

City of Burleson
Public Art Policy
EFFECTIVE []

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Introduction

To establish a strong *Public Art Program*, the City of Burleson will adopt the following policies, which includes the following sections: Roles & Responsibilities; Collection Management; Program Update; Use of Funds; Public Art Acquisition; [Option A or B for murals].

Definitions

For these policies, the following terms, phrases, words, and their derivation shall have the meaning given herein:

Accession, when used herein, shall mean a procedure for the acceptance of artwork into the Public Art Collection.

City of Burleson Mural Program, when used herein, shall mean a program facilitated by staff of the City of Burleson to support the production of privately-commissioned murals to be installed on privately-owned property.

Artist, when used herein, shall mean an individual generally recognized by critics and peers as a professional practitioner of the visual, performing, or literary arts, as judged by the quality of that professional practitioner's body of work, educational background, experience, public performances, past public commissions, sale of works, exhibition record, publications, and/or production of artwork. The members of the architectural, engineering, design or landscaping firms retained for the design and construction of a development project covered by these policies shall not be considered artists for the purposes of these policies.

City, when used herein, shall mean the City of Burleson, Texas.

Creative amenity, when used herein, shall mean non-standardized enhancements made to public space.

Deaccession, when used herein, shall mean a procedure for the withdrawal of artwork from the permanent collection and the determination of its future disposition.

Historic or civic objects, when used herein, shall mean an object that is historically or civically significant.

Life Spans

- **Temporary:** 0-2 years
- **Short term:** 2-10 years
- **Medium term** 10-25 years
- **Long term** 25+ years

Mural, when used herein, means a large-scale artwork, painting, or mosaic, applied to or mounted directly to an exterior surface of a building, construction fence or other structure and that is visible from the public right-of-way. Its primary intent is to be artistic in nature, rather than purely information, creative signage and commercial signage.

Public Art Collection or Collection, when used herein, shall mean art objects owned by the City of Burleson, Texas, its agencies and authorities. Permanent Public Art must be located in a public place with public visibility, accessibility, and impact and shall have a permanence comparable to associated capital projects.

Public Art Coordinator, when used herein, shall mean the Public Art Program Coordinator as determined by the City of Burleson.

Public Art Program, when used herein, shall mean the Public Art Program of the City of Burleson, Texas. The Public Art Program intends to promote private and public programs to further the development and public awareness of, and interest in, the visual arts and fine crafts and encourage the integration of art into the architecture of municipal structures and commercial development projects in the City.

Committee, when used herein, shall mean a COMMITTEE of the Advisory Committee advising on matters pertaining to the City of Burleson's Public Art Collection when the City is funding the creation or acquisition of new artwork in public spaces. The COMMITTEE is committed to promoting awareness, access, and appreciation of public art for the City of Burleson. The COMMITTEE also provides recommendations for public art placement in the City of Burleson and facilitates administrative duties required for the Public Art Program.

Public art, when used herein, shall mean any of the following: sculpture, statues or monuments in any material or combination of materials; painting; murals; graphic arts including printmaking and drawing; photography; crafts in clay, fiber and textiles, wood, metal, plastics, glass and other materials; mixed-media, any combination of forms or media, including collage; functional art such as street furniture, as defined by the City of Burleson Public Art Program; environmental art consisting of landforms and artistic landscape composition.

The term "Public Art" does not include reproductions by mechanical or other means of original works of art, except for limited editions, controlled by the artist, of original prints, cast sculptures, photographs or other works of art; decorative, ornamental, or functional elements which are designed by the building architect or consultants engaged by the architect which are a traditional and typical element of architectural design; elements generally considered to be conventional components of a landscape architectural design including, but not limited to, plant materials, pools, paths, benches, receptacles, fixtures and planters except street furniture as defined by the City of Burleson Public Art Program and environmental art consisting of landforms and artistic landscape composition; "Art objects" which are mass produced or of a standard design, such as playground sculpture or fountains, except pieces of historical significance to the city; directional or other functional elements, such as supergraphics, signage, color coding and maps, except where sculptural pieces are used to define gateways in the city; electrical, water or mechanical service for activation of the work; exhibitions and educational programs related to the work; performing arts; and art that displays slogans, logos, mascots or commercial advertising.

Public Art Public Art Policy or Public Art Policy, when used herein, shall mean the policies recommended by the City Manager and approved by the City Council for the administration of the Public Art Plan. The Public Art Public Art Policy and any amendments thereto shall take effect forty-five (45) days after approval by the City Council.

Public Art Plan or Plan when used herein shall mean the Public Art Plan of the City of Burleson, Texas that pertains to public art and culture, as it exists or may be amended. The Plan shall provide a process for the systematic selection and acquisition of pieces of artwork and locations of art to be included in public spaces.

Public space, when used herein, shall mean any area or property (public or private) which is accessible or visible to the general public a minimum of 8 hours per business day.

Publicly-owned land, when used herein, shall mean any land open to the public and managed by the City of Burleson, Texas.

Public Art Program Workplan, when used herein, shall mean a document that outlines projects that are in-progress and will be initiated in coming fiscal years.

Relocation, when used herein, shall mean a procedure for the movement of an artwork from one location to another.

Roles and Responsibilities

The City of Burleson Parks and Recreation Office shall administer the Public Art Program in partnership with other departments. Day-to-day responsibility for the program will ultimately reside with the Public Art Coordinator, and are outlined below in the Public Art Public Art Policy. The Public Art Coordinator may be a City staff member or an outside consultant and have an oversight role for all of the public art projects executed within the city. The Public Art Coordinator will collaborate with City staff or outside contractors to execute projects.

City of Burleson City Council

The City of Burleson City Council has adopted **Ord. []**, establishing the City of Burleson Public Art Program. As the community's elected officials, the Mayor and Council members are ultimately responsible for the outcomes of the Public Art Program.

Public Spaces and Cultural Heritage Committee

The Burleson Public Spaces and Cultural Heritage Committee is an ADVISORY committee. Advising on matters pertaining to the City of Burleson's Public Art Collection when the City is funding the creation or acquisition of new artwork in public space, as defined above.

The committee consists of nine (9) members.

The Public Spaces and Cultural Heritage Committee has the following responsibilities in regards to the execution of the Public Art Policy:

1. Act principally in an advisory capacity to Burleson staff in any matter pertaining to public art.
2. Advise and make recommendations to city staff pertaining to, among other things, artist selection juries and process; commission and placement of artworks; and maintenance and removal of artworks.

Any member serving on the Committee is ineligible for a public art project by the City of Burleson during their membership and for an entire year following.

Public Art Program Coordinator

The City Manager will determine appropriate staffing structure to oversee citywide public art activities and manage the Public Art Program. Additional staff resources or outside consultants may be required to assist in implementing projects, particularly those of a larger scale. Responsibilities include:

1. Work with various departments to develop potential projects for inclusion in the Program Update.
2. Coordination with other city planning efforts.
3. Present a public art update as part of the City's regular budget process to the City Council.
4. Coordinate and manage the Advisory Committee and its meetings
5. Coordinate with Advisory Committee to ascertain advice on any matter pertaining to public art, including:
 - a. preparing and presenting the public art update to the Advisory Committee, and City Council;
 - b. artist selection juries and process;
 - c. purchase of artworks;
 - d. commission and placement of artworks; and
 - e. public art programming;
6. Coordinate the hiring of an outside consultant or agency to administer public art projects as needed.
7. Ensure various city offices are following the City's Public Art Public Art Policy.

City Staff

City staff members, particularly parks and recreation, development services, economic development and capital engineering, should look for opportunities to include public art in capital improvement projects (CIP) throughout the city, particularly in locations identified as priorities in this plan. Overall public art responsibilities include:

1. Explore opportunities to include public art in existing CIP projects.
2. Coordinate with the Manager for inclusion of projects within the Program Update and report.

Collection Management

The City of Burleson acquires artworks by commission and donation. Processes for these acquisitions are dictated by the *Public Art Ordinance* and the Acquisition and Donation sections found in this section. Artwork acquired through these processes are considered to have been accessioned into the City's Public Art Collection. They must be cared for in accordance with the policies and Procedure for Maintenance and the Collection Management policies. Artwork in the City's possession that were acquired outside of or before these policies may not be accessioned pieces of the Public Art Collection and thus may not be subject to the Collection Management policies. These policies only apply to artworks formally accessioned into the City of Burleson Public Art Collection, in accordance with the processes set forth in this document. The Collection Management policies are intended to maintain the value of the City's Public Art Collection and guard against the arbitrary disposal of any of its pieces.

Objectives

- Maintain a Collection management program that results in a high-quality, city-owned Collection;
- Eliminate artwork that is unsafe, not repairable, or no longer meets the needs of the City of Burleson;
- Respect the creative rights of artists; and
- Support an efficient workload for staff.

Donations

Requests to donate artwork to the City may be considered on a case-by-case basis, where the City has established in advance, and publicized, a need, project, or location in which an art donation may be included. Requests for consideration shall be made to the Public Art Coordinator. The City has no obligation to accept a proposed Donation.

Donation Requirements

The City will consider donations on the following basis:

- The donation contributes to and enhances the City's Collection;
- The donation meets a high standard of quality and is appropriate and meaningful to the community;
- The donation follows required City procedures, including the submission of a Donation Proposal and a Maintenance Plan. Donation Proposal requirements are included in these policies. The requirements for the Maintenance Plan can be found in Procedure for Maintenance policies below;
- The donation proposal includes a plan to fund and deliver ongoing operations and maintenance – or the resolution accepting the public art must identify how maintenance will be funded; and
- The donation proposal is reviewed and endorsed by the Advisory Committee and approved by the City of Burleson.

The City will not accept a donation of artwork until all funds for development, fabrication, siting, and installation have been secured. The City will consider the following types of donation proposals for artworks for City-owned property:

- An already completed artwork; or
- A commissioned artwork by a specific artist or artists to be created especially for City-owned property.

Donation Proposal Procedures and Review Process

Formal requests to donate artwork to the City of Burleson are made to the Public Art Coordinator.

1. The donor shall complete an Art Donation Agreement Application (donor form) and submit the form to the Public Art Coordinator.
2. Following a positive initial review by a City employee designated by the City Manager, the City will contact the Advisory Committee, which will evaluate the donation request to determine the appropriateness of the donation as measured by approval criteria and provide a written recommendation to the City Council.
3. The City will then determine whether the donation is in the City's best interest and is consistent with the City's goals and applicable City laws, policies, Ordinances, and Resolutions.
4. The City will notify the donor in writing, identifying final conditions if approval is granted.

Ownership

Once the City accepts a gift, the City shall be the sole owner of the donated item and will have the right, in its sole and absolute discretion, to deaccession any donated item without providing notice to or obtaining the donor's consent.

Criteria for Evaluation

Elements will include, but will not be limited to, the following:

1. **City-owned Property** – Donated public art must be suitable for public display on City-owned or City-managed property;
2. **Relevance and Site Context** – Works of art must be appropriate for the proposed location and its surroundings and/or complement the architecture, topography, history, and social dynamic of the location in which it is placed. Proposed public art should also align with the goals of the Public Art Plan;
3. **Artist and Artwork Quality** – The artist demonstrates the ability and potential to execute the proposed public art based on previous artistic achievement and experience. Duplication of work will also be considered. The public art must enhance the City's Collection.
4. **Physical Durability** – The public art will be assessed for long term durability against theft, vandalism, and weather;
5. **Public Safety and Liability** – The public art will be assessed for any public safety concerns, as well as for any potential liabilities for the City;
6. **Sustainability** – Consideration will be given to the environmental impact and sustainability of the proposed public art, including its operations and maintenance requirements/costs; and
7. **Legal** – Proposed terms of donation, legal title, copyright authenticity, artist's right to reproduce, liability, and other issues as deemed appropriate will be considered.
8. **Originality** - Works of art should be an original design unless it is decided that the work will enhance and complement the character of the surrounding area.
9. **Compliance with Sign Code** - Proposed public art should feature no copy, lettering, symbols, or any references directly promoting any product, business, or service unless such images are discreet and do not detract from the public art. Sponsor and artist names may be incorporated in murals but should be discreet and not exceed 5% of the design.
10. **Supporting Costs** - The City's preference is for donors and loaners to provide financial support for public art projects. Donations and loans are an important tool for growing the public arts in the City of Burleson and they foster civic pride by providing people and businesses the opportunity to shape the public environment. Projects should identify sponsorship. All requests for use of City funds for production, siting, installation or ongoing operations and maintenance of the work must be approved by City Council.
11. **Installation and Maintenance** - Any applicant for public art should present a reasonable plan to install and remove (or preserve) the work. The maintenance plan agreed upon between the artist, business owner, and/or property owner should adequately make arrangements to preserve and, if necessary, restore the quality of work during its exhibition. Elements of a thorough maintenance plan would include:
 - i. Lifespan of public art and prognosis of durability in consideration of that lifespan.
 - ii. Routine cleaning protocols, methods, cleaning agents, and frequency.
 - iii. Itemization of long-range considerations and care, highlighting maintenance and the anticipated need for periodic conservation treatment or repairs.
 - iv. Specifications of materials used in fabrication.
 - v. Guarantee against failures of workmanship over an agreed upon period of time.
 - vi. Assignment of manufacturers or fabricators warranties to the owner of the public art.

Memorial Gifts

Memorial gifts will have an additional review process, which will include, but will not be limited to, the following:

1. **Timeframe** – The person or historical event memorialized must be deemed significant enough to merit such an honor. If the public art portrays a person in their likeness, the person so honored will have been deceased for a minimum of two years before consideration. The City reserves the right to remove memorials at any time should the City deem it necessary.

2. **Community Value and Timelessness** – The art selected represents broad community values and timeless qualities that will be meaningful to future generations; and
3. **Location** – The location under consideration is an appropriate setting for the memorial; generally, there should be some specific geographic justification for the memorial being located within a particular site.

Acceptance and Accession of the Artwork

City staff should refer to the City of Burleson Purchasing Public Art Policy, prior to finalizing the accession process, as proposed donations may require City Council acceptance.

If the proposal is accepted by the City of Burleson, a formal agreement will be negotiated outlining the responsibilities of each party (the City, the sponsor(s), the artist, and outside contractors, where applicable).

The agreement will address project funding, insurance, siting, installation, operations and maintenance, project supervision, vandalism, the right of removal or transfer, public safety, and other issues as necessary.

The City of Burleson will be the owner of the artwork and reserves the right to remove or alter the work to ensure public safety or because of any other City concerns. The City upholds copyright law and the Visual Artists Rights Act of 1990 (17 U.S.C. § 106A). Any changes will be made in consultation with the artist and sponsor(s) when possible, or notification will be provided.

The completed and installed artwork will be accessioned and added to the City's inventory list and master database with all accompanying documentation.

Removal, Relocation, or Deaccession of the Artwork

In accepting a donation of artwork, the City of Burleson will not be bound by any agreement with the donor that restricts the City's ability to act in the best interest of the City of Burleson. Nothing in the acceptance of a donation of artwork shall prevent the City from approving subsequent removal, relocation, or deaccessioning of such donations if it serves the City's best interest to do so. The City will deaccession and dispose of works of art in its Collection in accordance with the Collection Management policies.

Art on Loan or Temporary Display on City-owned Property

Art on loan, or art on temporary display on City-owned property, must meet the Donation Requirements above, follow the Donation Proposal Procedures 1-11 above, and be reviewed through the Donation Proposal Review Process. Art on loan or art on temporary display on City-owned property must not be accessioned or added to the City's inventory list and master database. The City shall determine whether an expenditure of City funds, either a direct outlay of City funds or the use of City sources and materials, is associated with or required by acceptance of the loan prior to acceptance. The City may accept loaned public art from organizations and residents outside of the city.

All incoming loans should be documented and monitored in accordance with the same detailed procedures the government objects in City of Burleson's Public Art Collection. Loans must be documented by written loan agreements between the lender and the City, which should be signed by the lender prior to delivery and/or installation of the work to the City.

Upon City approval of a loaned artwork, the lender must sign an Art Loan Agreement with the City. The agreement should include:

- Term of Loans
 - Loan agreements shall be for a minimum of six months and a maximum of two years, with a provision for up to one year extension with written approval from the lender and the City. When determining the duration of a loan and its duration for display, Lenders and the City should consider an object's material conditions, display location, and display context.
 - At the end of the term of loan, the lender will be granted up to six additional weeks for the removal of the artwork from the site on which it resides.
- Costs
 - The lender will be responsible for all costs associated with the loaned artwork, including but not limited to costs of transportation, installation, maintenance, removal, and repair (if needed).
 - The City will provide site maintenance as well as assistance with installation and removal, under the supervision of the lender or lender's representative. The City shall not be held responsible for any damage to the artwork while it is on loan.
- Installation:
 - Artwork must be installed in accordance with requirements from City staff.
- Insurance
 - The City will not assume responsibility for damage or theft of artwork that is on display in accordance with this Public Art Policy.
 - The lender will acknowledge that a risk of damage, loss, vandalism, or theft is inherent in a public display.
 - The lender must furnish satisfactory evidence of liability insurance by submitting a Certificate of Insurance and an Additional Insured Endorsement listing the City. With approval from City Administration, the liability insurance requirement can be waived if the lender signed an Art Loan Release of Liability form.
- Maintenance
 - A representative of Parks will make periodic inspections of the work of art after acceptance by the City Council. Inspections shall be made at intervals deemed appropriate by the Public Art Manager or their assignee. The need for maintenance or repairs of the Loaned Public Art may be reported by the staff of any City department or office, and citizens.
 - The Loaned Public Art and surrounding site shall be kept in a clean and orderly condition and in accordance with Collection Management policies and the terms and conditions of the agreement, if one exists, between the lender and the City.
 - The lender or his or her designated representative will be utilized to make recommendations regarding the care and maintenance of the work of art when deemed appropriate by the City. A visual arts specialist or art conservator should be consulted if the artist or designated representative is not available to advise on the necessary care requirements.
 - The Office of Community Services shall be responsible for carrying out the lender's advice on such care requirements and for determining such requirements when the artist/donor is unavailable.
 - Prior to accepting the Loaned Public Art, the lender will provide the City with a condition inspection report.
 - Vandalism or other damage to the Loaned Public Art shall be reported to the Burleson Police Department and/or the Office of Community Services.
 - The lender shall pay the cost of maintaining the Loaned Public Art, unless otherwise provided in the written agreement between the lender and the City.
- Removal

- Lenders are required to remove artwork by the agreed termination date. The City does not accept responsibility for artwork not removed within the designated time frame. Any piece of art that is not removed by the deadline shall be treated as abandoned property
- Artwork may be removed from City property in accordance with the Deaccession section of this Public Art Policy.

Maintenance

The City of Burleson will administer the maintenance of the City's Collection with advice from the Public Art Coordinator and other outside partners through yearly evaluation and planning for the care of the existing Collection.

This section addresses:

- Accessioning and inventorying the City's Collection of public art;
- Preparing a biennial Public Art Maintenance Plan; and
- Overseeing routine maintenance and special conservation treatment of the City's Collection.

Every five years, the City of Burleson will assess the condition of all public art with a qualified professional conservator and develop a prioritized list of works in need of conservation or maintenance. This list will be the basis of the biennial Public Art Maintenance Plan.

Under this plan, trained contractors may carry out routine maintenance. For work in need of a higher level of maintenance, specialized care, or conservation treatment, the Program will utilize the maintenance funds available held in the Public Art Fund.

[Optional] Temporary Artwork Removal for Conservation Treatment

In some cases, artwork conservation may not be possible for some artworks that are publicly displayed or in storage. Such artworks must be temporarily removed from public display or storage for conservation to be completed in a qualified conservation lab. Temporary removal of such artworks from public display or storage is not considered deaccessioning, and procedures for emergency removal do not apply to these cases.

In cases of temporary artwork removal from public display or storage for the purposes of receiving conservation treatment, the artwork will be processed as an outgoing artwork loan for the duration of its treatment.

If an artwork requires conservation treatment and must be removed from public display or storage, then the following procedures must be completed before the artwork is temporarily removed from display or storage for treatment:

- Presentation to the City Manager's Office, describing the scope, timeline, and budget for off-site conservation services for the artwork
- City Manager's Office approval of off-site conservation scope
- Public Art Coordinator's completion of the outgoing artwork loan form, which is to be filed with the appropriate City Manager's Office.

Prior to the artwork's travel for treatment, the artwork must undergo an outgoing artwork conservation assessment by a trained conservator or registrar. Upon the artwork's return to the City of Burleson, the artwork must undergo an incoming artwork conservation assessment by a trained conservator or registrar. The City of Burleson should consult with a trained conservator or registrar on appropriate artwork crating and shipping procedures for any artwork traveling to or from the City of Burleson.

Maintenance Guidelines for Acquiring New Works

Maintenance Plan

As described in the Acquisition Public Art Policy, all acquired artworks must have a maintenance plan developed.

Utilization of the Maintenance Plan

The Maintenance Plan will be used to:

- Advise the Advisory Committee, appropriate City staff, and others who must review and approve design proposals or accept or decline donated artwork;
- Troubleshoot the production of construction drawings, the fabrication of the artwork, and the preparation of the site;
- Follow-up on the artist's recommendations; and
- Refer to during the post-fabrication/installation inspection to prepare a final report and a punch-list to complete the project.

The City of Burleson, professional conservators, and artists will strive to address the recommendations in the Maintenance Plan without unduly interfering with the aesthetic intent of the proposed public art.

Post Fabrication/Installation Inspection

The Post-Fabrication/Installation Inspection conducted by City staff will be based upon and follow-up on the Maintenance Plan that was developed during the design phase. It will include the following:

- Ensure that recommendations made in the Maintenance Plan and during fabrication were followed;
- Confirm that the artwork is executed as proposed and agreed upon;
- Confirm that there are no missing or incomplete elements;
- Establish that materials quality and stability are acceptable;
- Establish that fabrication quality and stability are acceptable;
- Confirm that installation is stable and secure;
- Confirm that stainless steel is fully and properly "passivated";
- Confirm that, if required, protective coatings have been applied;
- Ensure that warranties for electronic and other media are submitted as necessary;
- Identify any remaining vulnerabilities;
- Confirm no new damage resulting from installation process;
- Ensure that the maintenance and operations plan is accurate; amend as needed; and
- Confirm that the plaque/public notice meets program policies and is properly installed.

Deaccession

Removal from Public Display

Requests to deaccession artwork to the City may be considered on a case-by-case basis. Requests for consideration shall be made through the Public Art Coordinator to the Advisory Committee, based on the deaccession criteria below.

If the artwork is removed from public display, the City of Burleson may consider the following options:

- Relocation: If the Advisory Committee recommends that an artwork must be removed from its original site, and if its condition is such that it can be re-installed, the Advisory Committee will attempt to identify another appropriate site. If the artwork was designed for a specific site, the

Advisory Committee will attempt to relocate the work to a new site consistent with the artist's intention. If possible, the artist's assistance will be requested to help make this determination.

- Store artwork until a new site has been identified or the City decides to deaccession the artwork.
- Sell or trade the artwork after deaccession.

Provision for Emergency Removal

In the event that the structural integrity or condition of an artwork is such that the artwork presents an imminent threat to public safety, the City Manager may authorize immediate removal without the artist's consent, and have the artwork placed in temporary storage. The artist must be notified of this action within 30 days. The City will then consider options for repair, reinstallation, maintenance provisions or deaccessioning. In the event that the artwork cannot be removed without being altered, modified, or destroyed, and if the Artist's agreement with the City has not been waived under the Visual Artists Rights Act of 1990 (17 U.S.C. § 106A), the City must attempt to gain written permission before proceeding. In the event that this cannot be accomplished before action is required in order to protect the public health and safety, the City shall proceed according to the advice of the City Attorney.

Criteria for Deaccession

1. The Advisory Committee may consider the deaccessioning of artwork for one or more of the following reasons in the event that it cannot be re-sited:
2. An artwork is not, or is only rarely, on display because of lack of a suitable site.
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. In the case of site specific artwork, the artwork's relationship to the site is altered because of changes to the site.
7. The artwork has been determined to be incompatible within the context of the collection.
8. The City of Burleson wishes to replace the artwork with work of more significance by the same artist.
9. The artwork requires excessive maintenance or has faults of design or workmanship.
10. The City of Burleson has approved necessary site alterations
11. Written request from the artist.
12. The artwork has become publicly associated with racism, sexism, homophobia, xenophobia, acts of assault or violence, or other offensive themes.

Integrity of Artworks

The City of Burleson Public Art Program will seek to ensure the ongoing integrity of the artwork and the sites for which they were created, to the greatest extent feasible, in accordance with the artist's original intentions, and consistent with the rights afforded by the Visual Artists Rights Act of 1990 (17 U.S.C. § 106A).

Access to Artworks

The City will seek to assure continuing access to artworks by the public. However, the City may limit availability due to circumstances such as funding, public safety, display space, and deaccession processes.

Life Spans

An artwork's life span is either the \$50,000 of time its materiality will allow it to be displayed (either for artwork safety or artwork integrity reasons), or the object's display period, as determined by a contract between the City and the artist, whichever is shorter. Life spans assigned to the work during the commissioning process will be considered as part of requests for deaccession or removal. For artworks

that have not been assigned a life span, the Public Art Coordinator may engage experts to assist in assigning the artwork a life span, based on the life expectancy of the artwork's materials and fabrication methods, and/or the programming priorities of the Advisory Committee.

Temporary: 0 - 2 years

Short Term: 3 -10 years

Medium-Term 11 - 25 years

Long-Term 26+ years

Application Process

Preliminary Request

Permanent artworks must be in place for at least five years before deaccession or relocation requests will be considered unless matters of public safety necessitate the removal. Deaccession or relocation requests may be submitted by the public.

Deaccession and Removal Form

Applicants will be required to submit a written request to City staff, or the appropriate representative for consideration of deaccession or removal of artwork.

Review Process

In consultation with the Advisory Committee, the Public Art Coordinator will review requests and decide on either deaccession or relocation.

Public Meeting

The City may hold a public meeting to gather community feedback on a proposed deaccession or removal, unless the removal is an emergency. The City may also decide to hold additional public meetings or gather community input through other methods. The City may seek additional information regarding the work from the artists, galleries, curators, appraisers, or other professionals before making a recommendation.

Artist Involvement

If deaccession or removal is recommended, the artist (if available) will be contacted and invited to provide input to the City. The artist's contract and other agreements or pertinent documents will be reviewed and sent to the City Attorney's Office for final approval.

Recommendation

The Public Art Coordinator will prepare a report and consult with the City Attorney, as necessary. City staff's recommendation may include dismissing the request and/or modifying, relocating, selling, donating, disposing, or storing the artwork.

The Public Art Coordinator will provide all relevant correspondence including, but not limited to:

1. Artist's Name, biographical information, samples of past artwork, and resume.
2. A written description and images of the Artwork.
3. Artist's Texasment about the Artwork named in Deaccession or Relocation Request (if possible)
4. A description of the selection process and all related costs that was implemented at the time the Artwork was selected.
5. A formal appraisal of the Artwork (if possible)
6. Information regarding the origin, history, and past ownership of the Artwork
7. Information about the condition of the Artwork and the estimated cost of its conservation.

8. Information and images of the Artwork's site
9. Any information gained from the public meeting held about the deaccession and removal of the work.
10. Feedback from the City Manager's Office responsible for operating and maintaining the Artwork.
11. Detailed budget for all aspects of conservation, maintenance, repair, installation, operation, insurance, storage, and City Staff support.
12. The Artist's contract with the City.

City staff can recommend one or more of the following methods for an artwork's deaccession:

1. Sale or Exchange - sale shall comply with the State of Texas and City of Burleson laws and policies governing the sale of municipal property.
 - a. Artist, or eTexas of the artist, will be given the first option to purchase or exchange the artwork(s).
 - b. Sale may be through auction, gallery resale, direct bidding by individuals, or other forms of sale in compliance with the State of Texas and City of Burleson law and policies governing surplus property.
 - c. Exchange may be through an artist, gallery, museum or other institution for one or more artwork(s) of comparable value by the same artist.
 - d. No works of art shall be traded or given to Advisory Committee members or City of Burleson staff.
 - e. Proceeds from the sale of artwork shall be placed in an City of Burleson account designated for public art purposes. Any pre-existing contractual agreements between the artist and the City regarding resale shall be honored. An exception to these provisions may be required if the artwork was originally purchased with funds that carried with them some restriction, for example, bond funds for street and sidewalk improvements, in which case the proceeds shall be placed in an account designated for art allowed under similar restriction(s).
2. Destruction of Artwork – if artwork is deteriorated or damaged beyond repair or deemed of negligible value.
3. If the City of Burleson is unable to dispose of the artwork in the manner outlined above, the Public Art Coordinator may recommend the donation of the artwork to a non-profit organization or another method.

Costs

If deaccession or relocation accommodates the applicant's interests or project, they may be required to cover the deaccession or relocation at no cost to the City.

Conflict Of Interest

No works of art shall be given or otherwise transferred publicly or privately to officers, directors, or employees or staff of the City of Burleson or their immediate families or representatives of the City of Burleson.

Compliance With Applicable Policies And Regulations

Deaccession and relocation of artwork will be done in a manner that complies with all other applicable City of Burleson, State of Texas, and federal procedures, policies, and regulations.

Existing Public Art Pieces At Time Of Public Art Policy Adoption

Existing public art pieces on City-owned property should be evaluated using the accession criteria to ensure that it is appropriate for the City to continue owning and maintaining the artwork. If it does not meet the accession criteria, then the piece will not be accessioned into the City of Burleson Public Art Collection.

Public Art Program Workplan

What is the Public Art Program Workplan?

The Public Art Program Workplan is a document that outlines in-process projects, and projects will be initiated in the coming fiscal year(s). The Program Update is one of the most crucial elements of the Public Art Program. It creates a roadmap and allows for the input of community members, elected officials, and others who care deeply about public art in the City of Burleson.

The Public Art Coordinator will develop the Update in consultation with staff and the Advisory Committee and submit it to the Mayor and City Council as part of the budget for review and approval.

The following steps will be taken to develop the Public Art Program Workplan:

1. Work with City Manager's Offices to determine the availability of funds for the upcoming year(s).
2. Identify projects to be paid for by identified funding, including acquisition and maintenance.
3. Develop a draft Public Art Program Workplan that will include locations, goals, and budgets for public art projects and programs for staff review.
4. Present the Update to City Council as part of the City budget approval.
5. Integrate feedback from City Council to determine the final Program Update.
6. Report on the use of funds collected to support the Public Art Program to and increase the \$50,000 of art in the City that is available to the public.

Use of Funds

Funding for the City of Burleson Public Art Program may come from:

- the Public Art Fund, as outlined in **CODE**;
- the City's Capital Improvement Budget;
- grants and/or contributions from private entities;
- other public agencies;
- philanthropic sources; or
- through other sources as deemed appropriate by the City.

Uses of Funds

The public art funds may be spent for:

- Calls for Entry, RFQ's/RFP's, concept designs, maquettes, juror stipends, and other costs related to competitions and Commissions
- Artist fees including travel stipends and expenses related to travel;
- Artwork fabrication and installation;
- Site preparation and cleanup;
- Acquisition of existing works of art;
- Relocation of existing or Commissioned works of art;
- Required permits and insurance during the fabrication and installation of the artwork;
- Informational/promotional materials and public events directly related to the artwork;
- Required equipment needed for installation;
- Artwork appraisal;
- Staffing and services of an Arts Administrator;
- Curators and contracted services.

The public art funds may not be spent for:

- Mass-produced work, with the exception of limited editions controlled by the artist.
- Professional graphics, unless designed or executed by an artist or used in the development of collateral material.
- Decorative, ornamental or functional elements that are designed by a project's architect or other designer.
- Routine maintenance, conservation, repair, or restoration, exceeding more than 10% of the annual budget.
- Purchase of existing works of art outside of the selection process.

Public Art Acquisition

These policies establish the practices for acquiring artworks. The procedure creates a thorough and transparent process for acquiring artwork and favors open-ended selection processes to ensure artistic excellence in the City's Collection.

Selecting the artist is one of the most critical steps in commissioning public art. An open, equitable, competitive process that inspires the artist and engages the community can be an enriching experience and lead to more creative and exciting public art. The Public Art Coordinator will work with the Advisory Committee to determine the appropriate method for commissioning new artwork for each Public Art Program project.

Goals of the Selection Process

- To satisfy the goals of the project site through an appropriate artist selection.
- To further the mission and goals of the Public Art Program.
- To select an artist or artists whose existing public artworks or past collaborative design efforts have demonstrated a level of quality and integrity.
- To identify an approach to public art suitable to the goals and demands of the particular project.
- To select an artist or artists who will best respond to the distinctive characteristics of the site and the community it serves.
- To select an artist or artists who can work successfully as members of an overall project design team.
- To ensure that the selection process represents and considers the interests of all parties concerned, including the public.
- To ensure that the artwork collection, overall, is reflective of all present and past stories and community legacies of Burleson.

Conflict of Interest

Advisory Committee or Public Art Committee members will declare any and all conflicts of interest for all projects and artwork under consideration at the beginning of their meetings. A conflict of interest exists if a Advisory Committee member, an organization the Advisory Committee member is associated with as a staff or board member, or a Advisory Committee member's family member, has the potential to gain financially from the project under consideration by the Advisory Committee or Public Art Committee. In order to promote public confidence in this process, a Advisory Committee member may also declare a conflict if they think there may be a perception that they have a conflict. Potential conflicts should be submitted in writing to the City Manager. If it is determined by the City Manager that a conflict exists, the Advisory Committee member must resign from the selection Advisory Committee.

Artist Selection Methods for Acquiring Existing Artwork

Competitions

In competitions, the City may put out an open call to artists for a possible inclusion in an exhibition at a predetermined site. The competition, which may or may not take the form of a temporary exhibit may feature existing artworks. Each selected artist may receive a stipend and the City may purchase one or more pieces of artwork at the conclusion of the exhibit to be placed in public locations around City of Burleson. All calls for artists will be advertised on the City of Burleson's website, appropriate procurement site.

Direct Selection

On occasion, artists may be chosen directly by the Artist Selection Advisory Committee. Direct selection may be useful on projects where an urgent timeline, low budget, or where precise project requirements exist. This list of artists could come from a pre-qualified list. Approval for this method should be in accordance with the City of Burleson's purchasing procedures. City staff should refer to City of Burleson Purchasing Regulations prior to finalizing the accession process, as proposed donations may require City Council acceptance.

Direct Purchase

Some projects require the purchase of a specific artwork due to the exacting nature of the project or a minimal project timeline. In this case, the work must be "one-of-a-kind" and not mass-produced or off the shelf. This list of artists could come from a pre-qualified list. Approval for this method should be in accordance with the City of Burleson's purchasing procedures. City staff should refer to City of Burleson Purchasing Regulations, prior to finalizing the accession process, as proposed donations may require City Council acceptance.

Artist Selection Methods for Commissioning New Artwork**Open Competition**

In an Open Competition, any artist may submit their qualifications or proposal, subject to any requirements established by the Artist Selection Advisory Committee. The Requests for Qualifications (RFQs) or Requests for Proposals (RFPs) should be sufficiently detailed to permit artists to determine whether their art is appropriate for consideration. Open Competition allows for the broadest range of possibilities for a site and brings in new, otherwise unknown, and emerging artists.

Limited or Invitational Competition

In a Limited Competition or Invitational, several pre-selected artists are invited by the Artist Selection Advisory Committee to submit their qualifications and/or proposals. This method may be appropriate when the City is looking for a small group of experienced artists, a limited time frame, or if the project requirements are so specialized that only a limited number of already identified artists would be eligible. This list of artists could come from a pre-qualified list.

Direct Selection

On occasion, artists may be chosen directly by the Artist Selection Advisory Committee. Direct selection may be useful on projects where an urgent timeline, low budget, or where precise project requirements exist. This list of artists could come from a pre-qualified list. Approval for this method should be in accordance with the City of Burleson's purchasing procedures. City staff should refer to City of Burleson Purchasing Regulations, prior to finalizing the accession process, as proposed donations may require City Council acceptance.

Direct Purchase

Some projects require the purchase of a specific artwork due to the exacting nature of the project or a minimal project timeline. In this case, the work must be "one-of-a-kind" and not mass-produced or off the shelf. This list of artists could come from a pre-qualified list. Approval for this method should be in accordance with the City of Burleson's purchasing procedures. City staff should refer to City of Burleson

Administrative Regulation, prior to finalizing the accession process, as proposed donations may require City Council acceptance.

Artist Services Procurement

Design Team Member

In some instances, the City may use a targeted process to select an artist as part of a larger project design team. Language would be added to the project Request for Qualifications/Request for Proposals specifying that all teams responding to the RFQ/RFP must include a professional artist from a pre-qualified list as described in the section below. Given the nature of the project, a design team responding to an RFQ/RFP may be asked to identify an artist as part of the team based upon criteria established by the City in the RFQ/RFP. In this case, the Public Art Coordinator will represent the Program as part of the selection Advisory Committee for the design team.

Pre-Qualified Artist Lists

The City may decide to develop a pre-qualified pool of artists from which it can choose artists for Limited Competition, Direct Selection, and Direct Purchase. This pool would be developed based on a comprehensive review of artist qualifications. This list could be updated annually or bi-annually, depending on the frequency of new projects.

Artist Selection Process for Artwork Acquisition (Existing Artwork and Newly-Commissioned Art)

Once an Artist Selection method is determined, a selection process will be established. A jury of recognized experts will make recommendations for selected artists to create site-specific artwork or will make recommendations for artwork chosen to be exhibited.

If the budget for a single piece of artwork is \$50,000.00 or more, a selection panel must be formed. If the budget for a single piece of artwork is less than \$50,000.00, the Advisory Committee will act as the selection Advisory Committee.

Purpose and Responsibilities

The artist selection process will interpret and review the artist's proposals based on the selection criteria.

The goals of the selection process are as follows:

- To satisfy the goals of a specific project or site through an appropriate artist selection.
- To further the mission and goals of the Public Art Program.
- To select an artist or artists whose existing public artworks or past collaborative design efforts have demonstrated a level of quality and integrity.
- To identify an approach to public art suitable to the goals and demands of the particular project.
- To select an artist or artists who will best respond to the distinctive characteristics of the site and the community it serves.
- To select an artist or artists who can work successfully as members of an overall project design team.
- To ensure that the selection process represents and considers the interests of all parties concerned, including the public, the arts community, and the City Manager's Office(s) involved.

Artist Selection Committee

Membership of Selection Committee

Membership will be recommended by the Public Art Coordinator. The members of the selection panel (panelists) will be representative of the community demographic and will consist of at least five (5) but no more than nine (9) members from the list below:

- Members of the Advisory Committee
- Artist or arts administrator;
- Design professionals
- City of Burleson project manager who may appoint the project architect or project landscape architect in their stead; and
- A member of the project steering Advisory Committee if one has been appointed
- Community or neighborhood representative

Artist Selection Committee Conflict of Interest

Artist Selection Advisory Committee members will declare any conflicts of interest for all projects and artwork under consideration at the beginning of their meetings. A conflict of interest exists if a Advisory Committee member, an organization the Advisory Committee member is associated with as a staff or board member, or a Advisory Committee member's family member can gain financially from the project under consideration by the Artist Selection Advisory Committee. In order to promote public confidence in this process, a Advisory Committee member may also declare a conflict if they think there may be a perception that they have a conflict. If a Advisory Committee member has a conflict, he/she must not participate in the Artist Selection Advisory Committee's discussion or decision regarding the project. They must also refrain from discussion about the project and from influencing fellow Advisory Committee members.

Procedures

During an artist selection process, Artist Selection Advisory Committee members will not submit applications for the placement of their own artwork and/or projects. City Staff and Advisory Committee can invite artists to participate but must refrain from giving advice to applicants or answering their questions and direct such questions to the Public Art Coordinator during the selection process. The COMMISSION must solicit public comment for all pieces of public art commissioned or purchased for over \$50,000.00. An opportunity for public comment must be given before a formal vote. A formal vote recommending the selection to the City of Burleson City Council must be recorded in keeping with the City of Burleson public record requirements.

Purchasing Procedures

Pursuant to City of Burleson Public Art Policy, if the purchase of an existing artwork, or the award of a contract for a newly commissioned artwork exceeds \$99,999, then the Advisory Committee must recommend the artwork for purchase to the City Council prior to approval of the contract.

Project Implementation Process for Site- Specific Artworks

Upon the decision of the Artist Selection Advisory Committee, and with the assistance of the City Attorney's Office, the Public Art Coordinator will prepare a contract that includes the scope of work, fee, schedule, and relevant terms and conditions to be approved by the City and artist.

The City will follow the process for contracting required by law. For some projects, the contract with the artist may be phased to include two scopes of work with separate pay schedules and deliverables. The first phase would include all design documentation, including final design, stamped engineering drawings, installation details, and a revised fabrication budget and timeline. The second phase would include all costs related to fabrication and installation.

The Public Art Coordinator will ensure all documents are signed and insurance coverage secured before issuing a notice to proceed and will be responsible for coordinating the artist's work to ensure the successful integration of the artwork into the project. The Public Art Coordinator will organize a meeting with all integral staff to review roles, responsibilities, and schedules.

If specified in the contract, the artist will develop design development drawings for review and approval from the City before fabrication. The Public Art Coordinator will schedule meetings with the appropriate offices to review and approve the plans.

If the artist proposes any significant design changes, the Public Art Coordinator will secure the recommendation for approval from the Advisory Committee and the appropriate City Manager's Offices of the City before approving said changes in writing, per the terms and conditions of the contract.

If the parties are unable to reach mutually beneficial contract terms, then the contract process will be terminated.

The Public Art Coordinator will be responsible for overseeing the installation of the artwork. The Public Art Coordinator will ensure that all the necessary requirements have been completed before interim and final invoice payments to the artist.

Maintenance Plan

Understanding maintenance and care of public art begins before an artwork is created. During the design phase or when a donation is initiated, the City, artist, or sponsor will review and analyze their design proposal and advise on maintenance and operations of the artwork. It is best practice and highly recommended that an art conservator is contracted to give a report on the proposed artwork.

On behalf of the City, the artist, sponsor, or the appropriate party will submit a Maintenance Plan to the City of Burleson, who will review and then catalog any tasks associated with maintenance of the artwork.

The Maintenance Plan will enable the City to:

- Evaluate the quality and sustainability of the proposed or existing public art ;
- Establish maintenance requirements, assign schedules, and identify potential costs; and
- Determine if the City of Burleson should accept or decline the design proposal and/or public art .

To produce the Maintenance Plan, the artist should examine and render an opinion on the following:

- Durability;
- Type and integrity of materials;
- Construction/fabrication technique;

- Internal supports, anchoring and joining, and footings;
- Landscaping;
- Vulnerable and delicate elements;
- Drainage of artwork;
- Potentially dangerous elements;
- Security;
- Location;
- Environment;
- Whether the design encourages/discourages interaction; and
- Effects of skateboarding, graffiti, and any other potentially damaging activities.

The Maintenance Plan will include:

- A record of the artist's intentions for the artwork;
- Recommendations to mitigate potential problems discovered during the examination;
- Notes about how the artist would like the artwork to age;
- An itemization of long-range considerations and care, highlighting maintenance and the anticipated needs for periodic conservation treatment or repairs; and
- Identification of the lifespan of the artwork and a prognosis of its durability in consideration of that lifespan.

The artwork may also be identified as site-integrated, or part of the site and/or the architecture, as appropriate and will fall into the long-term lifespan category above.

MURAL OPTION A - Mural Guidelines

Introduction

Murals are a relatively quick and highly impactful way to bring public art into the built environment. Murals provide an opportunity for visual artists to show their talent and creativity while also contributing to a community's landscape and identity.

Private Murals on Private Property

The City of Burleson and City Manager's Office encourage the installation of private murals on private property in order to support artists and enhance the visual environment in City of Burleson. Private property owners are encouraged to voluntarily follow the policies set forth in this document as applicable and are also encouraged to consult with the City Manager's Office and the Public Art Coordinator with regard to any questions or concerns as they develop and implement private murals.

Publicly-Owned Murals

City Manager's Office has oversight responsibility pertaining to the creation of publicly-owned murals in the City of Burleson. Publicly-owned murals may occur on publicly-owned buildings or on privately-owned buildings where the property owner agrees to a mural easement allowing for the creation and maintenance of a publicly-owned mural on private property for a specific period of time.

The Advisory Committee or Public Art Committee assists the City Manager's Office with coordinating the creation and completion of publicly-owned murals. This assistance includes but is not limited to:

- Identifying potential mural sites.
- Issuing and administering the Request for Qualifications (RFQ) for mural artists.
- Coordinating a selection process for RFQ reviews and artist recommendations.
- Acting as a selection panel if the budget is under the \$50,000 project threshold.
- Making recommendations for the selection panel members if the budget is over the \$50,000 threshold.

Mural Design Considerations

Murals in the City of Burleson are encouraged to be varied in both content and design. A wide variety of murals will ensure a vibrant visual experience for residents and visitors alike. Some murals may celebrate the history of City of Burleson while others may be palettes for vibrant artistic expression, inject whimsy into the built environment, or showcase the artists' wildest dreams - the opportunities are endless.

While not relating to content, some design considerations should be made in order to ensure a successful project.

Design Considerations:

1. Scale - Who will be the intended viewer or audience? A mural intended for pedestrians may be of a different scale than one intended for automobile drivers or cyclists along a bike trail.
2. Accessibility - Are there opportunities to engage those who are visually impaired or otherwise not able to view the mural?
3. Maintenance - What are the long term maintenance implications of the design? Is it easily repairable?
4. Longevity - What is the expected life span of the mural? Is it intended to be a short or long term installation?
5. Experiential Elements - Is there a potential for additional elements that could be added to enhance the experience of the viewer such as virtual (VR) or augmented (AR) reality elements, audio elements either on site or online, instagram or social media interactions or other opportunities?

Mural Easements

In order to create additional mural opportunities within City of Burleson, these policies encourage property owners to enter into easement agreements with the City that allow for public funds to be expended for murals on private property. Though there may be positive benefits for a property owner as a result of the creation of a publicly-owned mural on their building, there must be no direct correlation between the content of the mural and the property or any business housed in the property.

In order for the City to implement a publicly-owned mural on a privately-owned building the building owner must sign an easement created by the City of Burleson which Texas that the owner will not paint over, destroy, cover, or alter the mural for the duration of the agreement. Agreements typically last for a minimum of 5 years but may be shorter or longer depending on the project. As part of easement negotiations, the City should also consider negotiating with the property owner for nightly illumination of the mural for the lifetime of the easement.

RFQ Artist Selection

A selection panel should be formed using the policies in the acquisition section of the Public Art Policy in order to select artists. The following criteria should be utilized as the minimum criteria for the selection of

artists for all mural projects. Additional project specific criteria may be added in addition to the baseline criteria.

- Experience with similar mural projects, examples of past projects – either in City of Burleson or other cities with strong mural programs, including at least ten (10) color images of one or more completed mural projects – and three supporting professional references.
- Willingness to work with City Staff and the City Manager's Office to develop and refine the mural design.
- Timely response to the RFQ, which shall include but not be limited to a requirement that at least ten (10) color renderings/designs of the proposed mural, a written description of the mural, and photographs of the proposed site and physical surroundings be submitted to the City Manager's Office
- Innovative and unique artistic vision, including technique, composition of visual art elements, use of line, color, form, and texture.
- Realistic project budget and timeline.
- Willingness to enter into a contractual agreement with the City of Burleson.
- Liability/Workers compensation/automobile insurance.
- Agreement to allow images of the completed mural to be placed on the City of Burleson website.

Fundable Expenses

The installation of a mural may necessitate additional expenses beyond the artist fee and materials.

Additional fundable expenses include but are not limited to:

- Artist(s) fees for design and execution of murals.
- Rental or purchase of painting equipment or the purchase of painting supplies.
- Preparation of the mural surface including repairs and priming.
- Rental of barricades and other equipment required of street or alley closures.
- Lighting and electrical equipment.
- Other expenses that are pre-approved by the City Manager's Office and the City of Burleson.

Mural Implementation

Upon selection, the artist will work with the City of Burleson to create a design, secure permits, as appropriate, such as street or alley closures. Below is a general overview:

- The City Manager's Office will review and give final approval for the artist selection and mural design.
- City Staff will monitor the creation and completion of the mural.
- The Artist will create the artwork in a timely fashion. If more time is needed, the artist must notify the City so that any applicable permits may be extended.
- The creation of the mural must include materials that are long-lasting (at least five (5) years unless agreed to beforehand), graffiti and UV resistant, or include an anti-graffiti and UV resistant coating.
- The artist must notify the City when the mural is completed.
- When the mural is completed, the City Manager's Office will hold a mural dedication event.

MURAL OPTION B - City of Burleson Mural Program (Private Property) Permitting Process and Regulations

Murals play an important role in City of Burleson's past and present. The City of Burleson has a long tradition of mural placement on private property, and encourages this and other forms of creative community expression. Murals provide an opportunity to transform blank walls into vibrant spaces. Murals can celebrate a place's history, tell memorable stories of residents, and be a source of beauty. Murals are

a relatively quick and highly impactful way to bring public art into a city's built environment. The Mural Program regulates privately-commissioned murals visible to public property or public rights-of-way and is implemented through the issuance of Mural Permits pursuant to **CODE**.

The Mural Program does not apply to the following:

- Public art and murals funded by the City of Burleson or public art funds. These are governed by the "Acquisition" chapter in the Public Art Policy;
- Privately-commissioned public art and murals not visible to public property or public rights-of way. These are governed solely by **CODE**; and
- Public art and murals on property where said use is not permitted pursuant to **CODE**.

The City of Burleson Mural Program and the issuance of Mural Permit is facilitated by **GROUP**, as designated bant to **CODE**. The City of Burleson Mural Program application is a binding contract between the applicant and the City of Burleson.

City of Burleson Mural Permit Submittal Components

The Mural Permit requires submission to the Public Art Coordinator, the following documents constituting the "Permit Package", which are described in detail in the subsequent sections.

1. Application
2. Private Property Acknowledgement Form
3. Encroachment Form
4. Permit Application for Occupying Public Right-of-Way (during installation)
5. Artist Copyright and License Waiver

Application

Incomplete applications will not be considered for review. A non-refundable application fee as set by City Council Resolution is required to be paid at the time of application. The Application shall be on a form reviewed by the Public Spaces and Cultural Heritage Committee and reviewed for approval by City Council shall include provision of the following:

1. Property address and profile
2. Contact person identity and profile (applicant)
3. Contact information of property owner
4. Artist identity (artist as named on the City of Burleson Mural Program Register)
5. Budget and funding sources
6. Proposed Mural information:
 - a. Title, dimensions, medium
 - b. Description
 - c. Project goals/vision, audience, outreach efforts, engagement, etc.
 - d. Full color rendering/sketch of the proposed design
 - e. Site images
7. Maintenance information
 - a. Monthly, quarterly, yearly
 - b. Complete list of materials that will be used to create the mural, and product names/identification, if available
 - c. Description of maintenance provider qualifications/skills
8. Installation and deinstallation plans including:
 - a. Proposed installation schedule

- b. Surface preparation process
- c. images of existing site and physical surroundings
- d. installation and deinstallation equipment required
- e. qualifications and profile of installation and deinstallation crew/personnel other than the Artist, if necessary, based on project scope

Private Property Acknowledgement Form

Private Property Acknowledgement Form confirms the property owner's knowledge of the existence of the mural, and will be signed by the property owner and notarized. The property owner agrees to the following parameters, which must be met to place a mural on private property:

1. Permits for murals on private property are allowable for up to five years from installation. At the discretion of the property owner, an extension of the Mural Permit may be granted, upon City review of the condition of the mural at the time of the request. Requests for extension shall be filed with the City Manager's Office prior to Permit expiration.
2. No part of the mural shall exceed the structure to which it is affixed.
3. No part of the mural shall extend more than 6 inches from the plane of the wall upon which it is affixed.
4. No part of the mural contains electrical or mechanical components or changing images.
5. No part of the mural contains a commercial message in text or images.
6. Murals on private property must have an anti-graffiti coat applied to the surface to abate graffiti and vandalism.

Mural Encroachment Form

The property owner must sign a form stating that the owner will not paint over, destroy, cover, or alter the mural for the duration of the agreement. Agreements typically last for a minimum of 5 years but may be shorter or longer depending on the project. This form is submitted as part of the City of Burleson Mural Program application process.

Right of Way Construction Permit and Encroachment Permit Application for Occupying Public Right of Way

A Right of Way Construction Permit and/or an Encroachment Permit may be required if the scope of public art or mural installation requires temporary occupation of the public right-of-way during installation, pursuant to those requirements contained in [CODE](#).

Artist Copyright License and Waiver

Applicants will select an artist from the City of Burleson Mural Program Artist Register (described below). The artist selected by the applicant to propose a design for a must sign the Artist Copyright License and Waiver, which establishes image uses and copyright, and waives the artist's VARA rights (Visual Artists Rights Act of 1990 (17 U.S.C. § 106A)).

City of Burleson Mural Program Permit Design Considerations and Standards

The City of Burleson Public Spaces and Cultural Heritage Committee reviews mural proposals according to the following Design Considerations and Standards.

Design Considerations

While not relating to content, some design considerations will help ensure a successful, high impact project. Private Property Owners and Artists are encouraged to consider the following when creating a mural concept:

1. Scale - Who will be the intended viewer or audience? A mural intended for pedestrians may be of a different scale than one intended for automobile drivers or cyclists along a bike trail.
2. Accessibility - Are there opportunities to engage those who are visually impaired or otherwise not able to view the mural?
3. Maintenance - What are the long term maintenance implications of the design? Is it easily repairable?
4. Experiential Elements - Is there a potential for additional elements that could be added to enhance the experience of the viewer such as virtual (VR) or augmented (AR) reality elements, audio elements either on site or online, instagram or social media interactions or other opportunities?
5. Historic Preservation - Is this mural intended for a historic building or structure? If so, painting unpainted finished masonry is generally considered an inappropriate treatment. Explore other options such as painted panels or applied vinyl. Murals proposed for placement on historic buildings or structures shall be subject to applicable additional review depending on the proposed project scope.

Standards

Though there may be positive benefits for a property owner as a result of the creation of a mural on their building, there must be no direct correlation between the content of the mural and the property or any business conducted on the property. The City of Burleson Mural Program intends to support artistic expression, and proposals containing content that is inappropriate and/or indecent by community standards may not be approved.

1. Murals shall be an original artwork designed and implemented by an artist from the City of Burleson Mural Program Artist Register. A proposed artist from the City of Burleson Mural Program Register must be identified in the application.
2. Mural Applications are reviewed using the following criteria:
 - a. Strength of the concept and appropriateness of the imagery for all ages.
 - b. Appropriateness of scale to the surrounding environment including the facade on the building in which it is placed, as applicable.
 - c. Absence of commercial signage elements. Public safety and compliance with local laws and regulations.
 - d. Selection of an artist able to execute the proposed public art or mural.
 - e. Demonstrated ability to complete and maintain the mural for the entire life of the permit, and a documented understanding of the proposed surface's ability to receive the proposed materials.
3. All Public Mural proposals containing any written text and/or signage elements, as defined in **CODE**, may be subject to an additional review process through the City Manager's Office.
4. Mural installation must begin within one year of the approval of the application. If the project is unable to be completed within the allocated time frame, the application will be considered void.
5. All murals are subject to ongoing conservation and maintenance activities.
6. The City reserves the right to reject any application if it presents a public safety risk or potential liability issues.
7. Incomplete applications will not be reviewed.

Mural Application Review

The Advisory Committee reviews and approves or denies Mural Permit following the review process outlined below applications for the City of Burleson Mural Program:

1. Permit Package provided to the City Manager's Office with payment of the current fee.
2. Permit Package routed to the City Manager's Office for review by Public Art Coordinator for completeness.
3. Complete Permit Package routed for review by the Advisory Committee.
4. Advisory Committee sends Decision to City Manager's Office
5. City Manager's Office notifies applicant of decision and 10-day appeal period by letter and publically posts decision.

Existing Privately-Commissioned Murals on Private Property Visible to Public Property or Public Rights-of-Way ("Legacy or Murals")

Any mural on private property and visible to public property or public right-of-way installed prior to the effective date of these Public Art Policy for which a land use entitlement such as a Minor Conditional Use Permit or Conditional Use Permit has not been obtained may continue as a nonconforming use for a period of five years from the effective date of the Public Art Policy so long as it and/or the surface or property on which it is located is maintained such that it is not a public nuisance or otherwise creating a public safety issue. Legacy Murals may be expanded, modified and/or have the lifespan extended only in compliance with an approved Mural Permit.

Acquisition of Privately-Commissioned Murals on Private Property, either in the Public Right-of-Way or Not in the Public Right-of-Way Acquisition

If any privately-owned and/or privately-commissioned mural on private property has been proposed for City acquisition into the Public Art Collection, then the mural in question must be reviewed for acquisition according to the procedures set forth in the "Acquisition" chapter of this Public Art Public Art Policy document. As mentioned above, privately-owned and/or privately-commissioned murals on private property are not automatically accessioned into the Public Art Collection of the City of Burleson.