

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

<b>AGENDA TITLE:</b>	Adopting Resolution No.405 Adopting a new Public Art Policy pursuant to SMC 3.35.150
<b>DEPARTMENT:</b>	Parks, Recreation and Cultural Services
<b>PRESENTED BY:</b>	Eric Friedli, PRCS Director David Francis, Public Art Coordinator
<b>ACTION:</b>	<input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:** On August 26, 2002, the City Council adopted Ordinance 312, establishing a Municipal Art Fund and codifying regulations to implement the fund at Shoreline Municipal Code (SMC) 3.35.150. As provided in SMC 3.35.150(A), all expenditures from the Municipal Art Fund are restricted to those approved through a Public Art Policy that was approved by the City Council.

The City’s Public Art Policy needs to be updated to better reflect the actual processes currently involved in bringing public art to Shoreline. Resolution 405 will adopt a revised Public Art Policy meeting the requirements of SMC 3.35.150(A). Ordinance 770, which was presented in a separate Staff Report, repeals all previous Public Art Policies.

PRCS staff has worked with the PRCS/Tree Board and the Public Art Subcommittee to develop this recommended Policy. At its January 26, 2017 meeting the PRCS/Tree Board voted unanimously to endorse the proposed Public Art Policy. The City Council held a discussion of this proposal at its February 13, 2017 meeting.

**RESOURCE/FINANCIAL IMPACT:**

There is no financial impact associated with this action. The Public Art Policy continues to provide that funding for staff personnel to administer the Public Art Program including projects and processes is an allowable use of the Municipal Art Fund (Section 4.0(A)(9)).

**RECOMMENDATION**

Staff recommends Council adopt Proposed Resolution No.405 adopting a Public Art Policy pursuant to SMC 3.35.150 (Attachment A).

Approved By:            City Manager **DT**    City Attorney **JA-T**

**ATTACHMENTS**

Attachment A: Resolution No.405 adopting a Public Art Policy pursuant to SMC 3.35.150

**RESOLUTION NO. 405**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHORELINE,  
WASHINGTON, APPROVING A PUBLIC ART POLICY AS PROVIDED IN SMC 3.35.150.**

WHEREAS, on August 26, 2002, the City Council adopted Ordinance 312, establishing a Municipal Art Fund and codifying regulations to implement the fund at Shoreline Municipal Code (SMC) 3.35.150; and

WHEREAS, as provided in SMC 3.35.150(A), all expenditures from the Municipal Art Fund are restricted to those approved through a Public Art Policy approved by the City Council; and

WHEREAS, the City's Public Art Policy needs to be updated to better reflect the actual processes involved in bringing public art to Shoreline;

WHEREAS, the Parks, Recreation and Cultural Services Department worked with the community, the Parks, Recreation, and Cultural Services Board and its Public Art Sub-Committee to develop a Public Art Policy so as to create a vision for implementing the City's goals for public art; and

WHEREAS, on February 13, 2017, the City Council held a study session on the proposed Public Art Policy; and

WHEREAS, the City Council has considered all relevant information in the public record and all public comments, written and oral; and

WHEREAS, Ordinance No. 770 has repealed all prior public art policies;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE,  
WASHINGTON, HEREBY RESOLVES AS FOLLOWS:**

**Section 1. Public Art Policy.** The City of Shoreline Public Art Policy as set forth in Exhibit A to this Resolution is approved as the City's Public Art Policy. As required by SMC 3.35.150(A), all expenditures from the Municipal Art Fund shall be restricted to those approved through this policy.

**Section 2. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this resolution, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or resolution numbering and section/subsection numbering and references.

**ADOPTED BY THE CITY COUNCIL ON March 6, 2017.**

\_\_\_\_\_  
Christopher Roberts, Mayor

**ATTEST:**

\_\_\_\_\_  
Jessica Simulcik Smith, City Clerk

Shoreline Policy and Procedure  
**Public Art Policy and Procedures**

<b>Category and Number:</b>	<b>Receiving Number:</b> Resolution 405
<b>Code and statutory authority:</b>	<b>Authorized:</b> Effective Date: March 6, 2017 By: City Council
<b>Supersedes:</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
- 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:**

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:

*Visual Art*

- Dance, Theater, and Performance
- Painting, photography, drawing, collage, mixed media, encaustic, prints, and the myriad other forms of both two and three-dimensional artworks, mostly portable, but also in large scale format.

- Sculptural objects (includes a variety of scale, from large earthworks and landscape art, to monuments and statues, to water features, to smaller pieces displayed in vitrines; of any material and inclusive of kinetic, functional, interactive, and/or multimedia components; inclusive too of traditionally-regarded crafts such as wood carvings, glass and ceramics, textiles and fabric, and the like).
- Murals, Vinyl Wraps, Banners (murals can be applied to walls by a variety of means, inside or outside; wraps and banners refer to decorative embellishments of the built environment and urban furniture and can include painted fire hydrants, sidewalk chalk art, etc.).
- Art exhibitions (by definition, these public and accessible displays of both two and three-dimensional artworks – often comprised of a group of artists organized around a curatorial theme -- collectively form an important category of temporary public art, especially in Shoreline where there are as yet no commercial art galleries and no venues for the display of curated exhibitions).
- Community-based art (a wide variety of artistic practices that involve embedding in community groups, often with an explicit social message, with the visual art often serving a subsidiary function).
- Signage, calligraphy, text (does not include advertising or billboards as such, but conveys an easily observable artistic component that is not specifically designed to sell a product).
- Experimental geography, mapping, walking (relatively recent art forms that combine a multidisciplinary approach to visual art making that borrows from geography, mapping, GIS, orienteering, wayfinding, and navigating urban space).
- Conceptual, installation, time-based, emerging, new media (new forms of art are constantly developing as technology and culture foster experimentation. Augmented reality is a good example).

#### *Non-Visual Art*

- Sound art (examples might include ambient noise that an artist manipulates or curates for audiences to listen to; experiments with sonic waves, and other forms of auditory stimulus).
- Music
- Literature
- Community-based art (as above, though without the production of visual objects; thus, a song or narrative developed by an artist or artist group with direct engagement with a social group).

- Art exhibitions (see above, but with an emphasis on non-visual art forms, such as a sound-art group show).
- B. Significant Public Art: A piece of Public Art that is funded by the Municipal Art Fund and that is anticipated to cost \$20,000 or more.
- C. Acquisition: Procurement of works of Public 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.
- D. Art Selection Panel: A Panel of arts professionals, artists and community representatives appointed by the PRCS/Tree Board who participate in the selection process of artists and artwork for significant Public Art projects.
- E. Artist: A recognized professional who produces quality artwork on a regular basis.
- F. Emerging Artist: An artist may be “emerging,” if she or he does not yet have a significant body of work, or is not well established.
- G. Public Art Plan: A plan approved by the City Council outlining the direction for the City of Shoreline’s public art program including a work plan for the expenditures of the Municipal Art Fund.
- H. General Capital Fund: the City’s pooled source of funding generated by taxes.
- I. 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.
- J. Municipal Art Fund: A special fund Created by Ordinance No. 312 for appropriations and donations of funds for Public Art.
- K. De-accessioning: A procedure for removing and disposing of artwork from the City’s permanent collection.
- L. Public Art Coordinator: The City of Shoreline employee designated by the PRCS Director to oversee and coordinate the City’s public art program.

**3.0 POLICY:**

- A. The public art program will be guided by the city’s Public Art Plan.
- B. Public Art will be placed in areas that are easily accessible to the public with frequent viewing opportunities. Exceptions may occur, with the approval of the PRCS Director, for special kinds of art such as eco-art or deliberately “hidden” artwork.
- C. The City will acquire and display Public Art for the benefit, enjoyment and education of all of its citizens.

- D. 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.
- E. Public Art that reflects the rich diversity of the community should be encouraged.
- E. Public Art acquired by the City will be of high quality.
- G. The selection and acquisition process will encourage the creation of many types of art works.
- H. The selection procedure for Significant Public Art 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.
- I. Whenever appropriate, the selection process will encourage collaboration between artists and design professionals, including architects, landscape architects, project managers and engineers.
- J. Selection procedures will establish specific criteria for the acceptance of gifts or the long-term loan of Public Art to the City.
- K. 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, properly maintained, and insured as appropriate.
- L. The City will establish and maintain complete records that include documents transferring title, artists' contracts, reports, invoices, and other pertinent material.
- M. 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.
- N. As part of its duties to provide input to staff and the City Council on parks maintenance and operations, design matters, programs and services in sports, leisure and cultural activities the PRCS/Tree Board serves in an advisory capacity on Public Art within Shoreline.

**4.0 USE OF THE MUNICIPAL ART FUND:**

- 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 are 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) Payment of panelists if the PRCS Department Director requests payment for their services based on extraordinary qualifications and the service would not be provided without pay.
- (7) Honoraria and fees to artists selected as finalists where detailed proposals or models are requested for time, materials, and travel involved in making the proposal or model. 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 processes.
- (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 functional 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 PUBLIC ART ACQUISITION PROCEDURE – COMBINED***

### ***A. SELECTION OF ARTISTS***

- (1) The Public Art Coordinator will advise the PRCS Board on recommended artist eligibility requirements, art and artists selection method, and the need (or not) for an Artist Selection Panel for each Significant Public Art 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 Panel.
- (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 Art Selection Panel.
  - 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 Art Selection Panel 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. ART SELECTION PANEL AND ART SELECTION***

- (1) All Art Selection Panels shall have flexible membership, as determined by the PRCS/Tree Board, based on the size, location and complexity of the project.
- (2) The Art Selection Panel for Significant Public Art will be minimally composed of a member of the PRCS Board, a member of the community, an artist, an art professional, project architect (if appropriate), representative of the Shoreline Lake Forest Park Arts Council and City staff member. The Public Art Coordinator will act as Selection Panel 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.

- (3) Panelists are responsible for carrying out the City of Shoreline Public Art Policy and prospectus, and guidelines for the selection of Public Art.
- (4) The Public Art Coordinator 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 Public Art Coordinator.
- (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.
- (10) 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.
- (11) 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 Director requests payment for their services based on extraordinary qualifications (i.e., the Panelist would not participate without pay).

- (12) All sessions will be open to the public.
- (13) The Art Selection Panel will discontinue after the PRCS Board has finalized its selection.

**C. CRITERIA FOR SELECTING WORKS OF PUBLIC 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. Exceptions may occur, with the approval of the PRCS Director, for special kinds of art such as eco-art or deliberately “hidden” artwork.

**6.0 GIFTS, LOANS AND DONATIONS**

- A. Proposed gifts of Public Art are referred to the PRCS/Tree Board. They will evaluate the need for further review and the suitability of proposed gifts, loans, and donations.
- B. 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.
- 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 Art Policy, The Public Art Plan, and the City of Shoreline Parks, Recreation and Open Space Plan.

**7.0 RELOCATION AND DEACCESSIONING**

- A. Proceeds from the sale of a work of art shall be returned to the Municipal Art 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 or staff 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 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 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. De-accessioning normally will be considered only after ten or more years have elapsed from the date of the installation of permanent works.
- E. De-accessioning 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. The sale or trade of works of art to Councilmembers or staff of the City of Shoreline, or members of the PRCS Board, shall comply with City of Shoreline Code of Ethics policies.