

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

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| <p>AGENDA TITLE: Public Art Policy Briefing and Discussion DEPARTMENT: Parks, Recreation and Cultural Services (PRCS) PRESENTED BY: Wendy Barry, Director</p> |
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PROBLEM/ISSUE STATEMENT:

The City of Shoreline has no mechanism in place to provide for acquisition or acceptance of gifts and loans of art for public places. The purpose of this report is to brief the Council on key policy decisions related to the proposed public art policies and seek consensus on next steps.

BACKGROUND

In November 2001, the Shoreline-Lake Forest Park Arts Council proposed a "percent for art" program be adopted by the City of Shoreline. Staff has worked with a Public Art Subcommittee comprised of key stakeholders to develop the 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. See Attachment A: Draft Public Art Policy and Procedure and Attachment B: Art Ordinance. Detailed review of the attached documents is not requested at this time. These documents are attached to provide Council with context for policy discussion.

KEY POLICY DECISIONS

Six key policy decisions are identified and discussed in this staff report.

1. Should the City adopt and implement a public art policy?
2. Which funding mechanism does the Council prefer? a) "percent for art" program, b) \$1-\$2 per capita budgeted, c) rely strictly on gifts and loans, or d) establish policy to include funds for art in capital project budgets on a case by case basis. If the City Council does adopt a public art policy, should it be implemented by ordinance or set as a general Council policy goal?
3. If the City adopts a "percent for art" program, should funding be tied to 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 total of all funding sources irrespective of what they allow as an eligible cost?

4. No cap is proposed in the draft Public Art Policy. Should a maximum annual spending cap be included?
5. Does the Council want to have the sole discretion to limit or eliminate art funding in a particular project, if Council believes such action to be in the public interest?
6. Does the Council want 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?

ALTERNATIVES ANALYZED:

Nine potential public art strategies were identified and evaluated including options such as "percent for art" program, \$1 to \$2 per capita funding formula, and a gift and loan program. For a summary of all strategies, see Attachment C: Potential Art Strategies. The Public Art Subcommittee developed the Draft Public Art Policy and Procedure and ordinance based on a "percent for art" program as the funding mechanism. If the Council wants to adopt another funding mechanism, the proposed Draft Public Art Policy and Procedure will need to be modified.

FINANCIAL IMPACT:



The financial impacts of various options are outlined below. All options that add art will add cost for maintenance. The costs will vary depending upon the scope of the art program. The proposed policies establish selection criteria that place a high priority on quality, durability, suitability and public accessibility, thereby limiting the maintenance liability.

1. Non action: This option is not considered viable. Financial impacts are minimal. The City does not have a public art policy. Current budget policies do not preclude the City from expending funds for art, nor do they encourage it.
2. Percent for Art Program: The Capital Improvement Program (CIP) will need to be adjusted to include 1% for art if this option is adopted. The financial impact depends on the calculation formula. If funding is tied to total construction costs less specific soft costs and tied to funding sources that allow art as an eligible expense, the 1% will be approximately \$ 348,000 in the 2003-2008 CIP. If funding is tied to total construction bid costs less specific soft costs, and tied to total funding sources irrespective of whether they allow art as an eligible cost, the 1% funding will be approximately \$523,000 in the 2003-2008 CIP.
3. \$1 to \$2 per capita spending: The CIP will need to be adjusted if this option is adopted. The financial impact of this option ranges from \$53,150 at \$1 per capita to \$106,300 at \$2 per capita. The amount will depend on the rate chosen and will be funded by the General Fund. This option is considered less financially sustainable because it will compete with other City services provided with General Fund dollars. The City uses a \$1.15 per capita formula to fund cultural services programs provided by the Shoreline-Lake Forest Park Arts Council.

4. Gift and loans: This option is not considered viable by itself because the opportunities for gifts and loans are perceived as highly limited. The draft Public Art Policy addresses gifts and loans. Costs may be incurred for art acceptance, site identification, maintenance, and display. These may be negotiated with the donor prior to acceptance of the gift or loan. Without an adopted policy, the City will continue to be reactive to requests to accept donated art. At a minimum, staff recommends adoption of policies related to art selection, gifts, loans and removal.
5. Establish policy goal to include funding for art in selected capital projects. This option was not specifically discussed by the Subcommittee or PRCS Advisory Committee. It provides the most fiscal flexibility to the City Council to allocate resources and would be subject to the discretion of the City Council on an annual basis. Key stakeholders supporting the "percent for art" program placed a high priority on providing a reliable and financially sustainable source of funding for art and will likely oppose this strategy.

RECOMMENDATION

Council feedback is requested on the proposed Public Art Policy and Ordinance and direction on next steps. If Council consensus is to give further consideration for funding for art in public projects, staff recommends that Council direct the City Manager to bring the information to the Council as part of the 2003 budget discussion for potential inclusion in the capital budget.

Approved By: City Manager  City Attorney 

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INTRODUCTION

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.

BACKGROUND

The Public Art Subcommittee met several times in the first half of the year. They reviewed the Suburban Cities Comparatives Chart summarizing Art Ordinance information from eleven cities. See Attachment D: Suburban Cities Comparatives. They also reviewed specific policies and procedures from several agencies including Bellevue, Edmonds, Issaquah, Kent, King County, Lake Forest Park, Mountlake Terrace, Redmond, Renton, and Seattle. They completed the following steps in developing a recommendation for the PRCS Advisory Committee's review on May 23.

1. The Public Art Subcommittee identified a funding mechanism

The Subcommittee developed criteria to evaluate nine (9) strategies used to provide public art. The Subcommittee identified "one percent for art" as a preferred funding strategy because it aligns with the City Comprehensive Plan and the 1996 City Vision, and was perceived as the most financially sustainable strategy. Specifically, when funds are available for capital construction, funds are available for art. This mechanism also allows for funds to be used efficiently.

The \$1 - \$2 per capita funding was considered. It is not recommended due to potential competition with basic services funded by the General Fund in lean times. Research also indicates agencies that fund this way typically combine on going operations with art acquisition.

2. The Public Art Subcommittee defined qualifying municipal construction projects and the method of calculation to draw 1% for art funds.

- a. It 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. It excludes acquisition of real property or equipment, routine maintenance, the repair of existing public facilities, or the replacement of fixtures in such facilities.
- c. It 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.*

*Note: This was recommended by the Public Art Subcommittee. The PRCS Advisory Committee disagreed with the Public Art Subcommittee on this item and recommends 1% of total construction costs irrespective of funding source.

- 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 by the Public Art Subcommittee or the PRCS Advisory Committee. Some jurisdictions place limits. Both committees expressed their desire to ensure adequate funding to allow for proper scale and scope of art for large projects.
 - 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.
3. The Subcommittee developed Public Art Policy and Procedures and Ordinance that address selection, acquisition, gifts, loans and deaccession of public artwork.
- a. The attached Ordinance and Policy and Procedures reflect the Public Art Subcommittee's recommendations.
 - b. Authority to establish and appoint the Art Plan Subcommittee on an annual basis and art selection juries on an ad-hoc basis is delegated to the PRCS Advisory Committee.

4. The PRCS Advisory Committee reviewed the proposed Ordinance and Public Art Policy and Procedures on May 23, 2002.

- a. The PRCS Advisory Committee concurred with the Subcommittee recommendations with one exception related to the calculation formula for the percent for art. The PRCS Advisory Committee recommends 1% of total construction costs less specific soft costs, irrespective of the funding sources allowing art as an eligible cost.

FISCAL IMPACT

As noted earlier, 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 in the proposed Draft Public Art Policy and Procedure and the Ordinance are adopted.

The table below summarizes the construction costs identified in the latest versions of the CIP. The column noted "Estimated Construction Cost-Total Funds" assumes the full construction amount irrespective of the funding source to provide the "largest impact" scenario. The column noted "Estimated Eligible Funds" assumes federal grants will not allow art as an eligible expense to show the "smallest impact" scenario.

Additional research and confirmation will be needed to find out if costs for art can be reimbursed if the art was not anticipated and documented in the original scope of work in the grant application and/ or grant contract.

This table does not include projections related to additional staff costs to implement the program on an annual basis.

| Project | Estimated Construction Cost Total Funds | Estimated Eligible Funds |
|---|--|-------------------------------------|
| Gateways | \$ 300,000 | \$ 300,000 |
| City Hall | \$ 10,000,000 | \$ 10,000,000 |
| Cromwell Park | \$ 370,000 | \$ 120,000 |
| Interurban Trail | \$ 4,186,823 | \$ 2,486,924 |
| Interurban Trail Pedestrian Crossing | \$ 2,849,971 | \$ 267,146 |
| Sidewalk Program | \$ 360,000 | \$ 360,000 |
| Neighborhood Traffic Safety Program | \$ 1,855,000 | \$ 1,855,000 |
| 15 th Avenue NE | \$ 4,407,000 | \$ 4,407,000 |
| Aurora Avenue North - Phase I | \$ 23,106,500 | \$ 12,585,060 |
| Richmond Beach Overcrossing | \$ 1,437,584 | \$ 127,389 |
| Curb Ramp Program | \$ 600,000 | \$ 600,000 |
| Spartan Gym Upgrades | \$ 605,000 | \$ 605,000 |
| Neighborhood Parks Repair & Replace | \$ 378,000 | \$ 378,000 |
| Richmond Beach Saltwater Park Beach Erosion | \$ 66,857 | \$ 66,857 |
| Pedestrian Program | \$ 457,000 | \$ 300,000 |
| 5th Avenue NE Street & Drainage Imp. | \$ 1,330,000 | \$ 380,000 |
| Total | \$ 52,309,735 | \$ 34,838,376 |
| 1% Art | \$ 523,097 | \$ 348,384 |

POLICY QUESTIONS

1. Should the City of Shoreline adopt and implement a Public Art Policy?

This is a fundamental policy question that the City Council will need to decide ultimately. There are competing values and interests and priorities related to the CIP that will influence this decision. To aid in the discussion, the several advantages and disadvantages are listed below:

Advantages of Public Art Program

- In alignment with City Comprehensive Plan Goals.
- In alignment with City Vision.
- Enhances sense of place in public spaces.
- Sets the community apart in ways that encourage people to live here, and to visit.
- Public Art represents a wide range of social, cultural and historical values.
- Enhances quality of life of citizens.
- Provides mechanism to review and select art.
- Provides mechanism to receive gifts and loans of art.
- Addresses expressed needs and desire of arts stakeholders such as the Shoreline-Lake Forest Park Arts Council.
- Parks, Recreation and Cultural Services Advisory is supportive of implementation.
- This program spends money when the City has money for capital construction and Public Art Funds are not spent when the City does not have funding for capital construction.

Disadvantages of Public Art Program

- The City has several infrastructure needs in the foreseeable future that rely upon General Fund support.
- Costs to provide City services will increase over time and revenues are projected to be flat.
- This is a new program that will place more pressure on the General Fund.
- This will compete for funds that can be used for other City services and facilities.
- There is potential need to add staff resources for large projects.
- Some public arts projects have been controversial due to differences of opinion about art.
- Added infrastructure will add maintenance costs.
- Staff time will be used to perform the financial analysis to administer the program with potential impact on other projects.

2. Which funding mechanism does the Council prefer? a) "percent for art" program, b) \$1-\$2 per capita budgeted, c) rely strictly on gifts and loans, or d) establish policy to include funds for art in capital project budgets on a case by case basis. If the City Council does adopt a public art policy, should it be implemented by ordinance or set as a general Council policy goal?

The calculation for annual funding of 1% of capital construction bid cost excluding soft costs and change orders is recommended.

The 1% tied to construction was considered to be the most financially sustainable, has been used successfully in many other jurisdictions for this purpose, meets legal standards, includes a viable public process and has potential for efficient use of public funds.

The \$1-\$2 per capita formula results in a smaller fiscal obligation on an annual basis. Available funds may not be sufficient to match the scope of a large capital project. Conversely, in the long term, the City could be obligated to expend public art funds without specific ties to a capital project and be limited by available public sites. This is unlikely for a number of years, but it is a possibility.

Relying on gifts and loans exclusively is previously discussed and is not recommended.

Establishing a Council policy goal to include funds for art in capital project budgets on a case by case basis requires an annual evaluation and demonstrates commitment to including funds for art purposes. Stakeholders seek some level of obligation to ensure that funds will be spent for art with some reliability in regard to formula to withstand the potential shifts in philosophy of future City Councils.

3. If the City adopts a "percent for art" program, should funding be tied to the construction bid less specific soft costs and tied to funding sources that allow art as an eligible cost? Or, should the funding be tied to the total of all funding sources irrespective of what they allow as an eligible cost?

The Public Art Subcommittee recommended the calculation be tied to construction bid cost less specific soft costs and only tied to funding sources that allow art as an eligible cost. The estimated cost is \$348,000 for the 2003-2008 CIP. This is the smallest impact scenario. At the time of their discussion, staff was still researching which funding sources allow art as an eligible cost. As a result, the Public Art Subcommittee did not have the benefit of estimated costs of each scenario identified in this report or the benefit of the comparison of the two scenarios.

The PRCS Advisory Committee recommends the second option tied to the total of all funding sources irrespective of what is allowed as an eligible cost. The estimated cost of this formula is \$523,000. This is the "largest impact" scenario. The Committee was provided with preliminary projections/estimates for 1% of eligible projects that would generate \$14,649 in 2003, \$139,977 in 2004, \$182,256 in 2005, \$130,682 in 2006, and \$65,285 in 2007 with a total of \$532,848. The discrepancy in the total estimated cost is due to refinement of the estimates in the last month. Further work will be required once information from federal granting agencies is available.

The consensus of the PRCS Advisory Committee was that they wanted to see as much funding as possible. They were concerned that limiting the amount of funding available could shortchange large capital projects and defeat the purpose of setting aside 1% attached to construction costs.

Staff concurs with the Public Art Subcommittee recommendation to tie the costs to funding sources that allow art as an eligible cost.

4. No maximum annual spending cap is included in the proposed Public Art Policy or Ordinance. Should there be a cap, i.e., a maximum amount of spending in any year?

This question relates to the competing values, interests and priorities related to the CIP.

The Public Art Subcommittee discussed this at length and is recommending no cap on the fund. The PRCS Advisory Committee concurs with this recommendation.

At the time of their discussion, the Public Art Subcommittee did not have the benefit of estimated expenses and revenue sources. The PRCS Advisory Committee was provided with preliminary projections/estimates for 1% of eligible projects that would generate \$14,649 in 2003, \$139,977 in 2004, \$182,256 in 2005, \$130,682 in 2006, and \$65,285 in 2007. The total for 2003-2007 was estimated at \$532,848. Several members expressed concern that these amounts might not be enough. Their consensus was they wanted to see as much funding as possible. They expressed concerns that limiting the amount of funding available on an annual basis could shortchange large capital projects and defeat the purpose of setting aside 1% attached to construction costs.

5. Should the Parks, Recreation and Cultural Services Advisory Committee have authority to establish an Art Plan Subcommittee and Art Selection Juries?

The City Council will review the annual art plan as part of the budget process and will receive reports and presentations related to art selection on a project by project basis. This is a policy issue for City Council members as to whether they wish to keep this authority at the City Council level or delegate authority to the PRCS Advisory Committee or the Shoreline-Lake Forest Park Arts Council. The Public Art Subcommittee recommended delegation to the PRCS Advisory Committee. The PRCS Advisory Committee concurs. This as an efficient process eliminating the need for the Council to make appointments for ad-hoc committees.

The Shoreline-Lake Forest Park Arts Council's original proposal recommended the Arts Council be responsible for and establish the terms and procedures to implement the selection, commission, procurement, placement and conservation, maintenance and/or deaccessioning of art. The Public Art Subcommittee wrestled with creating systems that would establish some level of accountability of the Arts Council to the City Council. They ultimately chose the recommended strategy of utilizing the PRCS Advisory Committee to establish an Art Plan Subcommittee and Art Selection Juries, recognizing that PRCS Advisory Committee members were appointed by the City Council.

RECOMMENDATION

Council feedback is requested on the proposed Public Art Policy and Ordinance and direction on next steps. If Council consensus is to give further consideration for funding for art in public projects, staff recommends that Council direct the City Manager to bring the information to the Council as part of the 2003 budget discussion for potential inclusion in the capital budget.

ATTACHMENTS

Attachment A: Draft Public Art Policy and Procedure

Attachment B: Art Ordinance

Attachment C: Potential Art Strategies

Attachment D: Suburban Cities Comparatives

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|--------------------------------------|--|--|---------------------|
| City of Shoreline | | DRAFT - POLICY & PROCEDURE | |
| Subject: Public Art Policy | | Department: Parks, Recreation and Cultural Services | |
| Effective Date | | Supersedes Not applicable | Number: |
| | | | 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 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, 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 should 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 requests 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.

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.

ORDINANCE NO. _____

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. 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 (*e.g. artist made building parts*), 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, 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. ____ 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 this _____ day of _____, 2002

Scott Jepsen, Mayor

ATTEST:

APPROVED AS TO FORM:

Sharon Mattioli, CMC
City Clerk

Ian Sievers
City Attorney

Date of Publication: 2002
Effective Date: 2002

City of Shoreline
Potential Public Art Strategies

| Potential Strategy | Aligns w/ Comp Plan Goals | Project Charter Goals | Financially Sustainable | Viable Public Process? | Efficient use of Public Funds | Meets legal standards? | Additional City staff resources needed? | Additional M & O costs needed? | Include Selection | Includes acquisition | Includes maintenance? | Includes gifts? | Includes deaccessioning? | Develops diverse & commendable public art? |
|---|---------------------------------|-----------------------------|--|--|---|----------------------------------|--|--------------------------------------|----------------------|---------------------------------------|----------------------------------|--------------------|-----------------------------|---|
| 1. Percent for Art Ordinance | Yes | Yes | Yes if tied to available construction funding | Yes, likely. | Yes, likely | Yes | Yes, advertise, work w/committee selection/public process, coord w/ project etc. | Yes More art more maint. | Yes | Yes | Yes, usually by City | TBD | TBD | Yes Common program. |
| 2. \$1 to \$2 per capita per budget year | Yes | Yes | Competes w/other Gen Fund programs | Yes, likely. | Less than % due to ongoing nature of funding | Yes | Yes, becomes annual program with more opportunity for bureaucracy | Yes More art more maint. | Yes | Yes | Yes, usually by City | TBD | TBD | Yes |
| 3. Conditional gift agreements for art on public property | Yes | Yes | Yes if M & O funds come with gift | Not likely to have a public process. | Yes, if M&O funds come with gift | Yes | Yes, for oversight of agreements maint. | Yes More art more maint. | Yes | Maybe, if included in agreement | Yes, usually by City | Yes | TBD | Yes |
| 4. Artwork display agreement for art on public property | Yes | Yes | Yes, if M & O funds come with artwork | Not likely to have a public process. | Yes, if M & O funds come with gift | Yes | Yes, for oversight of agreement, maint, removal | Yes, More art more maint. | Yes | TBD | TBD | TBD | TBD | Yes |
| 5. Private art donations | Yes | Yes | Yes if M & O funds come with artwork | Not likely to have a public process. | Yes if M & O funds come with gift. | Yes | Yes, for oversight of agreement, maint, | Yes, More art more maint. | Yes | Not needed | Yes, usually by City or trust | Yes | TBD | Yes |
| 6. Encourage art on private property | Yes | Yes | Yes | No, not likely. | Yes | TBD | No | No | No | TBD | TBD | TBD | TBD | Yes |
| 7. Public art on private property | No | Yes | Maybe | Maybe | Maybe | TBD | Maybe, agreement dependent | Maybe. | Yes | No. Not likely. | Maybe, agreement dependent | TBD | TBD | Yes |
| 8. Public art loaner program IE Seattle Light loan to City | Yes | Yes | Yes, if not too many strings attached | Maybe | Maybe, if not too many strings attached. | Yes, likely with agreement | Yes, for oversight of agreement, public process, maint | Yes, More art more maint. | No | TBD | TBD | TBD | TBD | Yes |
| 9. Permit requirement of private or public developer to include 1% art in their construction projects | No | Maybe | Unknown | No | Large staff project to develop requirements, possible legal issues. | Unknown | PADS and Legal at permitting and appeal | No | No | TBD | TBD | TBD | TBD | Maybe |

City of Shoreline
Potential Public Art Strategies

| Potential Strategy | Aligns w/ Comp Plan Goals | Project Charter Goals | Financially Sustainable | Viable Public Process? | Efficient use of Public Funds | Meets legal standards? | Additional City staff resources needed? | Additional M & O costs needed? | Include Selection | Includes acquisition | Includes maintenance? | Includes gifts? | Includes deaccessioning? | Develops diverse & commendable public art? |
|---|---------------------------|-----------------------|---|--------------------------------------|---|----------------------------|--|---------------------------------|-------------------|---------------------------------|-------------------------------|-----------------|--------------------------|--|
| 1. Percent for Art Ordinance | Yes | Yes | Yes if tied to available construction funding | Yes, likely. | Yes, likely | Yes | Yes, advertise, work w/committee selection/public process, coord w/ project etc. | Yes More art more maint. | Yes | Yes | Yes, usually by City | TBD | TBD | Yes Common program. |
| 2. \$1 to \$2 per capita per budget year | Yes | Yes | Competes w/other Gen Fund programs | Yes, likely. | Less than % due to ongoing nature of funding | Yes | Yes, becomes annual program with more opportunity for bureaucracy | Yes More art more maint. | Yes | Yes | Yes, usually by City | TBD | TBD | Yes |
| 3. Conditional gift agreements for art on public property | Yes | Yes | Yes if M & O funds come with gift | Not likely to have a public process. | Yes, if M&O funds come with gift | Yes | Yes, for oversight of agreements maint. | Yes More art more maint. | Yes | Maybe, if included in agreement | Yes, usually by City | Yes | TBD | Yes |
| 4. Artwork display agreement for art on public property | Yes | Yes | Yes, if M & O funds come with artwork | Not likely to have a public process. | Yes, if M & O funds come with gift | Yes | Yes, for oversight of agreement, maint. removal | Yes, More art more maint. | Yes | TBD | TBD | TBD | TBD | Yes |
| 5. Private art donations | Yes | Yes | Yes if M & O funds come with artwork | Not likely to have a public process. | Yes if M & O funds come with gift. | Yes | Yes, for oversight of agreement, maint. | Yes, More art more maint. | Yes | Not needed | Yes, usually by City or trust | Yes | TBD | Yes |
| 6. Encourage art on private property | Yes | Yes | Yes | No, not likely. | Yes | TBD | No | No | No | TBD | TBD | TBD | TBD | Yes |
| 7. Public art on private property | No | Yes | Maybe | Maybe | Maybe | TBD | Maybe, agreement dependent | Maybe. | Yes | No. | Maybe, agreement dependent | TBD | TBD | Yes |
| 8. Public art loaner program IE Seattle Light loan to City | Yes | Yes | Yes, if not too many strings attached | Maybe | Maybe, if not too many strings attached. | Yes, likely with agreement | Yes, for oversight of agreement, public process, maint | Yes, More art more maint. | No | TBD | TBD | TBD | TBD | Yes |
| 9. Permit requirement of private or public developer to include 1% art in their construction projects | No | Maybe | Unknown | No | Large staff project to develop requirements, possible legal issues. | Unknown | PADS and Legal at permitting and appeal | No | No | TBD | TBD | TBD | TBD | Maybe |

PUBLIC ART ORDINANCES

| CITY | POPULATION | PROJECTS ELIGIBLE FOR FUNDING | SITE SPECIFIC | HOW FUNDED | FUNDING RESTRICTIONS | OTHER |
|----------|-------------------------|--|---|--|--|---|
| Auburn | No Info yet | | | | | |
| Bellevue | 89,710 | City Capital Improvement Projects | No. May be placed on any public or privately-leased land (includes libraries & schools). Also can be placed in interior, exterior locations. May be temporary or permanent. | "Municipal Art Fund" 1.7% of city's annual Capital Improvement Program general funding (not to exceed \$100,000). Interest-bearing. Carry-over fund. | For: --Selection --Acquisition --Display --Maintenance | |
| Edmonds | 30,850 | "Municipal Construction Project" (where City pays in full or partially for its own projects). For: --Construction --Remodeling --Buildings --Decorative or Commemorative Structures --Parks --Streets --Sidewalks --Parking Facilities --Utilities | Prefers so, but not restricted to. | 1% of total project cost. "Public Art Acquisition Fund" (Cannot have accumulated balance of more than \$100,000). Carry-over fund. | For: --Selection --Acquisition --Installation | Staff meets with Mayor prior to upcoming year's budget being finalized (to determine which projects will qualify for public art funding). |
| Enumclaw | No public Art Ordinance | | | | | |

| CITY | POPULATION | PROJECTS ELIGIBLE FOR FUNDING | SITE SPECIFIC | HOW FUNDED | FUNDING RESTRICTIONS | OTHER |
|-------------|----------------------------|--|--|---|---|--|
| Federal Way | 75,320 service: 102,000 | Only "Qualifying Capital Improvement Projects" (funded wholly or in part by city). Includes: --Buildings --Decorative or Commemorative --Parks | Yes; otherwise approval of Council (but must be City facility) | "Art In Public Places Fund" (2% of total project cost). Carry-over fund. | For: --Selection --Acquisition --Installment --Display --Maintenance | Priori reflectu on scope, scale, and character of site |
| Issaquah | 8,326 Service: 32,000 | Municipal construction projects which exceed \$10,000 (Pd. for wholly or in part by City). Includes: --Construction --Renovation --Remodel --Buildings --Decorative, or Commerative structures --Parks --Streets --Sidewalks --Parking facilities No water or sewer utility (unless accessible & generally frequented by the public.) Must be city's facilities. | Prefer so, but not limited to | .5% of costs for projects up to 5 million; .25% of costs exceeding 5 million. | --Selection --Acquisition --Installation | Commission meets w/ city staff to review list of capital projects. Very specific on selectio proces. |

| CITY | POPULATION | PROJECTS ELIGIBLE | SITE SPECIFIC | HOW FUNDED | FUNDING RESTRICTIONS | OTHER |
|---------------------|---------------------------------|---|----------------------|--|--|--|
| Kent <i>Kent</i> | 39,650 service: 120,000 | For city projects only. <u>For:</u> --Parks --Buildings Can be integrated with, attached to, detached within, or outside. Can be permanent or part of portable collection. | No | "City Art Fund" \$2 per capita per budget year. No limit on what can be expended. Approximately \$88,000/year. Carry-over capacity. | <u>For:</u> --Works of art --Administrative costs --Installation --Maintenance | 5 year spending plan needs to be established, reviewed, approved by City Council |
| Mercer Island | 21,260 | "Qualifying Capital Improvement Projects" (funded wholly or in part by City) Construction <u>or</u> remodel. Includes: --Buildings --Decorative & Commemorative --Parks --Streets --Sidewalks --Parking Facilities --Water, Sewer, Storm Drainage | No--Shall be pooled. | 1% of total project cost. Carry-over capacity. | <u>For:</u> --Selection --Acquisition --Installation --Display --Repairs --Maintenance | |
| Redmond | No Info Yet | | | | | |
| Renton | 43,470 | See "Issaquah" | See "Issaquah" | 1% of project cost. | --Selection --Acquisition --Installation | |
| Tukwila | <u>No</u> public art ordinance. | | | | | |