

DRAFT 12/3/2014

**City of Albany Public Art Master Plan
APPENDIX**

Procedures for acceptance and approval of Public Art projects

On Oct. 31, 2007, the Albany City Council adopted a percent-for-art ordinance with city-wide impact. The Public Art Ordinance establishes a mechanism for funding public art in Albany. The ordinance requires that certain public and private construction projects either include a public art element or provide an in-lieu fee for public art elsewhere. Any public or private development with a Construction Cost greater than \$300,000 (as calculated by the City of Albany) must include a Public Art component equal to 1.75% of the total construction costs. If there is not a possible public space for Public Art at the project site, the development must then make a contribution equal to 1.75% of project costs to the Art in Public Places Fund.

The establishment of the Art in Public Places program by the Albany City Council expresses the City's intent to provide its residents and visitors with a greater experience of the visual arts, and to provide financial and professional support for artists through the acquisition of their artwork. In keeping with these goals, the Albany Arts Committee has developed the following policies for the Public Art Program.

1. Program Objectives

The primary objectives of the Public Art Program are to:

- a. develop for the City of Albany a collection of the highest quality artwork which reflects its community and its ever-changing needs;
- b. enliven, enrich and enhance the quality of Albany's visual environment and public spaces;
- c. integrate the work and creative thinking of artists into the planning, design and development of the City of Albany by promoting and facilitating collaborations between artists, architects, landscape architects, engineers and other designers in all public construction or urban design projects and by encouraging such collaborations in the private sector;
- d. provide opportunities for artists which advance their art forms and which broaden the role of the artist in the community;
- e. provide employment opportunities for artists through the commissioning of artwork;
- f. provide opportunities for citizens and visitors to participate in, experience and understand the processes involved in the creation of public art.

2. Responsibilities

- a. Albany City Council
 1. Appropriate 1.75% of eligible capital improvement project costs to the Public Art Project Account annually.
 2. Review and approve the Public Art Program Policies.
 3. Review and approve the Public Art projects plan bi-annually.
 4. Approve appointments to the Arts Committee.
 5. Approve use of Public Art funds
 6. Approve acceptance of gifts, long-term loans of artwork

- b. Albany Arts Committee
 1. Recommend policies for the implementation of the Public Art Program to the City Council
 2. Recommend public art projects and budgets biannually (every 2 years) to the City Council
 3. Recommend public art policies to the City Council
 4. Review and recommend to the to the City Council the acceptance or rejection of all proposed gifts and long-term loans of artwork to the City

3. Community Participation

In order to ensure community participation in the Public Art Program, the Arts Committee will:

- a. Ensure that jurors on selected public art projects include community members

- b. Provide opportunities for community input:
 1. Meet with artists selected for public art projects
 2. Schedule tours to the public art sites and,
 3. Arrange public display of artists' models for public art projects

- c. Create a "Special Projects" category to enable community members to propose sites, concepts, and projects for potential inclusion in the Public Art Projects Plan. The "Special Projects" category shall include the following policies:
 1. "Special Projects" shall mean those projects submitted as proposals by community members, artists, and neighborhood groups
 2. An amount proposed by the Arts Committee shall be allocated to the Special Projects category every 2 years as part of the Public Art Projects Plan
 3. The Arts Committee will review proposals and shall make recommendations to the City Council regarding funding of Special Projects out of the biannual (every 2 years) amount allocated.

4. Projects which have secured outside matching funds shall receive priority for funding and the evidence of such funds shall be one criterion to be used in the evaluation process.
5. All projects must have demonstrated support from local community or neighborhood in which the artwork or project will occur. Example of demonstrated support include letters from neighbors, minutes from meetings, active participation/representation in public meetings or any other documents deemed appropriate. Projects proposed for private property must fulfill a demonstrated need within that community.
6. Projects proposed for placement on public property shall be deemed a higher priority than those for private property.
7. The Arts Committee shall require a written agreement from private property owners that they will support the project for the duration of its proposed time and will not destroy, remove, deface, or otherwise alter the work in any way.

4. Public Art Projects Plan

- a. Upon review of the site inventory in the Public Art Master Plan, the projected annual budget, and public art projects options presented by staff, the Arts Committee shall adopt the Biannual Public Art Projects Plan and shall forward a recommendation for approval to the City Council.
- b. The Staff liaison and Arts Committee shall periodically review the Biannual Public Art Projects Plan for possible revision or amendment. Revisions or amendments will be forwarded to Council for their approval.
- c. Implementation of the Biannual Public Art Projects Plan and all administrative responsibilities related to the Biannual Public Art Projects Plan shall be administered by the staff liaison. Individual projects will be coordinated between the appropriate City staff within each City Department.
- d. Request for proposals for public art projects will be disseminated as broadly as possible through local media and arts media. Project will be announced at least one month before the selection panel is scheduled to meet. Public meetings and/or site visits will be held to provide information to artists.
- e. Individual project appropriation shall cover costs related to the selection, purchase, or design and fabrication of the artwork, transportation, installation, insurance, identification plaques, and any other reasonable expenses associated with the initiation, development and completion of the project. All project appropriations shall be approved by the City Council.
- f. Review and Selection Process

1. A Selection Panel (Jury), appointed by the Arts Committee, shall recommend the artist or artwork for public art projects.
2. The following guidelines shall be used in the Arts Committee's recommendation of a Selection Panel for each project and in determining the responsibilities and jurisdiction of the Selection Panel.
 - I. The number of panelists and the composition of the panel appointed for projects will depend upon the size, location, and complexity of each project.
 - II. The Panels shall be comprised of a minimum of three persons from the following categories:
 - a. Voting Members
 - i. At least one artist or arts professional (designer, curator, educator, etc.).
 - ii. At least one and maximum of three representative of the neighborhood in which the artwork will occur.
 - b. Non-Voting Advisors
 - i. The design architect, if selected at this point.
 - ii. The project manager or designee from the City agency collaborating on the project.
 - iii. Other design team members, if selected at this point.
 - iv. A member of the Arts Committee.
3. The Selection Process will be facilitated under the following processes:
 - a. The Selection Panel shall meet in open session.
 - b. Staff shall issue written instructions to panelists detailing the duties and responsibilities related to the project before the first panel meeting.
 - c. The Panel shall review credentials such as portfolio, resume, website, proposals, and/or materials submitted by the artist. The Panel shall recommend to the Arts Committee an artist or artists to be commissioned for the project; an artist or artists to develop design proposals for the project; or recommend an artist or artists whose existing work is to be selected for the project. In the case where an artist or artists have been asked to prepare a specific design proposal, the Panel shall re-convene to review the proposals and shall select the artwork following the same procedures as outlined in steps A, B, and C above.
 - e. If a consensus cannot be reached, then a vote shall be taken, with the majority carrying the decision. Panelists shall each have one vote, and no Panelist shall have the right of veto.

f. The Panel shall have the option of making no selection. In the event that no selection is made, the Arts Committee shall determine whether to:

1) initiate a new selection process 2) revise the project or 3) abandon the project.

g. The Panel's decision shall be recorded by the Arts Committee Staff Liaison in the form of a written record to the Arts Committee. If approved, the Panel's decision will be given formal approval by resolution of the Committee. If rejected, the decision to reject the Panel's decision will be voted on by the Arts Committee and an alternative process for project development will be determined.

4. Conflict of Interest

Any persons who would receive financial gain from the selection of artists or artworks are ineligible to serve on a Selection Panel. Any artist selected to serve on the Selection Panel is precluded from having his/her work considered for any Public Art project during his/her time of service.