

City of Wilsonville

Public Art Program Guidelines and Policy

PURPOSE

The purpose of the City of Wilsonville’s Public Art Program is to promote the acquisition, construction, installation, restoration and maintenance of public art in Wilsonville that will foster creativity, freedom of expression, cultural awareness, civic pride and a strong sense of community identity.

This policy document identifies goals for the program and collection, standards, as well as needed procedures and best practices. This document should aid in the advancement and vision that public art will inspire a deeper connection to place and strengthen a sense of community identity.

The City Council approved Resolution No. 2857, adopting the Arts, Culture & Heritage Strategy in November 2020. Included in the Arts, Culture & Heritage Strategy Recommendation #6 states “Develop a long-term, sustainable public art program.” Also within the strategy, Recommendation #4 states “City forms an Arts and Culture Commission and provides support staffing resource.” The City formed the Arts, Culture and Heritage Commission which began meeting in April 2022, as well as hired Arts and Culture City staff.

WHY PUBLIC ART MATTERS

Cities gain value through public art – cultural, social, and economic value. Public art is a distinguishing part of our public history and our evolving culture. It reflects and reveals our society, adds meaning to our cities and uniqueness to our communities. Public art humanizes the built environment and invigorates public spaces. It provides an intersection between past, present and future, between disciplines, and between ideas. Public art is freely accessible.

[Source: Americans for the Arts – Public Art Network]

The City Council Mission is: “To protect and enhance Wilsonville’s livability by providing quality service to ensure a safe, attractive, economically vital community while preserving our natural environment and heritage.”

The Parks and Recreation Department Mission is: “Recognizing community history, enriching the quality of life, and fostering a safe environment, the Wilsonville Parks and Recreation Department shall provide, preserve, maintain, improve, and enhance recreational

opportunities, social services, natural resources, and parkland for current and future generations.”

The Arts, Culture and Heritage Commission Mission is: “To enhance the Wilsonville community by supporting, advocating and advising on matters relating to advancing arts, culture & heritage. We strongly believe residents’ lives are enriched and enhanced through a thriving arts and culture environment.”

Wilsonville’s Public Art Program will support the above missions through projects and programs that will:

- Celebrate place by telling stories that are unique to Wilsonville (such as the history, heritage, culture, landscape, natural environment, etc.)
- Create opportunities for the public to experience and appreciate art outside of traditional settings
- Foster appreciation of arts, culture, heritage, and the natural environment.
- Encourage the community to experience art, value art spaces, appreciate diversity and participate in the creative process.
- Increase accessibility and visibility of the arts, throughout the community
- Showcase public art that intrigues, attracts visitors and broadens the community’s experience
- Support creativity through inviting artists to create new, site specific work, unique to Wilsonville; with varied opportunities for a diverse range of artists, mediums and styles.

PUBLIC ART

Public Art is defined as original works of art, *created by artist(s)*, which are accessible to the public. Artwork may be placed on land within public view or access, or in public places such as City property, the exterior of any City owned facility, public areas, City owned parks, or lobbies. Public Art may be permanent, fixed, temporary or portable, may be an integral part of a building, facility, park or structure, and may be integrated with the work of other design professions.

Public Art includes, but is not limited to:

- Paintings of all media, including permanently affixed works such as murals
- Sculpture which may be in any material or combination of materials; may be free standing, wall-supported or suspended, kinetic, electronic or mechanical, and may include sound and performance
- Other visual media including but not limited to prints, drawings, stained glass, calligraphy, mosaics, photography, film, video, ceramics, fiber or textiles
- Other works of a wide range of materials such as organic natural materials (clay, wood, rocks, etc.), disciplines and media including installation and performance arts
- Functional art works which possess practical functional qualities as well as aesthetic ones
- Artworks or installations that are temporary (i.e ‘pop up’)

- Performance arts including dance, music, poetry, etc.

The following items are not to be considered Public Art works:

- Directional elements such as super graphics, signage or color-coding except where these elements are an integral part of the original artwork
- Art objects which are mass produced from a standard design such as playground equipment, commercially produced fountains, flags or banners
- Unsigned or mass produced reproductions of original artworks
- Services or utilities necessary to operate or maintain the artwork over time
- Works of art that are perceived by the review panel as inappropriate for the public collection

FUNDING

City Council will consider budget allocations annually to support the City's Public Art Program. Various funding sources may be researched and pursued as directed, which may include grants or a percent for art ordinance. Public Art funding may take place during the capital projects process to support art projects that may accompany major capital projects or park development.

MANAGEMENT

The Public Art Program will be managed and administered by the City of Wilsonville's Parks and Recreation Staff with input and collaboration from the Finance Department, Public Works Department, Engineering Department, and the Community Development Department. The Public Art Program receives advisory oversight by the Arts, Culture and Heritage Commission.

Staff may retain, by independent contract, the services of Public Art Consultant as needed, who could be responsible for advising staff on issues arising under the program or for providing oversight of a selection process, installation, etc.

Staff duties include, but are not limited to the following:

- Manage the Public Art Program and facilitate communication throughout departments, Arts, Culture & Heritage Commission, Panels, and Artists.
- Identify Public Art Project Opportunities as well as take project recommendations from the Arts, Culture & Heritage Commission
- Oversee Project Timelines
- Present Project updates to the Arts, Culture and Heritage Commission
- Administer the artists' recruitment and selection process
- Work with City's Legal Department for RFP/RFQ and contracting process
- Coordinate community engagement and publicity

- Oversight of collections management and maintenance

ARTS, CULTURE AND HERITAGE AND COMMISSION

The Arts, Culture, and Heritage Commission serves as a link between City Council and the Wilsonville Community. Their responsibilities include serving as an advisory board and serving as an integral part of the selection process for artists and artwork/design. The Arts, Culture and heritage Commission is the final review body for artists and artwork/design.

Once a Public Art Subcommittee is formed duties may include:

- Advising the full Arts, Culture & Heritage Commission on recommendations regarding the Public Art Program
- Evaluating and assessing the City's existing collection
- Recommending new members for the Public Art Subcommittee
- Recommending to the full Arts, Culture & Heritage Commission and City Staff proposed sites for future placement of art
- Interviewing artists during selection process and advancing recommendations from the selection panel to the full Arts, Culture & Heritage Commission

ARTIST SELECTION

To ensure that artists commissioned under the City of Wilsonville's Public Art program produce work of the highest quality and public benefit, the following artist selection procedures shall apply.

A. Public Process

Artists commissioned by the City will be selected through a public process overseen by City of Wilsonville staff in conjunction and collaboration with the Arts, Culture & Heritage Commission.

B. Artist Selection Panels

The Arts, Culture & Heritage Commission is the review body for Public Art and will serve as the panel. A Public Art Subcommittee will be formed, and dependent on the size and scope of project, will be utilized as the selection panel.

Additional experts may be brought in as panelists when deemed necessary and beneficial, to select the artist.

The panel may include nonvoting advisors including City Staff and/or Public Art professionals as needed.

All panels must include a majority of voting members who have a background or professional expertise in the arts such as:

- One or more practicing artists
- Other arts-related professionals or knowledgeable amateurs including curators, art historians, architects, designers, writers, critics, arts administrators, arts activists and arts volunteers
- Community representatives with a relationship to the proposed project. (For example, an adjacent property owner, Parks & Rec Advisory Board member, etc.)

C. Conflict of Interest

Any member of the Arts, Culture and Heritage Commission, having a direct conflict of interest, or the appearance of a conflict of interest, whether financial or otherwise, in any particular project shall disclose such conflict prior to the start of discussions, and said member shall refrain from participating in discussions or voting regarding such project. If there is a conflict of interest for a specific project, an additional member may need to serve in the Public Art Subcommittee. In addition, artists or members of their immediate family who serve on the Arts, Culture & Heritage Commission will not be eligible for commissions or to receive any direct financial benefit from the City of Wilsonville's Public Art program during their tenure. This restriction shall extend for a period of one year following the end of service and indefinitely for projects that were developed or acted upon during the member's tenure on the Arts, Culture & Heritage Commission.

D. Panel Procedures

City staff will facilitate all artist selection panels and interviews. Prior to the panel's first meeting, staff will send each panelist a project description along with written instructions outlining duties and responsibilities, such as interview questions.

Panelists will use the following general criteria in evaluating artists:

- Artistic excellence and quality
- Ability to respond to the specific contextual issues and considerations of a particular project, site location, its community and users
- Ability to successfully manage all aspects of the project including budgets, committees, sub-contractors, installers, fabricators and other construction and administrative logistics
- Credentials including experience, past clients, training and critical or other professional recognition
- Local artists may be given special consideration
- Willingness and experience working with input from the community and various stakeholders

- Diversity - contributes to both the diversity of artwork (temporary or permanent, style, scale, media) and artists (local and non-local, ethnic heritage, gender, etc.) that broadens the range of artists represented in Wilsonville's Public Art Collection

If an artist is presenting a specific proposal, the following additional criteria may apply:

- Evaluation of the proposed materials and their appropriateness to the project, including issues of aesthetics, durability, ease of maintenance, protections against theft or vandalism, etc.
- Analysis of the artist's proposed method of installation and an evaluation of the safety and structural factors involved
- Evaluation of the proposed budget

Panelists will use a formal vote, determined by simple majority to make final selection of artists/projects. Conditions of approval may be included with the selection to outline timelines, permits and other details deemed necessary by the panel. Panelists may elect not to recommend any applicants for the project, in which case staff will recommend another round of artist selection or an alternative process to the Arts, Culture & Heritage Commission.

E. Artist Selection Methods

For each new project, a City staff person will work with the affected departments and community representatives as appropriate to identify goals for the art, as well as potential issues and concerns that might impact artist selection. City staff will pre-screen applicants to verify that any minimum qualifications that may be established for the project have been met. All project proposals will be reviewed by the Engineering Department to ensure public safety issues have been addressed and mitigated prior to final selection of the art piece.

1) Request for Qualifications (RFQ) and Request for Proposals (RFP) – When a specific art project is identified, the City will issue an RFQ or an RFP notifying artists of the project. Artists' responses should include credentials and past work for review by the panel. During the RFQ process finalists may be asked to develop a preliminary proposal which will be evaluated during an interview. If a preliminary proposal is requested, an honorarium should be paid to the artist. RFQ's are most common best practice in Public Art, in order to not require artists prior to formal selection, to create site-specific design work.

The RFP process may be used for existing facilities or in the case of smaller budget projects for which entry level artists are being targeted. An RFP requesting conceptual proposals and detailing the proposal requirements would be distributed to local artists. The panel may choose to invite several finalists from the proposals received to interview prior to final selection.

2) Invitational Competition – An invitational competition may be appropriate in the case of complex projects where a limited number of artists may be capable of successfully competing or where there are severe scheduling restrictions. Based upon the project requirements, the panel

will invite a limited number of artists to submit qualifications or a proposal. The process may be done in two phases: the first phase based on qualifications and the second phase based on a proposal. Artists invited to develop proposals may be compensated.

3) Artist List / Roster – A pre-qualified list of artists may be created and utilized for specific types of projects (i.e Large scale/multidisciplinary, building parts – lighting, railings, glass walls, etc. community based project specifics, etc.) The pre-qualified list should be updated periodically to stay up to date. The list should include budgetary categories for established as well as emerging artists and should be open to local, regional and national artists. Portland’s Regional Arts and Culture Council and Oregon Arts Commission maintain rosters which can be used to select artists.

4) For projects smaller in scale or projects deemed temporary, a RFP/RFQ may not be needed and staff can issue a less complex Call for Art application. Call for Art applications will be utilized when working with youth artists.

5) Artist Eligibility – Specific artist eligibility requirements may be established for certain projects. For example, some projects may be restricted to artists living in Wilsonville or Washington/Clackamas County, others may be open to artists from Oregon, and others may be open nationally. In addition, artists will not be eligible for consideration if they are currently engaged in a City public art project, nor will artists be eligible to receive more than one commission from the City in a three-year period since it is in the best interest of the City to build a broad and diverse art collection.

F. Artist Approval

Regardless of the selection method, if the panel did not consist of the entire Arts, Culture & Heritage Commission, the panel will forward its final recommendation to the Arts, Culture & Heritage Commission. If the Arts, Culture & Heritage Commission disagrees with the panel recommendation, it will direct staff to reconvene the panel and present specific concerns for consideration. The Arts, Culture & Heritage Commission is the final body to approve an artist and/or design. Specific proposals/design work will not get forwarded to City Council, as the Arts, Culture and Heritage Commission is the final review body for art.

Per City Policy if the contract exceeds \$100,000 the City staff liaison to the Arts, Culture & Heritage Commission will take the recommendation made by the Arts, Culture & Heritage Commission to City Council for approval and contract action.

G. Artist Agreement

Selected artists will have a specific contract with the City detailing the terms and conditions of the project including but not limited to requirements, budget, timeline and the rights of the City to deaccession the artwork if needed.

PURCHASE OR DONATION

Any artwork, purchase or donation, must be able to be appropriately transferred to the City of Wilsonville with clear title. Purchased art shall be by a formal bill of sale from the owner(s) or artist(s). Additionally, the City of Wilsonville can only accept artwork that the Arts, Culture & Heritage Commission and City Staff 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.

PURCHASE ACQUISITION

Completed Art Objects considered for purchase must meet at least one of the following criteria for consideration:

- 1) The proposed piece relates to a program, building or event in the City.
- 2) The proposed location for the piece is unique and none of the existing pieces in the collection are appropriate for the space.
- 3) More than 50% of the cost of the proposed piece is being privately funded through grants and or donations.

All objects considered for purchase must go through and be recommended and approved by the Arts, Culture & Heritage Commission, and have an approved allocation in the Budget for acquisition and other costs associated (transportation, installation, plaque/signage).

PUBLIC ART DONATIONS

The Arts, Culture & Heritage Commission shall review any proposed donation of Public Art for artistic merit, site appropriateness, potential liability, safety, cost of installation, cost of maintenance and any donor stipulations to approve or deny the gift. The Commission will review all donation applications and may choose to accept or refuse the donation.

A. Monetary Gifts

Proposed monetary gifts to the City for the purpose of acquiring artwork shall be referred to the Arts, Culture & Heritage Commission for review. The donor should provide a letter stating any stipulations regarding the use of funds for artwork. If there are no stipulations for use of the funds the Arts, Culture & Heritage Commission may make a recommendation to accept the

donation. If there are stipulations on the use of the funds the request will be reviewed by City Staff for feasibility and appropriateness.

B. Gifts of Public Art

A donor who wishes to make an offer of a gift of public art shall provide for review:

- Donation/Loan Proposal Form
- Documented materials for the artwork being offered for donation including photographs, slides, renderings, descriptions of size, weight, medium, year of creation, maintenance requirements and a resume of the artist if possible
- Documentation establishing the donor as the clear and unencumbered titleholder of the artwork
- A release letter by the donor should the City decide to relocate or deaccession the artwork in the future
- Signed Art Donation Agreement that acknowledges that the City may decide to sell the artwork and or not to display the donated artwork in a civic building.

Gifts of Public Art are required to be an original unique work or one of a limited edition. Copies or reproductions are not acceptable. In cases where the authenticity of a piece could reasonably be questioned it must be authenticated before accession.

A legal document of transmittal, transferring title or loan of the artwork and defining the rights and responsibilities of all parties including deaccession, must accompany all gifts of artwork.

The City of Wilsonville will acknowledge receipt of donated artwork without valuation for tax purposes. The donor must find other means of establishing the value of the artwork.

C. Gifts of State

Periodically the City of Wilsonville, through its Mayor, City Council or various agencies, receives gifts of Public Art from official representatives of other cities, states and governmental agencies. All such "gifts of state" shall be referred to the Arts, Culture & Heritage Commission for its recommendation as to site appropriateness, installation, maintenance, long-term conservation and funding requirements.

D. Review and Approval

Upon completion of its review, Arts, Culture & Heritage Commission shall have the authority to accept or reject the proposed donation and to recommend whether the proposed piece should be displayed in a public building or be deaccessioned from the collection. Any revenue received

from the sale of deaccessioned artwork will be applied to restoration and maintenance of the existing collection and or the purchase of new art.

MAINTENANCE OF PUBLIC ART

A. Regular Maintenance

The City recognizes that maintenance of public artwork on a regular basis is essential to the integrity of the work. The City shall reasonably assure that all art work on public land is properly cleaned and protected, taking into account the recommendations of the artist as stated in the maintenance criteria provided by the artist during installation.

B. Public Art Restoration

In the event that major repair work is required on Public Art installed on public land, the City shall give the original artist the opportunity to do that work at a reasonable fee. In the case of a disagreement between the City and the artist as to what constitutes a reasonable fee, staff will solicit bids for restoration from three other qualified sources. If the artist fee can be renegotiated within the range of the other bids, the artist will be contracted to do the repairs. If the fee is still deemed unreasonable given the other bids, staff will hire a separate contractor to do the repairs. Damage or vandalism to the base, plaque, frame, lighting or other elements not considered to be a part of the actual art piece may be repaired as needed by City Staff or contractors without consulting the artist. In the event that the damage constitutes a health or safety risk to the community, the City may remove the art or make emergency repairs as needed without contacting the artist.

C. Maintenance Funding for Public Art

The Parks and Recreation department will have a line item within their operations budget for Maintenance of the Public Art.

REMOVAL OF ART

Deaccession is the process of withdrawing a work from the art collection. Removing artwork from the collection (deaccessioning) is a sensitive matter and should be managed by clear criteria.

Criteria for deaccession of Artworks may include:

- The artwork presents a threat to public safety

- The condition or security of the artwork cannot be guaranteed, or the City cannot properly care for or store the artwork
- The artwork requires excessive maintenance
- The artwork has serious faults in design or workmanship
- The condition of the artwork requires restoration in excess of its monetary value, or is in such a deteriorated state that restoration would prove either unfeasible or would render the work essentially false
- The artwork is of poor quality or is judged to have little artistic merit, historic or cultural value
- The site for the artwork has become inappropriate, is no longer accessible to the public, is unsafe or is due to be demolished
- Significant changes to the use, character or design of the site require the re-evaluation of the relationship of the artwork to the site
- The work can be sold to finance, or can be traded for, a work of greater importance by the same artist
- There has been sustained and overwhelming public objection to the artwork
- A written request from the artist has been received to remove the work from public display

Any artwork being considered for deaccessioning must meet at least three of the above criteria.

All contracts for the acquisition of public art shall include a provision for a reasonable time period within which the City agrees to keep the piece of artwork in the place for which it was commissioned, purchased or donated. This provision shall also allow for removal, relocation or deaccession of the artwork in the event that it is determined that the location is needed for another public use or the piece is no longer of interest to the general public. Funds generated through the deaccession of existing Public Art will be used to acquire new art and/or maintain existing art in public places.

In the event that damage to the artwork constitutes a health or safety risk to the community, the City may remove, deaccession and or relocate the art as needed without contacting the artist.

A. Process for Deaccessioning

Deaccession shall begin with a formal request which can be initiated by City Staff, the Arts, Culture & Heritage Commission, the Artist, the Artist's designated heirs or legally-appointed representative. The request shall be submitted to City Staff overseeing the Public Art Program and should outline the applicable criteria outlined above, and the reasons why the deaccession review should take place. The request must also contain information about the requestor's relationship to the Artwork and stake in deaccessioning the artwork.

Requests will be first reviewed by City Staff, who will make reasonable effort to contact the Artist, and any other known parties with a vested interest in the artwork, and shall work with the City's legal Department to comply with any applicable state or federal

notice requirements. Staff will place the deaccession request on an Arts, Culture and Heritage Commission agenda for the Commission to review and discuss and make a recommendation.

B. Implementation

In all cases, the Artist or the Artist's designated heir(s), or legally recognized representative(s) shall be given, when possible and within a reasonable time frame, the opportunity to purchase the Artwork for fair market value (as determined by a qualified art appraiser), or if the artwork is determined to be of negligible value, the Artist shall be given the opportunity to claim the artwork at their own cost.

When the artist does not purchase or claim the deaccessioned artwork, the City, at its discretion, may use any of the following methods to remove the Artwork:

- Sale – proceeds from sale shall be deposited back into Public Art Fund,
 - Sell the work back to the artist/donor
 - Sell the work through a dealer
 - Sell the work through auction
- Trade or exchange of a deaccessioned artwork for another by the same artist
- Donation of deaccessioned artwork to a non-profit organization; institution, or agency
- Destruction – this method is only appropriate in the following instances:
 - The entire artwork has been damaged or has deteriorated, and repair or remedy is impractical or unfeasible.
 - Most of the artwork has been damaged or has deteriorated, and repair or remedy is impractical or unfeasible, and any remaining intact parts of the artwork are deemed to have negligible value, and the artist is not willing to claim the remaining parts at the artist's own cost
 - Public safety considerations support destroying the artwork
 - Every effort to locate the artist, kin or donor has failed.
 - The City determines that no other method of implementation is feasible.

EDUCATION AND OUTREACH

City Staff and the Arts, Culture and Heritage Commission may recommend events and activities designed to provide a greater understanding of Arts (visual, performing, public art, cultural, etc.)

Activities and events may include workshops, artist lectures, public art tours and cooperative programs with schools and community organizations, performances, temporary projects, the creation and distribution of promotional information for public art, including press releases, public service announcements, brochures, etc.

WILSONVILLE PUBLIC LIBRARY

The Wilsonville Public Library has a robust art collection of donated, loaned and commissioned art works of various mediums. When applicable and reasonable the Wilsonville Public Library will follow the policies and procedures outlined in this policy. However, due to the wide-range scope and priorities of the Arts, Culture and Heritage Commission, the Library will handle processes and procedures internally when dealing specifically with the Library's art collection; including but not limited to: art donations to the library, maintaining the art gallery housed in the Library, deaccessioning or re-siting works within the Library's collection, etc. Should the library wish to Commission a public art piece such as a mural or permanent sculpture, Library Staff will work with City Staff overseeing the Public Art Program to discuss potential opportunities. The Public Art procedures as outlined in this policy will be followed, which include the Arts, Culture and Heritage Commission or Public Art Subcommittee as the review panel, with the addition of Library staff.

GLOSSARY OF TERMS

Accession – the formal process used to accept artwork into the public art collection

Artist – individual, team of individual artists, or artist team leader of individuals from other disciplines whose body of work and professional activities demonstrate serious ongoing commitment to the fine arts

Artist Registry – a list of artists maintained by City Staff that is utilized to solicit, announce and promote public art projects

Arts, Culture and Heritage Commission – the official advisory committee to the City Council. This commission provides ongoing input to the City on the delivery of cultural arts services and programs.

Parks and Recreation Department – the City of Wilsonville is divided into departments. The Arts, Culture and Heritage Commission and City Staff that oversee the Commission are housed within the Parks and Recreation Department.

Purchase Acquisition – Purchasing an already completed piece

Public Art Collection – All accessioned works of art owned by the City of Wilsonville

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

RFP/ Request for Proposal – formal request by the City to submit proposals, including cost and fee estimates, to perform specific services or to undertake a specific project

RFQ/ Request for Qualifications – formal request by the City to contractors/consultants/artists to submit qualifications as part of a two-step selection process for awarding a contract to undertake a project, not including any estimates of costs or fees

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