

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Update of the Public Art Policy and Procedures Document
<b>DEPARTMENT:</b>	Parks, Recreation, and Cultural Services Department
<b>PRESENTED BY:</b>	Dick Deal, Director, Parks Recreation & Cultural Services Dept. Ros Bird, Public Art Coordinator

**PROBLEM/ISSUE STATEMENT:**

The City of Shoreline adopted a 1% for the Arts Ordinance establishing a Public Art Fund in 2002. The Council also adopted a Policy and Procedures document that year. Seven years later, having completed six distinct projects and with five others in progress, there is a need to update the policy and procedures to better reflect the actual processes involved in bringing public art to Shoreline. A Vision Statement is added, definitions are clarified, processes are made consistent, and additions inserted regarding staffing and maintenance. The intent of the original document has not been changed: to allow for and encourage high quality, unique Public Art in Shoreline for the benefit of all.

**BACKGROUND:**

The revised Policy and Procedures document for the 1% for Art program went to Council on May 18<sup>th</sup>, 2009 as a discussion item. Hearing no further discussion or questions, staff is now presenting it for approval.

The first projects constructed with Shoreline's 1% for Art funds were the Interurban bridges over Aurora at 160<sup>th</sup> and 155<sup>th</sup> with artist, Vicki Scuri, completed in 2007. Since that time a "Parade Route" sculpture by Chris Bennett was installed in North City (2007) and a seating installation, "Contemplating the Arc" by Stuart Nakamura was installed at Echo Lake Park (2008). Banners were created for the completed section of Aurora Avenue (2007) and in the Ridgecrest Neighborhood (2008) in collaboration with a Neighborhood Grant. In March "Reflex Solaris" the sundial and reflector installation, was dedicated at Richmond Beach Saltwater Park (2009). The first temporary exhibit, sculptural installations at the Kruckeberg Botanic Garden, opened on May 7<sup>th</sup>. As of July 7<sup>th</sup> both major public art pieces have been installed at the new City Hall. Four other 1% projects are currently in various stages of development: Spartan Recreation Center lobby suspended sculpture, Cromwell Park steel "Water Tree", Hamlin Park "Dew Beads" seating, and the Aurora Avenue "Portrait of Place" sidewalk insets. In addition, the artists for Kayu Kayu Ac Park have just been selected.

The community through the Park Board, Park Board Art Committee, and Art Panel members is involved in the selection process for each project. Additional public input is welcomed at Park Board meetings when the artists' concepts are presented. This process has provided a rich and diverse selection of outstanding artwork throughout the City. A long-range Public Art Plan to be developed in the next year will help ensure the continuation of thoughtful acquisition and placement of art in Shoreline.

#### **FINANCIAL IMPACT:**

This program is funded through the City of Shoreline's 1% for Public Art Fund and other capital project funding. There are no additional financial impacts created with these proposed revisions.

#### **RECOMMENDATION**

Staff recommends that Council adopt the Public Art Policy and Procedures document as approved and recommended by the Park Board.

Approved By:      City Manager  City Attorney \_\_\_\_

#### **ATTACHMENTS**

Revised Policy & Procedures document as approved by the Park Board.

City of Shoreline		<b>POLICY &amp; PROCEDURE</b>	
<b>Subject:</b> Public Art Policy		<b>Department: Parks, Recreation and Cultural Services</b>	
<b>Effective Date</b>		<b>Supersedes</b> August 26, 2002	<b>Number:</b>
			<b>Approved By:</b>

#### **VISION:**

The City of Shoreline believes in the power of art in public places to draw people together, create vibrant neighborhoods where people desire to live, work and visit, and stimulate thought and discourse by enhancing visual interest in the built and natural environment. Art is part of the cultural thread that ties generations and civilizations together, creating opportunities for expression, reflection, participation and a landscape that is uniquely Shoreline. To this end our vision is that:

- art will integrate into all aspects of community life
- art will enhance public spaces, both municipally and privately owned
- the public art will reflect the diversity of the community
- public art will meet high artistic standards
- public art will engender thought, conversation and enjoyment

#### **1.0 PURPOSE:**

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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 throughout the City of Shoreline by providing a plan and procedure by which the City will acquire, accept and advocate for works of art as part of its permanent and temporary collection, and encourage, facilitate and support privately owned art in public places.

#### **2.0 DEFINITIONS:**

A "Public Art": All forms of original creations of art in locations that are accessible to the public in City or privately-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, film and media arts
- (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) Water features

- B. Acquisition: Procurement of works of art for the City of Shoreline's permanent and temporary collections. This includes commission through open competition, limited competition, invitation, donation, direct purchase or any other means.
- C. Art Committee: A minimum of three members appointed by the PRCS Board from among its members to provide input on public art. The Art Committee serves in an advisory capacity on public art components within Shoreline including city, design-build, and private development that includes public space.

The Art Committee also creates one year and long-term art plans for recommendation to the City Council and may include additional members for this task. City staff will act as advisors and facilitate the work of this committee.

Art Committee terms will be three years, renewable once. In 2009 members will be appointed to initial terms of one, two and three years.

- D. Art Selection Panel: Panel of Art Committee members, arts professionals, artists and community representative who participate in the selection process of artists and artwork for individual projects. Committee members other than the Art Committee may vary by project.
- 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 Board and the Art Committee are not eligible.
- E. City Art Plan: Long-range and annual plan for acquisitions and 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. 312 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, enjoyment and education 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 engaging.

- 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 consider input from stakeholders including the City through the PRCS Board, 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 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, restoration, relocation, deaccessioning, and administration 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) Panelists may be paid for their services if the PRCS Board and PRCS Department Director request pay for their services based on extraordinary qualifications and the service would not be provided without pay.
- (7) 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.
- (8) Honoraria and fees may apply to some but not all projects included in the 1% for Art Program.
- (9) Staff personnel to administer the Public Art Program including projects and process.
- (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 or publication costs. These operational expenses shall be the responsibility of the PRCS Department and will be funded in the PRCS Department annual budget.

- (9) Routine maintenance and repair: Art installations will be considered as park facilities and therefore associated repair and maintenance expenses will be included in the Parks Repair and Replacement project budget in the General Capital Fund.

## ***5.0 ANNUAL ART PLAN ADMINISTRATION***

- A. The Art Committee will develop an Art Plan for the year outlining art projects, and additional resources needed for implementation (if applicable).
- B. The Art Committee will present the Art Plan to the Park Board for approval
- C. The PRCS Board 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 Board may expand the Art Committee to include additional 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 Art Committee will advise the PRCS Board 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 Board:
  - 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.

(10) ***B. PANEL SELECTION AND ART SELECTION***

- (1) All Art Selection Panels shall have flexible membership, as determined by the Art Committee, based on the size, location and complexity of the project.
- (2) The Art Selection Panel will be minimally composed of a member of the Art Committee, a member of the community, an artist, an art professional, project architect (if appropriate), and City staff member. Panelists may be chosen from the PRCS Board, Shoreline-Lake Forest Park Arts Council, City staff, City Council, and the community. One member from the PRCS Board Art Committee will act as chair. Panelists 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 panel as a non-voting member.
- (3) Panelists 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 Board and staff will provide the Art Selection Panel, in writing, appropriate background information, objectives, budget limits and selection criteria for the project.
- (5) The panel will meet initially to review all of the proposals sent in response to the prospectus. Panelists should acknowledge any current conflicts of interest that exist with the field of artists.
- (6) From the artists represented, the panel 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 as identified by the Art Committee..
- (7) In an integrated design process, where the artists are expected to work with the architects, the panel will reconvene to review the site-specific designs proposed by the artists. At this time the panel 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 panel.
- (8) In cases where more than one artist has been asked for specific design proposals, the panel will reconvene at a meeting where the semi-finalists will present their final

proposals in the form of models and/or “in situ” sketches. There will be an opportunity for comment after which the panel will deliberate on the presentations, deciding on a finalist for recommendation to the PRCS Board. The panel shall try to reach consensus. If consensus cannot be reached, a vote shall be taken with majority rule. The Art Selection Panel has the right to make no selection if, in its opinion, there is insufficient merit in the submissions.

- (9) The recommendation of the panel will be presented to the PRCS Board. Artist and jurors are invited to attend this presentation.
- (11) The PRCS Board will review input and take action to approve or reject the recommended artist proposal. Staff will execute a contract with the artist approved by the PRCS Board, subject to the City’s Purchasing Policy and Procedures.
- (12) Contracts will be signed in accordance with existing City policy. Construction and installation will be monitored by the PRCS Department staff.
- (12) Panelists shall not be paid for their services unless the PRCS Board 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 open to the public.

#### C. CRITERIA FOR SELECTING WORKS OF ART

- (1) Quality: The Art Selection Panel shall keep in mind that public art should be of exceptional quality and enduring value.
- (2) Elements and Design: The PRCS Board, Art Selection Panel, 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 Art Committee. They will evaluate the need for further review and the suitability of proposed gifts, loans, and donations.
- B. The Art Committee may call upon the PRCS Board to further evaluate proposed gifts, loans, or donations and take action on same.
- C. Upon referral by the Art Committee, the PRCS Board will take action to accept or reject gifts, loans, and donations, and, advise the City Manager and City Council of their decision as appropriate.
- 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 Board, staff, or the Art Committee 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 Staff to prepare a recommendation to the PRCS Board or Art Committee 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 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 Board.
- (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.
- 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 Board, consistent with City of Shoreline conflict of interest policies.

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