

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Adoption of the Proposed Public Art Policy and Procedures and Public Art Ordinance.
DEPARTMENT: Parks, Recreation and Cultural Services (PRCS)
PRESENTED BY: Wendy Barry, Director

PROBLEM/ISSUE STATEMENT:

The purpose of this report is to seek approval of adoption of a Public Art Policy and Procedure and Public Art Ordinance.

BACKGROUND

In November 2001, the Shoreline-Lake Forest Park Arts Council proposed a “percent for art” program for adoption by the City of Shoreline. Staff has worked with a Public Art Subcommittee comprised of key stakeholders to develop a proposed ordinance and public art policies and procedures. These were reviewed by the Parks, Recreation and Cultural Services Advisory Committee at its May 23, 2002 meeting and were included in the July 1 Council staff report on this issue.

At the July 1 workshop City Council reviewed six key art policy decisions. Council expressed consensus to adopt and implement a public art policy and to utilize a “percent for art” program as the funding mechanism. Council also expressed support for the draft policy without a maximum annual cap, but with a revision to give sole discretion to the Council to limit or eliminate art funding in a particular project if Council believes such action to be in the public interest. The Council consensus was to delegate authority to the Parks, Recreation and Cultural Services Advisory Committee to appoint an Art Plan Subcommittee on an annual basis and ad-hoc art selection juries as needed.

At the July 22 City Council meeting, City Council discussed and provided direction on the following Public Art policy issues:

1. Should the “percent for art” program funding calculation be based on the construction bid cost less specific soft costs and tied to funding sources that allow art as an eligible cost? Or, should the funding be tied to the construction bid cost, less specific soft costs, and tied to all funding sources irrespective of what they allow as an eligible cost?

Staff reported that there is no appreciable difference in the outcomes of the funding calculation tied to eligible costs versus total amount of construction costs irrespective of

what the funding sources allow. The “largest financial impact scenario” and the “smallest financial impact scenario” were projected to be approximately \$489,429.

If Council wants to add funding to a particular project, Council may do so. The consensus of the Council was the “percent for art” program funding calculation should be based on the construction bid cost less specific soft costs and tied to funding sources that allow art as an eligible cost. Attachment A: Public Art Ordinance reflects the direction of Council.

Policy Decision #2. Does the Council want to have final authority in the art selection process?

Staff outlined the process, and pros and cons of the options for City Council to consider. There are three decision points in the art selection process where Council may choose to have involvement. The first decision point is where the Council gives consideration to the Art Plan as part of the budget approval process and may limit or eliminate proposed projects.


The second decision point is at the time the construction bid is considered for approval by the City Council. The proposed Ordinance enables Council to limit or eliminate art funding in a particular project if Council believes such action to be in the public interest.

The third decision point is the final approval of the contract with the artist. The City Council has a choice to retain this final authority or delegate it.

On July 22, City Council postponed a motion to adopt Ordinance #312 and Public Art Policy and Procedure Option #2 delegating final authority in the art selection process to the PRCS Advisory Committee except where the cost of the contract exceeds \$50,000. Attachment B: Draft Public Art Policy and Procedure Option #2 reflects Council’s motion on July 22 and is provided for adoption. This motion is on the floor. Attachment C: Draft Public Art Policy and Procedures Option #1 is attached for Council reference.

RECOMMENDATION

Staff recommends adoption of the Public Art Ordinance and Public Art Policies and Procedures Option #2.

Approved By: City Manager  City Attorney 

INTRODUCTION

On July 1, the City Council requested further research and analysis of “percent for art” funding formulas.

BACKGROUND

On November 5, 2001, the City Manager advised the Council of the Shoreline-Lake Forest Park Arts Council’s proposed “percent for art” program and ordinance. The City Manager indicated that staff would research the issue and come back to the Council with a recommendation.

In January 2002, the Parks, Recreation and Cultural Services (PRCS) Advisory Committee established a Public Art Subcommittee comprised of Arts Council and PRCS Advisory Committee representatives to address this issue. The PRCS Advisory Committee reviewed the recommendations in May.

On July 1, City Council reviewed six key policy decisions related to the proposed Public Art Policy. Further research has been completed regarding “percent for art” funding calculations.

On July 22, City Council postponed a motion to adopt Ordinance #312 and Public Art Policy and Procedure Option #2 delegating final authority in the art selection process to the PRCS Advisory Committee except where the cost of the contract exceeds \$50,000.

FISCAL IMPACT

The current CIP does not include costs related to the 1% for public art program. The CIP will need to be adjusted if the “percent for art” program is adopted.

The table below summarizes the construction costs identified in the latest versions of the CIP. This is an estimation of costs. Actual costs will be established in accordance with the policy and procedures and ordinance.

Project	Estimated Construction Costs Allowing Art as an Eligible Expense
Gateways	\$ 300,000
City Hall	\$ 10,000,000
Cromwell Park	\$ 370,000
Interurban Trail	\$ 3,986,822
Interurban Trail Pedestrian Crossing	\$ 3,100,000
15 th Avenue Improvements	\$ 4,707,000
Aurora Avenue North	\$ 23,106,500
Richmond Beach Overcrossing	\$ 1,437,584
Spartan Gym Upgrades	\$ 605,000
5th Avenue NE Street & Drainage Imp.	\$ 1,330,000
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Total	\$ 48,942,906
1% Art	\$ 489,429

This table does not include projections related to additional staff costs to implement the program on an annual basis. Maintenance and administrative costs will increase as a result of adopting the Public Art Policy and Procedures. The administrative costs will vary depending upon the scope of the art program each year. These will be evaluated on an annual basis and subject to budget process review. Maintenance costs will increase as the size of the City's public art collection grows. The proposed policies establish selection criteria that place a high priority on quality, durability, suitability and public accessibility, thereby limiting the maintenance liability.

The following information about the proposed Public Art Policy and Procedures is a repeat of information from the July 1 staff report. It is provided for City Council convenience and reference.

- a. A Qualifying Municipal Project includes construction of any building, decorative or commemorative structure, park facility, street, sidewalk and parking facility, which is accessible to the public, or to repair or reconstruct any portion thereof where cost of construction exceeds 50% of the existing valuation of the structure.
- b. A Qualifying Municipal Project excludes acquisition of real property or equipment, routine maintenance, the repair of existing public facilities, or the replacement of fixtures in such facilities.
- c. A Qualifying Municipal Project excludes design fees, taxes, testing, reimbursable costs, and internal City construction management costs.
- d. The calculation is based on 1% of the total amount of the project construction contract as approved by the City Council or City Manager without adjustment for contract change orders.
- e. In the case of a qualifying municipal construction project that involves the use of grants, bonds, or sources of funding other than the City's General Fund, the 1% calculation will be based on the total sources of funds that allow for art as an authorized expense.
- f. The calculation may be based on 1% of the hard costs in the project construction budget in the CIP if the project art is in the form of "artist made building parts" to allow timely and coordinated selection and production of the artwork.
- g. The ending fund balance including interest on funds in the municipal art fund may be carried over from year to year.
- h. Funds may be pooled to ensure viable public art projects.
- i. No maximum cap is recommended.
- j. Art selection processes and maintenance of artwork are anticipated to be paid out of General Fund operating budgets.

- k. Staff resources will be needed to develop art prospectus, advertise art selection competitions, and for project management. On smaller projects this may be absorbed. On larger projects, additional resources may need to be added. Staff recommends evaluating this on an annual basis.

The Draft Public Art Policy and Procedure Option #2 in Attachment B reflects City Council motion on July 22 to delegate final authority for art selection to the PRCS Advisory Committee and includes the following steps:

- PRCS Advisory Committee appoints ad-hoc art selection jury
- Jury reviews artist proposals and makes a recommendation to PRCS Advisory Committee and the Art Plan Subcommittee
- PRCS Advisory Committee considers Art Plan Subcommittee input and makes a recommendation to the City Council
- PRCS Advisory Committee has final authority in the art selection to approve or reject the recommended artist contract
- PRCS Advisory Committee forwards their decision to the City Manager to execute the artist contracts that are less than \$50,000. Artist contracts that exceed \$50,000 will be approved by City Council.

RECOMMENDATION

Staff recommends adoption of the Public Art Ordinance and Public Art Policies and Procedures Option #2.

ATTACHMENTS

Attachment A: Draft Public Art Ordinance

Attachment B: Draft Public Art Policy and Procedure Option #2

Attachment C: Draft Public Art Policy and Procedure Option #1

ORDINANCE NO. 312

AN ORDINANCE REGARDING THE ALLOCATION OF CITY FUNDS FOR WORKS OF ART IN PUBLIC PLACES; CREATING A MUNICIPAL ART FUND; AND ADDING A NEW SECTION 3.35.150 TO THE SHORELINE MUNICIPAL CODE.

WHEREAS, the City of Shoreline recognizes the importance and benefit of providing visual art at its public places and facilities. Works of art create a more visually pleasing, humane environment, and add to the overall beautification and cultural climate of the City of Shoreline and the quality of life of its citizens; and

WHEREAS, it should be the City's policy to provide funding for works of art in public places of the City of Shoreline with art purchased with these funds becoming part of a permanent City art collection;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. New Section. A new section 3.35.150 is added to the Shoreline Municipal Code to read as follows:

.150 Municipal Art Fund.

- A. There is created a fund to be known as the "Municipal Art Fund" to receive appropriations under this section and donations and grants for visual art in public places within the City. Expenditures are restricted to those approved through the City's Public Art Policy approved by the City Council. Ending fund balances including interest earned on transferred funds will be carried over from year to year.
- B. The City's Capital Improvement Program, as annually updated, will budget 1% of the Capital Improvement Program funding for Qualifying Municipal Construction Projects defined in subsection C, beginning with the 2003 Program budget, as a revenue source for the Municipal Art Fund; provided, contribution from a particular Qualifying Municipal Construction Project budget may be eliminated or reduced if the City Council determines that the public interest would be better served by the reduction. This budgeted amount will be displayed for that year as arts program funding in the adopted Capital Improvement Program. Funds shall be transferred to the Municipal Art Fund based on 1% of the total amount of the project contract as originally approved by the City Council or City Manager without adjustment for contract change orders. However, when the annual art plan calls for project art in the form of structural elements or design, funds may be transferred at the beginning of the budget year or when needed, based on 1% of the project budget in the Capital Improvement Program, to allow timely and coordinated selection and production of the public artwork.
- C. Qualifying Municipal Construction Projects: Qualifying Municipal Construction Projects are capital construction projects funded wholly or in part by the City of Shoreline to construct any building, decorative or commemorative structure, park facility, street, sidewalk and parking facility, which is accessible to the public, or to repair or reconstruct any portion thereof where cost of construction exceeds 50% of the

existing valuation of the structure. Qualifying Municipal Construction Projects shall not include acquisition of real property or equipment, routine maintenance, the repair of existing public facilities including life cycle replacement, or the replacement of fixtures in such facilities. Design fees, taxes, testing, reimbursable costs, and internal City construction management costs shall not be included in the 1% calculation.

- D. In the case of a Qualifying Municipal Construction Project that involves the use of grants, bonds, or sources of funding other than the City's General Fund, the 1% calculation will be based on the total source of funds that allow for art as an authorized expense.

Section 2. Policy Adopted. The Public Art Policy filed under Clerk's Receiving No. 1883 is hereby adopted.

Section 3. Effective Date. . A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect thirty days after publication.

PASSED BY THE CITY COUNCIL ON AUGUST 26, 2002.

Scott Jepsen, Mayor

ATTEST:

APPROVED AS TO FORM:

Sharon Mattioli, CMC
City Clerk

Ian Sievers
City Attorney

Date of Publication: August 29, 2002
Effective Date: September 28, 2002

City of Shoreline		DRAFT - POLICY & PROCEDURE		Option #2
Subject: Public Art Policy		Department: Parks, Recreation and Cultural Services		
		Number:		
Effective Date	Supersedes Not applicable		Approved By:	

1.0 PURPOSE:

To implement the purpose of the Municipal Art Fund to expand awareness and appreciation of art and cultural heritage, and enhance the enjoyment of public places in the City of Shoreline by providing a plan and procedure by which the City will accept works of art as part of its permanent and temporary collection.

2.0 DEFINITIONS:

A. "Public Art": All forms of original creations of visual and tactile art that are accessible to the public in City owned facilities, including parks. Public art includes, but is not limited to:

- (1) Calligraphy and signage.
- (2) Crafts in clay, glass, paper, fiber and textiles, wood, metal, plastics and other materials.
- (3) Earthworks and landscape.
- (4) Graphic arts – printmaking and drawing.
- (5) Mixed media – any combination of forms or media, including collage and assemblages.
- (6) Mosaics – ceramic, tile, and brickwork.
- (7) Painting – all media, including portable and permanently affixed works, such as murals.
- (8) Photography.
- (9) Sculpture – in the round, bas-relief, high relief, mobile, fountain, kinetic, electronic, play equipment, etc., in any material or combination of materials.
- (10) Artist Made Building Parts (including design).
- (11) Stained glass.
- (12) Mural, fresco.
- (13) Carving.
- (14) Fountains.

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B. Acquisition: Procurement of works of art for the City of Shoreline's permanent collection. This includes commission through open competition, limited competition, invitation, donation, direct purchase or any other means.

C. Art Plan Subcommittee: Subcommittee appointed by the PRCS Advisory Committee to provide input on public art. The Art Plan Subcommittee will consist of a minimum of one PRCS Advisory Committee member, one PRCS Department staff, and one Shoreline Lake Forest Park Arts Council member, and one City Finance Department staff. A PRCS Advisory Committee member will act as the chair, and the Finance Department staff will serve in an advisory role.

D. Artist: A recognized professional who produces quality artwork on a regular basis. The Project Architect or members of the consulting architectural firm are not eligible. Members of the PRCS Advisory Committee and the Art Plan Subcommittee are not eligible.

E. City Art Plan: Annual plan for the expenditures of the Municipal Art Fund.

F. Project Architect: The person or firm (architect, landscape architect, interior designer, or other design professional) designing the project to which the 1% for Art provision applies.

G. Municipal Art Fund: A special revolving fund Created by Ordinance No. _____ for appropriations and donations of funds for Public Art.

H. Deaccessioning: A procedure for removing and disposing of artwork from the City's permanent collection.

3.0 POLICY:

A. Art will be placed in areas that are easily accessible to the public.

B. The City will acquire and display public artwork for the benefit and enjoyment of its citizens.

C. Public art should speak, in a significant way, to a large portion of the population. Public art should bring meaning to public spaces and make them more enjoyable.

D. Public art that reflects the rich diversity and of the community should be encouraged.

E. The City will acquire art that is of high quality.

F. The selection and acquisition process will encourage the creation of many types of art works.

G. The selection procedures will work to ensure that all concerned parties are involved, including the City through the PRCS Advisory Committee, the Shoreline-Lake Forest Park Arts Council, the arts community, the general public, and the business community.

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H. Whenever appropriate, the selection process will encourage collaboration between artists and design professionals, including architects, landscape architects, project managers and engineers.

I. Selection procedures will establish specific criteria for the acceptance of gifts or the long-term loan of art to the City.

J. Public Art acquired under this policy will become a part of the City collection as an asset of the City that it will be thoughtfully sited or displayed and properly maintained.

K. The City will establish and maintain complete records that include documents transferring title, artists' contracts, reports, invoices, and other pertinent material.

L. Works of art will be acquired or accepted without legal restrictions about use and disposition, except with respect to copyrights, or other specifically defined rights as part of the contract negotiated with the artist.

4.0 MUNICIPAL ARTS PROGRAM:

A. The Municipal Art Fund may be used for selection, acquisition, installation, display, and restoration relocation and deaccessioning of public art including the following:

- (1) The artist's professional design fee.
- (2) The cost of the work of art and its site preparation and installation.
- (3) Identification plaques and labels to be placed on or adjacent to the artwork.
- (4) Waterworks, electrical and mechanical devices and equipment which are an integral part of the work of art and/ or necessary for the proper functioning of the artwork.
- (5) Frame, mat, pedestal, base and similar items necessary for the proper presentation and/or protection of the work of art.
- (6) In case of existing sites not undergoing development, alteration, or restoration necessary for installation of the artwork.
- (7) Jurors may be paid for their services if the PRCS Advisory Committee and PRCS Department Director request pay for their services based on extraordinary qualifications and the service would not be provided without pay.
- (8) Honoraria and fees may be paid to artists selected as finalists where detailed proposals or models are requested for time, materials, and travel involved in making the proposal or model.

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(9) Honoraria and fees may apply to some but not all projects included in the 1% for Art Program.

(10) Extraordinary repair and/or special maintenance of works of art.

B. Exclusions: The Municipal Art Fund may not be expended for the following:

(1) Reproductions by mechanical or other means, of original works of art. However, limited edition prints controlled by the artist, cast sculpture, and photographs may be included.

(2) Decorative, ornamental or function elements which are designed by the Project Architect or consultants engaged by the Architect.

(3) "Art Objects" which are mass produced or of standard design, such as playground sculpture or fountains; however, artists responding to a request for proposals with submittals including the above may be considered.

(4) Those items which are required to fulfill the basic purpose of a project, such as works of art for the collection of a City museum, exhibitions, or educational programs.

(5) Architectural rehabilitation or historical preservation, although works may be acquired in connection with such projects.

(6) Electrical, hydraulic or mechanical services costs for operation of the work, and utility costs.

(7) In new projects under development, preparation of the site necessary to receive the work of art, unless done by the artist as an integral part of the work.

(8) Expenses related to the work of art (before or after installation); such as dedication, unveiling, insurance, security and publicity or publication costs. These operational expenses shall be the responsibility of the PRCS Department and will be funded in the PRCS Department annual budget.

5.0 ANNUAL ART PLAN ADMINISTRATION

A. The PRCS Advisory Committee shall establish an Art Plan Subcommittee to develop an annual Art Plan recommendation.

B. The Art Plan Subcommittee will provide a recommended Art Plan for the year outlining art projects, and additional resources needed for implementation (if applicable) to the PRCS Advisory Committee for consideration.

C. The PRCS Advisory Committee will consider the annual art plan and take action to make a recommendation to the City Manager. The City Manager will include Art Plan recommendations in the annual budget presented to the City Council.

D. The City Council will consider the Art Plan as part of the Council's annual budget review.

E. In the event a long range art plan is established, the PRCS Advisory Committee may expand the subcommittee to include representatives from the arts community, neighborhood and business community, as well as other City departments.

6.0 PUBLIC ART ACQUISITION PROCEDURE – COMBINED

A. SELECTION OF ARTISTS

(1) The Public Art Plan Subcommittee will advise the PRCS Advisory Committee on recommended artist eligibility requirements and selection method for each project.

(2) Professional Eligibility. Artists will be selected on the basis of their qualifications as demonstrated by their past work and education, the appropriateness of their proposal for the particular projects, and the probability of its successful completion, as determined by the Art Selection Jury.

(3) The following methods of selection may be approved by the PRCS Advisory Committee:

a. Direct Selection: The artist or pre-existing art work may be selected directly by the jury.

b. Open Competition: Program requirements will be broadly publicized prior to selection. Any professional artist may compete.

c. Limited Competition: Artists will be selected and invited to enter. The jury will consider three or more artists and invite them to enter. The names of artists will be publicly announced upon receipt of written acceptance from the artists. Where detailed proposals or models are requested, each artist may receive a fee for the necessary time, materials and travel involved in the proposal.

B. JURY SELECTION AND ART SELECTION

(1) All Art Selection Juries shall have flexible membership, as determined by the Parks, Recreation and Cultural Services (PRCS) Advisory Committee, based on the size, location and complexity of the project.

(2) The Art Selection Jury will be minimally composed of a member of the PRCS Advisory Committee, a member of the community, an artist, an art professional, project architect (if appropriate), and City staff member. Jurors may be chosen from the PRCS Advisory

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Committee, Shoreline-Lake Forest Park Arts Council, City staff, City Council, and the community. One member from the PRCS Advisory Committee will act as chair. Jurors may be solicited outside of the community if special expertise is needed. A member of the Project Design Team may be on the jury when appropriate, to comment on architectural elements and technical feasibility of art in public buildings. At its discretion, the City Council may choose to appoint one of its members to the jury. Jurors should acknowledge any current conflicts of interest that exist with the field of artists.

(3) Jurors are responsible for carrying out the City of Shoreline Arts Policies and Procedures, the prospectus, and guidelines for selection of public art.

(4) The PRCS Advisory Committee and staff will provide the Art Selection Jury, in writing, appropriate background information, objectives, budget limits and selection criteria for the project.

(5) The jury will meet initially to review all of the proposals sent in response to the prospectus. Jurors should acknowledge any current conflicts of interest that exist with the field of artists.

(6) From the artists represented, the jury may select up to five artists to interview for an integrated design process project or may select without interview up to three artists to develop a specific site-based proposal. The selected artists will be provided any additional information on the site that the PRCS Advisory Committee identifies.

(7) In an integrated design process, where the artists are expected to work with the architects, the jury will reconvene to review the site-specific designs proposed by the artists. At this time the jury will have an opportunity to provide guidance to the artists, taking specific designs and budget into consideration. A short list of site specific designs will be established by the jury.

(8) The jury will reconvene at a public meeting where the semi-finalists will present their final proposals in the form of models and/or “in situ” sketch to the assembled audience. This is an opportunity for artists to share their ideas with the community and for the jury to learn about the proposals and the public’s reception of them. The jury will then retire and deliberate on the presentations, deciding on the approval of the finalists for recommendation to the PRCS Advisory Committee. The jury shall try to reach consensus. If consensus cannot be reached, a vote shall be taken with majority rule. Jurors shall have one vote and no juror shall have the right to veto. The Art Selection Jury has the right to make no selection if, in its opinion, there is insufficient merit in the submissions. The selected artist(s) and proposed work will be presented for public comment.

(9) The written recommendation of the jury will be presented to the PRCS Advisory Committee and the Art Plan Subcommittee. Artist and jurors are requested to attend this presentation if possible.

(10) ~~The PRCS Advisory Committee recommendation will be forwarded to the City Council. Staff and the PRCS Advisory Committee will present the PRCS Advisory Committee's recommendation to the City Council,~~ will review all input and take action to approve or reject the recommended artist proposal. The City Manager will execute a contract with the artist approved by the PRCS Advisory Committee, subject to the City's Purchasing Policy and Procedures. ~~Artist and jurors are requested to attend this presentation if possible.~~

(11) The City Manager will sign the contracts with the artist. Construction and installation will be monitored by the PRCS Department staff.

(12) Jurors shall not be paid for their services unless the PRCS Advisory Committee and PRCS Department Director request pay for their services based on extraordinary qualifications and the service would not be provided without pay.

(13) All sessions will be noticed and open to the public.

C. CRITERIA FOR SELECTING WORKS OF ART

(1) Quality: The Art Selection Jury shall keep in mind that public art should be of exceptional quality and enduring value.

(2) Elements and Design: The PRCS Advisory Committee, Art Selection Jury, and Artists(s) shall keep in mind the fact that art in public places may be: art standing alone, focal points, modifiers or definers of space, functional or non-functional, or used to establish identity. The art may be used as an integral part of the structure and function of facilities such as walkways, doors, windows, fitting, hardware, surface finishes, light fixtures, and gates.

(3) Permanence: Due consideration shall be given to the structural and surface soundness of artworks, and to their permanence, including ability to withstand age, theft, vandalism, weathering, and maintenance and repair costs.

(4) Style and Nature of Work: Art works shall be considered which are appropriate for public places and are compatible in scope, scale, material, form, character and use of the proposed surroundings.

(5) Public Access: Art works shall be placed in public places that are highly accessible to the public in the normal course of activities. Art work for private offices is not eligible.

7.0 GIFTS, LOANS AND DONATIONS

A. Proposed gifts of Public Art are referred to the PRCS Advisory Committee. They will evaluate the need for further review and the suitability of proposed gifts, loans, and donations.

- B. The PRCS Advisory Committee may call upon the Art Plan Subcommittee to evaluate proposed gifts, loans, or donations.
- C. The PRCS Advisory Committee will take action to accept or reject gifts, loans, and donations and advise the City Manager and City Council of their decision.
- D. Proposed gifts will be evaluated according to criteria in the City's public arts policy, the quality of the work, maintenance requirements, conformance to structural and fabrication standards, applicable safety codes and liability concerns, donor conditions, availability of an appropriate site for the work, the advice of administrators at the proposed site and staff research.
- E. Proposed gift of funds for the acquisition of works of art, if restricted or dedicated in any way, are reviewed to ensure that such restriction or dedications are consistent with the City of Shoreline public arts policy and the City of Shoreline Parks, Recreation and Open Space Plan.

8.0 RELOCATION AND DEACCESSIONING

- A. Proceeds from the sale of a work of art shall be returned to the Municipal Arts Fund unless proceeds were restricted by donation or any pre-existing contractual agreements between the artist and the City regarding resale.
- B. Continued retention or placement of Public Art acquired by the City may be reviewed by the PRCS Advisory Committee, staff, or the Art Plan Subcommittee for one or more of the following reasons:
 - (1) The condition or security of the artwork cannot be reasonably guaranteed.
 - (2) The artwork requires excessive maintenance or has defective design or workmanship and repair or remedy is impractical or unfeasible.
 - (3) The artwork has been damaged and repair is impractical or unfeasible or the cost of repair or renovation is excessive in relation to the original cost of the work.
 - (4) The artwork endangers public safety.
 - (5) No suitable site is available or significant changes in the use, character or design of the site have occurred which effects the integrity of the work.
 - (6) The quality or authenticity of the artwork has been reassessed.
 - (7) Removal is requested by the artist.

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C. The following procedures will be used by the PRCS Advisory Committee or a subcommittee after determination that an artwork meets one of the criteria above.

- (1) Review of the artist's contract and other agreements that may pertain.
- (2) Discussion with the artist if he/she can be notified by reasonable means.
- (3) Opinion of more than one independent professional qualified to recommend on the concern prompting review (conservators, engineers, architects, critics, art historians, public art professionals, safety experts, etc.)
- (4) Review of all evidence of public comment and debate.
- (5) Any restriction that may apply to this specific work based on contract review.
- (6) An analysis of the reasons for deaccessioning.
- (7) Options for storage, disposition, or relocation of the work.
- (8) Appraised value of the work, if obtainable.
- (9). All available information and staff reports will be reviewed. Additional information may be required prior to ~~making a recommendation to the City Council for~~ taking final action.

D. Following review of continued retention or placement, the following actions (in order of priority) will be considered, subject to acquisition restriction on disposition, and include a recommended approach to the PRCS Advisory Committee.

- (1) Relocation of the art work. The work was created for a specific site. Relocation to a new site should be consistent with the subject, scale, and other qualities of the work . The artist's assistance may be sought.
- (2) Removal through sale or trade. Sale through auction, art gallery or dealer resale, or direct bidding by individuals in compliance with City law and policies governing surplus property. Trade through artist, gallery, museum, or other institutions for one or more other artwork(s) of comparable value by the same artist.
- (3) Indefinite loan to another governmental entity.
- (4) Destruction of work deteriorated or damaged beyond repair at a reasonable cost, and deemed to be of no or only a negligible value, in accordance with national standards for conservation and deaccession. If destruction of the work is the only solution, whenever practical, the artist shall be given first opportunity to remove the piece.

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- E. Deaccessioning normally will be considered only after ten or more years have elapsed from the date of the installation of permanent works.
- F. Deaccessioning should be cautiously applied only after a careful and impartial evaluation of the work to avoid the influence of fluctuation of taste and the premature removal of an artwork from the collection.
- G. Staff will follow applicable City policies for surplus, sale, trade, or disposal of deaccessioned artwork.
- H. No works of art shall be sold or traded to Councilmembers or staff of the City of Shoreline, or members of the PRCS Advisory Committee, consistent with City of Shoreline conflict of interest policies.

City of Shoreline		DRAFT - POLICY & PROCEDURE Option #1	
Subject: Public Art Policy		Department: Parks, Recreation and Cultural Services Number:	
Effective Date	Supersedes Not applicable		Approved By:

1.0 PURPOSE:

To implement the purpose of the Municipal Art Fund to expand awareness and appreciation of art and cultural heritage, and enhance the enjoyment of public places in the City of Shoreline by providing a plan and procedure by which the City will accept works of art as part of its permanent and temporary collection.

2.0 DEFINITIONS:

A. "Public Art": All forms of original creations of visual and tactile art that are accessible to the public in City owned facilities, including parks. Public art includes, but is not limited to:

- (1) Calligraphy and signage.
- (2) Crafts in clay, glass, paper, fiber and textiles, wood, metal, plastics and other materials.
- (3) Earthworks and landscape.
- (4) Graphic arts – printmaking and drawing.
- (5) Mixed media – any combination of forms or media, including collage and assemblages.
- (6) Mosaics – ceramic, tile, and brickwork.
- (7) Painting – all media, including portable and permanently affixed works, such as murals.
- (8) Photography.
- (9) Sculpture – in the round, bas-relief, high relief, mobile, fountain, kinetic, electronic, play equipment, etc., in any material or combination of materials.
- (10) Artist Made Building Parts (including design).
- (11) Stained glass.
- (12) Mural, fresco.
- (13) Carving.
- (14) Fountains.

B. Acquisition: Procurement of works of art for the City of Shoreline's permanent collection. This includes commission through open competition, limited competition, invitation, donation, direct purchase or any other means.

C. Art Plan Subcommittee: Subcommittee appointed by the PRCS Advisory Committee to provide input on public art. The Art Plan Subcommittee will consist of a minimum of one PRCS Advisory Committee member, one PRCS Department staff, and one Shoreline Lake Forest Park Arts Council member, and one City Finance Department staff. A PRCS Advisory Committee member will act as the chair, and the Finance Department staff will serve in an advisory role.

D. Artist: A recognized professional who produces quality artwork on a regular basis. The Project Architect or members of the consulting architectural firm are not eligible. Members of the PRCS Advisory Committee and the Art Plan Subcommittee are not eligible.

E. City Art Plan: Annual plan for the expenditures of the Municipal Art Fund.

F. Project Architect: The person or firm (architect, landscape architect, interior designer, or other design professional) designing the project to which the 1% for Art provision applies.

G. Municipal Art Fund: A special revolving fund Created by Ordinance No. _____ for appropriations and donations of funds for Public Art.

H. Deaccessioning: A procedure for removing and disposing of artwork from the City's permanent collection.

3.0 POLICY:

A. Art will be placed in areas that are easily accessible to the public.

B. The City will acquire and display public artwork for the benefit and enjoyment of its citizens.

C. Public art should speak, in a significant way, to a large portion of the population. Public art should bring meaning to public spaces and make them more enjoyable.

D. Public art that reflects the rich diversity and of the community should be encouraged.

E. The City will acquire art that is of high quality.

F. The selection and acquisition process will encourage the creation of many types of art works.

G. The selection procedures will work to ensure that all concerned parties are involved, including the City through the PRCS Advisory Committee, the Shoreline-Lake Forest Park Arts Council, the arts community, the general public, and the business community.

H. Whenever appropriate, the selection process will encourage collaboration between artists and design professionals, including architects, landscape architects, project managers and engineers.

I. Selection procedures will establish specific criteria for the acceptance of gifts or the long-term loan of art to the City.

J. Public Art acquired under this policy will become a part of the City collection as an asset of the City that it will be thoughtfully sited or displayed and properly maintained.

K. The City will establish and maintain complete records that include documents transferring title, artists' contracts, reports, invoices, and other pertinent material.

L. Works of art will be acquired or accepted without legal restrictions about use and disposition, except with respect to copyrights, or other specifically defined rights as part of the contract negotiated with the artist.

4.0 MUNICIPAL ARTS PROGRAM:

A. The Municipal Art Fund may be used for selection, acquisition, installation, display, and restoration relocation and deaccessioning of public art including the following:

- (1) The artist's professional design fee.
- (2) The cost of the work of art and its site preparation and installation.
- (3) Identification plaques and labels to be placed on or adjacent to the artwork.
- (4) Waterworks, electrical and mechanical devices and equipment which are an integral part of the work of art and/ or necessary for the proper functioning of the artwork.
- (5) Frame, mat, pedestal, base and similar items necessary for the proper presentation and/or protection of the work of art.
- (6) In case of existing sites not undergoing development, alteration, or restoration necessary for installation of the artwork.
- (7) Jurors may be paid for their services if the PRCS Advisory Committee and PRCS Department Director request pay for their services based on extraordinary qualifications and the service would not be provided without pay.
- (8) Honoraria and fees may be paid to artists selected as finalists where detailed proposals or models are requested for time, materials, and travel involved in making a the proposal or model.

(9) Honoraria and fees may apply to some but not all projects included in the 1% for Art Program.

(10) Extraordinary repair and/or special maintenance of works of art.

B. Exclusions: The Municipal Art Fund may not be expended for the following:

(1) Reproductions by mechanical or other means, of original works of art. However, limited edition prints controlled by the artist, cast sculpture, and photographs may be included.

(2) Decorative, ornamental or function elements which are designed by the Project Architect or consultants engaged by the Architect.

(3) "Art Objects" which are mass produced or of standard design, such as playground sculpture or fountains; however, artists responding to a request for proposals with submittals including the above may be considered.

(4) Those items which are required to fulfill the basic purpose of a project, such as works of art for the collection of a City museum, exhibitions, or educational programs.

(5) Architectural rehabilitation or historical preservation, although works may be acquired in connection with such projects.

(6) Electrical, hydraulic or mechanical services costs for operation of the work, and utility costs.

(7) In new projects under development, preparation of the site necessary to receive the work of art, unless done by the artist as an integral part of the work.

(8) Expenses related to the work of art (before or after installation); such as dedication, unveiling, insurance, security and publicity or publication costs. These operational expenses shall be the responsibility of the PRCS Department and will be funded in the PRCS Department annual budget.

5.0 ANNUAL ART PLAN ADMINISTRATION

A. The PRCS Advisory Committee shall establish an Art Plan Subcommittee to develop an annual Art Plan recommendation.

B. The Art Plan Subcommittee will provide a recommended Art Plan for the year outlining art projects, and additional resources needed for implementation (if applicable) to the PRCS Advisory Committee for consideration.

C. The PRCS Advisory Committee will consider the annual art plan and take action to make a recommendation to the City Manager. The City Manager will include Art Plan recommendations in the annual budget presented to the City Council.

D. The City Council will consider the Art Plan as part of the Council's annual budget review.

E. In the event a long range art plan is established, the PRCS Advisory Committee may expand the subcommittee to include representatives from the arts community, neighborhood and business community, as well as other City departments.

6.0 PUBLIC ART ACQUISITION PROCEDURE – COMBINED

A. SELECTION OF ARTISTS

(1) The Public Art Plan Subcommittee will advise the PRCS Advisory Committee on recommended artist eligibility requirements and selection method for each project.

(2) Professional Eligibility. Artists will be selected on the basis of their qualifications as demonstrated by their past work and education, the appropriateness of their proposal for the particular projects, and the probability of its successful completion, as determined by the Art Selection Jury.

(3) The following methods of selection may be approved by the PRCS Advisory Committee:

a. Direct Selection: The artist or pre-existing art work may be selected directly by the jury.

b. Open Competition: Program requirements will be broadly publicized prior to selection. Any professional artist may compete.

c. Limited Competition: Artists will be selected and invited to enter. The jury will consider three or more artists and invite them to enter. The names of artists will be publicly announced upon receipt of written acceptance from the artists. Where detailed proposals or models are requested, each artist may receive a fee for the necessary time, materials and travel involved in the proposal.

B. JURY SELECTION AND ART SELECTION

(1) All Art Selection Juries shall have flexible membership, as determined by the Parks, Recreation and Cultural Services (PRCS) Advisory Committee, based on the size, location and complexity of the project.

(2) The Art Selection Jury will be minimally composed of a member of the PRCS Advisory Committee, a member of the community, an artist, an art professional, project architect (if appropriate), and City staff member. Jurors may be chosen from the PRCS Advisory

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Committee, Shoreline-Lake Forest Park Arts Council, City staff, City Council, and the community. One member from the PRCS Advisory Committee will act as chair. Jurors may be solicited outside of the community if special expertise is needed. A member of the Project Design Team may be on the jury when appropriate, to comment on architectural elements and technical feasibility of art in public buildings. At its discretion, the City Council may choose to appoint one of its members to the jury. Jurors should acknowledge any current conflicts of interest that exist with the field of artists.

(3) Jurors are responsible for carrying out the City of Shoreline Arts Policies and Procedures, the prospectus, and guidelines for selection of public art.

(4) The PRCS Advisory Committee and staff will provide the Art Selection Jury, in writing, appropriate background information, objectives, budget limits and selection criteria for the project.

(5) The jury will meet initially to review all of the proposals sent in response to the prospectus. Jurors should acknowledge any current conflicts of interest that exist with the field of artists.

(6) From the artists represented, the jury may select up to five artists to interview for an integrated design process project or may select without interview up to three artists to develop a specific site-based proposal. The selected artists will be provided any additional information on the site that the PRCS Advisory Committee identifies.

(7) In an integrated design process, where the artists are expected to work with the architects, the jury will reconvene to review the site-specific designs proposed by the artists. At this time the jury will have an opportunity to provide guidance to the artists, taking specific designs and budget into consideration. A short list of site specific designs will be established by the jury.

(8) The jury will reconvene at a public meeting where the semi-finalists will present their final proposals in the form of models and/or “in situ” sketch to the assembled audience. This is an opportunity for artists to share their ideas with the community and for the jury to learn about the proposals and the public’s reception of them. The jury will then retire and deliberate on the presentations, deciding on the approval of the finalists for recommendation to the PRCS Advisory Committee. The jury shall try to reach consensus. If consensus cannot be reached, a vote shall be taken with majority rule. Jurors shall have one vote and no juror shall have the right to veto. The Art Selection Jury has the right to make no selection if, in its opinion, there is insufficient merit in the submissions. The selected artist(s) and proposed work will be presented for public comment.

(9) The written recommendation of the jury will be presented to the PRCS Advisory Committee and the Art Plan Subcommittee.

(10) The PRCS Advisory Committee recommendation will be forwarded to the City Council. Staff and the PRCS Advisory Committee will present the PRCS Advisory Committee's recommendation to the City Council, seeking authorization to contract with the artist. Artist and jurors are requested to attend this presentation if possible.

(11) The City Manager will sign the contracts with the artist. Construction and installation will be monitored by the PRCS Department staff

(12) Jurors shall not be paid for their services unless the PRCS Advisory Committee and PRCS Department Director request pay for their services based on extraordinary qualifications and the service would not be provided without pay.

(13) All sessions will be noticed and open to the public.

C. CRITERIA FOR SELECTING WORKS OF ART

(1) Quality: The Art Selection Jury shall keep in mind that public art should be of exceptional quality and enduring value.

(2) Elements and Design: The PRCS Advisory Committee, Art Selection Jury, and Artists(s) shall keep in mind the fact that art in public places may be: art standing alone, focal points, modifiers or definers of space, functional or non-functional, or used to establish identity. The art may be used as an integral part of the structure and function of facilities such as walkways, doors, windows, fitting, hardware, surface finishes, light fixtures, and gates.

(3) Permanence: Due consideration shall be given to the structural and surface soundness of artworks, and to their permanence, including ability to withstand age, theft, vandalism, weathering, and maintenance and repair costs.

(4) Style and Nature of Work: Art works shall be considered which are appropriate for public places and are compatible in scope, scale, material, form, character and use of the proposed surroundings.

(5) Public Access: Art works shall be placed in public places that are highly accessible to the public in the normal course of activities. Art work for private offices is not eligible.

7.0 GIFTS, LOANS AND DONATIONS

A. Proposed gifts of Public Art are referred to the PRCS Advisory Committee. They will evaluate the need for further review and the suitability of proposed gifts, loans, and donations. The PRCS Advisory Committee will make recommendations to the Mayor and City Council on accepting gifts.

B. The PRCS Advisory Committee may call upon the Art Plan Subcommittee to evaluate proposed gifts, loans, or donations.

C. Proposed gifts will be evaluated according to criteria in the City's public arts policy, the quality of the work, maintenance requirements, conformance to structural and fabrication standards, applicable safety codes and liability concerns, donor conditions, availability of an appropriate site for the work, the advice of administrators at the proposed site and staff research.

D. Proposed gift of funds for the acquisition of works of art, if restricted or dedicated in any way, are reviewed to ensure that such restriction or dedications are consistent with the City of Shoreline public arts policy and the City of Shoreline Parks, Recreation and Open Space Plan.

8.0 RELOCATION AND DEACCESSIONING

A. Proceeds from the sale of a work of art shall be returned to the Municipal Arts Fund unless proceeds were restricted by donation or any pre-existing contractual agreements between the artist and the City regarding resale.

B. Continued retention or placement of Public Art acquired by the City may be reviewed by the PRCS Advisory Committee, staff, or the Art Plan Subcommittee for one or more of the following reasons:

- (1) The condition or security of the artwork cannot be reasonably guaranteed.
- (2) The artwork requires excessive maintenance or has defective design or workmanship and repair or remedy is impractical or unfeasible.
- (3) The artwork has been damaged and repair is impractical or unfeasible or the cost of repair or renovation is excessive in relation to the original cost of the work.
- (4) The artwork endangers public safety.
- (5) No suitable site is available or significant changes in the use, character or design of the site have occurred which effects the integrity of the work.
- (6) The quality or authenticity of the artwork has been reassessed.
- (7) Removal is requested by the artist.

C. The following procedures will be used by the PRCS Advisory Committee or a subcommittee after determination that an artwork meets one of the criteria above.

- (1) Review of the artist's contract and other agreements that may pertain.
- (2) Discussion with the artist if he/she can be notified by reasonable means.

- (3) Opinion of more than one independent professional qualified to recommend on the concern prompting review (conservators, engineers, architects, critics, art historians, public art professionals, safety experts, etc.)
- (4) Review of all evidence of public comment and debate.
- (5) Any restriction that may apply to this specific work based on contract review.
- (6) An analysis of the reasons for deaccessioning.
- (7) Options for storage, disposition, or relocation of the work.
- (8) Appraised value of the work, if obtainable.
- (9). All available information and staff reports will be reviewed. Additional information may be required prior to making a recommendation to the City Council for final action.

D. Following review of continued retention or placement, the following actions (in order of priority) will be considered, subject to acquisition restriction on disposition, and include a recommended approach to the PRCS Advisory Committee.

- (1) Relocation of the art work. The work was created for a specific site. Relocation to a new site should be consistent with the subject, scale, and other qualities of the work . The artist's assistance may be sought.
- (2) Removal through sale or trade. Sale through auction, art gallery or dealer resale, or direct bidding by individuals in compliance with City law and policies governing surplus property. Trade through artist, gallery, museum, or other institutions for one or more other artwork(s) of comparable value by the same artist.
- (3) Indefinite loan to another governmental entity.
- (4) Destruction of work deteriorated or damaged beyond repair at a reasonable cost, and deemed to be of no or only a negligible value, in accordance with national standards for conservation and deaccession. If destruction of the work is the only solution, whenever practical, the artist shall be given first opportunity to remove the piece.

E. Deaccessioning normally will be considered only after ten or more years have elapsed from the date of the installation of permanent works.

F. Deaccessioning should be cautiously applied only after a careful and impartial evaluation of the work to avoid the influence of fluctuation of taste and the premature removal of an artwork from the collection.

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G. Staff will follow applicable City policies for surplus, sale, trade, or disposal of deaccessioned artwork.

H. No works of art shall be sold or traded to Councilmembers or staff of the City of Shoreline, or members of the PRCS Advisory Committee, consistent with City of Shoreline conflict of interest policies.