuals, the geographical perspective (e.g., neighborhood, local, regional or national) of each juror and the individual expertise of each juror (e.g., artistic, historical, cultural or technical).

B. The above information related to ECP shall be incorporated into a three year "Art in Public Places Workplan" to be developed by the Arts Commission for recommendation to the City Council/Agency Board. The Workplan shall be reviewed and, if necessary, updated by the Arts Commission on an annual basis.

SECTION 3. Calculation of Funds for the Art in Public Places Program.

A. The funding for an Eligible Construction Project shall be determined and fixed at the time the Project funds for the design phase of the Project are appropriated. The total estimated cost for an ECP shall include the cost of engineering, design and construction and shall exclude the costs related to land acquisition, soil remediation and off-site improvements ("Total Estimated Cost"). The funding for the Art in Public Program derived from each ECP shall be calculated as follows: $.02 \times \text{Total Estimated Cost} = \text{Art Allocation}$.

B. In the event the proposed budget for an ECP increases as a result of deliberate decision to change the size or nature of the ECP, the Art Allocation shall be increased proportionally and the corresponding appropriations shall occur.

SECTION 4. Appropriation of Funds for the Art in Public Places Program.

A. At the time funds for the design phase of an ECP are appropriated, the Art Allocation shall also be appropriated by the City.

B. Subject to any legal constraints, it shall be the City's policy that up to fifteen percent of the Art Allocation for an ECP shall be earmarked for administration of the Art in Public Places Program.

C. The City Manager or appropriate department head shall notify the Arts Commission of all proposed projects involving design, engineering or feasibility studies including those proposed projects where the Total Estimated Cost is unknown. The City Manager or the staff of the appropriate City department shall confer with the staff of the Department of Convention and Cultural Affairs in order to determine whether artist involvement with the proposed project would be appropriate. In the event artist involvement is deemed appropriate by the City Manager, but no Art Allocation has yet occurred, then, subject to legal constraints, artist design fees shall be paid from the Art in Public Places administrative funds. The Art in Public Places Administrative funds shall be reimbursed only if the proposed project becomes an Eligible Construction Project.

SECTION 5. Expenditures of Available Funds For Eligible Construction Projects/Negotiations with Third Parties.

A. Expenditures for the Art in Public Places Program shall be project-specific, that is, utilized only for the acquisition of works of art for the specific Eligible Construction Project to be performed, if the funds for such project are restricted by contract, federal or state grant, law or regulation. If the funds are not so restricted, the appropriation for a work of art need not be project specific.

B. On occasion, the City may receive funds from persons or other entities for the construction of capital improvement projects. The use of such funds may be restricted or prohibited as to expending those funds upon works of art. It shall be the policy of the City that City staff shall, wherever legally possible, negotiate or

otherwise attempt to remove any restrictions on expenditures for works of art, so that the total project cost for an Eligible Construction Project may be included in calculations of the funds to be budgeted, appropriated, and expended for works of art pursuant to Title 22.

C. The appropriation for the acquisition of works of art shall not be expended for any of the following:

1. Art objects which are mass-produced and of standard design. However, limited editions, signed by the artist, original prints, cast sculpture or photographs may be purchased.
2. Decorative or ornamental elements (unless for the security of the work of art or to ensure public safety), which are designed by the building architect or consultants engaged by the architect.
3. Expenses related to the ongoing operation of the work of art, such as electrical, water, or mechanical service required to operate the work of art.

D. In general, the funds appropriated for each eligible construction project may be expended in a timely way for, but are not limited to, the following:

1. Artist's fee for professional design, execution, and installation of the work of art;
2. Taxes (when applicable);
3. Frames, mattes, pedestals, containments and devices necessary or desirable for the security, preservation, and display of the work of art;

4. Site modification necessary for the installation of the work of art;
5. Identification plaque and label;
6. Fire retardant treatments (where necessary);
7. Consultant's fees;
8. Administrative expenses related to the Art in Public Places Program;
9. Insurance; and
10. The purchase of equipment which is an integral part of the work of art such as electrical and mechanical devices or parts.

SECTION 6. Use of Consultants.

A. Consultants may be needed to advise and/or assist with specific projects for such purposes as:

1. Professional appraisal of a work of art;
2. Performance of feasibility studies, specific to execution of proposed work of art;
3. Packing and shipping of a work of art;
4. Review of engineering specifications;
5. Conservation and maintenance;
6. Collection documentation;

7. Installation design;
8. Presentation assistance;
9. Identification of artists appropriate for a specific project; and
10. Project management.

B. If the services of consultant are desired in conjunction with the Art in Public Places Program, any fees associated with utilization of such a consultant shall be paid from the funds appropriated for the Art in Public Places Program. No selection of any paid consultant shall be final unless the approval of the City Manager or City Council, as appropriate, is first obtained and proper contractual arrangements made.

SECTION 7. Art in Public Places Advisory Panel.

A. The Art in Public Places Panel ("Panel") shall advise the Arts Commission on matters related to the Art in Public Places Program. Specifically, the Panel shall have the following responsibilities:

1. Review of the Art in Public Places Workplan as drafted by City and Agency staff for comment to the Arts Commission;
2. Recommend potential jurors for review of works of art under the Program and oversee the art recommendation processes of the juries. Where the Agency's projects or the City's projects include contributions from a private developer, the jury shall include the developer or the developer's representative.

3. Review and make recommendations to the Arts Commission on proposed donations of works of art to the City; and
4. Review and advise the Arts Commission on the development of public art site plans and master planning processes related to ECPs;
5. Review and make recommendations to the Arts Commission on proposals for works of art to be incorporated into public places made by the public in conjunction with the City's program for soliciting such proposals, currently known as the Art Window program.

B. Composition of the Panel shall, whenever possible, reflect the ethnic diversity of the community. The chairperson of the Panel shall be one of the two Arts Commission representatives appointed by the Arts Commission to serve on the Panel. The Panel shall include:

1. Two members of the Arts Commission, to be appointed by the Arts Commission;
2. Five representatives from the visual arts community, to be appointed by the Arts Commission;
3. One representative from the historic preservation community, to be appointed by the Mayor;
4. A representative from each City department and/or the Agency where that department or the Agency has jurisdiction over either the identified site for a work of art project or the Eligible Construction Project that is the source of funds for a work of art, to be appointed by the City Department or Agency as ex officio representatives;

5. A member of the Urban Design Review Board for art projects located within the Downtown area, to be appointed by the Agency; and
6. The liaison from the City Council to the Arts Commission as an ex officio representative.

C. As of January 4, 1993, the terms of the current members of the Panel, excluding the representatives of the Arts Commission and the ex officios members, shall be deemed to have expired. Persons appointed to the Panel on or after January 4, 1993, shall be eligible to serve two successive terms of two years in length. Upon the conclusion of any successive term of a Panel member, the member shall not be eligible for re-appointment for a minimum period of two years but thereafter shall again be eligible for re-appointment for two successive terms. Notwithstanding the foregoing, persons who are members of the Panel as of the adoption date of this Resolution shall be eligible for re-appointment to the Panel for two successive terms and thereafter shall be eligible for re-appointment consistent with the provisions of this subsection. The term limitation set forth in this subsection shall not apply to ex officio Panel members and the representatives of the Arts Commission.

SECTION 8. Procedures for Selection of Works of Art.

A. The Arts Commission shall review project specifications for works of art and shall then determine whether such work of art shall be procured by either direct or competitive selection in accordance with the guidelines for procedures for selection of works of art as developed by the Arts Commission. In general, and to the extent permitted by law, preference in acquiring works of art shall be given to local and Bay Area artists.

B. In those instances where the Arts Commission determines that

selection of a work of art by a jury is appropriate, the jury shall be appointed by a designated subcommittee of the Arts Commission. The Arts Commission shall, to the greatest extent possible, select the jury members from the pool of potential jurors generated by the Panel. The Arts Commission shall endeavor to select juries which reflect the diversity of the community. The recommendations from the juries shall be made directly to the Arts Commission.

SECTION 9. Maintenance, Repair, Alteration.

The maintenance, repair, and alteration of any work of art shall be accomplished in consultation with the Arts Commission, with approval of the City Council or City Manager, as appropriate. Whenever possible, the artist shall be consulted on maintenance, repair, or alteration of the artist's work of art. Agency funds shall be expended only to the extent permitted by applicable law for the maintenance, repair and alteration of works of art.

SECTION 10. Informational Materials.

In conjunction with the Art in Public Places Program, the Department of Convention and Cultural Affairs may develop for the review and approval of the Arts Commission, brochures, pamphlets, and/or other publications describing available resources for assistance in art acquisition, construction placement and display, suggested art acquisition guidelines, and any other cultural advantages and information relevant to the placement of art in and about public and/or private buildings and facilities.

SECTION 11. EFFECTIVE DATE/REPEAL OF PRIOR RESOLUTION.

This Resolution shall become effective upon adoption. It repeals Resolution No. 57955, adopted on December 4, 1984, which set forth

guidelines and procedures for implementation of the Art in Public Buildings Program.

ADOPTED this 15th day of December, 1992, by the following vote:

AYES: ALVARADO, BEALL, HEAD, IANNI, JOHNSON, LEWIS,
PANDORI, SAUSEDI, SHIRAKAWA, STABILE; HAMMER

NOES: NONE

ABSENT: NONE

SUSAN HAMMER, Mayor

ATTEST:

PATRICIA L. O'HEARN, City Clerk

City of Seattle
Procedures for Development and Implementation
of Public Art Program Projects

SEATTLE ARTS COMMISSION

PROCEDURES FOR DEVELOPMENT AND IMPLEMENTATION OF PUBLIC ART PROGRAM PROJECTS

312 1st Avenue N
Seattle, WA 98109
Ph 206.684.7171
Fax 206.684.7172

Introduction

The City of Seattle's 1% for Art Ordinance, established in 1973, requires that one percent of City capital improvement project funds be set aside for the commission, purchase and installation of artworks, either as an integral part of the eligible construction project, or on another City-owned site. With these funds the Seattle Arts Commission's Public Art Program administers a wide variety of projects, including commissions of major permanent artworks for interior and exterior sites, the selection of artists to work as members of design teams, and the commission of new work for the Portable Works Collection, a collection of relatively small-scale artworks in a wide range of media exhibited on a rotational basis in City-owned buildings.

The Public Art Program (PAP) Committee, a standing committee of the Seattle Arts Commission (SAC), oversees the development and implementation of the Municipal Arts Plan (M.A.P.), an annual plan for the expenditure of available 1% for Art funds prepared by the PAP staff, submitted to the Office of Management and Budget, and approved by the Mayor.

Project Development

In preparation for the development of the M.A.P., the PAP staff works with City departmental representatives to identify eligible construction projects, and to develop the following guidelines for artwork:

- A) Scope of work; opportunity, if any, for participation of artist(s) in project design process.
- B) Recommended location. Siting of artwork may be determined in the Municipal Art Plan, or proposed by the artist selected for the project. In either case, location of artwork is by agreement between the SAC and the department responsible for the site.
- C) Recommended medium of work, if applicable.
- D) Maintenance. Potential for vandalism, accidental damage, and environmental deterioration at the site are assessed.

In the case of funds not tied to a particular site, the PAP staff works with the PAP Committee to develop a scope of work for a project defined by the Committee.



The PAP staff then assists the PAP Committee in specific planning of artwork projects and recommending the allocation of funds, selection procedures, and guidelines for each art project.

All PAP projects are announced in the Seattle Arts newsletter and in other regional and national media, as appropriate, at least one month in advance of the deadline. A prospectus is developed for each project providing details: A description of the project, scope of work, budget, artist eligibility, selection process, panel, materials to be submitted, and the deadline. Prospecti are available by calling or writing to the SAC following the announcement of projects.

Artist Selection

The PAP Committee has established the following general guidelines for artist selection:

- o At least half of the money expended for artwork and artists' services over a five-year period should be to artists residing in the Pacific Northwest.
- o Projects are open to any interested professional artist, except as specified (see exceptions below).
- o Artists are asked to submit slides of recent artwork, an updated resume, and a letter of interest or intent. In the commissioning of new work, an artist or artists may be asked to prepare artwork proposals, and if so are paid for the proposals. For design team projects, finalists are interviewed, and their travel expenses are paid for by the SAC. Direct purchases for the Portable Works Collection are selected from the submitted slides of existing artwork, and/or through studio visits.

Artist Eligibility, Specific Limitations

- o Beginning January 1, 1993, artists are eligible for no more than two projects (including design teams) in a five-year period, and cannot receive commissions in consecutive years, or receive two consecutive program awards (e.g., through the Seattle Artists Program).
- o Certain purchases for the Portable Works Collection and other specified projects are limited to artists residing in the Northwest (Washington, Oregon, Idaho, Montana and British Columbia).
- o The Seattle Artists Program is limited to artists living or renting studio space within the Seattle city limits.

- o The PAP Committee reserves the right to limit eligibility for certain programs to other designated regions.
- o The Public Art Committee may, at its discretion, develop any project specifically to reach applicants who have not previously been funded.

Methods of Selection

- o In the interest of achieving the most equitable panel process possible, the PAP Committee as a rule conducts an open competitive process for all projects: An open call is announced for a project, and applications are accepted from any qualified and eligible professional artist.

On certain projects a compressed development period does not permit ample time to publicize the project in order to guarantee an adequate number of applicants. Also, occasionally the specialized nature of a project may limit the pool of qualified artists. In such cases the open competition process may be supplemented with direct invitation of artists nominated the PAP Committee or its designated selection panel. However, the artists thus invited are not given priority over those who have elected to apply through the open call.

- o In rare instances the project is run as a limited competition. The selection panel invites a limited number of artists to enter; the artists submit slides and/or prepare proposals. (This method should be used sparingly after careful consideration by the PAP Committee and staff.)

Selection Panels

A peer selection panel is appointed by the PAP Committee. The PAP Committee may also constitute itself a selection panel. The panel is staffed by the Public Art Program Manager and/or the Project Manager. The panel selects the artist(s) and/or artwork(s) for the project, conducts interviews with prospective design team artists, and sometimes reviews proposals by finalist artists.

A different peer panel is convened for each project. Generally there are three panelists, but there may be up to five on more complex projects. Panels include at least one artist; the remaining panelists are chosen from other arts-related disciplines, such as curators, patrons, arts educators, architects, designers and critics.

Panel members are paid \$200. per day, and reimbursed for food, travel and lodging expenses. SAC Commissioners, or anyone receiving compensation from the City, do not receive compensation as panelists.

For permanent commission and design team projects, advisors to the panel are often chosen to represent those who will be in constant contact with the artwork selected. These advisors may be community representatives, City employees (e.g., Department heads or project managers), City contractors (architects and designers), or others, depending on the nature of the project. Advisors to the panel are not paid, and do not vote.

A PAP Commissioner will serve on the selection panel in the event a scheduled panelist is unable to participate, and there is insufficient time to confirm an alternate panelist.

Selection Panel Process

Artists' work will be reviewed anonymously by the panel during the first round of the selection process.

Panelists each have one vote, and no panelist has the right of veto. If a consensus cannot be reached by the panel, then the majority vote carries the decision. The panel has the right to make no selection, if no artist, artwork or proposal is judged to be of sufficient merit.

If the selection panel cannot identify one artist from the applicant pool whose work they feel strongly about, the applicants will be notified that a second application process will be organized; i.e., an open competition cannot be changed to a limited competition without a formal announcement of the panel's recommendation.

Committee and Commission Approval

The selection panel's recommendations are presented by staff to the PAP Committee for review. These recommendations if approved by the PAP Committee are then referred to the full SAC. A formal vote of the SAC must be taken before panel selection becomes final.

Project Implementation and Review

A contract is executed between the artist and the City for the artist's services, or for commission/purchase and installation of an artwork. The PAP staff is responsible for contracting and

liaison with the artist, City departments, and the community in the completion of each artwork project. The department generating the 1% for Art funds reviews the proposed work for technical feasibility and maintenance costs, and other reviews are scheduled as necessary.

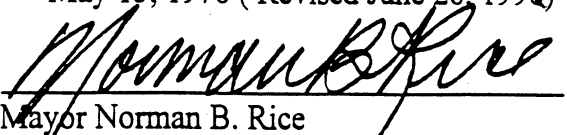
An artist contracted to serve as a design team member must, at the completion of the project design phase, submit proposal(s) for review by the project selection panel and/or the PAP Committee. If approved, a commission contract is written between the artist and the SAC to fabricate and install the proposed artwork.

City of Seattle
Standard Operating Procedures, #400-005, Municipal Artplan

**STANDARD OPERATING PROCEDURE
MUNICIPAL ART PLAN**

Number: 400-005

Effective: May 15, 1978 (Revised June 26, 1996)

Approved: 
Mayor Norman B. Rice

1.0 Purpose:

- 1.1 To establish the procedure for the development of a Municipal Art Plan, and for the implementation of 1% for Art projects in accordance with the Municipal Art Plan.

2.0 Organizations Affected:

- 2.1 All City departments, other government entities and community members/groups.
- 2.2 The Seattle Arts Commission.

3.0 References:

- 3.1 Seattle Municipal Code, 3.56, Seattle Arts Commission.
- 3.2 Seattle Municipal Code, 20.32, Art in Public Works Construction
- 3.3 Standard Operating Procedure, 400-004, Allocation of Funds for Art.

4.0 Policy:

- 4.1 To expand public experience with the visual arts, it is the policy of the City to include works of art in its public works and public spaces, through the development and implementation of a Municipal Art Plan.
- 4.2 The Municipal Art Plan developed by the Seattle Arts Commission in consultation with the Departments and residents shall determine the nature and placement of 1% for Art projects.

- 4.3 Establishment of the Seattle Arts Commission and the 1% for Art Ordinance by the City Council expresses the City's intent to provide its residents with expanded experience with visual arts, to enhance Seattle's national standing as a leader in public art, and to encourage artists capable of creating art for public places. The Seattle Arts Commission has identified the following policies and objectives as important to the development and implementation of a Municipal Art Plan which aims to carry out this intent.
- 4.3.1 The mission of the Public Art Program is to integrate artworks and the ideas of artists into a variety of public settings, acquired and presented as an expression of our time, and displayed in spaces accessible to residents as they participate in the activity of the City and engage in public life.
- 4.3.2 Artwork projects shall be developed with the objective of contributing to a sense of the City's identity. The articulation of major urban focal points shall be a priority, and residents' pride and participation in neighborhoods shall also be recognized through development of artwork projects in connection with neighborhood focal points.
- 4.3.3 The Municipal Art Plan shall seek to provide increased opportunities for professional artists to put their work before the public, and to participate with residents in the development of artwork projects in public places.
- 4.3.4 The planning process for artwork projects shall, insofar as possible, relate to the City's various planning functions, such as the annual Capital Improvement Program process and neighborhood and area planning and redevelopment undertaken by the Departments.
- 4.3.5 Wherever possible, sites for artwork projects will be identified at the planning or early development stages, in order that artwork projects can be effectively and economically integrated through planning and implementation concurrent with site development.

5.0 **Definitions:**

- 5.1 "Commission" is the Seattle Arts Commission.
- 5.2 "Public Art Program Committee" is a standing committee of the Arts Commission, responsible for recommending to the Commission on matters relating to the visual arts, and particularly on the implementation of the 1% for Art Ordinance.
- 5.3 "Joint Arts Committee" is a project-specific committee consisting of representatives from the Public Art Program Committee and the commissioning Department which is assembled to propose artist selection panelists, review and approve specific public art projects.

- 5.4 "Staff" is Seattle Arts Commission Staff responsible for implementing the Arts Commission policies, procedures, programs, conducting research and formulating recommendations.
- 5.5 "Municipal Art Fund" is a special fund established in the City Treasury into which funds may be appropriated by legislative authority, and into which funds equal to 1% of expenditures on eligible construction projects are deposited.
- 5.6 "Designated City Official" is the Department head responsible for a construction project or site, or staff as designated by the Department head.
- 5.7 A "designer" is any consultant or City employee(s) providing design services for the execution of a Capital Improvement Project, renovation, or other development.
- 5.8 A "consultant" is any firm, individual, joint venture or team of firms or individuals (including any sub-consultants engaged by the consultant) with which the City contracts for consulting services related to Capital Improvement Projects.
- 5.9 A "Department" is any City Department owning, managing, or having jurisdiction over any site, facility, or building or other space, existing or planned, which may be a potential site for development of an artwork project.
- 5.10 An "advisory board" is any formal body of residents appointed by the Mayor to advise a Department on matters of policy.
- 5.11 A "governmental agency" is a any City, State County, Federal, Metro, or any other governmental agency.
- 5.12 A "professional artist" is any person who by virtue of professional training, exhibition history, and/or critical review is recognized as skilled in creating works of art.
- 5.13 A "community group/member" is any person, group or organization which has an interest in the work of the Seattle Arts Commission.
- 5.14 "Municipal Art Plan" is the plan, prepared, adopted and amended as necessary by the Commission, submitted to the Office of Management and Plannign (OMP) and approved by the Mayor for carrying out the City's 1% for Art program.

6.0 Responsibilities:

6.1 Commission responsibilities

- 6.1.1 The Commission and its Staff shall annually prepare, adopt and amend as necessary, a Municipal Art Plan(MAP), which shall allocate available 1% for Art funds for artwork projects . The MAP shall include, but not be limited to, methods of selection of artists or works of art, and shall be approved by the Office of Management and Planning (OMP) and the Mayor before taking effect.
- 6.1.2 The Commission authorizes purchase of works or art, or commissions the design, fabrication and/or installation of works of art in accordance with the Municipal Art Plan and provides payment for costs of implementing artwork projects from the Municipal Art Fund. The Staff prepares and administers contracts.
- 6.1.3 The Commission and its Staff shall develop an inventory of public spaces which are potential sites for artwork projects, and shall consult with Departments in the identification of suitable sites.
- 6.1.4 The Commission and its Staff shall consult with the Department responsible for a particular construction project or other site to be included in the Municipal Art Plan regarding the fabrication and/or installation of an artwork project in connection with such construction project or other site, prior to adoption of the Municipal Art Plan (see 7.1.6).
- 6.1.5 Funds in the Municipal Art Fund shall be allocated for artwork projects subject to the propriety of their expenditure according to Departmental source, and the Commission through its Staff shall advise the Department of allocation of funds for artwork projects prior to adoption of the Municipal Art Plan (see 7.1.6).
- 6.1.6 The Commission shall provide that any proposed work of art requiring extraordinary operation or maintenance receive approval of the Department head responsible for such operation or maintenance and the Office of Management and Planning prior to implementation of the project.
- 6.1.7 The Commission and its Staff shall communicate with Departmental advisory boards to the extent advised by the Department head.
- 6.1.8 The Commission shall approve procedures for implementation of the Municipal Art Plan that are developed by its staff.

- a) The Staff shall set up procedures for insuring adequate standards of documentation, registration, care and installation of all artworks purchased by the City.

6.1.9 The Commission and its Staff shall make quarterly reports on the Municipal Art Plan to the Mayor and City Council, and to the Departments, showing the location, types of artwork, the artist(s) commissioned, the dollars expended for each artwork project, and the status of each project.

6.2 Departmental responsibilities

6.2.1 Within each Department, a designated City official(s) has responsibility to provide information and coordinate with the Commission and its Staff to identify existing or planned sites under the Department's jurisdiction or management which are suitable for the location of artwork projects.

6.2.2 Within each Department, a designated City official(s) shall provide information and coordinate with the Commission and its Staff for the development and implementation of artwork projects at Departmental sites.

6.2.3 Department heads have the responsibility to inform the Commission of the relationship of any advisory board to the Department, and shall advise the Commission of that group's responsibilities in the development and implementation of artwork projects, and shall inform the Commission to what extent direct communication is necessary.

6.2.4 Departments shall inform the Commission of proposed or planned projects involving construction, renovation or further development of a site or facility at the earliest possible point, in order to allow for adequate review of the project's potential for incorporation of artwork, and for planning of an appropriate artwork project.

6.2.5 The Department of Neighborhood Planning shall inform the Commission at the earliest possible point of planning for neighborhood improvement or area redevelopment projects, which could potentially incorporate an artwork project.

6.2.6 The Office of Management and Planning shall inform the Commission of planning studies and long-range policy recommendations which bear upon planning for the incorporation of artwork in existing or planned urban spaces.

- 6.2.7 The Office of Management and Planning shall review the Municipal Art Plan and make recommendations to the Mayor regarding its approval.
- 6.2.8 The Finance Department shall establish separate accounts within the Municipal Art Fund. The Finance Department shall draw and pay warrants upon the Municipal Art Fund upon vouchers approved by the Executive Director of the Arts Commission. The Finance Department shall monitor expenditures from the Municipal Art Fund against the Municipal Art Plan.
- 6.2.9 Departments shall work with the Commission and its Staff to identify and reserve potential sites for artwork projects developed through the Municipal Art Plan.

6.3 Coordination with City Departments

- 6.3.1 In the event of a difference regarding propriety of expenditure of departmental 1% for Art funds which cannot be resolved between the Department and the Arts Commission through procedures established herein and by Standard Operating Procedure 400-004, the Arts Commission or the Department shall refer the question in writing to the Office of Management and Planning, including in the report the background of the difference and requesting resolution.

7.0 Procedure:

- 7.1 Development of the Municipal Art Plan. The nature and placement of artwork projects shall be authorized by the Seattle Arts Commission, through the Municipal Art Plan.
 - 7.1.1 The Public Art Program Committee shall meet monthly, and shall oversee the development and implementation of the Municipal Art Plan.
 - 7.1.2 Commission Staff shall provide written monthly reports on the status of all Public Art programs, artwork projects and budgets to the Public Art Program Committee.
 - 7.1.3 The Commission and its staff will develop a city-wide site inventory, consulting with departments to identify potential sites for artwork projects, both planned and existing, under each Department's jurisdiction or management. This site inventory will be updated annually by staff, through periodic review of the Capital Improvement Program and through ongoing communication and consultation with City Departments. Sites identified through the inventory shall be reserved for 1% art projects initiated through the Municipal Art Plan.

- 7.1.4 Public participation will be encouraged in the development of the Municipal Art Plan, and public hearings will be held to hear residents' comments and suggestions. In addition, the Committee may appoint ad hoc citizen advisory groups to study and recommend on policy matters, and to serve as resources in planning for artwork projects.
- 7.1.5 The Public Art Program Committee will recommend to the Commission the site and nature, allocation of funds from the Municipal Art Fund, and criteria and selection process for each art project.

7.1.5.1 Artwork

In developing a prospectus for specific art projects, the Commission and its Staff shall work with designated City officials(s) and the project designer and/or project manager for the site to determine the following parameters:

- a) Format. Recommended medium (painting sculpture, electronic, etc.), scope of work (including theme), and/or format for artist participation in project design.
- b) Recommended location(s) within the site. Artwork may be placed either as an integral part of the construction project in connection with which the funds were appropriated or may be placed in, on or about other public facilities.
- c) In the case of sites under development, the Department will keep the Commission apprised of progress in selection of a designer, and shall include the artwork project in the design program and budget for the project. The artist selection process will be carried out with the participation of the designer and appropriate City officials (see 7.1.5.3 The designer and artist shall then work collaboratively coordinate the location of the artwork within the construction project.
- d) In the case of existing sites, where development is completed, the Commission, its Staff and the artist shall consult with a designated City official(s) on location(s) for artwork, and these location(s) shall be determined by agreement between the Department and the Commission.
- e) Appropriate Level of Funding. Level of funding will be determined by the medium, construction budget, location and scope of work (integral or freestanding).

- f) Geographic Eligibility. Artwork commissions may be restricted to artists from the Northwest or open to a larger geographic pool.
- g) Maintenance. Potential for vandalism, accidental damage, and environmental deterioration at the site shall be assessed.

7.1.5.2 Allocation of funds

Funds shall be allocated for projects subject to their propriety of expenditure according to Departmental source. Commission staff will advise Departments of the proposed allocation of funds from Departmental accounts in the Municipal Art Fund prior to adoption of the Municipal Art Plan. Commission staff will work with Departmental staff to meet any legal constraints. Given the specific use limitations on a wide variety of Departmental fund sources, propriety of expenditure must be determined on a case-by-case basis where questions arise.

7.1.5.3 Criteria and selection process

The Public Art Program Committee shall maintain the following general guidelines relating to artist selection, and within each project designate the method of selection to be followed:

- a) At least 50 percent of the money expended over a five-year period for artists' commissions and purchases of completed work should be to artists associated with the Pacific Northwest. Other selections may be from among artists of national or international association.
- b) Methods of selection:
 - 1) Open Entry: Any professional artist is eligible to enter (with recognition of possible requirements for regional association).
 - 2) Limited Entry or Invitational: Jury invites a limited number of artists to enter, based on artists' proven capabilities to carry out the scope of work. The names of the artists invited will be publicly announced upon receipt of written acceptance from the artists.
 - 3) Direct selection of the artist(s) or completed work, by the jury.
- c) Artist may hold no more than one active commission at the same time.

- d) Staff shall maintain data on artists' previous SAC commissions to present to the selection panel and Public Art Program Committee, the purpose of which is to maintain diversity in the selection of artists.

7.1.6 Staff will compile the Public Art Program Committee's recommendations in the form of a Municipal Art Plan, which shall be presented to the Commission for adoption. Prior to adoption of the Municipal Art Plan, Commission staff will consult with each affected Department regarding plans for the allocation of funds, and for the fabrication and/or installation of artwork at specific sites.

7.1.7 Following adoption by the Commission, the Municipal Art Plan will be transmitted to the Office of Management and Planning and the Mayor for approval. Upon final approval, the Municipal Art Plan will govern expenditures from the Municipal Art Fund.

7.1.8 The Public Art Program Committee shall periodically review the Municipal Art Plan for possible revision or amendment. The Commission will amend the Municipal Art Plan by the process outlined in points 7.1.5 through 7.1.6.

7.2 Implementation of the Municipal Art Plan will be managed by Commission Staff, and individual projects will be coordinated between a designated City official(s) within the Department and Commission Staff.

7.2.1 Information on artwork projects will be disseminated as broadly as possible, through the media, mailings, and the Commission newsletter. Projects will be announced at least one month before the selection committee is scheduled to meet. Public meetings, when feasible and necessary, will be held to provide information to artists.

7.2.2 Individual % for art project budgets shall cover costs attendant to the selection, administration, purchase or design, fabrication, installation and dedication of each artwork, and shall be approved by the Public Art Program Committee.

7.2.3 Artwork shall be selected by a jury nominated by the Public Art Program Committee and its staff. The Public Art Program Committee shall also have the option of constituting itself as a jury.

7.2.3.1 Jury selection and responsibilities

The following guidelines shall be used in the Public Art Program Committee's selection of a selection panel for each project and in determining the jury's responsibilities and jurisdiction.

- a) Artist selection shall be determined by a panel of arts professionals and technical and community advisors. The goal of the panel is to reach consensus in the selection of an artist. If consensus cannot be reached, a vote shall be taken.
- b) The number of voting panelists and composition of the panel will depend upon the size and complexity of the project. Generally, the panel size will range from two voting panelists for small project, to five voting panelists for a large project.
- c) All juries must include at least one artist.
- d) Panels may have one community representative as a voting member. At least one person from the sponsoring agency shall advise the panel. This person may be a City employee such as a project manager, or other individual, and may be designated a voting member of five-member panels. Additional non-voting advisors, consisting of community, design, technical and departmental representatives will participate on panels as appropriate.
- e) Panels shall include the project architect/designer as a non-voting advisor.
- f) Project managers, architects and designers who are regular, full-time City employees shall be non-paid, ex-officio members, acting in an advisory capacity unless designated a voting member of the panel. Any person receiving full-time compensation at professional rates in connection with a City project shall not receive additional compensation.
- g) Panel members and community advisors shall be paid and reimbursed in accordance with a schedule developed by the Public Art Program staff and approved by the Committee.
- h) Panel review shall be open to observers who wish to attend. The panelists may elect to cast votes in closed session. Panel review will be organized and staffed by the Program Coordinator.

- i) The Public Art Program Committee shall issue written instructions to panelists detailing the duties and responsibilities relating to the project and process, before the first panel meeting.
- j) If consensus cannot be reached among the voting panelists, then a vote shall be taken, with the majority carrying the decision. Panelists shall each have one vote and no panelist shall have the right of veto..
- k) If there is significant disagreement between the voting panelists and the non-voting advisors, this disagreement will be noted in the staff report to the Public Art Program Committee.
- l) The panel shall have the option of making no selection. In the event that not selection is made, a new selection process may be initiated or the project may be abandoned.
- m) The panel's decision will be recorded by the Program Manager in the form of a written report to the Public Art Program Committee, and if approved, it will be recommended to the full Commission for formal vote.
- n) Prior to formal vote of the Commission, the participating Department shall review the artists' qualifications or work. It is the responsibility of the participating Department to keep the Commission informed of its concerns. In cases where legitimate problems are demonstrated to the satisfaction of the Public Art Program Committee, the panel shall be reconvened to select an alternative artist or work. In cases where the Department objects to the work, and agreement cannot be reached between the Department and the Commission, the matter will be referred to the Office of Management and Planning for resolution.
- o) Artists will receive notification of the results of the selection process after the Commission has taken a final vote.

The Public Art Committee and its staff will solicit, establish, and maintain a file of potential jurors, containing information on the credentials and experience qualifying individuals to serve in this capacity. The procedure and format for gathering this information shall be established by the Public Art Program Committee.

7.2.3.3

The Commission will work with the Board of Library Trustees regarding the placement of artworks on property under its jurisdiction and may make exceptions to the foregoing procedures by agreement with the Board of Library Trustees as deemed appropriate under the circumstances.

7.2.4 Design, fabrication and installation of the artwork

7.2.4.1 Contracts

The Commission will contract with the artist, and with other consultants as necessary, for the purchase of design, fabrication and installation of the artwork. Contracts will be forwarded to the Finance Department.

7.2.4.2 Administration of contract

The contract with the artist will be administered by Commission Staff.

7.2.4.3 Installation of artwork

On-site activity in connection with the artwork installation will be coordinated between Commission Staff and a designated City official(s) within the Department having jurisdiction over the site construction.

- a) In the case of sites under development, a designated City official(s) within the Department will coordinate the concurrent, site development and the artwork installation in the most efficient manner possible.
- b) In the case of existing sites not undergoing development, the Commission Staff and a designated City official within the Department shall oversee and facilitate the installation of the artwork. In such cases, cost of necessary site alteration or restoration shall be borne by the 1% allotment.

- c) Whenever an artwork project contains an element that constitutes a public work or improvement within the contemplation of the City Charter article VII, § 13-15 or RCW 35.22.620, the Commission will work with the Department, which may let a contract therefore through competitive bidding or in its discretion subject to applicable state law effect such public work or improvement by day labor, in either case the construction of the artwork shall be subject to review and supervision by the artist.

7.2.4.4 Maintenance

The Commission will develop an annual public art maintenance plan and submit it to OMP for approval. Maintenance projects shall be conducted within priorities established by the plan, given available funding. Emergency requests will also be submitted to OMP for approval.

The Seattle Arts Commission shall be responsible for major maintenance of permanently-installed artworks in the City's collection. Routine maintenance of permanently installed artworks shall be the responsibility of the Department having jurisdiction over the site. Upon installation of a new artwork, Commission Staff will explain its routine maintenance with a designated Department representative, and provide training if appropriate. The Department having jurisdiction over the site shall also be responsible for keeping Commission Staff informed about changes in the condition of artwork.

The Department having jurisdiction over portable artworks shall be financially responsible for their major and routine maintenance. Maintenance shall be carried out by the Commission.

7.2.4.5 Location

Changes in the location of an artwork at sites under Departmental jurisdiction shall require prior approval from the Commission. Such approval shall not be unreasonably withheld. Location of artwork, either temporarily or permanently, at sites not under the jurisdiction of the Department which owns the work shall be by interdepartmental agreement. The agreement shall be developed by the Commission and shall set forth responsibility for maintenance and duration of the installation.

- 7.2.4.6 The Arts Commission shall have the ability to directly contract with independent consultants for assistance in fabrication of work as required. In general, Departmental staff and consultant(s) hired by Departments in connection with projects where an artwork is included shall not receive additional compensation for time spent in connection with the implementation of artwork projects. However, where a specific technical or professional task is performed by such staff or consultant(s) solely in connection with the artwork, and where the task is necessary to the fabrication or installation of the artwork, and where it is not feasible to include as the responsibility of the artist under the terms of the contract, the Department may be reimbursed from the 1% allotment, provided that reimbursement is requested prior to establishment of the project budget and is approved by the Office of Management and Planning.
- 7.2.4.7 Procedures established by the Commission and set forth in the Collection Records System Manual shall be followed with each acquisition of artwork by the City under the Municipal Art Plan, in order to insure adequate standards of documentation, registration, care and installation of the artwork.
- 7.2.4.8 Project files and records. Staff shall maintain record files on each project, which shall include, but not be limited to the following:
- a) Contract(s) with the artist(s) and consultant(s) engaged on the project.
 - b) Records of Commission action bearing on the project.
 - c) Interdepartmental agreements relating to the siting or implementation of the project.
 - d) Correspondence, memoranda relating to the project.
 - e) Record of all billings made in connection with the project.
 - f) All proposals submitted and other visual or written material related to the artist's design or method of execution as are submitted or become available.
 - g) Construction documents and maintenance requirements.

Broward County
Broward Public Art and Design Master Plan
Findings and Recommendations

Design Broward

PUBLIC ART AND DESIGN MASTER PLAN

BROWARD COUNTY, FLORIDA

1995 – 1999

Submitted by

Jerry Allen and Associates

San Francisco, California

Jerry Allen, *Project Director*

Jennifer Murphy, *Project Associate*

John Graham, *Project Associate*

Broward Cultural Affairs Division

Mary A. Becht, *Director*

Jean Pasteur Greer, *Public Art and Design Administrator*

SEPTEMBER 1995

In April of 1994, Broward County, Florida ("the County") contracted with Jerry Allen and Associates of San Francisco, California ("the consultants") to develop a Master Plan for Public Art in the County. Specifically, the consultants were directed to evaluate the current status of the Art in Public Places program, including governing ordinances, operating procedures and existing artworks; and to present a 5-year action plan in the form of a public art master plan to the County.

The consultant team consisted of Jerry Allen, principal of Jerry Allen and Associates and Director of Cultural Affairs for the City of San Jose, CA; Jennifer Murphy, Project Associate with Jerry Allen and Associates and Executive Director of the Charlotte/Mechlenberg County, NC Public Art Commission; and John Graham, Project Associate with Jerry Allen and Associates and Executive Director of the Florida Philharmonic Orchestra. The consultant team made a total of six visits to Broward County to conduct research leading up to this report.

The research methodology consisted of several different phases. After finalizing the schedule and contract requirements, the consultant did a detailed study of the existing art in public places program, including touring existing public artworks in the County. The consultants reviewed existing documentation relating to the County's Capital Improvement Program and other County planning documents. These efforts resulted in summary reports, portions of which were incorporated into this Master Plan. At the same time, the consultants surveyed potential funding sources to augment the County's funding commitment for public art. The consultants conducted interviews of more than 150 persons, in both individual and group settings. The consultants organized the Design Team Project and assisted the Cultural Affairs Division in coordinating that effort. The Design Team Project created teams of artists, architects, engineers and landscape architects to develop design solutions for various public sites around the County. These designs were organized into a public exhibition at the Museum of Art in Ft. Lauderdale. The consultants organized two artist workshops designed to introduce the local artist and design community to the concept of contemporary public art and ways in which artists can begin to be involved in the new program. In the first of these workshops, artist Jack Mackie and architect Mark Spitzer illustrated ways in which artists and other design professionals can collaborate to create successful public art projects. At the request of Cultural Affairs Division staff, the consultants coordinated the selection of an artist team to create a separate public art and design master plan for the Ft. Lauderdale/Hollywood International Airport. Finally, the consultants organized the various data and ideas generated during the research phase into this Public Art and Design Master Plan.

The Public Art and Design Plan consists of four sections. Section One begins with a detailed statement of findings and recommendations of the consultant team and presents a revised public art and design ordinance. Section Two consists of a comprehensive description of Broward's urban design context and a detailed Site Plan and Implementation Schedule for the next five years. This section analyzes various types of public capital improvement projects and suggests approaches that should result in significant public art and design amenities to the County. Together, they represent a detailed road map to guide the implementation of the public art and design program for the period 1995 through 1999. Section Three establishes the program structure and guidelines; operating policies and procedures. Section Four contains the results of the Design Team Project, a report on funding alternatives, and a complete list of planning participants.

The consultants wish to acknowledge the invaluable assistance of Mary Becht, Jean Greer and Doris Penn, of the Broward Cultural Affairs Division, each of whom were unfailing in their assistance to the consultant team. Mary Frances Bakke, of the County Attorney's office, gave the consultants valuable insights and advice during the planning process. The members of the Broward Cultural Affairs Council should be recognized for their foresight in supporting this important planning effort. The Design Broward Committee and the Council Advisory Committee provided invaluable guidance and direction to the consultants throughout the planning process. The artist/architect/landscape architect teams who participated in the Design Broward design charrettes and exhibition created an invaluable tool for envisioning a new way of thinking about public art and design. Finally, the consultants wish to thank the many persons who contributed ideas and perspectives during the research process. A listing of all of the project participants is included in the Appendix.

JERRY ALLEN AND ASSOCIATES

644 – 28th Avenue

San Francisco, CA 94121

(415) 750-9611

To create a context for the recommendations contained in this part of the report, it is helpful to understand the consultants' approach to developing the plan. Creating a public art plan that will work in a community demands that the plan take into account the peculiarities of a particular community and the views of those persons who will be responsible for implementing the program. This approach assumes that there is no ideal set of recommendations for any given situation. Rather, it is assumed that any program will be highly responsive to the given set of circumstances. In this approach, it becomes the consultants' responsibility to collaborate with the affected community in developing recommendations that respond specifically to the issues, concerns and personalities present in the community. This view presupposes that none of the recommendations developed in collaboration with the project participants are in conflict with the fundamental beliefs of the consultant team. The consultant team for this public art and design plan have adopted this approach for the Broward County plan. It has meant an ongoing series of draft documents, community input and document revisions, followed by an extensive period of negotiation on the specifics of the proposed program among the Cultural Affairs Division staff, other County departments, County Administration, County Commissioners, and the Cultural Affairs Council, with ongoing input from the consultant team. This plan is a result of such a process and, with a single exception noted in the text, the recommendations contained in this report reflect that negotiation and collaborative process. Having taken into account the practical and political realities that face Broward County, it is hoped that this Public Art and Design Master Plan that has emerged will be adopted and implemented fully. These recommendations have been incorporated into the proposed ordinance, administrative guidelines, program policies and procedures that are included in this report. The Master Plan identifies those projects that will be affected by this proposed program, and establishes a schedule for implementation.

The proposed revisions to the public art program are intended to shift the focus of the program away from the traditional model of placing paintings and sculptures in public buildings toward a program which concentrates on enhancing urban design in Broward County through aesthetic amenities. This will mean a program wherein the artist is contracted at the same time as the architect and participates fully as a member of the project design team. Artists will be encouraged to reach out into the community in the early stages of the design process to ensure that the resulting artworks and aesthetic amenities respond to community needs and perceptions.

A. GENERAL STRATEGY FOR PUBLIC ART AND DESIGN

Recommendation 1: Broward County should continue to provide primary support for its public art and design program by allocating a portion of the funds of most Capital Improvement Projects.

Broward County established one of the earliest Art in Public Places programs in the nation when it first instituted a public art policy in 1976. At that time there were only a handful of public art ordinances. Today, almost twenty years later, more than 350 state and local governments in the U.S. have adopted mandatory public art requirements. Virtually all of those programs rely primarily upon the budgets of Capital Improvement Projects (CIP) to fund the public art projects.

As part of the consultants' initial research, alternative funding opportunities were explored and are detailed in "Funding Alternatives." That report identifies some limited potential funding from other governmental entities, such as the federal Community Development Block Grants and the Intermodal Surface Transportation Efficiency Act (ISTEA), as well as the Visual Arts Program of the National Endowment for the Arts. At the same time, funding from private sources will not be a significant form of support. Foundations, corporations and individual philanthropists have shown little inclination to fund public art projects, in Florida or elsewhere in the nation.

The single major source of private funding for public art has come from those communities that have instituted a mandatory assessment or development fee on new private construction. The consultants believe this option should not be considered at this time, but should be studied only after the currently proposed program covering public capital improvement projects has been successfully implemented.

B. GOVERNING ORDINANCE FOR PUBLIC ART AND DESIGN

Recommendation 2: The current requirement that \$1 per square foot of the public spaces of vertical construction be allocated for art in public places should be repealed.

The current requirement of allocating \$1 per square foot of public spaces in vertical construction was passed in 1988 and replaced the prior requirement that one and one-half percent of CIP projects be allocated for art in public places. At the time this revision was passed, it was seen as a means of dealing with the public perceptions that would be associated with certain sensitive major projects. Limiting the program to public spaces in buildings meant that significant sums of money would not be expended in ways that were not acceptable to the public. The ordinance was more or less successful in that effort although it has been noted that the work eventually commissioned for the Public Safety Complex, a large metal sculpture by William King, did in fact become highly controversial.

There are several problems with this allocation mechanism. It establishes an arbitrary relationship between the budget for CIP projects and the public art component. Some small, but highly public projects generate minimal funding while other larger, but less important public buildings may generate large amounts of funding. Experience in utilizing the current mechanism has also shown that it is difficult to engage the artist early in the design process, since the extent of public spaces is not generally determined until the design process is well underway. In some cases, this delay in initiating the public art component has meant retrofitting already completed spaces. Finally, this mechanism, by definition, excludes some of the most promising public art projects — everything from parks to roadways to infrastructure projects.

Recommendation 3: A revised public art and design ordinance should be adopted that allocates two percent of the budgets of eligible County capital construction projects for public art.

Almost all public art programs utilize a percentage of construction budgets as the method of allocating public art funding. There are several advantages of this approach. It ensures that the level of art funding is commensurate with the size of the overall CIP project. Since the art funds can be determined in advance, this mechanism makes the early selection of artists and the involvement of the artist on the project design teams more easily achieved. Experience over the past twenty years has demonstrated that this approach to public art programming leads to the most successful projects.

Most recently enacted public art programs have allocated one and one-half percent to two percent for art, depending upon whether project support and maintenance are funded from the capital projects or from the general fund. The proposed program envisions that the ordinance would allocate two percent of eligible projects, with moneys for project support and artwork maintenance being funded as a part of the public art and design allocation.

Recommendation 4: Moneys generated under the revised public art and design ordinance should be transferred to a separate, interest-bearing public art and design trust fund. The trust fund should also be authorized to accept gifts, donations and grants of funds for public art and design purposes. Interest should accrue to the benefit of the public art and design program.

Experience has shown that CIP projects are often budgeted very closely, with little margin for unexpected contingencies or cost overruns. When these eventualities occur, there is an inevitable temptation to utilize the public art funds to solve the problem in the overall project budget. By separating the public art and design funds into a trust fund, the integrity of the program can be assured.

The trust fund will also make easier the accounting for funds, particularly those allocated for program support and maintenance. It will be necessary for the program staff to set up a multi-year cash flow tracking mechanism to ensure that the program support moneys are spread out over the two to five years it takes to complete the various public art and design projects. This tracking will be much easier if the public art funds are segregated from the individual CIP project budgets.

Recommendation 5: The revised public art and design ordinance should have much broader applicability than the current ordinance, including the construction or renovation of any building (except detention facilities), parking facility, park, highway or arterial, road beautification, bridge or causeway, beach restoration, sidewalk, bikeway, or above grade utility.

Perhaps the most significant recommendation contained in this master plan is the broadening of the application of the public art program to include a variety of projects in addition to buildings. Throughout the initial research on the plan, the consultants heard time and again the need to address the pressing urban design challenges that face Broward County. The prevailing tendency toward strip development is defining the basic visual character of the County. By extending the public art and design efforts to include roads, above grade utilities, sidewalks, bikeways, bridges and causeways and beach restorations, an opportunity is created to begin to affect, over time, the look of Broward County.

It is in the area of the application of the proposed ordinance that the consultants disagree with the negotiated elements that have been agreed to by the various County staff. Specifically, the proposed ordinance excludes from consideration parking garages and facilities. It is the consultants' view that these ubiquitous structures, while not particularly important public spaces, have suffered from egregiously bad design and have major impacts on the urban design quality in their immediate vicinities. The tiny increment represented by the two percent public art allocation can have a major design impact in improving the visual character of the districts they often dominate. The consultants urge the inclusion of these facilities and structures in the public art and design program.

Recommendation 6: Fifteen percent of the public art allocation should be set aside in a separate account to be used for project support and community participation activities, including artist selection costs, design/proposal/maquette costs, identifying plaques, project documentation, publicity, consultants, community education activities and other appropriate related purposes.

Public art programs that rely on General Fund moneys for program support and administration have been notoriously under-administered. The vagaries of General Fund support mean that during times of public belt-tightening, insufficient funds are directed toward the critical work of managing the public art programs. It is the consultants' observation that a public art professional cannot administer more than six to eight active public art projects simultaneously without neglecting important coordination and facilitation tasks. This is especially true of the kinds of projects envisioned by the revised program. Instead of simply purchasing a work of art, or commissioning an artist to create a discrete work of art independent of the overall project, the artist will be working as a fully functioning member of the design team and will be expected to create opportunities for public participation in the development of the public art components. These activities require a significantly higher level of monitoring, coordination and oversight by the public art and design project managers.

The consultants recommend that the program support funds be allocated from within the public art allocation by setting aside fifteen percent of the moneys for these purposes. This will allow the level of administrative support to "float" with the overall level of activity in the program. During periods of relatively higher activity, additional project managers can be engaged on contract. When the program shrinks, the level of staffing also shrinks. It is the consultants' recommendation that the public art program only have two permanent staff, the Program Administrator and a clerical assistant, each of whom will have ongoing and additional duties. These positions should continue to be funded from the County's General Fund as permanent employees. All other staff should be funded on an as-needed, contract basis, depending upon the level of activity in the program at any given time.

In addition to contract staff and consultants, the program support moneys should be able to be expended on the following additional items: artist selection costs, artist selection panel honoraria and travel, design proposal and maquettes, dedications, community education and public school activities, advertising, catalogues and brochures and program publicity.

Recommendation 7: Fifteen percent of the public art allocation should be set aside in a separate account to be used for curatorial services and the preservation and maintenance of County artworks. Recognizing the unique properties of each individual artwork in the County collection, contracts for maintenance and curatorial services should be exempt from the County procurement code.

Maintenance, or rather the lack of maintenance, is the Achilles' heel of virtually all public art programs. Public art tends to have very specific and detailed requirements for ongoing care and few programs have been successful in instituting regular procedures for curatorial services and preventive maintenance of their artworks. Usually, this has arisen from a dependence on the General Fund to provide moneys to support these activities. Inevitably, a significant deferred maintenance backlog develops. Typically, the maintenance program devolves to "wait until it falls apart and then try to find funds to fix it."

It is the consultants' recommendation that fifteen percent of the total public art allocation be set aside in a separate account within the public art and design trust fund. These moneys will, in effect, "endow" each work with a sum of money that can be used to provide for the perpetual care of the artwork. These moneys should primarily be used for curatorial services and specialized maintenance. Routine maintenance should be incorporated into the maintenance protocols for each Department or Division where the procedures are routine and can be accomplished by Departmental personnel according to the artists' recommended maintenance plan.

Recommendation 8: County staff should be responsible for conducting a periodic insurance and maintenance survey, updated at least every five years, of the condition of County artworks.

The condition of the overall County art collection needs to be surveyed periodically to assess the effectiveness of the maintenance program and to reevaluate the level of insurance needed to provide coverage for the collection. This survey should be conducted by a professionally qualified individual with extensive experience in curatorial services.

Recommendation 9: To the extent permitted by law, the requirements of grants or applicable bond resolutions, moneys appropriated under the revised public art and design ordinance should not be required to be spent on the projects that generated them. Project moneys should be able to be pooled and expended for any public art and design project in the County. Pooled moneys should also be able to be used for seed money for artists' fees to initiate partnerships with public and private entities for public art and aesthetic improvements.

One of the strongest sentiments expressed during the interviews conducted by the consultants was that the program needed greater flexibility in directing the public art funds to whichever projects have the greatest need for aesthetic design treatment. The current program has very little flexibility in this regard. In addition, the requirement that the money must be expended for the project that generates the money means that the program has no "seed" money to encourage other public and private entities to make their own commitments to public art and aesthetic design improvements that could benefit the County as a whole.

This pooling provision may be limited in some projects. Grant funding restrictions, the provisions of bond resolutions or enterprise funding sources all may create circumstances in which the public art moneys cannot be aggregated. Under those conditions, the public art and design moneys would, of course, be spent on the specific projects that generated them or within the Department or groups of bond-funded CIP projects that gave rise to the public art funds.

Recommendation 10: Under the revised public art and design ordinance, all future capital improvement project bond ordinances or resolutions shall make specific reference to the provisions of the public art and design ordinance. ✓

Typically, moneys generated by public bond issues must be expended for the specific purposes outlined in the bond ordinance or resolution that generated the money. Funds cannot, by law, be redirected to other projects. To provide for the "pooling" outlined in Recommendation 9 above, it is proposed that a reference to the provisions of the public art and design ordinance be included in all future CIP bond ordinances and resolutions. Where appropriate, the particular pooling provision

should be spelled out. It has been the consultants' experience that this usually creates the circumstance where the purposes of the public art and design program, including pooled projects, become permissible uses for the bond funding. Naturally, it is expected that the County's bond counsel would render an opinion in cases where there is any uncertainty.

In some cases, it may be necessary to keep the public art and design funds generated by the ordinance in the individual capital construction accounts, rather than transferring moneys into the public art and design trust fund. Staff should work closely with the budget and finance offices to determine the proper allocation and tracking of the public art moneys.

Recommendation 11: Under the revised public art and design ordinance, all county agencies should include, in applications for outside funding for capital improvement projects, a request for public art funds as a reimbursable cost.

Many federal, state and non-governmental funding agencies honor local code requirements with respect to reimbursing expenditures for public art and design, if the original grant request includes a request for reimbursement for art. Conversely, they generally will disallow public art expenses if they were not spelled out in the grant application. It is the consultants' recommendation that all County agencies be required to include a request for art funds in all grant requests for eligible capital improvement projects.

C. PUBLIC ART AND DESIGN PROGRAM GOALS/APPLICABILITY

Recommendation 12: The focus of the public art and design program should be shifted from the present emphasis on commissioning discrete works of art to a program that emphasizes works that contribute to the enhancement of urban design, that create a sense of place, that improve the design qualities of the public infrastructure and that contribute to the missions of the County departments where the projects reside.

With a few notable exceptions, the existing public art program has commissioned or purchased discrete artworks that are not generated through a design team process or even specific to the site into which they are placed. This model, which might be characterized as the "collecting" mode, concentrates on the acquisition of significant works of art. Over the past decade and particularly in the past several years, most public art programs have evolved toward a model that encourages artists to concentrate on developing solutions to larger urban design problems or to create designs that are specific to the sites for which they are created – to contribute to the sense of place. This place-making function of contemporary public art distinguishes it as a new genre of art that incorporates elements that reveal the layers of history and social, political, geological, environmental meanings associated with a place. In an era where few people grow up in the communities where they reside as adults, this place-making function of public art can give citizens a sense of belonging, of "rootedness" to place. The consultants recommend that the focus of Broward's public art and design program embrace this new model of public art place-making. The public art and design site plan developed in Section 2 of this report provides numerous examples of this approach to artmaking.

Recommendation 13: Future public art and design projects should be scheduled to ensure the early involvement of the artist in the overall project design team. This is best accomplished by the concurrent selection of the artist and the project architect.

It is axiomatic that the early involvement of the artist in the project design team dramatically enhances the chance of a successful public art project. Despite that conventional wisdom, few public art programs routinely achieve early involvement of the artist. Several factors have conspired to create this reality. Most programs are understaffed. Information needed to initiate projects is not readily available to the public art program managers. Often CIP project managers resist early artist involvement.

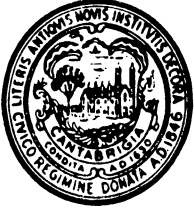
This program will have the highest opportunity for outstanding projects if all County personnel try to facilitate the concurrent selection of the artist with the overall project designer. If the artist is present during the project design conceptual development and the schematic phase, the art projects will be more relevant to the architectural context and will be more fully integrated into the overall project. This will result in better art and will have the important benefit of creating works that are much less likely to become the subject of public controversy.

Recommendation 14: Future requests for proposals and contracts for capital improvement project architects, engineers and landscape architects should include a specific reference to the design team collaboration requirements in the County's public art and design program. This will ensure that project designers are aware of and accept the collaboration requirement and that they build this approach into their project schedules and budgets.

Obviously, the artists' participation as a functioning member of the project design team depends on the support and cooperation of the project architect, engineer or landscape architect. It is essential, therefore, that these designers be informed, at the outset, of the County's expectation of design collaboration with artists. Not only should the RFPs for design professionals for every eligible CIP project contain a reference to these requirements, but the willingness to collaborate should be an important criteria in the selection of project designers. The budget proposals of the architect/landscape architect/engineer firms should take this approach into account so there will be no misunderstandings later in the design process. It should be made clear to all parties that design collaboration will be the norm in the design of County public works projects.

Recommendation 15: The name of the Art in Public Places Program should be changed to the Public Art and Design Program, to reflect the realigned focus of the program.

The name "Art in Public Places Program" accurately describes the focus of the current program, which emphasizes the acquisition of works of art. The purpose of the program has been collecting individual works of art. With the changes proposed in this plan, it is appropriate to rename the program the "Public Art and Design Program." This name has been suggested by the Cultural Affairs Division staff, with the enthusiastic endorsement of the consultant team.



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307



EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

July 27, 1998

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 7, regarding siting public monuments and art in Cambridge, received from Executive Director of the Historical Commission Charles Sullivan and Director of the Arts Council Pallas Lombardi.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
Attachment

Consent Agenda #13

4978

Relative to AR #7 regarding
siting public monuments
and art in Cambridge.

In City Council July 27, 1998

Referred to
Public Service Comm.