

CITY OF HOMER PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION BYLAWS

~~The Commission is established to act in an advisory capacity to the City Manager and the City Council on the problems and development of parks and recreation facilities; public beaches and trails; support of the arts; acquisition, maintenance and disposition of works of art; land use and future development related to parks and recreation facilities and administration of the public arts fund established by HCC 18.07.090 and those duties and powers as set forth in Chapter 2.60 of the Homer City Code~~

~~The Commission's jurisdiction is limited to the area within the city boundaries except for those extra territorial interests, such as trails and city properties, subject to city jurisdiction.~~

~~The Commission consists of nine members; up to three members may be residents from outside the city limits, preference shall be given to City resident applicants.~~

~~Members will be appointed by the Mayor for three year terms (except to complete terms) subject to confirmation by the City Council.~~

~~One Homer area High School student selected by his or her student body can serve as a consulting member of the Commission in addition to the nine appointed members, and may attend and participate in all meetings as a consultant, but shall have no vote.~~

~~There will be regular monthly meetings February through June and August through November of the Commission and permanent records or minutes shall be kept of the proceedings. 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.~~

HISTORY

~~The By laws were passed by the Commission on August 18, 2016 and approved by the City Council on September 12, 2016, and shall be in effect and govern the procedures of the Commission.~~

~~The duties and responsibilities of the Commission are:~~

~~A. Act in advisory capacity to the City Manager and the City Council on matters involving:~~

- ~~_____ 1. City parks~~
- ~~_____ 2. Recreation facilities~~
- ~~_____ 3. Public beaches and trails~~
- ~~_____ 4. Support of the arts~~
- ~~_____ 5. Acquisition, maintenance and disposition of works of art~~
- ~~_____ 6. Land use and future development related to parks and recreation facilities~~
- ~~_____ 7. The administration of the public arts fund established by HCC 18.07.090~~

~~B. Consider any specific proposal, problem or project as directed by the City Council.~~

~~C. Perform the functions prescribed in HCC Chapter 18.07 related to funding works of art in public spaces.~~

~~D. Further development and awareness of the arts in the City.~~

~~E. Solicit donations of money and property in support of its duties under this section. Donations of money to be deposited into separate fund designated for parks, art, recreation or cultural purposes. Donations of property shall be accepted by deed or other conveyance subject to the approval of the City Council and shall be held or disposed of for parks, art, recreation or cultural purposes as the Council may direct.~~

~~The Commission may make recommendations to the Council for the disposition of money or property so received.~~

BY-LAWS

ARTICLE I – NAME AND AUTHORIZATION

This organization shall be called the Parks, Art, Recreation and Culture Advisory Commission, established via Ordinance 16-22, existing by virtue of the provisions of Chapter 2.60 and Chapter 18.07 of the Homer Municipal Code, and exercising the powers and authority and assuming the responsibilities delegated under said Code. The following bylaws were adopted on April 18, 2019 and shall be in effect and govern the procedures of the Parks, Art, Recreation and Culture Advisory Commission.

ARTICLE II – PURPOSE

Section 1. Act in an advisory capacity to the City Manager and the City Council on the problems and development of the following:

- **City Parks**
- **Recreation Facilities**
- **Public Beaches and Trails**
- **Support of the Arts**
- **Acquisition, maintenance and disposition of works of art**
- **Land Use and Future Development related to Parks and Recreation Facilities**
- **Administration of the Public Arts Fund**

Section 2. Perform the functions as outlined in Homer City Code Chapter 18.07 Funds for Works of Art in Public Places.

Section 3. Direct recommendations to the City Council directly or through the City Manager via memorandum from the Parks, Art, Recreation and Culture Advisory Commission.

Section 4. Consider any specific proposal, problem or project as directed by the City Council and any report or recommendations thereon shall be made directly to the Council, unless otherwise directed by the Council.

Section 5. Solicit donations of money and or property in support of the commission purpose.

Section 6. Make recommendations to Council for the disposition of money or property donated.

ARTICLE III – MEMBERS

Section 1. The Commission will be composed of ~~nine~~ seven members, comprised of at least ~~six (6)~~ four (4) members that reside inside city limits, who shall be appointed by the Mayor and confirmed by the City Council Effective November 1, 2019.

Section 2. One (1) Homer area high school Student Representative Commissioner may be appointed by the Mayor, subject to confirmation by the City Council, as a consulting, non-voting member.

Section 3. The Mayor, City Manager, Public Works Director or City Planner may serve as non-voting, consulting members of the Commission.

Section 4. ~~1.~~ A Commission appointment is vacated under the following conditions and upon the declaration of vacancy by the Commission. ~~2.~~The Commission shall declare a vacancy when the person appointed:

- Fails to qualify to take office within 30 days after his/her **their** appointment;
- ~~B.~~ Resigns and the resignation is accepted;
- ~~C.~~ Is physically or mentally unable to perform the duties of his/her **their** office;
- ~~D.~~ Misses ~~three~~ **two (2)** consecutive regular meetings ~~without notice unless excused;~~ ~~or~~
- E. Is convicted of a felony.

ARTICLE IV – OFFICERS

Section 1. A Chair and Vice-Chair shall be selected **elected** annually ~~(November meeting)~~ by the ~~appointive members~~ **from and by the voting members of the Commission.**

Section 2. The Chair shall preside at all meetings of the Commission, **authorize** calls for any special meetings in accordance with the by-laws, sign **execute all** documents **authorized by** of the Commission, **serve as ex officio/voting member of all committees, and generally perform all duties associated with that office.** ~~see that all actions and notices are properly taken, and summarize the findings of the Commission for the official record.~~

Section 3. The Vice-Chair shall perform all duties and be subject to all responsibilities of the Chair in his/her **their** absence, disability or disqualification of office. **In the event that both Chair and Vice Chair are absent, and a quorum of members are present, the senior member shall assume and perform the duties and functions of the Chair.**

Section 4. The Vice-Chair will succeed the Chair if he/she vacates the office **is vacated** before the term is completed, to complete the unexpired term. A new Vice-Chair shall be elected at the next regular meeting.

Section 5. Officers shall serve a term of one year from the November meeting at which they are elected and until their successors are duly elected. Officers may be re-elected in subsequent years.

ARTICLE V - MEETINGS

C. ~~REGULAR MEETINGS:~~

Section 1. **Regular meetings shall be open to the public and held on the third Thursday** February through June and August through November ~~on the third Thursday of the~~ month at 5:30 p.m. **in the designated location and shall be posted for public information as required by Homer City Code and Alaska State Statutes.**

Section 2. Section held for designation certain months to review specific topics such as budget, strategic plan, policies, etc.

Section 3 2. Items will be added to the agenda upon request of staff, through the Chair or upon approval by the Chair and in the absence of the Chair, the Vice Chair. Agenda deadline is the Wednesday of the week preceding the meeting date at 5:00 p.m. **Allowances will be made for holidays.**

~~3. Removing items from the published agenda will be by consensus of the Commission. No items may be added once the agenda has been published and distributed.~~

~~4. Commissioners will give staff or Chair a minimum of two weeks notice or as soon as possible regarding their potential absence from a meeting.~~

~~5. A Quorum is required to conduct a meeting of the commission.~~

~~6. Meetings will be conducted in the Cowles Council Chambers or alternative location as designated or required.~~

Section 3 4. The order of business for the regular meetings shall include, but not be limited to, the following items, which shall be covered in the sequence shown, as far as circumstances permit. Agenda shall be posted for public information as required by Homer City Code and Alaska State Statutes.

NAME OF BODY	DATE OF MEETING
PHYSICAL LOCATION OF MEETING	DAY OF WEEK AND TIME OF MEETING
HOMER, ALASKA	MEETING ROOM

NOTICE OF MEETING
REGULAR MEETING AGENDA

1. CALL TO ORDER
2. APPROVAL OF AGENDA
3. PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA. (3 MINUTE TIME LIMIT)
4. RECONSIDERATION
5. APPROVAL OF MINUTES or CONSENT AGENDA.
6. VISITORS (Chair set time limit not to exceed 20 minutes) (Public may not comment on the visitor or the visitor's topic until audience comments.) No action may be taken at this time.
7. STAFF & COUNCIL REPORT/COMMITTEE REPORTS/BOROUGH REPORTS (Chair set time limit not to exceed 5 minutes.)
8. PUBLIC HEARING (3 MINUTE TIME LIMIT)
9. PENDING BUSINESS
10. NEW BUSINESS
11. INFORMATIONAL MATERIALS (NO ACTION MAY BE TAKEN ON THESE MATTERS, THEY MAY BE DISCUSSED ONLY).
12. COMMENTS OF THE AUDIENCE (3 MINUTE TIME LIMIT)
13. COMMENTS OF THE CITY STAFF (not required) (Staff report may be at this time in the agenda.)

[Added language bold and underlined. Deleted language stricken through.]

14. COMMENTS OF THE COUNCILMEMBER (If one is assigned)

15. COMMENTS OF THE CHAIR (May be combined with COMMENTS OF THE COMMISSION/BOARD since the Chair is a member of the Commission/Board.)

16. COMMENTS OF THE COMMISSION

17. ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR _____ note any worksessions, special meetings, committee meetings etc. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. (Sometimes the meeting is scheduled for the Conference Room)

Contact info for the department constructing the agenda. Example: City Clerk's Office, clerk@ci.homer.ak.us, 235-3130.

~~A. To abide by existing Alaska State Law, Borough Code of Ordinance, where applicable, and Homer Municipal Code;~~

~~B. To abide by Robert's Rules of Order, current edition, in so far as this treatise is consistent with Homer City Code.~~

Section 4 5. Per Resolution of the City Council (Resolution 06-115(A)), Public testimony shall normally be limited to three minutes per person. Exceptions may be provided for at the Chair's discretion or by a majority vote of the members in attendance.

Section 5 6. Special Meetings and Worksessions may be called by the Deputy City Planner, Clerk, Chair or a majority of the Commission. Worksessions do not require a quorum, however, no action may be taken at a worksession; items on the agenda are for discussion only. Notice of such meetings shall be posted in the same manner as that of regular meetings.

Section 6 7. A quorum for the transaction of business at any meeting shall consist of five (5) members. For the purpose of determining the existence of a quorum, honorary members shall not be counted.

Section 7 8. Five affirmative votes are required to approve any action before the Commission and shall constitute the meaning of "majority vote". The Chairperson may vote upon, and may move or second a proposal/motion before the Commission.

Section 8 9. Recorded minutes shall be made available by the City Clerk's Office to the Commission prior to the next meeting and a record of all voting will be included in the minutes of each meeting. Minutes shall be available to the public as required by Homer City Code and Alaska State Statutes.

Section-10 9. The Commission shall abide by existing Alaska State Law, Borough Code of Ordinance, where applicable and Homer City Code as well as Roberts Rules of Order, current edition, in so far as this treatise is consistent with Homer City Code.

ARTICLE VI - COMMITTEES

Section 1. Committees of one or more members for such specific purposes as the business of the Commission will only become active upon approval of Council. A memorandum and resolution will go before Council outlining the reason, tasks assigned and termination date. Committees shall be considered to be discharged upon completion of the purpose for which it was appointed, and after its final report is made to and approved by the Commission.

Section 2. All committees shall make a progress report to the Commission at each of its meetings.

D. COMMITTEES

- ~~1. Committees will be formed upon approval of City Council.~~
- ~~2. The Chair shall appoint committees for such specific purposes as the business of the Commission may require. Committee membership shall include at least two Commissioners. Other Committee members may be appointed from the public.~~
- ~~3. One Committee member shall be appointed Chair and be responsible for creating an agenda and working with the Deputy City Clerk in regards to establishing meeting dates so they may be advertised in accordance with Alaska State Law and Homer City Code.~~
- ~~4. One Committee member shall be appointed responsible for furnishing summary notes of all Committee meetings to the Deputy City Clerk.~~
- ~~5. Committees shall meet in accordance with Commission bylaws and Robert's Rules.~~
- ~~6. All committees shall make a progress report at each Commission meeting.~~
- ~~7. No committee shall have other than advisory powers.~~
- ~~8. Per Roberts Rules, upon giving a final report, the Committee is disbanded.~~

E. COMMISSION MEETING PUBLIC COMMENT/TESTIMONY AND AUDIENCE COMMENT TIME LIMITS

- ~~1. The meeting Chair shall note for the audience's benefit that there is a three minute time limit each time there is a place in the agenda for public comment/testimony or audience comments.~~
- ~~2. Any individual wishing to address the Commission shall adhere to a three minute time. It is the responsibility of the Chair to announce under Public Comments, Public testimony on public hearing items and Audience Comments that there is a 3 minute time.~~
- ~~3. Time limits may be adjusted by the 2 minutes up or down with the concurrence of the body in special circumstances only such as agenda content and public attendance.~~

F. SPECIAL MEETINGS:

- ~~1. Called by Chair or majority of the Commission conducted only upon approval of Council.~~

G. DUTIES AND POWERS OF THE OFFICERS:

- ~~1. A Chair and Vice Chair shall be selected annually (November meeting) by the appointive members.~~
- ~~2. The Chair shall preside at all meetings of the Commission, call special meetings in accordance with the by laws, sign documents of the Commission, see that all actions and notices are properly taken, and summarize the findings of the Commission for the official record.~~
- ~~3. The Vice Chair shall perform all duties and be subject to all responsibilities of the Chair in his/her absence, disability or disqualification of office.~~
- ~~4. The Vice Chair will succeed the Chair if he/she vacates the office before the term is completed, to complete the unexpired term. A new Vice Chair shall be elected at the next regular meeting.~~

H. MOTIONS TO RECONSIDER:

[Added language bold and underlined. Deleted language stricken through.]

- ~~1. Notice of reconsideration shall be given to the Deputy City Clerk and copied to the Chair or Vice-Chair, if the Chair is unavailable, within forty-eight hours from the time the original action was taken.~~
- ~~2. A member of Commission who voted on the prevailing side on any issue may move to reconsider the Commission's action at the same meeting or at the next regular meeting of the body provided the above 48-hour notice has been given.~~
- ~~3. Consideration is only for the original motion to which it applies.~~

I. CONFLICT OF INTEREST:

- ~~1. A member or the Commission shall disqualify himself/herself from participating in any official action in which he/she has a substantial financial interest.~~
- ~~2. Should the Commission member not move to disqualify himself/herself after it has been established that he/she has a substantial financial interest, the Commission may move to disqualify that member by a majority vote of the body.~~

J. QUORUM; VOTING:

- ~~1. Five Commission members shall constitute a quorum.~~
- ~~2. Five affirmative votes are required for the passage of a resolution or motion.~~
- ~~3. Voting will be by verbal vote, the order to be rotated. The final vote on each resolution or motion is a recorded roll call vote.~~
- ~~4. The City Manager, Mayor and High School student shall serve as consulting members of the Commission but shall have no vote.~~

K. CONSENSUS:

- ~~1. The Commission may, from time to time, express its opinion or preference concerning a subject brought before it for consideration. Said statement, representing the will of the body and meeting of the minds of the members, may be given by the presiding officer as the consensus of the body as to that subject without taking a motion and roll call vote.~~

L. ABSTENTIONS:

- ~~1. All Commission members present shall vote unless the Commission, for special reasons, permits a member to abstain.~~
- ~~2. A motion to excuse a member from voting shall be made prior to the call for the question to be voted upon.~~
- ~~3. A member of the Commission requesting to be excused from voting may make a brief, oral statement of the reasons for the request and the question of granting permission to abstain shall be taken without further debate.~~
- ~~4. A member may not be permitted to abstain except upon the unanimous consensus of members present.~~
- ~~5. A member may not explain a vote, may not discuss the question while the roll call vote is being taken and may not change his/her vote thereafter.~~

M. VACANCIES:

- ~~1. A Commission appointment is vacated under the following conditions and upon the declaration of vacancy by the Commission:~~
- ~~2. The Commission shall declare a vacancy when the person appointed:~~
 - ~~A. fails to qualify to take office within 30 days after his/her appointment;~~
 - ~~B. resigns and the resignation is accepted;~~
 - ~~C. is physically or mentally unable to perform the duties of his/her office;~~
 - ~~D. misses three consecutive regular meetings without notice unless excused; or~~
 - ~~E. is convicted of a felony or of an offense involving a violation of his/her~~
~~oath of office.~~

N. GENERAL ORDER OF BUSINESS:

[Added language bold and underlined. Deleted language stricken through.]

NAME OF BODY _____	DATE OF MEETING _____
PHYSICAL LOCATION OF MEETING _____	DAY OF WEEK AND TIME OF MEETING _____
HOMER, ALASKA _____	MEETING ROOM _____

NOTICE OF MEETING
REGULAR MEETING AGENDA

1. CALL TO ORDER
2. APPROVAL OF AGENDA
3. PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA. (3 MINUTE TIME LIMIT)
4. RECONSIDERATION
5. APPROVAL OF MINUTES or CONSENT AGENDA.
6. VISITORS (Chair set time limit not to exceed 20 minutes) (Public may not comment on the visitor or the visitor's topic until audience comments.) No action may be taken at this time.
7. STAFF & COUNCIL REPORT/COMMITTEE REPORTS/BOROUGH REPORTS (Chair set time limit not to exceed 5 minutes.)
8. PUBLIC HEARING (3 MINUTE TIME LIMIT)
9. PENDING BUSINESS
10. NEW BUSINESS
11. INFORMATIONAL MATERIALS (NO ACTION MAY BE TAKEN ON THESE MATTERS, THEY MAY BE DISCUSSED ONLY).
12. COMMENTS OF THE AUDIENCE (3 MINUTE TIME LIMIT)
13. COMMENTS OF THE CITY STAFF (not required) (Staff report may be at this time in the agenda.)
14. COMMENTS OF THE COUNCILMEMBER (If one is assigned)
15. COMMENTS OF THE CHAIR (May be combined with COMMENTS OF THE COMMISSION/BOARD since the Chair is a member of the Commission/Board.)
16. COMMENTS OF THE COMMISSION
17. ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR _____ note any worksessions, special meetings, committee meetings etc. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. (Sometimes the meeting is scheduled for the Conference Room)

~~O. **PROCEDURE FOR CONSIDERATION OF AGENDA ITEMS:**~~

- ~~The following procedure will normally be observed pursuant to Robert's Rules:~~
- ~~1. A motion is made to discuss the item OR to approve the staff recommendation. The item may then be discussed, amended or voted on.~~
 - ~~2. If there are questions of staff or an appropriate audience member, a Commissioner may request permission from the Chair to ask the question. The Chair, upon with consensus approval, may grant the request.~~

P. ARTICLE VII - BYLAWS AMENDED: AMENDMENTS

Section 1. The bylaws may be amended at any meeting of the Commission by a majority plus one vote of the members present, provided that notice of proposed amendment is given to each member in writing. The proposed amendment shall be introduced at one meeting and action shall be taken at the next commission meeting.

Section 2. Any rule or resolution of the Commission, whether contained in these Bylaws or otherwise, may be suspended temporarily in connection with business at hand; and such suspension to be valid; may be taken only at a meeting at which at least four of the members of the Commission shall be present, and two-thirds of those present shall so approve.

[Added language bold and underlined. Deleted language stricken through.]

ARTICLE VIII TELECONFERENCEING

Section 1. Teleconference meetings:

- a. The preferred procedure for Commission meeting is that all members be physically present at the designated time and location ~~within the City~~ for the meeting. However, physical presence may be waived ~~by the Chair or Commission~~ and a member may participate in a meeting by Teleconference. **This allowance is limited to two (2) meetings per year.** ~~when it is not essential to the effective participation or the conduct of business at the meeting.~~
- b. There must be a quorum of members physically present. In addition to the telephonic member.**
- c. A Commission member participating by teleconference shall be deemed to be present at the meeting for all purposes.
- d. In the event the Chair participates telephonically, the Vice-Chair shall run the meeting.

~~1.~~ **Section 2. Teleconference procedures.**

- a. A Commission member who cannot be physically present for a regularly scheduled meeting shall notify the ~~Deputy City Clerk~~ at least five days prior to the scheduled time for the meeting of his/her **their** intent to appear by telephonically. ~~means of communication.~~
- b. ~~The Deputy City Clerk~~ shall notify the **other Commissioners members of the Commissioner's intent to appear by teleconference** ~~three days~~ prior to the scheduled time **of the meeting.** ~~for the Commission meeting of Commission members intending to appear by teleconference.~~
- c. The means used to facilitate a teleconference meeting ~~of the Commission~~ must enable each Commissioner ~~er~~ member appearing telephonically to clearly hear, **and be heard by** all other Commissioners ~~ers~~ members and members of the public, attending the meeting as well as ~~be clearly heard by all other Commission members and members of the public.~~
- d. ~~The Deputy City Clerk~~ shall note in the attendance record all Commission members appearing telephonically.

ARTICLE IX – PUBLIC ART PROGRAM AND THE MUNICIPAL ART COLLECTION

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 Ordinance 02-25(A), Chapter 18.07, 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.

[Added language bold and underlined. Deleted language stricken through.]

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 Parks, Art, Recreation and Culture Advisory Commission 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 Commission notating all projects he/she believes to be eligible for the 1% for Art Program.
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 Commission 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.

[Added language bold and underlined. Deleted language stricken through.]

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.

Selection Committee

1. The Commission will submit to the Council for its approval members of a new Selection Committee 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 Selection Committee will be composed of at least five (5) members, including
 - a. One member(s) from the Commission,
 - 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 Deputy City Clerk for the Commission will also assist the Selection Committee. This will facilitate clear communication and cooperation between the two advisory bodies.
4. Diversity. The Commission will specifically include members of the community who share a commitment to the goals of the 1% for Art Program yet represent the diverse citizenry in our community.
5. Responsibilities of the Selection Committee
 - a. Selection Committee 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 committee.

[Added language bold and underlined. Deleted language stricken through.]

- b. The committee 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 committee or the Deputy City Clerk 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 Recommended 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. Selection Committee Chair will be present when the Resolution is before Council for final approval and award. Responses to Council questions 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. Deputy City Clerk will notify all selected artists of their award and thank all participants.
 - h. All participants, including Committee members and all artists who submitted proposals will be offered a formal opportunity to comment on the process. The Commission 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 UNDER THE 1% PROGRAM

1. Requests for Proposals (RFP)

The Selection Committee with the assistance of the Deputy City Clerk will prepare an RFP for each eligible project. (See sample in Exhibit A). The Clerk's Office will circulate the RFP as required by City code under the City's Procurement Policy. Packets of additional information that describes the project will be available in City Clerk's Office and on the City's website. It will include the brochure, "Special Considerations for Art in Public Places" (See Exhibit B)

2. Establishing Selection Criterion

- a. Each member of the Selection Committee will be provided with a complete RFP, including the "Special Considerations" brochure. Members will be asked to remember these considerations in their art selections.
- b. The Selection Committee will be provided with an Evaluation Checklist (see Exhibit C).

[Added language bold and underlined. Deleted language stricken through.]

- c. The Selection Committee may specify that certain projects will show a preference for art by local or Alaskan artists.

3. Legal Considerations.

The Selection Committee and the Parks, Art, Recreation and Culture Advisory Commission are liaisons 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 Parks, Art, Recreation and Culture Advisory Commission, the Public, the Artist, the Arts Community and the City of Homer.

[Added language bold and underlined. Deleted language stricken through.]

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 inter-local 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 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 Parks, Art, Recreation and Culture Advisory Commission to review proposed gifts of artwork.

Definition

[Added language bold and underlined.] Deleted language stricken through.]

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 Parks, Art, Recreation and Culture Advisory Commission 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 Commission 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 Commission 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 Commission 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 Commission 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 Commission consideration.

4. The Parks, Art, Recreation and Culture Advisory Commission 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 Parks, Art, Recreation and Culture Advisory Commission 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

[Added language bold and underlined.] Deleted language stricken through.]

The Parks, Art, Recreation and Culture Advisory Commission 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 Commission 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 Parks, Art, Recreation and Culture Advisory Commission

If applicable the donor will be scheduled to present his or her proposal to the Commission 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 Commission.

The Parks, Art, Recreation and Culture Advisory Commission will review the proposal, consider the presentation and make a recommendation at the meeting. If the proposal materials do not give the Commission 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 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. Information contained will reflect the following:

- Color Photo of artwork
- Artist Name(s)
- Title of Artwork
- Year Completed/Date
- Medium Used

[Added language bold and underlined. Deleted language stricken through.]

- 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 City 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 Parks, Art, Recreation and Culture Advisory Commission, 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 Parks, Art, Recreation and Culture Advisory Commission may recommend any of the following courses of action as a result of a deaccessioning review. The Commission shall not be limited to these courses of action and may suggest new methods as may be demanded by a particular set of circumstances:

[Added language bold and underlined. Deleted language stricken through.]

- 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 Parks, Art, Recreation and Culture Advisory Commission will be a resource for business owners who wish to include art in their business location.

Parks, Art, Recreation and Culture Advisory Commission will endeavor to obtain buy-in from affected city departments and a wide variety of governmental and non-governmental organizations, as required, to ensure the successful implementation of the public art policy.

The Commission will work to establish partnerships with private funders to help the art policy proponent's 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 Parks, Art, Recreation and Culture Advisory Commission 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.

The Parks, Art, Recreation and Culture Advisory Commission, with the assistance of users, will plan an installation ceremony upon completion of each project. Costs for this event will be from the annual budget or underwritten by donors.

The Parks, Art, Recreation and Culture Advisory Commission 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 City 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 Parks, Art, Recreation and Culture Advisory Commission.

- The Commission shall prepare a plan annually 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.)