

CITY OF PORT TOWNSEND
ART IN PUBLIC PLACES POLICY

I. PURPOSE

To provide a process for the implementation of the City of Port Townsend to administer a public art program, the Percent for Arts Program and other public art funding sources as they pertain to temporary or permanent placement of visual art on publicly owned property.

II. DEFINITIONS

Accession – The formal process of accepting and documenting an artwork into the Public Art Collection.

Artist - Individual, team of individual artists, or artist team leader of individuals from other disciplines who has established a professional reputation within the visual arts field by virtue of education or training, peer recognition, and whose body of work and professional activities demonstrates serious ongoing commitment to visual arts.

Artist Selection Panel – A panel appointed by the Committee for each specific public art project. The Panel is a group that includes the Public Art Committee, arts professionals (including public art fabricators), city departments, citizen groups with relative interests, members of City boards and commissions, and users of the public facility, as appropriate.

City – City of Port Townsend, Washington

Commission – Port Townsend Arts Commission

Committee – The Public Art Committee is a sub-committee appointed by the Commission, made up of a minimum of 3 members of the Commission and is responsible for recommending to the Commission on matters relating the implementation of the Art in Public Places Policy and Procedure.

Construction Project – Any project paid for wholly or in part by the city of Port Townsend to construct or remodel any building, decorative or commemorative structure, park, street, sidewalk, or any substantial portion thereof within the city limits of the city of Port Townsend.

Consultant – Any firm, individual, joint venture or team of firms or individuals with which the City contracts for the design of a construction project.

Council – City of Port Townsend City Council.

De-Accession – The indefinite or permanent removal of an art work from permanent display, whether it is disposed of or not.

Department – Any department of the City government owning, managing, or having jurisdiction over any site, facility, building, or other space, existing or planned, that may be a potential site for public artwork.

Design Team – A team of professionals brought together to design a construction project which may include, but not limited to, artists, architects, landscape architects and engineers.

Documentation – The act of furnishing documentary specifications and history of acquisition or construction of an artwork.

Donor – The person(s), corporation or other organization or concern that donates artwork, as a gift or a loan to the city of Port Townsend.

Gifts - Personal or real property that is donated, devised or bequeathed with or without restrictions to the City of Port Townsend for actual artwork, property for placement of artwork or funds for the acquisition of artwork.

Maintenance Plan – Documentation prepared by the artist which describes types and sources of materials, specifications, manufacturer’s product numbers, assembly process and anticipated type and schedule of regular maintenance. If the artwork is kinetic or functional, the maintenance plan shall describe the expected performance of the work.

Manager – City Manager of the City of Port Townsend.

Monument - An object placed to commemorate a person or group of persons, a geographic location or a historic event. Monuments include, but are not limited to, statuary, columns, arches, fountains, engraved stone or metal, embossed stone or metal, monoliths, obelisks, buildings or entire areas of historic or geographic significance.

Municipal Arts Fund – A special fund, as described in PTMC 3.50.070, into which all funds shall be paid that are received by the city from whatever source for the purpose of providing for the advancement of local cultural and artistic programs and services within the city, including federal, state or other funds to which the city may be entitled now or in the future, and other funds as the city may from time to time transfer into said fund. Funds earmarked for funding public art need not be placed in the municipal arts fund, but may remain part of the project construction budget.

Percent for Arts – A public arts program, as codified in PTMC Chapter 3.50, that allocates 1% of the capitalized costs of eligible public construction projects for the creation or placement of artwork or works as part of the construction project.

Public Artwork - Any original, decorative, functional, discrete, site-integrated or freestanding object created by an artist for permanent display in a public setting; monuments, memorials, fountains, arches or other sculptures of a permanent or temporary character intended for ornament or commemoration; integrated and functional architectural elements designed by an artist. Reproductions of original artwork may be allowed in the case of limited editions or when the reproduction is replacing original artwork that has been irretrievably damaged or destroyed. Existing public artwork that does not meet the above definition may be included in the Public Art Collection.

Public Art Collection – Artwork in public places that is owned by, or on loan to, the City of Port Townsend.

Public Art Plan – An annual plan prepared by the Public Art Committee that identifies and prioritizes public projects that shall include public artwork. The Public Art Plan may include artwork resulting from city construction projects as well as artwork proposed by community groups or other public departments or boards for placement at existing facilities. The Plan shall also recommend artist selection procedures for each project. The Public Art Plan may be amended by the City Council during the calendar year in the case of unforeseen opportunities or implementation difficulties.

Publicly Owned Property - Properties owned by the City of Port Townsend (including street rights-of-way) together with facilities or grounds which are not the property of the City of Port Townsend but on which the City of Port Townsend public art projects may be sited; these include joint use facilities of the City and facilities of other entities such as Jefferson County, Port of Port Townsend, Port Townsend Public Schools, the State of Washington, etc; or, private facilities or properties once necessary public easements have been obtained.

Routine Maintenance – The periodic upkeep of public artworks as prescribed in the artist’s maintenance plan, including cleaning and conditioning, to prevent the deterioration or destruction of the artwork.

III. COMMISSION RESPONSIBILITIES

In addition to its responsibilities as prescribed by Resolution 01-012 and Resolution 01-029 and PTMC Chapter 3.50, the Commission shall perform the following duties:

- Appoint a Committee to advise the Commission on matters relating to visual public artworks.
- Review recommendations of the Committee regarding the annual Public Art Plan and forward recommendations to the Council.
- Review specific public art project design and approve for implementation.
- Periodically review the Art in Public Places Policy and Procedure and recommend amendments, if any, to the Council.

IV. PUBLIC ART COMMITTEE RESPONSIBILITIES

The Committee, in consultation with city departments, shall annually review all city construction and improvement projects, as adopted by the Council, to determine which projects should include public art and prepare a Public Art Plan of anticipated public art projects. The Public Art Committee shall prioritize projects and recommend specific artist(s) selection procedures for each project. The Public Art Plan will be forwarded to the Commission for recommendation to the Council.

The Committee shall provide recommendations to the Commission. The Commission will review and recommend to Council, Manager or city departments for the accession of existing artworks into the Public Art Collection.

The Committee shall develop and maintain a log of maintenance activities regarding artworks in the Public Art Collection.

The Committee shall review proposals for the de-accession of public artwork and recommend the means by which the project shall be sold, donated, relocated or destroyed.

The Committee will provide assistance and consultation with other public agencies, boards and commissions, or non-profit groups in the selection of artists for artworks proposed on their respective public properties.

The Committee shall appoint an Artist Selection Panel for each specific Public Art project.

V. CITY DEPARTMENT RESPONSIBILITIES

Each city department that has jurisdiction over a site or project which will include public art, as recommended by the Committee, shall consult with the Committee at the earliest possible point in project planning and design to select an artist(s) to be part of the project design team.

As appropriate, city departments shall provide technical review of each artwork regarding its constructability, durability and/or operability.

The city department responsible for a site or project which includes public artwork shall ensure that documentation for the artwork is provided at the completion of the project, including the artist's maintenance plan.

VI. CRITERIA AND SELECTION PROCESS

With each project that will include public art, the Committee shall appoint an Artist Selection Panel. The Panel shall establish the method of artist selection and, with the collaboration of the lead Department, define the scope of work on a case by case basis. When defining the scope of work the Committee shall, as to a work or works of visual art as defined at 17 USC Section 100, ensure that appropriate waivers and consents to installation and removal are obtained.

The City will include artists in a broad range of projects, including:

- Planning. Artists may be selected to assist in the evaluation of options, strategies, limitations, opportunities for art, and aesthetic design in capital projects before the scope, quality, schedule, and budget are fixed.
- Collaboration with Project Design Team. Artists may be selected as consultants on City construction projects in which the creation, documentation, and construction of the City construction project is collaboratively developed with the City's project managers, design team, the community, and the artist with the goal of improving the aesthetics of the entire project.
- Site specific artwork. Artists may be selected to design artwork for a specific location.
- Individual works of art. Artists may be commissioned to create a work of art or existing works of art may be purchased.

Methods of Selection:

- Open Competition – Any artist may submit qualifications, subject to any requirements established by the Artist Selection Panel or lead Department.
- Limited Competition by Number – The Panel may invite a limited number of artists to submit qualifications.
- Limited Competition by Geography – The Panel may invite submittal of qualifications from artists residing within or having experience within a described geographic area.
- Direct Selection – The Committee may directly select an artist(s). Generally, direct selection will not be employed except on those projects where an open or limited competition would be inappropriate or impractical, such as a very urgent project timeline or very specific project requirements. In direct selection, art experts with specific expertise will be recruited to assist the Committee in making the artist/artwork selection.

Appointment of Artist Selection Panel

For each public art project there shall be appointed a selection panel that will consist of the members of the Committee, two community members from the area in which the artwork will be located, an at-large artist with specific relevant expertise, one project architect or engineer, and one project manager from the lead Department and, as appropriate, a member of the Historic Preservation Committee, Parks and Recreation Advisory Board, Non-Motorized Transportation Advisory Board, or representatives of other boards, commissions, committees or public agencies. The project architect or engineer and the project manager from the lead Department will be non-voting advisory members of the Panel.

The Panel shall develop the scope of work and call for artists.

The Panel shall review and process artists' submittals and make a recommendation to the Commission regarding which artist or artists should be selected for the project.

The Panel shall cease to exist once the artist(s) is selected and approved.

Criteria for Selection of Artist(s)

Whenever possible, the selection process shall begin at the conceptual stage of the project so the artist(s) will be able to integrate art concepts and artworks with the design of the specific projects and or sites. Early participation also allows for dialogue between the artist(s), the community the project serves and architect or designer to discuss the design processes and the inclusion of specifications for the artwork's site preparation that are subject to zoning, design, and construction codes. The selection of artists or artworks must meet the following criteria:

- The design capabilities of the artist(s) and the inherent quality of the artworks.
- All media forms of visual arts may be considered, subject to any requirements set by the Committee or the lead Department.

- Artists and artworks of all schools, styles, and tastes should be considered.
- Consideration should be given to the appropriateness of scale, materials, form and content for the immediate social and physical environment of the project site, as demonstrated by the artist's prior experience.
- The artist selection process shall ensure that the interests of all concerned parties are represented, including the public, the art community and the City Departments.

Calls for Artists

For open and limited competitions, a call for artists will be issued by the Panel. Depending on method of selection, calls-for-artists shall be published in local and regional newspapers, arts websites, on-line list sites or direct mail, or all of the above.

Each call for artists shall include the following information:

- Description of project in sufficient detail for artists to determine if their work is appropriate
- Project location
- Project budget
- Project schedule describing the expected participation of the artists in the design process.
- Description of the selection process
- Selection criteria
- Description of the Panel

Each artist's submittal shall include the following:

- Letter of interest
- Current resume including public art experience
- Up to twelve (12) slides or digital images* - annotated - which demonstrate quality and strength of past works.
- SASE for return of materials

* Digital images: Images should be in jpeg file format submitted on a PC compatible CD. Each file should be named with artist surname and image number to correspond with annotated image list (for example: 01 Smith). Maximum image size no more that 300 dpi and no larger than 1024 x 768 pixels.

Selection Process

The Panel may select an artist or artist team directly from the artists' submittals and make a recommendation to the Committee. Or the Panel may select a limited number of artists to be interviewed. Following interviews, the Panel shall make a recommendation to the Committee. The Committee shall forward to the Commission and the Commission shall make their recommendation to the Council for final approval.

As it is the desire of the Committee that the artist collaborate as part of the design team and participate at the earliest point in the design process as feasible, only under unusual circumstances will the artists be requested to submit a proposal for the second phase of the selection process. If such a request for proposals is made, the artist shall be provided a stipend for preparation of the proposal paid out of project funding budget.

VII. ACCESSION POLICY

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

Policies:

- Accession procedures insure that the interests of all concerned parties are represented including the Commission, the public, the artist, the arts community and the City of Port Townsend.

- Accessioned artwork shall be of distinctive artistic merit and aesthetic quality and will enhance the diversity of the Public Art Collection.
- Accessioned artwork shall be appropriate in and for its site, scale, material, form, and content for both its immediate and general social and physical environment.
- Accessioned artwork shall be reasonably durable against theft, vandalism, weather, and excessive maintenance costs.
- Accession implies the responsibility to preserve, protect, and display the artwork for public benefit.
- Accession implies a work's permanency within the Public Art Collection, providing that the work retains its physical integrity, identity, and authenticity.
- Accessioned artwork will be acquired without restrictions as to its future use and disposition except with respect to copyrights and certain clearly defined residual rights contained in contracts with artists.
- Artwork will be accessioned into the City of Port Townsend Public Art Collection only upon completion of all facets of the commissioning or purchasing contract.
- Each accessioned work into the Public Art Collection shall be documented to the fullest extent possible, including artist's last known address and when available, photographs.
- The artist's signed contract transferring title for the artwork and clearly defining the rights and responsibilities of all parties shall accompany every accessioned work and shall be in the documented records of the work. The artist's copyrights shall be maintained in accordance with the Visual Artists Rights Act of 1990.
- In the case of interagency or inter-local agreements, a copy of the agreement, and signatures of all parties shall be kept in the City of Port Townsend Public Works Department.
- Accession results from projects and purchases generated as part of the Art in Public Places Program, except in the case of donations, which shall be reviewed in accordance with the City of Port Townsend Arts Commission Policy on Gifts and if accepted shall be accessioned pursuant to this accession policy.

VIII. GIFT POLICY

Purpose: To identify a procedure and criteria for the Port Townsend Arts Commission to review proposed gifts of artwork.

Policy: The Port Townsend Arts Commission shall review all proposed gifts and will evaluate the suitability of proposed gifts and make recommendations to the Council in accordance with RCW 35.21.100 which allows acceptance of donations by a municipality.

Each proposed gift will be reviewed for:

- Gift agreement. Gift donors understand that all gifts are subject to the same conditions outlined for accession of public art.
- Aesthetic quality. The proposed gift has significant aesthetic merit.
- Appropriateness of chosen site or proposed location. Scale of artwork is appropriate for the site including relationship between the artwork and the site and obstacles of the site.
- Restrictions from the donor. Any restrictions must be clearly identified and if accepted, expectations must be met by the City.
- Originality of artwork. Artworks must be one-of-a-kind or part of an original series or limited edition. Reproductions of originals are not considered eligible for acceptance except when it is a replacement of an original artwork that has been irretrievably damaged or destroyed.
- Technical feasibility. The realistic ability for the proposed project to be built and installed as proposed.
- Technical specifications. The Port Townsend Arts Commission must review the actual work, if available or scale drawing and/or model(s) consisting of a site plan and elevation describing the following:
 - Surrounding site conditions if applicable
 - Dimensions
 - Materials and finishes

- Colors
- Electrical, plumbing, or other utility requirements.
- Construction and installation method
- Additional support material such as text verbally describing the artwork and specifications, models, or presentation drawings by a licensed engineer may be required.
- Budget. Cost to manage 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 Port Townsend Arts Commission, in conjunction with the appropriate city staff, will determine if the costs are accurate and realistic and that the donor has clearly delineated responsibility for all costs associated with the project.
- Timeline. Expected timeline for donation or installation should be proposed by the donor. The Commission will determine if the proposed timeline is realistic.
- 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 elements.
- 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 materials, fabrication and installation of the work.
- Vandalism and safety. The artwork shall not be prone to vandalism or pose a safety hazard. Precautions against vandalism, specifically anti-graffiti, will be taken.
- Maintenance and preservation. Donor agrees 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.
- Proponent process. Proponents who generate artwork proposals must show with proper documentation or evidence that their surrounding community, appropriate City departments, boards or commissions have been involved and consulted in the process.

Donors proposing gifts will be informed of the importance of the above criteria in the Commission's consideration.

The Commission shall have the final authority to review and recommend to the Port Townsend Council to accept or reject donated artwork on behalf of the City.

Donated artwork that is accepted by the Council, but for which an appropriate site has not been identified, shall be stored in a manner so as to prevent damage or deterioration.

IX. MAINTENANCE POLICY

The Artist(s) shall provide a maintenance plan that includes a list of materials, diagrams, names of fabricators describing processes used in fabricating the artwork, and the descriptions and drawings of installations, specifications and details of connecting methods. When applicable, artwork that requires any maintenance shall follow the specific instructions and specifications listed under the artist's Maintenance Plan. The Maintenance Plan shall describe routine maintenance measures and their required frequency.

The Public Art Committee shall make an annual review of the City's Public Art Collection for the purposes of a maintenance needs assessment. The Committee, through the Arts Commission, shall communicate those needs and the appropriate actions required to meet those needs to the Manager.

All routine maintenance of permanent artworks, including cleaning, shall be the responsibility of the city department housing the artwork. The Department shall describe the maintenance activities and the date thereof, and forward said description in a written report to the Committee.

So far as practical, in the event repair of the artwork is required, the City shall give the artist the opportunity to do that work for a reasonable fee. Disputes concerning what constitutes a reasonable fee shall be settled by a panel of three visual art professionals with knowledge of curatorial concerns, to be appointed by the Committee. If the artist declines to perform the needed repairs for such a fee, the City

may solicit bids from qualified conservators and award a contract to the conservator presenting the lowest and most responsible bid.

X. DE-ACCESSION POLICY

The Council may consider the de-accession of public art upon request of the Commission, Manager, State or local public agency, community association or business organization.

Policy – De-accessioning shall be considered only after ten years have elapsed from the date of installation of permanent works, except in the case of portable works or under special circumstances.

Eligible Artworks – All artworks owned by the City, whether acquired by the Percent for Arts Program, donations, or any other acquisition method, are eligible. In the case of donated artworks, all legal documents relating to the donation shall be consulted prior to beginning the de-accessioning process.

Criteria – Artwork may be considered for de-accessioning under one or more of the following reasons:

- The artwork cannot be re-sited or re-siting would not be appropriate.
- A work is not, or is only rarely, on display because of lack of a suitable site.
- The condition of security of the artwork cannot be reasonably guaranteed.
- The artwork has been damaged or has deteriorated and repair is impractical or unfeasible.
- The artwork endangers public safety.
- In the case of site specific artwork, the artwork is destroyed or its impact negated by altering its relationship to the site.
- The City wishes to replace the artwork with work of more significance by the same artist.
- The artwork requires excessive maintenance or has faults of design or workmanship.
- There has been a sustained and overwhelming public objection to the artwork.

Policy

- All requests/considerations for de-accession shall be reviewed by the Committee.
- De-accession proceedings shall be open to the public.
- The City shall make a reasonable effort to notify the artist that his or her artwork is being considered for de-accession. The City will also make reasonable efforts to afford the artist and opportunity to address the Committee.
- In the case of donated art, the City shall make a reasonable effort to notify the donor that the artwork is being considered for de-commissioning.
- All objects under consideration for de-accession shall be accompanied by a departmental report.
- The Committee recommendation for de-accession shall come before the Commission.
- The recommendation of the Commission shall be forwarded to the Council for final consideration and decision.

Sale or Exchange

- Sale shall be in compliance with State and local laws and policies governing sale of public property.
- Artist, or estate of the artist, shall be given the first option to purchase or exchange the artwork(s).
- Sale may be through auction, gallery resale or direct bidding by individuals, in compliance with State/local law and policies governing surplus property.
- Exchange may be through artist, gallery, museum or other institutions for one or more artwork(s) of comparable value by the same artist.
- No works of art shall be sold or traded to members of the Arts Commission, City staff, or in conflict with State/local conflict of interest policies.
- Proceeds for the sale of public art shall be returned to the Municipal Art Fund.
- An artwork may be destroyed if it is deteriorated or damaged beyond repair and deemed to be of negligible value. Such artwork may be sold to the artists for the cost of salvage.

- If the Commission is unable to dispose of the artwork in a manner outlined above, the Commission shall make a recommendation to the Council, which may include the donation of the artwork to a non-profit organization or another method.