

**HOMER PUBLIC ARTS COMMITTEE
ADMINISTRATIVE GUIDELINES
(Revised January 24, 2011)**

The Public Arts Committee, hereafter referred to as PAC, was created in 2002 to administer Ordinance 02-25 (A) of the Homer City Code. Frequently called the “1% for Art Program”, the ordinance wishes to foster culture and the arts in our community through the purchase and commissioning of works of art for municipal buildings and facilities. This manual guides the Committee in execution of its responsibilities.

Public Arts Committee - Declaration of Purpose

It is hereby declared as a matter of public policy that support for artists and arts organizations, development and stewardship of public art, cultural tourism, arts education and cultural development are public necessities and essential for the continuing growth and development of Homer’s citizens, economy, and quality of life. The primary duty of the Public Arts Committee is to identify and actively encourage the development and sustainability of arts in the City by serving as the City’s primary resource in matters of art, culture, public art and cultural tourism.

Meetings of the Public Arts Committee

- A. The Public Arts Committee shall meet quarterly on the second Thursday of February, May, August and November at 5:00 p.m. The meeting shall not exceed ninety (90) minutes in length. A worksession will be held on the second Thursday of February, May, August and November at 4:00 p.m. prior to each regular meeting.
- B. Special meetings may be called by the Chair, Vice Chair or members of the committee as required to carry out business in a timely manner.
- C. Scheduling of special meetings or worksession require a two week notice for proper advertisement by the City Clerk’s office as required by law.
- D. A quorum is required for a meeting to be conducted and any action taken by the committee members during that meeting.
- E. Worksessions do not require the presence of a quorum. No action can be taken at a worksession it is primarily for discussion purposes only.
- F. All meetings will be held in the Cowles Council Chambers or alternative location as designated.
- G. All meetings are to be recorded in acceptable audio format according to established rules. (Reso. 10-81(A), 2011.)

Organization and Procedures

The following by-laws and administrative guidelines shall govern the procedures and operations of the Public Arts Committee;

- A. To abide by the current edition of Robert's Rules of Order insofar as this treatise is consistent with these by-laws, the Homer City Code, Alaska State law or Borough Code;
 - B. Three members shall constitute a quorum;
 - C. A majority vote of the quorum is required to pass any motion;
 - D. Requests for items to be placed on the agenda must be submitted no later than 5:00 p.m. on Wednesday the week prior to the scheduled meeting or worksession;
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E. Permanent records or minutes shall be kept of the proceedings of the regular monthly meetings. The minutes will record the vote of each member upon every question. Every decision shall be filed in the office of the City Clerk and shall be public record open to inspection.

F. The Public Arts Committee shall submit a report to City Council as required to update progress on current projects.

G. Agendas are to follow the format as described in the City of Homer City Council Operating Manual. (Reso. 10-80, 2011.)

PUBLIC ARTS COMMITTEE
ADDRESS
CITY, STATE

DATE
DAY AND TIME
LOCATION

MEETING NOTICE
LIST TYPE OF MEETING - REGULAR WORKSESSION OR SPECIAL

1. CALL TO ORDER
 2. APPROVAL OF THE AGENDA
 3. PUBLIC COMMENT REGARDING ITEMS ON THE AGENDA (3 Minute Time Limit)
 4. RECONSIDERATION
 5. APPROVAL OF MINUTES
 - A. Meeting Minutes
 6. VISITORS
 7. STAFF & COUNCIL REPORT/COMMITTEE REPORTS/BOROUGH REPORTS
 8. PUBLIC HEARING (3 minute time limit)
 9. PENDING BUSINESS
 10. NEW BUSINESS
 11. INFORMATIONAL MATERIALS
 12. COMMENTS OF THE AUDIENCE
 13. COMMENTS OF THE CITY STAFF
 14. COMMENTS OF THE CHAIR
 15. COMMENTS OF THE COMMITTEE
 16. ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR [DATE] at [TIME] in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.
- H. A member of the Public Arts Committee will be designated each worksession to take notes and submit a draft synopsis to Staff for inclusion in the packet to track the progress by the committee on projects and work product.

1% for the Arts Program

The State has recognized through the enactment of AS 35.27.010, and the City of Homer hereby recognizes by the enactment of this chapter, the responsibility of government to foster the development of culture and the arts through the purchase or commissioning of works of art for municipal buildings and facilities. It is therefore declared to be municipal policy that a portion of appropriations for capital expenditures for municipal buildings and facilities be devoted to the acquisition of works of art to be permanently placed or incorporated in such buildings or facilities. (Ord. 02-25(A), 2002.)

Definitions

The following words, terms and phrases, when used, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

"Art" and "work of art" mean all forms of original creations of visual art, including but not limited to the following:

1. Sculptures: in the round, bas relief, high relief, mobile, fountain, kinetic or electronic, in any material or combination of materials.
2. Painting: all media, including portable and permanently affixed works, such as murals.
3. Graphic arts: printmaking and drawing.
4. Mosaics.
5. Photography.
6. Crafts: in clay, fiber and textiles, wood, metal, plastics and other materials.
7. Calligraphy.
8. Mixed media: any combination of forms or media, including collage

"Construction, remodeling or renovation of municipal buildings and facilities" means any capital improvement projects paid for wholly or in part by the municipality to build, rebuild or improve any decorative or commemorative structure, park or parking facility or any building.

"Total cost of construction, remodeling or renovation" means the total allotted funding for the subject project at the time of award of contract, exclusive of the costs of land acquisition, site investigation, and environmental clean up or remediation. (Ord. 02-25(A), 2002.)

The Public Arts Committee shall be responsible for the following:

- A. Determine the dollars allocated for art within the budget of each eligible project;
- B. Name a Selection Committee for each project;
- C. Develop and monitor policies related to the selection and installation processes;
- D. Develop plans that insure the preservation of the art collection;

Procedures for the 1% for the Arts Program

Eligible Projects

1. Upon approval of the City budget, the City Manager will provide a copy of the capital improvement budget to the PAC, notating all projects he/she believes to be included in Ordinance 02-25(A).
2. Eligible projects include remodeling, renovation, new construction to municipal buildings or facilities when the cost of the project exceeds \$250,000.
3. Staff will update the Public Arts Committee at least quarterly regarding any new capital improvement projects City Council has approved and will indicate whether the City Manager believes the 1% for Art Program is applicable.

Project Budget

1. 1% of the project cost will be allocated for the purchase of art, with a minimum project value of \$250,000 and a maximum of \$7,000,000. Therefore, the minimum budget is \$2,500 and the maximum is \$70,000. The budget may be increased by the addition of private funds or donations from non-city public funds.

2. Project cost is defined as the cost of the original contract awarded, excluding land acquisition, site investigation, environmental cleanup or remediation. Subsequent change orders and amendments to the contract do not increase or decrease the amount of funding available for artwork.
3. The art budget will include all costs associated with design, construction, installation, and acquisition of works of art.

Jury

1. The Public Arts Committee will submit to the Council for its approval members of a new Jury for each eligible project. Appointments will be made as early as possible in the construction process to encourage integration of art into the architecture of the building and design of the outdoor spaces.
2. A Jury will be composed of at least five (5) members, including
 - a. One member from PAC,
 - b. One Artist,
 - c. One member from the architectural/design team,
 - d. One member from the user department,
 - e. Director of building in question or his/her designated representative.

The scope of the project may require the appointment of additional members.

3. The City staff liaison to the Public Arts Committee will also assist the Jury. This will facilitate clear communication and cooperation between the two committees.
4. Diversity. The Public Arts Committee will specifically include members of the community who share a commitment to the goals of this Ordinance yet represent the diverse citizenry in our community.
5. Responsibilities of a Jury.
 - a. Jury members will suggest the most suitable locations for artwork within the building or on the site, often in discussion with the architect or chief designer. It is also appropriate to allow artists to submit proposals for locations not identified by the jury.
 - b. The jury will organize interaction between the design team and artists to ensure that artists are sufficiently briefed about the project opportunities and restrictions. The goal is to generate top quality, responsive proposals.
 - c. Carefully review each eligible submission. This will frequently be a multi-step process, with time between meetings for personal reflection.
 - d. If necessary, a specific member of the jury or the staff liaison may be directed to discuss modifications to a specific proposal with the artist. All such discussions shall be confidential, and members must exercise care so a specific artist does not construe such discussion as acceptance of work.
 - e. Prepare list of Recommend Artwork for the named project and a short list of runners-up, if possible. (Occasionally 1st choice work will not be available and this process may preclude the need to reconvene the jury.)
 - f. Jury Chairman will present the list of Recommend Artwork to the City Council for final approval. Presentation may include a brief summary of the selection process, including number of submittals, names of the selection committee members and other information that encourages final acceptance by City Council members.
 - g. Staff will notify all selected artists of their award and thank all participants.
 - h. All participants, including jury members and all artists who submitted proposals will be offered a formal opportunity to comment on the process. PAC will receive these comments.

NOTE: The entire selection process must be handled confidentially. No decisions are final until approved by City Council and final contracts are negotiated with the artists. (Reso. 10-80, 2011.)

Additional Oversight by Public Arts Committee under the 1% program

1. Requests for Proposals
 - a. PAC, with the assistance of staff, will prepare an RFP for each eligible project. (See sample in Exhibit A)
 - b. Staff will circulate the RFP, as required by City code. In addition, PAC will develop a registration system for anyone who wants specific notification of announced RFP opportunities.
 - c. Packets of additional information that describes the project will be available in City Hall and/or online. It will include the brochure, "Special Considerations for Art in Public Places" (See Exhibit B)
2. Establishing Selection Criterion
 - a. PAC will provide each member of the jury with a complete RFP, including the "Special Considerations" brochure. Members will be asked to remember these considerations in their art selections.
 - b. PAC will provide the jury with an *Evaluation Checklist* (see Exhibit C).
 - c. PAC may specify that certain projects will show a preference for art by local or Alaskan artists.
3. Legal Considerations. The Public Arts Committee is a liaison between artists and the City, the principals in this program. These guidelines will clarify the understanding between them:
 - a. Ownership of the Art: All art purchased under the 1% for Art Ordinance will be owned by the City of Homer.
 - b. Artist's Rights: Public artwork and art concepts will not be altered, modified, removed or moved from a site which is integral to the concept for the work without prior notice to the artist. If the City's best and reasonable efforts to contact the artist have failed, the City may proceed without such notice.
 - c. Artist's Promise to the City of Homer:
The art is unique and original and does not infringe upon any copyright.
Neither the art nor a duplicate has been accepted for sale elsewhere.
The art is free and clear of any liens.
The fabricated and installed art will be free of defects in material and craftsmanship.
Maintenance requirements have been accurately described;
4. Contract with an Artist: The City of Homer will enter into a contract with each artist whose work is selected for inclusion in a City project. It will address description of the project, payment schedule, payment of special engineering or installation costs, due date. (See sample in Exhibit D). (Reso. 10-80, 2011.)

Accession Policy

To establish an orderly and consistent process for reviewing artwork for acceptance into the Municipal Art Collection ensuring that the collection is comprised of artwork of the highest quality.

Definition

Accession is to accept artwork in to the Municipal Art Collection

Policy

1. Accession procedures insure that the interests of all concerned parties are represented including the Public Arts Committee, the Public, the Artist, the Arts Community and the City of Homer.

2. Artwork shall be distinctive artistic merit and aesthetic quality and will enhance the diversity of the Municipal Art Collection.
3. Artwork shall be appropriate in and for its site, scale, material, form, and content for both its immediate and general social and physical environment.
4. Artwork shall be reasonably durable against theft, vandalism, weather, and excessive maintenance costs.
5. Accession implies the responsibility to preserve, protect, and display the artwork for public benefit.
6. Accession implies a work's permanency within the Municipal Art Collection, providing that the work retains its physical integrity, identity and authenticity.
7. Artwork will be acquired without restrictions as to its future use and disposition except as provided in contracts with artists.
8. Artwork will be accessioned into the City of Homer's Municipal Art Collection only upon completion of all facets of the Commissioning or purchasing contract and final approval of City Council.
9. Each accessioned work into the Municipal Art Collection will be documented to the fullest extent possible, including artist's last known address and when available photograph.
10. The artist's signed contract or release transferring title for the artwork and clearly defining the rights and responsibilities of all parties will accompany every accessioned work and shall be in the documented records of the work.
11. In the case of interagency or interlocal agreements a copy of the agreement and signatures of all parties will be kept in the office of the City Clerk.
12. Accession results from projects and purchases generated as part of the Municipal Art program except in case of donations which will be reviewed in accordance with the City of Homer Public Arts Committee policy on gifts and if accepted will be accessioned pursuant to this accession policy. (Reso. 10-80, 2011.)

Gift Policy

Purpose

To identify a procedure and criteria for the Public Arts Committee to review proposed gifts of artwork.

Definition

Gifts are personal or real property that is donated or bequeathed with or without restrictions to the City of Homer for actual artwork, property for placement or funds for the acquisition of artwork.

Policy

1. The Public Arts Committee will review all proposed gifts as defined above and will evaluate the suitability of proposed gifts and make recommendations to the Homer City Council in accordance with Homer City Code which allows acceptance of donations.
2. Each Proposed gift will be reviewed for the following:
 - a. Aesthetic Quality – the proposed gift has significant aesthetic merit.
 - b. Appropriateness of Chosen Site or Location – scale of artwork is appropriate for the site including relationship between the artwork and the site and obstacles of the site.
 - c. Restrictions from the Donor – any restrictions must be clearly identified and may be a factor in determining whether to accept a gift.
 - d. Originality of Artwork – artworks must be one of a kind or part of an original series reproductions of originals are not considered eligible for acceptance.

e. Relationship to the Collection as a Whole – the Public Arts Committee is committed to creating a diverse collection of art. The proposed gift must be compatible with the Municipal Art Collection without being over represented.

f. Technical Feasibility – the realistic ability for the proposed project to be built and installed as proposed in the selected location.

g. Technical Specifications – the Public Arts Committee must review the actual work if available or a scale drawing and or model consisting of site plans and elevations describing the following:

1. Surrounding site conditions if applicable
2. Dimensions
3. Materials and finishes
4. Colors
5. Electrical, Plumbing, or other utility requirements
6. Construction and installation method
7. Additional support material such as text verbally describing the artwork and specifications, models, or presentation drawings by a licensed engineer may be required.

h. Budget – cost to manage the project, prepare the site, deliver and or install the work, funds for signage/recognition, and any other cost should be disclosed by the donor in a budget. The Public Arts Committee will determine if the costs are accurate and realistic and that the donor has clearly delineated responsibility for all costs associated with the project.

i. Timeline – expected timeline for donation or installation should be proposed by the donor. The Public Arts Committee will determine if the timeline is realistic.

j. Durability – expected lifetime and staying power of the material used to create the artwork especially if set in the out of doors or in a non-archival exhibition setting and exposed to the elements.

k. Warranty – the donor agrees to be responsible for a warranty period of one (1) year from the date of final installation of the artwork to insure the integrity of the material, fabrication and installation when installed in or on a city owned facility or property.

l. Vandalism and Safety – the artwork will not be prone to vandalism or pose a safety hazard.

m. Maintenance and Preservation – donor’s agreement to provide a technical and maintenance record including a plan for routine care with estimated costs. The donor must indicate if there are any unusual or ongoing costs to maintain artwork.

3. Donors proposing gifts will be informed of the importance of the above criteria in the Public Arts Committee consideration.

4. The Public Arts Committee will have final authority through the City Manager to review and recommend to Homer City Council to accept or reject the donated artwork.

5. All gifts that are recommended for acceptance will only be accessed into the Municipal Art Collection pursuant to the Accession Policy. (Reso. 10-80, 2011.)

Procedure to Propose a Donation of Artwork to the City of Homer

The Public Arts Committee is charged with the responsibility of evaluating the suitability of a proposed artwork and making recommendation to the City Council as to whether or not to accept it as a gift. If accepted, the donated work becomes the responsibility of the City of Homer, which will inventory, insure, maintain and repair it as required by Homer City Code and Alaska State Law.

Definition

Gifts are personal or real property that is donated, devised or bequeathed with or without restrictions to the City of Homer. Gifts can be actual artwork, property for placement of artwork or funds for the acquisition of artwork.

Gift Policy is the policy that identifies the procedure and criteria for reviewing proposed gifts of artwork to the City of Homer.

Accession Policy is the policy that defines an orderly and consistent process for reviewing artwork for acceptance into the Municipal Art Collection insuring that the collection is comprised of artwork of the highest quality. (Reso. 10-80, 2011.)

Process

The Public Arts Committee will review all proposed gifts according to the Gift Policy. They will evaluate the suitability of the proposed gifts and make recommendations to the Homer City Council through the City Manager.

In order to provide the Public Arts Committee with the information necessary to evaluate the proposed artwork in accordance with the Gift Policy and Accession Policy the potential donor or donor's representative must complete the Gift Proposal Application and submit to the City of Homer, City Clerk's Office. (Reso. 10-80, 2011.)

Presentation to the Public Arts Committee

If applicable the donor will be scheduled to present his or her proposal to the Public Arts Committee at the next regular meeting. The donor is expected to present the actual artwork or model or scale drawings of the proposed piece. If it is not possible depending on the artwork a photograph may be accepted upon approval of a majority vote of the Public Arts Committee.

The Public Arts Committee will review the proposal consider the presentation and make a recommendation at the meeting. If the proposal materials do not give the Public Arts Committee enough information to make an educated recommendation they may request to postpone recommendation until further information is provided by the donor.

PRESERVATION OF THE MUNICIPAL ART COLLECTION

1. Registry

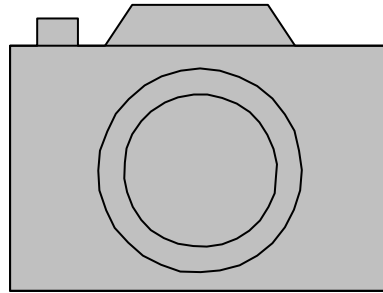
The City's art collection will be catalogued and a registry maintained. Each entry will include

- a. name and contact information for the artist
- b. title of the work, date created, dimensions
- c. photographs of the work
- d. the artist's cleaning and maintenance recommendation;
- e. an artist's statement regarding the work, if possible.
- f. An identification number _____ (year installed), _____ consecutive number (for example: 2006-#21). This number will also be affixed to the piece of art or to its label.

- g. Exact location of the artwork.
- h. Techniques and materials used in creating the artwork.

The registry will be bound and stored in the library and City Clerk's Office. The City will also provide an official label for each piece of art that will be consistent in style and material.

Color Photo of artwork
Artist Name(s)
Title of Artwork
Year Completed/Date
Medium Used
Size/Dimensions
Location
Physical Description of the piece
Short Summary about the Artist
Summary Comment on the artwork



Inspection and Maintenance of Artwork

All building and grounds supervisors will be instructed to inform the Public Art Staff or the Clerk if vandalism is observed or the artwork requires maintenance.

All cleaning and maintenance will follow the instructions provided by the artist.

If the artwork requires extensive repairs, the City will make a good-faith effort to obtain advice from the artist. If no information is forthcoming, the City may proceed with its best practice.

De-Accessioning Purchased and Donated Items

The City has the responsibility for conserving the collection, and because the disposal of artworks may have serious implications for the artists, removing the items from the collection should be a deliberate and seldom-used procedure. It is the policy of the City not to dispose of works simply because they are not currently in fashion and not to dispose of works whose worth might not yet be recognized.

Purchased or donated items which have been accepted into the Municipal Art Collection will be de-accessioned only at the direction of the City Council, which shall consider the recommendations and comments of the Public Arts Committee, Staff and any public comment received.

The City will comply with all laws pertaining to de-accessioning of art items. If documents provide for de-accessioning, such documents will determine the method and manner of the de-accessioning.

Examples of situations where de-accessioning would be considered include:

- a. The item(s) has deteriorated beyond a reasonable means of conservation or in deteriorating, has lost its usefulness.
- b. The authenticity, attribution, or genuineness of the item(s) is determined to be false or fraudulent.
- c. The item(s) is redundant or is a duplicate that has no value as part of a series.
- d. The item(s) is located in an area where jurisdiction will be transferred to another entity or is made inaccessible to the public.

The Public Arts Committee may recommend any of the following courses of action as a result of a deaccessioning review. The Committee shall not be limited to these courses of action and may suggest new methods as may be demanded by a particular set of circumstances:

- a. Relocate the work of art. This course of action shall be given highest priority
- b. Remove the work from display and maintain in a safe storage
- c. Yearly City Surplus Sale
- d. Private sale
- e. Exchange for another work by the artist
- f. Gifting the piece to a non-profit organization
- g. Recycling

Destruction of the item(s) may be considered where the physical condition of the work is severely deteriorated or will be irreparably damaged by the de-accessioning process.

In appropriate instances, appraisals of the item(s) to be de-accessioned will be sought from outside sources.

Encouraging Additional Public and Private Art in Public Spaces, and Promoting Public Awareness and Appreciation for the Municipal Art Collection

Ordinance 02-25(A) encourages the addition of private money into the public art program. Any art purchased with such funds will be owned 100% by the City of Homer and the City will have responsibility for selection, installation, maintenance and repairs.

The Public Arts Committee will be a resource for business owners who wish to include art in their business location.

The Public Arts Committee will endeavor to obtain buy-in from affected city departments and a wide variety of governmental and non-governmental organization, as required, to ensure the successful implementation of the public art policy.

The committee will work to establish partnerships with private funders to help the art policy proponents work with and advise patrons who are funding public-art projects privately. This will help guarantee that these projects meet a set of agreed-upon requirements and fulfill the goals and vision set forth in this policy.

The Public Arts Committee will identify alliance opportunities with institutions, organizations, and the public. Partner with them to publicize and discuss how public art can help further the mission of their specific organization.

Raise support among the press to help the fundraising efforts to educate and inform the public about the many different types of public art, and the wealth and ability of the local arts community.

Keep the information flowing about the progress of any public art initiatives started.

Public Arts Committee, with the assistance of users, will plan an installation ceremony upon completion of each project. Costs for this event will be from the annual PAC budget or underwritten by donors.

Public Arts Committee will plan events and promotional tools that invite residents and visitors to enjoy the City of Homer art collection. These might include walking tour maps, guest lectures, on-line catalogue, etc. (Reso. 10-80, 2011.)

Funding for the Municipal Art Collection

A public art fund is established in accordance with Homer City Code 18.07.090, Public Art Fund, as a separate, interest bearing account in the city general fund to receive money for the public art program from the following sources:

1. Funds for public art fees received from private development.
2. Funds donated to the city for public art.
3. Other funds appropriated by the council for public art.

Money in the public art fund shall be used solely to pay the costs of selecting, commissioning, acquiring, installing, maintaining, public education regarding, administrating, removing and insuring the works of public art, and any other expense related thereto.

Interest earned on money in the public art fund shall be deposited in the public art fund.

The public art fund is administered by the city with the advice of the Public Arts Committee.

The Public Arts Committee annually shall prepare a plan for expenditures from the public art fund for approval by the city council.
(Ord.09-51(A), §1, 2009.)

Encourage the addition of private money into the public art program. Any art purchased with such funds will be owned 100% by the City of Homer and the City will have responsibility for selection, installation, maintenance and repairs. (Ord. 02-25(A), 2002.)