

# Public Art Guidelines

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**The City of Lancaster, PA  
Public Art Advisory Board  
1/4/2013**

This document outlines the standards and procedures for the initiation of public art projects within the City of Lancaster's parks and public spaces.

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## **I. Introduction**

This document outlines the Public Art Guidelines and a funding vehicle for public art projects for the City of Lancaster, Pennsylvania. The Lancaster Public Art Task Force, on November 24, 2009, published the Public Art Action Plan with the following recommendations:

*A. The Lancaster Public Art Task Force defines Public Art as:*

1. Publicly accessible work created by an artist
2. Original artwork selected using a process that includes the public
3. Publicly accessible artwork that considers the social and physical context of the site

*B. The Public Art Task Force recommends that the City of Lancaster create a Public Art Program that:*

1. Provides opportunities for all citizens to participate in the process of planning and selection of public art
2. Celebrates diversity in the city's neighborhoods by promoting its culture and history through public art
3. Promotes artwork in all sectors of the city
4. Enhances the built environment by placing engaging public art in locations where it can be enjoyed by residents and visitors
5. Creates a framework for a sustained effort to include public art in both public and private projects
6. Creates a variety of opportunities for local artists
7. Recognizes that public art can contribute to the vitality of the city
8. Establishes a process for the acceptance of gifts and donations of art to the City of Lancaster
9. Encourages and facilitates public art in private development and for joint ventures
10. Encourages voluntary public art initiatives to adopt practices and policies developed by the task force
11. Encourages temporary art displays, and provides stipends for participating artists and groups if funds are available

*C. The Public Art Task Force recommends that the City of Lancaster appoint members to a Public Art Advisory Board (PAAB).*

1. Members shall have demonstrated expertise/experience in the fine arts, architecture, art criticism, art history, graphic arts, interior design, landscape architecture, town planning, or other art and design-related fields, or who have demonstrated a strong interest in the visual arts and civic improvement.
2. Vacancies shall be announced and anyone with the desired expertise may be nominated or apply.
3. Members shall be appointed to staggered terms varying from two to four years to ensure fluidity. Members may serve for a total of six consecutive years.

4. The PAAB shall elect a chairperson and shall fill such other offices as they may determine necessary. The term of the chairperson shall be for one year, with eligibility for reelection for one additional term.
5. The PAAB shall meet as it determines to be necessary. Meetings shall be in accordance with Robert's Rules of Order unless the board adopts other rules for the transaction of business. The PAAB shall keep a record of its resolutions, transactions, findings, and determinations.

*D. The Public Art Task force recommendations for the PAAB include, without limitation, the following responsibilities:*

1. To foster development and awareness of the visual arts in the city
2. To advise the Mayor and the City Council in matters relating to the artistic development of the city
3. To assist in the preparation of planning documents including guidelines, master plans, and strategic planning documents
4. To make recommendations and nominations as to how vacancies shall be filled when they arise on the PAAB
5. To oversee maintenance of the Public Art Collection

Based on the Lancaster Public Art Action Plan, the City Council of Lancaster ordained and enacted Administration Bill No.5-2010 on March 9th, 2010 establishing the creation of the Lancaster Public Arts Advisory Board (PAAB).

## **II. Purpose**

The purpose of the City of Lancaster Public Art Program and the Office of Public Art is to:

1. Enhance the appearance of public places constructed as city or private projects by incorporating public art in and about such places
2. Enhance the visibility and stature of the city as an economic engine by providing and promoting an exceptional community in which to live, work, study, visit, invest and play
3. Honor, celebrate and give visual expression to the local diversity of the city, and to contribute to cultural tourism through the acquisition of public art in all city neighborhoods
4. Integrate public art concepts and artwork into the community and neighborhood planning processes, and to encourage early collaboration on projects among artists, architects, landscape architects, engineers and other design professionals
5. Enrich individuals' experiences in public spaces and to engage citizens in the public art process in meaningful and responsive ways
6. Foster collective memory and give meaning to place by recalling local and regional history
7. Promote art as a valuable city experience and initiative for economic growth
8. Ensure that public artwork is accessible to all individuals including those with special needs
9. Develop a plan of potential locations for public art throughout Lancaster

10. Create an inventory of citywide public art
11. Establish policies for collection management cataloguing, maintenance and conservation
12. Give visual expression to local values and cultural diversity
13. Implement the enacted ordinance of Administrative Bill No.5-2010
14. Partner with current strategic initiatives in the City of Lancaster that focus on business development and recruitment, green and sustainable infrastructure, neighborhood quality of life, and a secure, clean, accessible environment

### **III. Goals**

The Public Art Program seeks to enhance the quality of life in Lancaster by:

1. Addressing public art needs and options at the beginning of all capital improvement projects
2. Building a city collection that represents diverse styles and aesthetic attitudes
3. Ensuring the equitable geographic distribution of art throughout Lancaster City
4. Seeking partnerships and collaborative opportunities for artists to work with community organizations, public agencies, private businesses, and institutions
5. Enhancing the Lancaster image locally, regionally and nationally by ensuring the creation of the highest quality of public art

### **IV. Abbreviations and Definitions**

*Accession* - The procedure used to accept and record an artwork as part of the collection

*Amenity* - Something that provides or increases comfort and convenience

*Applicant* - The potential donor, artist, or agency petitioning the city with a public art project

*Appropriate* - Suitable or fitting as determined by the Site Planning Group, Jury/Selection Committee or the PAAB responsible for particular aspects of site design and/or design quality

*Acquisition* - The accession of an artwork into the PAC, whether by commission, purchase, gift or other means

*Artwork* - Original visual object produced or fabricated by an artist(s) using a variety of media; can be free standing, integrated into architecture, functional, non-functional, temporary or permanent. *See also Works of Art.*

*Character* - Distinguishing features or attributes

*CIP* - Capital Improvement Project

*Collaborative Art* - Artwork generated by a group of designers/artists from different disciplines working together. Each discipline brings a different or new perspective to the design process. Often collaborative design teams consist of an artist, landscape architect, and architect.

*Commission* - The act of hiring an artist(s) and artistic services contractually to create a work of art for financial compensation

*Construction project* - The building or renovation of any public or private building or structure, park, or parking facility. Also to include the reconstruction, replacement, extension, repair, betterment or improvement of any public or private building structure where a building permit is required. This covenant excludes single family and duplex residences.

*Consultant* - An individual or firm/agency compensated for expertise in the performance of a specific task

*Deaccession* - The procedure to remove an artwork from the PAC

*Department Having Oversight Responsibility* - City agency or bureau that has authority over the site of a completed public art project

*Design Team* - Working group that includes but is not limited to the artist, Public Art Manager, architect, landscape architect, and engineer

*DPW* - Director of Public Works

*Maquette* - A scale model either three dimensional or digital illustration of a proposed public artwork

*Memorial* - A commemorative monument established to preserve the memory of a person, place, or event

*Monument* - A building, statue or other structure erected to commemorate a person, group of persons, or event, usually in recognition of some type of outstanding public service

*ORD* - Administration Bill No.5-2010

*PAAB* - Public Art Advisory Board

*PAC* - City of Lancaster Public Art Collection, artwork on public land or in public facilities owned by the city

*PAM* - Public Art Manager

*Project Planning Committee* - A Project Planning Committee shall be convened for every project. The committee shall include one or more of each of the following: an artist and/or arts professional, a design consultant, site partner, neighborhood or community member, Public Art Manager, and one member of the PAAB.

*Public Art* – Artwork that is accessible to the public and in the public domain and space through the process of accession considering the physical context of the space, audience, and goals of the public art program and the ORD

*Public Art Funds* - Funds established by the PAAB and the city that are appropriated or received for the expressed concern of the public art program. PAAB and the city shall maintain

separate funds as required to account for any proceeds, expenses, donations, gifts in kind, and monies from state and federal sources.

*Public Art Program* – A program of the Public Art Office established by the ORD and governed by the public art guidelines

*Project Planning Committee* - Individuals appointed to recommend specific art for a commission. Panels shall consist of an odd number of participants, the Site Sponsor, and the Public Art Manager, and up to two members of the PAAB.

*Site Amenity* - Site furnishings or functional objects that provide or increase comfort and convenience such as: benches, trash receptacles, light fixtures, bollards, etc. Artist or collaborative design teams occasionally design functional objects or site amenities.

*Site Sponsor* - Agency or department which oversees the site and location where a proposed public art project will be located.

*Works of Art* - May include, but are not limited to the following examples

1. Sculpture; in the round, bas relief, mobile, fountain, kinetic, and electronic, in any approved material or combination of materials
2. Painting; All media, including portable and permanently affixed works, such as murals
3. Graphic Arts; printmaking, drawing, and banners
4. Mosaics
5. Photography
6. Crafts; in clay, fiber and textiles, wood, metal, plastics, stained glass, and other materials both functional, and nonfunctional
7. Mixed Media; any combination of forms of media including collage and assemblage
8. Earth works, environmental installations and environmental art
9. Light or luminal art, lighting
10. Sound art
11. Temporary performance, time-based art, provided it is documented

*Exclusions/restrictions*

1. Directional Elements such as super graphics, signage, or color coding except where these elements are an integral part of the works of public art
2. Objects, which are mass-produced in a standard design, such as playground equipment or fountains. Prototype objects which are designed by an artist selected using the procedures of the Public Art Program may be produced in editions. Such editions may be included as public art.
3. Reproductions by mechanical or other means of original works of art, except in cases of casting, film, video, photography, printmaking or other media arts
4. Landscape gardening except where the elements are designed by the artist/landscape architect and are integral part of a work of environmental art
5. Work that portrays school, team, corporate or organizational mascots
6. Art that has singularly religious or sectarian purposes

7. Work that is not accessible to the general public

## **V. The Public Art Advisory Board's Function and Responsibilities**

### **A. Function**

The PAAB will:

1. Foster and develop public awareness of the visual arts within the City of Lancaster
2. Advise the Mayor and City Council with respect to matters relating to the development of visual art awareness within the City of Lancaster
3. Assist the city in the preparation of planning documents including guidelines, master plans and strategic planning documents related to public art and the public awareness of the visual arts within the city
4. Recommend to the Mayor replacement members to fill on the PAAB when they arise
5. Oversee the maintenance of the city's Public Art Collection
6. Review project briefings organized by the city and Project Planning Committee that describe the construction project, context, timeline and funding
7. Initiate public forums where appropriate for determining thematic approaches and location options for public art
8. Determine recruitment strategies and establish a pool of qualified artists for public art projects
9. Advise and oversee public art programs established by the City of Lancaster in accordance with any policies and guidelines either established by the city or established by the Public Art Advisory Board at the request of City Council
10. Perform further duties related to public art, and the visual arts, within the City of Lancaster as the Mayor may request

### **B. Reporting Responsibility**

The PAAB shall present a detailed report of all of its proceedings to City Council at its first meeting in April of each year. Details of the report include, but are not limited, to:

1. Assess available and potential resources in various public art funds
2. Assess possible and/or proposed municipal capital projects and criteria that would benefit from the inclusion of an artist in their design
3. Emphasize public art projects that advance economic development opportunities
4. Assume responsibility for the broad inclusion of multiple constituencies in the definition of all public art projects
5. Solicit ideas from the broader Lancaster community regarding possible project sites, project budgets, and project definition
6. Identify funds to supplement the public art budget to achieve maximum effect

Minutes of monthly meetings will be published and available. Meetings are open to the public, dates and times to be published.

### ***C. Revenue Development***

The PAAB may solicit or receive gifts, money or other to be applied, principal or interest, for either temporary or permanent use for the acquisition and/or installation of public art and/or to assist in fostering development and public awareness of the visual arts within the city.

The PAAB shall not, however, be authorized to expend any such funds without the consent of the Mayor. Should the Board desire, they may adopt articles of incorporation and relevant bylaws to be treated as a charitable organization for tax donation purposes. Its bylaws shall, however, be subject to the provisions of these guidelines and provide that they cannot be changed without written modification of the guidelines approved by the City Council of the City of Lancaster.

## **VI. Conflicts of Interest**

### ***A. City Employees and the PAAB***

Employees of the City of Lancaster are ineligible for public art commissions or projects as long as they are employed by the city. Family and household members are also ineligible for public art commissions or projects over which the PAAB has authority.

Members of the PAAB are ineligible for public art commissions or projects during their tenure and for one year following their term of service. Family and household members also are ineligible for public art commissions or projects over which the PAAB has authority to recommend. These restrictions will extend indefinitely for any specific commission or projects that were reviewed or otherwise acted upon during membership on the PAAB.

Members of the PAAB must declare any potential conflict of interest, including business, fiduciary, or personal relationships, and withdraw from participating or voting on any competition, commission or project with which they are involved that come before the PAAB or selection and jury panels.

### ***B. Other Participants***

Members of the construction team, design team, architects, consultants, and their respective agencies and employees of the city are ineligible to receive public art funds for design services or public art commissions.

### ***C. Project Planning Committee***

Selection and jury panelists will exclude family or household members or those who have business, fiduciary and personnel relationships with an artist or artwork under consideration for a public art project by the panel. Business relationships include but are not limited to gallery owners, brokers, artist representatives, agents, fabricators, suppliers and employers.

### ***D. Artists***

Artists who were previously involved in the development of a public art project or public artwork plan may be eligible for consideration for that particular project or plan provided there is disclosure of the prior involvement and approval of the PAAB.

Artists may have their artwork considered for a public art commission if they are not also serving on the selection panel for the commission.

## **VII. Selection and Approval Criteria for Art**

Projects undertaken by artists or acquisitions of artwork whether by commission, purchase, gift or other means should further the purpose and goals of the City of Lancaster and the Public Art Program. The PAAB will determine the appropriate recruitment strategy to establish a pool of artists for each project based on applicable standards and methods.

The Project Planning Committee will apply the following criteria when recommending artists, considering acquisitions, or siting artwork:

1. *Artistic Merit* - The inherent quality and excellence of a proposed artwork together with the strength of the artist's design capabilities.
2. *Context* - Artwork must be compatible in scale, material, form, and content with their surroundings. When serving a functional purpose, artwork may establish focal points, modify, enhance, or define specific spaces; establish identity or address specific issues of civic design. Consideration will be given to the architectural, geographical, and social/cultural context of the site, the immediate community, as well as the manner in which the public may interact with the artwork.
3. *Relevant Experience* - Experience and previously executed works of art demonstrated by the artist should provide convincing evidence of the ability to successfully complete a project.
4. *Permanence/Maintenance* - Consideration will be given to the structural and surface soundness, operational costs, and inherent resistance to theft, nuisance, vandalism, weathering and excessive maintenance of the artwork.
5. *Technical Feasibility* - An artist must exhibit a successful track record of construction and installation of artwork or show that an appropriate professional has examined the proposed artwork and confirmed feasibility of construction and installation.
6. *Budget* - An artist's proposal should provide a budget that covers all costs for artist fees, design, materials, fabrication, insurance, transportation, storage and installation of the artwork. Any potential cost over-runs should be noted. Artists should have a history of completing projects within budget.
7. *Diversity* - Artwork will be sought from artists of diverse ethnic, cultural and geographic identities. The PAAB will encourage artists working in both established and non-traditional art forms in all applicable media.
8. *Fabrication and Installation schedules* - The artist proposal will include project timeline that includes design review panels, fabrication, delivery, and installation in accordance with the project schedule. Proof of payment to any third party vendors, fabricators, or any agencies sub-contracted by the artist may be required.

The Project Planning Committee may recommend rejection of all submissions if none in the initial pool are acceptable and may require a new pool of artists be established.

The Project Planning Committee shall obtain the approval of the PAAB at the following milestones in the development of each Public Art project:

1. Selection of the artist
2. Approval of the conceptual design
3. Approval of the construction drawings and specifications

### **VIII. Initiation of Public Art Projects**

Concepts for public art projects may be submitted to the PAAB for consideration by the following entities: the Mayor, the City Council, Director of Public Works, Public Arts Manager or other city department manager, neighborhood groups or other community organizations, private donors, or PAAB members. Preliminary meetings may be held to determine possibilities for theme, site, appropriate artists, the Project Planning Group and other related matters.

The Office of Public Art working in concert with the Department of Public Works may develop a comprehensive plan to establish parameters, themes and objectives in relation to a particular Project or series of Projects. A Plan may be developed in response to other City projects, such as capital construction projects, historic zoning plans, or cultural enhancement endeavors. Plans shall be reviewed and approved by the PAAB and other appropriate administration officials.

#### ***A. Establishment of a Project Planning Committee***

A Project Planning Committee shall be convened for every project. The Planning Committee shall include one or more of each of the following: an artist and/or arts professional, a design consultant, site partner, neighborhood or community member, public art manager, and one member of the PAAB.

The Project Planning Committee shall act to:

1. Carry out the project
2. Create the call and prospectus,
3. Serve as the Jury/Selection Panel or commission a panel
4. Create a plan for the site, to the dedication of the artwork, subject to the approval of the PAAB and the administration

The Project Planning Committee may act to select the artist or artwork, or other organization to assist, and/or they may act to establish or recommend a Jury/Selection Panel. In unusual circumstances, i.e. donations, unique funding sources, or design team projects, variations in the composition of the Project Planning Committee may be permitted. Determination of which process is to be used and which additional individuals are to be involved, if any, shall be approved by the PAAB.

The Project Planning Committee shall conduct business by discussions in order to arrive at a consensus among the members. Efforts shall be made to ensure mutual understanding and respect in response to a variety of aesthetic values. All committee members should be involved

in the final decisions regarding the prospectus, the selection of artists, artwork the approval of a proposal, determination of site issues, and all other committee business.

## **IX. Sponsored Artworks**

The Lancaster City Office of Public Art seeks to promote, sponsor, partner and facilitate the creation of public art generated by local groups and 501(c) 3 organizations for inclusion in the Lancaster City Public Art Collection. Such works shall:

1. Creatively express the memory, values, traditions, customs or aspirations of community members
2. Address significant neighborhood sites and/or respond to the character and history of particular places
3. Stimulate curiosity and interest in a community's heritage
4. Promote a sense of ownership and harmonious co-existence among various groups within the community

### **A. Eligibility**

Applications for public art installations will be reviewed on an on-going basis from individuals and 501(c) 3 organizations interested in utilizing the public space for a work of art.

Proposals must be made in writing and may be accepted through the Office of the Mayor, City Council, Director of Public Works, Public Art Manager or the PAAB members.

Each application must clearly identify a lead organization or person. This lead entity may be required to meet to present their idea formally to the PAAB. For projects requiring a significant amount of design development, structural, or architectural detailing or site work, the PAAB shall require that the artist retain the assistance of a professional architect, landscape architect or structural engineer.

Each application must clearly identify and satisfy all requirements listed.

### **B. Applications**

All applications shall:

1. Describe the conceptual vision for the project
2. Identify potential neighborhood site(s) for the artwork
3. Explain what makes the potential site(s) important to the neighborhood
4. Identify any and all non-profit organizations that can receive funds on behalf of the project
5. Identify a project lead
6. Provide contact info and mission statements of the team members and organizations involved
7. List the skills or background desired in a visual arts professional
8. Describe the scope of the visual arts professional's role
9. Detail sources of additional matching funds (cash and in-kind sources)
10. Provide a project timeline

### ***C. Submittal Requirements for an Artist's Proposal for a Public Art Project***

The City Engineer will sign off on all structural and location compliance issues.

The following checklist for design documentation is intended to provide a thorough review process and sufficient records for the Office of Public Art's archives. The Office of Public Art will work with the project creators to determine the appropriate level of documentation. All documentation submitted for review will become property of the city and will be included in the project records.

1. Written vision statement.
2. List of potential site(s) for the artwork.
3. Written explanation of what makes the potential site(s) important to the neighborhood.
4. List of all non-profit organizations that will receive funds on behalf of the project.
5. Provide the contact information of the team members and identify the project manager.
6. List the scope of the visual arts professional's role.
7. List sources of any matching funds (cash and in-kind sources).
8. DESIGN DOCUMENTATION:
  - 8.1. Conceptual Design
    - 8.1.1. Proposed site plan or site plans of alternative sites.
    - 8.1.2. Existing topography, context, vegetation.
    - 8.1.3. Site context drawing(s) at 1" = 20' or other scale as appropriate.
    - 8.1.4. Concept drawings(s) including dimensioned plan drawings at an appropriate scale.
    - 8.1.5. Working model, perspective sketches, and section and/or elevation drawings at an appropriate scale.
    - 8.1.6. Spatial and scale relationships.
    - 8.1.7. Historic context.
  - 8.2. Design Development Documentation
    - 8.2.1. Report related to context and historic character of the site.
    - 8.2.2. Drawing(s) of proposed grading, site work and site restoration.
    - 8.2.3. Drawings of proposed construction, including details, and a list of materials.
    - 8.2.4. Drawings of proposed and/or required plaques and signage; commemorative, identifying, and/or interpretive.
    - 8.2.5. Report related to liability issues (public health, safety, welfare).
    - 8.2.6. Report related to safety/security issues.
    - 8.2.7. Report related to ADA accessibility standards.
  - 8.3. Construction Drawings and Specifications
    - 8.3.1. Construction drawings for all art objects, walls, paving, structural elements and/or objects to be built on site.
    - 8.3.2. Planting plan and plant list.
    - 8.3.3. Lighting plan, and plans of electrical and mechanical elements.
    - 8.3.4. Installation details and specifications for all amenities.
    - 8.3.5. Written specifications.

- 8.4. Schedules (all elements to be coordinated with Site Planning Group)
  - 8.4.1. Design documentation and review schedule.
  - 8.4.2. Fabrication and installation schedule.
  - 8.4.3. Maintenance plan and schedule.

#### ***D. Site Criteria***

The applicant shall prepare a report addressing the following issues where the issues are applicable to the project, as determined by the Office of Public Art.

1. Preferred site(s) and general reason for the selection
2. Written permission of the appropriate public authority (Office of Public Art and Department of Public works will assist to identify)
3. Public accessibility and any potential safety issues
4. Traffic patterns and interactions with the artwork
5. Environmental impacts
6. Relationship of proposed artwork to existing or future development plans for the area, architectural features, natural features and urban and landscape design
7. If located near a structure, a description of the facility's function, its users and surrounding community, and the desired interaction of the community with the proposed artwork
8. Relationship of the proposed artwork to existing art works in the vicinity

The Office of Public Art together with the Project Planning Committee will review all proposals before submitting to the PAAB for review. Clarifications may be required from the proposer prior to preliminary and/or final approval.

#### **X. Gift Proposals**

A potential donor of a work of art will initially consult with the Public Art Manager and submit a letter of intent of the proposed gift for review by the PAAB. If possible, the Public Art Manager will survey the artwork and conduct provenance research, an independent condition report, and verification of any documentation provided by the donor. The PAAB will review and evaluate the gift and the findings of the Public Art Manager as pertains to authenticity, title, and chain of custody.

The PAAB and the City of Lancaster retain the rights to site and locate the artwork. All gift proposals will include:

1. Proof of ownership; to include title, receipts of purchase, insurance-value appraisals, and documentation clearing the object of any potential financial liens
2. Maintenance plan for all components of the artwork

#### **XI. Sources of Funds**

As part of the city's annual capital budgeting process, the PAAB, with the assistance of the Public Art Manager, will submit their budget for public art as part of the Department of Public Works budget requests which will be incorporated into the city's capital budget that the city's

Director of Administrative Services presents to City Council. The bond funds for capital projects that are budgeted for public art projects will be required to be matched by public/private grants or donations or other non-City sources.

Individual projects funded by the public art capital budget must be approved based on the administrative procedure that is required by the Department of Administrative Services.

The PAAB, as a sub-committee of the Mayor's Office of Special Events, MOOSE, will periodically organize fund raising events to supplement matching funds provided through the city budgeting process.

## **XII. Placement of Artwork**

When Public Art funds are generated and directed toward a construction project, the Public Art Manager working in concert with the Director of Public Works will meet to determine whether the Public Art project will be located at the site or if those funds will be pooled for future projects. Upon consultation with site partners, architects, designers and team members, proposed sites will be located within the footprint of the approved plans. The options and recommendations will be presented to the PAAB for approval.

### **A. Factors**

In determining a site for artwork commissioned, purchased, donated or loaned, the PAAB will consider the following factors:

1. Visibility and civic prominence
2. Accessibility to proposed artwork for all individuals, including facility users, surrounding community members and those with special needs
3. Public safety and liability issues
4. Vehicular and pedestrian traffic patterns
5. Relationship to architectural and natural features, landscape design, environmental impact and concerns, and future plans for the area
6. Social context and other uses of the artwork or space
7. Existing artwork or any visual impediments within the proposed site vicinity

### **B. Application of Public Art Funds**

Proceeds generated may be spent for the acquisition of artwork, including artist-related costs consisting of:

1. Artist design fees
2. Operating and overhead costs
3. Labor and materials
4. Proposals, renderings or maquettes
5. Project related travel
6. Transportation of art to site
7. Installation

8. Site preparation or modification when not included in construction costs
9. Mounting, anchoring, pedestals, cases, or other materials necessary for the installation, display and/or security of the artwork, including fire retardant or graffiti resistant treatment
10. Contingency fees (built into artist budget)

**Project Management** costs consisting of:

Fifteen (15) percent of project funds based on scale and complexity of project.

1. Artist recruitment costs including travel, conveyance for one on-site visit for all project finalists
2. Permanent, standardized identification plaques and labels
3. Documentation fees related to acquisition, research, title fees to establish provenance and ownership of artwork
4. Educational activities pertaining directly to the project

**XIII. Maintenance Policy**

1. Prior to the acceptance of a new work by the city, the artist will submit in writing a routine maintenance plan to the Office of Public Art, and provide appropriate training to the Site Management where necessary.
2. Routine maintenance of permanently installed artwork will be the responsibility of the site management and will be done in consultation with the Public Art Manager and according to the artist's maintenance plan. The artist will be notified and consulted as to any repairs or restoration deemed necessary.
3. Maintenance will be guaranteed by the artist against all defects of material and workmanship for a minimum of one year following installation or according to artist's contract.
4. On an annual basis the PAAB will review routine maintenance activities on artwork acquired for the city.
5. The Office of Public Art and the Department of Public Works will be responsible for keeping the PAAB informed about changes in the condition of the artwork and the site.
6. The Department of Public Works will not authorize the repairing of artwork beyond what is specified in the artist's maintenance plan without notification to the PAAB.
7. Any proposed public art project requiring operation or maintenance expenses shall include a plan with annual operating and maintenance estimates to be submitted for prior approval by the Director of Public Works.

**XIV. Conservation Policy**

The PAAB will establish policies and procedures to evaluate the public art collection on a regular basis for conservation and assessment purposes.

**XV. Resiting and Deaccessioning**

The PAAB will retain the right to resite or deaccession any artwork in accordance with Visual Artists Rights Act (VARA copyright law) regardless of the source of funding or method of acquisition. While the intent of the acquisition is for permanent public display, circumstances

and/or conditions may arise that make it necessary for the PAAB to remove an artwork from public display. The review process will insure that the resiting or deaccessioning will consider the physical condition of the artwork and will not consider resiting or deaccessioning based on fluctuations in taste.

### ***A. Qualifications for Resiting and Deaccession***

The PAAB will recommend to the Mayor artwork be resited or deaccessioned only if one or more of the following criteria is met.

1. The site is being eliminated
2. The site is being altered such that the artwork is no longer compatible with the site
3. The security of the artwork can no longer be reasonably guaranteed at its current site
4. The artwork has become a hazard to public safety
5. The cost of maintaining or updating the artwork's operating technology is cost prohibitive

Once the PAAB has determined that an artwork meets one or more of the above criteria, and with approval of the Mayor, the following process is initiated:

1. The Public Art Manager makes a good faith attempt to discuss a new site with the artist.
2. If the artist does not agree to the proposed resiting, he/she has the right to prevent the use of his/her name as the author of the artwork or to buy back the work as addressed in the artist contract.
3. If, in the opinion of the PAAB, there is another appropriate site, the artwork may be stored or deaccessioned.
4. If deaccession occurs, all rights revert to the artist where consistent with contractual agreements. If the artist waives these rights, the PAAB will dispose of the artwork.
5. If the structural integrity or condition of an artwork, in the opinion of the PAAB and the Director of Public Works, presents an imminent threat to public safety, the Director of Public Works may authorize the artwork's immediate removal without PAAB action or the artist's consent and have the work placed in storage. The artist and the PAAB will be notified of this action within 30 days. The PAAB will then make recommendations for disposition (repair, reinstallation, maintenance, provisions, and deaccession) to the PAAB for approval.
6. In the event that the artwork cannot be removed without being irreparably damaged or destroyed, and if artist rights are not waived in the contractual agreement, the PAAB must attempt to gain such written permission before proceeding. In the event that this cannot be accomplished before action is required in order to ensure public safety, the Director of Public Works will proceed according to the advice of the city solicitor.

## **XVI. Review and Amendment**

These guidelines are subject to periodic review and revision by the PAAB and subsequent approval by the Mayor.