

ARTS COMMISSION  
CITY OF ABERDEEN

March 23, 2010

Public comment on the following proposed procedure guidelines will be considered by the Aberdeen Arts Commission at regular meetings to be held on April 13, 2010, and May 11, 2010, at the Grand Heron, 114 East Heron Street, Aberdeen, WA. The vote for adoption will be held at the May 11, 2010 meeting. All meetings begin at noon.

Note: If adopted, this policy will be used by the Arts Commission as a guideline for conducting commission business for the activities described. For any specific activity, the resulting decision made by the Arts Commission is advisory only, and the ultimate authority for the activity remains with the City Council.

Written comment may be delivered to Aberdeen Arts Commission, c/o Eric Nelson, Corporate Counsel, City Hall, Aberdeen, WA 98520.

Draft for public comment

**The following Draft procedure guidelines are attached:**

**I. DONATIONS POLICY**

**II. PUBLIC ART SELECTION PROCEDURE**

**III. RE-SITING AND DEACCESSIONING POLICY**

**I. DONATIONS POLICY**  
**- (Draft for public comment)**

Through the years, generous people have made gifts of artworks to the City of Aberdeen, thereby enriching Aberdeen's public spaces and fostering civic pride among its citizens.

Recommendations for the care of these historic gifts falls to the Commission. As the curator of the City's Public Art Collection, the Commission is also responsible for considering all future public art gifts to the city.

Recommendations to accept or decline art donations is made by the Commission, based upon the same selection criteria it uses for acquiring works for the Public Art Collection (see Public Art Selection Procedure). The Arts Commission recommendation is made to the Aberdeen City Council, which makes decisions to accept or decline donations.

Anyone wanting to donate public art must use the following process.

**Existing Work of Art**

The process for donating existing artworks:

1. Donor contacts Public Works Director for a meeting to discuss the potential gift and provides photos or the work itself.
2. Staff either declines to further the gift or presents the gift to the Commission. If submitted in photo form, the Commission either declines the gift or asks to see it first-hand.
3. Recommendation for siting donated artworks is decided by the Commission, and submitted to the City Council for approval.
4. Commission accepts or declines the gift. If accepted, the donor is acknowledged (if requested) in plaques and promotional materials – also to be donated unless the Commission finds otherwise. Funds for the work's maintenance (as needed and agreed upon by the donor and the Commission) are deposited by the donor in the Public Art Trust Fund.

**Commissioned Works of Art**

The process for donating newly commissioned works of art:

1. Donor contacts Public Art Director for a meeting to discuss the idea for the commission and the process for commissioning.
2. Staff either declines the offer or presents the concept to the Commission, which rejects or accepts the idea. The Commission will also approve the process presented by the potential donor for selecting the artist.
3. The donor presents the selected artist and design for the commission to the Commission, which approves, provides suggestions for improvement, or rejects the artist's proposal.

4. When the design is finalized and approved, the donor also presents a maintenance plan and deposits funds (as needed and agreed) for the work's future care in the Public Art Trust Fund
5. Commission acknowledges the donor in a plaque (if requested) and in promotional materials. Any plaque or recognition cost shall also be donated unless the Commission finds otherwise.

## **II. PUBLIC ART SELECTION PROCEDURE**

### **- (Draft for public comment)**

The purpose of the City of Aberdeen Arts Commission is to introduce a wide range of high quality public art into the community, enhancing the civic environment and enriching the lives of residents and visitors.

The mission of the Commission is to provide a consistent method for selecting, funding, procuring and maintaining works of public art.

The Public Art Selection Procedure is in keeping with the purpose and mission.

### **Commission Responsibilities**

1. Participate in briefings on all new public art projects.
2. Appoint selection panels for these projects, with staff input.
3. Approve semi-finalists, finalists and their artworks.
4. Serve as Selection Panel when a specific panel is not called for (see Selection Panels below).
5. Review and accept / reject gifts to the public art collection (see Donations Policy).
6. Consider re-siting and deaccessioning of works from the Public Art collection (see Re-Siting and Deaccessioning Policy).
7. Recommend finalist(s) to City Council for final approval

### **Conflict Of Interest**

1. No artist sitting on the Aberdeen Arts Commission may compete, during his/her tenure, for public art commissions/purchases over which the Commission has approval authority or administrative responsibility.
2. No Commission staff member or member of his/her household may submit for public art projects for which the Commission has approval authority or administrative responsibility.
3. No member of the project architect's or landscape architect's firm may apply for a public art project being designed by that firm.
4. No artist sitting on a selection panel may compete for the commission/purchase for which the panel was formed.
5. Commission members must declare a conflict of interest if a project comes before the panel with which he/she is involved. Commission 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 committee.
6. Any Selection Panel member who is an artist representative or person sharing a household with an artist must declare conflict of interest in the event that an artist that he/she represents or shares a household with is being considered for a commission/purchase. The Selection Panel member must withdraw from discussion of that artist and shall not vote.

## **Selection Panels**

The Commission will appoint Selection Panel members from a reference list continuously updated by public art staff and the Commission, taking into account the needs of each individual project and the panel membership formula listed below.

### **Responsibilities/Procedures:**

1. Become familiar with individual public art project
2. Frame artist opportunity(ies)
3. Establish mode of selection:
  - a. Open call – all artists allowed to submit qualifications
  - b. Limited invitational – few artist(s) invited to submit qualifications
  - c. Invitational – a larger number of artists invited to submit
  - d. Direct purchase – from artist or gallery
  - e. Roster – selected from list of pre-qualified artists
4. Review all artist submitted materials
5. Recommend semi-finalists to Commission
6. Participate in dedication ceremonies

### **Membership:** (minimum recommendation)

1. At least three arts professionals, two of whom are artists
2. The project's designer (architect, landscape architect or engineer)
3. A representative of the project sponsor: City department or public/private organization
4. A citizen with particular interest in the project
5. At least one member of the Commission
6. Public Art Program staff (ex-officio)

### **Term**

1. Each panel serves for the duration of the specific project or multi-year program.
2. Each panelist has one vote.

## **Selection Criteria**

Criteria to be used by the Aberdeen Arts Commission and Selection Panels when considering acquisition of artwork by purchase, commission or donation shall include:

1. Artistic merit: concept, design, craftsmanship
2. Context: architectural, historic, geographic, cultural
3. Compliance with definition of public artwork – for both permanent and temporary artworks

4. Maintainability: structural and surface soundness, durability and resistance to vandalism, weathering, excessive maintenance/repair costs
5. Diversity: artworks from artists of diverse cultural, geographic, racial, sexual identities, and gender; of varied scale and media; exploratory and well established art forms
6. Public safety
7. Accessibility
8. Consistency with Request For Proposals for commissioned work
9. Feasibility: artist's ability to complete the work on time and within the budget
10. Originality: edition of one or part of a limited edition
11. Artist's proven ability to collaborate with design professionals (for design team opportunities)

### **III. RE-SITING AND DEACCESSIONING POLICY**

#### **(Draft for public comment)**

While the intent of acquiring public artworks is for long-term display, circumstances may arise that dictate that the Aberdeen Arts Commission re-site or deaccession a public artwork. This policy is designed to create a process to ensure that re-siting of a site-specific artwork and deaccessioning occurs infrequently, thoughtfully, and without influence by fluctuations of taste.

#### **Resiting Site-Specific Works of Art**

A site-specific work refers to an artwork commissioned and created for a particular place. The Commission is charged with reviewing potential re-siting situations and may consider moving a public artwork for one or more of the following reasons:

1. The site is being eliminated.
2. The site is being changed so that the artwork is no longer compatible with its setting.
3. The Commission agrees the present site should be reviewed as to whether it is the most appropriate for the artwork.
4. The condition and/or security of the artwork cannot be reasonably guaranteed at its current site.
5. The artwork has become a danger to public safety.

If the Commission decides that one or more of these conditions exist, it will proceed as follows:

1. Public Works staff makes a good faith effort to discuss re-siting with the artist.
2. If the artist agrees with the new location, staff refers the recommendation to the Commission for approval. The piece is reinstalled.
3. If the artist does not agree, he/she has the right to prevent the use of his/her name as the author of the artwork, as stipulated in the Visual Arts Rights Act (see RCW or Federal Law.)
4. If the Commission does not approve an alternate site, the artwork may be deaccessioned.

#### **Deaccessioning Works of Art**

Deaccessioning is a procedure for removal of an artwork from the public art collection. This applies to all works in City of Aberdeen's collection, including those purchased by the City and donations. In the latter case, staff will consult legal documents relating to the donation before beginning the process. Removing either a purchased or donated artwork from the City of Aberdeen public art collection will be considered only after careful and impartial evaluation of the work within the context of the community's public art collection as a whole.

The Commission will use the following criteria in determining when deaccessioning is warranted:

1. A new site for a site-specific work cannot be found.
2. The artwork has been damaged or has deteriorated beyond reasonable repair.
3. The condition and/or security of the artwork cannot be reasonably guaranteed.
4. The artwork endangers public safety.
5. The artwork requires excessive maintenance or has faults in design or workmanship.

If the Commission decides that one or more of these circumstances exist, it proceeds as follows:

1. If the structural integrity or condition of an artwork is compromised, the Public Works Director may authorize its immediate removal, without the Commission's action or artist's consent. The Public Art Director will declare a state of emergency and have the work placed in temporary storage. The artist and the Commission must be notified of this action within 30 days. The Commission will recommend either repair and reinstallation or deaccessioning.
2. Staff makes a good faith effort to notify the artist that his/her work is being considered for deaccessioning.
3. Commission reviews conditions as reported by staff and any special advisors, such as conservators and technicians, and votes to deaccession the work.
4. Commission considers and acts upon one of the following:
  - a. Gift, trade or re-purchase by artist.
  - b. Sale through auction, gallery or direct bidding in compliance with laws governing surplus property. Proceeds go to Public Art Trust Fund for the Commission to apply to other projects.
  - c. Trade through gallery or other institution for comparable work by the same artist.
  - d. In the case of damage beyond repair, offer of materials back to artist.