

## ORDINANCE BILL NO. 13-20

AN ORDINANCE RELATING TO THE PUBLIC ART TRUST FUND; AMENDING SRC 15.030; AMENDING THE SALEM PUBLIC ART COMMISSION PUBLIC ART COLLECTION GUIDELINES, POLICIES AND PROCEDURES

*The City of Salem ordains as follows:*

**Section 1.** SRC section 15.030 is hereby amended as set forth in Exhibit A, attached hereto and by this reference incorporated herein.

**Section 2.** Pursuant to SRC 15.020(e), the Salem Public Art Commission Public Art Collection Guidelines, Policies and Procedures are hereby amended as set forth in Exhibit B, attached hereto and by this reference incorporated herein.

**Section 3. Codification.** In preparing this ordinance for publication and distribution, the City Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within such limitations, may:

- (a) Renumber sections and parts of sections of the ordinance;
- (b) Rearrange sections;
- (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- (d) Delete references to repealed sections;
- (e) Substitute the proper subsection, section or chapter, or other division numbers;
- (f) Change capitalization and spelling for the purpose of uniformity;
- (g) Add headings for purposes of grouping like sections together for ease of reference; and
- (h) Correct manifest clerical, grammatical or typographical errors.

**Section 4. Severability.** Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

City Recorder

Approved by City Attorney: \_\_\_\_\_

Checked by: H. Dimke

**15.030. Public Art Trust Fund.**

(a) There is established a special fund designated as the Public Art Trust Fund from which expenditures may be made for the acquisition, fabrication, installation, maintenance, conservation, management, deaccessioning, community education, documentation and registration of public art. The Public Art Trust Fund shall consist of funds appropriated by SRC 15.040, other funds as the City Council may appropriate, and funds given to the City from public or private sources.

(b) Monetary contributions shall be deposited in separate accounts within the Public Art Trust Fund if separate accounting is deemed appropriate by the City Manager, is required by law, or is a condition of any gift or donation. Prior to disbursing funds from a segregated account in the Public Art Trust Fund, the Salem Public Art Commission shall adopt written findings demonstrating that the proposed disbursement complies with any applicable conditions for the expenditure of those funds.

~~(c) Excluding funds from conditional gifts or donations, funds deposited into the Public Art Trust Fund, shall be allocated as follows:~~

~~(1) Seventy percent shall be used for costs associated with acquiring public art, including, but not limited to the acquisition, fabrication, and installation of public art.~~

~~(2) Twenty percent shall be used for costs associated with managing public art, including, but not limited to costs of selection, program management, community education and registration of public art.~~

~~(3) Ten percent shall be used for the maintenance, conservation and deaccessioning of public art.~~

~~(cd) Disbursements shall be made according to the terms of this Chapter and any procedures adopted by the Salem Public Art Commission.~~ The Salem Public Art Commission will report annually to the City Council on the disbursement of funds from the Public Art Trust Fund.

## **SALEM PUBLIC ART COMMISSION PUBLIC ART COLLECTION GUIDELINES, POLICIES AND PROCEDURES**

### **1. Purpose and Guiding Principles**

That which shapes our cities and communities shapes our spirit and well-being. The arts throughout history have been the catalyst for creating unique public places which have yielded physical, social, and economic benefits to communities. In order to foster an advancement of the visual arts within the Salem community, the City has created a public art program, and, as part of that program, established the Salem Public Art Commission (Commission) and a Public Art Fund into which certain public funds are placed for the purpose of acquiring public art. The Urban Renewal Agency for the City of Salem (the Agency) also recognizes the important role that the visual arts can play in the elimination of blight within urban renewal areas, and has adopted a "percent for art" program for certain urban renewal projects, and has made acquisition of public art a project within the Riverfront/Downtown Urban Renewal Plan. The Agency, through an intergovernmental agreement, has made the Commission the body that is charged with selecting public art for acquisition by the Agency.

### **2. Definitions**

*City Manager* means the City Manager for the City of Salem, or the City Manager's designee, and the City Manager functioning as the Executive Director for the Urban Renewal Agency for the City of Salem, or the Director's designee.

*Eligible costs* means the costs for completion of a public building improvement project, including costs for capitalized tenant improvements, that are paid from eligible funds. Eligible costs do not include costs for land acquisition, design and engineering, administration, fees and permits, building demolition, relocation of tenants, environmental testing, environmental remediation, non-construction contingency or indirect costs such as interest during construction, and advertising and legal fees.

*Eligible funds* means any funds expended by the City or the Agency, from whatever source, for an improvement project and for which public art is not precluded as an object of expenditure in connection with the improvement project.

*Public Art Trust Fund* is a City fund that was established to account for the selection, acquisition and maintenance of public art.

*Public Art Collection* means a collection of works of art that have been determined by the Commission to meet the Selection Guidelines in Section 6 (A)(1) and which will be managed and maintained consistent with these Guidelines, Policies and Procedures.

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### 3. Annual Budget

#### A. Budget Preparation

Each year at a time specified by the City Manager, the Commission shall prepare and submit to the City Manager a recommended budget for the City's and the Agency's Public Art Trust Funds for the next fiscal year. This budget shall include input from the various departments within the City that will be undertaking projects which will require the expenditure of eligible funds. The budget shall be in a form prescribed by the City Manager, and include estimated revenue and expenditures for the upcoming fiscal year.

The City's Public Art Trust Fund has been designated as Fund 176<sub>A</sub> and includes four (4) cost centers that are set up for specific purposes.

Public Art Acquisition (Cost Center 60921010)

Public Art Management (Cost Center 60921020)

Public Art Maintenance (Cost Center 60921030)

• Public Art Other Specified (Cost Center 60923010)

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Revenue shall be placed in the cost centers, using percentage allocations prescribed below. Once placed in cost center, there is no requirement that the revenue be fully expended during a given fiscal year. Carryover is allowed into subsequent fiscal years. Because the percentage division is required by SRC 15.030(e), once the funds are divided, the funds become dedicated to the specified purpose, and may not be transferred from one cost center to another.

Urban Renewal Agency funds for the Percent of Art Project, or for the acquisition of art within a specific Urban Renewal Area, will be budgeted for in the appropriate Cost Center within the Tax Allocation Improvement Fund (Fund 265), and approved through the annual budget process.

#### B. Budget Allocations

##### (1) Acquisition

Seventy percent shall be used for costs associated with acquiring works of art, including, but not limited to costs of acquisition itself. As used in this policy, costs associated with acquiring public art include the following:

- Direct purchase of pre-existing artwork
- Advertising and/or marketing of acquisition needs
- Semi-finalist proposals and travel expenses
- Selected artist's fees for design team work, including travel expenses, conceptual development, and proposals
- Creation of a work of art, including:
  - Artist's design fee
  - City required permits

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- Labor and materials
- Insurance
- Project related travel
- Transportation of work to the site
- Installation
- Documentation
- Frames, mats, mounting, anchorage, pedestals, cases or other materials necessary for the installation and/or security of the work

### (2) Management

~~Twenty percent shall be used for costs associated with public art management.~~ As used in this Policy, costs associated with public art management include the following:

- Documentation and registration of all works of art
- Education activities
- Publicity and appropriate openings
- Identification plaques and labels
- Special management and public outreach projects
- Staff support to the Commission in achieving its objectives and goals

### (3) Maintenance, Conservation, and Deaccessioning

~~Ten percent shall be used for costs associated with maintenance, conservation, and de-accessioning of works of art.~~ As used in this Policy, costs associated with maintenance, conservation and de-accessioning include the following:

- Routine cleaning
- Conservation
- Rotation of works of art
- Repair
- Deaccessioning

### (4) Use of Urban Renewal Funds

All funds budgeted as part of an Agency Percent for Art Project or the acquisition of art under the Riverfront/Downtown Urban Renewal Plan shall be used for costs associated with acquiring the work of art, including, but not limited to the purchase, fabrication, and installation of the work of art.

## C. Permitted Use of Funds

The Public Art Trust Fund may not be spent for:

- Purchase of reproductions of original works of art
- Decorative or functional elements that are designed by a project architect, landscape architect or their consultants without artist collaboration
- Objects that are mass-produced from standard design, such as playground equipment or fountains, unless the object is considered a work of art outside of

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- its ordinary function
- Directional signs or maps, unless the sign or map is designed and/or executed by an artist, and meets the Selection Criteria in this Policy
- Architect's fees

### **D. Conditional Gifts and Donations**

Money designated as a conditional gift or donation for the purchase of works of art shall be placed in the "Public Art Other Specified" Cost Center. Purchase of works of art using funds received from conditional gifts and donations shall be acquired using the Selection Criteria.

### **E. Improvement Projects**

All improvement projects paid for wholly or in part by the City or the Agency where the amount of eligible funds equals \$100,000 or more will include in the budget one-half of one percent of the total eligible costs for public art. Staff responsible for an improvement project that meets the \$100,000 threshold shall meet with the Commission to inform the Commission as to the amount of funds that will be available for public art and to solicit early input as to the relationship of the work of art to the project as a whole. The total amount will be allocated under subsection B of this section.

### **F. Commission Authority**

Nothing in this Policy is intended to be, or shall be construed to be, contrary to state and local purchasing and ethics laws, rules and regulations. In the event of a conflict between this Policy and state or local purchasing or ethics laws, rules and regulations, the state or local law, rule or regulation shall control. Nothing in this Policy delegates, or shall be construed to delegate, any authority on the Commission to execute any contract for the purchase of works of art or for any other activity or service identified in this policy; all contracts shall be executed by the City Manager.

## **4. Annual Report**

City staff will prepare an Annual Report describing the activities of the Commission for the preceding fiscal year, including revenue received and expenditures made for each work of art. This report shall be approved by the Commission, and staff will file the Annual Report with City Council on or before January 1 of each year.

## **5. Public Art Education**

When advising the City Manager on public art education activities, the Commission will evaluate and recommend educational opportunities in art, and endeavor to seek out opportunities for education about public art.

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### 6. Acquisition Policies and Procedures

The purpose of the Public Art Collection Acquisition Policies and Procedures is to ensure the development of the City's and the Agency's public art collections satisfy the requirements of SRC Chapter 15, URA Resolution 10-5, and the Riverfront/Downtown Urban Renewal Plan.

#### A. Acquisition Policies

##### (1) **Selection Guidelines**

When selecting or commissioning works of art, the Commission shall ensure that the following factors are addressed:

- **Artistic Quality:** The strength of the concept, vision, and craftsmanship of the work of art and whether it is of exceptional quality and enduring value.
- **Compatibility:** Whether the work of art will enrich the architectural, historical, geographical and/or socio-cultural context of the site. Compatibility includes a consideration of media, as well as integration of the work of art into the design or function of the public improvement. All art forms will be considered.
- **Maintenance:** The structural and surface soundness of the work of art and its inherent resistance to theft, vandalism, and weathering, and the repair costs that would be necessary to repair damage to or deterioration of the work of art. Whether the work of art requires extraordinary maintenance, including, but not limited to, periodic adjustment, repainting, repair or replacement of moving parts.
- **Public Safety:** Whether the work of art would present a safety hazard to the public and meet applicable federal, state and local building codes and regulations.
- **Diversity:** Whether the work of art promotes a broad range of artistic styles and media and maintains an overall balance within the public art collection. Diversity includes works of art that are varied in style, scale, and media that range from experimental to established art forms, and that are produced by artists from assorted backgrounds and ranges of experience. All things being equal, preference to Oregon artists will be given.
- **Feasibility:** The ability of the artist to successfully complete all aspects of the proposed work.
- **Duplication:** Whether the work of art is unique, and, if not, the size of the edition.
- **Cost:** Whether the price is fair and there are available funds to cover the cost of purchase, transportation, documentation, conservation and storage of the work of art. The cost should be commensurate with the importance of the work of art to the public art collection. The possibility a comparable work of art might be obtained through gift or bequest should be considered.
- **Urban Renewal Projects:** The selection of works of art by the Urban Renewal Agency shall ensure that the following additional requirements are met:
  - A "percent for art" acquisition shall be sited on or about the premises of the urban renewal project that generated the public art funds.
  - A "percent for art" acquisition shall become and remain part of the urban renewal project for which the expenditure was made.
  - Any acquisition shall be authorized by the applicable urban renewal plan,



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as demonstrated by written findings from the Agency's executive director.

- Salem Public Library: Works of art purchased for Salem Public Library by the Library Foundation with the intention of being hung in the library will be evaluated and approved by the Commission using the Selection Guidelines in this subsection. However, ownership of the piece shall be retained by the Library Foundation, and any requests by the City or the Commission to move the piece to a location other than the Library must be approved by the Library Foundation Board. Works of art donated to the Library for its Circulating Collection need not be evaluated by the Commission, as they will be loaned to patrons as a part of the Library's on-going operations and are not intended for permanent display in a City facility.
- The Commission shall give preference to Oregon Artists.
- The Commission will establish, when needed, specific criteria for an acquisition. The selection criteria shall be consistent with the factors outlined in this subsection.

### **(2) Placement Guidelines**

When the Commission advises the City or the Agency on the initial installation and/or placement of a work of art brought into their respective public art collections, the Commission will take the following into consideration:

- If the work of art is site specific, whether the location for which it was created is likely to remain unneeded for other public purposes in the foreseeable future.
- The aesthetic enhancement of, and compatibility and integration with, the site.
- Whether adequate visibility will be allowed for viewing, and whether the safety both the work of art and public can be ensured.
- Whether locating the work of art at the proposed site can be undertaken within budget and on time.
- The maintenance required for the work of art, and any other related costs.
- The physical, social, and economic benefits to the community.
- The advancement of the visual arts within the community.

### **(3) Title to Works of Art**

Title to works of art acquired by the City or Agency shall be in the name of the City or the Agency, respectively. Acquisition of a work of art shall be accompanied by an assignment of copyright to the work of art; provided, however, the artist may retain a non-exclusive right to make reproductions of the work of art for professional advertisement and promotional purposes. Unless otherwise agreed, in writing, by the City Manager, no artist or artist's representative shall be deemed to have reserved any rights to a work of art acquired by the City or Agency, or to the continued placement of the work of art in any specific location, notwithstanding the fact that the work of art may have been created as "site-specific."

## **B. Acquisition Procedures**

When selecting or commissioning works of art for acquisition by the City or the Agency for

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their respective public art collections, the Commission shall use the following procedures:

### (1) Determine Need

The Commission identifies a need to acquire a work of art for the public art collection based on one or more of the following factors:

- A specific capital project is proposed that requires the purchase of a work or works of art.
- The City has obtained funds by donation, grant, bequest, or other means, and the purchase of works of art is a condition of the donation, grant, bequest, or other means.
- The Public Art Fund has moneys that are not required by law to be used to purchase works of art in connection with the construction of a specific capital project, and the purchase of the work of art could:
  - Expand the diversity of the public art collection.
  - Enhance the City's reputation.
  - Improve the City's economy.
  - Create civic dialogue and community involvement.
  - Highlight and publicize the City's initiatives, missions and objectives.
  - Connect artists with the community and enhance the public's appreciation and support of art.
  - Effectively communicate important information or instructions to the public, such as the importance of recycling.

### (2) Determine Selection Method

The Commission determines which of the following methods to use for the acquisition of the work of art:

- Open Competition: The Commission will agree by consensus that an open competition is the best way to acquire the work or works of art. Public announcement is made of the intent to purchase works of art. Any artist (or team of artists) may submit a work of art. Selection factors and/or criteria are included in the announcement. The announcement may allow for the submission of models, proposals, or pre-existing works of art. The submission will be reviewed by the Commission or an Expanded Selection Panel designated by the Commission, and the decision will be based on the selection factors and/or criteria.
- Invitational: The Commission will agree by consensus that one or more artists (or teams of artists) are particularly well qualified to provide the work or works of art. A list of artists (or team of artists) is developed and persons on the list are invited to submit proposals, models, or pre-existing works of art. Selection factors and/or criteria are included in the invitation. If the budget allows, the Commission may authorize reimbursement of some or all of invitees expenses incurred in the submission. The submission will be reviewed by the Commission or an Expanded Selection Panel designated by the Commission, and the decision will be based on the selection factors and/or criteria.
- Direct Selection: The Commission will agree by consensus that an identified

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artist (or team of artists) is uniquely qualified to provide the work or works of art. The artist (or team of artists) is invited to submit a proposal, model, or a pre-existing work of art. Selection factors and/or criteria are included in the invitation. In the alternative, a pre-existing work of art by the artist that meets the selection factors and/or criteria may be acquired directly from the artist or the artist's representative. The submission will be reviewed by the Commission, and the decision will be based on the selection factors and/or criteria.

### **(3) Determine Selection Panel**

The Commission generally acts as the selection panel for works of art. If the Commission determines that additional artistic expertise should be included in the evaluation process, the Commission may designate an expanded selection panel. An expanded selection panel will be comprised of one or more members of the Commission as well as one or more persons outside the Commission who have the expertise that complements or expands the overall expertise of the Commission.

After the selection method has been determined, the Commission will work with the City Attorney to ensure that the selection process conforms to state and local purchasing laws and regulations.

The panel members are subject to state ethics laws. In addition, when making selections for acquisition by the City, the panel members are subject to SRC Chapter 12, the City's ethics ordinance. Panel members shall declare any conflict of interest at the beginning of the meeting where evaluation of works of art for selection occurs.

- A conflict of interest exists under state ethics laws if a panel member, an organization the panel member is associated with, or a member of the panel member's immediate family, will, or has the potential to, gain a financial benefit from the acquisition of the work of art under consideration.
- Under the City's ethics ordinance, a conflict of interest also exists if a reasonable person would perceive that a panel member has an "appearance of impropriety" by participating in the selection process.
- If a conflict of interest exists, the panel member shall not participate in the discussion or decision regarding the art work under consideration, or otherwise attempt to influence panel members inside or outside of the meeting where the acquisition is considered.
- A panel member who believes he or she might have a conflict of interest should consult the Oregon Government Ethics Commission and/or the City of Salem Board of Ethics before participating in any proceeding where the conflict would occur.

### **(4) Evaluation and Recommendation**

Using the selection factors and/or criteria, the Commission or expanded selection panel will evaluate works of art for acquisition, and, where appropriate, narrow the acquisition to selected artists or works of art. An expanded selection panel will make a recommendation to the full Commission.

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### **(5) Selection**

The Commission will make the final selection by majority vote of a quorum. The Commission has the option to reject all submissions, and to reopen the selection process using the same or a different selection method and the same or different selection criteria. After a selection has been made, the Commission will refer the selection to the City Manager for acquisition.

### **(6) City Council or Urban Renewal Agency Notice**

The Commission reports the selection to the City Council or the Urban Renewal Agency Board.

### **(7) Contract Required**

If the work of art is commissioned, a contract approved by the City Attorney is required between the City and the artist or team of artists.

### **(8) Acquisition**

Acquisition can be by purchase, by donation or gift, or a combination.

### **(9) Review and Approval of Changes**

If a work of art is commissioned, the Commission will review and approve any subsequent changes in concept or media that are proposed during the execution phase of the contract. If an expanded selection panel was used to choose the artwork, the Commission has the option of including the expanded selection panel in the review and approval.

## **7. Collection Management Policies and Procedures**

The purpose of the Public Art Collection Acquisition Policies and Procedures is to ensure the development of the City's and the Agency's public art collection satisfies the requirements of SRC Chapter 15, URA Resolution 10-5, and the Riverfront/Downtown Urban Renewal Plan.

### **A. Registration**

#### **(1) Registration Policy**

The Commission will have responsibility for maintaining a file for each work of art in the City's and the Agency's respective public art collections. These files will be maintained by the department assigned to staff the Commission, and will be located in the City Manager's office. If deaccessioned, all information relating to the disposal will be included in the file.

#### **(2) Registration Procedure**

Collection registration and documentation is the maintenance of permanent records regarding works of art, and may include, but not be limited to, collections inventory, acquisitions records, incident reports, condition reports, ownership documentation, acquisition and ownership histories (provenance), artist biographies, location histories

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and photographic documentation. When a work of art is added to the City's or the Agency's public art collection, a data entry worksheet will be completed, added to a Collections Database, and a file for the artwork will be created. The Collections Database will include information from the data entry worksheet, the object ID number, the name of the artist, the title of the work of art, a description of the work of art, its measurements, and a full report of the work of art's condition upon receipt. The files will contain all documentation pertaining to the work of art, including the invoice or Deed of Gift, the data entry worksheet, a printout of the collections database record, previous display labels, research pertaining to the work of art, biographical and other information pertaining to the artist, any photographs of the work of art, and subsequent condition reports. The file cabinet for the files will be maintained by city staff in the City Manager's Office. The Commission members will have access to the files on request.

### **B. Conservation**

#### **(1) Conservation Policy**

Professional art conservators will be used when conservation assessments, treatments, and/or repairs for works of art in the City's and Agency's public art collections are needed. If the need for a professional art conservator is required, the hiring process will follow the City of Salem Purchasing Rules.

#### **(2) Conservation Procedure**

Subject to available funds, City staff will provide routine maintenance of the City's and Agency's works of art, with guidance from the Commission. Bi-annually, the Commission or members of the Commission will review the condition of the works of art in the Collection, and a Condition Report will be completed. This report will contain the object ID number, the name of the artist, the title of the work of art and a report of the condition of the work of art.

### **C. Relocation**

#### **(1) Relocation of Works of Art Policy**

When the Commission advises the City or the Agency on the relocation of works of art within their respective public art collections, the Commission will take the following into consideration:

- Whether the condition or security of the work of art can no longer be reasonably guaranteed at its current site.
- Whether the work of art has become a danger to public safety in its current site.
- Whether the site has changed so that the work of art is no longer compatible as placed.
- Whether the site where the work of art is located is being eliminated.

#### **(2) Relocation of Works of Art Procedure**

When the Commission recommends relocation of a work of art, the Commission, in consultation with the City Attorney, will first determine whether the artist reserved any

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rights in the work of art or to the continued placement of the work of art in any specific location. If the artist retained any such rights, the Commission will inform the artist that re-siting the works of art is necessary for one of the reasons set forth in this section. If the artist objects to the relocation, the Commission will make a good faith attempt work with the artist to resolve any identified issues. The Commission will then refer its recommendation to re-site the work of art and any written objections from the artist to the City Manager for a final decision.

### **D. Donations and Gifts**

When the City receives gifts or donations of works of art, the City Manager may forward the gift or donation to the Commission to determine if the gift or donation should be added to the Public Art Collection.

### **E. Deaccession**

#### **(1) Deaccession Policy**

One of the Commission's responsibilities is to maintain high quality in the City's and the Agency's respective public art collections. To maintain high quality, it will be necessary to periodically eliminate artworks that are damaged and cannot be repaired, that have become unsafe, or that no longer meet the needs of the community. The deaccessioning process involves removing a work of art from the public art collection by sale, donation to another institution or, in the rare case, destruction. When a work of art is to be deaccessioned, the artist shall, if possible, be notified before deaccessioning occurs, and be given the opportunity to repurchase the work of art. In all situations, the rights of the artist under the Visual Artist Rights Act of 1990 will be respected, unless waived by the artist.

A work of art will be deaccessioned only if one or more of the following conditions exist:

- The work of art poses a safety hazard to the public or the environment.
- The work of art has become damaged or deteriorated to such an extent that aesthetic and/or structural restoration of the work of art is not feasible, or the expense of such restoration would be disproportionate to the value of the work of art.
- The architectural support (building, wall, and streetscape) for the work of art is to be destroyed, unless the work can be relocated, in which case the work of art shall be relocated.
- Prolonged public dissatisfaction of the work persists to the extent that the work detracts rather than enhances the site and the community.
- The work of art materially interferes with the use of public property.
- The use of the site where the work of art is located has so changed, or is proposed to change in such a manner, that is no longer compatible with the work of art.
- The work of art does not meet new or amended selection factors.

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Disposition of works of art that has been deaccessioned shall follow the City's or Agency's surplus disposition policies. No work of art that is deaccessioned will be given to individuals or groups for private use. Sale of works of art that are deaccessioned to dealers or to private individuals or groups may be made if approved by the Commission. Sale of works of art that have been deaccessioned to Commissioners or to other City officials, employees, or agents is prohibited, unless the sale is a competitive sale where the work of art is made available for purchase by the general public.

Proceeds realized from the sale of works of art that have been deaccessioned shall to be used to purchase of other works of art for the City's or the Agency's respective public art collection, or for the care of other works of art in the respective public art collections.

### **(2) Deaccession Procedure**

To be considered for removal from the City's or the Agency's respective public art collections, the Commission will review the proposed deaccessioning using the deaccessioning policies. The Commission will vote and if the majority of the members agree for the deaccessioning of the work of art from the Collection it will be deaccessioned from the Collection. A list of works of art that have been deaccessioned will be maintained by the Commission.

In deaccessioning, all identifying marks, tags, numbers, etc. will be removed with a deaccessioning notation made in the Collections Database. A deaccessioning form will be completed and will include the object ID number, the name of the artist, the title of the work of art, a description of the work of art, the reason for deaccession, date of deaccession, the disposal information, and a list of the Commission membership at the time of deaccessioning.

## **8. Public Mural Program Policies and Procedures**

The purpose of the Public Mural Program Procedures and Standards is to ensure that Public Mural Program enhances the aesthetics of the City, provides avenues for original artistic expression in the City, provides public edification through access to original works of public art, encourages community participation in the creation of original works of art, and reduces the incidence of graffiti and other crime while increasing community identity and fostering a sense of place.

### **A. Public Mural Program Policy**

#### **(1) Selection Criteria**

In addition to the criteria established in the Public Art Collection Development Guidelines in this Policy, criteria for approving public murals include:

- Strength of artist's concept for, and originality of, proposed public mural.
- Demonstrated craftsmanship of artist.
- Appropriateness of scale of the public mural to the wall on which the proposed public mural will be painted/attached.

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- Appropriateness of the scale of the public mural to the surrounding neighborhood.
- Architectural, geographical, socio-cultural and/or historical relevance of the public mural to the site.
- General support/advocacy for the public mural from the building owner/user, surrounding neighborhood, adjacent businesses, and arts community.
- Demonstrated ability to complete the proposed public mural on time and within budget.
- If the proposed public mural will be located in a historic district, the proposed public mural:
  - Will be on a building or structure that is "non-historic non-contributing" under historic preservation laws.
  - Will not be located on the building façade. For purposes of this criterion, the building façade is defined as the wall that contains the main entrance onto the premises.
- The proposed public murals will not be located on a single family dwelling, duplex, or multi-family dwelling. As used in this subsection, single family dwellings, duplexes, or multi-family dwellings do not include mixed-use buildings which contain residences.
- The proposed public mural will not contain electrical components, three dimensional structural elements; employ electrical lights as part of the image, moving structural elements, flashing or sequential lighting, interior lighting elements, any automated method that causes movement, or any method that causes periodic changes in the appearance of the public mural or changes the mural image or message.
- The public murals will be located in a manner that is accessible to the public.

### **(2) Conditions of Approval**

Approval of any public mural by the Public Arts Commission is required prior to commencement of the mural. The artist must agree to donate the public mural to the City's public art collection as provided in SRC 15.090.

Public murals must be maintained and remain in place for a minimum of seven years without alterations.

The approval and acceptance of each public mural shall be contingent upon the conveyance of a public mural easement to the City from the owner of the building upon which the public mural will be located. The form of the easement must be approved by the City Attorney. The easement shall grant the right to create the public mural on the wall of the building and provide that the person granting the easement will maintain the public mural, and, if necessary, restore the public mural to its original condition for the period of the easement, and provide that, upon expiration of the easement, the property owner will remove the public mural and restore the building to its prior condition.

Prior to approving a public mural for the City's public art collection, the Commission shall hold a public hearing at which interested members of the public may review and



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comment upon the proposed public mural

### **B. Public Mural Program Procedures**

#### **(1) Application**

The artist will submit a proposal for the mural. The proposal will include location, materials, and size/dimensions, and explanation of how it meets the selection criteria, preliminary sketches, and written description of the mural. In addition, an easement form shall be submitted that includes:

- The legal description of the property upon which the mural will be placed.
- Proof of ownership of the property (i.e. a copy of the deed).
- Proof of identity of the person who has the authority to sign the easement form.

#### **(2) Public Hearing**

The Commission shall hold a public hearing on the proposed mural. Written notice of a public hearing shall be provided to the neighborhood association for the neighborhood where the public mural would be located and shall be posted on the building where the public mural will be placed. Public notice shall be given no later than thirty days before the hearing. The notice shall explain the purpose of the hearing, and contain a picture of the preliminary sketch and the written description of the mural. At the public hearing, any interested person shall be afforded the opportunity to speak or to present evidence to the Commission. The Commission may, but is not required, to make a final decision regarding the public mural at the conclusion of the hearing.

#### **(3) Final Selection**

The Commission will review the proposal and consider public comments. The Commission will make the final decision by majority vote of a quorum. Notice of the final selection shall be provided to any person presenting testimony or evidence at the hearing.

#### **(4) Easement Process**

The City will prepare the easement. After the property owner has signed the easement, the City will record the easement. A copy of the easement will be provided to the property owner.