

RESOLUTION NO. 477

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, REPEALING RESOLUTION NO. 405 AND APPROVING A PUBLIC ART POLICY AS PROVIDED IN SMC 3.35.150.

WHEREAS, on March 6, 2017, the City Council passed Resolution No. 405 approving a Public Art Policy as provided in SMC 3.35.150(A); and

WHEREAS, the City's Public Art Policy needs to be updated to better reflect the actual processes involved in bringing public art to Shoreline and to reflect the adoption of Ordinance No. 874 which expanded the type of capital improvement projects contributing to the Municipal Art Fund; and

WHEREAS, the Parks, Recreation, and Cultural Services Board reviewed the proposed Public Art Policy on March 25, 2021; and

WHEREAS, the City Council has considered all relevant information in the public record, including staff reports and Board meetings, and finds that the proposed Public Art Policy adequately reflects the City's vision of Public Art and sets forth appropriate procedures to fulfill that vision;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Repealer. Resolution No. 405, passed on March 6, 2017, approving a Public Art Policy, is hereby repealed in its entirety.

Section 2. Public Art Policy. The City of Shoreline Public Art Policy, as set forth in Exhibit A to this Resolution, is approved as the City's Public Art Policy. As required by SMC 3.35.150(A), all expenditures from the Municipal Art Fund shall be restricted to those approved through this Policy.

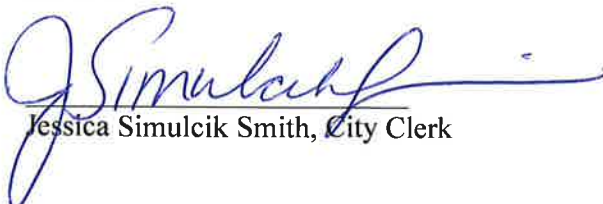
Section 3. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Resolution, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or resolution numbering and section/subsection numbering and references.

ADOPTED BY THE CITY COUNCIL ON MAY 10, 2021.





Will Hall, Mayor

ATTEST:



Jessica Simulcik Smith, City Clerk

		<h1>POLICY & PROCEDURE</h1>	
<h2>PUBLIC ART</h2>		Category: Parks, Recreation, and Cultural Services	Number: 1000-05 Classification: Public
Effective Date: 05/10/2021	Supersedes: Policy #1000-05 Receiving #8767	Policy Originator: Recreation and Cultural Services Superintendent	Approved By: City Council Res. No. 477  Will Hall, Mayor

1.0 PURPOSE

The purpose of this Policy is to provide a framework for managing the commission and donation of Public Art as well as the expenditure of municipal art funds as provided in SMC 3.35.150. This Policy will help guide the City in decisions around acquisition and advocacy for works of art as part of its permanent and temporary collections, as well as how to encourage, facilitate and support privately owned art in public places to expand awareness and appreciation of art along with enhancing the enjoyment of public places throughout the City.

2.0 DEFINITIONS

Acquisition: Procurement of works of Public Art for the City’s permanent and temporary collections. This includes commission through open competition, limited competition, invitation, donation, direct purchase or any other means, as well as the Portable Works Collection.

Art Selection Panel: A Panel of arts professionals, artists and community representatives who participate in the selection process of artists and artwork for Significant Public Art projects. For significant and major commissions above \$30,000, panels are appointed by the Board.

Artist: A recognized professional who produces non-commercial artwork on a regular basis.

Board: Parks, Recreation, and Cultural Services Board

CIP: Capital Improvement Program

De-accessioning: A procedure for removing and disposing of artwork from the City's permanent collection.

Director: Recreation, Cultural and Community Services Director or designee

Emerging Artist: An artist who does not yet have a significant body of work, or is not well-established in the applicable field of art.

General Capital Fund: City's pooled source of funding generated by taxes and allocated by the City Council specifically for capital projects

Integrated Design Process: Design of public art that includes the artist and the architect or other design professional for a capital project.

Municipal Art Fund (MAF): A special fund established in Shoreline Municipal Code Section 3.35.150 for funds designated for Public Art including Public Art Plan Funding (PAPF) and Public Art Plan Funding – Art Restricted Funds (PAPF-ARF) funds.

Portable Works Collection(s): Two-dimensional artworks and smaller three-dimensional artworks purchased by the City as outlined in the Portable Works Collection Policy. These works are City assets and therefore insured.

Project Architect: The person or firm (architect, landscape architect, interior designer, or other design professional) designing the project to which the 1% for Art provision applies.

Public Art: All forms of original creations of art in locations that are accessible to the public in City or privately-owned facilities, including parks and public rights-of-way (ROWS).

Public Art Collection: Permanent and temporary artworks owned (by commission, donation, or purchase) by the City, King County (4Culture), Washington State Arts Commission, Shoreline School District, and private entities. Public Art includes, but is not limited to:

Visual Art:

Dance, Theater, and Performance:

These are forms of temporary public art. Painting, photography, drawing, collage, mixed media, encaustic, prints, film and video, and the myriad other forms of both two and three-dimensional artworks, mostly portable, but also in large scale format.

Sculptural Objects: includes a variety of scale, from large earthworks and landscape art, to monuments and statues, to water features, to smaller pieces displayed in vitrines; of any material and inclusive of kinetic, functional,

interactive, and/or multimedia components; inclusive too of traditionally-regarded crafts such as wood carvings, glass and ceramics, textiles and fabric, and the like.

Murals, Vinyl Wraps, Banners: Murals can be applied to walls by a variety of means, inside or outside; wraps and banners refer to decorative embellishments of the built environment and urban furniture and can include painted fire hydrants, sidewalk chalk art, etc.

Art exhibitions: By definition, these public and accessible displays of both two and three-dimensional artworks – often comprised of a group of artists organized around a curatorial theme -- collectively form an important category of temporary public art, especially in Shoreline where there are as yet no commercial art galleries and no venues for the display of curated exhibitions. Artworks that are part of temporary exhibitions are eligible for purchase and inclusion in the City's Portable Works Collection

Community-Based Art: A wide variety of artistic practices that involve embedding in community groups, often with an explicit social justice message, with the visual art often serving a subsidiary function.

Signage, Calligraphy, Text: Does not include advertising or billboards as such but conveys an easily observable artistic component that is not specifically designed to sell a product.

Experimental geography, mapping, walking: Relatively recent art forms that combine a multidisciplinary approach to visual art making that borrows from geography, mapping, GIS, orienteering, wayfinding, and navigating urban space.

Conceptual, installation, time-based, emerging, new media: New forms of art are constantly developing as technology and culture foster experimentation. Augmented reality is a good example.

Other forms of Art:

Sound Art: Examples might include ambient noise that an artist manipulates or curates for audiences to listen to; experiments with sonic waves, and other forms of auditory stimulus.

Music

Literature

Community-based Art: As above, though without the production of visual objects; thus, a song or narrative developed by an artist or artist group with direct engagement with a social group.

Art exhibitions not focused on visual art

Public Art Coordinator: The City of Shoreline employee overseeing and coordinating the City's public art program.

Public Art Plan Funding (PAPF): A funding plan established by SMC 3.35.150 requiring one percent (1%) of the Construction Project Phase budget for most projects in the City's adopted CIP to be appropriated for public art.

Public Art Plan Funding – Art Restricted Funds (PAPF-ARF): A funding plan established by SMC 3.35.150 requiring one percent (1%) of the Construction Project Phase budget for City utility projects in the City's adopted CIP to be appropriated for public art and is restricted to use for public art closely linked to the purpose of the fund source.

Public Art Plan: A plan approved by the City Council outlining the direction for the City of Shoreline's public art program including a plan for the expenditures of the Municipal Art Fund

Significant Commission of Public Art: A work of Public Art that is anticipated to cost \$30,000 but no more than \$100,000; generally drawn from an artist in the Pacific Northwest region.

Major Commission of Public Art: A work of Public Art that is anticipated to cost \$100,000 or more, generally involving a national search for the artist.

3.0 POLICY

The City will acquire and display Public Art for the benefit, enjoyment, and education of all of its residents.

1. Public Art should:
 - a. Speak, in a significant way, to a large portion of the City's population;
 - b. Bring meaning to public spaces and make them more engaging;
 - c. Reflect the rich cultural diversity of the community; and
 - d. Be of high quality, as determined by a panel or jury.

2. The Public Art selection and acquisition process will:
 - a. Encourage the creation of many types of art works;
 - b. Consider input from the arts community, the general public, and the business community; and
 - c. Encourage collaboration between artists and design professionals, including architects, landscape architects, project managers and engineers when possible.

3. Permanent Public Art acquired under this Policy will become a part of the City's Collection, an asset of the City, and will be thoughtfully sited or displayed, properly maintained, and insured as appropriate.
4. The City will establish and maintain complete records that include documents transferring title, artists' contracts, reports, invoices, and other pertinent material.
5. Works of art will be acquired or accepted without legal restrictions about use and disposition, except with respect to copyrights, or other specifically defined rights as part of the contract negotiated with the artist.
6. As part of its duties to provide input to staff and the City Council on parks maintenance and operations, design matters, programs and services in sports, leisure and cultural activities, the Board serves in an advisory capacity on Public Art within Shoreline.
7. Design Review for Funded CIP Projects: Where possible Public Art staff will join internal design team review for funded capital projects at 30, 60, and 90 % design stages and will participate in related public outreach meetings. Since CIP funds are not available until the conclusion of a project, public art acquisition will depend on existing MAF balance: if sufficient funds are available at the start of a CIP project, design review can include incorporation of public art during the construction phase.

4.0 USE OF THE MUNICIPAL ART FUND

1. The Municipal Art Fund may be used for selection, acquisition, installation, display, restoration, relocation, deaccessioning, and administration of Public Art including the following:
 - a. The artist's professional design fee.
 - b. The cost of the work of art and its site preparation and installation as needed.
 - c. Identification plaques and labels to be placed on or adjacent to the artwork.
 - d. Waterworks, electrical and mechanical devices, equipment and lighting which are an integral part of the work of art and/or are necessary for the proper functioning of the artwork.
 - e. Frame, mat, pedestal, base and similar items necessary for the proper presentation and/or protection of the work of art.
 - f. Payment of panelists if the Director requests payment for their services based on extraordinary qualifications and the service would not be provided without pay.
 - g. Honoraria and fees to artists selected as finalists where detailed proposals or models are requested for time, materials, and travel involved in making the proposal or model. Honoraria and fees may apply to some but not all projects included in the 1% for Art Program.

- h. Extraordinary repair and/or special maintenance of works of art. Normal and routine repair and replace is paid for from Parks Repair and Replacement funds.
 - i. Staff personnel to administer the Public Art Program including projects and processes. 50% of the Public Art Coordinator's salary derives from the MAF and 50% from the General Fund.
2. Exclusions: The Municipal Art Fund may not be expended for the following:
- a. Reproductions by mechanical or other means, of original works of art; except funds may be expended for limited edition prints controlled by the artist, cast sculpture, and photographs.
 - b. Architectural treatments where no identified artist is involved, or the treatment is catalogued and prefabricated.
 - c. Art Objects which are commercially mass produced or of standard design, such as playground sculpture or fountains; except funds may be expended for artists responding to a request for proposals with submittals including these types of objects.
 - d. Those items which are required to fulfill the basic purpose of a project and have not been acquired through a Public Art process.
 - e. Architectural rehabilitation or historical preservation, although works may be acquired in connection with such projects.
 - f. Electrical, hydraulic or mechanical service costs for routine and ongoing operation and maintenance of the work of art.
 - g. Site preparation necessary to receive the work of art, unless done by the artist as an integral part of the work.
 - h. Expenses related to the work of art (before or after installation) such as dedication, unveiling, insurance, security and or publication costs. These expenses shall be funded in the Department's annual budget through the General Fund. If the project is funded by PAPF-ARF, the Department initiating the project will be responsible for expenses.
 - i. Routine repair and maintenance expense of art installations, funded in whole, or in part, by the MAF will be included in the Parks Repair and Replacement project budget within the General Capital Fund.
 - j. Routine repair and maintenance expenses of art installations funded in whole, or in part, by restricted funding, e.g., PAPF -ARF, will be considered as part of the facility constructed by the fund source and included in the fund source's operating budget. Example: public art created as part of a pump station will be maintained by Surface Water Utility.

5.0 PUBLIC ART MAJOR & SIGNIFICANT ARTWORK ACQUISITION PROCEDURE

1. Fund Determination. Fund availability will be determined during the budget process following Administrative Rule 200-F-09 Financial Administration of the Municipal Art Fund and Public Art Plan funding line items.

2. Project Scope and Timeline. When sufficient funds become available, the Public Art Coordinator will convene appropriate City staff to assess qualifying Public Art implementation options based on the determined budget.
 - a. If the MAF budget process determines no major or significant Public Art installation is budgeted that year, the Public Art Coordinator will act as consultant during Capital Projects early design review process, with agreed upon regular check-ins.
3. Selection of Artists. The Public Art Coordinator will advise the Board on recommended artist eligibility requirements, art and artists selection methods, and the need (or not) for an Artist Selection Panel for each Major or Significant Public Art commission.
 - a. Professional Eligibility. Artists will be selected on the basis of their qualifications as demonstrated by their past work and education, the appropriateness of their proposal for the particular project, and the probability of its successful completion, as determined by the Art Selection Panel.
 - b. The following methods of selection may be approved by the Board:
 - i. Open Competition: Program requirements will be broadly publicized prior to selection. Any qualified professional artist may compete.
 - ii. Limited Competition: The Art Selection Panel will select three or more artists and invite them to enter. The names of artist(s) will be publicly announced upon receipt of written acceptance of entry from the artist(s). Where detailed proposals or models are requested, each artist may receive a fee for the necessary time, materials and travel involved in the proposal.
 - iii. Direct Selection: The artist or pre-existing artwork may be selected directly by the Art Selection Panel. This method is only to be used upon approval from the Board if the selection methods in 3.b.i and 3.b.ii are not feasible.
4. Art Selection Panel and Art Selection: All Art Selection Panels shall have flexible membership, as determined by the Board, based on the size, location and complexity of the project. Panels are not required for selection for Portable Works Collection, although Public Art staff will present purchase recommendations to the Board for approval.
 - a. The Art Selection Panel for Significant and Major Public Art will be composed, at the minimum, of a member of the Board, a member of the community, an artist, an art professional, project architect (if appropriate), a representative of the ShoreLake Arts and a City staff member. Panelists may be solicited outside of the community if special expertise is needed. A member of the Project Design Team may be on the jury when appropriate, to comment on architectural elements and technical feasibility of art in public buildings. At its discretion, the City Council may choose to appoint one of its members to the panel. The Public Art Coordinator will act as the chair for the Panel.

- b. Art Selection Panelists shall not be paid for their services unless the Director requests payment for their services based on extraordinary qualifications or circumstances.
- c. Panelists will be given a copy of this Policy and are responsible for adhering to this Policy.
- d. The Public Art Coordinator will provide the Art Selection Panel, in writing, appropriate background information, the prospectus, objectives, budget limits and selection criteria for the project, including any specific criteria based on fund source.
- e. The Art Selection Panel will meet at least once in an open public meeting to review all of the proposals submitted in response to a prospectus. Panelists should acknowledge any current conflicts of interest that exist with the field of artists.
- f. From the proposals submitted, the Art Selection Panel may select up to five (5) artists to interview for an integrated design process project or may select, without interview, up to three (3) artists to develop a specific site-based proposal. If site-based, the Public Art Coordinator will provide the selected artists with any additional information.
- g. When engaged in an integrated design process, the Art Selection Panel will review the site-specific designs proposed by the selected artists at an open public meeting. At this time, the Panel will have an opportunity to provide guidance to the artists, taking specific designs and budget into consideration. A short list of site-specific design guidance and parameters will be established by the Panel.
- h. When more than one artist has been asked for specific design proposals, the Art Selection Panel will hold an open public meeting at which the semi-finalists will present their final proposals in the form of models and/or “in situ” sketches. There will be an opportunity for comments and questions by the Panel, after which, the Panel will deliberate on the presentations and select a finalist for recommendation to the Board. The Panel shall try to reach consensus. If consensus cannot be reached, a vote shall be taken with majority rule. The Panel has the right to make no selection if, in its opinion, there is insufficient merit in the submissions.
- i. The recommendation of the Art Selection Panel will be presented to the Board at its regularly scheduled open public meeting. Artist and members of the Panel are invited to attend this presentation.
- j. The Board will review the recommendation, provide for public and staff comment, before taking action to approve or reject the recommended artist proposal.
- k. Contracts will be signed in accordance with existing City policy. Staff will execute a contract with the selected artist, subject to the City’s Purchasing Policy and Procedures. If the selected artist proposal requires a phased approach, a Design contract may be separate from the Fabrication and Installation contract.

3. Location of works will be determined either by being cited in a Donor Agreement or through a process led by Public Art Coordinator.
4. Donations for the Portable Works Collection from the Artist Residency Program that meet the criteria outlined in Section 5 above may be accepted by the Public Art Coordinator without approval from the Board.
5. Monetary Donations. City staff will review proposed gift of funds for the acquisition of works of art, if restricted or dedicated in any way, to ensure that such restrictions or dedications are consistent with this Policy, the Public Art Plan, and the City's Parks, Recreation and Open Space Plan.

7.0 RELOCATION AND DEACCESSIONING

1. Proceeds from the sale of a work of art shall be returned to the Municipal Art Fund unless proceeds were restricted by donation or any pre-existing contractual agreements between the artist and the City regarding resale.
2. Retention or relocation of Permanent Public Art acquired by the City, regardless of the method, may be reviewed by the Public Art Coordinator for one or more of the following reasons:
 - a. The condition or security of the artwork cannot be reasonably guaranteed.
 - b. The artwork requires excessive maintenance or has defective design or workmanship, and repair or remedy is impractical or unfeasible.
 - c. The artwork has been damaged, and repair is impractical or unfeasible or the cost of repair or renovation is excessive in relation to the original cost of the work.
 - d. The artwork endangers public safety.
 - e. No suitable site is available or significant changes in the use, character or design of the site have occurred which effects the integrity of the work.
 - f. The quality or authenticity of the artwork has been reassessed.
 - g. Removal is requested by the artist.
3. The following steps will be taken by the Public Art Coordinator to prepare a recommendation for the Board that Permanent Public Art meets one of the criteria above and should not be retained.
 - a. Review of the artist's contract and other agreements that may pertain to or restrict deaccession.
 - b. Discussion with the artist if they can be notified by reasonable means.
 - c. Opinion of more than one independent qualified professional to recommend on the concern prompting review (conservators, engineers, architects, critics, art historians, public art professionals, safety experts, etc.).
 - d. Review of all evidence of public comment and debate.
 - e. An analysis of the reasons for deaccessioning.
 - f. Options for storage, disposition, or relocation of the work.

- g. Appraised value of the work, if obtainable.
 - h. All available additional information necessary to make a determination.
4. The Public Art Coordinator's recommendation to the Board on relocation or deaccessioning should include discussion of the following:
- a. Relocation of the artwork: If the work was created for a specific site, this may not be possible. Relocation to a new site should be consistent with the subject, scale, and other qualities of the work. The artist's assistance may be sought.
 - b. Removal through sale or trade: Sale through auction, art gallery or dealer resale, or direct bidding by individuals. Trade through artist, gallery, museum, or other institutions for one or more other artwork(s) of comparable value by the same artist regulations.
 - c. Indefinite loan or sale to another governmental entity.
 - d. Destruction of work deteriorated or damaged beyond repair at a reasonable cost, and deemed to be of no or negligible value, in accordance with national standards for conservation and deaccession. If destruction of the work is the only solution, whenever practical, the artist shall be given first opportunity to remove the piece.
5. De-accessioning will:
- a. Only be considered after 10 or more years have elapsed from the date of the installation of Permanent Art Work unless extraordinary circumstances exist.
 - b. Only utilized after a careful and impartial evaluation of the work to avoid the fluctuation of artistic opinion and the premature removal of an artwork from the collection.
 - c. When deaccessioning art, the Public Art Coordinator will follow applicable City regulations and policies for surplus personal property regardless of the method of disposal – sale, trade, loan, or destruction.
 - d. If the sale of works of art is to a Councilmember, Board member, City employee, or members of their immediate family, then City regulations for surplus personal property will apply as well as the City's Code of Ethics and Visual Artists Rights Act.