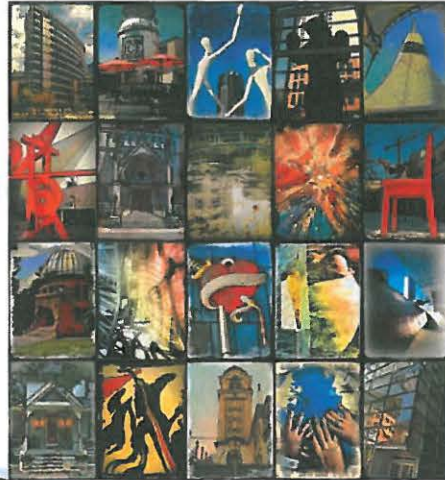


## City of Florence Public Art Committee (PAC)



## Agenda

- Introduction of each member
- Committee Membership / Logistics
- Role of the Chairperson
- Authority of the Committee
- Broad Scale Role of the Committee
- Committee Mission & Goals Discussion
  - How to fulfill those needs
- Election of a Chair and Vice Chair
- Setting Standard date / meeting times



## Committee Membership

- ▶ Consists of 7 members, representing...
  - Artists
  - Citizens
  - Florence Regional Arts Alliance
- ▶ In addition, there may be the following ex-officio members
  - 1 City Councilor
  - 1 City Staff Member



## Committee Logistics

- ▶ Absences
  - ▶ Member who is absent from three consecutive meetings without an excuse, as approved by PAC Chairperson, is presumed to be in nonperformance of duty and position will be declared vacant
- ▶ Terms of Office
  - Generally 3 years, but initial appointments are staggered so that only 1/3 membership terms will expire each year
    - Initial term expirations are...
      - January 31, 2017
      - January 31, 2018
      - January 31, 2019



## Role of Chairperson & Vice-Chairperson

- ▶ Chair / Vice-Chair appointed annually
  - Generally the first meeting in February
- ▶ Chair presides over meeting
  - Responsible for making sure meeting proceeds in a fashion conducive to rational decision making
  - Sets tone for meeting, keeps discussions on track, encourages fairness, moderates and contributes to discussions



## Role of Chair continued...

- ▶ Chair will...
  - Open the meeting
    - State Call to order time, Members present
  - Moderate discussion
  - Ask speakers (if any) to identify themselves for record



## Role of Chair continued...

- Lead deliberations...
  - Summarize the issues,
  - Ask for input from the committee as a whole,
  - Make sure motions are understandable before full vote is taken,
  - Clarify the names of committee members making motions and seconds,
  - Encourage the meeting to move in a timely manner
- Official Signature on Decisions
- Assist in meeting agenda preparation



## Authority

- ▶ There is only power in numbers
  - A quorum (4) members must be present for the Committee to hold a meeting, and
  - A majority vote is required for all decisions & planned actions to be taken by the committee
- ▶ Committee only has authority to deliberate / make recommendations on topics allocated to it by the City Council, which include...
  - Items within the Council's established work plan
  - Promotion of the Public Art
- ▶ Council is the final decision maker





## City's Work Plan



## Mission of the Committee

### ► Three Primary Goals

1. Public Art Plan & Policy
2. Fundraising / Marketing
3. Maintenance

## Public Art Plan & Policy

### Public Art Plan to Contain

1. Vision, Goals & Community Priorities
2. Pre-Approved Key locations & opportunities for public art
3. Key funding sources & projections
4. Implementation Milestones
5. Policies & Procedures
  - Art Acquisition practices
  - Deaccessioning Procedures

## Public Art Plan & Policy

- ▶ Steps to completion
  - Review other communities for alternatives
  - Draft plan / policies
  - Citizen Outreach
  - Plan / policy Revisions
  - Recommendation to City Council (and/or Planning Commission)

## Goal of the Committee

- Fundraising / Marketing
  - Acquisition
    - Review funding alternatives & seek donations (both of art and funds)
    - Consider projects by private developers and citizens
- Maintenance
  - Maintain current listing
  - Regular check up & maintenance
  - Deaccessioning

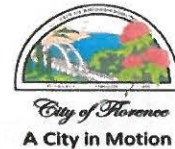


## Elections

- Chairperson
- Vice Chairperson

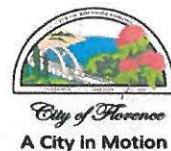
## Set Standard Meeting Date/Times

- Quantity will depend on work load
  - Options include:
    - 2x a month (i.e. first and third Mondays)
    - 1x a month (i.e. fourth Tuesdays)
    - Bi-Monthly (i.e. first Monday every other Month)
- Dates/Times
  - Options include:
    - All Weekdays (likely Monday through Thursday)
    - Early Morning (8:00am-10:00am)
    - Mid Morning (10:00am - 12:00pm)
    - Mid Afternoon (2:00 pm - 4:00 pm)
    - Evening (6:00 pm - 8:00 pm)
    - Any Variation in between



## Preparation for Next Meeting

- ▶ Homework
  - Review example public art plans & policies
  - Will narrow down Committee mission, goals, tasks and first projects at next Meeting.





XFINITY Connect

harlens@comcast.net

+ Font Size -

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**DwSL Update & meeting**

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**From :** Jennifer Connor <Jennifer@eventcenter.org>

Tue, Jun 30, 2015 02:53 PM

**Subject :** DwSL Update & meeting 4 attachments**To :** Kevin Rhodes <kevin@eventcenter.org>

Dear Friends of the Dancing Sea Lions,

I have updates and exciting news to share at the committee meeting – July 1 at 4:00 pm at the FEC. The goal is to finish by 5:00 pm. Another meeting later in the month may be called for.

Now for your consideration before you attend: If you are not able to attend this meeting, please send a response by e-mail so I can have feedback on this important decision. I have attached the quote for the Sea Lions and a sketch of the new design.

We have had some discussion from Sea Lion Caves, Three Rivers Casino and various interested parties about changing the size and position of the Sea Lion and their financial commitment. I have also discussed the fact that this will increase the cost of the Sea Lion sculpture and our budget. I have talked with the fine folks at Cowpainters about making it bigger (7.5 feet in length) and giving the Sea Lion cow a pose that shows sweeping movement (hence the Dancing theme and our city's motto – "A City in Motion"). This means we now have some new options and decisions to be made. I've attached sketches – which are NOT final, just beginning ideas.

Option #1 – 20 Sea Lion Lady, 4 feet tall, sitting position approx. \$35,200 (this was where our project was going as of last meeting)

Option #2 – 20 Sea Lion Lady, 7.5 feet length, sweeping position, installed on pole - approx. \$43,000 total

Option #3\* – 10 Sea Lion Lady, 7.5 ' and 10 Sea Lion pups (about 2' x 3") – approx. \$36,500

Option #4 - ?

\*#3 is an option that might be a great balance, we then have 10 large Sea Lions to place and 10 smaller Sea Lions pups to place. I'm also thinking with this option - auctioning *might* be easier.

FYI - Following "We Know Jack" in Vacaville, California – their live auction of 25 fiberglass Jackrabbits on June 20th raised more than \$90,000! Wow! They called it "Hit the Road Jack!" – so clever! Their Facebook page - <https://www.facebook.com/pages/We-Know-Jack/214173648760317?fref=ts>

See you tomorrow! Thank you!

*Jennifer Connor*

Marketing Specialist & Event Coordinator

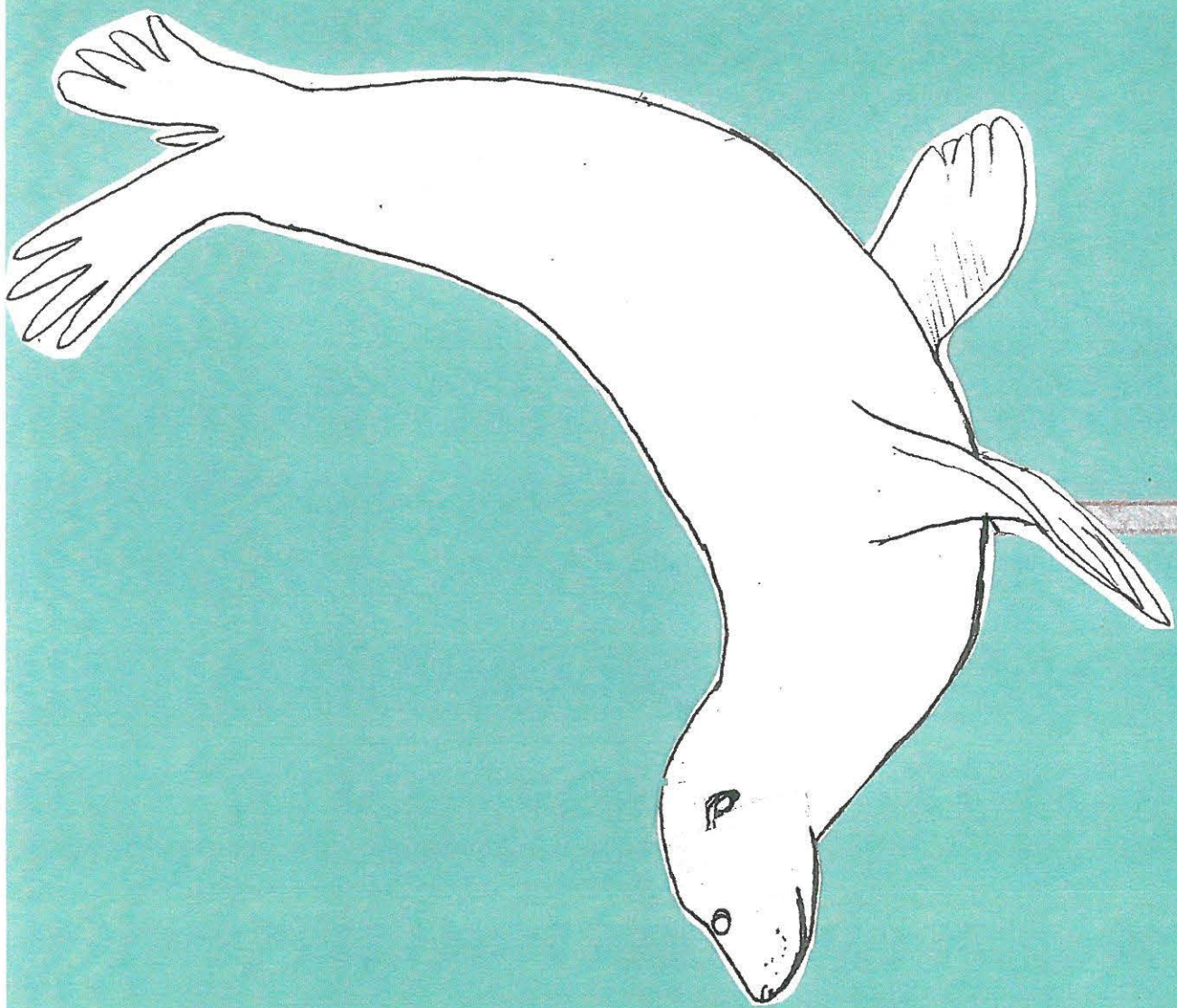
541-997-1994 ext 1402

[jennifer@eventcenter.org](mailto:jennifer@eventcenter.org)



July 1 meeting.docx  
13 KB









Lady Sea Lion

©Cowpainters 2015

Cowpainters, LLC  
women owned and operated  
4426 N. Ravenswood Avenue Chicago, IL 60640  
Phone (773) 525 5720 Fax (773) 525 5721  
[info@cowpainters.com](mailto:info@cowpainters.com) <http://www.cowpainters.com>

## COWPAINTERS

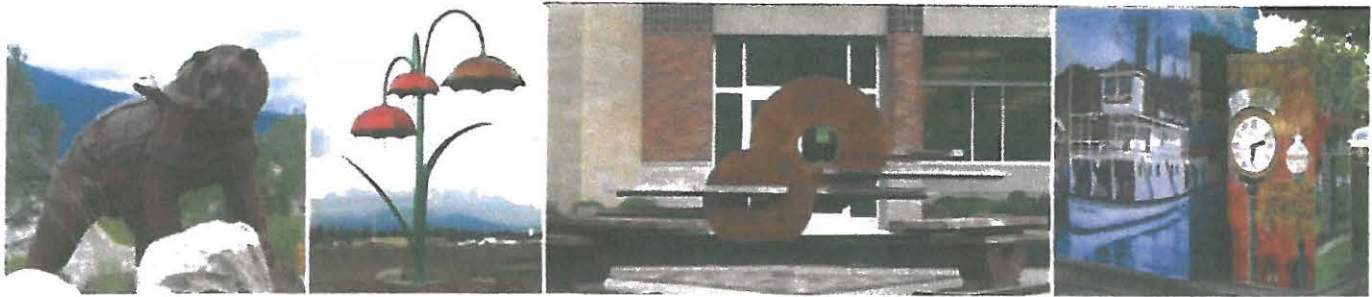
	unit price	cost of 20	shipping cost	TOTAL
2' x 3' Sea Lion PUP 3,500 - one time sculpt and mold fee	595	11,900	2,400	\$ 17,800.00
Option #1 - 4'H Sitting Lady Sea Lion 4,900 - one time sculpt and mold fee	1,295	25,900	4,400	\$ 35,200.00
Option #2 - 7.5L Dancing Lady Sea Lion on pole 5,200 - one time sculpt and mold fee	\$ 1,595	\$ 31,900	\$ 6,000	\$ 43,100.00

### Option #3

5,200 - sculpt and mold fee - LADY 3,500 - sculpt and mold fee - PUP		cost of 10 and 10		
10 - 7.5L Dancing Lady Sea Lion on pole AND 10 - 2'x 3' Sea Lion PUPs	\$1595 & \$595	\$ 21,900	\$ 6,000	\$ 36,600.00

50% up front, 25% prior to shipping & 25% upon arrival





The Coeur d'Alene Arts Commission has been charged by the Coeur d'Alene City Council to "stimulate and encourage, throughout the city and surrounding area, the study and presentation of the performing and fine arts and public interest and participation."

## Vision

The citizens of Coeur d'Alene are committed to build an exceptional collection of public art - art that defines the community and distinguishes it from others, complementing Coeur d'Alene's many attributes, and serving for posterity.

## Purposes

- Improve the Cultural Environment of the City of Coeur d'Alene
- Enhance the Growth of Industry and Commerce
- Partner with Various Artistic Organizations to Ensure the Role of Arts in the Community

## Areas of Responsibility

- Oversees Public Arts Program ([Percent for Arts](#))
- Develops Policies and Goals for Selection, Placement and Maintenance of Works of Art
- Integration of Wide Range of Public Art into the Community to Reflect Diversity of Communities, Artistic Disciplines, and Points of View
- Oversees Memorials for Public Parks and Donations of Artwork to the Public Collection

## Guiding Principles

- *Community Design*- Integrate public art into the design of buildings, parks, streetscape and public spaces - making art a natural, normal enhancement of community design.
- *Prominent Scale*- Select artworks of sufficient scale to capture public attention. Make an impression.
- *Diverse and Durable*- Build a diverse public art collection that incorporates various art media styles and themes; includes permanent works and temporary exhibitions; and is well made to withstand climate extremes.
- *Accessible*- Place public art out in the open, in accessible locations where people can see it and interact.
- *City-wide*- Over the years, gradually extend public art from the downtown core into all corners of the City.
- *Open Public Process*- Select art through a juried process that invites citizens to play a role. Extend the selection process to include artists from outside the area to diversify the collection.

- *Adequate Support*- Ensure that Coeur d'Alene's growing public art program is supported by adequate funding, professional staff, and proper maintenance of the collection by qualified individuals.
- *Artistic Excellence*- Strive to acquire truly exceptional art - of the highest quality, representing in Coeur d'Alene's collection the finest artists of the region and the world.
- *Model* - Serve as a model and inspiration for other communities interested in introducing their own public art programs.

## Priorities

- *Starting Point*- Install the first new artworks at the locations most visible and accessible to citizens and visitors alike - in the downtown, and at city gateways.
- *Signature Projects*- Seek opportunities for major art commissions in conjunction with upcoming projects; the new public library, Chamber of Commerce headquarters, community center, schools.
- *Art/Design Community*- Engage local artists, architects, and other design professionals and enlist their participation and "ownership" for Coeur d'Alene's public art program.
- *Events*- Link public art to Coeur d'Alene's most important community events. Schedule temporary exhibitions, announce art selections and unveil new commissions to coincide with Art on the Green and other major events.
- *Community Education*- Capitalize on public art to provide education opportunities for children, youth, adults, and visitors through interpretive signage, art map, walking tour brochures, media coverage, etc.
- *Staffing*- Provide professional staff support at an appropriate level to curate and maintain the public art collection.
- *Accountability* - Publish an annual report to document Coeur d'Alene's public art achievements, including a catalog of the art works newly acquired each year, other public art program achievements, funds expended, and account balances retained.

# PUBLIC ART

## City of Coeur d'Alene Public Art Program Policy

Adopted November 2, 1999

Revised October 2007

# Public Art Program Policy

## 1. Purpose

The purpose of the Coeur d'Alene Public Art Program is to integrate a wide range of public art into the community, reflecting a diversity of artistic styles, disciplines, and points of view.

The goals of the Public Art Program include: broaden the role of the artist in the community; encourage early collaboration among artists, architects, engineers and owners; dispense public art throughout the City of Coeur d'Alene; provide proper cataloging and maintenance of the Public Art Collection; preserve and relocate artworks displaced through improvement projects; ensure that public agencies and community representatives participate in the selection of public art; and promote public dialogue and understanding of public art.

## 2. Coeur d'Alene Arts Commission

The Coeur d'Alene Arts Commission (CAC) is the standing committee charged by the City Council to oversee the Public Art Program. The CAC develops policies and goals for the selection, placement and maintenance of works of art acquired through the Public Art Program and other public/private partnerships.

Oversight responsibilities include:

### A. Coeur d'Alene Public Art projects

1. Respond to briefings by city staff, agency representatives and project architects/landscape architects at beginning of project
2. Recommend selection panel members
3. Approve direction of project
4. Approve semi-finalists recommended by selection panel
5. Receive report on finalist and proposed work.

### B. Memorials for public parks

### C. Donations of artwork to the public collection

### D. Decommissioning of artwork from the public collection

### E. Developing guidelines and purchasing artworks for the Visual Chronicle of Coeur d'Alene Collection

## 3. Identification of Public Art Projects

- A. Item 1.30.020B of the attached Public Art ordinance outlines qualifying improvement projects for the City of Coeur d'Alene.
- B. As soon as practical after a qualifying improvement project is approved the Finance Director shall notify the CAC of the anticipated revenue and when that revenue will be available.



- C. Staff assigned to the CAC shall meet with a department representative and project architect/landscape architect/engineer as soon as a project is confirmed. A presentation to the CAC is scheduled and visual and written project documentation is provided, as needed.
- D. The CAC reviews new projects with a department representative (project manager) and the project's architect/landscape architect/engineer to review the following issues:
  - 1. Allocated public art funds
  - 2. Design and construction schedule
  - 3. Appointment of selection panel members
  - 4. Selection process options;
  - 5. Appropriate sites and goals for artwork;
- E. The CAC, or designated staff, writes an RFQ (Request for Qualifications)
- F. The CAC may decide that funds from a specific improvement project are in excess, insufficient or that the site is inappropriate for public art. Funds may then be transferred to other public art projects or remain in the Public Art Fund. Decisions about spending pooled funds will be recommended to the City Council for approval.

#### 4. Dedication and Disbursement of Funds

- A. The Public Art Fund is a dedicated fund of the City.
- B. Once it is determined that an improvement project qualifies under ordinance 1.40.050, the Finance Department invoices a department for Percent for Art funds and deposits them in the Public Art Fund.
- C. The CAC, in concert with City Council, contracts artists and pays them from the Public Art Fund.

#### 5. Conflict of Interest

- A. No artist sitting on a selection panel may submit for the project for which the panel was formed.
- B. CAC members must declare a conflict of interest if a project comes before the panel with which he/she is involved. CAC members must also declare a conflict of interest if a person with whom he/she shares a household or whom he/she professionally represents has a matter before the Commission and must recuse themselves from any participation in the process.
- C. Any artist representative or person sharing a household with an artist sitting on a Selection Panel must declare conflict of interest in the event that an artist that he/she represents or shares a household with is being considered as a semifinalist for the project. The Selection Panel member must withdraw from discussion of that artist and shall not vote.
- D. No member of the project's architect or landscape architect, interior designer, or engineering firm may apply for a public art project being designed by that firm.

## 6. Application of Percent for Art Funds: Inclusions

In 1999, Coeur d'Alene City Council enacted a Percent for Art program that designates 1.33 percent of the budget for each City capital project to purchase art for placement in public places. The Coeur d'Alene Arts Commission administers the Percent-for-Art program, under the following guidelines.

The 1% for arts funds may be spent for:

- A. Artist's fees for design team work, including travel expenses, conceptual development, and proposals;
- B. Semi-finalist proposals and travel expenses;
- C. A work of art including:
  - 1. Artist's design fee
  - 2. City required permits
  - 3. Labor and materials
  - 4. Project related travel
  - 5. Transportation of the work to the site
  - 6. Installation
- D. A portion of the budget may be set aside for contingency at the beginning of a project and returned to the Public Art Fund if unused.

The .33% for art funds may be spent for:

- A. Administration
- B. Education activities
- C. Collection management of public art
- D. Dedications and publicity
- E. Identification plaques and labels
- F. Frames, mats, mounting, anchorage, pedestals, cases or other materials necessary for the *installation and/or security of two-dimensional, portable artwork*
- G. Cataloging slides and other documentation
- H. Insurance and Documentation
- I. Consultant fees for selection panels or the CAC
- J. Operating costs
- K. Maintenance

## 7. Application of Percent for Art Funds: Exclusions

Project Percent for Art funds may not be spent for:

- A. Artworks which are not original (see Section 10)
- B. Decorative or functional elements designed by the project architects, landscape architects, interior designers, or their consultants, without artist collaboration
- C. Art objects which are mass produced of standard design, such as playground equipment or fountains
- D. Directional elements such as signs, maps, color coding, unless designed and/or executed by an artist
- E. Standard Architect's/Landscape Architect's/Engineer's/Interior Designer's fees.

## 8. Selection Panel Appointments

### A. Method of Appointment

The CAC recommends selection panelists to the Mayor and City Council for approval. The CAC takes into account the established formula listed below, requests by individuals to serve, and staff recommendations. Selection panel members shall serve at the discretion of the Mayor and City Council.

### B. Panel Structure

Panels are composed of seven voting members consisting of the following:

#### 1. Voting members

- a. Three arts professionals, two of whom must be artists
- b. The project's architect, landscape architect, engineer, interior designer or project manager
- c. A citizen who may be from the neighborhood impacted by the project
- d. City Council member
- e. Special interest representative appointed by the Mayor and City Council, if appropriate

#### 2. Non-voting members

- a. CAC members
- b. City staff

#### 3. Length of term. Each panel serves through the completion of one public art project.

## 9. Selection Panel Procedures & Responsibility

- A. CAC or designated staff holds an orientation for each Selection Panel which may include a public art slide show or electronic images, review of program guidelines, orientation to the specific project and a review of any goals already established by the participating department and the CAC.
- B. The Selection Panel:
  - 1. Develops the project's goals, sites for artwork, and suitable art forms for the project, taking into account goals and sites already determined by the participating department and the CAC, when applicable.
  - 2. Recommends to CAC site specific work, to purchase works of art for the City's portable, rotating art collection, or recommends to CAC works of specific duration which would be documented for future reference after the life of the piece.
  - 3. Determines a method for selecting an artist:
    - a. Open Competition: Any artist applies, subject to limitations established by the Selection Panel or CAC
    - b. Invitation: One or more artists are invited to submit proposals
    - c. Direct Purchase: A completed work of art is selected from submitted applications or other methods deemed appropriate for the project
  - 4. Reserves the option of making no recommendation from submitted applications and may reopen the competition or propose other methods of selection if no proposal is accepted.
  - 5. Approves all recommendations and decisions by a majority vote of the full panel;
  - 6. Reports the finalists and their work to the CAC for recommendation to the City Council.
- C. Design Team Projects  
The program acknowledges that artists can be valuable resources in the revitalization and development of neighborhoods and areas throughout the city. Efforts shall be made to select artists at an appropriate time and for appropriate projects to participate in:
  - 1. Incorporating art into specific architectural elements
  - 2. Planning aspects of infrastructure projects
  - 3. Participating as members of project design teams

## 10. Selection Criteria

- A. Criteria to be used when considering acquisition of artwork by either purchase or commission shall include, but not be limited to the following:
  - 1. **Artistic quality.** Due consideration will be given to the strength of the artist's concept, vision and craftsmanship of the artwork.



2. **Context.** Consideration should be given to the architectural, historical, geographical, geological, and socio-cultural context of the site.
  3. **Media.** Due consideration shall be given to all art forms including disciplines and media that are of specific duration and which survive only through documentation after the life of the piece has ended.
  4. **Permanence.** Due consideration shall be given to the structural and surface soundness, and to inherent resistance to theft, vandalism, weathering, and excessive maintenance or repair costs. Additional considerations shall be given for warranty provisions.
  5. **Public Safety.** Each work shall be evaluated to require that it does not present a hazard to public safety.
  6. **Diversity.** The program shall also strive for diversity in style, scale, exploratory types of work as well as established art forms.
  7. **Feasibility.** Proposals shall be evaluated relative to their feasibility and convincing evidence of the artist's ability to successfully complete the work as proposed. Factors to be considered include, but are not limited to: project budget, timeline, artist's experience, artist workload, soundness of materials, city zoning/construction/design guidelines.
  8. **Duplication.** Artists are required to warrant that artwork is unique (an edition of one) or part of a limited edition (see definitions).
- B. In addition to the above Selection Criteria, additional criteria to be considered for selecting artists for design teams shall include but not be limited to the following:
1. Proven ability to work effectively in collaborative situations
  2. Experience in architecture or landscaped-based projects
  3. Experience working with design professionals and integrating artistic concepts into construction documents.

## 11. Placement of Works of Art

- A. While it is the intent that *site specific works* will remain in the site for which they were created, CAC reserves the right to recommend to move a piece if circumstances dictate (see 12 below).
- B. *Portable Works of art* that are not site specific are part of the Portable Works Collection and will move throughout City facilities at the discretion of CAC, taking into account requests from various departments.
- C. *Temporary works* of art commissioned will be documented with appropriate media either by the artist(s) or the CAC.

## 12. Relocating Site Specific Works of Art

- A. Absent specific City Council action, no artwork may be moved without the CAC's recommendation. The CAC may consider recommending relocating a site specific artwork for one or more of the following reasons:

1. The condition or security of the artwork can no longer be reasonably guaranteed at its current site.
  2. *The artwork has become a hazard to public safety in its current site.*
  3. The site has changed so that the artwork is no longer compatible with the site.
- B. Once the CAC and Council have determined that an artwork meets one or more of the above criteria, the following process is initiated:
1. *The CAC staff makes a good faith attempt to discuss resiting with the artist.*
  2. If the artist agrees to the proposed resiting, the recommendation will be referred to the CAC and Council for approval.
  3. If the artist does not agree to the proposed resiting, he/she may request that his/her name not be used as the author of the artwork.

### 13. Maintenance and Management of Public Art

- A. It is the responsibility of the CAC to oversee the maintenance of all works of art in the City's public art collection.
1. All commissioned artists will be required to complete a Conservation Record Form that provides information on materials, fabrication methods, installation details and recommended maintenance.
  2. The CAC assigned staff will maintain a computer database inventory and a paper file of relevant documents for artworks owned by the City.
  3. City staff assigned responsibility for routine cleaning and maintenance of artworks shall perform the work based on recommendation by a professional art conservator or on information provided by the artist on the Conservation Record Form. Every effort will be made to use approved maintenance practices and to maintain the artist's original intent.
  4. A professional art conservator or person(s) trained by a conservator may be consulted or hired to provide maintenance and conservation work for the City's public art collection.
- B. *Participating Departments must notify the CAC immediately if an artwork is either damaged or stolen, or if the participating department plans to move the artwork or in any way alter its use.*
- C. The City shall provide adequate insurance coverage for the Public Art Collection.

### 14. Deaccessioning

In the event a work of art needs to be deaccessioned, such cases shall be referred to the CAC for consideration according to CAC's adopted Deaccessioning Policy.

**Deaccessioning/Decommissioning:** The procedure for the removal of an artwork from the public collection.

**Design Team:** The collaborative team consisting of the architect, landscape architect, interior designer, engineer and artist.

**Improvement Project:** See ordinance 1.40.020.

**Original Artwork:** Artwork that is an edition of one or form a limited edition. Editioned work for sculpture must be the first in the edition and signed by the artist. Limited editions for prints/photographs must be individually signed and numbered and from editions limited to 200 or less. Prints/photographs and cast sculptures from open editions will not be considered. (*based on State of Utah and Indianapolis Airport guidelines*)

**Participating Agency:** A department, division or commission of the City of Coeur d'Alene that is subject to the Public Art ordinance by virtue of its undertaking an improvement project.

**Portable Works Collection:** Individual artworks purchased for display in city offices.

**Public Art:** Original works of art that are accessible to the public and/or public employees and which may possess functional as well as aesthetic qualities (see Work of Art for further clarification).

**Public Art Collection:** All works of art owned by the City of Coeur d'Alene that are site specific, part of the Portable Works Collection or documentation of City-commissioned temporary works of art.

**Public Arts Fund:** The CAC fund that receives all monetary contributions derived from improvement projects pursuant to ordinance 1.40.020 and public art funds from other sources.

**Selection Panel:** The panel appointed by the Council after recommendation of the CAC responsible for the artist selection process, reviewing proposed works of art and recommending to the CAC specific expenditures for each project.

**Work of Art:** All forms of art conceived in any discipline or medium, including visual, performance, literary, media and temporary works.

## ATTACHMENT

### Existing Code for the Arts Commission

#### 2.84.010: POLICY:

It is found that there is an increasing appreciation and interest in the practice and enjoyment of the arts and that the citizens of Coeur d'Alene are becoming aware, due to increasing leisure time of a broader and richer life through artistic endeavors, that there is need to improve the cultural environment of the City of Coeur d'Alene and that growth of industry and commerce will be enhanced by cultural development.

It is declared to be the policy of the City of Coeur d'Alene to encourage the development of our artistic and cultural life and to join with all persons and institutions concerned with the arts to insure that the role of the arts in our community will grow and play an evermore significant part in the welfare and educational experience of the citizens of Coeur d'Alene. (Ord. 1709 §1, 1982)

#### 2.84.020: ESTABLISHED; COMPOSITION; TERMS:

There is established an Arts Commission in the City of Coeur d'Alene, which shall consist of twelve (12) members who shall receive no salary. Members shall be appointed by the mayor and confirmed by the city council, and any members may, in a like manner, be removed. No more than four (4) members may reside outside city limits but within Kootenai County and; one member shall be a high school student, who attends school within the boundary of School District 271, between the ages of fourteen (14) and eighteen (18) years. All other members shall be chosen from the residents of the city. The term of office of each member shall be for a term of three (3) years or until his successor is appointed and qualified, whose term shall run for the duration of the existing term. The term of office for the high school student shall be for one year. No person shall be a member for more than two consecutive terms. The terms of office of the members shall be staggered in such a manner so that no more than four members may be up for reappointment or replacement in any given year.

#### 2.84.030: OFFICERS; MEETINGS:

After appointment of the first membership and every two (2) years thereafter, following the first commission meeting in January, the commission shall organize by selecting a chairman and such other officers as deemed necessary by the commission. The commission shall meet at such times and places as may be determined by the chairman or by a majority of the members of the commission. A majority of the members of the committee shall be necessary to constitute a quorum at any meeting

**SECTION 3.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 4.** Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Coeur d'Alene City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

**SECTION 5.** The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

**SECTION 6.** After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

**2.84.040: DUTIES; RESPONSIBILITIES:**

The duties and responsibilities of the Commission shall be as follows:

- A. To stimulate and encourage, throughout the City and surrounding area, the study and presentation of the performing and fine arts and public interest and participation therein;
- B. To make such surveys as may be deemed advisable of public and private institutions engaged within the City in artistic and cultural activities, including, but not limited to: music, theater, dance, creative writing, painting, sculpture, architect and allied arts and crafts, and to make recommendations concerning appropriate methods to encourage participation in, and appreciation of, the arts to meet the legitimate needs and aspirations of persons in the City of Coeur d'Alene;
- C. To take such steps as may be necessary and appropriate to encourage public interest in the cultural heritage of our City and to expand the City's cultural resources;
- D. To encourage and assist freedom of artistic expression essential for the well-being of the arts. (Ord. 1709 §4, 1982)
- F. To provide oversight for the City of Coeur d'Alene Public Art Program and other City public art programs.



# Donations of Artwork Policy

## 1 Background

Works of art are occasionally offered as donations to the City of Coeur d'Alene. The Coeur d'Alene Arts Commission, CAC, is responsible for reviewing and evaluating the suitability of a proposed artwork and recommending whether or not to accept it as a gift, and/or allow it to be installed on City property. If accepted, the maintenance of a gift of art is the responsibility of the City unless otherwise specified. In accepting a gift, the CAC may recommend that the City Council require that the donor establish a maintenance endowment to ensure an adequate quality of care for the artwork.

The CAC is responsible for review of all proposed gifts of art to the City, including donations by individuals, neighborhoods, community groups, and international organizations. Artworks created by any of these groups may be placed temporarily on City property without being offered to the City as gifts provided that the donor obtains the appropriate approvals and/or revocable permits (if any) for placement of the works, and agrees to maintain them throughout the life of the work. In these cases, gift review is not required.

### A. Existing Works of Art

1. Donor contacts CAC or appropriate city staff to discuss the potential gift, providing photos or the actual artwork.
2. CAC/staff declines to consider the gift or presents the gift to the CAC. If presented in photo form, the CAC reserves the right to postpone any decision until the actual artwork is reviewed.
3. CAC accepts or declines the gift. If accepted, the donor is acknowledged on a plaque (if requested) and in other relevant materials.
4. Funds for maintenance are agreed upon by the donor and CAC and deposited by the donor into the Public Art Fund.

### B. Commissioned Works of Art

1. Donor contacts CAC or appropriate city staff for a meeting to discuss idea for commission as well as the plan for selecting an artist.
2. CAC/staff declines to consider the commission or accepts the idea and the selection process.
3. Donor presents the selected artist and design for the commission to the CAC which may approve, provide suggestions for improvement or reject the proposal.
4. Donor presents a maintenance plan and deposits funds for the work's future care in the Public Art Fund.
5. Donor is acknowledged in a plaque and other promotional materials (if requested).

say they are aware of Eugene's public art.

In re-shaping Eugene's public art program, five important opportunities have been identified:

- Linking public art to Eugene's successful performing and literary arts;
- Expanding partnerships with the University of Oregon, Lane Community College, and other institutions;
- Integrating public art into community planning;
- Replicating the successful model of public art installed at the Eugene Public Library; and
- Increasing Eugene's percent-for art funding.

Priorities for expanding and upgrading Eugene's public art (see below) have been developed in consultation with more than four hundred community volunteers. These are the backbone of the Public Art Plan.

### Priorities for Eugene's Public Art Program

*Priorities for Eugene's public art program include these key ingredients identified by community leaders and citizens who participated in planning:*

- ✓ Build a public art collection of the highest quality – worthy of Eugene's notable arts and cultural offerings and significant achievements.
- ✓ Re-appraise Eugene's existing public art collection, inviting a panel of independent artists and public art professionals to review and critique the current body of work.
- ✓ Extend public art beyond the downtown, to new locations across the city: the airport and other gateways, parks and playgrounds, schools, walkways and bike paths.
- ✓ Forge partnerships with the University of Oregon, Lane Community College, Lane County, EWEB, and other institutions able to support and nurture public art.
- ✓ Integrate public art into community planning and development, looking for opportunities to make public art part of every project.
- ✓ Expand Eugene's percent-for-art funding ordinance to yield additional funds to purchase and maintain art. Seek other public and private funds to leverage public percent-for-art monies.
- ✓ Assign full-time, professional staff to manage the public art program. Organize the program under one lead department.
- ✓ Develop a program that assures ongoing maintenance and repairs for Eugene's growing public art collection.
- ✓ Improve public accessibility of Eugene's public art collection with interpretive and educational materials and methods. *Show it off!*
- ✓ Involve citizens and volunteers in all aspects of the public art program.

The accompanying Eugene Public Art Plan gives further details on public arts needs, community priorities, opportunities and strategies. With this strategic plan in place, Eugene has a chance to celebrate the 30<sup>th</sup> birthday of the community's public art program well on the way toward building a truly exceptional public art collection. The Public art Committee's leadership will be crucial in championing the community's re-appraisal and reprioritization of public art. The Committee can map out "first steps",

Newly constructed, purchased and/or renovated buildings  
Newly constructed buildings only  
Designated facilities (e.g. airport, libraries, parks)  
Capital bond measures  
Private (non-residential) construction

And there are many more methods!

The City of Eugene can draw upon its own experience and lessons learned in many peer communities where mature public art programs are in place. Thanks to these efforts, the requirements for a successful community public art program are generally known and accepted (see below).

### Components of a Successful Public Art Program

---

- Commitment to institutionalize the program via ordinance or policy
- Well-defined goals
- Inclusive definition of public art
- Good communication with government agencies
- Decision-making body (Art Committee or Commission): with participation by community leaders, arts, arts and design professionals, other citizens with arts interest/experience
- Professional staff (at least 2 FTE for mid-sized cities)
- Criteria and guidelines for selection of artists and art
- Percent-for-art funding source (2% for entire capital budget for leading cities)
- Dedicated fund to collect and disburse public art funds
- Policies for considering donations, memorials, resiting and deaccessioning
- Artist-friendly contracts
- Plan, funds, staff and protocols for ongoing maintenance
- System to catalogue artworks in the public collection
- Public education activities and publications
- Ongoing community interaction

### Peer Communities

---

Hundreds of cities across the United States have public art programs in place, some now for 40 years. Public art programs in three mid-sized cities in the Pacific Northwest, Southwest and Southeast are profiled below to show the range of approaches in peer communities. The three cities are Tacoma, WA, Tempe, AZ, and Fort Lauderdale, FL.



KVAL 13

## Eugene drafts 10-year plan for public art

By Todd Milbourn KVAL News | Published: Jan 20, 2010 at 6:32 PM PST (2010-01-21T2:32:30Z) | Last Updated: Oct 30, 2013 at 6:12 AM PST (2013-10-30T14:12:40Z)



Sculpture of Ken Kesey in downtown Eugene, one of the city's 198 pieces of public art.

EUGENE, Ore. -- A group of artists and city leaders in Eugene are putting the finishing touches on a 10-year plan for public art.

The group is funded through a \$25,000 grant from the National Endowment for the Arts. City leaders have used that money to hire a consultant -- Barney & Worth, Inc. of Portland -- and research ways to "weave art into the fabric of the community."

Already, Eugene has 198 pieces of public art, from the dancing frogs at the Hult Center to the Ken Kesey statue downtown and the "Big Red" sculpture underneath the Washington-Jefferson Bridge.



"People said they want to see more of it in the parks, more of it in their neighborhoods. People want it where they walk," said Mary Unruh, director of Downtown Initiative for Visual Arts (DIVA) and a member of the committee drafting the public art plan.

- [Read a draft copy of the plan \(http://www.eugene-or.gov/portal/server.pt/gateway/PTARGS\\_0\\_228\\_356290\\_0\\_0\\_18/Eugene%20Public%20Art%20Plan%201%2011%202010.pdf\)](http://www.eugene-or.gov/portal/server.pt/gateway/PTARGS_0_228_356290_0_0_18/Eugene%20Public%20Art%20Plan%201%2011%202010.pdf)

The first works of public art in Eugene were created during the summer of 1974. That year, Eugene held a symposium on sculpture that drew artists from all over the country.

The piece known as "Big Red" is among those works.

Since then, Eugene has tried to expand public art through what's called the "percent-for-art" fee.

That fee, established in 1981, is attached to major public construction projects, and the money is used for sculptures, murals, paintings and other public art.

But having public art funding tied to construction poses a problem for arts supporters. There's only new art when there is new construction, and with the downturn in the economy, few new projects are being created.

The consultant's report found that Eugene dedicates fewer resources to public art than many comparable cities, which have an average of two city personell dedicated to public art. Eugene has several employees who work part-time on public art initiatives.

"A lot of the mid-sized cities have a budget of about \$300,000. Our budget, well, we don't really have one," said Theresa Sizemore, the events manager at the city-owned Hult Center and a coordinator for the art plan.

One goal of the plan is to establish a vision for public art that can be used to convince donors to support various projects.

"When you have that consistent funding, you can leverage that funding with grants, foundations, private donors. Then you actually have a very viable program," Sizemore said.

The plan also calls for more ambitious works and greater diversity of projects. Some critics of Eugene's public art have said the city has an abundance of bronze sculptures of well-known people -- including Ken Kesey, Rosa Parks, Eugene Skinner -- and should try something new.

Supporters point to the downtown Eugene Public Library as an example of "doing it right." The library features an array of art, from stained glass windows to a funky wood-and-metal



structure that tells the story of "Three Billy Goats Gruff."

"It's one of our shining examples," Sizemore said.

Isaac Marquez, the city's recently-hired visual arts coordinator, said he envisions Eugene becoming a stand-out city for public art in the next ten years.



"Upon coming into Eugene, you'll see art at all the major gateways, so we really make a statement to the visitor," he said. "You may even see temporary exhibits through the summer where you can come out and enjoy with your family."

Arts supporters said they involved some 400 community members in the planning process.


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Public Art Committee



Hult Center BUY TICKETS



Online Arts Community

### Contact Information

#### Cultural Services Community Events

One Eugene Center  
Eugene, OR 97401

#### Isaac Marquez

Public Art Manager

[Email](#)

Ph: 541-682-2057

## Art in Public Places



### The Mission of the Public Art Program

Our mission is to ensure that the City of Eugene's public art collection be of the highest quality and, when possible, of historical significance; and to insure that the City of Eugene's Visual Arts Programs are managed with integrity, consistency, and in a professional manner.

The City of Eugene established its commitment to the Visual Arts through the Percent for Art Ordinance of 1981, which states that it is an appropriate function of government to foster arts and the development of artists. Visual arts contribute to and provide experiences which enrich and better our social and physical environment. The commissioning of art works in public places, in addition to furthering the policy of fostering art and developing artists, enriches public perception of government buildings, parks, and other public spaces.

The City of Eugene's Public Art collection can be seen in many places throughout the city.

View the City of Eugene's [Public Art Plan](#).

### Art at the Hult Center

The Hult Center for the Performing Arts is the home of many treasures of public art. Art at the Hult includes a [permanent collection](#) on display, as well as work that is architecturally integrated throughout the building. Visitors enjoy paintings, masks, statues, and six small bronze "surprises" hidden throughout the building. The Hult Center also hosts temporary exhibits in the [Jacobs Gallery](#) located downstairs.

The Hult Center is remarkable for the extent to which visual arts have been architecturally integrated and the variety of the art works themselves. Ranging from hand-painted tiles in the restrooms to the house curtain in the Silva Concert Hall, works by 30 artists and crafts people were planned and executed in concert with the building construction. These collected art treasures help to make the Hult Center a popular visitors' attraction in Eugene.

Other places to see public art include the Eugene Public Library, the Eugene Airport, City parks, and the City's Public Works Division.

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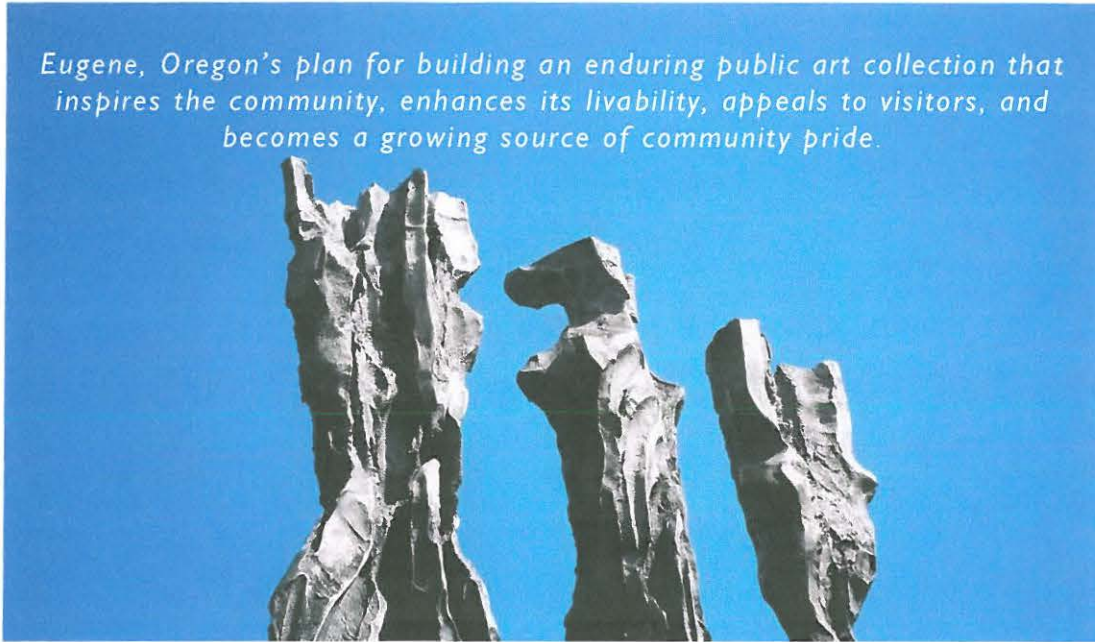
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# Public | Art | Plan Art | Public | Plan Plan | Public | Art

*Eugene, Oregon's plan for building an enduring public art collection that inspires the community, enhances its livability, appeals to visitors, and becomes a growing source of community pride.*



**Prepared for:**  
**City of Eugene, Oregon**

**By:**  
**Barney & Worth, Inc.**

**In association with:**  
**Regional Arts & Culture Council**



**January 2010**

wide process to develop the Public Art Plan. Some of the active participants are listed below. Thank you all for sharing your creative ideas and vision for the arts in Eugene's future!

## **Steering Committee**

Fred Crafts, Eugene Ambassador to the Arts \*

## **Acknowledgements**

The authors gratefully acknowledge contributions of the many Eugene citizens who joined in the community-



Public Art Plan  
Art Public Plan  
Plan Public Art

## Eugene Public Art Plan

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Renee Grube, City of Eugene  
Kevin Finney, City of Eugene  
Jill Hartz, Jordan Schnitzer Museum of Art, UO \*  
Laura Niles, City of Eugene  
Mike Penwell, City of Eugene  
Tina Rinaldi, University of Oregon  
Jim Robinson, Artist, UO Youth Enrichment/Tag Programs \*  
Yvonne Stubbs, Artist \*  
Ellen Tykeson, Lane Community College \*  
Mary Unruh, Downtown Initiative for the Visual Arts (DIVA)\*  
Kari Westlund, Travel Lane County  
Rick Williams, Lane Community College \*

### City of Eugene

Renee Grube, Library, Recreation and Cultural Services  
Director  
Laura Niles, Cultural Services Director (retired) \*\*  
Theresa Sizemore, Events Manager, Project Coordinator \*\*  
Isaac Marquez, Public Art Program Manager  
Nan Laurence, Community Development Division  
Neil Bjorklund, Parks and Open Space Division  
Mike Penwell, Facilities Management Division  
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### Consultants

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Eloise Damrosch, Regional Arts & Culture Council \*\*  
Libby Barg, Barney & Worth, Inc.  
Michele Neary, Barney & Worth, Inc.

\* Public Art Committee  
\*\* Project Team members

### Stakeholder Interviews

Douglas Beauchamp, Lane Arts Council  
Greg Brokaw, Rowell Brokaw Architects  
Mark Clarke, Artist, Karin Clarke Gallery  
Fred Crafts, Eugene Ambassador to the Arts, Arts and  
Business Alliance of Eugene  
Kiersten Diechman, Public Art Management  
Kevin Finney, Park Operations – City of Eugene  
James Fox, Knight Library – University of Oregon  
Renee Grube, Eugene Library, Recreation & Cultural Services  
Jill Hartz, Jordan Schnitzer Museum of Art – Univ. of Oregon  
Andrea Heid, Oregon Arts Commission  
Peter Helzer, Artist  
Lee Imonen, Artist, Lane Community College  
William Kennedy, Downtown Neighborhood Association  
Nan Laurence, Eugene Community Development Div.  
Brian Obie, 5th Street Public Market  
Karen Pavelec, Maude Kerns Art Center, Art in the Vineyard  
Mike Penwell, Facilities Division – City of Eugene  
Kitty Piercy, Mayor – City of Eugene



Jon Ruiz, City Manager – City of Eugene  
Randy Stender, Downtown Business Alliance, DIVA  
Dave Suchart, Management Services – Lane County  
Mike Sullivan, Eugene Community Development Div.  
Glen Svendsen, Facilities – City of Eugene (retired)  
Meg Trendler, Travel Lane County, Lane Cultural Coalition  
Ellen Tykeson, Artist, Lane Community College  
Mary Unruh, Downtown Initiative for the Visual Arts (DIVA)  
Kari Westlund, Travel Lane County  
Rick Williams, Lane Community College

*The Eugene Public Art Plan was supported in part by a grant from the National Endowment for the Arts.*



Cover photograph: "Three Rivers", Jan Zach, 1964  
Inside cover: "Plant Forms", Jan Zach, 1959



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## Executive Summary

In 1981, a new performing arts center was taking shape in Eugene's downtown. At the same time, the City enacted a percent-for-art funding ordinance to support public art, placing Eugene on the leading edge of a national public art movement.

After almost three decades, the Hult Center and performing arts continue to flourish. The visual arts are present too, with an art museum (on the University of Oregon campus) and numerous galleries. Eugene has emerged as an arts destination, with an abundance of arts and cultural offerings enjoyed by visitors and residents alike. In contrast, Eugene's public art collection has grown slowly over this same period; nearly 30 years later, the public art program has experienced modest and mixed success.

Recently, Eugene completed the Cultural Policy Review, a ten-year cultural plan that recognizes the city's accomplishments and raises the bar once again. With full community support, Eugene boldly states its aspiration to become *"The World's Greatest City of the Arts and Outdoors"*.

Eugene's cultural plan counts on public art to play a role in that transformation: to help "integrate arts and culture into the fabric of Eugene's downtown and neighborhoods." A public art master plan is identified in the cultural plan as a strategic tool to assist in reinvigorating Eugene's public art program.

In 2009, assisted by a grant from the National Endowment for the Arts, Eugene began work on a plan to review, reshape and redirect the public art program. The project was directed by the Eugene Public Art Committee and a 14-member Steering Committee.

The Steering Committee sponsored an extensive community outreach process. More than 400 community members participated in the planning, sharing their vision and creative ideas on ways to move public art forward.

In summary, the community's shared vision for public art is: *more art – better art – located throughout the community – more conspicuous.* Community leaders and others expect Eugene's public art to be exceptional and accessible.

Why hasn't this already happened? The answer is funding. Eugene's percent-for-art funding source relies on construction or purchase of large public buildings, parks, etc. Such projects don't happen every year in a mid-sized city, leaving gaps in public art funding. Without a stable, reliable funding base, Eugene's public art program has been inconsistent over the years. The program still does not have full-time, dedicated staff – an ingredient that is essential for on-going success. Until very recently, components of the program have been housed in three different City departments.

In light of these handicaps, Eugene's progress has been just short of remarkable. The public art inventory encompasses 198 pieces of art located in the downtown and other parts of the city, representing a variety of media. Some 90% of community members surveyed recently



Much of Eugene's public art tells a story.



say they are aware of Eugene's public art.

In re-shaping Eugene's public art program, five important opportunities have been identified:

- Linking public art to Eugene's successful performing and literary arts;
- Expanding partnerships with the University of Oregon, Lane Community College, and other institutions;
- Integrating public art into community planning;
- Replicating the successful model of public art installed at the Eugene Public Library; and
- Increasing Eugene's percent-for art funding.

Priorities for expanding and upgrading Eugene's public art (see below) have been developed in consultation with more than four hundred community volunteers. These are the backbone of the Public Art Plan.

### Priorities for Eugene's Public Art Program

*Priorities for Eugene's public art program include these key ingredients identified by community leaders and citizens who participated in planning:*

- ✓ Build a public art collection of the highest quality – worthy of Eugene's notable arts and cultural offerings and significant achievements.
- ✓ Re-appraise Eugene's existing public art collection, inviting a panel of independent artists and public art professionals to review and critique the current body of work.
- ✓ Extend public art beyond the downtown, to new locations across the city: the airport and other gateways, parks and playgrounds, schools, walkways and bike paths.
- ✓ Forge partnerships with the University of Oregon, Lane Community College, Lane County, EWEB, and other institutions able to support and nurture public art.
- ✓ Integrate public art into community planning and development, looking for opportunities to make public art part of every project.
- ✓ Expand Eugene's percent-for-art funding ordinance to yield additional funds to purchase and maintain art. Seek other public and private funds to leverage public percent-for-art monies.
- ✓ Assign full-time, professional staff to manage the public art program. Organize the program under one lead department.
- ✓ Develop a program that assures ongoing maintenance and repairs for Eugene's growing public art collection.
- ✓ Improve public accessibility of Eugene's public art collection with interpretive and educational materials and methods. *Show it off!*
- ✓ Involve citizens and volunteers in all aspects of the public art program.

The accompanying Eugene Public Art Plan gives further details on public arts needs, community priorities, opportunities and strategies. With this strategic plan in place, Eugene has a chance to celebrate the 30<sup>th</sup> birthday of the community's public art program well on the way toward building a truly exceptional public art collection. The Public art Committee's leadership will be crucial in championing the community's re-appraisal and reprioritization of public art. The Committee can map out "first steps",

## Eugene Public Art Plan

Authentic experiences offer unexpected surprises – astonish visitors – inspire creativity and community pride. Eugene's public art – *we can do that!*





## I. Introduction

### “World’s Greatest City”

In recent decades, the City of Eugene has consciously worked to brand itself as an arts community. With the opening of the Hult Center for the performing arts, professional theater and dance resident companies, a world class music festival, an art museum, galleries, thriving literary arts, professional arts education offerings and a vibrant local arts scene, Eugene is striving to live up to its slogan as *“The World’s Greatest City of the Arts and Outdoors.”*

The City is taking steps to ensure that art continues to be an indelible part of the daily experience for Eugene’s citizens and visitors. Art is appreciated in Eugene as a basic ingredient, a way to enhance the built environment, create a unique “sense of place”, improve quality of life – and also stimulate economic activity. In 2007, the City completed a ten-year cultural plan to outline strategies that integrate arts and culture into the fabric of Eugene’s downtown and neighborhoods.

### Eugene’s Public Art Program

Public art – art that is community-owned and displayed in public places – can play a pivotal role in spreading arts and culture citywide. In recent years, the Eugene Public Art Committee has been reinstated and its job has been expanded and includes overseeing the community’s public art program. In 1981, among the earlier cities across the U.S., the City of Eugene enacted a percent-for-art ordinance that designates a percentage of capital improvement project budgets to “create, collect and display public art,” supporting the purchase of artworks to be placed in public spaces.

Over its 25+ year history, Eugene’s public art collection has accumulated 198 works of art representing outdoor sculpture and a variety of media, three-dimensional and two-dimensional, from monumental scale to miniature. The City’s public art collection is concentrated in the downtown and the adjoining Alton Baker Park – but some works have spread to other locations.

Now a mature (in age) program, Eugene’s public art requires a cohesive plan, policies and procedures to ensure the community will continue to enjoy all of the benefits of high quality public art.



Eugene’s public art comes in all sizes  
– from miniature to monumental.

### Public Art Master Plan

The ten-year Cultural Policy Review identified public art as a key ingredient in reinforcing Eugene’s emerging arts identity – to help “*integrate arts and culture into the fabric of Eugene’s downtown and neighborhoods*” (Goal V). A public art plan was pinpointed as a tool needed to help “*enhance Eugene’s physical environment through public art in the downtown and throughout the City*” (Strategy V.3).

### Eugene Public Art Program – Goal

In 2009, the City of Eugene began work on its citywide public art plan assisted by a grant from the National Endowment for the Arts. Eugene's initiative to create a comprehensive *public art plan* has been guided by the Eugene Public Art Committee and a citizen volunteer Steering Committee. This group retained the services of a consultant team headed by Barney & Worth, Inc. to assist in developing the public art plan. The Steering Committee collaborated with the consultant at every stage of planning.

*Foster arts and the development of artists and provide experiences which enrich and better the social and physical environment.*

While the fourteen-member Steering Committee (and Public Art Committee) oversaw the consultant's work and guided the public art planning, many other groups participated: Eugene City Council, local community arts organizations, artists, downtown businesses, City planning and parks departments, neighborhoods and others. The master plan was developed through meaningful outreach and collaboration with these and other interested parties.



Eugene's Public Art Plan was guided by a 14-member Steering Committee.

The City's goal is to develop a public art plan that establishes a vision, and re-shapes the program to ensure it will flourish. There are countless opportunity sites for placement of public art: at Eugene's community gateways, in the downtown, commercial districts, neighborhoods, parks and elsewhere. It is envisioned the Public Art Plan will recommend updated organizing principles and policies for Eugene's emerging public art program, and help identify immediate and long-term program goals and priorities. The plan will also pinpoint special opportunities and new features for the community's expanded public art collection.

Policies to regulate and operate the public art program are also very important. Experience in other communities has shown that any single public art commission can attract controversy. The art solicitation and selection process must be transparent and efficient, capable of attracting responses from top artists, and yielding high quality art. The master plan is also intended to address questions about funding methods, art selection and commissioning, siting, security, ongoing conservation and maintenance, and staffing.

### Community Participation

The foundation for Eugene's Public Art Plan is broad-based citizen input. A multi-faceted program for public outreach enlisted hundreds of citizens who volunteered and involved themselves in the plan.

Members of the Steering Committee overseeing the planning included Eugene Public Art Committee members and City staff. The Steering Committee participated in consultant selection, designed the workscope and schedule, toured Portland's public art collection with Regional Arts and Culture Council program managers, designed public outreach, sponsored and distributed a community survey, facilitated a public workshop, deliberated on recommendations and reviewed the draft Public Art Plan.



A public workshop gave a still wider range of interested citizens a chance to contribute their creative suggestions and help shape the Public Art Plan. The October 20, 2009 workshop attracted some 45 participants for a lively discussion.

---

October 20, 2009 – “Share Your Vision and Priorities for Public Art”

---

Community outreach also included a survey, mailed to:

- Eugene area arts organizations
- Local artists
- Neighborhood associations
- Participants in Eugene’s 2007 cultural plan

The survey attracted 335 detailed responses submitted online and by mail, from citizens across the city. Most of the survey respondents were unable to attend the workshop. A summary of survey results appears in an appendix.



Public workshop participants shared their vision and ideas for Eugene’s public art.

Finally, more than 25 key stakeholders – community leaders and other interested citizens identified by the Steering Committee –were interviewed to seek their views on important issues surrounding the Public Art Plan, and capture their ideas for Eugene’s future.

A synopsis of community members’ comments appears below. The strength of community participation confirms participants’ deep interest and support to expand and upgrade Eugene’s public art program. The results of community input have shaped Eugene’s Public Art Plan, and are integrated into every facet of the plan.

Key points offered by community leaders and others who were interviewed:

1. *Eugene has accumulated a sizeable public art collection, but observers say it doesn’t yet “add up”.* There is some concern that the public art collection, to date, lacks a unifying vision or distinctive character.
2. *There are some public art projects where Eugene has “got it right”.* The Eugene Public Library is mentioned most often for its consistent high quality, variety – in artists, scale and media, and integration of public art with the architectural design.
3. *A strength of Eugene’s collection is its strong representation of local artists.* Some area arts leaders see this local emphasis as a shortcoming, however, and urge the City to broaden artist selection to acquire more diverse works from regional/national/international talent.

## Eugene Public Art Plan



Lifesize bronze sculpture commemorates Rosa Parks and other historic figures.

4. *The overall quality of Eugene's public art is questioned, perhaps due to the collection's "home grown" character or the absence of a centering vision. The public art program receives some criticism for accepting uneven quality.*

5. *Eugene's public art is not yet penetrating public awareness, and there is not a sense of shared ownership in the community. Many artworks are prominently placed in public spaces – but reportedly remain unnoticed or underappreciated.*

6. *Partnerships with higher education institutions offer an opportunity to extend the reach of Eugene's public art program. While Eugene is only a mid-sized city, the presence of the University of Oregon (and art museum) and Lane Community College, with formidable arts resources, has the potential to raise the quality and expanse of the community's public art.*

7. *Public art can become an amenity for visitors.*

Eugene's rich performing arts offerings continue to attract visitors year-round. High quality public art would appeal to this same out-of-town audience and help reinforce Eugene's image as an arts destination.

8. *A lack of full-time staff hampers the future prospects for Eugene's public art program. The City's public art program needs full-time staff to take on the wide range of art selection, marketing, fundraising and curatorial duties required to support a well-managed program.*

9. *Responsibility for the public art program also should be organized under one lead department. Until recently, program responsibilities have been distributed among several City offices, which makes coordination of activities difficult.*

10. *There's also a need for more funding. The current percent-for-art funding source is no longer considered adequate to sustain, care for, and grow Eugene's public art collection.*



Eugene's public art collection can be whimsical.

The hundreds of community members who responded to the survey concur with many of these key points. Nearly 80% of the survey participants are Eugene residents and are directly involved in the arts – 23% identify themselves as artists, and another 11% represent arts and culture organizations. Some 90% of participants say they are



familiar/very familiar with Eugene's public art and have noticed concentrations along downtown streets, in parks, at the Hult Center and Eugene Public Library.

Two-thirds of respondents want to see public art in both the downtown and neighborhoods. Preferred sites include public buildings (74%), parks (78%), institutions (71%), city streets and sidewalks (71%). There's wide concurrence on preferences for types of art: art that is integrated into landscape/building design and functional objects; sculpture and other outdoor art.

The open-ended comments offered by survey respondents echo three themes:

- *Vision:* More! Visible and accessible. Diverse. Higher quality. Expanded partnerships (UO, LCC, EWEB, others).
- *Sites:* Everywhere! Downtown, gateways, parks/playgrounds, schools.
- *Disappointment:* Can Eugene truly claim to be the "World's Greatest City of the Arts and Outdoors"? Is that an unsubstantiated boast that misstates or even undermines the community's real accomplishments?

## II. Context for Public Art

### National Best Practices

The most comprehensive national survey of public art programs (in 2001) found 350 programs in the United States at the time.\* Public art programs for typical mid-size cities (100,000 to 250,000 population) in 2001:

- Were operated by government
- Had annual budgets averaging \$330,000
- Had two (or more) full-time professional staff and also used consultants
- Were supported largely by a percent-for-art funding source (73% of total funding)

A recap of national standard practices for public art programs appears below.



Public parks offer high visibility sites for public art.

### Public Art Programs – Standard Practices (2001)\*

\* *Public Art Programs – Fiscal Year 2001*, Americans for the Arts, 2003.

\* *2008 Survey of Public Participation in the Arts*, Research Report #49, National Endowment for the Arts,

## Organization

- 81 percent of programs are operated by public agencies; 19 percent are operated by non-profits.
- Most programs (72 percent) serve a single city or county.
- Non-profits that run public art programs usually operate other programs, too.
- Public art committees (boards, commissions) average ten members. They often include architects / design professionals, artists, arts administrators, business leaders, community representatives and others. Half of public art programs train their committee members.
- Three-quarters of programs operate with a public art ordinance; these programs tend to be larger and faster growing.

## Staffing

- Public art programs range from 0.5 to 11.0 staff, with an average of 2.1.
- Staff commonly hold degrees in studio art, art history or arts administration. Their prior experience typically covers arts administration (90 percent), studio art, curatorial, art history, public administration, public relations and/or museum.
- More than two-thirds of programs (69 percent) also utilize public art consultants.

## Budget

- Average annual budget in 2001 was about \$750,000. For mid-size cities (100,000 to 250,000) the average was \$330,000.
- Government-run programs have larger budgets — \$912,000 vs. \$306,000 for non-profits. Budgets for government programs are growing faster than for non-profits, and faster than inflation.
- Typical government programs receive 73 percent of their revenue from percent-for-art funds.
- Other funding sources are private contributions (corporations, foundations, individuals) and earned income.
- Non-profits rely on roughly equal amounts of public funding, private funding and earned income.
- Art commissions and purchases account for three-quarters of program spending.

## Projects

- Commissioning permanent projects and purchasing existing works outnumber temporary projects eight to one.
- Project budgets range widely: from \$25 to \$3 million. The vast majority of public art programs (86 percent) require liability insurance for public art commissions.

## Artists

- The average public art collection includes 80 different artists.
- Artist contracts typically comply with the Visual Artist Rights Act and artists retain the copyright for their work.
- Most artists apply for commissions, via open call.
- Most public art programs pay finalist artists for their proposals (\$250 to \$2,000 or more).
- Nearly half of public art programs provide training for artists.

## Art Selection

- Selection is routinely made by independent selection panels. These usually include architects, artists, arts professionals, business leaders and other community members, as well as representatives of the commissioning agency and public art program.
- Selection panels average 8.6 members (including support staff).
- Many communities (49 percent) require artists to meet a defined level of experience; some limit eligibility to “local” artists (typically defined as living in the same state).

## Publicity

- The most common marketing materials are printed brochures (82 percent), website (77 percent), maps of public art (48 percent), and post cards (48 percent).
- Nearly all public art programs (88 percent) offer web images / descriptions of their collection.

*\*Source: Public Art Programs — Fiscal Year 2001, Americans for the Arts, 2003.*

While the standard funding source for public art programs is percent-for-art, there is no standard formula. In various cities across the United States, percent-for-art is calculated on the basis of 1% to 2% of:

Annual capital budget  
Above-ground capital improvements



## Eugene Public Art Plan

Newly constructed, purchased and/or renovated buildings  
Newly constructed buildings only  
Designated facilities (e.g. airport, libraries, parks)  
Capital bond measures  
Private (non-residential) construction

And there are many more methods!

The City of Eugene can draw upon its own experience and lessons learned in many peer communities where mature public art programs are in place. Thanks to these efforts, the requirements for a successful community public art program are generally known and accepted (see below).

### Components of a Successful Public Art Program

- Commitment to institutionalize the program via ordinance or policy
- Well-defined goals
- Inclusive definition of public art
- Good communication with government agencies
- Decision-making body (Art Committee or Commission): with participation by community leaders, arts, arts and design professionals, other citizens with arts interest/experience
- Professional staff (at least 2 FTE for mid-sized cities)
- Criteria and guidelines for selection of artists and art
- Percent-for-art funding source (2% for entire capital budget for leading cities)
- Dedicated fund to collect and disburse public art funds
- Policies for considering donations, memorials, resiting and deaccessioning
- Artist-friendly contracts
- Plan, funds, staff and protocols for ongoing maintenance
- System to catalogue artworks in the public collection
- Public education activities and publications
- Ongoing community interaction

### Peer Communities

Hundreds of cities across the United States have public art programs in place, some now for 40 years. Public art programs in three mid-sized cities in the Pacific Northwest, Southwest and Southeast are profiled below to show the range of approaches in peer communities. The three cities are Tacoma, WA, Tempe, AZ, and Fort Lauderdale, FL.

### Tacoma, WA

Tacoma is a city of 197,000 (2006) located in the Puget Sound area, south of Seattle. In March of 2000, the City of Tacoma reinstated the Municipal Art Program, a percent-for-art program that dedicates 1% of construction costs for the city's capital projects for the creation of public art.

The City of Tacoma's public art collection is diverse and pieces can be found in virtually every neighborhood – a point of local pride. Tacoma also emphasizes proper stewardship for its collection and a commitment to quality.

Tacoma's public art program is overseen by the 17-member Tacoma Arts Commission, a citizen volunteer body appointed by Tacoma City Council. The Commission publishes an annual *Year in Review* report that documents:

- Public art projects advertised, underway and completed
- Major maintenance and conservation completed
- Awards and recognition

The Tacoma public art program also sponsors an array of related activities:

On-line public art tour, with photographs and information on artists and locations

Art at Work Month

Artists' studio tours

Public art symposium

Art Slam: unjuried public presentations of locally created artwork including visual arts, music, film, performance art and spoken word

Technical assistance for artists, including a workshop – *Transitioning to Public Art: Methods for Translating 2-D Work to the Public Realm*

Publications, including *A Community Guide to Creating Public Art* – a how-to guide to use public art “as an agent of change in your neighborhoods”

Tacoma's guiding public art ordinances and policies include:

- Tacoma Municipal Code Chapter 1.28 (Tacoma Arts Commission)
- Public Art Accession Policy
- Public Art Deaccession Policy
- Public Art Gift Policy
- Artists Eligibility and Selection Process Policy

### Tempe, AZ

Tempe is a growing Phoenix suburb with a 2006 population of 186,000. Tempe has cultivated a diverse public art collection intended to complement the natural and built environment. To achieve this goal, the public art program collaborates with the community and design team on projects that pair artists with building and site designers.

The public art program is organized under the City of Tempe's Cultural Services Division. Since 1988, the program has commissioned more than 50 projects. Tempe's program strives to balance temporary



with permanent works, implement new initiatives, engage the community and change perceptions about public art.

Tempe's public art acquisitions are funded through the City's capital program. By ordinance, 1% of the city's capital budget is allocated to public art. Public art projects develop along with community growth and city construction. Public art appears in the downtown and at Tempe Town Lake, in City Hall, public plazas, city parks, fire stations, transit shelters, and the public library.

Tempe's public art program is overseen by two citizen bodies – the Tempe Municipal Arts Commission and the Public Art/Art in Private Development Committee. The latter group advises the Commission on policies and actions taken for the public art program, as well as acquisitions and loans of art made to the city. The Commission and Committee work to incorporate public art into the capital improvement projects for City departments. The City Council must approve individual art commissions valued at \$50,000 or more.

Since 1998, Tempe has also required large, private retail and office developments (over 50,000 square feet of net floor area) to commission artwork on their property or support cultural programs. The Art in Private Development Ordinance has resulted in more than 60 privately commissioned artworks blanketing many parts of the community.

Tempe's public art program also offers an on-line "public art gallery self-tour", with fact sheets and photos covering every project. The program is administered by one full-time staff person.

### **Fort Lauderdale, FL**

Fort Lauderdale is a city of 186,000 (2006) located in south Florida, the county seat of Broward County. Fort Lauderdale is a major tourist destination, attracting 10.4 million visitors annually, with 42,000 resident yachts and 100 marinas and boat yards, and 4,100 restaurants.

Fort Lauderdale's public art program is organized under the Broward County Public Art and Design Program, which celebrated its 30<sup>th</sup> anniversary in 2006. The program allocates 2% of the total new construction budget for new/renovated government buildings and 1% of the capital budget for roads, runways, etc. to commission artists to provide design expertise and create artworks for a broad range of capital projects. Artists are commissioned in the early design stages of a project to promote collaboration with architects and site designers. Architects are also encouraged to reach out to the community, to ensure the artworks respond to community needs and values.

The Broward County Public Art & Design website allows website visitors to review public art collections by title, location, artist or medium. More than 120 public art and design projects are located in Fort Lauderdale.

For purposes of comparison, a review of six mid-sized and larger communities in the southeastern United States shows the variety of public art programs and percent-for-art funding sources in place today. These six programs cover the full spectrum: from one of the largest and most mature programs in the nation—Broward County, Florida (Ft. Lauderdale - 1976) – to Huntsville, Alabama's newly created program. Most communities have completed public art plans. All but Huntsville have percent-for-art funding sources in place, with percentages calculated from 1% (Ashville, Charlotte, Nashville) to 1.5% (Atlanta) and 2% (Broward County). Four of the public art programs are operated by city government; two

programs are run by regional authorities. All programs (except Huntsville) have full-time professional staff, with nine full-time staff in Broward County.

The accompanying table provides capsule summaries of the six public art programs in the Southeast.



Some of Eugene's artworks would be welcome in any city's public art collection.

## Public Art Programs – Southeastern Cities

### Ashville, NC

Public Art Board

Public Art Master Plan (2000/2008)

Funding: 1% of amount allocated to general Capital Improvement Program

- Parks / Greenway bond referendums: 1% tied to art
- Tourism Development Authority Room Tax for art
- Private development incentives

Program management: Department of Parks, Recreation & Cultural Arts

### Atlanta, GA

Public Art Programs

Public Art Advisory Committee

Public Art Interagency Task Force

Public Art Master Plan (2001)

Public Art Park (Freedom Park): for siting temporary and permanent sculpture

Four full-time staff

Funding:

- 1.5% of capital project budget (increased 2008)
- .5% dedicated for administration and conservation (2008)
- 1% of airport construction funds for Airport Art Program

Program management: Department of Parks, Recreation and Cultural Affairs; Office of Cultural Affairs; Public Art Division

### Broward County, FL

Public Art & Design Program (1976)

Public Art & Design Committee

Six full-time and part-time staff

*Design Broward: 1995 Master Plan*

*Five Year Plan: Broward County Public Art & Design*

Funding:

- 2% of capital budget for new/renovated vertical construction (buildings)
- 1% of capital budget for flat construction (roads, runways, etc.)

### Charlotte, NC

Public Art Program (1981) – Charlotte /

Mecklenburg County

Cultural Facilities Master Plan

Funding:

- 1% of eligible capital improvement project funds (2003)

Program management: Arts & Science Council (1958)

### Huntsville, AL

Huntsville Arts Council

*Create Huntsville Strategic Plan:*

- Inspired by Chattanooga's and Asheville's success
- Support economic development through expanded arts and cultural opportunities
- Downtown Arts & Entertainment District: develop new outdoor / indoor arts & culture attractions
- Public art: focus for 2009

Mayor Tommy Battle: "*Arts are the heart and soul of the City*".

### Nashville, TN

Art in Public Places

Two full-time staff: Public Art Program

Manager and Project Manager

Funding:

- 1% of Metro government's construction budget
- 1% of net proceeds of GO bonds

Program management: Metro Nashville Arts Commission



So how does Eugene's public art program compare to peer communities' standard practices and best practices?

At 28 years, Eugene's public art program is among the more mature programs in the United States. The nation's earliest programs are nearing 40 years old. Portland's program will celebrate its 30<sup>th</sup> birthday in 2010, Eugene's program in 2011. Like most peer public art programs, Eugene's program is operated by city government. The size of Eugene's public art collection (198 artworks) is above average – but much smaller than other mature programs. Over the years, Eugene has collected around six or seven pieces of art per year. Eugene also has fewer than the average number of artists represented.

A key reason for Eugene's relatively modest collection is a pattern of uneven funding. Like most other cities, Eugene has a percent-for-art funding ordinance in place. However, the capital projects qualifying for percent-for-art are defined narrowly. In some years, little or no money is generated for public art. As a result the program has experienced something of a start-and-stop existence.

The City of Eugene's most recent completed budget year shows the Public Art Fund with total resources of \$213,000. The only new resources for the year were donations (\$15,000) and interest (\$7,000). Expenditures were \$120,000 leaving a fund balance of \$94,000.

There are no full-time professional staff dedicated to public art (at present, one half-time staff person), and the program doesn't have an ongoing annual budget allocation. Until recently, staff have been assigned part-time from three different departments (Cultural Services, Facilities Management, Parks and Recreation).

Other points of comparison with peer cities:

- Eugene lacks other reliable funding sources to supplement percent-for-art: in some communities public art funds leverage important contributions by private donors, businesses and foundations.
- Eugene's percent ordinance allocates 1%; leading cities have raised their percentage to 2%.
- Eugene operates an art gallery – unusual for a mid-sized city.
- Eugene's public art collection places more emphasis on local (Eugene area) artists. Even in other cities where local artists are prioritized, "local" is usually defined as coming from within the same state.
- Unlike its peers, Eugene has not developed a robust array of printed brochures, maps, web information, and other interpretive materials.
- Eugene does not have a local arts council, which in many communities manages the public art program and/or serves as key advocates for public art.



The City of Eugene operates Jacobs Gallery to display temporary art exhibitions.



## III. Opportunities

The future of Eugene's public art program hinges on the community's success in establishing public art as a community priority – one that is recognized by policymakers and citizens as key to attaining the desired status as the “World's Greatest City of the Arts and Outdoors”. Then, Eugene must become opportunity-driven, seizing opportunities and doing whatever possible to leverage what will always be – due to Eugene's population size – limited financial resources.

### Performing Arts and Public Art

To date, Eugene's stature as an emerging arts and culture center rests largely on the foundation of the performing arts. The Hult Center is Eugene's hub for the performing arts, with the 2,500-seat Silva Concert Hall, 500-seat Soreng Theater and 225-seat Studio. The facility opened in September 1982 and was an immediate success, selling one million tickets over its first four years of operation.



The Hult Center is a hub for Eugene's vibrant performing arts scene.

Eugene benefits immensely from its investment in the Hult Center and enjoys an unusual wealth of resident professional performance companies – dance, theater, music – for a mid-sized city. The annual Bach Festival attracts visitors from around the world. The Shedd Institute hosts year-round concerts and performances. Eugene is a frequent tour stop for internationally known performers and authors. In short, Eugene is “on the map” for arts and culture.

Eugene's achievements are having an impact statewide, and contributing immeasurably to Oregon's economy and its arts and culture “brand”. A survey released in November 2009 by the National Endowment for the Arts found that more Oregonians attend opera, jazz and classical music concerts, per capita, than in any other state.\* One in six Oregon adults (490,000) attended a classical music concert during one recent year (May 2007 to May 2008). Oregon also ranks #1 in attendance at art museums and craft festivals, and is second overall in per capita attendance at combined performing arts events.

The reputation and reality of Eugene's success in performing and literary arts presents an opportunity to experience public art – in the Hult Center, Jacobs Gallery and adjoining hotel / conference center, and airport gallery (currently located in a secured terminal, but scheduled to be relocated to a public space as part of airport renovation). Patrons of the performing/literary arts represent a natural audience for Eugene's public art. Jacobs Gallery is already open during Hult Center performances. Other spaces in and around the Hult Center (and other key performance venues) can be programmed to make public art more visible and accessible. Eugene Public Library can host readings and recitals amidst its public art collection.

\* 2008 Survey of Public Participation in the Arts, Research Report #49, National Endowment for the Arts, November 2009.

Even in the busiest events venues, performances cover only a fraction of the hours in any year. In the “dark” days and hours at these performance venues, public art can become the best way to send a strong, continuous signal that Eugene has special status as an arts community.



Art in and around the Hult Center can be enjoyed by event-goers and others.

### Partnerships

Eugene is a college town, home to a major public university, a thriving community college and other institutions of higher education. The University of Oregon offers professional training for artists and arts educators, has several performance venues, an outstanding art museum, and its own diverse public art collection. The University is also considering opening a downtown extension of its Jordan Schnitzer Museum of Art, to provide more exhibit space and make the collection more accessible to the public. This extension may also serve as a de facto municipal art museum. The University’s

literary arts are strong, too, with a masters program in creative writing that is among the nation’s best.

Lane Community College also offers art classes and professional artist training. The campus includes an art collection and galleries with works by faculty members, students, alumni and other artists. Community College officials are also planning to expand LCC’s presence in downtown Eugene with possible links to the city’s cultural resources.

Eugene is already taking advantage of these unique higher education resources, drawing upon UO and LCC expertise for arts and culture leadership. In the future, more can be done to leverage these resources:

- Inventory the UO and LCC public art collections – already open and visible to the public – and include this art in interpretive materials as an extension of the City’s public art collection.
- Move portions of the Schnitzer Museum’s collection into public spaces, following the innovative model of the Hunter Museum of American Art (Chattanooga). The Hunter redesigned and opened its sculpture garden to public access, and moved several sculptures into downtown plazas. Recently, the Hunter teamed with a local foundation to commission four major works, with artists chosen through a public vote. Thousands of Chattanoogans have participated in the art selections.
- Jointly curate art exhibits and co-produce and publicize arts and culture events.
- Draw upon the museum’s curatorial expertise to advise/oversee maintenance of the city’s public art collection.
- UO and LCC expand their roles in community education about public art.
- Develop a curriculum at UO and/or LCC linked to public art.
- Utilize Jacobs Gallery and other venues to showcase emerging young artists.
- Enlist students as volunteers to assist with curatorial, interpretive and other functions for Eugene’s public art collection.



Additional partnership opportunities shouldn't be overlooked. Lane County, nearby jurisdictions, Lane Transit District, EWEB, GSA (federal agencies), Sacred Heart/Peace Health and others may also build their own art collections that contribute to the quality, depth, and distribution of public art community-wide and regionally.

### Community Planning and Development

Eugene is a city that plans! There is a strong tradition of community planning producing long-range and project-specific plans and planning documents. This instinct and imperative to plan opens the door to a systematic search for ways to integrate public art into urban design. Representatives of Eugene's Public Art Committee and public art staff could be assigned to participate in various planning teams to help introduce public art into the discussion.

Despite all of the attention to planning, there's a widely held impression that Eugene's architecture "doesn't measure up". Finding great settings for public art will also require investing in buildings and public spaces.

Community leaders raise several specific opportunities and projects for public art, particularly in the city center. Public art can "lead from one special place to another special place", enliven a downtown that many observers characterize as architecturally uninteresting. Mentioned most often as projects/areas where public art can make a difference are Eugene's riverfront, the "cultural corridor" connecting downtown arts and performance venues, and the "Great Streets" initiative.



Some public art contributes to way-finding for visitors.



Art and architectural design blend in the Eugene Public Library.

### Eugene Public Library – A Model

There's wide agreement that one of Eugene's major public art projects – at the Eugene Public Library – represents a model that can be successfully replicated for the future. Local observers applaud the architect's early consideration of public art with integration of art into the building design. Also noted are the quality and diversity of the works – prominently displayed, and inclusion of local artists along with prominent artists from outside the region. Another strength is the number of artworks chosen to appeal to a younger audience: children are important library users. Most of the art was carefully selected as a body of work, rather than piecemeal.

This formula can be repeated with good effect in the future for another major building project. However, large scale projects – a new city hall or park or administration building – don't come along very often in



Eugene. Meanwhile, it may be possible to use a library-like approach unconstrained by the confines of a building. Looking across the downtown, for example, what opportunities present themselves to complement and enhance the existing collection, or make it more visible? How could the Hult Center collection be updated and upgraded in conjunction with future improvements to the performance halls and adjacent facilities? How might artworks in the downtown be linked through walking tours?

### Percent-for-Art Funding

The standard funding source for public art programs all across the nation is “percent-for-art”. This method sets aside a very small portion of budgets for capital projects – usually just one or two percent – to commission, administer and maintain public art.

Three-fourths of the hundreds of public art programs in the U.S. rely on percent-for-art funds for most of their support (providing 73% of total budgets on average). Other supplemental funding sources for public art typically include private contributions (corporations, foundations, individuals) and earned income. Programs with a solid percent-for-art funding base tend to be larger and faster growing.

Eugene has just this type of percent-for-art funding source. A public art ordinance and percent-for-art funding have been in place in Eugene since 1981. Eugene’s percent-for-art funding is calculated on the basis of one percent (1%) of all construction and remodeling funds for public places. “Public place” is defined as *any building, park, mall or other capital construction project (but not including streets, alleys, bicycle paths, and other public thoroughfares) constructed or remodeled by the city which construction or remodeling involves in expenditure of more than \$50,000* (Ordinance No. 18849, Adopted August 10, 1981). Newly purchased buildings are also covered by Eugene’s percent-for-art formula.

This definition – specifically leaving out transportation-related projects – significantly narrows the types of capital projects that contribute to the public art fund. Broadening Eugene’s percent-for-art funding source in the future to encompass a wider range of projects would increase the size of the public art fund and help stabilize public art funding from year-to-year. New buildings, parks and malls are not constructed or remodeled every year in Eugene – transportation facilities are. (Eugene’s downtown transit center is an example).

The rationale for Eugene’s unusually narrow percent-for-art definition is no longer clear. The omission of transportation projects is somewhat ironic. Transportation facilities – “*streets, alleys, bicycle paths and other public thoroughfares*” – provide some of the best, most visible sites for installation of public art.

As discussed earlier, cities use many different formulas to calculate their percent-for-art. National best practices now often base the percentage on a municipality’s entire capital budget. This produces a more robust funding source – and is also much easier to calculate.



Eugene’s current percent-for-art formula includes newly constructed, renovated or purchased buildings – but leaves out transportation projects.



Eugene's funding level of one percent for qualifying capital projects also now falls behind national best practices. Leading communities in the U.S. now earmark up to two percent – some on their entire capital budget – for public art.

### IV. Public Art Plan: Vision & Priorities

#### Community Vision

The City of Eugene's goal for its public art program is to *"foster arts and the development of artists and provide experiences which enrich and better the social and physical environment."* In creating the Public Art Plan, arts community leaders and citizens were invited to revisit this goal and express their personal vision for ways that public art can "enrich and better the social and physical environment."

Community members who contributed to the plan envision Eugene having more public art, of higher quality, and reaching all parts of the city. Key elements of this vision include:

*Art integrated into urban design:* shaping and contributing to the design of buildings (public and private), public spaces, landscape, and everyday functional objects (from lighting fixtures to bicycle racks to manhole covers).

*Large scale pieces:* a few larger works placed at prominent locations strategically chosen to reinforce the community's creative identity, and so that visitors and residents alike will be sure to take notice.

*Information:* a map and brochure, interpretive signage, history, website and photo images, walking tours and podcasts, information on artists, lecture series, and other educational materials to inform and activate the community and "tell the story".

*Sustainable funding:* adequate resources to expand, manage and maintain Eugene's public art collection.



Eugene's public art collection includes two-dimensional works.



Some artworks have become neighborhood landmarks.

*Champions:* a well organized team of committed arts community leaders and other supporters poised to serve as cheerleaders and ambassadors to help catalyze the transformation of Eugene's public art program, enlisting new followers and fans along the way.

Other elements of the community vision for Eugene's public art for the future:

- More two-dimensional art, greatly expanding the list of opportunity sites and opening the process to more artists

- Greater variety of art media and materials; less commemorative sculpture
- More temporary art installations; rotating sculpture exhibits; kiosks to accommodate temporary exhibits
- Interactive art projects that engage the community in the creative process
- Student-created art and public art in schools and playgrounds
- Kinetic art
- Neighborhood matching grants to inspire residents to help commission and install their own distinctive art
- Community events to spotlight public art

### Public Art Priorities

Community participation has demonstrated deep interest in making public art a renewed priority in Eugene. Policymakers, community leaders, art followers and other citizens see public art as an “image-maker” and an important complement to the significant investment the community is already making in the arts. Public art, they say, can contribute to Eugene’s ongoing efforts to revitalize the community to help *“integrate arts and culture into the fabric of Eugene’s downtown and neighborhoods”*. As an amenity appreciated by local residents and visitors alike, public art can play a role in the community’s economic vitality.

The following highlights describe key elements of the “public art program of the future” as desired by Eugene’s community leaders and citizens.



Interpretive signage helps make public art accessible.



### *Eugene's Public Art Priorities*

*Priorities for Eugene's public art as defined by community leaders and citizens who participated in planning:*

- ✓ Build a public art collection of the highest quality – worthy of Eugene's notable arts and cultural offerings and significant achievements.
- ✓ Re-appraise Eugene's existing public art collection, inviting a panel of independent artists and public art professionals to review and critique the current body of work.
- ✓ Extend public art beyond the downtown, to new locations across the city: the airport and other gateways, parks and playgrounds, schools, walkways and bike paths.
- ✓ Forge partnerships with the University of Oregon, Lane Community College, Lane County, EWEB, and other institutions able to support and nurture public art.
- ✓ Integrate public art into community planning and development, looking for opportunities to make public art part of every project.
- ✓ Expand Eugene's percent-for-art funding ordinance to yield additional funds to purchase and maintain art. Seek other public and private funds to leverage public percent-for-art monies.
- ✓ Assign full-time, professional staff to manage the public art program. Organize the program under one lead department.
- ✓ Develop a program that assures ongoing maintenance and repairs for Eugene's growing public art collection.
- ✓ Improve public accessibility of Eugene's public art collection with interpretive and educational materials and methods. *Show it off!*
- ✓ Involve citizens and volunteers in all aspects of the public art program.

### Funding Strategies

The success of any community's public art program hinges on adequate, reliable funding. Ideally, Eugene's public art program will be supported through a blend of public and private funding methods and mechanisms. The objective is to create a portfolio of funding sources, which together can sustain and perpetuate the community's gradually expanding public art collection.

Funding mechanisms recommended for consideration for Eugene's public art program include:

- The current one percent-for-art program covering the City of Eugene's capital budgets for certain projects provides a shaky foundation for the public art program. One solution is to broaden the definition of eligible projects. Adding transportation projects would bring Eugene in line with many other communities. Calculating the percentage on the basis of the entire capital budget, another option, would provide the reliable pool of funds that Eugene's public art program so badly needs to move to the next level.
- Leading cities in the nation are now allocating a somewhat higher percentage of their capital budgets for public art – up to two percent. Experience in other cities has shown

## Eugene Public Art Plan

this additional funding is needed for curating and maintaining the public art collection, as well as purchasing and installing new artworks.

- Even with a broader definition of eligible capital projects, at increased percentages, it is possible that the percent-for-art source will still not generate enough money year-to-year to sustain ongoing program operations. In small and mid-sized cities, the percent contributions are sometimes supplemented with general fund support in the range of \$.50 to \$1 per capita. This steady funding base can then be used to administer the program, while lumpy percent-for art proceeds are allocated to purchase and maintain art.



Eugene's public art – some of it nearly 30 years old – requires ongoing maintenance.

- Incentives that encourage private development projects to dedicate a percentage of their construction costs for art could enable Eugene to leverage its modest public program.

Financial contributions and gifts by corporations and private individuals for artworks to be displayed in public places are prominent funding sources for many public art programs. Eugene has benefitted from such contributions/gifts in the past and can continue to seek ways to leverage limited public dollars. Policies are needed to ensure that such gifts represent welcome additions to Eugene's public art collection, complementing the existing collection and meeting community standards.

- Grants from private foundations, state and federal sources can also provide important resources.

It is recommended that proceeds from these various funding sources be deposited and held in Eugene's Public Art Fund and/or another secure, designated fund for subsequent art procurement and maintenance.

### Policies & Guidelines

As Eugene's public art program nears the 30-year mark, and significant program changes are enacted, it will be prudent for the City of Eugene to revisit the policies, procedures and guidelines currently in place. At a minimum, clear policies are needed to:

Provide for professional staffing.

Establish the Public Art Committee's authority, duties and responsibilities for the public art program.

Authorize percent-for-art and other funding sources.

Establish a Public Art Fund to sequester and secure percent-for-art proceeds and other dedicated funds.

Develop procedures for cataloging and repairing the City's art collection.

Define procedures for selecting and procuring new artworks.

Other peer communities have also found it necessary to adopt additional policies. Examples cover:

- Art in Private Development
- Donations and Memorials
- Re-siting and De-accessioning of Artworks
- Conflict of Interest
- Selection Panels
- Selection Criteria
- Inventory, Management, and Maintenance
- Risk and Insurance
- City Code Provisions may also need to be update to accommodate changes in Eugene's public art program.

As Eugene's public art program grows and diversifies, some of these additional policies may be needed.



## V. Appendices

### Artist Credits

Cover:	<i>Three Rivers</i> , Jan Zach, 1964
Inside cover:	<i>Plant Forms</i> , Jan Zach, 1959
Page 1:	<i>The Story Teller (Ken Kesey)</i> , Peter Helzer, 2003
Page 4:	<i>Sleeping Horse</i> , Walter Hannula
Page 7 (top):	<i>Rosa Parks</i> , Peter Helzer
Page 7 (bottom):	<i>Alligator from Oliphaunt's Garden</i> , Marvin & Lilli Ann Killen Rosenberg, 2002
Page 8:	<i>Eugene Group</i> , Hugh Townley, 1974
Page 17:	<i>Wind-Rain Song</i> , Weltzin Blix, 1982
Page 18 (top):	<i>Marker of Origin</i> , Betsy Wolfston & David Thompson, 2005
Page 18 (bottom):	<i>Stained Glass Window (untitled)</i> , John Rose, 2008
Page 19:	<i>Atrium Building Floor</i> , Alison McNair & Bill Fairchild, 2003
Page 21 (top):	<i>Big Red</i> , Bruce Beasley, 1974
Page 21 (bottom):	<i>The Fair</i> , Madeline Liepe

### Survey Respondents

- 27% Government
- 23% Artist
- 11% Arts & culture organization
  
- 79% Eugene residents

### Awareness of Public Art

- 90% Familiar/very familiar with Eugene's public art
  
- Notice art most where there are concentrations:
  - 95% Downtown streets/parks
  - 94% Hult Center
  - 89% Library
  
- 46% Think Eugene has 101 to 500 artworks (*Good guess! Correct answer is 198.*)
  
- 64% Not sure if all areas/groups are adequately served
- 23% Not adequately served
  - Low income/ethnic groups/borderline neighborhoods
  - Public schools
  - Parks
  - Gateways

### Preferences

#### Locations for art:

- 66% Downtown and neighborhoods
- 23% Downtown

#### Favorite types of site:

- 79% Outside public buildings
- 78% Public parks
- 71% Institutions: library, museums, etc.
- 71% City streets and sidewalks
- 54% Inside public buildings
- 46% City gateways
- 44% Schools

Top priority site: downtown, parks, gateways

#### Favorite types of art:

- 71% Art integrated into functional objects

- 70% Outdoor art
- 68% Sculpture
- 65% Art integrated into landscape design
- 64% Art integrated into building design

### Origin of artists:

- 55% Local artists
- 54% Pacific Northwest
- 45% All artists

### Funding sources:

- 90% Private donors
- 81% City/County government
- 79% Businesses

### Value of Public Art

- 76% Public art contributes significantly to Eugene's vision as "World's Greatest City of the Arts and Outdoors"

### Makes Eugene more appealing:

- 90% More/much more for residents
- 93% More/much more for visitors

### Public Participation

#### Best ways to inform/involve citizens:

- 78% Newspaper
- 71% Television
- 60% Website
- 56% Neighborhood associations
- 56% School classes

#### Want to stay involved:

- 56% Just keep me informed
- 25% Participate actively
- 19% Not that interested

#### Want to be kept informed?

- 42% Provided contact information

### In Their Own Words



<b>Sites</b>	<p><i>Everywhere! Seriously, where SHOULDN'T public art go? (Yes, in the downtown; yes, in the neighborhoods; yes, in the LTD stops; yes, on the UO campus; yes, everywhere).</i></p> <p><i>Along with the downtown, I like seeing public art at the airport, the Hult, and all other major areas where people congregate.</i></p> <p><i>City gateways to suggest to visitors that Eugene is a creative city with respect for art.</i></p> <p><i>Leave that up to the Public Art Committee.</i></p>
<b>Vision</b>	<p><i>A destination for both artists and visitors who include in their reasons for planning trips.</i></p> <p><i>Enough statues of Rosa Parks, Eugene Skinner, Ken Kesey, etc!</i></p> <p><i>More art would make me feel the phrase "Greatest city of the arts and outdoors" was justified.</i></p> <p><i>I'm not interested in art in front of (or in) places you can only go to in a car. Accessible art for all!</i></p> <p><i>Like many mid-sized cities, Eugene has a dead or dying downtown. Unlike many, Eugene has not thus far seen the value in turning downtown into a cultural (and education) center.</i></p> <p><i>Art must be as conspicuous as restaurants.</i></p> <p><i>I am very tired of sculptures of clothed persons sitting on a bench. Art should be uplifting and imaginative.</i></p> <p><i>The more art, the better! Art can only help to verify and beautify the community. It can also help spark community wide discussions, and stimulate thought and expression in residents and visitors.</i></p> <p><i>The art in Eugene really needs to diversify. We have the same three artists doing all the visible public art.</i></p> <p><i>Lots more art, focused on the downtown Art and Entertainment District.</i></p> <p><i>It's not the '60s anymore. Keep the flavor but be sure to transition to the new century.</i></p> <p><i>Art that inspires creativity and civic pride, a sense of Eugene as a welcoming community.</i></p> <p><i>Art is food for the soul. I want visitors to leave feeling well fed and residents to know they never have to go hungry.</i></p>
<b>Advice</b>	<p><i>Guys GET ON TWITTER. Come on. It's time. (I've already tweeted the survey today &amp; it's been (retweeted) by others. Use the tech!)</i></p> <p><i>The city should also have a more active partnership with the UO's art students and programs.</i></p> <p><i>I think the "World's Greatest..." theme is a wrong vision, even a tad ridiculous. It may be aspirational, but it goes very overboard on what I think we can do in a community our size.</i></p>

*Public art is the only chance of making Eugene look nice apart from tearing down all the ugly buildings.*

*To change the culture, begin with the children. They can be our best supporters in the future.*

*Eugene is a great place to do art but a lousy place to sell it.*

*An annual art tour would be nice.*

*We moved to Eugene specifically because of the vibrant art scene and Hult Center, and have not been disappointed. Love the Eugene Ballet, all the galleries, all the free Eugene City shows in the summer, and the local theater scene. More, more, more!*

*I am disappointed by most of the art that I have experienced in Eugene and find myself looking elsewhere.*

*Don't show a lot of expensive "art objects" around town. Work on the deep structure!*

*It is more important for my family to be financially stable than to spend my wages on public art.*

*I am strongly in favor of a list, guide or method for citizens and visitors to find and view our public art. I hope that the public will become interested and involved.*

## City of Eugene Public Art Collection Art Acquisition Policy

The City of Eugene has established its commitment to the Visual Arts through the Percent for Art Ordinance of 1981 which states: "It is an appropriate function of government to foster arts and the development of artists. Visual arts contribute to and provide experiences which enrich and better our social and physical environment. The City of Eugene has supported the inclusion of art works in public places. The commissioning of art works in public places, in addition to furthering the policy of fostering art and developing artists, enriches public perception of government buildings, parks, malls, and the like."

In addition to commissioning and purchasing artwork, the City receives unsolicited proposals for the donation and purchase of public art to add to the City's Collection. The following policy for accessioning art will apply and as stated in the Ordinance "through its selection of art, foster the growth of historically significant art from which the public can benefit and assure that funds are spent on arts and crafts of the highest quality and that the art work enhances the designated areas."

Works of art, for this purpose, are defined as all form of original creations of visual art, including and not limited:

- Painting: all media, including both portable and permanently-affixed or integrated work such as murals.
- Sculpture: in the round, bas-relief, high-relief, mobile, fountain kinetic, electronic, etc., in any material or combination of materials.
- Prints, clay, drawings, stained glass, mosaics, photography, fiber and textiles, wood, metal, plastics, and other materials or combination of materials, calligraphy, and mixed media, including collage.

### Accessions Procedure

The term "accessions" includes commissioned art, gifts, purchase, bequest, exchanges and any other formal process or transaction by which legal title to a collection item is transferred to the City of Eugene. The City subscribes to a policy of selective acquisition. Because of limitations of staff, physical space, and finances and the desire to collect significant art of high quality, it is neither feasible nor ethical for the City to collect indiscriminately. The City's policies and procedures are intended to build on and work with the existing Percent for Art Ordinance adopted in 1981 and the original Percent for Art Ordinance of the State of Oregon and are in keeping with The Visual Artist's Rights Act of 1990. They are guided by and based on the Jordan Schnitzer Museum of Art and the Oregon Administrative Rules (chapter 571, division 51.), and modeled after the work of Cities with major collections (i.e. Chicago, Seattle, etc); along with the Regional Arts & Culture Council, and the American Museum Association.

### Vision and Collection Criteria



The charge of the Public Art Committee (PAC) is to develop and manage the City of Eugene Public Art Collection. This includes: assessment of current holdings; placement, relocation and maintenance of current holdings; assessment of submission for acquisition; accession and placement of new works; deaccession of work; relocation of works; development of policies for placement, relocation, maintenance, assessment, accession and deaccession of works in the collection.

An essential component of the management of the City of Eugene Public Art Collection is the development of a vision and policies that clearly guide PAC work by establishing parameters in terms of focus, genre, content, quality and artistic merit of work that will be a part of the permanent collection. The City motto states that Eugene is the “World’s Greatest City of the Arts and Outdoors”. This motto suggests that the City’s public art collection should be of the highest quality and greatest diversity possible. It is the intention of the PAC to make the collection as diverse and inclusive as possible within the vision and criteria described in this section.

The PAC is a diverse group of professional artists and academic members of the Eugene arts community who are appointed by the city manager and serve in rotating terms. The diversity of the professional and academic make-up of the committee assures that the content and quality of the collection will be assessed by professional standards. The rotation of committee members assures that the focus of the collection will be inclusive and flexible enough over time to include both established and emerging genre’s and artists and to assure the diversity and quality of the collection.

The committee considers many works of art for inclusion in the collection each year, both those that are offered to the committee by outside concerns and those that are generated by committee initiatives. Because of the focus of the collection on the highest quality of work and the limitations of the collection, in terms of space and funding resources, only those works that fit into the specific vision and parameters established by the committee and are accepted by the committee will be acquired for permanent collection. Works which either do not fit the criteria or that fit, but are not accepted for reasons such as duplication, cost, lack of space, not fitting the vision or parameters, or quality may be referred by the committee to private enterprises or collections within the community that may have an interest in them.

In order to facilitate this vision, the PAC will consider the following criteria when assessing the appropriateness of a piece of art for the collection:

1. The collection is inclusive and, to the extent possible, represents local, regional, national and international works of art.
2. The collection is diverse and contains work from both established and emerging artists from multiple genres.
3. The work is unique or at least of equal aesthetic quality or value to similar ones already in the Collection and should meet at minimum the criteria of quality and craftsmanship reflected in the best works now in the City’s Collection and be a contribution to the Collection as a whole. Work not consistent with the goals of the City’s Collection shall be accepted only in rare circumstances, including but not limited to situations where it

may be prudent and necessary to accept an entire collection, even though some of the works may not be regarded as having the highest quality, in order to obtain desired works. The Committee shall make specific recommendations where entire collections are to be considered for acquisition.

4. The artistic merit embraces depth and quality of concept, interpretation and execution.
5. The work has inherent ability to move viewers to the highest levels of intellectual and aesthetic experience.
6. The work generates a universal sense of timelessness and appeal to broad community audiences and future generations.
7. Durability of artwork and maintenance requirements for permanent display. Because the City must be able to provide proper storage and care of the work accessioned, no work will be accepted which cannot be properly exhibited, cared for, preserved, and protected. The work must be in suitable condition for use and exhibition. (In rare cases, the Committee may consider work where the value of the work is such that it justifies reasonable repair or updating.)
8. Appropriate site availability and the relationship and scale of the artwork to the proposed site, the surroundings, and to the collection as a whole.
9. The artist's credentials, recognition, and quality of work.
10. Inclusion of a detailed proposal of the site, materials, construction, fabrication, plumbing and utility requirements, and installation in the case of artwork proposed for installation on City property. Additional support materials such as design specifications, structural and engineering drawings, or models may be necessary. Donation of commissioned artwork will comply with the criteria established by this policy.
11. The use of the work is restricted or encumbered by intellectual property rights (copyright, patent, trademark, or trade secret) or by its nature (obscene, defamatory, potentially an invasion of privacy, physically hazardous), except in rare cases as determined by the Committee.

### **Collection of Memorials**

Though memorials may have artistic value, they generally serve a specific function for a specific individual or group and may not embody the timeless and universal depth and appeal or generate the diverse interpretations and audiences, particularly future audiences, which define the parameters of the City's art collection vision. Thus, it is the general policy of the PAC that the committee does not collect memorials. This policy is not designed to strictly limit the acquisition authority of the PAC, but is intended to support the PAC in following the primary parameters and guidelines that define the collection. Thus, should the committee accession a memorial, that piece of art becomes the property of the City's collection and is subject to the regulations of that collection, including location and relocation.

### **Legal Considerations**



As a rule, consistent with the Visual Artists Rights Act, only unrestricted works should be accepted. Title to works shall be obtained free and clear of restrictions and qualifications of any type or manner, unless it is deemed by the City authorities to be in the best interest of the City. If a work is accepted under restricted conditions (for particularly rare, valuable, or important objects), notation of the restriction must be included in the works permanent documentation. Where restrictions are attached to an acquisition, every effort should be made to place a reasonable limit on the time for which they shall apply and to define the conditions under which their force may terminate. The City cannot agree to keep objects on permanent exhibit, or to display a collection together permanently.

The City observes all State of Oregon, federal, and applicable international laws on acquiring imported art objects and will not, therefore, accept work acquired under questionable or illegal circumstances. (Informally endorsing the UNESCO Convention on the Means of Prohibiting and Preventing Export and Transfer of Ownership of Cultural Property).

Should evidence be presented to the City that any object in its possession was acquired illegally, subsequent to the date on which these procedures were approved, the Committee will conduct an investigation into the circumstances. If justified by the results of the investigation, the City will return the object(s) to its rightful owner, to the extent that it is legally possible and practical to do so.

### **Records**

A legal instrument of conveyance, setting forth an adequate description of the objects involved (artist, title, medium, dimensions, date, the precise condition of transfer, and maintenance instructions) should accompany all gifts and purchases and should be kept on file at the City. In addition, such documentation as may be available relating to the artist (vitae), slide or photo of the work, origin of the object, provenance, reasons for its valuation, and proof of authenticity, will be furnished from the source.

A potential donor will complete a "Donation Proposal" form specifying details of the artwork to be donated. If the Committee accepts the donation, a "Deed of Artwork Gift Receipt" will be signed by the donor and a City of Eugene "Registration Form" completed by either the donor or the artist or both. The "Deed of Artwork Gift" will be delivered to the City Recorder and become part of the City's public records.

The City will not accept proposals or artworks which include acknowledgment of donor(s) in plaques or donor bricks as part of the artwork or overall design. The artwork may include a plaque of donor identification. Such plaques may not contain corporate script or logo. Commemorative text inscribed into a surface is permitted.

Public art is to be identified with the terminology: "City of Eugene Public Art Collection," with the artist's name, title of work and date.

Inventory of the permanent Collections shall be done at regular intervals for accounting and conservation purposes. The City's collection shall be inventoried in a regular and systematic manner.



### **Appraisals and Donor Tax Deductions**

Gifts to the City are tax deductible as a charitable donation based on the current fair market value at the time of the gift as evidenced and substantiated in a manner acceptable under federal Internal Revenue Service regulations.

Staff members of the City shall not provide appraisals for donated works. The Donor is responsible for setting the fair market value of the gift and for the cost of the appraisal. The City is not responsible for the authenticity and accuracy of the appraisal.

### **Maintenance/Conservation**

Artwork must be accompanied by a maintenance plan, in some instances, prepared and reviewed by an artwork conservator or the artist. A Maintenance/ Conservation Endowment must accompany donations of outdoor, sculptural, or other works with high maintenance (with exceptions as determined by the Committee).

### **Maintenance/Conservation Endowment**

Definition: A private, not-for-profit entity through which tax deductible contributions may be made to fund the conservation activities of the Public Art Program. Conservation efforts to address the long-term care and maintenance of the City's public art collection should be addressed through an endowment or other funding mechanism.

### **The Public Art Committee**

The Public Art Committee (PAC) is the standing committee of the Public Art Program of the City of Eugene and works on behalf of the City Manager regarding the Visual Arts and the City's Art Collection. It is composed of 7 voting members, six of which are appointed for three-year staggered terms by the City Manager. Members include 3 permanent ex-officio members one of which is voting, 5 acknowledged arts professionals which are voting and 1 ad hoc member which is voting; in addition to the Visual Arts Coordinator who has a strong visual arts background and is non-voting (odd # for vote; a strong voting balance is maintained on the side of the profession for the integrity of the Collection and the education of the public).

Ex-officio: Executive Director of Library, Recreation & Cultural Services Department, or their designee

Director of Parks and Open Spaces, or their designee

Director of Facilities, or their designee

Director of the resident department involved or their designee (when appropriate)

Professional: 3 recognized visual artists and 2 recognized arts professionals (such as museum curators, art historians, conservators, visual artists or individuals with considerable experience in the visual arts).

Ad hoc: Citizen with a demonstrated interest in the visual arts (or arts professional)

Any committee member whose business interests involve the selling of works of art or artists whose work is being considered by the committee shall recuse themselves from discussion or voting in regards to the work in question. The committee may invite additional persons as non-voting participants to give advice to the committee, including, for example: legal specialist, construction coordinator, architect, landscape architect, etc.

The committee meets, as needed, to review and vote on decisions regarding the City's Art Collection and Public Art Program. Actions of the committee are final. Article 2.646 (3) of the City Code allows written appeal to the City Manager within ten days in case of complaints that the committee acted in a manner contrary to law or abused its discretion.

If for any reason an appointed position on the committee becomes vacant, the vacancy shall be filled in the same manner as original appointments. The replacement member shall serve for the unexpired portion of the vacating member's term.

### **Committee Chair**

The Committee Chairperson shall be selected by the committee as a whole, and shall hold this position for a two-year term. Duties of the Chair include:

- Meeting with staff as needed for committee meeting preparations.
- Assist staff in setting upcoming agenda and review meeting minutes before distribution.
- Moderate the meetings.

### **Quorum**

A quorum consists of four of the seven voting members. The committee will withhold voting on items during its meeting unless a quorum is present.

### **Attendance**

Members shall attend Public Art Committee meetings at the time and location designated at the prior Public Art Committee meeting. Committee members shall miss no more than two consecutive meetings without proper notification to the Cultural Services Director or designated staff. Four absences within a period of one year, without proper cause, will result in the resignation of the committee member and replacement of the member appointed by the City Manager or designee.

### **Public Meeting**

The Public Art Committee meetings are considered public meetings under Oregon Public Meeting Law. Meetings shall be open to the public and have sufficient opportunity for public comment. Meetings shall be posted on the City's Public Meeting calendar.

### **Process for Accession of Artwork**

1. For each object under consideration for acquisition, the Division Manager through the Visual Arts Coordinator or Chairperson shall present to the Committee the

documentation and provenance of the work and explain its contribution to the Collection as a whole.

2. If possible, each object under consideration should be physically present for evaluation by members of the committee. If the Chairperson determines that this is not possible, adequate photographs or slides of the work shall be presented to the Committee. The committee may choose to visit the artist's studio or other location to view the piece.
3. Minutes of all Committee meetings shall be taken and maintained.
4. The vote of the committee shall make all decisions with reference to acquisitions.
5. The Visual Arts Coordinator or Chair shall notify donor(s) of acceptance or rejection of work.
6. The committee may see out and recommend for commission or purchase work deemed desirable for the collection when funds are available.



## **CITY OF EUGENE PUBLIC ART COMMITTEE Committee Membership and Guidelines**

### **Purpose:**

The Public Art Committee is a standing advisory body to the City of Eugene on the City's Public Art Program which includes but is not limited to review of proposed donations to the City, de-accession of public art in the City's collection and acquisitions.

### **Membership:**

The Public Art Committee is composed of nine individuals; voting and non-voting.

### **Voting members:**

**Professional:** 3 recognized visual artists and 2 recognized arts professionals (such as museum curators, art historians, conservators, visual artists or individuals with considerable experience in the visual arts).

**Ad hoc:** Citizen with a demonstrated interest in the visual arts (or arts professional)

**Ex-Officio** - City Staff Member

### **Non-voting members:**

**Two ex-officio:**

The Executive Director of Library, Recreation and Cultural Services department or their designee.

The Director of Parks and Open Spaces, or their designee

Staff support to the committee is provided by the Public Arts (or visual arts) coordinator, who has a strong visual arts background.

The Committee may invite additional persons as non-voting participants to give advice to the Committee, including, for example: legal specialist, construction coordinator, architect, landscape architect, etc.

Any Committee member whose business interest involves the selling of works of art or artists whose work is being considered by the Committee shall recuse himself/herself from discussion and voting in regards to the work in question.

### **Qualifications and Terms:**

Term of service is three years. Committee members must be Lane County residents. Committee membership is limited to any portion of a term vacated early plus two three year terms.

### **Authority:**

The authority for the Public Art Committee is in the Eugene Code provision for department advisory committees.

### **Appointment:**

The six community voting members are appointed for three-year staggered terms by the City Manager or designee. Members are selected based on expertise and interest.

### **Role of Committee Members:**

- Volunteer their service without remuneration or special privileges
- Attend up to ten 1.5 hour meetings annually.
- Serve on sub-committees as needed.
- Provide knowledgeable professional and citizen input
- Offer advice on policy, program and service provisions
- Study and provide insight into issues that are relevant to the City's Public Art Program.
- Communicate their knowledge about the role and services provided by the City of Eugene's Public Art Program to the general public and applicable constituency groups
- When appropriate, act as advocates to the Eugene City Council, the Budget Committee, and the community at large

### **Committee Chair:**

The Committee Chairperson shall be selected by the Committee as a whole, and shall hold this position for a two-year term.

- Meet with staff as needed for meetings
- Assist staff in setting upcoming agenda and review meeting minutes before distribution.
- Moderate the meetings.

### **Quorum**

A quorum consists of four of the seven voting members. The committee will withhold voting items during its meeting unless a quorum is present.

### **Attendance**

Members shall attend Public Art Committee meetings at the time and location designated at the prior Public Art Committee meeting. Committee members shall miss no more than two consecutive meetings without proper notification to the Cultural Services Director or designated staff. Four absences within a period of one year, without proper cause, will result in the

resignation of the committee member and replacement of the member appointed by the City Manager or designee.

### **Public Meeting**

The Public Art Committee meetings are considered public meetings under Oregon Public Meeting Law. Meetings shall be open to the public and have sufficient opportunity for public comment. Meetings shall be posted on the City's Public Meeting calendar.

Final: January 11, 2008



## City of Eugene Public Art Collection Deaccessioning Procedure

The term “deaccession” denotes the formal process used to permanently remove an object from the collection. Work may be removed temporarily from the collection by loan; and permanently by exchange, sale or disposal only when certain conditions are met.

An important factor to be considered is the impact of such action on donors. In accepting gifts, the City adopts a position of trust. There should be no suggestion of relinquishing this responsibility as the result of deaccessioning.

Since artworks are acquired by the City through a thorough review process by impartial arts professionals based on the quality and value of the work to the collection as a whole, deaccessioning should be considered only after ten years have elapsed from the date of installation of permanent works, and five years after acceptance in the case of portable works. Deaccessioning should only be considered after a careful and impartial evaluation of the artwork to avoid the influence of fluctuations of taste and the premature removal of an artwork from the collection. (Exceptions can be made based on the criteria in this policy.)

This policy includes works of art purchased or commissioned through the Percent for Art Ordinance, gifts of artwork accessioned by the Committee, and all other City-owned artworks purchased separately by City Departments or received as gifts. Committee evaluation of an artwork may be requested by the department responsible for the work or initiated as an advisory action by the Committee.

**Criteria.** An object in the City’s Collection can be considered for deaccessioning only if it meets at least one or more of the following criteria:

1. It has physically or organically deteriorated beyond repair as determined by a reputable conservator (and/or the Committee); or when it has been damaged or stolen beyond hope of recovery.
2. When an item is a known forgery or fake.
3. It requires conservation, the cost of which would exceed the City’s funds or ability to raise the necessary monies.
4. It cannot be either properly stored or properly exhibited by the City; or, significant changes in the use, character or actual design of the site require a re-evaluation of the relationship of artwork to the site.
5. It is, in the opinion of qualified outside experts or the PAC, of markedly inferior quality (relative to other works in the Collection) and/or there is a superior example of the same kind and type already in the Collection. The qualified outside experts shall be selected or approved by the Committee.
6. The City wishes to replace the artwork with a work of more significance by the same artist.

7. The work seriously endangers public safety and all means of procuring a safe site have been exhausted.

**Evaluation.** The deaccessioning process may be initiated by the Director of a City Department or a member of the PAC and is as follows:

- A Request for Deaccession Review form is completed and submitted to the Committee. Artist vitae and the art inventory sheet, including the value of the artwork, must be attached to the request.
- Once a request is initiated, the Request for Review form will be placed in the documentation file. All related archival files and ownership records will become part of that file if the work is deaccessioned.
- A thorough search shall be made of all City Records to determine Artist's Rights as well as restrictions imposed by the donor and accepted by the City at the time of accessioning. Relevant requests or preferences of the donor shall be taken into consideration.
- Before an artwork with a value of \$5000 or more can be deaccessioned, exchanged, or sold from the City's Collection, a recognized professional expert approved by the PAC shall be consulted for an opinion on the quality of the object, its condition and value. The expert may also offer an opinion as to the physical and economical feasibility of reconditioning the work. This expert opinion shall be submitted in writing and be kept in the permanent documentation file.
- The Committee will meet to discuss the results of this search and to propose an appropriate course of action. Deaccession action requires a majority vote.
- Staff will complete the Deaccession Form as directed by the Committee.
- Notification of pending action will be sent to the artist, donor, and any other pertinent parties.
- No further deaccession action shall be taken for a period of at least 60 days after receipt of the outside expert's opinion for the purpose of notification and appeal.
- After the 60 day waiting period, a re-evaluation of the recommendation to de-accession, and consideration of any appeals, shall be made by the Committee in light of all relevant documentation and the recorded expert opinion. If the re-evaluation confirms the original recommendation in favor of deaccessioning, the Committee shall submit the findings, substantiating the recommendation with copies of all documentation, via the appropriate Department to the City Manager. The City Manager or designee shall be asked to provide written approval for disposal of the object. If approval to de-accession is not granted, a statement to that effect shall be placed in the object's documentation file. A request for reconsideration may be submitted when additional justification is available.



**Procedures.** Upon receipt of written approval to deaccession a work, the following procedures shall be implemented:

1. The Committee shall submit a request to the City Manager (with copies of supporting documentation) for permission to remove the object(s) from the City Collection inventory.
2. A written, dated appraisal from a certified art appraiser (who is neither a current nor a former City employee) shall be sought to establish current market value of the object(s) to be deaccessioned, if the value of the work is \$5000 or more.
3. In order that works deaccessioned from the City's collection may continue to serve the purpose for which they were initially acquired, an effort shall be made to place them (by exchange or sale) in another non-profit institution. To achieve this end, such objects may be advertised in appropriate professional publications. Such advertisement shall clearly state that the City does not guarantee the authenticity nor the appraised value of the work. This disclaimer shall be repeated in writing at the time of sale or exchange.
4. Sales to private parties or profit-making entities shall be pursuant to state law dealing with disposition of surplus property. Whenever possible, the work of art should be sold at public auction in a city outside Eugene. In all cases, the sales should be public, although some works of art because of their nature may be more appropriately sold in antique or second-hand stores. Deaccessioned objects shall not be directly sold to any City staff member, whose responsibility includes City operations, funding, or administration, or to their representatives or immediate families or to any Committee member. Proceeds from the sales are to be earmarked for the acquisition of objects which will improve the City's Collection.
5. Exchanges of deaccessioned objects shall be for object(s) of equal or greater value to the City and these transactions shall be made in accordance with the procedures of this Policy.
6. Copies of records for deaccessioned objects including provenance, research, and data on publication, and a statement authorizing removal from the City collection (signed by the Director and the appropriate City administrators) and any other necessary documentation will be forwarded to the acquiring institution (or individual) at the time of the exchange of ownership.
7. Notes shall be made on the inventory record showing disposition of objects. Where feasible, the exhibition label on object(s) acquired through exchange of a donation, or with funds derived from the sale of a donation, shall credit the donor of the exchanged or sold gift. Original records for deaccessioned objects will remain on permanent file in the Public Art file.
8. The manner of disposition chosen shall represent the best interests of the City, the public they serve, and the public trust they represent in maintaining and preserving the collection.
9. If sale is deemed the most appropriate method of disposing of a deaccessioned object, but an auction is not practical, consideration will be given to selling the object in the



public market in a manner that will best protect the interest, objectives and legal status of the City.

10. If an object has been broken, or has deteriorated beyond use for the City's exhibit, or is of negligible value as determined by the committee, it will be deaccessioned. If an object is going to be destroyed it can be given back to the donor at his/her express wish or donated to a non-profit organization.

**Restrictions.** When a work is estimated to be worth more than \$10,000 more than one appraisal must be sought. These appraisals would be used as a basis for establishing the price below which the item should not be sold (reserve price.)

**Ethical Considerations.** The City Manager and Committee must realize that they have a public accountability for their decision to deaccession and the method by which they choose to dispose of an object. Accordingly this deaccession procedure should be a matter of public record.

Objects of value will not be given or sold directly or indirectly to City employees or their representatives or Committee members. In the event of public sale, such individuals shall be eligible, as any other private individuals, to bid on offered items.

At all times the original donor's wishes will be considered, and where appropriate, new acquisitions obtained through the sale or trade of the original donated item, will bear the legend "Gift of....By Exchange."

**Proceeds.** All proceeds realized from the sale of objects removed from the Collection shall be allocated to the City's Fund for Art in Public Places. Any pre-existing contractual agreements between the Artist and the City regarding resale shall be honored.

**Records.** A permanent record of all deaccessioned objects shall be kept. This shall include the conditions and date of the transaction; the name and location of the City, or other transferee to which the object is transferred; the photograph, description and measurement of each object covered by the deaccession action. All documents including the authority for the action taken shall be kept in the City's file.

A written statement of the City's policy and procedures with respect to the acquisition and disposition of collection materials shall be made available to donors or other responsible persons upon request.



***BARNEY & WORTH, INC.***

1211 SW FIFTH AVE, STE 1140  
PORTLAND, OREGON 97204-3732  
503/222-0146 phone 503/274-7955 fax

247 COMMERCIAL ST NE, STE 204  
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503/585-4043 phone 503/589-4165 fax

**[www.barneyandworth.com](http://www.barneyandworth.com)**


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Public Art Committee


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#### Committee Members

Joe Moore, Chair  
Tim Smith  
Courtney Stubbett  
Ellen Tykeson  
1 committee vacancy

#### Staff

Renee Grube  
*Executive Director - Library,  
Recreation and Cultural  
Services*  
Isaac Marquez  
*Public Art Manager*  
Mike Penwell  
*Facilities Management*  
Neil Bjorkland  
*Public Works - Parks and  
Open Space*

## Public Art Committee

### What We Do

The Public Art Committee is a standing advisory body to the City of Eugene on the City's Public Art Program which includes but is not limited to review of proposed donations to the City, de-accession of public art in the City's collection and acquisitions.

### Program activities include:

- Acquisition
- Advising on matters of public and private development of arts spaces
- Cataloguing and maintenance of Public Art works
- Collaboration with non-City partners regarding Public Art
- Communication with the public regarding Public Art
- Deaccession
- Inventory
- Maintenance of governing policies

### Minutes

Minutes are available after approval.

[Most Recent Minutes](#) | [View All](#)

### Eugene Supports the Arts

The City of Eugene established its commitment to the visual arts through the Percent for Art Ordinance of 1981, which states that it is an appropriate function of government to foster arts and the development of artists. Visual arts contribute to and provide experiences which enrich and better our social and physical environment. The commissioning of art works in public places, in addition to furthering the policy of fostering art and developing artists, enriches public perception of government buildings, parks and other public spaces.

The City of Eugene's Public Art collection can be seen in many places throughout the city, including an installation in the portico of the Hilton Eugene adjacent to the Hult Center for the Performing Arts. The Hult Center is the home of many treasures of public art. Art at the Hult includes a [permanent collection](#) on display, as well as work that is architecturally integrated throughout the building. Visitors enjoy paintings, masks, statues, and six small bronze "surprises" hidden throughout the building. The Hult Center also hosts temporary exhibits in the [Jacobs Gallery](#) located downstairs.


[Select Language ▼](#)

CITY OF EUGENE OREGON

125 East 8th Avenue, 2nd Floor, Eugene, Oregon 97401

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## MINUTES

### Public Art Committee Meeting November 30, 2012

Members present: Tim Smith, Ellen Tykeson, Chair; Joe Moore, Joe Valesek.  
Staff present: Isaac Marquez, Renee Grube, Nan Laurence, Karm Hagedorn.  
Guests: Lindsay Rice, Hugh Prichard

#### Committee Roles

Isaac reminded members the Committee Chair seat is a two-year term and Ellen's term as Chair is ending. Isaac will be looking for someone to take on the role of Chair but Ellen will continue to serve on the committee.

#### Public Art Review and Discussion

##### **Temporary Art**

This was the third year of the *Park Your Art* contest. Courtney Stubert from Copic Marker & the Wave Gallery and his team got involved with project this year, allowing us to reach a broader audience resulting in higher quality submissions. The winning artist was from Kansas and the art was tied to the Library's summer reading theme of "dream." All of the banners are being stored by Parking Services to one day be brought out together.

A new pilot project for temporary art was started this summer. Joe Moore committed personal time, advising students, taking photos, attending all events, and creating QR codes. Projects included the Pick-up Sticks near the federal courthouse; Pink Electrical Boxes at traffic signals around downtown; TV Screens at the Park Blocks with messaging about the impact of television; the Spatial Refractor consisting of large mirrors along the top of the wall in Kesey square and Barrel of Monkeys with a wine barrel and five monkeys who appeared to have "escaped" from the barrel, installed on light poles seeming to be swinging down the street.

Isaac reported the time required to oversee the installations created a staffing issue. Each project took almost as much time as one we would commission for 30 years. In the future, avoiding projects that require cranes, building permits, etc. would simplify the process. Committee members felt it was a valuable experience, especially for students just getting started, and it met goals of the Public Art Plan. Nan said the value is raising community expectations so the public anticipates what might happen from year to year. She hopes we can have something happen every year and suggested concentrating it to one corridor in town each year. Isaac proposed having a more focused discussion in January.

##### **13<sup>th</sup> & Alder – Great Blue Heron**

Installation of the Great Blue Heron at 13<sup>th</sup> & Alder coincided with Eugene's 150<sup>th</sup> Birthday event. Public Works paid for design and fabrication of the platform for the art but were not able to provide lighting. Local artist Jud Turner created the winning design. Staff worked with the UO and Duck Store to raise money for the project and helped Jud whenever possible. Cultural Services donated use of a trailer for transporting the sculpture, Public Works donated the use of a crane for installation, and OBEC Engineering donated engineering services for design. The next step is a dialogue with traffic engineering to propose lighting. Addition of this art was directly related to feedback Public Works received when reaching out to business district prior to street improvements.

##### **Eugene Police Department**

A national search was conducted and local artists Ellen Tykeson and John Rose were chosen to design art for the new Police facility on Country Club Road. Artists were given the entire site wall to work with which provides the most impact. Nan asked for feedback on the process from Ellen. She said both her

and John were pleased and it is much improved since the time the Delta Ponds project took place. Isaac commented that we've learned a lot since the Delta Ponds project.

Isaac stated that 1% for Art equaled to \$167K being generated from the Police building; \$100K was used and the remainder is banked for future projects.

#### **(sub)Urban Projections**

This was the second year of (sub)Urban projections; staff worked with students who stepped forward to oversee this year's event. We had the opportunity to do this again because of ABAE's profile on the previous (sub)Urban projections festival; from that Kendall Auto Group approached the City and came forward with matching funds for the project. Attendance was good and over 19 people were employed to make the project happen.

#### **Survival Skills for Arts**

One class has already taken place and a second class launches in January. We are interested in bringing it to a downtown location to open it up for more artists (non-credit course).

#### **Municipal Court Lobby**

An opportunity is coming up at the new Municipal Court lobby in the Roberts Building located at 13<sup>th</sup> & Lincoln. There is space for two-dimensional art and new lighting. Isaac said that environmental control is a concern; we don't have the same control that a museum has. Hugh questioned visibility – how often will the public be in this building? Isaac said that he would like to continue the discussion at a future time and figure out how to assist Municipal Court.

#### **Maintenance**

The Andrew Vincent Mural at City Hall was recommended for preservation. Maintenance was recently performed on the Eugene Skinner and Four Seasons sculptures.

#### **Council Work Session in September**

A Public Art Update was presented to City Council in September. The Council was receptive and complimentary of the public art program. Renee said we try to get to council periodically and update them on what's happening.

#### **Public Art Goals 2012-2013**

##### **Review Public Art Work Plan**

Isaac reported that we still need to establish educational material but we have seen significant work on building the public art collection and developing partnerships. There is still room for improvement in the area of combining art events with Summer in the City. Isaac believes the Committee should spend time and energy working on funding and finding resources this year.

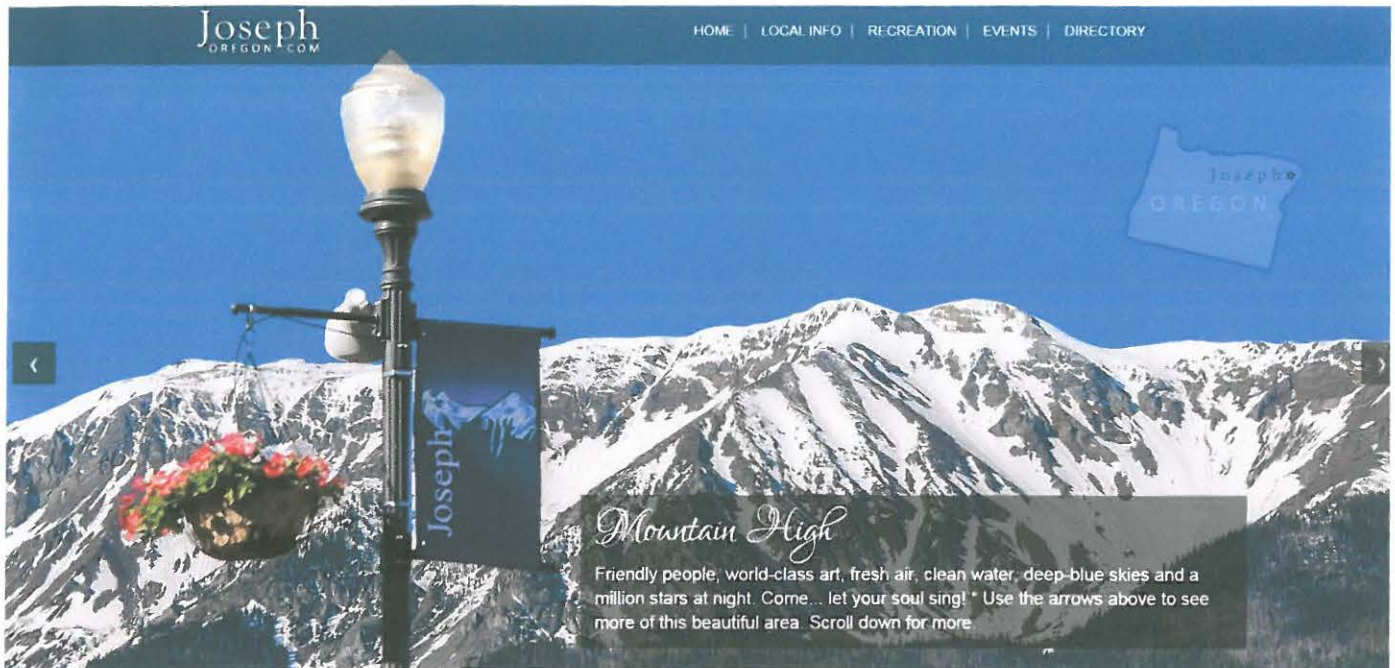
##### **Future Meeting Topics**

Temporary Art Project  
Municipal Court Lobby  
Public Art Inventory (tentative)  
Sustainable funding  
I-5 Bridge Project

#### **Meeting schedule and locations**

Meetings will take place every two months; the next meeting will be in January.











[Home](#)[About](#)[New Art](#)[Continuing Art](#)[People's Choice](#)[Permanent Art](#)[Membership](#)[Calendar](#)[Forms](#)[Click here](#)

to download the  
current Walking  
Tour brochure.

[Click here](#)

to download a fun  
I Spy activity sheet

## 2015 Gallery Without Walls: **Continuing Art**

These sculptures were installed in the summer of 2013 and are on loan from the artists until July 2015. All pieces are for sale and the prices are listed. [Contact us](#) for more information.



### Patricia Vader

*Sunflower*

[artist's website](#)

stainless steel, aluminum • \$27,000

Sponsored by [Dyke Vandeburgh  
Jewelers](#)



### Ben Dye

*Mutatio*

[artist's website](#)

stainless steel, basalt • \$12,000

Sponsored by [Michelle Vessely, MD,  
LLC](#)

for Guardian of the Lake.



**Guy Wilson**

*Audrey*

[artist's website](#)

bronze • \$22,000

Sponsored by [Chrisman Picture Frame & Gallery](#)

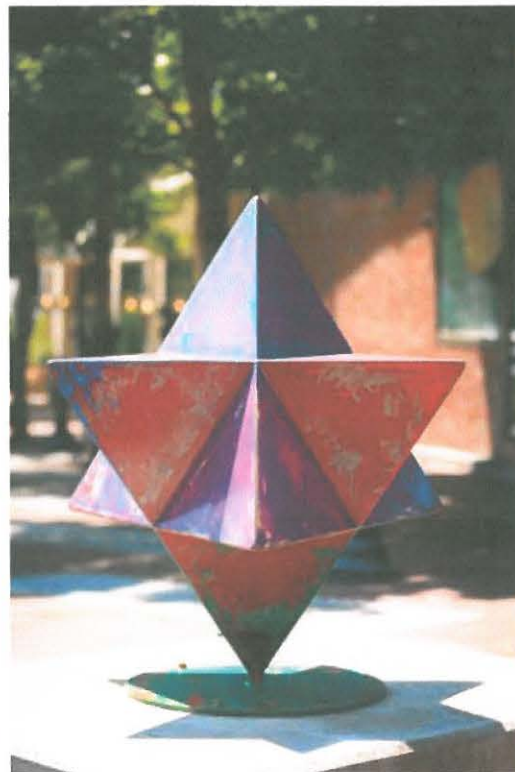


**Francisco Salgado**

*Contrapposto*

[artist's website](#)

painted steel • \$9,200





## Matt Babcock

*Samaras*

[artist's website](#)

powder-coated steel • \$7,000

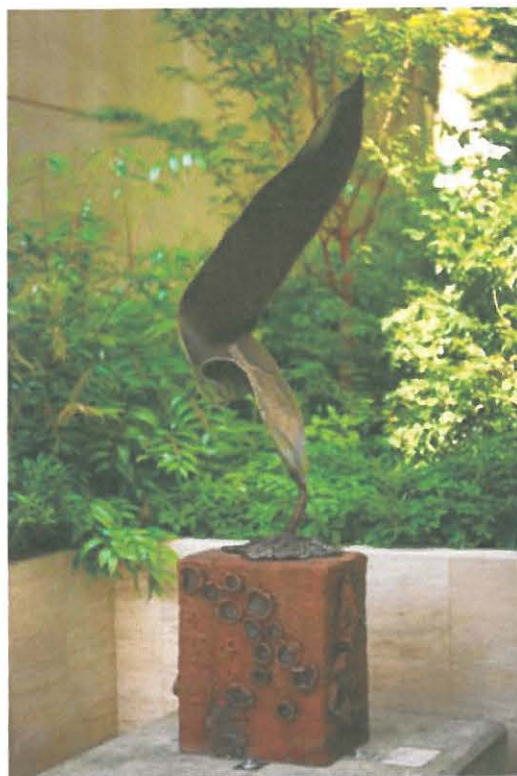
Sponsored by Jackie MacGregor

## Joe Burleigh

*MerKaBa Dura*

[artist's website](#)

painted steel • \$7,000



**Olinka Broadfoot**

*Ebb Tide*



**James Lapp**

*Egg*

[artist's website](#)

bronze, clay • \$15,000

[artist's website](#)

stainless steel • \$7,500

Sponsored by [Morgan Stanley, Lake Oswego Branch](#)



**Ulrich Pakker**

*Ringer 7*

[artist's website](#)

stainless steel, bronze • \$14,500



**David Turner**

*Outcropping Anew*

[artist's website](#)

cedar, found stones • \$7,500



**Jen Ellsworth**

*Salacia*

[artist's website](#)

steel, plants • \$8,000



**Pasha Stinson**

*Intention*

[artist's website](#)

granite • \$25,000

Sponsored by [Dr. Paul Kimbrel, DMD](#)





**Reven Marie Swanson**

Matelasse

[artist's website](#)

powder-coated steel • \$12,000

Sponsored by [DeLap](#)



**Jim Willis**

Angel Flight

[artist's website](#)

mahogany, copper leaf • \$8,500

Sponsored by Graham's Book & Stationery

**Arts Council of Lake Oswego**

520 1st Street, Lake Oswego, OR 97034

Mailing address: PO Box 369, Lake Oswego, OR 97034

Phone (503) 675-3738

[click here to e-mail us](#)

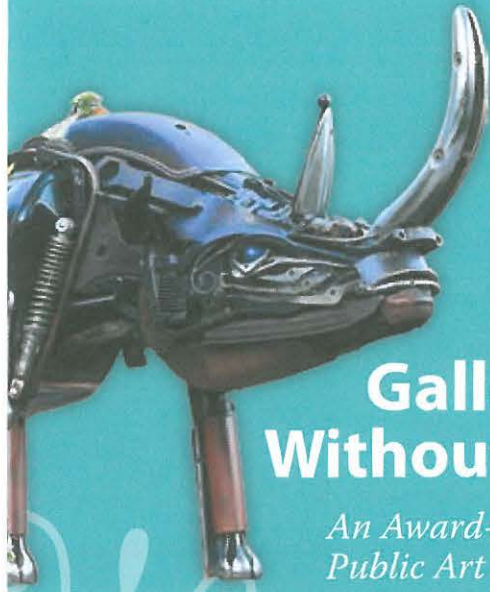
# 2015 WALKING TOUR

*Gallery Without Walls*



Presented by the Arts Council of Lake Oswego





# Gallery Without Walls

*An Award-Winning  
Public Art Program*

Welcome to the 2015 *Gallery Without Walls* outdoor sculpture exhibit. The exhibition is open all year and is free for everyone to enjoy. The *Gallery* is comprised of over sixty permanent and loaned works of art. Our downtown rotating exhibition features approximately thirty sculptures that are on-loan from the artists for a period of two years. All rotating artwork is available for purchase. All other artwork in the *Gallery Without Walls* exhibition belongs to the City of Lake Oswego's permanent art collection.

## **Art For Everyone!**

The *Gallery Without Walls* is a program administered by the Arts Council of Lake Oswego, a nonprofit 501(c)3 arts organization. We work in partnership with city agencies, local businesses and community members to bring the sculptures to our streets. Our mission is to ensure the arts are an integral part of life in Lake Oswego. We support arts education with free school tours through a partnership with Art Literacy. In addition, we offer exhibitions, artist





presentations and special events at our 510 Museum & ARTspace, and we also maintain the permanent art collection for the City of Lake Oswego.

### **Take a Docent Tour**

Want to learn more about the sculptures on display? We offer docent-led tours for groups of any size. Our docents are trained volunteers eager to share their enthusiasm and knowledge. Consider scheduling a tour for your school, youth group, company, class reunion, club, out-of-town visitors or professional association. Contact us at 503.675.3738 to schedule.

### **Explore on Your Own**

This brochure includes maps and information about all of the sculptures in our rotating and permanent collection. In addition, self-guided digital tours are available through your smartphone. Download the free App by searching for L.O. Art Tour in the Apple App Store, or access this URL from your smartphone's web browser: [artscouncillo.org/tour](http://artscouncillo.org/tour).

### **Have a Favorite? Make it Yours!**

Our on-loan sculptures are available for purchase. Enhance your home, garden, neighborhood or office building with art from the *Gallery Without Walls* while supporting the Arts Council of Lake Oswego.

### **We're on Social Media**

Follow us on Twitter: @ArtsCouncilofLO

Instagram: [artscounciloflakeoswego](https://www.instagram.com/artscounciloflakeoswego)

Like us on Facebook: Arts Council of Lake Oswego

View our photos on Flickr: [artscounciloflakeoswego](https://www.flickr.com/photos/artscounciloflakeoswego/)





## ***Gallery Without Walls***

### ***Selection Committee***

Margaret Snow Benoit, Chair; Christine Caton; Erin Gustafson; Deb Hollister; Pasha Stinson; Pat Vessely; Lynne Wintermute; Bonnie Schlieman

### ***Public Art Committee***

Debi Bradway, Vice Chair; Liane Cabot; Patty Goodlund; Bob Liddell, Chair; Barbara McDonald; W. Curtis Schade; Tamra Starner; Rieko Warrens

### ***Staff***

Nancy Nye, Executive Director  
Lori Goldstein, Program Manager

## ***Join Us!***

Bring your skills and your passion! The success of our organization is dependent on the many volunteers who give their time and talent generously. Contact us at 503.675.3738 or visit [artscouncillo.org](http://artscouncillo.org) to learn more about volunteer opportunities.

On cover: *Spiral Petite* by Micajah Bienvenu; page 2: *Bartholomew the Black Rhino* by Jud Turner; *Upstream* by Mark Andrew and Randy Ortiz; page 3: *SirenaSerena* by M. J. Anderson; above: *Tsunami Memorial* by John Zylstra; *Ben* by Dore Capitani; facing page: *Zip* by Jason Johnston; page 23: *What Does the Nose Know?* By Ron Simmer; back cover: *Twist* by James Ellingboe





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### Special Thanks

ACLO Volunteer Docents  
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Deb Hollister – Pure & Simple Graphics  
Joy and Brian Strull  
Lake Oswego Rotary  
Lynne Wintermute  
Marilyn Nycum  
Mike Suri – Suri Iron

# Downtown Walking Tour

Begin your *Gallery Without Walls* tour at any sculpture in downtown Lake Oswego. All artwork is accessible within a six-block radius. Refer to the map in the centerfold for the location of each sculpture.

Key to the sculptures:

- |   |   |
|---|---|
| <span style="color: #0070C0;">■</span> Rotating exhibit until Summer 2015             | <span style="color: #C00000;">■</span> Rotating exhibit until Summer 2016                                       |
| <span style="color: #70AD47;">●</span> City of Lake Oswego's permanent art collection | <span style="color: #FF8C00;">★</span> People's Choice Winner in City of Lake Oswego's permanent art collection |

## 1 Fortuna

Simon Toparovsky

*The Greek myth of Icarus is used to celebrate the importance of daring and living courageously.*

One of several sculptures by Toparovsky in Millennium Park.

[simontoparovsky.com](http://simontoparovsky.com) • bronze, basalt



## 2 Angkor I

Lee Kelly

*This sculpture, inspired by the artist's travel in East Asia, connects contemporary and historic urban environments across diverse cultures.*

[leekellysculpture.net](http://leekellysculpture.net) • stainless steel



## 3 Twist

James Ellingboe

*An abstract manipulation of a simple geometry inspired by diatomic organisms.*

[jamesellingboe.com](http://jamesellingboe.com)

Cor-Ten steel with weathered finish

• \$9,500 • Sponsored by Bonnie Cartwright



## 4 Mutatio

Ben Dye

*Technology and math play a critical part in my sculpture. It is meant to challenge the mind and the eye.*

bendyesculpture.com

stainless steel, basalt • \$12,000

Sponsored by Michelle B. Vessely, MD, LLC



## 5 Zip

Jason Johnston

*Each of us responsible for the unity of all.*

johnstonsculpture.com • bronze • \$23,000

Sponsored by Ater Wynne, LLP



## 6

### Vincent

Keith Jellum

*This is not a rabbit.*

keithjellum.com • bronze

Dedicated to Jack Hoffman



## 7

### Guardian of the Lake

Brian Mock

*My work embraces the notion that with a new perspective comes the opportunity for a renewed life.*

brianmock.com • reclaimed metal

Sponsored by Lake Oswego Rotary Foundation



## 8

### Anillos

Maria Wickwire

*Evokes annual rings which show the history of a tree, just as life experiences are written in the cells of our bodies.*

mariawickwire.com • ceramic





**9 SirenaSerena**

M.J. Anderson

*A mermaid born of the sea  
with ancient geologic  
patterning.*

[mjandersonsculpture.com](http://mjandersonsculpture.com)

Italian marble • \$28,000

Sponsored by Robert and Bonnie Schlieman



**10 MerKaBa Dura**

Joe Burleigh

*Mer = light, Ka = spirit, Ba = body.  
Turn on your MerKaBa today.*

[corrosionhelp.com/joeburleigh.htm](http://corrosionhelp.com/joeburleigh.htm)

painted steel • \$7,000



**11 Wy'east (Mt. Hood)  
Glacial**

Lin McJunkin

*Global warming rapidly melts Mt.  
Hood's glaciers into steely rivers.*

[mcjunkinglass.com](http://mcjunkinglass.com) • steel, fused glass

\$8,500



**12 Crows**

Tamar Assaf

*Synanthropic species  
flourish in response to  
human habitat expansion.*

[tamarassaf.com](http://tamarassaf.com)

high-fired ceramic



**13 The Way it Is**

Frank Boyden

*Engraved with a poem by William  
Stafford (1914–1993)*

[frankboydenstudio.com](http://frankboydenstudio.com) • basalt

Donated by Drew R. Prell  
and James A. Morton



## 14 Audrey

Guy Wilson

*Inspired by my youngest daughter and a passage from Henry David Thoreau, "I am monarch of all that I survey."*

[guyangelowilson.com](http://guyangelowilson.com) • bronze • \$22,000  
Sponsored by Chrisman Picture Frame



## 15 Angel Flight

Jim Willis

*A tribute to the brave who return our fallen and wounded warriors home.*

[jimwillis-studio.com](http://jimwillis-studio.com) • mahogany, copper leaf, wood • \$8,500 • Sponsored by Graham's Book & Stationery



## 16 Ascending Leaves

Bruce West

*Leaves blowing in the wind really enjoy the ride.*

[brucewestsculptures.com](http://brucewestsculptures.com)  
burnished stainless steel • \$11,000



## 17 Emerald Springs

Don Anderson

*Up from the Earth—hope springs eternal.*

[applewoodfarmstudios.com](http://applewoodfarmstudios.com)  
stainless steel, copper, metamorphic sandstone • \$11,000 • Sponsored by World Class Wines & Step It Up Studios



## 18 Tsunami Memorial

John Zylstra

*The Fukushima Reactor is the inspiration: rusted metal & shoji style top.*

[brittonroadstudios.com](http://brittonroadstudios.com) • mild steel, plexiglass • \$20,000 • Sponsored by Nicoletta's Table & Marketplace and Berkshire Hathaway Home Services



## 19 Water, Water, Water

Bruce West

*A visual ballet of the first and most basic element of the fire-fighting craft.*

[brucewestsculptures.com](http://brucewestsculptures.com)

stainless steel



## 20 renovation

Sharon Warman Agnor

*A visceral commentary on conditions required for recovery and repair.*

[sharonagnor.com](http://sharonagnor.com) • stainless steel, copper, cast glass, enamel • \$15,000

Sponsored by Beth Levich with Cruise Holidays of Portland



## 21 Egg

James Lapp

*To be on the inside looking out or not to be on the outside looking in.*

[jameslapp.com](http://jameslapp.com) • stainless steel • \$7,500

Sponsored by Morgan Stanley

—Lake Oswego Branch



## 22 Ringer 7

Ulrich Pakker

*Its balance, connection and linkages create a bridge extending from my studio to the site and the viewer.*

[rpart.com](http://rpart.com) • stainless steel, bronze • \$14,500



## 23 Age of Iron

Tom Hardy

*Welded metal placed in harmony.*

reclaimed steel





24

## First Footsteps

Jim Demetro

*Love, freedom and a blessing to the bright hope for the children who step into this world.*

jimdemetro.com • cast bronze



25

## Bartholomew the Black Rhino

Jud Turner

*Cognitive provocation through visual seduction.*

judturner.com • welded steel, recycled materials • \$15,000

Sponsored by Don Caldwell Family for Connor and Cameron



26

## Intention

Pasha Stinson

*Is it better to break or bend when faced with the storms of life?*

pashasculptor.com • granite • \$25,000

Sponsored by Paul L. Kimbrel, DMD



27

## Salacia

Jen Ellsworth

*She is the Roman goddess of spring water, who gently sways in the breeze.*

fairyforge.com • steel, rubber, plants  
\$8,000



28

## Samaras

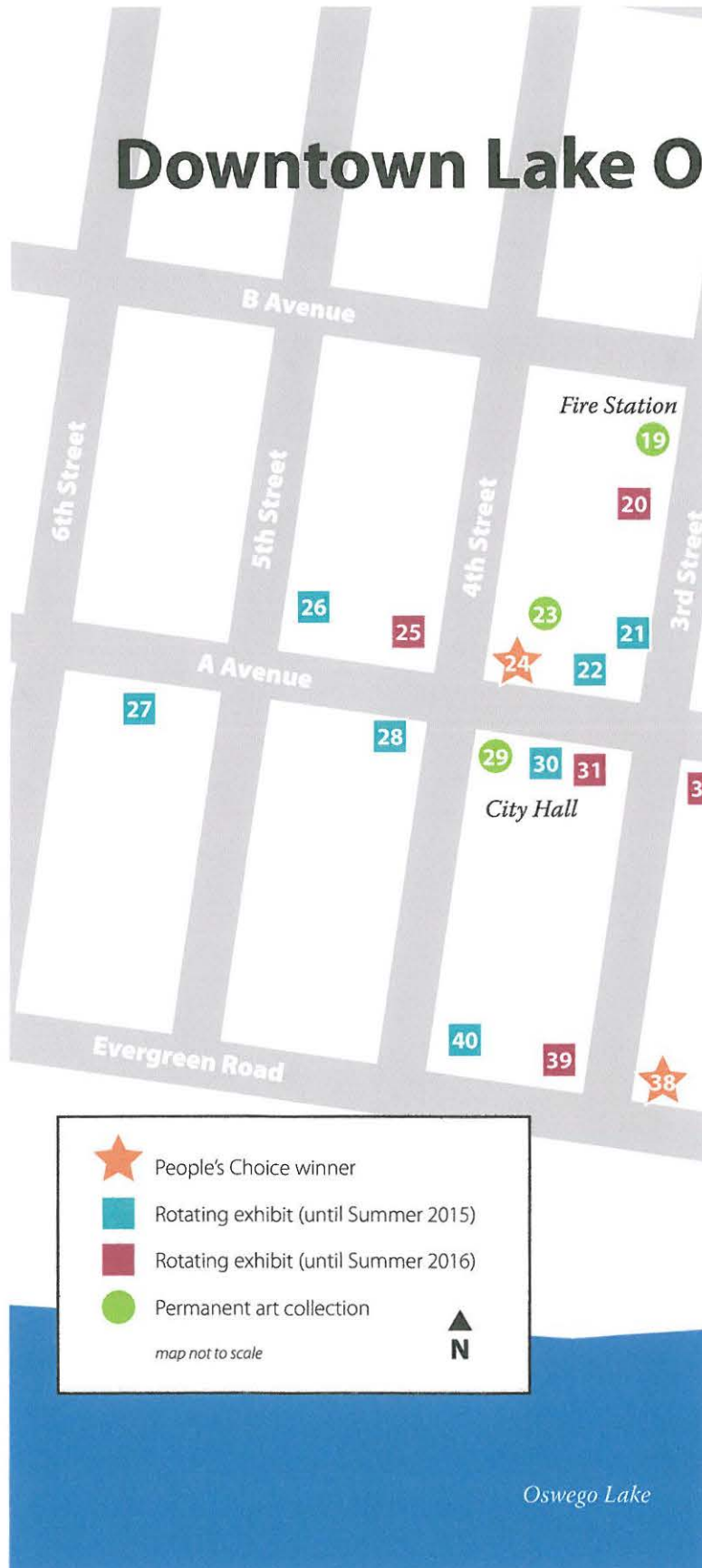
Matt Babcock

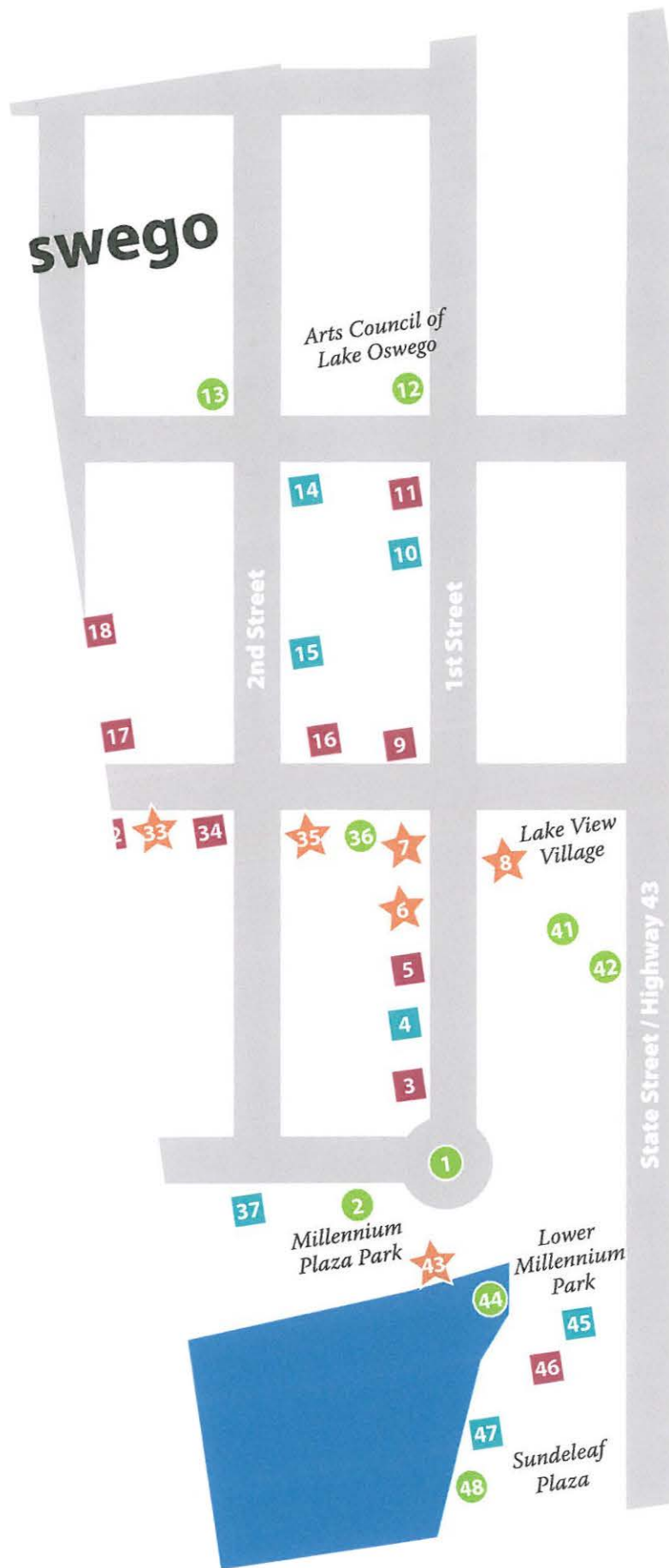
*A samara is a seed with a wing, such as a maple seed.*

mattbabcock.com • powder-coated steel  
\$7,000 • Sponsored by Jackie MacGregor



# Downtown Lake Oswego







## 29 Bread Upon the Water

Jerry Joslin (1942–2005)

*A familiar Lake Oswego scene—three children feed the ducks.*

joslinstudios.com • bronze



## 30 Ebb Tide

Olinka Broadfoot

*The in-between moment...when anything is possible.*

olinkabroadfootgallery.com

bronze, baked clay • \$15,000



## 31 Spiral Petite

Micajah Bienvenu

*An uplifting spiral, inspired by math and nature.*

artmb.com • stainless steel • \$15,000

Sponsored by Eric J Weberg, AAMS,  
Financial Advisor, Edward Jones



## 32 Upstream

Mark Andrew & Randy Ortiz

*Creating a symbol for what we can all believe in...Salmon Upstream!*

markandrewstudio.com • bronze, marble,  
steel • \$28,000 • Sponsored by KeyBank



## 33 Sunbathers

Ken Patecky

*A statement of life embodied by simplified and flowing forms.*

patecky.com • concrete



### 34 Capricorn

Robert H. Foster

*The Zodiac sign Capricorn portrayed as a classic sculpture on a classic pedestal.*

roberthfoster.com • bronze with aluminum pedestal • \$5,250 • Sponsored by Accessories from the Heart



35

### Complement II

Merrilee Moore

*Complement II is a play on similarities and differences and how they benefit each other.*

merrileemoore.com • glass, stainless steel  
Dedicated to Judie Hammerstad



36

### Lotus Tower

Joel Cottet (1948–2002)

*Symbolizing the path from limited awareness to expansive consciousness.*

ceramic



37

### Contrapposto

Francisco Salgado

*Waiting for something to happen.*

franciscosalgado.com  
painted steel • \$9,200



38

### Cloud Totem

Riis Burwell

*My work explores what is unseen in nature. The negative space is an essential element of the design—suggesting that what is unseen is just as important as what is seen.*

riisburwell.com • bronze



### 39 What Does the Nose Know?

Ron Simmer

*Big Brother knows you better than you know yourself.*

artsblast.com • aluminum, steel, resin, polycarbonate lenses • \$20,000

Sponsored by Lake Oswego Vision Clinic



### 40 Outcropping Anew

David Turner

*Addressing quandaries of working, resting, reasoning and the unknown.*

rockfarmstudio.com

cedar, found stones • \$7,500



### 41 The Awe and Wonder

Lonnie Feather

*The essence of our relationship to the universe—the awe and wonder of life.*

lonniefeather.com • glass



### 42 Zephyr

Devin Laurence Field

*Lakeshore breezes, an osprey patrolling the waters, and festive ribbons as a heraldic element.*

devinlaurencefield.com • stainless steel



### 43 Sprout

Mike Suri

*Fall trees inspire a great sense of awe and thoughtful calm.*

suriiron.com • steel





## 44 Spirit of the Marsh

Mark Andrew

A detail of the installation in Lakewood Bay.

markandrewstudio.com • bronze



## 45 Matelasse

Reven Marie Swanson

*Inspired by a sewing technique.*

revenswanson.com

powder-coated steel • \$12,000

Sponsored by Delap, LLP



## 46 Ben

Dore Capitani

*Suddenly.....an idea!!!*

doresmountainartgarden.com

powder-coated steel, copper sparkle coating • \$11,000

Sponsored by Bill and Barbara Warner



## 47 Sunflower

Patricia Vader

*Like the circles that you find in the windmills of your mind.*

patriciavader.com • stainless steel, aluminum • \$27,000 • Sponsored by Dyke Vandenburg Jewelers



## 48 Wormy Apple #2

Ed Humpherys

*A three-dimensional, compositional representation of a wormy apple.*

cast aluminum



## Our City-Wide Collection

These permanent sculptures are located throughout the city and require a short drive. Refer to our smartphone app or visit [artscouncillo.org/tour](http://artscouncillo.org/tour) for a map.

49

### Going for Your Vision

Alisa Looney

*A symbol of the determination, energy and action it takes to create our life's dream.*

[alisalooney.com](http://alisalooney.com) • fabricated steel, powder-coated • Hwy 43 and Terwilliger Blvd.



50

### Bearly About

Steve Tyree

*I want to take people to the times they have seen bears and to that excitement for these great creatures.*

[tyreesculpture.com](http://tyreesculpture.com) • bronze

Donated by the artist • Library entrance at D Ave. and 4th St.



51

### The Guardian

Ted Shillock

*Guardian or protector of knowledge, feelings and ideas.*

Italian marble • Library entrance at D Ave. and 4th St.



52

### Swoop II

Devin Laurence Field

*Terns and other migratory birds swoop and play in the sky over the lake.*

[devinlaurencefield.com](http://devinlaurencefield.com) • stainless steel

Donated by the Lakewood Neighborhood Association • corner of State St. and Middlecrest Road



53

### Trillium

Matt Cartwright

*I hope to demonstrate the structure and beauty of mathematics as expressed in nature.*

cartwrightdesign.com • powder-coated steel, aluminum with acrylic • George Rogers Park



54

### Tidal Pool

Mary Ann Baker

*Rough rocks, tumbling waves, playful critters.*

maryannbaker.com • painted steel, bronze  
Donated by the artist • Foothills Park,  
pending installation early 2015



55

### Stafford Stones

Frank Boyden

*A tribute to William Stafford, Oregon Poet Laureate.*

frankboydenstudio.com • basalt  
Foothills Park



56

### Pinecone Bollards

Valerie Otani

Detail of one of three installed bollards. Can you spot the mice?  
bronze • Old River Rd. and Glenmorrie Dr.



57

### In the Flow

Stuart Jacobson

An abstract depiction of the Willamette Falls in Oregon City, where the first power generation facility was sited.  
stuartjacobsonsculptor.com  
basalt • Glenmorrie Park





**58 Sunrise in the City**

Jesse Swickard

*Built to see the sun within the city.*  
jesseswickard.com • steel • Donated by  
the McVey–South Shore Neighborhood  
Association • intersection of McVey Ave.  
and Laurel St.



**59 The Goal**

Lee Hunt

*The Goal refers to the goal of  
community sports, which is  
participation.*  
bronze • Westlake Park



**60 Blue Light Tower**

Joel Cottet (1948–2002)

Designed and produced as a  
prototype garden light sculpture,  
as well as to show that large scale  
ceramic pieces are possible.  
ceramic • Bangy Rd. and Meadows Rd.



**61 Ram's Head Benches**

Ken Patecky

patecky.com • wood, carved concrete  
Boones Ferry Rd. near Lake Grove  
School



**62 Dream**

Guruhans Kroesen

*Depicts our destiny, a path for life to  
stroll upon—which will guide you to  
your dream.*

guruhans.com • fabricated steel  
Boones Ferry Rd. near Lake Grove School



63

### August Trunk

Alisa Formway Roe

*August Trunk hopes to stimulate conversation regarding complex issues of a global society.*

[pnwsculptors.org/profileroe](http://pnwsculptors.org/profileroe)

welded mild steel • Boones Ferry Rd. near Reese Rd.



64

### Time and Space

Stuart Jacobson

*A three dimensional representation of the concept of time as being divided into the past, present and future.*

[stuartjacobsonsculptor.com](http://stuartjacobsonsculptor.com) • granite

Waluga Park



65

### Untitled

Bruce West

*Rhythm, pattern, balance and movement in structural composition.*

[brucewestsculptures.com](http://brucewestsculptures.com) • stainless steel

West Waluga Park



66

### Totem

Travis Pond

*Wolf, Beaver, Orca, Frog, Raven.*

[steelpond.com](http://steelpond.com) • repurposed steel,

automotive finish • Donated by

community members, Don Caldwell, and

the Fairbridge Foundation • Fire Station at

Bryant Rd. and Jean Rd.





We are thrilled to announce that with the help of more than forty generous art patrons, we have raised the \$55,000 necessary to acquire *Angkor I*, by legendary Oregon artist, Lee Kelly (shown above with his sculpture). The 14' tall, 1,000 pound stainless-steel sculpture will remain a prominent feature in Millennium Plaza Park, acting as a "gateway" to Oswego Lake. We are honored to add this spectacular sculpture to Lake Oswego's nationally-recognized public art collection.

Board Member, Bonnie Schlieman, first approached the artist and the Elizabeth Leach Gallery to see if they would be willing to loan *Angkor I* for public display in Lake Oswego. Once it was installed, it became the hope of the Arts Council to make the work a permanent centerpiece of the city's collection. We received a prestigious Art Acquisition Grant from the Ford Family Foundation in the amount of \$10,000. We wish to thank all of our donors who have made this dream a reality.



# pArtners

with us

*we need your support*

- ☐ Patron \$100
- ☐ Business \$150
- ☐ Steward \$250+
- ☐ Trustee \$500+
- ☐ The Medici Society \$1,000+
- ☐ Art Guild \$35 (for participating artists)
- ☐ Senior/Student \$50 (limited income)
- ☐ Other amount \_\_\_\_\_

Name:

Mailing Address:

City/State/Zip:

Email\*:

Phone:

- ☐ Check enclosed
- ☐ Bill me
- ☐ I will join online at [artscouncillo.org](http://artscouncillo.org)
- ☐ Please keep my donation anonymous

Thank you for your gift! The Arts Council of Lake Oswego is a 501(c)3 non-profit. All contributions are tax deductible.

Please mail this form to Arts Council of Lake Oswego, P.O. Box 369, Lake Oswego, OR 97034

\*Please print clearly. We use email to communicate with our members. We never share our list.



## Are You a pARTner?

Our Gallery Without Walls is an invaluable community asset, but a gallery without your support simply cannot exist. When you become a pARTner, your support dollars make it possible to install and maintain our rotating and permanent art collections that enrich our families, our economy and our city.

Your support also makes it possible for thousands of K-12 school children to take guided tours as part of our Art Literacy partnership, putting art education back into the school curriculum.

Lake Oswego's public art program involves a collaborative process; we depend on you! Become a pARTner today—because even a gallery without walls needs your support to keep its doors open.

Become a pARTner at [artscouncillo.org](http://artscouncillo.org)  
or see reverse side for a tear-out membership form



503.675.3738  
[artscouncillo.org](http://artscouncillo.org)

520 First Street  
PO Box 369  
Lake Oswego, OR 97034

**CITY OF LAKE OSWEGO**  
**PUBLIC ART GUIDELINES**

- Section 1. INTRODUCTION
  - 1.1 - Definitions
- Section 2. PUBLIC ART COMMITTEE
- Section 3. MAINTENANCE OF COLLECTION
- Section 4. ACQUISITION OF ARTWORK
- Section 5. PERCENT FOR ART PROGRAM
- Section 6. DEACCESSIONING WORKS OF ART
- Section 7. DONATIONS & MEMORIALS POLICY
- Section 8. LOANS FROM THE COLLECTION
- Section 9. ARTS DOWNTOWN PURCHASE POLICY
- Section 10. EXHIBIT A – Ordinance 2078 Percent for Arts Program



## 1. INTRODUCTION

The art collection of Lake Oswego represents a cultural, recreational and educational resource that is held in trust for the public. The art collection is significant to Lake Oswego's quality of life and complements the City's mission of enhancing the lives of its citizens. The guidelines contained in this document define how the collection shall be maintained and developed.

The City may contract with an independent entity, such as the Lake Oswego Arts Foundation, to maintain and develop the City's public art collection. Under these circumstances, the City shall require the independent entity to comply with these guidelines.

### 1.1 Definitions

#### General Definitions

**"Accession:"** To accept a work of art into the city's permanent art collection.

**"Advisor:"** A professional asked by the Public Art Committee to provide advice on some aspect of a project.

**"Architect/Engineer:"** The person or firm designing the improvement project to which the 1.5 % funding applies. Where architect/engineer is a firm, the term architect/engineer shall mean the principal of that firm in charge of designing the improvement project to which the 1.5 % funding applies.

**"Artist:"** A practitioner in the arts, generally recognized by critics and peers as a professional of serious intent and recognized ability who produces works of art and is not a member of the project architectural firm.

**"Call For Artists"** – An open competition where any artist is invited to submit works of art or delineated proposals for consideration. Proposals are reviewed and an artist is selected for the project.

**"Capital Improvement Program (CIP):"** The City's program for advance planning of capital improvements.

**"City Project:"** Any capital project in an amount over \$25,000 paid for wholly or in part by the City of Lake Oswego to purchase, construct, rehabilitate or remodel any building, decorative or commemorative structure, park, parking facility or any portion thereof within the limits of the City of Lake Oswego. "Project" does not include street, pathway or utility construction, emergency work, minor alterations ordinary repair or maintenance necessary to preserve a facility.

**“Consultant:”** A paid professional in the arts field of regional, national or international status, hired by a selection committee or Public Art Committee to share his/her expertise.

**“The Independent Entity:”** An independent entity, such as the Lake Oswego Art Foundation, with whom the City contracts to maintain and develop the City’s public art collection and to assume the functions of the City under to these guidelines.

**“Deaccessioning:”** Relinquishing title to a work of public art.

**“Eligible Funds:”** A source of funds for projects from which art is not precluded as an object of expenditure.

**“Participating Department:”** The department that sponsors a City project subject to the 1.5 Percent for Art Program.

**“1.5 Percent for Art Program”** - The Program established to set aside a percentage of the total cost of eligible City projects for public art as per the *Percent for Art Ordinance* No. 2075.

**“Permanent Art Collection:”** All works of art owned by the City of Lake Oswego, either site specific or part of a portable collection, which may rotate through public buildings.

**“Pre-Qualified List:”** A list of artists deemed appropriate for 1.5 Percent for Arts projects by satisfying criteria outlined by the Public Art Committee. The list may be created and updated by the Public Art Committee and may be used as a starting point for “invitation only” competitions, as well as a tool for generating ideas for a project.

**“Public Art:”** All forms of original works of art accessible to the public and/or public employees including:

1. Painting of all media, including both portable and permanently fixed works, such as murals;
2. Sculpture which may be in the round, bas-relief, high-relief, mobile, fountain, kinetic, electronic and others, in any material or combination of materials;
3. Other visual media including, but not limited to prints, drawings, stained glass, calligraphy, glass works, mosaics, photography, film, clay, fiber/textiles, wood, metals, plastics or other materials or combination of materials, or crafts or artifacts;
4. Works of a wide range of materials, disciplines and media which are of specific duration, including performance events, and which are documented for public accessibility after the life of the piece has ended;

5. Art works that possesses functional as well as aesthetic qualities.

**“Public Art Committee:”** The committee appointed to maintain and develop the City’s public art collection, and to provide oversight for the 1.5 Percent for Art process. The Public Art Committee develops policies and goals for the selection, placement and maintenance of works of art acquired through the 1.5 Percent for Art Program. The committee has approval authority within the artist selection process, evaluates and/or causes to be evaluated by others the public art collection, recommends uses for Public Art Trust Fund monies, considers projects by private developers and citizens which would result in a piece or pieces of public art, and responds to any other public art initiatives. The committee shall consist of seven (7) members.

**“Public Art Trust Fund:”** A City fund or account into which all 1.5 Percent for Art monies shall be deposited. Monetary contributions for public art, and proceeds from the deaccessioning of public art, shall also be deposited into the Public Art Trust Fund. Funds within the Public Art Trust Fund shall be solely utilized for the purpose outlined in the Percent for Art Ordinance No. 2075.

**“Total cost:”** The entire amount of the City’s contribution towards the price for construction of a project. “Total Cost” does not include costs for design and engineering, administration, fees and permits, building demolition, relocation of tenants, contingency funds, change order costs, environmental testing or indirect costs, such as interest during construction, advertising and legal fees.



## **2. PUBLIC ART COMMITTEE**

### **2.1 Role of the Public Art Committee**

The Public Art Committee shall maintain the public art collection, and review and recommend all proposed accessions to and deaccessions from the art collection of Lake Oswego. Specific duties include:

1. Maintenance of city art collection – Maintain a current listing of all holdings in the collection, conduct an annual review, and see that necessary repairs are performed.
2. Development of a list of potential or desired sites for future accessions. For each site, the list shall specify the goals for, and conditions on, the type of art to be placed there.
3. Development of the collection by acquiring artwork through various means of acquisition. This may include using funds from the 1.5 Percent for Art program or other city funds to purchase or commission works of art; and accepting donations of art or funds to purchase art from individuals or organizations.
4. Removing works of art from the collection that do not meet the goals of the collection or are damaged beyond repair.
5. Recommending uses for Public Art Trust Fund monies generated through the 1.5 Percent for Art Program.
6. Considering projects by private developers and citizens that would result in a piece or pieces of public art, and responding to any other public art initiatives.

If the Public Art Committee is chosen through a special selection committee pursuant to Section 2.2, the Public Art Committee shall be a committee of the Independent Entity, rather than a committee of the City of Lake Oswego.

### **2.2 Membership**

The Public Art Committee shall be composed of seven members. Members must reside within the City of Lake Oswego Urban Service Boundary as established in the Lake Oswego Comprehensive Plan.

The members of the Public Art Committee shall be appointed by the City Council. However, if the City contracts with an Independent Entity, the members of the Public Art Committee shall be appointed by a majority vote of a special selection committee. The special selection committee shall consist of two members of the City Council and two

representatives of the Independent Entity. The City Council shall select the chair of the Public Art Committee from among the seven members appointed by the special selection committee.

Initially, and thereafter upon the annual expiration of terms for the Public Art Committee, the selection committee, in addition to appointing members for new terms, shall also appoint at least three alternates to fill any membership position that becomes vacant before the expiration of its term during the following year. Upon filling a vacancy in a membership position with one of the alternates, the selection committee may appoint an additional alternate to serve for the balance of the year preceding the next annual expiration of membership terms for the Public Art Committee.

Public Art Committee members shall be selected on the basis of their knowledge of and familiarity with the arts and their understanding of the needs of the Lake Oswego community.

Committee membership shall include the following:

- Three (3) artists from the community.
- One (1) person who is a landscape architect and/or architect.
- Three (3) interested citizens.

### **2.3 Term**

Members of the Public Art Committee shall serve a term of three years. After serving a term, members are eligible to serve again after a one year absence from the committee. Initial terms shall be staggered so that terms do not expire for all members at the same time.

Should there be difficulty in filling positions, as determined by the City Council or, if the City Contracts with an Independent Entity, by the Independent Entity, members may be allowed to serve another consecutive 3 year term without a one year absence from the committee.

### **2.4 Meetings**

The Public Art Committee shall meet only when it has business to transact. Public notice shall be given in advance of all meetings. Meetings shall be conducted in accordance with the requirements of Oregon Public Meetings Law.

### **2.5 Conflict of Interest**

During their tenure, members of the Public Art Committee shall refrain from activities that represent a conflict of interest. A member must not undertake any action or any decision or recommendation as a committee member, the effect of which would be to the

private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated.

Members of the Public Art Committee, and consultants and appraisers that the committee may engage, must have no financial interest in any art piece under consideration by the committee, even if the financial interest is limited to an artist spouse or relative. No committee member shall have any interest in any art consultant or art appraisal firm engaged by the Public Art Committee.

Any member of the Public Art Committee must also declare a conflict of interest and refrain from participating if a person with whom he or she shares a household or whom he or she professionally represents has a matter before the Committee.

No members of the Project Architectural firm may submit for the project being designed by that firm.

During the time they serve on the Public Art Committee, artists may not contribute their own pieces, even without cost.

Members of the Public Art Committee shall follow the requirements of Oregon Revised Statutes Chapter 244 relating to ethics for public officials and shall also follow the Oregon State Guidelines for Public Officials published by the Secretary of State's Office.



### **3. MAINTENANCE OF THE PUBLIC ART COLLECTION**

#### **3.1 Cataloguing the Collection**

The Public Art Committee shall ensure that there is a current listing of all holdings in the City of Lake Oswego Public Art Collection, including all pertinent information such as title, artist, medium, accession date, placement and other information. In addition, the Public Art Committee shall, where appropriate, create catalogs describing the collection and make them available to the public.

#### **3.2 Periodic Review**

The Public Art Committee shall annually review all holdings in the art collection. During this review, the committee shall inventory the collection, examine the condition of each piece to determine any restoration or preservation needs, and examine the display or storage conditions of each piece. The review periodically estimates the value of each piece for insurance coverage and the City's fixed asset inventory. In addition, the Public Art Committee shall update the current listing of all holdings in the art collection catalogue and submit the updated list to City staff.

#### **3.3 Maintenance of Collection**

The Public Art Committee shall perform, or obtain the services of a professional to perform, the repairs, cleaning, labeling, etc. that may be necessary to maintain the public art collection.

Should repairs to outdoor sculpture be necessary, the committee shall notify the appropriate City staff member. The committee shall coordinate cleaning and repairs with the City's Parks Maintenance staff.

City departments shall notify the appropriate City staff member immediately if a work of art is either damaged or stolen, or if the participating department plans to move to another location or in any way disrupt the work of art.

#### **3.4 Maintenance Instructions**

When the city purchases a new work of art, the artist shall be required to submit a maintenance plan and instructions to be kept on file by city maintenance staff. These instructions shall outline cleaning methods and materials for the artwork as well as a timeline and plan for regular maintenance of the work. The instructions shall be kept on file at the Parks Maintenance office.

### **3.5 Placement of Works of Art**

While it is the intent that site specific works will remain in the site for which they were created, a piece may be moved if circumstances dictate. A reasonable effort shall be made to notify the artist in advance of the move.

## **4. ACQUISITION OF ARTWORK**

### **4.1 Background**

The City public art collection includes works that were in the City's possession prior to 1992, works commissioned through the 1.5 Percent for Art Program (adopted in 1993), works purchased with funds other than from the 1.5 Percent for Art Program trust, and gifts of art to the City. Artworks are acquired by the City of Lake Oswego through a thorough review process based on their innate quality and value to the collection as a whole.

The Public Art Committee shall have the responsibility for developing the City's art collection.

### **4.2 Art Selection Criteria**

The value of every work of art is in the eye, ear and soul of each individual viewing it. A single work of art can engender a wide range of responses in the population viewing it. Because of this, art selection is, in part, a subjective process. Members of the Public Art Committee must, at all times, remember that they represent the public. On the other hand, the members of the committee are selected because they possess expertise in art. They should understand these issues and strive to maintain a balance in their selection of art works. Making their selections without this balance can result in public art that is, on the one hand, bland or trite, or, on the other hand, too esoteric to be appreciated by any but art connoisseurs.

The following sections define criteria, both mandatory and desired, to be considered during the accession process.

#### **1. Required Conditions**

All pieces of art selected for inclusion in the collection of the City of Lake Oswego must meet all of the following criteria.

##### **A. Clear Title**

The artwork must be able to be transferred to the City of Lake Oswego with clear title. Purchased art shall be by a formal bill of sale from the owner(s) or artist(s). Contributed art must be accompanied by an appropriate deed of gift.

##### **B. Restrictions**

Artwork accessioned by the City of Lake Oswego must not have attendant restrictions. The City will attempt to acknowledge artists and donors in the display of artwork, but shall be under no obligation to do so.

##### **C. Reflects Community Values**



While recognizing the First Amendment freedom of artists to express themselves in any way they choose, the City of Lake Oswego reserves the right to not select pieces if they do not reflect the values of the community.

This does not mean a piece should be rejected simply because it might be controversial. One of the purposes of art is to show people a new way of looking at their environment, to share an artist's sometimes iconoclastic vision. Art can legitimately be intrusive, abrasive or unpopular. Failure to recognize this purpose for art can lead to an art collection that is simply "pretty" or "nice" without being ennobling or educational.

D. Original Works and Authentication

Only original works of art shall be accessioned for the collection. Fakes, unauthorized copies or reproductions are not acceptable. In cases where the authenticity of a piece could reasonably be questioned, it must be authenticated before accession.

E. Suitability

All art pieces must be suitable for display in a public setting. Sculpture must be able to be secured to prevent accidents. Pieces executed in fragile media must be able to be protected while displayed.

F. Maintenance and Security

The City of Lake Oswego can only accept artwork that the Public Art Committee and the City staff believe can, within the financial confines of the foreseeable future, be adequately and safely displayed, maintained and reasonably secured.

## 2. Desired Attributes

The criteria listed below describe the desired attributes of all art in the collection. Selected pieces should meet most, if not all, of these attributes to a high degree.

A. Artistic Excellence

Art selected for the collection should represent the skill and competence of the originator, and should be an example of artistic excellence. The definition of artistic excellence changes over time, but the collection should always be representative of the best examples available.

B. Variety of Media, Styles and Techniques

Within the guidelines above for suitability of form for a public setting, art selected for the collection should broaden the range of media and techniques represented in the collection.

C. Represents Artists of Varying Acclaim

Some art collections strive for excellence by selecting only works from recognized "name" artists. The collection of the City of Lake Oswego should

strive to represent works from a wide range of artists of varied public status. Art should be chosen solely on the basis of its intrinsic merit. A piece from a well-known artist should not be presumed to have more artistic merit than a piece from a relatively unknown artist.

**D. Value**

Because an aspect of the value of an art piece is the response of each individual to that art, value is difficult to assign. However, the price of any proposed piece of art should represent a responsible investment for the City collection.

When a piece of art has a price of more than \$5000, the Public Art Committee must consult with an art consulting or appraisal firm to authenticate and verify the market value of the piece.

**E. Selected for Specific Site**

Major art pieces should be selected as part of a process that takes into account the final display site for the piece. This should be considered in terms of how well the piece fits an intended space and the environment. This not only requires consideration of the size and environmental harmony of a piece, but also how well it fits into the use patterns of the area in which it will be placed.

### **4.3 Methods of Accession**

There are several ways that a work of art may be accessioned. The selection criteria listed in Section 4.2 apply to all works, regardless of the particular accession method used to bring a piece to the City collection.

When funds become available to accession art, the Public Art Committee may use one of three processes, open competition, artist invitation and direct purchase. In addition, artwork may be added to the collection through a direct contribution of art or funds to purchase or commission a work of art. The choice of accession method shall be determined by the Public Art Committee with final approval by the City Council or, if the City Contracts with an Independent Entity, by the Independent Entity.

#### **1. Open Competition**

In open competition, any artist is invited to submit pieces or delineated proposals for consideration. A “Call To Artists” is advertised within a designated region (local, regional, national, etc.) inviting all artists within the region to submit a proposal. The competition may be held for a single piece, a single site, or a number of sites or pieces. The Public Art Committee evaluates the contender and selects the piece or proposal that best fits the criteria and the needs of the site(s).

The Public Art Committee may decide that no entry fits the criteria or is suitable. For competitions held to populate several sites, this means that one or more sites

may go unfilled. The Public Art Committee may choose to leave the site unfilled, and add that site to the list of potential future accessions.

## **2. Direct Purchase**

The Public Art Committee may choose to purchase a piece of existing art, from a gallery or dealer, from a private individual or from the artist directly.

## **3. Artist Invitation**

The Public Art Committee may choose to invite one or more artists to submit proposals to create a piece for a specific site. The committee should work closely with the selected artist from the beginning of the project, making clear the criteria in the policy. The artist should be asked to submit proposal sketches or models for approval before beginning the final work, with opportunities to periodically view the work during different stages of completion to insure the criteria are being met.

## **4. Donations**

At times civic-minded citizens may wish to contribute to the art collection. They may do so by directly contributing funds to purchase a work of art, commissioning a work of art and then donating it to the City, and directly contributing a piece of art to the collection. See Section 7, *Donations and Memorials* for a more detailed explanation of how donations are reviewed and accepted.

### **4.4 Process for Accessioning Artwork**

The Public Art Committee shall oversee the development of goals and process for the selection, placement and maintenance of works of art.

Upon notification that the City Council or, if the City contracts with an Independent Entity, that the Independent Entity would like to initiate a public art project, the Public Art Committee shall define the parameters of the services and purchase. In doing so, the Public Art Committee shall confirm the available budget, identify a site for the work(s) of art, identify the goals of the project, and form a selection committee, if appropriate, to choose the artist and/or artwork, and determine the most appropriate accession method in each circumstance, depending upon the project funding source.

The Public Art Committee shall also determine whether the project falls within the scope of the 1.5 Percent for Art Program. If it does, the specific guidelines contained in Section 5, *Percent for Art Program*, must be followed.

In initiating any public art project, the Public Art Committee shall:

1. Identify the funding source and determine whether or not the project falls under the 1.5% Percent for Art Program Guidelines. If so, the committee shall follow the process outlined in Section 5, *Percent for Art Program*.



2. Confirm the total project budget available for purchase of services and/or artwork, including installation costs.
3. Identify a site for the final location of art or the project where an artist may be included on the design team. If the committee is considering a site in the public right of way, all appropriate departments must be consulted through the staff liaison before the site is finalized. Likewise if any elements of the project fall under the jurisdiction of another department, that department must be consulted early in the selection process.
4. Identify the goals for the art project, which shall include whether the project warrants including an artist on the design team or whether a purchase or commission of art is more appropriate. The committee shall also establish at what stage of the project the artist will become involved in the process and shall coordinate funding accordingly (refer to Section 5.8, *Dedication of Funds*, as a guideline for non-1.5 Percent for Art projects).

Options for consideration include:

Design Team Options:

- A. Hiring an artist to collaborate with the project architect only during the early planning phases of the project as a consultant.
- B. Hiring an artist to collaborate with the project architect during the early planning stages and to make artworks with project materials. The artwork shall be incorporated into the design of the project and shall fall within the project's materials budget. The contractor shall be responsible for fabrication, and the artist shall provide oversight during fabrication and installation.
- C. Hiring an artist to collaborate with the project architect early in design phase, and giving the artist a budget to create independent artworks that the artist will later place at a predetermined location(s) at the project site.
- D. Hiring an artist to collaborate with the project architect early in the design, and then allowing the artist to apply, along with other artists, for design and construction of art for the project as part of an open competition.

Direct Purchase or Commission

Decide whether to purchase an existing work of art or commission a work of art.

Donations

Decide whether or not to accept a donation of art.

5. Determine which acquisition method, according to Section 4.3, *Methods of Accession*, is most appropriate based upon the project goals.
6. Establish a selection process that addresses the project goals and determine membership on an artist/art selection committee. The committee shall keep in mind the City's goals of maintaining artistic integrity and encouraging public involvement, as needed, in each selection process.

The Public Art Committee shall function as the selection committee in cases where non-restricted funding is available.

7. Select an artist and/or art purchase/commission through a majority vote.
8. Obtain approval of acquisition method, and selection process from the City Council or the Independent Entity.

#### **4.5 Artist Selection Criteria**

Artists will be selected on the basis of their qualifications as demonstrated by past work, appropriateness of the proposal to the particular project, and its probability of successful completion as determined by the Public Art Committee. In selecting artists and works of art, the Public Art Committee shall select those artists and works of art of the highest aesthetic quality, and those that fulfill the purpose of the City's art selection criteria as set forth in Section 4.2. In all cases, consideration will be given to materials, construction, durability (long or short term, depending on the intended life of the piece), maintenance, public access and safety.

The Public Art Committee may choose to utilize a "Pre-qualified list" of public artists in lieu of open competition in order to simplify the selection process.

#### **4.6 Artist Contracts**

The City, or, if the City contracts with an Independent Entity, the Independent Entity shall enter into a contractual agreement any time an artist is hired to perform services for the City, such as participating on a design team or selling or creating a work of art. The contract should define the scope of work for artist services and payment procedure for the purchase or commissioning of a work of art. The contract shall require the artist to do the following:

1. Produce a work of art for a guaranteed maximum cost, including all installation costs.
2. Maintain public liability and property damage insurance as well as workers compensation insurance. If the artist does not routinely carry this insurance in the

amount specified by the contract, a fee for one-time purchase of coverage should be included in the total proposal.

3. Submit the following items before final payment is authorized:
  - A. Submit to the city a completed catalogue form that describes the work of art (materials, size, weight, artist biography, address, contact information).
  - B. Two color slides and a black and white negative of the completed work of art.
  - C. A public art conservation and maintenance program giving detailed instructions for cleaning and maintaining the artwork. This report will include, but not be limited to, frequency of cleaning, method and materials used, and any other recommendations for maintaining artwork. Report shall also provide detailed description of all materials and processes used to fabricate art, and names and addresses of material suppliers, fabrication and installation process of artwork



## **Section 5**

## **1.5 PERCENT FOR ART PROGRAM**

### **5.1 Background**

In November of 1993, the Lake Oswego City Council adopted Ordinance 2062, which dedicates 1.5 % of the total costs of all City capital projects to the selection, acquisition, dedication, siting, maintenance, administration, de-accessioning, community education and registration of Public Art. .

### **5.2 Program Goals**

Art acquired through the 1.5 Percent for Art Program should meet the criteria and desired goals listed in Section 4.2, *Art Selection Criteria*. In addition, it is the program's intent to:

1. Encourage early collaboration between artists and architects.
2. Ensure that City departments, Commissions, and Advisory Boards play an active role in the selection of art purchased through the 1.5 Percent for Art Program.
3. Preserve art objects and maintain artifacts displaced through City capital projects.

### **5.3 Administration of the 1.5 Percent for Art Program**

The Public Art Committee shall administer the 1.5 Percent for Art Program under the auspices of City or, in the event that the City contracts with an Independent Entity, under the auspices of the Independent Entity.

### **5.4 Qualifying Projects**

Article 18.04 of the City Code specifies which city capital projects are eligible for the 1.5 Percent for Art Program. A copy of the Percent for Art ordinance is contained in Exhibit *A Percent For Art Ordinance*.

Generally, if funding is not legally restricted for particular uses, a city project qualifies for the 1.5 Percent for Art Program and must dedicate 1.5% of its total cost to purchasing and maintaining public art.

#### **Responsibility of Participating Department**

Following the adoption of the Capital Improvement Program (CIP) by the City Council, each department with qualifying capital projects shall produce a summary sheet of projects that qualify for funding under the Percent for Arts Ordinance. The summary sheet shall include the project name and approximate dollar amount available for arts funding. The actual dollar amount shall be confirmed by staff from the participating

department upon encumbering funds for construction of the project and shall be reported to the City Manager.

### **5.5 Application of 1.5 Percent for Art Funds: Inclusions**

Funds may be spent as follows:

#### **1% for Purchase of Art**

1% of the total construction cost of eligible city projects shall be used for costs associated with the acquisition of public art, including, but not limited to, the design, purchase and siting of public art. Such funds may be spent as follows:

1. Artist's fee for serving on a design team with the project architect.
2. The work of art itself, including but not limited to:
  - a. Artist's design fee and operating costs.
  - b. Any permits related to the completion of the work or art, including but not limited to building permits, permits with the Department of Transportation, etc.
  - c. Labor and materials required for production of work of art.
  - d. Travel related to the project.
  - e. Transporting the work to the site and installation costs.
3. Frames, mats, mounting, anchorages, containments, pedestals, or materials necessary for the installation, location, or security of the work of art.
4. Slides and documentation of the work in progress as well as the required 2 slides of the completed work.
5. Insurance as required by the artist's contract.
6. Contingency of 5% to 8% of the 1% set aside at the beginning of each project (any unused contingency funds will go into the Public Art Trust).

#### **.5% for Maintenance and Administration**

.5% of the total construction cost of eligible City projects shall be used for costs associated with administration of the public art program, including, but not limited to costs of selection, conservation and maintenance of the collection, community education, deaccessioning and registration of public art. Funds may be spent as follows:

1. The selection process, excluding the cost of producing a prospectus.
2. Community education related to the project.
3. Registration of Public Art.
4. Maintenance of Public Art.
5. Dedications and publicity.
6. Expenses for special advisors or consultants to the Public Art Committee.

#### **5.6 Application of 1.5 Percent for Art Funds: Exclusions**

1.5 Percent for Art funds *may not* be spent for:

1. Reproductions, by mechanical or other means, of original works of art.
2. Decorative, ornamental, or functional elements that are designed by the architect or consultants engaged by the architect, or elements generally considered to be components of a landscape architectural design, designed by a landscape architect as opposed to an artist commissioned for this purpose.
3. "Art objects" which are mass-produced of standard design, such as playground sculpture or fountains.
4. Directional or other functional elements, such as super graphics, signs, color-coding, maps, etc. except where a recognized artist is employed.
5. Architect's fee.



## **5.7 Dedication of Funds**

The Lake Oswego Public Art Trust Fund is established within the City of Lake Oswego Treasury (see attached Ordinance 2078, item “Public Art Trust Fund”). Funds shall be deposited into the Public Art Trust Fund by the City official or employee acting on behalf of the participating department at the time that budgeted funds are encumbered for construction of the project.

When the artist or artist team is hired at the same time as the project architect or engineer, 1.5 % of the estimated construction budget (from the CIP Document) shall be borrowed from monies existing in the Public Art Trust (or other sources available to the Arts Commission) at the point at which the artist or artist team is hired. When actual funds are encumbered for the construction portion of the project, the Public Art Trust Fund shall be reimbursed to the extent possible with eligible monies obtained from the actual construction budget.

Funds shall be deposited in separate accounts within the Public Art Trust Fund if separate accounting is requested by the City Manager or required by law.

Monetary contributions made other than through the 1.5% Percent for Art Program shall be deposited in the Public Art Trust Fund and may be dedicated for a specific program or work of art, subject to acceptance by the City Council.

## **5.8 Disbursement of Funds**

Disbursement of funds from the Public Art Trust Fund shall be made only after approval by the City Council or, if the City contracts with an Independent Entity, approval by the Independent Entity and authorization by the City Manager or the Manager’s designee. Disbursements shall be made according to Ordinance 2078 and these guidelines.

The city’s Finance Department shall prepare quarterly financial reports to the participating departments and the City Council or, if the City contracts with an Independent Entity, to the participating departments and the Independent Entity, on the disbursement of money from the Public Art Trust Fund.

All payments to an artist shall be made according to the payment procedure outlined in the contractual agreement with the artist.

## **5.9 Artist Contract**

The City or, if the City contracts with an Independent Entity, the Independent Entity shall enter into a contractual agreement with an artist for any artist services in accordance with Section 4.6, *Artist Contracts*.

## **5.10 Public Art Committee Procedures and Responsibility**

The process for initiating and completing a 1.5% Percent for Art project is very similar to projects funded with other funding sources. The Public Art Committee shall oversee the process by defining the parameters and implementing a selection process as listed in Section 4.4, *Process for Accessioning Artwork*. However, there are requirements specific to the 1.5% Percent for Art process which are outlined below.

Upon notification that the City Council, or, if the City contracts with an Independent Entity, the Independent Entity would like to initiate a 1.5 Percent for Art project, the Public Art Committee shall:

1. Confirm the available budget and timing of when the 1.5 Percent for Art funds will be available. Timing of funds will dictate when projects can be initiated.
2. Identify a site for the work(s) of art.
3. Identify the goals of the project, including those goals outlined by the participating department and any artist's prerequisites. The committee must also establish whether the project warrants including an artist on the design team or whether a purchase or commission of art is more appropriate. The committee must also establish at what stage of the project the artist will become involved in the process and coordinate funding accordingly. If it is decided that an artist should be involved from the conceptual stages of the project, the procedure described in Section 5.7, *Dedication of Funds*, should be used.
4. Choose a Selection Committee.

### **5.10.1 Selection Committee Membership**

The Public Art Committee shall select individuals to serve on a Selection Committee for the duration of one project. Membership on the Selection Committee shall consist of up to seven (7) members appointed by the Public Art Committee and approved by the City Council or, if the City contracts with an Independent Entity, by the Independent Entity. The Selection Committee shall consist of the following members:

1. A member of the Public Art Committee, who shall serve as chair.
2. Artists from the community.
3. An at-large citizen interested in the arts (preferably from the neighborhood or business where the art is to be located)
4. A City staff representative from the department with the qualifying project.
5. An architect or engineer from the capital project's design team (where applicable).

Members from the Public Art Committee serve an important role in developing the public art collection and, in addition to the chair position, may fill Selection Committee positions listed under item -2, above. However, items 3-5 must be filled by individuals who are not members of the Public Art Committee.

#### 5.10.2 Term of Office

Representatives on the Selection Committee shall serve through the duration of the project.

#### 5.10.3 Selection Committee Responsibilities

The Selection Committee shall work within the project parameters established by the Public Art Committee including overall budget, project location, and goals. The Selection Committee shall be responsible for identifying a selection process, reviewing artist proposals, and recommending a final selection. The Selection Committee shall do the following:

1. Choose a method for selecting an artist by one of the three options outlined in Section 4.3, Methods of Accession, which include open competition, invitation, or direct purchase.
2. Based upon the established budget, develop a realistic project scope, and determine if the budget is sufficient to warrant advertising for artists locally, regionally, nationally or internationally.
3. Prepare and oversee the writing, printing and distribution of the project prospectus.
4. Select works of art that are technically feasible to produce and display. In the case of selecting an artist to serve on a design team, the committee must determine whether the artist has the necessary experience desired to make a positive contribution to the project.
5. Reserve the option of making no selection. If no proposal is accepted, the Selection Committee may reopen the competition or propose another method of selection.
6. Approve all artists/art selections by a majority vote and present the recommendations to the Public Art Committee for approval.
7. Present the final piece to the City for acceptance into the public art collection.
8. Hold all Selection Committee meetings in accordance with the Oregon Public Meetings law. Meeting announcements shall be sent to local media.



### **5.11 Artist Selection Criteria**

The criteria used in evaluating and choosing artists for 1.5 Percent for Art projects is outlined in Section 4.5 *Artist Selection Criteria*.

### **5.12 Approval Process**

The following approvals are required in administering the 1.5 Percent for Art Program:

- Stage 1 - The City Council, or, if the City contracts with an Independent Entity, the Independent Entity must approve of the Public Art Committee's initial project parameters (budget, site, project goals) and selection committee membership before any further steps may be taken.
- Stage 2 - The Public Art Committee must approve of the Selection Committee's process for selecting artists and/or artwork prior to any public advertising of the project or notification of artists.
- Stage 3 - The Public Art Committee must approve of the Selection Committee's list of finalists prior to the Committee making a final selection.
- Stage 4 - The Public Art Committee must approve of the Selection Committee's final choice for artist and/or artwork prior to notifying the artist of the selection.
- Stage 5 - The Public Art Committee must approve of the final artwork and/or services upon completion of the artwork or services rendered, prior to final payment to the artist. Once accepted, the artwork is accessioned into the public art collection.

## **6. DEACCESSIONING WORKS OF ART**

### **6.1 Background**

The decision to remove a piece from the collection is as important as the decision to accession it originally. The world of art is constantly growing, and something that was revolutionary or revealing in the past may become trite or too-well explored.

On the other hand, the world of art is also affected by fashion. The Public Art Committee must be aware of the distinction between out of date and out of style. The deaccession process should not result in the loss of classic work, even if it represents an earlier period.

Deaccession of pieces from the collection shall be based principally on issues of artistic merit or if the artwork has been irreparably damaged. No piece from the art collection shall be sold primarily for monetary gain with the intention to use the funds for purposes other than art collection.

### **6.2 Deaccession Policy**

Deaccessioning is a procedure for the withdrawal of an artwork from the public collection. Deaccessioning should be considered only after ten years have elapsed from the date of installation of permanent works and acceptance in the case of portable works or under special circumstances (e.g., the piece has been damaged beyond repair). Deaccessioning will be considered only after a careful and impartial evaluation of the artwork within the context of the collection as a whole. At the beginning of the process, the Public Art Committee will make reasonable effort to notify any living artist whose work is being considered for deaccessioning.

### **6.3 Eligible Artworks**

All artworks owned by the City of Lake Oswego, whether acquired through the 1.5 Percent for Art Program, donation, or any other method, are eligible for deaccessioning. In the case of donated artworks, all legal documents relating to the donation will be reviewed prior to beginning the process.

### **6.4 Deaccessioning Procedure**

A Deaccessioning Subcommittee of the Public Art Committee shall be appointed by the Committee. This subcommittee will consist of no more than five arts professionals or experts, including four (4) members of the Public Art Committee, and an art appraiser or consultant if necessary. If the value of the artwork is less than \$5,000, the Public Art Committee may informally appraise the artwork. However, if there is any doubt as to the value of the piece the Public Art Committee must secure the services of an appraiser or consultant.

## **6.5 Criteria for Deaccessioning**

The Public Art Committee may consider the deaccessioning of artwork for one or more of the following reasons:

1. A work is not, or is only rarely, on display because of lack of a suitable site.
2. The condition or security of the artwork cannot be reasonably guaranteed.
3. The artwork has been damaged or has deteriorated and repair is impractical or unfeasible.
4. The artwork endangers public safety.
5. In the case of site specific artwork, the artwork is destroyed by severely altering its relationship to the site.
6. The artwork has been determined to be significantly incompatible or inferior in the context of the collection.
7. The City wishes to replace the artwork with work of more significance by the same artist.
8. The artwork requires excessive maintenance or has faults of design or workmanship.
9. There has been sustained and overwhelming public objection to the artwork.

## **6.6 Sequence of Action**

1. The Subcommittee appointed by the Public Art Committee shall determine whether an artwork meets one of the criteria listed in Section 6.5 above.
2. A representative from the appointed Subcommittee shall submit a report to City staff which includes the opinion of the City Attorney on any restrictions that may apply to the specific work.
3. The Public Art Committee shall review the report. The Committee may seek additional information regarding the work from the artists, art galleries, curators, appraisers or other professionals prior to making a recommendation to the full Board.
4. The Public Art Committee shall send a recommendation for action to the City Council, or, if the City contracts with an Independent Entity, to the Independent Entity, for approval.
5. Upon approval of its recommendation, the Public Art Committee shall consider the following actions:
  - A. Sale or Trade
    - i. Artist will be given first option to purchase or trade artwork.



- ii. Sale may be through auction, gallery resale or direct bidding by individuals, in compliance with City law and policies governing surplus property.
  - iii. Trade may be through artist, gallery, museum or other institutions for one or more artwork(s) of comparable value by the same artist.
  - iv. No works of art shall be sold or traded to members or staff of the City, the Independent Entity or Public Art Committee, consistent with the conflict of interest policies in these guidelines.
  - v. Proceeds from the sale of a work of art shall be returned to the Public Art Trust Fund departmental account. Funds from the sale of gifts shall go into the Public Art Trust Fund for future artworks projects. Any pre-existing contractual agreements with the artist regarding resale shall be honored.
- B. Destruction of work deteriorated or damaged beyond repair and deemed to be of negligible value.
- C. If the Public Art Committee is unable to dispose of the artwork in a manner outlined above, the work shall be donated to a non-profit organization or otherwise disposed of as the City Council, or, if the City contracts with an Independent Entity, as the Independent Entity sees fit.

## **7. PUBLIC ART DONATIONS AND MEMORIALS POLICY**

### **7.1 Background**

In addition to City financial support, the public art collection may grow through the generous gifts of private citizens. A consistent and fair process for considering public art gifts and memorials shall be followed.

The art selection criteria listed in Section 4.2 will be applied when considering public art gifts.

Anyone wishing to sponsor a gift of artwork to the City should contact the Public Art Committee at the earliest possible time for a consultation on the review and acceptance process for donated artworks. The Public Art Committee will review potential donations and make a recommendation to the City Council or, if the City contracts with an Independent Entity, to the Independent Entity.

*If the proposed gift is to be a memorial and the site requested is in a park, it must also go through a review process with the Parks and Recreation Department.*

### **7.2 Types of Donations**

1. Existing Works of Art
  - A. Portable - works of a scale appropriate for rotation through public spaces belonging to the City of Lake Oswego. The specific placement of portable works may not be stipulated as a condition of the gift.
  - B. Non-Portable - works of a scale larger than would be appropriate for the portable collection and would require a semi-permanent or permanent site.
2. Commissioned Works of Art
  - A. Works of art which are commissioned gifts to the City and which usually require a specific site.

### **7.3 Review Criteria**

1. Artistic Excellence -

Accepted works of art shall be of exceptional quality and enduring value as judged by the Public Art Committee and, if the City contracts with an Independent Entity, by the Independent Entity.
2. Appropriateness to the City's Public Art Collection -

Proposed gifts will be reviewed in relationship to existing goals for the public art collection, such as diversity of media, artists represented, styles, and geographic representation.

3. Appropriateness to Site -

Relationship of the artwork to the site shall be considered in respect to its social, cultural, historical and physical context.

4. Maintenance Provisions -

Maintenance concerns are a primary consideration. Adequate provision must be made for future needs. Donors must provide the Public Art Committee with detailed maintenance instructions for the work(s) of art, copies of which shall be forwarded to city staff. Funds for future maintenance shall be deposited into the Public Art Trust Fund.

5. Adherence to Existing Master Plans -

All works of art should adhere to the master plans of existing jurisdictions including but not limited to the Parks and Recreation Department, and Lake Oswego Redevelopment Agency. The Public Art Committee will help to advise the sponsor of existing master plans.

## **7.4 Review Process**

### *EXISTING WORKS: PORTABLE OR NON-PORTABLE*

1. Initial Contact -

Sponsor should send photographs of work(s) of art to City with written materials, including name of the artist, his/her bio or resume, medium, size, date of execution and estimated value of the piece. This material shall be forwarded to the Public Art Committee for a recommendation.

2. Review by Public Art Committee -

The Public Art Committee will review the photographs and will ask to see the actual work of art if it wants to consider the gift further. If the Public Art Committee recommends acceptance of the work of art, it will also make a recommendation for future maintenance provisions.

3. Installation Readiness -

In order to receive final acceptance, works of art should be professionally appraised and ready for installation. This means that two-dimensional works must be archivally framed and three-dimensional works must have a pedestal or appropriate hanging or mounting apparatus.

4. Acceptance-

The City Council, or, if the City contracts with an Independent Entity, the Independent Entity, will review the recommendation of the Public Art Committee and will determine whether to accept or deny the proposed donation and its installation and maintenance provisions.



## **7.5 Commissioned Works of Art**

### **1. Initial Contact -**

City staff, or, if the City contracts with an Independent Entity, representatives of the Independent Entity, will meet with the sponsor to discuss the commission. If no artist has been selected, staff will advise the sponsor about artist selection options, such as the use of an artist selection committee or an art consultant. The art consultant and advisory committees can provide expert assistance on selection procedures, technical and budgetary concerns and on the uses, appropriateness, quality and variety of art options. Selection Process

Commissioned works must go through a two-phased process: first "in concept" and second when the design has been decided. Sponsors of gifts are requested not to select specific designs prior to the approval "in concept". If a site has been recommended and is under the jurisdiction of any other City department, such as the Parks and Recreation Department, that department must be contacted at the start and the project will also be reviewed by that department.

### **2. Review "in concept" by Public Art Committee -**

The sponsor must submit a written proposal to the City Council, or, if the City contracts with an Independent Entity, to the Independent Entity, including the process for selection of an artist(s) and the general concept behind the project. The Public Art Committee will review the proposal and make a recommendation for acceptance or denial.

### **3. Review of Design by Public Art Committee -**

If the project is approved "in concept" the sponsor will proceed to select an artist(s) as outlined above. When a site and a specific design have been chosen, a model and/or scale drawings of the design and maintenance provisions must be presented to Public Art Committee, who will review the materials and make a recommendation to the City Council, or, if the City contracts with an Independent Entity, to the Independent Entity.

### **4. Review of Design -**

A. The City Council, or, if the City contracts with an Independent Entity, the Independent Entity will review the recommendation of the Public Art Committee and approve or deny the design of the work of art and the provisions for future maintenance.

*B. Note: If, in the development and execution of the project, the concept or aesthetic of the work is substantially changed, the concept and design must be re-approved before the work will be considered for final acceptance.*

### **5. Review and Final Acceptance of Completed Work -**

Both the Public Art Committee and the City Council, or if the City contracts with an Independent Entity, the Public Art Committee and the Independent Entity will review the completed work of art and approve or deny its acceptance.

#### **7.6 Requests for Commissioning a Work of Art**

Requests for commissioning a work of art should go through the process outlined above and must include financial provisions for the administration of the commission as well as the future maintenance of the work of art as determined by the Public Art Committee and the City Council, or, if the City contracts with an Independent Entity, by the Public Art Committee and the Independent Entity.

#### **7.7 Requests to the Public Art Trust Fund**

Requests to the Public Art Trust Fund can vary in scope from general gifts of unspecified use to gifts of a specified scope. For example, the sponsor could stipulate that the bequest be used to purchase portable works by Native American artists.

## **8. LOANS FROM THE COLLECTION**

### **8.1 Policy**

When loans are made from the collection, it is the responsibility of the borrowing gallery or institution to cover all expenses of packing, shipping and insurance. The borrowing gallery or institution shall submit proof of insurance coverage for the value of the piece.



## **9. PROCESS FOR SPECIAL ANNUAL PURCHASE OF ARTWORK FROM THE ARTS DOWNTOWN EXHIBIT**

### **9.1 Purpose**

The City Council will annually consider whether an appropriation of funds is to be provided for a special purchase of a work of art from the Arts Downtown exhibit. Funds may come from the Percent for Art Trust Fund or another identified city source.

The process for the special annual selection of a work of art from the Arts Downtown exhibit shall be administered according to the Percent for Art Guidelines of Section 5, above. In addition, the selection process will be expanded beyond that defined in the Percent for Art Guidelines, by including greater public involvement in selecting the artwork in order to build a sense of citywide concern and ownership of the Arts Downtown program.

### **9.2 Operational Procedures**

Initiation of selection process:

In administering the selection process for purchasing artwork from the Arts Downtown exhibit, the City Council, or, if the City contracts with an Independent Entity, the Independent Entity shall:

Inform the Public Art Committee of the available funding and timeframe within which to select a work of art.

Direct the Public Art Committee to form a selection committee to oversee the selection process. The selection committee shall be composed of:

- i. A representative appointed by the City Council, who will serve as chair of the selection committee.
- ii. A LORA representative.
- iii. A project engineer or architect.
- iv. Two artists.
- v. A citizen representing community and/or business interests.

Approve the Public Art Committee's selection of membership for the selection committee.

### **9.3 The Selection Process**

The Public Art Committee shall convene the selection committee and define the committee's objectives, which shall include:

- i. Identifying downtown site(s) for the purchased artwork;
- ii. Creating a list of up to five sculptures for consideration as possible purchases; and

- iii. Establishing a process for the public to indicate its preference from among the sculptures on the list.

#### **9.4 The Selection Committee process shall proceed as follows:**

Upon notification of the objectives, the selection committee will review the current Arts Downtown sculptures and establish a list of up to five sculptures from which a public process will select one. Downtown site(s) will be identified that will accommodate the selected works. The criteria for establishing the list of selected works and site(s) are to be developed by the selection committee.

Following the creation of the selection list and site identification, the committee shall develop a process allowing the public at large to indicate their preference for the final purchase piece. This process may include methods such as opinion surveys in the *Hello L.O.* or the *Lake Oswego Review*, online voting on the City's website, etc. The committee shall notify the Public Art Committee of the selection made through the public process.

#### **9.5 Final approval of selected artwork**

The Public Art Committee shall present the selection made through the public process to the City Council, or, if the City Contracts with an Independent Entity, to the Independent Entity, for approval. Upon approval, payment shall be made to the artist and arrangements made for relocation of the art to its final location, if necessary, following the Arts Downtown exhibition period.

#### **9.6 Clarification of Policy**

The procedure in this Section 9 is to be used for a single annual purchase of art from the Arts Downtown Exhibit (subject to appropriation of funds). Nothing in the procedure shall preclude additional purchases by the city of art from the Arts Downtown Exhibit through other processes.

**CITY OF NEWPORT**

**RESOLUTION NO. 3589**

**A RESOLUTION ADOPTING A PUBLIC ARTS POLICY TO INCLUDE A PUBLIC ARTS COMMITTEE AND A PERCENT FOR ART PROGRAM**

WHEREAS, Resolution No. 3528 created a Public Arts Task Force to develop recommendations on issues of public arts programs and policies; and

WHEREAS, the Public Arts Task Force completed its work and reported to the Council its recommendations; and

WHEREAS, the Council wishes to implement recommendations of the Public Arts Task Force by establishing a City public arts policy as set forth in this Resolution.

Now, therefore, the City of Newport resolves as follows:

Section 1. The Council determines that the work of the Public Arts Task Force is complete and as a result there is no longer a need for the Task Force. The Public Arts Task Force is hereby disbanded and Resolution No. 3528 is repealed.

Section 2. The Public Arts Committee created by Newport Municipal Code (NMC) 2.05.060 shall be governed by the policies set out in this Section. The Council adopts the policies set out in this Section, which shall be known as the City of Newport Public Arts Policies.

- A. Purpose of the Public Arts Committee. The Public Arts Committee is responsible for making recommendations to the City Council on public art and art object decisions as set out in these policies. The Public Arts Committee is directed to advance public understanding of visual arts, enhance the aesthetic quality of public places, and help stimulate the vitality and economy of the city. Public art within this policy is art located on public property or property controlled by the city and includes sculptures, architectural accents two-dimensional art, multimedia, temporary art, and other visual art.
- B. Duties of the Public Arts Committee. The Public Arts Committee shall comply with committee operational requirements of NMC 2.05.003. In addition, it shall be the duty of the Public Arts Committee to encourage:
1. Public dialogue to increase public understanding and the enjoyment of visual art through appropriate public education forums and programs;
  2. Human interaction in public places and areas of public ownership and accessibility, via the placement of works of art;
  3. Collaborative efforts between artists, architects, engineers, and landscape artists;



4. Artists to reach creative solutions to the aesthetic problems they have been employed to solve; and
5. Stimulation of the vitality and economy of the city by creating works of art in public places.

The Public Arts Committee will be used by the City Council to recommend artists and artwork; recommend expenditure of funds on public artworks and art projects; recommend requests for proposal requirements when such a process is used to make public art selection decisions; and recommend sites for placement of public art.

C. Public Arts Selection Panel. When the City Council has reason to seek a recommendation on the selection and placement of public art for a particular project, the Public Arts Committee shall form a "Selection Panel" to make the recommendation to the City Council. The Selection Panel shall consist of:

1. Seven voting members:
  - a. Two members of the Public Arts Committee;
  - b. One recognized art professional, such as a museum curator, art historian, conservator, or gallery director;
  - c. One professional visual artist;
  - d. Two ad hoc Newport citizens at large; and
  - e. The Executive Director of the Oregon Coast Council for the Arts.
2. Two non-voting members:
  - a. Director of Parks & Recreation or designee; and
  - b. One City Council liaison.

Voting members of the Selection Panel shall not include anyone with a professional or personal relationship with the considered artist, or a business interest in selling the art.

D. Artist Selection Criteria. Artists may be chosen using some or all of the following criteria:

1. Meeting the requirements of a request for proposals or request for qualifications;
2. Vision and concept of the artwork;
3. Warrant that the artwork is unique and an edition of one or part of a limited edition;
4. Ability for a successful likelihood of completion as proposed by the artist;
5. Qualifications as demonstrated by past work (e.g., public art);
6. A willingness to fully participate in a collaborative process; and
7. Representation of a broad distribution of commissions among artists.

The following artists will not be considered: members of the Public Arts Committee; members of the Selection Panel; employees of the city; and art students.

Section processes and procedures shall not discriminate against any person on the basis of race, color, national origin, disability, or age.

E. Public Artwork Selection Criteria. The Public Arts Committee shall select artwork using the following criteria, as applicable:

1. Esthetics
  - a. Contribute to the city's art collection as a whole;
  - b. Provide diversity in style, scale, media, form or intent;
  - c. May represent the local, regional, national or international communities;
  - d. May enhance the city's identity; and
  - e. Shall meet the context of the site (i.e., architectural, historical, geographical and socio-cultural).
2. Craftsmanship
  - a. High construction quality with structural and surface soundness;
  - b. Resistant to theft, vandalism, weathering and excessive maintenance or repair costs; and
  - c. Of no hazard to public health.
3. Other considerations
  - a. Artwork that is intentionally temporary;
  - b. Compliance with budget and timeline constraints;
  - c. Compliance with zoning, construction and design guidelines; and
  - d. Additional criteria as determined by the Public Arts Committee for the particular project at issue.

F. Site Selection Criteria

1. Public art shall be placed where:
  - a. The relationship and scale of the artwork is appropriate to the proposed site, surroundings, and collection as a whole;
  - b. It is immediately visible to the public;
  - c. Clearance is maintained from above- and below- ground utilities; and
  - d. It allows for easy passage to both drivers and pedestrians.
2. Public art shall not:
  - a. Obstruct the greater view, such as the ocean, windows, doors, or street signs or traffic;
  - b. Interfere with utility access points, benches, crosswalk ramps, sight of the curb, or unduly disrupt curb use activities, loading zones ingresses and egresses for transit buses or opening of car doors;
  - c. Be placed where it could cause distractions for drivers or pedestrians that might cause accidents or tripping (e.g., catching spike heels or causing water to pool); and
  - d. Have moving parts or edges that could cause injury.

G. Accepting Public Art Donations

Recommendations on accepting public art donations will be made by the Public Arts Committee. When deemed necessary, a Selection Panel will be assembled to assist with the decision. Meetings should be held with the donor to discuss the commissioning process. Documentation of existing artwork (or the actual artwork) will be necessary in order to evaluate the concept and placement.

Conceptualized artworks not yet materialized will be presented with schematic renderings and/or three-dimensional models (maquettes) and will undergo the same process of evaluation and discussion. Newly commissioned artworks will be subject to the same process of evaluation and discussions in order to become public art. The artwork concept will be evaluated to make a recommendation to accept or reject further processing. If the concept is acceptable, the potential usability of the artwork will be evaluated utilizing applicable criteria in this public arts policy.

H. Accepting Cash Donations. The city may accept monetary donations for the benefit of public art. The city will honor donor wishes in the expenditure of such donations.

I. Art Education. One of the duties of the Public Arts Committee shall be the education of the public to the public art in the community with the purpose of raising the public's awareness of its environment by expanding the public's knowledge, understanding and appreciation of the arts. A means of public education should include the creation of art education programs covering topics such as the City's art collection and other art-related subjects and events.

Upon selection of a topic or event, a curriculum will be developed or education planed in concert with community requests to include: timelines, resources (people and funding), key requirements (goals and objectives) for successful implementation and outcome, and alignment with the mission and values of the Public Arts Committee.

The Public Arts Committee may participate directly by recommending partnerships between the city and community partners to accomplish the educational goals. These partnerships may result in but not be limited to:

1. Walking tours of public art;
2. Driving tours of historical or artistic significance;
3. Brochures regarding public art and historical sites;
4. Events with the Parks and Recreation Department and the library's youth programs;
5. Artist's talks; and
6. Art dedications, openings or ceremonies.

The Public Arts Committee may also recommend outsourcing an education program through community providers, and working with the community to generate funds, if funding is required. After completion of each educational program, the Public Arts Committee will ensure the utilization of a proper evaluation process to measure the success of the program in relationship to the goals and objectives.



J. De-accession Criteria for Public Art. The term "de-accession" denotes the formal process used to permanently remove an object from the collection. Public Arts Committee recommendations on de-accessioning will be based on the following criteria:

1. Has the work physically or organically deteriorated;
2. Is the work damaged or stolen beyond hope of recovery;
3. The work cannot be properly exhibited or stored by the city;
4. The work endangers public safety;
5. The work's relationship to its site is no longer appropriate due to significant changes in the use, character or actual design of the site; and
6. The work will be replaced by a more significant work created by the same artist.

De-accession should only be considered after a careful and impartial evaluation to avoid the influence of fluctuations of taste, premature removal, or when exceptions may be made. When the particular artwork is deemed ready for removal, the city will comply with the Visual Artists Rights Act of 1990, 17 U.S.C. § 106A. The city shall also attempt to find a way for the work to be reused, and if not reusable, dispose of it appropriately or prepare it for resale.

If a work is considered for resale, the city shall consider the following:

1. Artwork should normally be sold through a bidding process;
2. Artwork should normally be appraised, and if the artwork is estimated to be worth more than \$10,000, more than one appraisal may be sought; and
3. The city will honor contract conditions with the artist, to the extent applicable.

Section 3. A Percent for Arts Program is created as set out in this Section.

A. Purpose and Creation of Percent for Arts Program. The City of Newport intends to promote the creation and inclusion of works of art in its public buildings and public spaces through the creation of a Percent for Arts Program. The Program is intended to provide cultural leadership to guide the evolution of a distinct and vibrant artistic character for civic public places and ensure a visual legacy. The Program will be a vital ingredient in the cultural fabric and streetscape of a creative city. The Program will become an integral component of the City's cultural plan.

There is hereby established a Percent for Arts Program. In addition, there is hereby created a special Public Arts Fund to be used to account for the monies dedicated to the Percent for Arts Program. The Public Arts Committee will make recommendations to the City Council on matters related to the Percent for Arts Program.

The Percent for Arts Program is intended to:

1. Increase the livability and artistic richness of the city by making art a permanent part of our environment and a legacy for future generations;
2. Provide opportunities for the public to increase their awareness, appreciation, knowledge and education of public art;
3. Develop a sense of place, community pride and identity through the creation of new works;
4. Integrate art and artists into a variety of public settings;
5. Create art that inspires people and is an expression of the time;
6. Enhance the attractiveness of the city, and promote cultural tourism; and
7. Provide opportunities for artists.

Private developers shall be encouraged by the city to voluntarily participate in the Percent for Arts Program. This Program creates no requirement on private developers.

- B. Covered Projects. The Percent for Arts Program requires one percent (1%) of eligible construction costs of capital improvement projects paid wholly or in part by the city to construct or remodel any public or city building, structure, park or any portion thereof to be allocated for public art.
- C. Excluded Projects. The following categories of projects are exempt from the Percent for Arts Program:

1. Street construction and repair, inclusive of right-of-way improvements, such as curbs, sidewalks, alleys, bicycle paths, walking paths, and related traffic control facilities and landscaping.
2. Maintenance projects.
3. Real estate purchases.

The exemptions do not preclude the city from proposing and including funding for art in a project. City departments are encouraged to include art in exempt projects.

- D. Calculation of Contribution. Eligible construction costs from which the percent for art is calculated shall be the city's contribution toward the price for the completion of the improvement project. The construction costs shall not include costs associated with design and engineering, administration, fees and permits, relocation of tenants, testing services, environmental remediation, contingencies, and indirect costs such as advertising and legal fees.


E. Use of Funds. Unless special circumstances dictate otherwise, no less than eighty percent (80%) of the one percent (1%) should be used for on-site artwork, with the remaining portion deposited in the Public Art Fund to fund additional art projects and provide maintenance for existing works. In cases where the eligible construction costs of a project is less than \$100,000, and with input from the Public Arts Committee, a particular piece of on-site art is not required and one hundred percent (100%) of the one percent (1%) may be deposited in the Public Art Fund.

**Section 4.** This Resolution shall take effect immediately on passage.

Adopted by the City Council on May 7, 2012.

  
\_\_\_\_\_  
Mark McConnell, Mayor

ATTEST:

  
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Margaret M. Hawker, City Recorder