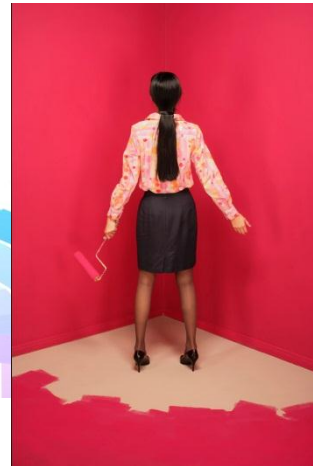


# Homer Spit Trail Project 1% for the Arts Selection Committee



May 23, 2013  
Thursday  
Regular Meeting  
1:00 P.M.

Cowles Council Chambers  
City Hall  
491 E. Pioneer Avenue  
Homer, Alaska



**NOTICE OF MEETING  
REGULAR MEETING AGENDA**

- 1. CALL TO ORDER**
- 2. APPROVAL OF THE AGENDA**
- 3. PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA**
- 4. RECONSIDERATION**
- 5. APPROVAL OF THE MINUTES** *(Minutes are approved during Regular Meetings only)*
- 6. VISITORS**
- 7. STAFF & COUNCIL/COMMITTEE REPORTS/ AND BOROUGH REPORTS**
- 8. PUBLIC HEARING**
- 9. PENDING BUSINESS**
- 10. NEW BUSINESS**
  - A. Election of Chair and Vice Chair
  - B. Requirements of the 1% for the Arts Program, Review and Discussion
    1. Public Arts Committee Administrative Guidelines excerpt 1% for the Arts Program
    2. State of Alaska Statute 35.27.010 Art Works in Public Buildings and Facilities
    3. Homer City Code, Chapter 18.07 Funds for Works of Art in Public Places
    4. Ordinance 02-25(A), Requiring Funding for Works of Art in projects for Construction, Remodeling and Renovation of Certain Public Facilities.
  - C. Evaluating the Submitted Proposals
    1. Proposal Evaluation Form 1% for the Arts Public Restrooms Project
    2. Reminder of Confidentiality
  - D. Recommendation to Adjourn to Executive Session to Review Submitted Proposals
- 11. INFORMATIONAL MATERIAL**
  - A. Memorandum to Public Arts Committee dated May 14, 2012 Re: Cruise Ship Passenger Enhancement Project – Spit Trail (Phase II) 1% for the Art Budget from Carey Meyer
  - B. Memorandum to Mayor Hornaday & City Council dated August 3, 2012 Re: Selection Committee Recommendation
  - C. Request for Proposal Incorporating Art on the Homer Spit Trail Project, Phase II
- 12. COMMENTS OF THE AUDIENCE**
- 13. COMMENTS OF THE CITY STAFF**
- 14. COMMENTS OF THE COUNCILMEMBER** *(If one is assigned)*
- 15. COMMENTS OF THE CHAIR**
- 16. COMMENTS OF THE BOARD**
- 17. ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR MAY 30, 2013** at 1:00 P.M. in the Council Chambers at City Hall located at 491 E. Pioneer Avenue, Homer, Alaska.



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

(p) 907-235-3130

(f) 907-235-3143

## Memorandum

**TO: 1% ART SELECTION COMMITTEE FOR THE SPIT TRAIL PROJECT**

**FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK I**

**DATE: MAY 13, 2013**

**SUBJECT: ELECTION OF CHAIR AND VICE CHAIR**

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The first order of business is to nominate a chair and vice chair for the Committee. This will assist in conducting the meeting even if there are only one or two meetings. For general purposes, Marianne Aplin will be Acting Chair and will open the floor for nominations of Chair.

When there are no further nominations the Acting Chair closes the nominations and inquires if the Committee would prefer to vote for Chair by a show of hands, roll call vote or secret ballot. In a secret ballot the names of the nominee selected for chair can be written on the paper provided at the start of the meeting; the Clerk will then collect the votes, tallying and reading into the record the number of votes for each nominee. If there is more than one or two persons nominated for one position the vote can be conducted in this manner. Typically it is by roll call vote.

Once the apparent Chair has been announced the Acting Chair turns the meeting over to the Elected Chair.

The Chair will then open the floor for nominations for Vice Chair. This is conducted in the same manner. The Vice Chair will preside over a meeting if the Chair is unavailable attend a scheduled meeting.

### Recommendation

**Acting Chair - Open floor for nominations for Chair. Close nominations. Vote. Turn meeting over to Chair.**

**Chair - Open floor for nominations for Vice Chair. Close nominations. Vote. Announce name of Vice Chair for the record.**



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## Memorandum

**TO: 1% ART SELECTION COMMITTEE FOR HOMER SPIT TRAIL PROJECT**

**FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK I**

**DATE: MAY 13, 2013**

**SUBJECT: REQUIREMENTS OF THE 1% FOR THE ARTS PROGRAM**

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**The following pages have been included for review and dissemination so that all members of the Committee are aware of the requirements of the program. This program was instituted at the federal Level and the States then followed suit which trickled down to municipalities.**

**Most municipalities in the U.S. have adopted a policy to incorporate public art in buildings or conveyances used primarily by and for the public. The documents are all in a similar format and context.**

**Please review the enclosed documents and request the committee discuss any portion that you may require better clarification.**

**Recommendation**

**No Action Required. Informational In Nature.**

## Chapter 18.07

### FUNDS FOR WORKS OF ART IN PUBLIC PLACES

#### Sections

[18.07.010 Purpose](#)

[18.07.020 Definitions](#)

[18.07.030 Art Funding Requirements for Public Buildings and Facilities](#)

[18.07.040 Implementation](#)

[18.07.050 Selection](#)

[18.07.060 Program Administration; Public Arts Committee](#)

[18.07.070 Exemptions](#)

[18.07.080 Miscellaneous Provisions](#)

**18.07.010 Purpose.** 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.)

**18.07.020 Definitions.** The following words, terms and phrases, when used in this chapter, 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.)

18.07.030 Art funding requirements for public buildings and facilities. a. Plans and specifications for the original construction, remodeling or renovation of municipal buildings and facilities resulting in proposed capital expenditures exceeding the sum of \$250,000 shall contain and provide for the inclusion of works of art of a value of one percent of the total cost of the construction, remodeling or renovation project. All appropriations for capital improvements falling within the provisions of this chapter shall be deemed to include funding to implement the requirements of this section.

b. If there is a change in the total cost of the project resulting from a change order or amendment to the project budget after the time of the award of the contract, the amount of funding for the artwork will not be changed.

c. Expenditure of sums required to be allocated to works of art under subsection 18.07.030 (A) shall be limited to all costs associated with design, construction, acquisition and royalties for the works of art, excluding all contract administration and project administration costs.

d. Municipal funding of art projects for capital expenditures will be capped at \$70,000.00 (seventy thousand dollars). Art projects for capital expenditures exceeding \$7,000,000.00 (seven million dollars) will not be greater than \$70,000.00 (seventy thousand dollars) unless funding beyond \$70,000.00 (seventy thousand dollars) is from private contributions.

e. Private funding contributions for art projects in public buildings is encouraged and this funding is not considered part of the one percent. (Ord. 02-25(A), 2002.)

18.07.040 Implementation. a. During the preliminary design review of any project for construction, remodeling or renovation covered by this chapter any contractor, department or instrumentality of the municipality charged with the design preparation of this project shall consult with the Public Arts Committee regarding the implementation of section 18.07.030(A).

b. The Public Arts Committee shall develop and recommend to the administration and the Homer City Council administrative regulations setting forth the manner in which the requirements of this chapter shall be carried out. After the receipt and consideration of such recommendations, the City Manager will adopt administrative regulations, which will become effective upon City Council approval.

c. The requirements of section 18.07.030(A) shall not be waived except as provided for in section 18.07.070. (Ord. 02-25(A), 2002.)

18.07.050–18.07.080

18.07.050 Selection. a. Where the construction, creation or commissioning of works of art are to be incorporated in the building or facility or its grounds, such works of art shall be selected and recommended to the Council for approval by a jury of at least three members consisting of the architect or project designer, a representative of the user department, a representative of the Public Arts Committee and any other persons as may be designated by regulation and recommended to the Council for approval.

b. Where there will be an acquisition of existing works of art or the commissioning of works of art which will not be incorporated into the project design, selection shall be made or approved by a jury of at least three members consisting of a representative of the user department, one or more representatives of the Public Arts Committee and other persons as may be designated by regulation and recommended by the Council for approval. (Ord. 02-25(A), 2002.)

18.07.060 Program Administration; Public Arts Committee. a. The City Council shall appoint a Public Arts Committee consisting of seven members. Prior to making appointments, the City Council may solicit nominations from the Pratt Museum, community arts groups, and the public. Appointments will be for two year terms. Initial terms shall be staggered as follows: Four two-year terms; three one-year terms. In

the event of a vacancy on the Public Arts Committee, the Mayor shall appoint a person to fill such vacancy for the unexpired term, subject to confirmation by the City Council. Members serve at the pleasure of the City Council. (Ord. 02-25(A), 2002; Ord. 07-19 §1, part, 2007.)

18.07.070 Exemptions. If it is found by the Public Arts Committee or City Manager that the inclusion of works of art in any specific project, as required by this chapter, would not provide any aesthetic benefit to the community or to the principal users of the building or facility, the Committee or City Manager may recommend to the City Council that there be granted a waiver from the requirements of this chapter in whole or in part. The Council shall make the final determination in any disputes arising from the administration of this section.(Ord. 02-25(A), 2002.)

18.07.080 Miscellaneous provisions. a. Sums allocated for the acquisition of works of art under the provisions of this chapter shall be deemed to be part of the construction costs of the project.

b. Where federal or state grant funds are to be used to match municipal funds for a construction, remodeling, or renovation project covered by this chapter, the grant application shall, where applicable and where permitted by the granting authority, be made for the total cost of such project, including portions to fund works of art under this chapter. Unless prohibited by the terms of such grants, any money received may be used to implement the requirements of this chapter. (Ord. 02-25(A), 2002.)

18.07.090 Public art fund. a. A public art fund is established 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.

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

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

d. The public art fund is administered by the city with the advice of the public arts committee.



e. 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)

18.07.100 Ownership and management of works of public art. a. Ownership of all works of art acquired by or on behalf the city shall be vested in the city.

b. The city shall place or construct public art at locations that are open to the public and where the public art shall be visible to the general public during, at a minimum, normal business hours.

c. The removal from display by the city of public art owned by the city shall follow established guidelines for de-accessioning and shall be subject to review and recommendation by the public arts committee with final approval by the Council. (Ord.09-51(A) § 2 2009)

CITY OF HOMER  
HOMER, ALASKA

Yourkowski

ORDINANCE 02-25(A)

AN ORDINANCE OF THE CITY OF HOMER AMENDING THE HOMER CITY CODE TO ADD CHAPTER 18.07 REQUIRING FUNDING FOR WORKS OF ART IN PROJECTS FOR CONSTRUCTION, REMODELING AND RENOVATION OF CERTAIN PUBLIC FACILITIES.

WHEREAS, Homer is considered by many to be a haven for the arts yet we see very little public art as we walk and drive around town; and

WHEREAS, Public art would add to the beauty of Homer thereby adding to our quality of life and the visitor's experience; and

WHEREAS, The city wishes to maximize artistic input into architectural decisions in a cost effective manner, thereby creating unique and aesthetic public facilities for the enjoyment of all.

NOW, THEREFORE, THE CITY OF HOMER HEREBY ORDAINS:

Section 1. A new chapter 18.07 entitled Funds for Works of Art in Public Places is hereby added to the Homer City Code to read as follows:

Sections:

18.07.010 Purpose

18.07.020 Definitions

18.07.030 Art Funding Requirements for Public Buildings and Facilities

18.07.040 Implementation

18.07.050 Selection

18.07.060 Program Administration; Public Arts Committee

18.07.070 Exemptions

18.07.080 Miscellaneous Provisions

18.07.080 Miscellaneous Provisions

18.07.010 Purpose. 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.

18.07.020 Definitions. The following words, terms and phrases, when used in this chapter, 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.

18.07.030 Art funding requirements for public buildings and facilities.

A. Plans and specifications for the original construction, remodeling or renovation of municipal buildings and facilities resulting in proposed capital expenditures exceeding the sum of \$50,000.00 \$250,000.00 shall contain and provide for the inclusion of works of art of a value of one percent of the total cost of the construction, remodeling or renovation project. All appropriations for capital improvements falling within the provisions of this chapter shall be deemed to include funding to implement the requirements of this section.

B. If there is a change in the total cost of the project resulting from a change order or amendment to the project budget after the time of the award of the contract, the amount of funding for the artwork will not be changed.

C. Expenditure of sums required to be allocated to works of art under subsection 18.07.030 (A) shall be limited to all costs associated with design, construction, acquisition and

royalties for the works of art, excluding all contract administration and project administration costs.

D. Municipal funding of art projects for capital expenditures will be capped at \$70,000.00 (seventy thousand dollars). Art projects for capital expenditures exceeding \$7,000,000.00 (seven million dollars) will not be greater than \$70,000.00 (seventy thousand dollars) unless funding beyond \$70,000.00 (seventy thousand dollars) is from private contributions.

E. Private funding contributions for art projects in public buildings is encouraged and this funding is not considered part of the one percent.

18.07.040 Implementation.

A. During the preliminary design review of any project for construction, remodeling or renovation covered by this chapter any contractor, department or instrumentality of the municipality charged with the design preparation of this project shall consult with the Public Arts Committee regarding the implementation of section 18.07.030(A).

B. The Public Arts Committee shall develop and recommend to the administration and the Homer City Council administrative regulations setting forth the manner in which the requirements of this chapter shall be carried out. After the receipt and consideration of such recommendations, the City Manager will adopt administrative regulations, which will become effective upon City Council approval.

C. The requirements of section 18.07.030(A) shall not be waived except as provided for in section 18.07.070.

18.07.050 Selection.

A. Where the construction, creation or commissioning of works of art are to be incorporated in the building or facility or its grounds, such works of art shall be chosen or approved selected and recommended to the Council for approval by a jury of at least three members consisting of the architect or project designer, a representative of the user department, a representative of the Public Arts Committee and any other persons as may be designated by regulation and recommended to the Council for approval.

B. Where there will be an acquisition of existing works of art or the commissioning of works of art which will not be incorporated into the project design, selection shall be made or approved by a jury of at least three members consisting of a representative of the user department, one or more representatives of the Public Arts Committee and other persons as may be designated by regulation and recommended to the Council for approval.

18.07.060 Program Administration; Public Arts Committee.

A. The City Manager shall administer this chapter.

B. The City Council shall appoint a Public Arts Committee consisting of seven members. Prior to making appointments, the City Council may solicit nominations from the Pratt Museum, community arts groups, and the public. Appointments will be for two year terms. Members serve at the pleasure of the City Council.

18.07.070 Exemptions. If it is found by the Public Arts Committee or City Manager that the inclusion of works of art in any specific project, as required by this chapter, would not provide any aesthetic benefit to the community or to the principal users of the building or facility, the Committee or City Manager may recommend to the City Council that there be granted a waiver from the requirements of this chapter in whole or in part. The Council shall make the final determination in any disputes arising from the administration of this section.

18.07.080 Miscellaneous provisions.

A. Sums allocated for the acquisition of works of art under the provisions of this chapter shall be deemed to be part of the construction costs of the project.

B. Where federal or state grant funds are to be used to match municipal funds for a construction, remodeling, or renovation project covered by this chapter, the grant application shall, where applicable and where permitted by the granting authority, be made for the total cost of such project, including portions to fund works of art under this chapter. Unless prohibited by the terms of such grants, any money received may be used to implement the requirements of this chapter.

**Section 2.** This chapter applies to all projects for the construction, remodeling or renovation of municipal buildings and facilities for which the contract for design is awarded after adoption/enactment of this Ordinance.

**Section 3.** This ordinance is of a permanent and general character. Section 1 of this ordinance shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 12th day of August, 2002.

CITY OF HOMER

ATTEST:

\_\_\_\_\_  
JACK CUSHING, MAYOR

\_\_\_\_\_  
MARY L. CALHOUN, CMC, CITY CLERK

Page Five  
Ordinance 02-25(A)  
City of Homer

AYES: -6-  
NOES: -0-  
ABSTAIN: -0-  
ABSENT: -0-

First Reading: 05/28/02

Public Hearing: 06/10/02 and 7/09/02, Second reading was postponed on 06/10/02 to 07/09/02 with an additional public hearing also on 07/09/02.

Second Reading: 08/12/02, Second Reading was tabled on 07/09/02 and taken from the table on 08/12/02.)

Effective Date: 08/13/02 (Mayor Cushing had called for a Legal Opinion regarding a question of Conflict of Interest raised by a member of the public. He did not sign the Ordinance until 09/03/02.)

Reviewed and approved as to form:

\_\_\_\_\_  
Ronald Wm. Drathman, City Manager

\_\_\_\_\_  
Gordon J Tans, City Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Fiscal Note: NA

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.
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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 1<sup>st</sup> 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.

Alaska Statute 2010 Excerpt pertaining to

Article 02. ALASKA STATE COUNCIL ON THE ARTS

Sec. 44.27.040. Creation.

There is created in the Department of Education and Early Development an Alaska State Council on the Arts.

Sec. 44.27.041. Composition.

The Alaska State Council on the Arts consists of 11 members, broadly representative of all fields of the performing, visual, and fine arts, who are widely known for their competence and experience or interest in connection with the performing, visual, and fine arts.

Sec. 44.27.042. Appointment.

The members are to be appointed by the governor from among citizens of the state. In making the appointments, consideration must be given to the recommendations made by representative civic, educational, and professional associations and groups concerned with or engaged in the production or presentation of the performing, visual, and fine arts generally. In making the appointments consideration must also be given to having statewide geographical representation on the council. The members of the council serve at the pleasure of the governor and their appointments are not subject to legislative confirmation.

Sec. 44.27.043. Terms of office.

The term of office of each member is three years. All vacancies are to be filled for the balance of the unexpired term in the same manner as original appointments.

Sec. 44.27.044. Compensation.

The members of the council are not entitled to receive compensation for their services, but they are entitled to receive the same travel pay and per diem as provided by law for board members.

Sec. 44.27.045. Chairman and vice-chairman.

The governor shall designate a chairman and a vice-chairman from the members of the council to serve as such at the pleasure of the governor. The chairman shall be the chief executive officer of the council.

Sec. 44.27.050. Duties of council.

The duties of the council are

(1) to stimulate and encourage throughout the state the study and presentation of the performing, visual, and fine arts and public interest and participation;

(2) to make surveys, which are considered advisable, of public and private institutions engaged in the state in artistic and cultural activities, including but not limited to music, theatre, dance, painting, sculpture, architecture, and allied arts and crafts, and to make recommendations concerning appropriate methods to encourage participation in and appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the state;

(3) to take steps necessary and appropriate to encourage public interest in the cultural heritage of the state and to expand the state's cultural resources;

(4) to encourage and assist freedom of artistic expression essential for the well being of the arts;

(5) to manage the art in public places fund;

(6) to administer the provisions of AS 45.65 relating to identification seals for authentic Alaska Native art created or crafted in the state and adopt regulations to carry out those provisions.

Sec. 44.27.052. Powers of council.

(a) The council may

(1) hold public and private hearings;

(2) enter into contracts, within the limit of funds available, with individuals, organizations, and institutions for services furthering the educational objectives of the council's programs;

(3) enter into contracts, within the limit of funds available, with local and regional associations for cooperative endeavors furthering the educational objectives of the council's programs;

(4) accept gifts, contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and other organizations or institutions for the purpose of furthering the educational objectives of the council's programs;

(5) make and sign agreements and do and perform any acts necessary to carry out the purposes of [AS 44.27.040](#) - 44.27.060; and

(6) adopt regulations under AS 44.62 (Administrative Procedure Act) to carry out the provisions of [AS 44.27.040](#) - 44.27.060.

(b) The council may request and is entitled to receive from any department, division, board, bureau, commission, or agency of the state the assistance and data that will enable it properly to

carry out its powers and duties. The council is authorized to receive state funds made available for its purposes.

Sec. 44.27.054. Powers of chairman.

Subject to available appropriations the chairman may, with the concurrence of a majority of the council, employ necessary personnel and may contract for the services of experts and other persons who may be needed.

Sec. 44.27.056. Reports.

The council shall report to the governor from time to time. The council shall notify the legislature when its reports are available.

Sec. 44.27.058. National endowment funds.

The council is the official agency of this state to receive and disburse funds made available by the National Endowment for the Arts.

Sec. 44.27.060. Art in public places fund.

(a) The art in public places fund is established. The council shall manage the fund.

(b) The commissioner of a department responsible for the design and construction of a building or facility shall deposit into the art in public places fund one percent of the construction cost of a building or facility if the building or facility is exempt from the requirements of AS 35.27 and the exemption is because

(1) the estimated construction cost of the building or facility is less than \$250,000; or

(2) the building or facility is not designed for substantial public use.

(c) The council may use the money in the art in public places fund

(1) to commission or purchase a work of art that is to be made a permanent part of, or placed on loan in, a building or facility owned or leased by the state that has substantial public use; and

(2) to meet expenses for a commissioned work of art for a building or facility that has substantial public use if the cost of the work of art exceeds the amount reserved under [AS 35.27.020](#) (c).

(d) In (c) of this section, "building" or "facility" means

(1) a building or facility of the state, as defined by [AS 35.27.030](#) , that is designed for and that is subject to substantial public use; and

(2) a building or facility that is leased by the state and subject to substantial public use.

*Sec. 44.27.061. - 44.27.076l Alaska Historical Commission. [Repealed, E.O. No. 63, Sec. 3 (1987). For current law, see [AS 41.35.300](#) - 41.35.380].*

Repealed or Renumbered

Information from the following source <http://www.legis.state.ak.us/basis/folio.asp>



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

(p) 907-235-3130

(f) 907-235-3143

## Memorandum

**TO: 1% ART SELECTION COMMITTEE FOR HOMER SPIT TRAIL PROJECT**

**FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK I**

**DATE: MAY 13, 2013**

**SUBJECT: REQUEST FOR EXECUTIVE SESSION PURSUANT TO AS §44.62.310(C)(2&3), SUBJECTS THAT TEND TO PREJUDICE THE REPUTATION AND CHARACTER OF ANY PERSON, PROVIDED THE PERSON MAY REQUEST A PUBLIC DISCUSSION AND MATTERS, WHICH BY LAW, MUNICIPAL CHARTER, OR ORDINANCES ARE REQUIRED TO BE CONFIDENTIAL. (REVIEW AND EVALUATION OF SUBMITTED PROPOSALS)**

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**Pursuant to the City of Homer Procurement Policy and Procedures Manual and City of Homer Code Title 3.16 Procurements Section 3.16.110 Competitive Sealed Proposals – Negotiated Procurement, Paragraph D. Proposals, tabulations and evaluations thereof shall be open to public inspection only after the contract award.**

### **RECOMMENDATION:**

**Make a Motion to Adjourn to Executive Session.**

**Approve the request for Executive Session and conduct immediately in the Council Chambers.**