

West Linn Arts & Culture Commission – Recommended Guidelines Draft

Last revised 11/27/20

West Linn City Code 2.230 states that:

The City Council shall adopt guidelines for administration of the Percent for Art program. Such guidelines will take into account the recommendations provided by the City of West Linn's Arts and Culture Commission (as established in Section 2.075) and may:

- (1) *Provide for an annual plan for public art based upon the CIP.*
- (2) *Provide for the appointment of representatives to third-party selection committees as necessary. Selection committees may include representatives of the participating department, project architects or engineers, artists, and/or other community members as appropriate.*
- (3) *Provide for a method or methods of selecting and contracting with artists for the design, execution and siting of public art.*
- (4) *Determine the dedication and disbursement process for the Public Art Trust Fund.*
- (5) *Clarify the responsibility for maintenance of public art, including any extraordinary operations or maintenance costs associated with public art, prior to selection.*
- (6) *Facilitate the preservation of art objects, ethnic and cultural arts and crafts, and artifacts.*
- (7) *Provide a process to de-accession art.*
- (8) *Set forth any other matter appropriate to the administration of this chapter.*

This draft seeks to address these guidelines.

Open items still to be addressed:

- (1) ~~Need to discuss with Lauren Breithaupt how best to account for annual strategic planning process/policies [to be included in Section 6.0]~~
 - ~~○ Assumption: budgetary guidance is a prerequisite for developing annual plan. How/when will the A&CC know what funds are available? Unclear how much is currently in (or due to) fund~~
 - ~~○ Should we consider our budget in a forward or backward looking way? I.e., will we have a sense of "we'll have \$xx dollars to work with in 2021" or more realistic to say "the City allocated \$xx in 2020, so that's our budget for 2021"?~~
 - ~~○ Is there a timeline that would work better within the City's existing FY? E.g., should we state that we'll provide an Arts budget recommendation every August/September/etc.?~~
- (2) Seek input/review from other arts and cultural groups operating in West Linn, including the West Linn Historical Society, Historic Main Street, the Confederated Tribes of Grand Ronde, others?
- (3) Seek input/review from local artists/arts groups representing marginalized communities

Commented [EB1]: This is a really good question, and definitely one that Lauren Breitbart should weigh in on. It seems like it would be easiest to use fund from projects the previous FY for arts in the current FY, but I don't know if the city is allowed to do that...?

Commented [CG2]: [NM] sounds like at this point we are budget planning in more of a backwards timeline (i.e. with the Main Street project - funds have already been spent). Especially now, with COVID complicating the budget, project budgets may change, and we may not know total expenditures until after a project is completed - and therefore how much \$\$ should be reserved for art for said project. Not sure if we will be able to do an entire fiscal year budget, or just go on a project-by-project basis...?

DRAFT POLICIES

These guidelines serve to inform the City of West Linn's administration of the Percent for Art program, as defined in Section 2.2 of the West Linn Municipal Code. Please refer to Section 2.2 for definitions of capitalized terms.

1.0 PURPOSE

1.1 Mission Statement

The West Linn Arts and Culture Commission (hereinafter referred to as the Commission) promotes arts and culture as a vital element in the quality of life for all residents of and visitors to the City. Its mission is to:

1. Advance the arts in a way that promotes communication, education, appreciation, and collaboration throughout the City of West Linn
2. Preserve, celebrate, and share the arts and culture of the many diverse groups, peoples, and history of the area
3. Create partnerships with business and government
4. Increase understanding between all people through many aspects of art and culture, including, but not limited to, visual arts, music, dance, language, theater arts, and all cultural attributes
5. Advise the City Council on matters and issues relevant to arts and culture

1.2 Goals

The Commission is committed to advancing equity and diversity and strives to foster an atmosphere of inclusivity, creativity, and respect so all feel inspired to participate and express themselves and their identities. The Commission believes the variety of cultures in the region enriches all citizens lives. The Commission seeks to create space for dialogue that includes and connects all members of the West Linn community. The Commission's goals are to:

1. Increase access to the arts for all members of our community, regardless of age, income, ability, background, or prior experience with the arts, through affordable, inclusive, and diverse displays, events, and performances
2. Advocate for and partner with artists, arts organizations, and cultural heritage groups by providing opportunities to showcase and educate others about their work
3. Preserve and promote our heritage by hosting events that celebrate the intersection of the arts and culture, including opportunities for people with diverse backgrounds to share their heritage
4. Empower our community to experience art, value art spaces, appreciate diversity, and participate in the creative process

1.3 Key Responsibilities

The Commission will implement its mission and goals through activities such as:

1. Providing recommendations regarding specific art and cultural heritage projects to the City Council for approval.
2. Supporting City Council with developing the city art collection by making recommendations on the acquisition of artwork through various means, including donations and commissions.
3. Contributing to the catalog of the city art collection.
4. Assisting other city commissions, agencies, and departments in using public art to enhance and enrich the lives of all visitors and residents.
5. Recommending other potential funding procedures for ongoing and temporary programs from various sources.
6. Identifying and providing educational and awareness opportunities associated with arts and cultural events, and helping facilitate their implementation.
7. Providing connections with other local, regional, and national organizations working for the benefit and preservation of artistic and cultural values.
8. Identifying and establishing communications with groups and organizations that enrich West Linn life by bringing cultural and artistic values and artifacts to the city.

2.0 ACQUISITION OF ARTWORK

2.1 Art Selection Criteria

The following sections define criteria, both mandatory and desired, to be considered during the accession process. These criteria apply regardless of accession method, including but not limited to purchase, loan, donation, or other means.

1. Required Conditions

All pieces of Public Art selected for inclusion in the collection of the City of West Linn must meet all of the following criteria.

- A. **Clear Title.** The artwork must be able to be transferred to the City of West Linn 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. In agreement with the artist/donor, the City shall receive the right to make reproductions of the artwork.
- B. **Restrictions.** Artwork accessioned by the City of West Linn 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.** The City of West Linn reserves the right to not select artwork that does not reflect the values of the community.
- D. **Original Works and Authentication.** Unless otherwise approved by the City Council, only original works of art (unique work or one of a limited edition) shall be accessioned for

Commented [CG3]: [LB] How/where to best account for projects that don't involve acquisition of physical artifact? (Performances, other events, etc.)

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Commented [EB4]: Should there also be an option for loaned art?

the collection. 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, Safety and Maintenance.** The City of West Linn can only accept artwork that the Commission and City Council believe can, within the financial confines of the foreseeable future, be adequately and safely displayed, maintained and reasonably secured. Factors affecting these considerations may include materials, construction, durability (long and short term, depending on the intended life of the piece), maintenance, repair costs, potential for theft or vandalism, public access, and safety. All pieces must be reviewed by the City and deemed appropriate prior to accession.
- F. **Feasibility.** Artwork must be deemed feasible to successfully complete as proposed, based on the artist's experience, durability of materials, project budget, timeline, and city zoning, construction, and design guidelines.

2. Desired Attributes

The criteria listed below describe the desired attributes of all art in the collection.

- A. **Artistic Quality.** Art selected for the collection should represent the skill and competence of the originator, as evidenced through strength of the concept, vision, and craftsmanship of the artwork.
- B. **Diversity.** Art selected for the collection should represent a variety of media, styles, and techniques, ranging from experimental to established art forms, including disciplines and media that are temporary and survive only through documentation after the life of the piece has ended. The collection of the City of West Linn should strive to represent works from a wide range of artists of varied cultures, backgrounds, experience, and public status.
- C. **Value.** The price of any proposed piece of art should represent a responsible investment for the City collection.
- D. **Appropriateness for site.** Art pieces will be selected as part of a process that takes into account the final display site for the piece. This will be based on how well the piece fits an intended space, the use patterns of the area, and the architectural, historical, geographical, and socio-cultural context of the site.

2.2 Process for Acquiring Artwork

- 1. The Commission shall oversee the development of goals and processes for the selection, location, and placement of Public Art. In initiating any public art project, the Commission shall prepare a Public Art Project Proposal, which will be submitted to City Council for approval and include:
 - A. An overview of the project

Commented [CG5]: CG to add art def at top from city code

- B. The proposed project budget, including purchase of services and/or artwork and installation costs
- C. The proposed site for the final location of art or the project where an artist may be included on the design team. If the Commission 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 public agency, that agency must be consulted early in the selection process.
- D. The recommended accession method, including any relevant processes and timelines for receiving and processing entries. The Commission may use one of five methods: open competition, artist invitation, direct purchase, loan, or donation (as outlined in Section 5.0).
- E. The recommended selection panel members. Each panel serves through the completion of one public art project. For complex projects, a selection panel may appoint a sub-committee to make recommendations to the full panel. Panels may be composed of artists, arts professionals, the project's building and/or landscape architect or engineer, a representative of the participating department, and citizens, preferably from the neighborhood affected by the project. Depending on the project, the Commission may serve on or as the selection panel.

- 2. Once City Council has approved the Public Art Project Proposal, the Commission will appoint the selection panel, providing all panelists with an overview of the project and their role within it. All panelists must be appointed prior to commencing the review of any artists or artist proposals. The Commission will coordinate the selection panel's efforts, ensuring panelists have the necessary resources to provide an informed recommendation free from undue influence.
- 3. Once the selection panel is in place, the Commission will initiate the accession process outlined in the proposal, including the issuance of any relevant calls for artists (e.g., in the case of projects where the art will be accessioned via open competition or artist invitation).
- 4. Per the accession process details in the Public Art Project Proposal, the selection panel will submit its recommendations to the Commission. The Commission approves all selections by a majority vote or consensus and submits them to the City Council for final purchase approval. In some cases, the Commission may select a final recommendation from a pool of semi-finalists provided by the selection panel.
- 5. The Commission reserves the option to make no selection from submitted applications and to reopen the competition or propose other methods of selection if no proposal is accepted.

2.4 Artist Selection Criteria

Artists will be selected on the basis of their qualifications as demonstrated by a portfolio, appropriateness of the proposal to the project, the proposed project's probability of successful completion as determined by the Commission, and the artist's ability to meet the City's art selection

Commented [CG6]: [NM] Process for Acquiring Artwork - I think this all looks great! For selection panel, we will need to think about how to get the word out to citizens who might want to participate. And how should we handle selecting panelists? What if more are interested than the panel needs?

Commented [EB7]: As, or on, the selection panel.

criteria as set forth above. Additional criteria for selecting artists for design teams may include a proven ability to collaborate effectively, strong communication skills, and a willingness to learn.

2.5 Artist Contracts

The City shall enter into a contractual agreement any time an artist is hired to perform services for the City, including participating on a design team, creating a work of art, or selling their work. 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 a public liability and property damage insurance policy as well as worker's compensation insurance in the amount specified by the City. 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.
[to be reviewed with city staff as well as a working artists to ensure this doesn't create a financial barrier for anyone]
3. Submit the following items before final payment is authorized:
 - A. A completed catalog form that describes the work of art (material, size, weight, artist biography, address, and contact information).
 - B. Two distinct color digital photographs of the completed work of art.
 - C. Detailed instructions for cleaning and maintaining the artwork as necessary, such as the frequency of cleaning, method and materials used, and any other recommendations for maintaining artwork.
 - D. Detailed description of all materials and processes used to fabricate art. The City may, at its discretion, also require the artist to provide names and contact information of material suppliers, fabricators, and installers involved in the process of creating artwork.

2.6 Conflicts of Interest

1. An artist serving on the Commission may not be considered for any public art projects over which the Commission has approval authority during the artist's tenure.
2. No member of a project architect's firm or design team may apply for a Percent for Art project being designed by that firm.
3. No artist sitting on a selection panel may submit for the project for which the panel was formed.
4. All selection panel members are required to disclose any direct or indirect financial or non-financial conflicts of interest. Disclosure should occur in a timely manner upon the discovery of the conflict of interest, and prior to the panelist's participation in any discussions related to the artist selection process. Following the disclosure of the conflict of interest, the panelist must

Commented [EB8]: I like this as a concept, but again feels potentially limiting. What if an artist is simply sending a piece from across the country. There's no need in that case to meet these markers. Also, I keep thinking of young, like high school age, artists and I worry they wouldn't be able to "prove" they can do these things.

Commented [EB9]: I think we should definitely review this with the city. Also, this seems largely dependent on the type of art. Would someone submitting a painting to hang in the library need to carry this insurance? As you said, seems like it could be a barrier for many.

Commented [CG10]: [NM] I agree, we should think about a way to make this more equitable...? And/or, I like your idea about consulting an established artist or muralist about this. Should we reach out to Katy McFadden and ask her to review that component? Is this standard practice, or do cities sometimes provide the insurance if the artist is unable to?

Commented [EB11]: This seems reasonable for established artists, or people who routinely submit for art installations. But I have some concern about this being too strict and therefore (again) limiting people who are providing art. Maybe this could be more specifically covered (as needed) in individual proposals?

refrain from voting on the artist in question. The panelist may also choose to refrain from discussion (although both discussion and voting is permissible under Oregon statutes).

3.0 MAINTENANCE OF THE PUBLIC ART COLLECTION

3.1 Cataloging the Collection

The Commission shall maintain a listing of all holdings in the City of West Linn Public Art Collection, including all pertinent information such as title, artist, medium, accession date, placement, purchase value, and other information. In addition, the Commission shall, where appropriate, create catalogs describing the collection and make them available to the public.

3.2 Periodic Review of Collection

The Commission shall annually review all holdings in the art collection. During this review, the commission 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, when determined necessary, can include coordinating an appraisal of each piece for insurance coverage and the City's fixed asset inventory. In addition, the Commission shall update the current listing of all holdings in the art collection catalog that is available to the public.

3.3 Maintenance of Collection

The Commission, in consultation with the affiliated City department(s), may make recommendations for and may solicit bids to perform repairs, cleaning, labeling, or other efforts that may be necessary to maintain the public art collection. Should repairs and/or maintenance to outdoor sculptures be necessary, the Commission shall notify the appropriate department of those needs.

3.4 Maintenance Instructions

When the City purchases a new work of art, the artist shall include a maintenance plan and instructions to be kept on file by the Commission. These instructions shall outline cleaning methods and materials for the artwork, as well as a timeline and plan for regular maintenance of the work.

3.5 Placement of Works of Art

1. 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. City staff will work with the Commission to determine appropriate relocation of the work of art. A reasonable effort shall be made to notify the artist in advance of the move. The City may consider resiting a site-specific artwork for one or more of the following reasons:
 - A. The condition or security of the artwork can no longer be reasonably guaranteed at its current site.
 - B. The artwork has become a danger to public safety in its current site.
 - C. The site has changed so that the artwork is no longer compatible as placed.

2. Temporary works of art commissioned will be documented with appropriate media either by the artist(s) or by the Commission.

4.0 REMOVAL OF WORKS OF ART

4.1 Criteria for Removal of Artwork

The Commission may consider the removal of artwork for one or more of the following reasons:

1. The work is not, or is only rarely, on display due to the lack of a suitable site.
2. The work is in an isolated location that does not allow for public viewing or allow appropriate access.
3. The condition or security of the artwork cannot be reasonably guaranteed.
4. The artwork has been damaged or has deteriorated and repair is impractical or unfeasible.
5. The artwork endangers public safety.
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.

4.2 Disposition of Artwork

The Commission shall recommend to the City Council that the artwork be removed from the collection and the proposed disposition of the artwork. The disposition may include:

1. Sale or Trade
 - A. Artist, artist's family, or artist's estate will be given first option to purchase or trade artwork.
 - B. Sale or trade (including auction, gallery resale, or direct bidding) in a manner approved by the City Council.
 - C. Trade may be through artist, gallery, museum, or other institutions for one or more artworks(s) of comparable value.
 - D. No works of art shall be sold or traded to Public Officials or City staff except through a public sale process.
 - E. Proceeds from the sale of artwork shall be designated for use by the Commission in acquiring additional artwork, and placed in the Public Art Trust Fund.

Commented [EB12]: I would also consider including the potential that it was pre-determined a piece would only be on display for a set amount of time.

2. Destruction of work that is deteriorated or damaged beyond repair and deemed to be of negligible value.
3. Donation of the work to a non-profit organization or otherwise disposed of as the City Council deems appropriate.

5.0 PUBLIC ART DONATIONS AND MEMORIALS POLICY

In addition to City financial support, the public art collection may grow through the generous gifts of private citizens and corporations. A consistent and fair process for considering public art donations and memorials shall be followed. The art selection criteria outlined in Section 2.1 will be applied when considering public art donations.

Donated memorials and permanent pieces, whether located on the interior or exterior of a City-owned building, will be recommended by the Commission to City Council.

Anyone wishing to sponsor a donation of artwork to the City should contact the Commission to discuss the review and acceptance process for donated artworks.

5.1 Acceptance and Acquisition Procedures

The City will consider gifts of art for placement at a public site with the understanding that minimal civic funds will be required for production, siting and installation of the work. Detailed information shall be included on the maintenance requirements for the art. Donors may be required to deposit funds to the City for upkeep of the artwork.

5.2 Donation Request Process

A sponsor wishing to donate a work of art (as defined above) must complete the following requirements:

1. The sponsor will submit a written proposal to the Commission, which is responsible for reviewing proposals and reporting its recommendations to City Council. The proposal should include:
 - A. A brief statement of purpose from the artist
 - B. Drawings, photographs, and/or models of the proposed work with scale and materials included
 - C. Artist resume and any additional supporting material
 - D. Detail of projected required annual maintenance
 - E. Estimated value of the work of art for insurance purposes
 - F. Timeline for the donation
 - G. Any special stipulations or requests that the donor wishes to include as part of the donation criteria.

2. Once the proposal is submitted, the Commission will review it to determine if the proposed work of art meets the selection criteria set by the Commission and the current goals and objectives for the City's public arts program.
3. If additional information or clarification is needed, the Commission will contact the sponsor and request the needed details. The additional information will be due within two (2) weeks of the request, unless additional time is requested by the sponsor.
4. If the proposal is approved by the Commission, it will be forwarded to the affiliated department(s), who will work with all appropriate City departments to address issues of public safety, installation, maintenance, and finance.
5. The proposal will be taken to the City Council for final acceptance of the donation.
6. Upon acceptance of the proposal, the sponsor and the City will sign a letter of agreement which acknowledges the guidelines in writing, including the recommendations regarding:
 - A. Site selection and design
 - B. Detailed maintenance requirements
 - C. Completion calendar
 - D. Insurance requirements
 - E. Budget, including maintenance reserve
 - F. Expected life of the work (how long the piece will be displayed)
 - G. If a temporary work of art, anticipated removal procedures will be addressed

6.0 ANNUAL STRATEGIC ARTS PLAN

Each fall, the Commission will prepare a proposal for the following year's strategic arts plan. This proposal will take into account:

1. Funds currently available per the Percent for Art program, including prior FY liabilities
2. Potential partnership opportunities with key departments within the City (such as Parks, Library, and Transportation) for the coming year based on identified upcoming projects

Upon its completion, this proposal will be presented to City Council for approval.

7.0 COMMITMENT TO EQUITY AND INCLUSION

Throughout this document, the Commission has attempted to define fair and equitable processes for developing, growing and maintaining a public art collection representative of the values and heritage of the region. The Commission is committed to listening and learning from the West Linn community and welcomes any input on how to continually improve its processes to further its mission and goals.