

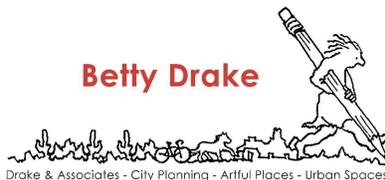
FINAL REVIEW DRAFT - OCTOBER 31, 2016

Surprise Public Art Policy and Procedures Guide

Prepared for the

City of Surprise, Arizona
Arts and Cultural Advisory Commission

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I. INTRODUCTION

The Introduction to the Surprise Public Art Policies and Procedures Guide (SPAPPG) describes its purpose, goals and the role played by the Surprise Arts and Cultural Advisory Commission (SACAC) in guiding the City's public art program.

A. Purpose and Goals of the Surprise Public Art Policies and Procedures Guide

1. Purpose

The purpose of the SPAPPG is to establish for the Surprise Arts and Cultural Advisory Commission (SACAC) a process for the selection, acquisition, placement, and maintenance of works of public art. The SPAPPG includes policies for art project management, acceptance of donations, deaccession procedures and related aspects of the public art program.

2. Goals

- a. Define policy and procedures for public art selection, siting and program management.
- b. Provide policy and procedures that expand the scope of the City's public art collection to include works of art that represent excellence while varying in style, scale, medium, form, and Intent.
- c. Strive for a broad distribution of commissions among artists.
- d. Encourage emerging and regionally based artists.
- e. Encourage collaborative efforts between artists and architects, engineers, and landscape architects as members of design teams.
- f. Provide policy and procedures for documentation, conservation, maintenance, accession and deaccession of artwork acquired for the public art collection.
- g. Encourage the future development of an art in private development policy by establishing policies and procedures that form the foundation for private development contribution.

B. Role of the Surprise Arts and Cultural Advisory Commission (SACAC)

SACAC plays an active role in all aspects of Surprise's public art program. SACAC is responsible for defining purpose, budgets, and parameters of public art projects. SACAC reviews proposed donations of artwork, unsolicited art project proposals, temporary art installations and proposals for community-initiated art. Working with City staff, SACAC approves the selection process to be used and develops the call for artists. SACAC members shall chair and serve on selection panels that recommend public art proposals for City Council approval. SACAC is responsible for working with City staff to oversee execution, planning, and preservation of the City's public art collection.



II. SELECTION PROCEDURES AND POLICY

This chapter of the SPAPPG is intended to guide SACAC's review and selection of public art projects. The public art selection process is shown in Figure A, page 3. Included in this chapter are sections discussing:

- A. Initial Project Definition
 - B. Site Selection
 - C. **Selection Panel**
 - D. Selection Process Options
 - E. Developing and Distributing the Call for Artists
 - F. Public Art Application Review
 - G. Other Types of Art Acquisition: Review and Evaluation Procedures
 1. Gifts
 2. Unsolicited proposals
 3. Direct purchase of art
 4. Temporary art installations
 5. Loan or rental of artwork
 - H. Art in Private Development
 - I. Public Involvement
-

A. Initial Project Definition

When a public art project is proposed, the first step is to prepare a statement of its purpose and general parameters.

1. Project Purpose

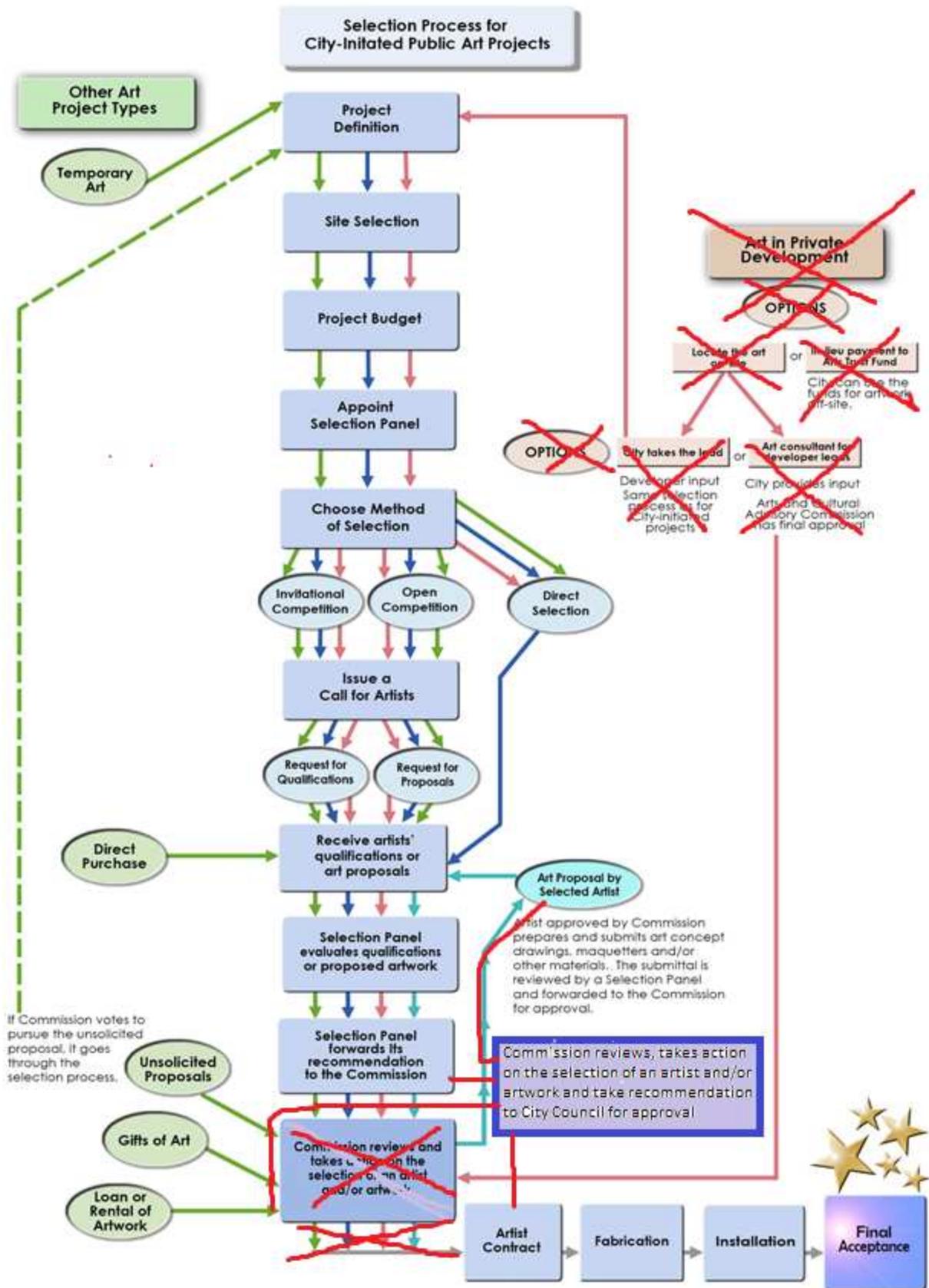
A written statement will be prepared by SACAC and staff defining the art project's purpose. The purpose, for example, could be to

- activate a public space,
- engage children,
- commemorate or memorialize an idea or moment in history,
- serve as a gateway,
- celebrate the city's character, or
- express community aspirations.

2. Project Parameters

A statement describing the key parameters of the proposed project will be provided to and discussed by SACAC. The statement may include:

- project scale,
- type of artwork (sculpture, mural, kinetic, etc.),
- whether the work is to be permanent, temporary or portable,
- whether the project will involve working directly with citizens, community or other stakeholder groups,
- suggested areas for art placement,
- project boundaries,
- environmental or contextual factors to be addressed,
- expectations about users of the place where the art will be located, and
- whether the project should be open to all artists or limited to, for example, emerging artists or Arizona/local artists.



3. **Project Budget**

During initial project definition, a project budget is established. The budget for a public art project must be based on available funds, estimate of project costs and project parameters.

SACAC will determine whether the funds available will be sufficient to achieve the project's purpose, using stated parameters. To enable artists to design a work that is financially feasible, budget guidelines will be provided to artists during the selection phase.

Artists must provide acknowledgment of the budget on their proposals and their ability to execute the project within the budgeted amount.

B. **Site Selection**

Locations for the public artwork may be based on recommendations of SACAC, the public art master plan, unique project characteristics or other criteria. The site may be either a specific location or a larger area within which the artist can choose a site for the artwork. **The SACAC should, in coordination with the appropriate City staff adhere to existing site placement and plan procedures when siting public art.**

1. **Criteria for site selection**

- a. The artworks shall be clearly visible and easily accessible to the public at all times.
- b. The artworks shall be responsive to their immediate surroundings in terms of scale, material, form, and content.
- c. The artworks shall be located on public property or on property where the owner of the site is a partner in the project.
- d. The art should ideally be located in areas with high levels of pedestrian traffic so it will enhance and activate gathering places, the streetscape and the pedestrian experience.
- e. The artworks may be sited to help identify a district or neighborhood, establishing landmarks and gateways.
- f. Public art shall be dispersed throughout the city, as opposed to being concentrated only in a few areas.
- g. For sites on City property, approval by facilities management staff within the Public Works Department.

C. **Selection Panel**

1. **Panel Responsibilities**

A selection panel will be assembled by City staff in coordination with the SACAC for each project.

Duties include but are not limited to the following:

- a. Reviewing and narrowing the artist application pool based on the project's goals and siting criteria;
- b. Reviewing and narrowing the list of finalists through proposals or interviews;

- c. Recommending a selected artist and/or art proposal to SACAC for review and recommendation, to be forwarded to City Council;
- d. Consulting with individuals who represent varying viewpoints and expertise that may contribute to the selection; and
- e. Reserving the option to make no selection from submitted applications and to reopen the competition or propose other methods of selection.

2. Panel Composition

Each selection panel will be comprised of no more than seven members, not counting City staff, who represent varying viewpoints and expertise that can contribute to performance of the panel's duties. The panel will receive oversight from City staff to ensure compliance with policy and procedure.

The selection panel may include:

a. City and Community Representatives

Stakeholders involved with the community or facility where the artwork will be sited, community leaders, private sector partners, representatives of neighborhood or business associations, business owners, City officials, project design professionals, site agency representatives, technical experts, SACAC members and others. These individuals need not have any formal training in the visual arts.

b. Artists

A person who is generally recognized by critics and peers as a professional visual artist, as judged by the quality of the artist's body of work, educational background, experience, exhibition record, past public commissions or other appropriate criteria. An artist does not need to earn an income solely from his or her artwork to be considered a professional to serve on a project selection panel.

c. Arts Professionals

Individuals who have expertise in or are employed in an arts-related field who can offer insight into the process and outcome of public art installations. These individuals can be involved in arts administration, arts education, advocacy, promotion, documentation or similar fields of work.

3. Voting and Project Approval

The selection panel will make a recommendation by majority vote or scoring system when applicable. The panel has the option to make no recommendation and to reopen the competition or propose other methods of selection if no acceptable proposal is received.

4. Conflict of Interest

All members of the panel will strictly comply with state and City conflict of interest laws and rules, which will be acknowledged in writing by each member at the inception of a panel.

D. Selection Process Options

The public art selection process may be conducted through open competition, invitational competition or direct selection. SACAC may also be asked to consider

unsolicited proposals, acquisition of an existing work of art, temporary artworks or installations, gifts of art, community-initiated public art projects and rental or loan of art (see Section II.H).

1. Open Competition

All qualified artists may participate in an open competition with possible limitations based upon geographical or other eligibility criteria. No fees will be charged to artists submitting qualifications and application materials for consideration. Upon review of submittals, the panel may select either a single artist or a limited number of finalists. The finalist(s) may be paid a fee to prepare an art concept proposal and be reimbursed for travel expenses to interview with the selection panel.

2. Invitational Competition

A selected group of artists is invited to submit conceptual design proposals. This method is generally used when project-specific qualifications and experience are required. Artists are considered by invitation only. Names of artists invited to apply are generated by SACAC, staff, members of the selection panel and other sources. The invited artists may be asked to submit their proposals in the form of drawings or maquettes, to tour the site and attend an interview with the selection panel. Invited artists are typically paid a fee and reimbursed for travel expenses.

3. Direct Selection

A specific artist or artwork is selected outright for a direct commission or purchase. Directly selecting an artist is rarely done by public agencies that are required to vet candidates in a competitive process.

E. Developing and Distributing a Call for Artists

A call for artists is an opportunity notice that invites artists to submit qualifications or proposals for a public art project and provides them with information about project parameters. A call for artists includes site description, budget, general types of artwork desired (e.g., sculpture, mural, temporary installation), purpose of the project, and other information to help them formulate their responses.

The SACAC should, in coordination with the City's procurement staff, review and approve the call for artists and distribution of the call.

1. Types of Calls for Artists

There are two traditional types of calls for artists: requests for qualifications (RFQ) and requests for proposals (RFP).

a. Requests for Qualifications (RFQ)

This type of call for requires submittal of examples of an artist's previous work, a vita, selected references, statement of interest in the project and other information (see Sec.II.F.2).

After the applications are received and evaluated, the selection panel generally invites a short-list of qualified artists to interviews and/or to develop project design proposals.

The RFQ process does not anticipate that artists prepare or present specific ideas based on the limited information provided in the call; rather, conceptual artistic proposals for the project are developed by short-listed artists only after learning more about the project through site visits and interactions with project personnel and constituent interests. It is expected that short-listed artists be compensated for travel and other expenses when invited to interview.

b. Request for Proposals (RFP)

The request for proposals (RFP) is a competitive process in which artists submit written and graphic descriptions of proposed artwork for consideration. The RFP process includes a site visit, interviews, and development of concept drawings or maquettes. An RFP includes payment to the artist for development of an art concept and reimbursement of travel expenses.

The selection panel should recognize that the art proposals are conceptual approaches only and not final designs. All proposal materials must be returned to those artists not selected for the project, and the City should assume that all ideas presented for the project, including copyrights, belong to the artists.

It should be noted that many talented and successful artists are reluctant to respond to RFPs. Creating ideas is the "currency" of artists and many are concerned with the idea of "giving away" or sharing their ideas with others for a token fee.

2. Information to be Provided in the Call for Artists

As much information as possible should be provided about the project and site so applying artists and members of the selection panel understand the goals, purpose, and parameters of the project. RFPs and RFQs typically include the following information:

- a. Goals and purpose for the project
- b. Project background and context
- c. Proposed site and site boundaries
- d. Project budget and budget parameters
- e. List of eligible and ineligible project expenditures (see II.F.3)
- f. Requirement that artworks be original, creations of the submitting artist and not:

- (1) standardized mass-produced items
 - (2) reproductions, by mechanical or other means, of original works of art, except in cases of limited-edition castings, film, video photography, printmaking or other media arts created by an artist
- g. Project issues to be addressed
 - h. Artist selection criteria and process
 - i. Project limitations (if any) e.g., application restricted to emerging artists students, local or Arizona artists
 - j. Process for selection and project approval
 - k. Application guidelines and materials to be submitted
 - l. Preferred media and scale (if appropriate)
 - m. Artist fees and reimbursable expenses (if applicable)
 - n. Estimated timelines and project schedule

3. Eligible and ineligible project expenditures

The proposing artist must have a clear understanding of which project costs are eligible for funding under the City's public art program and which are not. Expenditures eligible and ineligible for public funding are listed below.

a. Eligible expenditures

- (1) Professional artist fees
- (2) Fees for assistants, professional and contracted services required for the design, engineering, fabrication, and installation of the artwork
- (3) Space and equipment rental
- (4) Fabrication and materials costs
- (5) Packing/crating of the artwork
- (6) Shipping and transportation of the artwork to the site
- (7) Installation
- (8) Insurance, permits, taxes, business and legal expenses
- (9) City-required permits
- (10) Dealer, gallery, or consultant fees not to exceed 10% of the artist fee
- (11) Models, maquettes, construction drawings prepared by the artist
- (12) Travel expenses of the artist for site visitation, research, and presentations
- (13) Preparation of the site to receive artwork beyond that which would normally be required
- (14) Structural improvements necessary for display of the artwork
- (15) Documentation of the artwork
- (16) Contingency fees

b. Ineligible expenditures

- (1) Directional, wayfinding or other functional elements, such as signing, super-graphics, maps, etc. not designed by an artist selected through SACAC approval process
- (2) Landscape architecture, landscape gardening, architectural

elements and engineering except where these elements are designed by the artist to be integral parts of the artwork

- (3) Architecture, landscape architecture and engineering fees and land costs on a project that incorporates public art
- (4) Site improvements not designed by the artist as integral to the artwork. Elements generally considered to be components of architectural or landscape architectural design (landscaping, pool, paths, benches, receptacles, fixtures, planters, etc.) which are designed by a design professional rather than by the artist are not eligible public art expenditures.
- (5) Ongoing operating expenses and maintenance of architectural and landscape elements not part of the artwork
- (6) Purchase of existing artworks outside the normal SACAC selection process, except as specified in this SPAPPG
- (7) Marketing materials, publications and media costs
- (8) Commercial expression including logos, mascots or commercial displays

4. Information to Be Provided by Artists

The call for artists should be very specific about the information artists must include with their applications. If there is a project-related issue the artist should address in the submittal, it should be added to the application information. Additional materials will be required of finalists or artists responding to requests for proposals that require design of conceptual art concepts.

a. Minimum application requirements for all applications:

- (1) Complete contact information - name, mailing address, cell phone or other best contact phone number, email address
- (2) Website URL
- (3) Signed and dated application form
- (4) Statement of interest (may restrict number of words or pages)
The statement of interest allows artists to introduce themselves and describe their specific interest in the project, approach to creation of public art, and past experience with similar artworks
- (5) Resume of principal artist and, if applicable, key assistants or subcontractors, including qualifications and previous experience
- (6) Examples of work and visual support materials
 - (a) A CD or electronic file of up to ten pictures of relevant work completed within the last seven years, numbered and titled with artist's last name. All submittals must be digital and in jpg format with a minimum resolution of 300 dpi.
 - (b) Other visual support materials may be requested, such as additional digital images, videos, powerpoint slides or

prints. Submission requirements should list the maximum number of images or powerpoint slides artists may submit and how they should be labeled. If video is submitted, indicate length of time and acceptable file format'

- (7) References, preferably from comparable public art projects
- (8) Signature certifying that the artist agrees to the requirements specified in the referenced call for artists
- (9) Self-addressed stamped envelope (SASE) for the return of hard-copy materials if submittal is delivered by mail
- (10) If artist teams may apply, clearly state whether visual support materials, resumes, and references are required for all team members.

b. Additional application requirements for art concept proposals

If artists are invited and paid to develop art concept proposals, clearly list the types of materials artists should submit to present their work to the selection panel. Typical proposal submission materials include project description, drawings, renderings, maquette, photographs, materials list, budget, timeline, references, fabrication, installation, and maintenance information.

B. Public Art Application Review

Review and evaluation of artists' submittals use criteria related to both the artist's qualifications and the proposed art concept. If an RFQ approach is used, evaluation involves two steps: one to evaluate the artist's experience and, in most cases, another step to review conceptual art proposals submitted by a group of finalist artists.

Following are criteria that may be used by selection panel members for evaluation of artist experience and review of art project proposals. This is not an exhaustive list, but rather is a starting point for discussion during the review process.

1. Criteria for Assessing Artist Qualifications

Can the artist:

a. Demonstrate experience in the following areas:

- (1) Working successfully with City staff, design and engineering professionals, fabricators, stakeholders, contractors and the public
- (2) Completion of projects on time and within budget
- (3) Demonstrate responsible contract negotiation, management and project execution
- (4) Effective communication and organizational skills
- (5) Creation of artwork that can be maintained within standard City maintenance procedures and cycles
- (6) Ability to conceptualize, design, fabricate, and install artwork similar in scope and scale to the project being proposed

- (7) Ability to translate artistic concepts into a completed work of art using materials that are appropriate for public spaces, taking into consideration maintenance, long-term durability and safety
- (8) Previous projects or proposed ideas that are free of safety and liability issues.
- (9) Creation of site-specific art responsive to site characteristics and surrounding
 - (a) Architecture, topography, landscape and existing site features
 - (b) Future uses and users of the site where the artwork will be located
 - (c) Social, environmental, historical, and/or other relevant contextual features
- (10) Experience with integrating artwork into public spaces, public buildings, and landscaped areas so the artwork does not restrict circulation, function or operational activity
- (11) Completion of public art projects with purpose and parameters similar to those of the proposed project
- (12) A demonstrated ability to address ADA regulations and guidelines as they apply to public art

b. Demonstrate artistic excellence

- (1) Completion of previous public artworks of a quality comparable to or exceeding that of other artworks in the City's public art collection
- (2) Evidence of a significant and engaging body of work
- (3) Ability to respond to place and community in creative, memorable and authentic ways

c. Enhance community identity and vitality

- (1) Familiarity with the community and its characteristics such as history, identity, environment, community goals, geography and diverse cultures
- (2) Previous work and successful collaborations that respond creatively to celebrate communities and the characteristics mentioned above [Section c(1)]
- (3) Previous works that attract visitors and residents and activate public spaces, becoming iconic and memorable destinations and gathering places
- (4) Previous projects that have built capacity and cooperation among members of the public sector, business interests, artists, arts organizations and the public
- (5) Previous work or proposed artistic process that can encourage

dialogue and reflection

d. Value artists and artistic processes

- (1) Potential to expand the range of artists and forms of artistic expression represented in the City's collection
- (2) Potential for the artist and public art project to support and enrich the arts community in Surprise, the West Valley and Arizona

2. Art Proposal Evaluation

The criteria listed below are suggested for use in evaluating conceptual design of works of public art, typically based on concept drawings, maquettes, videos, computer graphics and other descriptive materials.

a. Aesthetic quality and artistic merit

- (1) Outstanding artistic quality, a strong concept, vision and craftsmanship
- (2) Potential to engage, inspire and express Surprise's unique values, character, image, identity and to contribute to a strong sense of place, neighborhood pride and social interaction
- (3) Potential to expand the reach of the public art collection in terms of style, scale, concept and media represented

b. Placement and site

- (1) Relationship of the work to the site in terms of scale, materials and conceptual appropriateness
- (2) Responsiveness and relevance to site context (architecture, uses, function, history, development, landscaping, and sociocultural context)
- (3) Potential to anchor and activate the site so the art becomes a point of pride for tourists and residents
- (4) Provision of convenient public access to the artwork
- (5) Unrestricted visibility of the artwork for the public
- (6) Requirements for parking or ADA access accommodation
- (7) Utility requirements for installation of artwork

c. Fabrication, handling, and installation

- (1) Conformance with City zoning and design guidelines
- (2) Determination that projected costs are accurate and realistic
- (3) Written estimates from technical support and fabrication contractors
- (4) Definition of any special challenges for installation,
- (5) Site preparation required for installation of the artwork

- (6) (Temporary works only) Process and costs for restoring the site to its original condition when the artwork is removed
- (7) Required City reviews and approvals (in addition to those by SACAC)
- (8) Estimate of the **equipment**, vehicles and workers needed to hang, transport, install and move the artwork

d. Maintenance and conservation requirements

- (1) Suitability of the artwork for outdoor display or for the proposed indoor environment
- (2) Potential long-term effects of weather and the environment on the artwork
- (3) Expected lifespan of the artwork in a public setting, assuming regular maintenance
- (4) Costs and level of effort needed for maintenance of the artwork
- (5) Recommended maintenance requirements and schedule
- (6) Quality of workmanship and materials
- (7) Methods to be employed to protect the work from graffiti and defacement
- (8) Projected ongoing and periodic conservation costs
- (9) Responsibility for conservation work - will it be done by the artist or by a qualified conservator

e. Liability and safety

- (1) Assessment of whether the artwork, parts of it or its operation may represent a potential public safety risk
- (2) Conformance with building, electrical, fire code and other safety codes
- (3) Requirements for fencing or other security measures

C. Other Types of Art Acquisition: Review and Evaluation Procedures

From time to time, SACAC may be asked to consider acquisition of existing works of art, gifts of art, unsolicited proposals, temporary art installations and rental or loan of artworks. In these cases, SACAC must evaluate the potential acquisition and recommend appropriate action, per SPAPPG policy and procedures.

1. Gifts of Art

Through the generosity of individual, group and corporate donations, the City may be able to increase its public art collection and install artwork in areas where artworks might not be sited, given the limitations of available City public art funds.

When the City is approached by a donor with a work of public art he or she would like to present to the City as a gift, SACAC will undertake an evaluation and make a recommendation to the City Council for acceptance or rejection of the proposed gift.

Because there are usually very limited funds to acquire, protect, maintain, preserve, and conserve public artworks, and there are a finite number of suitable public sites for these works, a thorough review must be carried out by staff and SACAC.

Criteria used for the selection of other public art projects will be applied. Gifts are considered on artistic merit, the qualifications of the artist and factors such as compatibility with the City's art collection, site availability and appropriateness, oversight responsibility, maintenance requirements and City liability.

a. Application for review for gifts of public art

SACAC shall use SPAPPG review criteria to evaluate the proposed work of art, artist, and proposed location. All artwork donors must submit an application to SACAC for review, recommendation and final approval by City Council. Applications for gift acceptance may require more detailed information than applications for work commissioned by the City. The information is necessary to guide future maintenance, documentation and conservation.

The application should include as much of the following information as possible, recognizing that all of the items listed may not be available, especially for older works:

- (1) Donor Information and Donation Background
 - (a) Name, address, telephone, e-mail, of donor or donating organization
 - (b) Name, address, telephone, email, fax of contact person
 - (c) Donor's reason(s) for offering this gift to the City of Surprise
 - (d) Provenance
 - (e) Statement addressing the value of the work as an addition to the City's public art collection

- (2) Work of Art Information (as available)
 - (a) Identification
 - i) Title of work
 - ii) Artist's name and contact information (if living)
 - iii) Year of completion
 - (b) Specifications - gifts of sculpture
 - i) Dimensions (height, width, depth with and without pedestal/base)
 - ii) Weight
 - (c) Specifications - two-dimensional/other artwork
 - i) Dimensions (framed and unframed)
 - (d) Photographs of the artwork to be donated
 - (e) Appraised value of the work being donated, source and date of appraisal
 - (f) Material(s) and finishes used
 - i) If available, list materials and finishes with any available details as to brand names and specifications. This information can assist the City if

- conservation work is needed in the future.
- (g) Fabrication information if available (for sculpture)
 - i) Contact information for fabricator(s)
 - ii) Welding or joining material(s used), methods, types, brand names
 - iii) Fabrication/construction drawings and details
 - iv) Construction techniques used
- (3) Placement of the Art
 - (a) If a site is proposed, discuss how the proposed site will be improved or enhanced by installation of the work of art
 - (b) If a site is proposed, provide ownership information for the site, owner consent and reasons why the proposed site was selected
 - (c) Site plans, aerials and other graphics as needed to show the site and its characteristics
- (4) Maintenance
 - (a) Description of how materials and other aspects of the work take into consideration the weathering process as part of overall visual impact. Describe the type of environment for which the work is best suited.
 - (b) Description of foundation specifications - the method and materials used in securing the work of art at the proposed site.
 - (c) Description of maintenance methods, materials and procedures recommended for maintenance of the artwork.
 - (d) Acknowledgment of the City's requirement to fund future maintenance of the artwork
 - (e) Estimated annual cost of maintenance, and the type and frequency of routine maintenance needed
- (5) Additional Information
 - (a) If an editioned work, indicate the edition number
 - (b) Location and description of signature and edition marking.
 - (c) A letter of guarantee of indemnification for maintenance, preservation, and conservation of the artwork in perpetuity from the donor, unless otherwise agreed to by the City.
 - (d) Other relevant information about the work that the donor feels should be presented during review.

b. Site selection

At the outset of the review process, if the donor has a site in mind, SACAC should identify it and/or alternative sites for the artwork at the outset of the review process. When a person, group or corporation seeks to donate one or more works of art to the City, understandably, the donor often wants his/her generosity to be acknowledged by a public display of the donated work(s). Appropriate sites are limited and the gift cannot always located on the donor's preferred site.

The task of identifying suitable locations falls to SACAC and City staff. Consideration must be given to the durability of materials used by the artist, the nature, size and configuration of the work(s), and the sizes, configurations, existing site uses and risk factors associated with available

sites.

- (1) If the donor has identified an intended site for the gift, the application will be sent to both SACAC and to the City department which controls the property or building for which the gift is intended. A member of the department will serve on the selection panel.
- (2) If the work of art has no designated site, SACAC will review site options and characteristics. In cooperation with staff, SACAC will recommend one or more suitable locations, pending further approval(s) by the donor, affected departments and City officials.

c. Review of the proposed gift

SACAC will review the proposed gift using SPAPPG art selection criteria to determine whether it will be a valuable addition to the public art collection. SACAC will forward its recommendation to City Council for final action.

d. Rights and ownership

The City assumes ownership of the artwork. It retains full rights to the gift, including rights for reproduction, removal, relocation, and deaccession.

e. Responsibility for maintenance and conservation costs

Responsible ownership of art requires a commitment of resources to conserve and protect it. Because SACAC is not involved in initiating gift donations and must deal realistically with limited resources, it is SACAC's policy to recommend acceptance of donations of art only if the donor has agreed to pay for costs of installation and long-term conservation of the donated work(s) either in perpetuity or for a specified period of time.

f. Gift of memorials

Memorials are proposed to honor a person or event important to the city's history. If a work of art is proposed as a memorial, it must be reviewed following SPAPPG policies and procedures and accepted by SACAC as part of the City's public art collection. In addition to the SPAPPG review criteria, donations of memorials should also consider:

- (1) How the artwork represents community culture and values
- (2) Significance of the person(s) or event being memorialized
- (3) Long-term value of the art - a timeless quality that makes a statement to future generations
- (4) Justification for the memorial being placed at the proposed location, if a specific location is proposed

2. Unsolicited Proposals

From time to time artists or individuals may propose public art outside of the City's process for identifying public art projects. These unsolicited proposals may be accepted for consideration at the discretion of SACAC, based on artistic merit and availability of funds. Anyone who seeks to submit an unsolicited proposal, must provide an application for SACAC review including information required in this section of the SPAPPG.

a. Unsolicited proposal review

When an unsolicited public art proposal is received, City staff will forward it to SACAC for discussion and possible further action.

- (1) SACAC review to determine
 - (a) Whether the proposal enhances the City's public art collection
 - (b) Whether the proposal has substantial artistic merit
 - (c) Whether funds for the proposed project are available
 - (d) Whether the proposer will pay for maintenance and conservation
 - (e) Whether a site for the proposed project has been identified and is feasible
- (2) SACAC will vote to move ahead with the proposal or to take no action.
- (3) If SACAC decides the project should be pursued, it will request that city staff convene a selection panel and require that the proposer provide all information normally required as part of public art program- initiated projects. A selection panel will be convened and the proposal will be evaluated using review criteria and procedures outlined in the SPAPPG. Refer to page four Section C. Selection Panel for guidelines on how to convene a selection panel.

3. Direct Purchase of an Existing Work of Art

SACAC may consider a recommendation to purchase an existing work or commissioning a new work from a specific artist when:

- A work by a desired artist that meets a program need is offered for sale to the City
- The City wishes to acquire works by a specific artist to fulfill program objectives
- The City wishes to develop a collection of portable works such as paintings, drawings, original prints, photography, small sculptures, or other art objects for display in City facilities or other public areas.

a. Direct purchase review process

- (1) Convene selection panel
- (2) Determine budget, media, subject matter, and scope of work
- (3) Contact artists, galleries and individual artists and invite submittal of slides and information about available works including:
 - (a) Name of the artist, title, size, medium, year of completion available artwork(s);
 - (b) If the artwork is part of a limited edition, information about the edition;
 - (c) Images, from one or more angles, of the specific artwork(s) with close-ups to demonstrate craftsmanship and technique
 - (d) Biographical information for the artist;
 - (e) Documentation of similar previous works sold, with prices; and

(f) A statement regarding how the proposal meets the

SPAPPG review criteria (Sections F.1 and F.1).

- (4) Conduct studio visits or request that the artworks be brought to the selection panel for evaluation.
- (5) Review the artwork under consideration for purchase using SPAPPG review criteria and determine whether or not purchase is recommended.
- (6) The selection panel presents works recommended for purchase to for SACAC review and action.
- (7) SACAC forwards its recommendation to City Council for final action.

4. **Temporary Art Installations**

The process of soliciting and evaluating temporary public art proposals is similar to that outlined for other types of art. Artists will be commissioned through the SPAPPG process of sending out a call for artists and using a selection process managed by staff and SACAC.

Temporary art is subject to evaluation using the same criteria as other public art projects but additional criteria specific to the temporary nature of the work should be included.

a. **Additional review criteria for temporary art installation proposals**

(1) Placement

Artwork must be placed on publicly-owned property or public rights of way. Examples may include, but are not limited to, libraries, community centers, parks, bus stops, schools or university campuses and open spaces. Location of the artwork must be approved by SACAC and any affected departments or agencies. Installation may not take place without written site approval from the installation site manager.

(a) Site/placement criteria

- i) Availability of an appropriate public site for the artwork
- ii) Potential to enhance the civic environment in a dynamic way
- iii) Potential to enhance tourist appeal or the economic value of the space
- iv) Ability to maintain normal vehicular and pedestrian traffic circulation and activities when the artwork is installed
- v) Placement of the artwork where it does not result in disturbance of or damage to the site and natural environment

(2) Artistic Intent

Temporary art installations become events in and of themselves. People want to see the temporary works, knowing the art may not be there long. There's an opportunity to surprise, experiment and delight with artworks that move, change or that can be changed as part of the artist's intent. Knowing that the installation is temporary, artists can try out new ideas and create works that

might not be feasible as permanent artworks.

(a) Artistic Intent Review Criteria

- i) Potential of the proposed artwork to enhance or expand the spectrum of artistic themes expressed in the city's permanent public art collection
- ii) Contribution of the temporary nature of the work to its artistic value
- iii) Potential for the temporary work to draw people to it and to enliven the space in which it is located
- iv) Potential of the proposed artwork to be provocative, surprising, exciting, intriguing and to generate dialogue
- v) Potential of the proposed artwork to evoke an emotional response, a sense of awe or a memory
- vi) Potential of the proposed artwork to stimulate discovery or ongoing contemplation
- vii) Appropriateness of the temporary artwork to season and place
- viii) Ability of the public to interact with the artwork
- ix) Potential to involve new artists, such as emerging, local or renowned artists who are of value to the public art program and the West Valley arts community

(3) Art Media

The media used in temporary installations need not have the durability required in permanent artworks, but the works must be structurally sound and well-constructed. If the public is expected to interact with the artwork, it should be safe and sturdy enough to hold up to the expected types of interactions. It is important that when the artwork is removed, no lasting damage is done to the site.

(a) Criteria for Evaluation of Art Media

- i) Artwork that goes beyond the media and styles present in the City's permanent public art collection
- ii) Materials and media that are safe and resistant to damage from public contact
- iii) Evaluation of whether the artwork can be removed completely, without deleterious impacts to its site or surroundings

(4) Funding

Budgets for temporary artworks are generally less than for permanent installations. Funds may be raised or donated to support the proposed artwork or drawn from public art program funds. The project budget must take into account costs for installing, maintaining and removing the temporary art.

(a) Funding criteria

- i) Availability of project funds, internally, externally or by donation
- ii) Value of the proposed artwork to the public art program, considering preparatory, installation and short-term maintenance costs.

b. Artist responsibilities

- (1) Responsibility for the artwork, including fabrication, installation, loss or damage of the artwork due to vandalism, and the clean-up/de-installation, is assumed by the artist. Artist must sign a loan agreement which acknowledges these responsibilities.
- (2) Publicity - The public art program must be notified of any artist-initiated media or news releases prior to distribution. All publicity must acknowledge that the project is funded by the City of Surprise Public Art Program.
- (3) Project Documentation - Artists are required to submit archival photographs of the temporary work as installed, a financial report and a completed project description to SACAC within 30 days of removal of the artwork upon project completion. The description must include a written narrative and photographic documentation of the completed project.

5. Loan or Rental of Artworks

Art may be rented or loaned to the City for use in temporary installations or to create an ongoing, changing public art exhibition program. Loaned works can provide temporary installations of sculptural or two-dimensional works of art and may be used in educational programs.

a. Loaned artworks or installations

- (1) SACAC and staff will determine whether the artworks are most appropriate for display in an outdoor setting or in indoor public spaces
- (2) Determine budget, exhibition duration, media, and scope of project
- (3) Develop installation concept, identify potential sites, artists and artworks
- (4) Review of concept, artist, proposed artwork, budget and site by appropriate City Departments and SACAC
- (5) City Council approval

b. Traveling exhibitions

Traveling exhibitions may include public art works or projects advanced by organizations, institutions, museums or individuals, organized as traveling exhibitions.

- (1) Review Process
 - (a) SACAC, with input from City staff, reviews scope of the exhibition, artistic merit, appropriateness to community and site, costs, liability and maintenance issues, budget and installation requirements.
 - (b) SACAC will recommend approval or denial of the request to fund the traveling exhibition and will forward its recommendation to City Council.

H. Art in Private Development

a. Adoption of AIPD policy recommended

Preparing an Art in Private Development policy is recommended as a future phase of work. Substantial input from the development community, City Council and other stakeholders will be necessary before an AIPD program is established. The voluntary program can provide a sustaining supplemental funding mechanism for the public art program.

I. Public Involvement

Community involvement can be an asset to public art projects. Projects initiated by or directly involving neighborhoods or other groups of community members educate about the value of public art and the public art program. The result is often a sense of ownership by community members and a point of pride for the neighborhood or district where the artwork is located.

All City of Surprise public art projects created after adoption of the SPAPPG shall include an outreach program to inform and educate citizens about public art and the proposed artwork.

A word of caution: If you ask for one opinion you will be sure to get many. Public opinion does not always ensure good art. Use of social media to poll or solicit opinions from the public may produce unrealistic results from respondents who may not know anything about Surprise and may live in another country or continent.

Any use of surveys or of seeking online input must be designed to limit respondents to those within the city or who have a legitimate interest in the project. In addition, the City should make clear that surveys and other online input are for informational purposes only and do not bind the City in any way.

That being said, creating public support for an art project strengthens the overall public art program. The public should be kept informed and given the opportunity for comment. SACAC meetings are open to the public and notice should be given when public art projects are under consideration.

III. PUBLIC ART PROJECT CONTRACTS AND MANAGEMENT

This section of the SPAPPG provides recommended procedures and information related to:

- A. General Contract Structure
 - B. Visual Artists Rights Act 1990 (VARA)
 - C. Contract Terms
 - D. Contracts for Collaborative Projects
 - E. Project Management and Administration
-

A. General Contract Structure

A contract is the formal agreement between the City and the artist that outlines what is required and expected of each party. Contracts **may** include two separate phases: the design phase and the fabrication phase. The phased contract structure allows for assessment upon completion of the design phase for control of project costs and assurance that the artist's design is consistent with public art program goals.

1. Design Phase

In the design phase, the artist is contracted to design the art project and is paid approximately 20% of the total project budget as a design fee. The design fee covers the following items:

- a. Models and working drawings, maquettes, sketches, site plans, photographs of the model, artwork-in-progress,
- b. An independent structural engineer to sign off on artist's drawings if necessary.

A detailed budget is required as part of the contract terms and must be reviewed and adjusted if necessary before the fabrication/installation phase begins. The artist's budget may equal, but not exceed, the available public art project funds.

The design fee may be reduced if the construction and fabrication costs of the design are anticipated to exceed the remaining 80% of the art project budget. Work performed during the design phase must be reviewed and approved by staff and SACAC prior to moving ahead to the fabrication phase.

2. Fabrication Phase

After review and approval of the design, the artist enters into the second phase of the contract. The remaining 80% of the budget covers all areas of execution of the artwork:

- a. Space and Equipment Rental
- b. Materials
- c. Fabrication (subcontracted/foundry, etc.)
- d. Storage
- e. Packing/crating
- f. Shipping
- g. Installation
- h. Insurance (liability, etc.)
- i. Other fees (contingency fees, project administration, etc).

A detailed budget is required as part of the contract terms and must be reviewed and adjusted if necessary before the fabrication/installation phase begins. The artist's budget may equal, but not exceed, the available art budget.

B. Visual Artists Rights Act of 1990 (VARA)¹

The Visual Artists Rights Act of 1990 (VARA) creates a uniform, national standard for protecting visual artists' rights. It provides a mechanism for the visual artist to claim authorship of a work he or she created, as well as to prevent the use of his or her name on a work he or she did not create. The rights contained in the law extend for the life of the artist.

VARA makes clear that this right includes the right to publish a work anonymously or under a pseudonym. The artist also has a right to demand that his or her name be removed from a work in the event of a distortion, mutilation, or other modification of the work to which the artist has not consented, and is prejudicial to his or her honor or reputation.

In addition, the Act provides for a legal course of action to allow an artist under specified circumstances to prevent the destruction, distortion, mutilation, or modification of a work of visual art. In any such action, the artist has the burden of establishing that the alteration of the work is harmful to his or her professional honor or reputation.

1. Works Covered

VARA is limited only to "work of visual art," defined as a painting, drawing, print, or sculpture existing in a single copy or in a limited edition of 200 copies or fewer. The copies of a limited edition must be signed and consecutively numbered by the artist. In the case of multiple casts, carved or fabricated sculpture, the work must be a limited edition of 200 or fewer, be consecutively numbered by the artist, and bear the signature or "other identifying mark" of the artist.

The destruction of a work of recognized stature by an intentional act or an act of gross negligence is a violation of the artist's right and would subject the person destroying the work to suit for damages by the artist.

a. Exceptions

VARA states several exceptions to the artist's rights.

- (1) A modification of a work that is a result of the passage of time or the inherent nature of the materials is not actionable.
- (2) The modification of a work that is the result of conservation or the public presentation of the work including lighting and placement is not actionable unless the modification of the work is caused by gross negligence.

If a work was created prior to June 1, 1991, the effective date of the Act, the rights under the statute apply only if title to the work is transferred after the effective date.

2. Transfer and Waiver

Only the artist has the rights created by VARA. No rights may be transferred under this Act. Rights may be waived if the artist agrees to waive his/her rights in writing. In the case of a joint work, a waiver made by one artist waives the rights for all artists of the joint work. The transfer of ownership of a copy of a work of visual art does not constitute a waiver of rights.

C. Contract Terms

The City will create and utilize a standard contract modified to take into consideration the unique aspects of procuring art, including but not limited to the following terms. All terms enumerated herein are subject to negotiation and nothing herein shall be interpreted to limit the City's contracting authority.

1. Project Budget

¹ SOURCE: Public Art Network Best Practice Goals and Guidelines February 27, 2009

A project budget shall be included in the contract, itemizing the artist's design commission and eligible expenses to be paid during the contract's design and fabrication phases.

a. Contingency fee

Ten percent (10%) of the total art project budget should be set aside as a contingency fee to cover unforeseen and unavoidable expenses associated with the artist's completion of the project. If the contingency fee is not adequate to cover such costs, a renegotiation of the budget terms of the contract and/or an option to terminate the contract can be considered. **If the contingency fee is not used, it can be either added to the artist's design fee, set aside for emergency conservation of the artwork, or used in whatever manner the artist and City agree upon.**

b. Final project acceptance

Prior to full payment, a final acceptance meeting will be held, involving the artist and City representatives. Other stakeholders, SACAC and staff may be included. The work will be inspected for full completion and correction of any defects or deficiencies. All requirements of the contract are to be met prior to final payment. *See also Section III.B.8.c.*

2. Payments

Milestones should be established for artist payments, per the project schedule. Contract terms should specify the amounts or fee percentages of initial, progress and final payments and the procedure for invoicing and payment. If the project is cancelled, payment of work done to date will be made. *See Section III.C.10.*

3. Project Schedule

A projected schedule for design, fabrication, transportation, and installation of the artwork is required.

a. Project delays

If the artwork is ready on time, but the construction project is late, the commissioning City agency should pay all maintenance and storage costs for the artwork until it can be safely installed. When an artist completes a work before the completion date agreed upon in the contract, the artist will be responsible for storage charges. Should the construction project be completed on schedule, but, due to conditions beyond reasonable control, the artist is late producing the finished artwork, it will not be considered a breach of contract, and the City will grant a reasonable extension of time to the artist. If the City incurs costs by such a delay, the contingency fee (*see III.C.1.a*) will be used to cover these charges.

4. Title and Ownership

The City shall own all public art acquired through the public art program. The artist retains all rights and interest in the artwork except for rights of ownership and possession, which are passed to the City upon final acceptance. The artist warrants that the artwork is his/her sole and original creation, does not infringe upon any copyright or trademark, and has not been offered elsewhere. If the commissioned artwork is one of a multiple edition, the warranty will be modified to state this.

5. **Reproduction Rights/Copyright**

Artist retains all rights under the Copyright Act of 1976 and VARA. However, the artist agrees not to make an exact duplicate or permit others to do so, except by written permission of the City; the artist also grants the City the irrevocable license to make two-dimensional reproductions for promotional purposes. In turn, the City agrees to give the artist the appropriate credit on all such promotional pieces. The credit should include name of artist, title, year of completion, and other information as appropriate.

6. **Fabrication and Installation**

Because no two public art projects are exactly alike, the fabrication and installation stipulations required of artists in their contracts will be fairly general in nature. In terms of fabrication, the contract will stipulate reasonable durability and protection of materials, such as the use of anti-graffiti coatings on all works. Though the City's public art program may outline certain material preferences for maintenance, it is too restrictive for both the artist and for the City's public art program to present those preferences as contractual specifications. Artists will supervise fabrication to assure quality control warranties of the contract.

a. **Fabrication requirements**

Requirements will include, at minimum, that:

- (1) Artworks be free from defect,
- (2) Artworks be made of high quality materials,
- (3) Craftsmanship be of high quality,
- (4)** The artist, the City, and SACAC review the fabrication of the work while in progress.

b. **Installation responsibilities**

Allocation of responsibilities between the artist and the City will be detailed in the artist contracts. For installation, the artist's methods will be approved by the commissioning City agency and, if necessary, a licensed engineer. Specific requirements may be imposed, such as the use of safety hardware for hanging a suspended artwork. In addition, the following points will be considered:

- (1) Artist will approve site preparation before installation begins;
- (2) Artwork is to be installed when it is in no danger of being damaged by on-site construction work;
- (3) Standards and requirements set forth by the commissioning City agency for installation should be adhered to; and
- (4) The artist is responsible for loss or damage to artwork prior to its installation on City property.

7. **Maintenance**

The artist will submit a maintenance plan specifying maintenance requirements and guidelines for artwork as part of the contract, to be developed in cooperation with the City (see Section IV.A.). The plan must be approved by public art program staff and relevant City departments.

The City will maintain the artwork and make decisions regarding repairs and conservation based on the maintenance guidelines submitted and in consultation with the artist when necessary (as per VARA). The City agrees that it will not intentionally destroy, damage, alter, or modify artwork, and that the artist will be

informed of any proposed actions related to the artwork. See *Section IV.A.2,3*.

8. Documentation

The artist must transmit detailed documentation of the project with approved designs and drawings upon completion of the work. The City may stipulate that the artist is responsible for providing photo documentation and/or that the City will assume responsibility for photo documentation consistent with its archival and public affairs purposes. (See also *Section III.E.4*)

9. Deaccession

Deaccessioning may be addressed by referring to the approved deaccession policy (see *Section IV*) or by specifically addressing the issue in the artist contract. Deaccessioning public art must also consider Federal regulations set forth in VARA. In the event of deaccessioning, the contract should specify how the transfer of title of the artwork will occur, defining the rights and responsibilities of all concerned parties.

10. Artist-Community Collaborations

Contracts for artist-community collaborations are similar to artist-design professional contracts. However, the following additional considerations will be specified:

- a. The role the community will play in the project (such as involvement in concept design, execution of the art, assistance with installation);
- b. Determining which community groups and individuals will be involved;
- c. The responsibility of the artist to solicit information from and work with the designated groups;
- d. A plan for general community outreach; and
- e. A procedure for resolution of disputes related to the artwork or process.

D. Project Management and Administration

Successful implementation of the public art program requires support from staff members with a range of skills in administration, public art, project management, education, and public outreach. The number of projects Surprise can complete will directly relate to available staff resources and project schedules. Among the administration and management tasks to be performed are:

1. Administration

Administration of the public art program includes responsibility for and development of an annual public art work plan in collaboration with SACAC. Preparation of this plan includes negotiating the scope and budget for upcoming public art and art maintenance projects with each City department and scheduling maintenance, conservation and art projects to be initiated.

For each public art project and project participant, the staff member(s) will review project expectations, and serve as the public art program's representative to SACAC, on inter-departmental working groups and planning teams, including any capital budget working groups.

2. Project Management

A City staff member should be responsible for providing administrative support to SACAC on public art projects, including the artist selection process, project management; contract negotiation and administration, monitoring all projects through final installation and acceptance. He or she, in collaboration with SACAC, will be responsible for day-to-day management and maintenance of the existing collection, and for overseeing community-initiated projects, artist residencies, temporary projects, and other art projects on an as-needed basis.

3. Outreach and Education Coordination

Staff will work with SACAC, the artist and the project manager to develop and implement an outreach strategy for each art project. This can include:

- a. overseeing outreach to artists and the public,
- b. involving the community in art project planning,
- c. cultivating an understanding and appreciation of public art context within the business community,
- d. holding educational forums for artists, particularly local and underserved,
- e. gaining requisite expertise to work in the public art venue and
- f. developing educational tools to inform the public about the completed project (such as brochures, web materials and walking tours).

4. Documentation

Visual and written documentation of the artwork as installed and intended by the artist is a necessary element of public education, conservation work and the public art collection record.

There should be a documentation portfolio for each project. To facilitate future conservation, documentation should be standardized for all projects and controlled by the public art program. Public art staff will establish the specific information required for each public artwork and the minimum level of detail in that information. Typical entries may include:

- a. Artist's statement of intent
- b. Location and source of blueprints, working drawings, shop drawings, and construction drawings
- c. Location and fabricator of maquettes, sketches, and photographs
- d. Artwork dimensions
- e. Materials
- f. Construction details such as joining materials and methods (such as hardware, types of welds)

- g. Surface treatment
- h. Name of fabricator and installer
- i. Original cost
- j. Updated valuation

Because materials differ greatly from project to project, the staff will determine what additional information will best help a conservator (e.g., a Pantone color sample might be added to the documentation). Staff will evaluate the artist's statement of intent for clarity. City staff will be responsible for acquiring photographs of the artwork and for making sure that the photos serve the program's publicity and conservation needs. By assigning documentation to one staff member or department, the archival quality of the material submitted will be consistent.

5. Evaluation of Completed Artworks

A systematic evaluation process is an important link in an affective conservation program. SACAC, will work with City staff, to perform an annual inspection of works in the public art collection and report on each work of art as to the present location of the artwork, present condition of the artwork, and recommendations regarding needed maintenance or repairs to be incorporated into the annual public artwork plan. The public art program should develop a standardized checklist to be accompanied by photographs for each public artwork. (See IV.A.2 and 3.)

IV. PUBLIC ART MAINTENANCE, CONSERVATION AND DEACCESSION

This section addresses policies and procedures related to:

- A. Maintenance and Conservation
 - B. Deaccession of Artwork
-

A. Maintenance and Conservation

The City of Surprise takes pride in its collection of publically owned and displayed works of art and recognizes the importance of this artwork to the cultural and economic well being of the community. The City is committed to the documentation, conservation, and maintenance of this collection.

Care of a municipal public art collection is an ongoing City responsibility with the purpose of preserving individual works of art as well as the public art collection in its entirety. Some artworks are installed outdoors; others are placed in semi-enclosed settings and others in indoor public spaces. Artwork can be affected by exposure to light (natural and artificial), wind, air-borne dust, temperature and humidity changes, vibration, precipitation and other conditions. On occasion, an artwork may also suffer physical damage as a result of accident or vandalism. Without long-term maintenance, the artworks risk serious degradation. See APPENDIX B for maintenance and conservation guidelines. Note that these are not all-inclusive and may be updated. On a case-by-case basis, the guidelines may be expanded based on research into appropriate treatments for different materials and types of damage

1. Policies

- a. Maintain the City's publically owned artwork collection to ensure long-term public awareness, access and enjoyment of the collection.
- b. Maintain and conserve the City's public art collection in the best possible condition consistent with the artist's intention, as understood by the City and specified in the artist's contract.
- c. Develop a sustainable artwork collection that can be realistically maintained to SPAPPG standards by the City, using City resources.
- d. Develop and maintain documentation of conservation and maintenance actions, costs and projected costs for the lifespan each public art project.

2. Procedures: Maintenance Planning

a. Annual maintenance plan

Prepare an annual maintenance plan. The maintenance plan shall include all existing artworks in the Surprise public art collection. Artwork shall be inventoried and inspected once a year or more frequently if required by reports of damage or deterioration.

The plan shall include condition assessments and maintenance or conservation recommendations for all artworks. The plan should include recommendations for long- and short-term maintenance actions, funding requirements, conservation treatments if needed and specifications for restoration or deaccession of specific artworks.

The plan should include recommendations for preventive maintenance strategies such as applying graffiti coatings as part of initial fabrication or providing wood chip borders near mowed areas that can reduce maintenance and conservation costs.

The annual maintenance plan and results of the condition assessments (Section IV.A.3) shall be presented to SACAC. SACAC shall be consulted pertaining to potential treatment and maintenance projects and priorities.

b. Maintenance specifications

To facilitate maintenance planning, maintenance specifications should be included in all artist contracts. As part of their contractual requirements, commissioned artists shall provide fabrication and maintenance information as required in Section III.C.9 and 10, in consultation with SACAC and City staff member responsible for the public art program. Maintenance plans for new works shall be reviewed and updated, if needed, prior to final project acceptance.

3. Procedures: Public Art Collection Evaluation and Priorities

Funds for conservation and maintenance are usually limited, so the condition of artworks should be evaluated regularly, per SPAPPG procedures, to identify damaged, degraded or at-risk artworks. Based on this evaluation, City staff should assess the artworks to determine extent of damage, degradation or risk; effective measures needed to repair, restore or protect the work; cost of such measures; and the possible effect of delaying those measures. The staff should review available resources to see how to address the most serious problems first and then recommend appropriate action to SACAC within the framework of the annual maintenance plan. If urgent action is needed, outside the normal evaluation cycle, SACAC and City staff should be notified so the problems can be addressed in a timely manner.

a. Establish criteria for determining treatment and maintenance priority:

- (1) Maintenance and fabrication issues - Excessive maintenance or repair needs, artwork with faults of design or workmanship. An assessment should be made of whether repair of the artwork is practical and feasible.
- (2) Urgency - Urgency of treating or maintaining the artwork to stabilize its condition and minimize long-term treatment costs.
- (3) Deferred or phased maintenance - Assess whether it is more cost-effective within the overall maintenance plan to repair or treat the artwork at this time or to carry out the work in phases.
- (4) Skills needed - The feasibility of training City maintenance workers to maintain the artwork within standard City maintenance procedures and cycles. If not feasible, consider bringing in a professional conservator.
- (5) Safety - Repairs or other actions needed to make the artwork safe.
- (6) Artist/artwork integrity - Ability to carry out or defer treatment or maintenance without undermining the artist's intention and reputation.

- (7) Supplemental funding potential - Opportunities to secure grants, private partnership or donations to support conservation of the artwork.

b. Set priorities for conservation and maintenance

The overall policy recommendation is to preserve the public art collection artworks in their current locations, in the best possible condition. Barring extreme cases, this means repairing and restoring as many works as available resources allow.

The City should work with artists to maintain artistic integrity of their artworks. Note that VARA states, "*the significant or substantial distortion, mutilation, or other alteration to a pictorial, graphic, or sculptural work, which is publicly displayed, caused by an intentional act or by gross negligence, is a violation of the exclusive rights of the copyright owner where the author of the work is the copyright owner.*" (See Section III.B.)

Based on the collection evaluation (see Section IV.A.3), the general order of priorities of works receiving repair or restoration is as follows:

- | | |
|-------------|--|
| Priority 1. | Works that have suffered serious damage |
| Priority 2. | Works that have suffered serious degradation |
| Priority 3. | Works that have suffered minor damage |
| Priority 4. | Works that have suffered minor degradation |
| Priority 5. | Works at risk of degradation |

(1) Exceptions

These priorities cannot be followed in every instance. Some repair and conservation treatments may exceed the then-available budget. In some cases, treatments may require a highly specialized conservator or technician. Some works may be beyond repair. Some works, because of their condition, may constitute a danger to public use of the public facility or space. In these instances, City reserves the right to remove, relocate or deaccession the artwork unless or until it can be restored properly and reinstalled. (see Section IV.B.)

5. Procedures: Establish Responsibility, Authority and Partners

a. Public art program collaboration

Staff will be responsible for oversight of condition assessment, treatment and maintenance, working in collaboration with the following:

(1) Experts

Arts professionals, professional arts conservators, City staff, and other individuals familiar with art materials, fabrication methods, and the artistic intent will inspect and evaluate artwork in the City collection.

(2) Artists

Artists shall develop artwork with maintenance requirements that can be realistically maintained by the City. The artists' contract-specified maintenance plan should be taken into account in maintaining artwork along with applicable conservation standards. Artists or their heirs should be notified of and may be involved in major repairs and conservation work.

(3) SACAC, City Departments, Other Governmental Agencies and Private Sector Partners

The City's public art program staff will work with SACAC, all City departments, agencies and private-sector partners actively participating in the City's public art program.

As part of this effort, public employees should be educated about public art and its important role in public infrastructure and planning. Leverage private and volunteer support for maintenance of public art, whenever possible.

Agreements and/or plans for conservation and maintenance shall be developed for artwork on City property, public art in private development. These agreements and/or plans shall seek to insure the integrity of the artwork, be consistent with City policies and procedures and stipulate the roles of each respective party in staffing and funding treatment and maintenance for the lifespan of the artwork. The City or other property owner shall be responsible for keeping the area surrounding the artwork clean and groomed and be responsible for protecting the artwork from grounds maintenance lawn equipment, such as mowers.

b. Responsibility for repairs

When treatment or maintenance is approved, the public art program, will oversee repairs, in consultation with City maintenance staff and, if needed, the artist, a qualified art conservator or specialized professional contractor.

The City will contractually reserve the right to hire professionals other than the artist to restore a given artwork. If an artist disagrees with the condition assessment and does not think the suggested treatments are in keeping with the integrity of the artwork, he or she may request changes to the maintenance plan in writing to SACAC and the City's public art program staff

c. Repair by City departments, site owners and managers

To ensure proper maintenance and conservation, SACAC should be consulted before beginning any cleaning procedures, repairs, treatment or emergency maintenance activities on artwork in the public art collection. Owners and managers of privately owned public art sites shall be responsible for reporting vandalism, damage, requests for cleaning, or concerns to SACAC and staff. SACAC should receive regular updates on maintenance and conservation activities.

d. Emergency repairs:

The City may approve emergency treatment or temporary relocation as necessary to prevent damage to the artwork, to enable emergency repairs of City infrastructure or to insure public safety. This includes removal of graffiti. The SACAC Chair should be notified of all emergency repair actions.

B. Deaccession of Artwork

Deaccession plans and policies must consider Federal regulations set forth in VARA. Clearly defined deaccession policies help ensure the integrity and quality of the public art

collection. To reduce the need for deaccession of public art, artworks must be of the highest quality and be acquired initially without any legal or ethical restrictions as to future use and disposition, with the exception of restrictions of copyright and certain residual rights that are part of the artist's contract.

Works of art that meet the deaccession criteria but that came into existence prior to the adoption of the SPAPPG will be subject to the deaccession procedure specified herein.

Deaccession decisions must be made with great thoughtfulness, care, and prudence. Expressions of artist and/or donor intent should be respected in deaccession decisions. The public, for whose benefit collections are maintained, must be considered in making deaccession decisions.

1. Criteria for Deaccession

The following reasons may be cause for deaccessioning a work of art from the City's collection.

- a. The condition or security of the artwork cannot be reasonably guaranteed.
- b. The artwork requires excessive maintenance or conservation work or has faults of design or workmanship to the extent that the repair or remedy is impractical or infeasible.
- c. The artwork has been damaged or has deteriorated beyond the point where repair is practical or feasible.
- d. The artwork endangers public safety.
- e. The site for the artwork has become inappropriate (it is no longer accessible to the public, unsafe, or due to be demolished).
- f. Significant changes in the use, character or design of the site have occurred, which affect the integrity or conceptual relevance of the work.
- g. There has been sustained and overwhelming public objection to the artwork over a five-year period.
- h. The City wishes to replace the artwork with a work of more significance by the same artist.
- i. The artwork is found to be fraudulent or not authentic.
- j. The artwork is significantly incompatible or inferior because of new developments in the direction of the collection.
- k. The artwork is rarely or never displayed.

2. Deaccession Procedure

The SACAC will be responsible for recommending artworks for deaccession.

a. Request for deaccession

A written request for deaccession review will be submitted by public art program staff to the SACAC. The request for review should include:

- (1) the reason for proposing deaccession;

- (2) the estimated current value of the work;
- (3) the initial acquisition method and cost;
- (4) written evaluation, using the specified criteria for deaccession;
- (5) photographs indicating the status of the work;
- (6) contract with the artist or other relevant agreement;
- (7) applicable Federal legislation (VARA);
- (8) documentation of related discussions with the artist of the circumstances prompting the review;
- (9) written recommendations of other concerned parties including City departments, the artist, conservators or other qualified independent professionals and
- (10) additional information to be provided when available includes:
 - (a) any media/articles regarding the work;
 - (b) evidence of public debate; and
 - (c) written correspondence concerning the work.

b. Deaccession panel review

City staff may convene, with coordination of the SACAC, a deaccession panel which will determine whether an artwork meets the specified criteria. Based on information submitted in the request for deaccession, the panel reviews the request and forwards its report and recommendations to SACAC for final action. The panel may recommend an alternative to deaccession, such as relocation of the artwork to another site. The opinion of the City Attorney on any restrictions which may apply to this specific work should be included in the report.

c. Surprise Arts and Cultural Advisory Commission action

The SACAC reviews the deaccession panel report and votes on its recommendation, to be forwarded to City Council for final action.

3. Deaccession Actions

If deaccession is approved, the following actions can be considered:

a. Sale or trade

- (1) Artist may be given the right of first refusal to purchase the artwork. In the case of a work of art by a living artist, consideration may be given to an exchange with the artist.
- (2) If the artwork was a gift, the original donor or his/her heirs may be given the opportunity to acquire the artwork.
- (3) The work may be sold through auction, gallery resale or direct bidding by individuals, in compliance with City law and policies governing surplus property.
- (4) A trade may be made through the artist, a gallery, museum or other

institution for one or more artwork(s) of comparable value.

(5) Independent professional appraisals of the fair market value of the work shall be received prior to sale, exchange or trade.

b. Donation

The artwork may be donated to another City's public art program, to a museum or a non-profit organization.

c. Destruction of work

Destruction of the work may be warranted if the artwork has deteriorated or been damaged beyond repair and deemed of negligible value.

d. Removal costs

The costs for removing or relocating artwork deaccessioned by sale, loan, trade, or gift will be borne by the new owner or recipient of the artwork. Destruction of deaccessioned works will be at City expense,

4. Use of Net Proceeds from Deaccessioning

Proceeds from sale of the work are to be deposited into a public art fund account to be used only for future public art projects. Funds received from the disposal of a deaccessioned work shall not be used for operations or capital expenses.

APPENDIX A. GLOSSARY

1. **Accessioning**

Accessioning is the process of receiving right, title or custody of an art object, assigning a unique control number to said art object and creating a permanent record.

2. **Acquisition**

The inclusion of an artwork in a permanent art collection acquired through a commission, purchase, gift or other means.

3. **Art Maintenance, Conservation and Restoration**

Art Maintenance: Maintenance is the regular, routine inspection and care of artwork, such as cleaning and applying protective surface coatings. A trained City employee usually carries out maintenance.

Art Conservation: This level of art treatment refers to museum quality professional cleaning and repair work that does not alter the original fabric of the artwork. Conservation is defined as cleaning that can be undone if needed.

(See also item 24. Treatment or Conservation Treatment)

Art Restoration: Restoration is invasive and involves rebuilding, repainting, or refurbishing an artwork to bring it back to the original intent of the artist. In this process the original fabric of the artwork may require alteration in the process of repair. This type of work is additive or subtractive and therefore irreversible.

4. **Artist**

A person who is generally recognized by critics and peers as a professional visual artist, as judged by the quality of the artist's body of work, educational background, experience, exhibition record, past public commissions or other appropriate criteria.

5. **Artist Fees**

The portion of the project budget reserved for payment to the artist for his/her creative services for design, fabrication and project management services.

6. **Artist in Residence**

A method of engagement in which artists spend time with students (in schools) or residents (in communities) developing projects or producing artistic activities or events.

7. **Arts Professional**

An artist, arts educator, art critic, arts administrator, arts dealer, designer, art historian, curator or fine art collector, who is well respected in his/her field, knowledgeable with regards to visual art, and willing to participate effectively in a panel process without conflict of interest.

8. **Artwork**

In general, all forms of artistic expression created by professional artists are eligible for inclusion in the public art collection. The collection may include, but is not limited to, art that may be free-standing or integrated into a public site, infrastructure or building. Artwork may include light, video, sound, performance or a mix of media. A work of public art may be permanent or temporary, fixed or portable. It may be in any style, expression, genre or media, provided that the Artwork is designed by an artist as defined herein.

9. **Capital Improvement Program (CIP)**

The City's program for advance planning and construction of capital projects.

10. Commissioned Artwork

A commissioned work of art usually refers to any artwork created at the request of a public agency, corporation or individual in which the funds to design and produce the art are provided by that entity (or an affiliated agency). Most permanent public artworks in the US have been commissioned.

11. Condition Assessment

Inspections of artwork provide information on present location, current condition and treatment or maintenance needed. Routine inspections are carried out by City staff, but thorough assessments should occasionally be conducted by public arts program staff or a professional conservator.

12. Deaccession

The process of removing an object permanently from a collection, usually through sale or exchange or any other transactions by which title of outgoing artworks are transferred from the collection to another institution or individual. Under certain conditions, it may also include disposal by intentional destruction.

13. Loaned Artwork

Artwork given for use over a period of time, to be returned to the owner at the end of the use period.

14. Maquette

A scale model of a proposed sculptural, environmental or other three-dimensional art project.

15. Plaque

Identification signage affixed on or near an artwork to identify the title, artist, media, etc.

16. Public Art

Public art is publicly accessible and visible original art that enriches the city and evokes meaning. Public art, generally located in public spaces, responds to its site, context and the people who view it and inhabit the space around it. Public art may possess functional as well as aesthetic qualities. Public art can be a way to activate civic dialogue and provide a vehicle for communities to express their unique identity. Although public art is generally sited in public places, it may also be located on private property subject to review and provision of public access.

17. Public Art Collection

The Public Art Collection is comprised of all artworks owned by the City that have been commissioned or otherwise acquired on behalf of the City.

18. Public Art Ordinance

A public art ordinance is the legislation establishing a public art program within a unit of government. Generally, a public art ordinance establishes the financial mechanism that funds the public art program, identifies the unit of government or private contractor that will manage the public art program, and establishes a basis for the development of public art policies and/or guidelines.

19. Public Art Program

The program that administers the purchase and/or commissioning of artworks acquired as part of the City's public art collection. Public art programs are charged with administering the

development and management of public art. In addition to creating new work, public art programs often are charged with maintaining the public art collection, developing educational programming, creating public art resources including printed materials and websites, seeking out partnerships and opportunities with public and private organizations, and acting as a source for public art information.

20. Public Art Project Types

Public art projects come in many forms - from a simple commission to more intricate projects involving artists collaborating with the community, architects, landscape architects or engineers. Following are definitions of public art project types.

1. Art Purchase

The direct purchase of a completed work of art.

2. Collaborative

The studio art tradition is full of creative individuals producing works in solitude. To a great extent, public art relies on the joint efforts of two or more individuals to fulfill a creative vision. Collaboration also refers to the give and take process that any combination of artists, administrators, community members, public agencies, funders, and others engage in to achieve consensus to meet the needs of a public art project.

3. Community Art

A wide variety of activities are covered by this term, including community-initiated public art projects, artists-in-residence, arts in the schools, and process-oriented art engaging the community at large.

4. Commissioned Work of Public Art

A commissioned work of public art refers to any artwork created at the request of a public agency, in which the funds to design and produce the art are provided by that agency. Most permanent public artworks have been commissioned.

5. Design Team

Design teams are formed where artists and architects, landscape architects, planners or engineers collaborate on public improvement projects in which public art is an integral component. Brought in early in the design process, artists can help incorporate artwork directly into the architecture, site, infrastructure and/or landscape of a public place.

6. Donations, Gifts of Art

Art that is offered as a gift to the City, subject to review and acceptance.

7. Unsolicited Proposal

A proposed public art project submitted by artists or others that is not initiated by the City or included in its public art programming.

21. Public Places

Public places are properties accessible and visible to the public and over which the City has or may exercise control, whether or not the City owns the property in fee. Such places may include, without limitation, public buildings, public streets, parks, trails, recreation areas, community centers, libraries, fire stations, police facilities, senior centers, government buildings, alleys, sidewalks, rights-of-way and improved or unimproved land of any kind and all property appurtenant to it.

22. Site Specific

This term refers to works of art or projects that take into account, interface with, or are otherwise informed by the specific environment in which they are located. This includes site topography, existing landscaping, streets, paths and buildings, weather conditions, history, audience culture, demographics and usage, lighting and many other aspects

23. Treatment or Conservation Treatment

Repairs are done as needed to return artwork to its original condition and integrity, which may be the result of flaws, neglect, aging, damage or vandalism. A professional conservator or trained art maintenance technician usually carries out treatments, often in collaboration with artists and other experts.

APPENDIX B.

MAINTENANCE AND CONSERVATION GUIDELINES

Following are suggested guidelines for maintenance and conservation of public artwork, by type of material. These guidelines should be reviewed periodically by a professional conservator and updated as new or modified treatments and conservation methods become available.

1. Bronze

Careful consideration should be given to determining whether a professional consultant such as an art conservator is needed prior to taking action. In general, maintenance activity consists of washing and waxing the bronzes. Stickers, paint, and marker graffiti can be removed with acetone or xylene based solvents on a cotton rag. Blot the surface with clean and dry cotton rags to absorb the solvent and pigments and do not use great pressure or push the pigments back into the pores of the metallic surface. Once the surface is clean, wash the location and surrounding area with one teaspoon of Orvus detergent and clean water. Dry thoroughly, and apply appropriate wax. Do not do anything that changes or removes the original patina. If patina is damaged or it is desired to re-apply, a qualified foundry should be called for an assessment.

2. Stone:

Requires specialized research after determining the composition and type of stone and existing and grade of finish, e.g. . polish. Consideration should be given to use of sacrificial (anti-graffiti) wax coatings to protect stone and marble from future graffiti attacks. This sacrificial coating allows graffiti to be removed with hot water or solvents after an occurrence. The anti graffiti wax maker is "Prosoco" and the alternative brand is "Graffiti Melt". The coating should be re-applied annually to be sure it is stable and offers substantial protection. See *Sec. III.A.6.i. for additional information on graffiti removal.*

Environmental contamination should be removed using water from a hose or pressure washer and Orvus soap - note that high pressures (PSI) can permanently damage stone and pointing and is not advised.

Once clean, wax can be applied. Losses in the stone due to collisions, vandalism, carving, aged pointing, and or incising should be dealt with under the guidance of an art conservator or other professional. Using a poultice compound of specialty clay and solvents is the traditional stain removal method for stone and it usually applied by a professional conservator. For mold and lichen, treat stone with a biocide such as D2 by Cathedral Stone and a stiff nylon scrub brush.

3. Concrete

Bare concrete can be treated with a paint stripper such as the Peel Away 7 system by manufacturer Dumond. The process is slow, safe, and may require several applications. General cleaning can be accomplished with a pressure washer. Depending on the location, a biocide such as D2 by Cathedral Stone can remove and prevent lichen and mold. Use biocide and paint stripper per directions.

4. Painted Surfaces Such as Murals, Metal, Concrete, and Wood

These must be assessed on an individual basis. Graffiti removal is possible with the right choice of solvent after testing a small area. Care must be given not remove original paint while removing the contaminant paint. If both paints are the same type and composition, one alternative is to mechanically remove the graffiti paint and repaint (restore) the surface to match the original. If the artwork is highly valuable it should not be restored without consulting with an expert. To retain the historical and monetary value a conservator should advise as to whether there is an alternative treatment to remove the graffiti while keeping the original fabric of the artwork intact. It is recommended in certain cases to apply an authorized wax based anti- graffiti

coating. This coating must not detract aesthetically from the artwork so the finish should be tested in an inconspicuous area first. See Sec. III.A.6.i. for additional information on graffiti removal.

5. Corten Steel

Solvents and or the Peel Away Seven paint stripper system are used to address graffiti removal on Corten steel. It is extremely difficult to remove all residual paint from a porous surface such as this. Therefore, it can be anticipated that some “ghost” imaging may remain after treatment. See Sec. III.A.6.i. for additional information on graffiti removal.

6. Stainless Steel

Solvents can be used to remove marks and graffiti without causing damage. Some abrasives such as Scotch Brite pads can be used to remove residue but will change the polished look on some finishes. Therefore test prior to using any abrasive. If a wire brush is used to clean, make sure it is 100% stainless steel to avoid contamination and rust. See Sec. III.A.6.i. for additional information on graffiti removal.

7. Tree and Foliage Obscuring View of the Artwork:

Should trees, plantings, foliage surrounding a public artwork block the view, lighting, signage, or base of a given artwork, problems should be identified in artwork evaluations or reported to the Public Art staff, who will forward requests or concerns to the appropriate City departments for mitigation. The services requested may involve tree trimming, or removal of invasive or inappropriate plant species. Public safety issues such as a fallen tree or dead overhanging branches that could damage artwork shall be reported to Public Art staff immediately for emergency action.

8. Graffiti Removal Standards

Graffiti removal begins with an evaluation. As best as possible attempt to determine what was used to apply the graffiti and what surface is the graffiti on (painted, brick, stone, etc.). Testing chemicals that will be used to remove graffiti is important because applications may damage paint, discolor surface or leave a ghost image of the graffiti once the removal is complete.

It is best to use mineral spirits as a first chemical usage in graffiti removal testing. On a small area approximately two square inches test the tenacity of the graffiti using mineral spirit applied to a rag, preferably lint free cotton rags (T-shirt material works best). The wet rag is then used to wipe away the graffiti in areas one to two square inches at a time. The rag should not be saturated with chemical and secondary rags are always used to catch any chemical drips. The dirty section of the rag should not be reused; always use a clean section of the rag. Using the dirty section of the rag in a second removal attempt will transfer the graffiti material back to the surface it was removed from often causing more damage to the surface.

Chemical solvents used to remove graffiti from a painted surface will soften the paint and often remove the paint along with the graffiti. The objective is to minimize the amount of paint removed and avoid working the graffiti into the paint once it softens. Removing the luster from the paint is an important consideration. The harsher the chemicals the higher chances are the luster/gloss of the paint will be removed. Chemical solvents each have a different evaporation rate. The faster the chemical evaporates from the surface the less time one has to remove the graffiti. If the graffiti is not removed from the surface before the chemical evaporates the remaining graffiti will blend with the paint, making its removal virtually impossible without damaging the paint or the surface of the brick, stone or concrete. Scotch Brite pads are periodically used in the removal process where abrasives are need. Scotch Brite pads are abrasives and should only be used in the removal process once a test has been performed to assure the pads will cause minimal to no damage to the surface material.

The following chemicals are used primarily in the graffiti removal processes and are listed from the least to the most aggressive and slowest to the fastest evaporation rate based on experience.

- **Mineral spirits:** works well on most permanent marker, sticker adhesives, ink pen, crayon and some flat paints. Slow evaporation
- **Lacquer Thinner:** works well on paint pen, sticker adhesives, gloss paints, enamel spray paints
- **Acetone:** Evaporates relatively fast requiring removal small areas relatively fast. Great on marker and artist paint pens, removes most paints, does not work as well on adhesives.
- **Denatured Alcohol:** Evaporates relatively fast requiring removal of small areas relatively fast. Great on marker, removes most paints, does not work as well on adhesives.
- **Xylene:** Very aggressive. Evaporates relatively fast requiring removal of small areas relatively fast. Great on marker, paints and adhesives.
- **Methyl Ethyl Ketone (M.E.K)** Rapid evaporation, Very aggressive and only used as a last option.