

BAINBRIDGE ISLAND ARTS & HUMANITIES COUNCIL



PUBLIC ART COMMITTEE GUIDELINES FOR IMPLEMENTING PUBLIC ART PROJECTS

Adopted by the Bainbridge Island Arts and Humanities Council on November 20, 2000
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I. GOALS

The Bainbridge Island Arts and Humanities Council (BIAHC) will appoint a Public Art Committee (PAC) to inspire the Island community with extraordinary and creative experiences in public spaces. To this end, PAC will:

- A. Propose and implement art works and projects that will be displayed in spaces easily accessible and visible to citizens and/or visitors. Such public art works and projects shall be consistent with the Comprehensive Plan and Community Cultural Plan goals and purposes, zoning and subdivision ordinances, and the uses contemplated therein.
- B. Cooperate and work with other organizations, both private and public, such as the Bainbridge Planning Commission, Design Review Commission, Public Works Dept., Land Use Office, Bainbridge Island Park and Recreation Dept., Bainbridge Island Downtown Association, Chamber of Commerce, Historical Society, Washington State Ferry, and the Washington State Department of Transportation.

- C. Provide a creative environment for working artists and opportunities for them to display art in public places.
- D. Obtain comments, suggestions, and support from the community and its artists in the expenditure of public art funds.
- E. Identify appropriate sites for artwork projects.
- F. Educate the public concerning public art.

II. APPOINTMENTS AND STAFFING

A. The Public Art Committee (PAC) membership:

1. The PAC shall consist of no fewer than six (6) and no more than twelve (12) persons as determined by the needs of the PAC.
2. The BIAHC board will designate one of its members to sit on the Committee for liaison purposes.
3. PAC members must be residents of Bainbridge Island. Any existing member who moves off-Island may continue to serve until replaced.
4. Appointments to the PAC shall be made by a majority vote of all PAC members then serving, and the approval of the BIAHC.
5. The Chair of PAC shall be selected by the PAC and approved by the BIAHC Board of Directors. The PAC Chair will come from or agree to serve on the BIAHC Board of Directors.
6. PAC members shall serve for three (3) years or until their resignation or removal. Members shall be re-elected for each consecutive term. No person shall serve on the PAC for more than (9) consecutive years.
7. PAC members shall have (1) vote in matters pertaining to the Public Art Committee; voting shall be either in person or by proxy. A quorum shall consist of a majority of the committee members. Motions are carried by a simple majority of the quorum in attendance. (Removal of a member requires a 2/3 majority as stipulated in Provision II.A.9.)
8. A PAC member may resign at any time by delivering written notice thereof to the PAC.
9. Removal: (a) The status of any Committee Member who has been absent from three consecutive Committee Meetings shall be reviewed by the Committee and their position may be declared vacant by a 2/3 vote of the Committee members and the approval of the BIAHC. (b) Any Committee member whose removal is considered to serve the best interests of BIAHC and the Committee, their position may be declared vacant by a 2/3 vote of the Committee members and the approval of the BIAHC.

B. Public Art Committee (PAC) staff.

1. The BIAHC Executive Director, with participation from PAC, shall hire a Public Art Program Administrator to carry out the policies and duties relating to the administration of the Public Art Program. The Administrator shall work with PAC to develop and implement public artwork projects, according to the job description developed by the BIAHC Executive Director and Board. The expense of PAC administrative services is paid from the public art fund”.
2. The BIAHC Director shall hire, with PAC participation, other contract personnel to manage and implement public artwork projects, as needed, on a project-by-project basis.
3. Contacts with the media, the City, contract project managers, and potential funders and donors will be the responsibility of the BIAHC Executive Director who may delegate to the Public Art Program Administrator, or the Committee Chair as circumstances require.

III. DEFINITIONS

- A. **Work of Art/Artwork:** Original works including the production or arrangement of sounds, colors, forms, movements and other elements in a manner that enhances the sense of beauty and is of aesthetic value including but not limited to:
1. Sculpture: in the round, bas-relief, fountain, electronic, etc., in any material.
 2. Painting: all media, including portable and permanently affixed works such as murals.
 3. Graphic arts: drawing, printmaking, applied graphic design, and calligraphy.
 4. Photography.
 5. Crafts: in any material.
 6. Mixed Media: any combination of forms or media, including collage.
 7. Earthworks, installations, and other environmental works.
 8. Performing Arts: dance, theatre, music, performance art, and theatrical readings.
 9. Literary Arts.
 10. Artist Made Building Parts (AMBP) integrated into structures as architectural embellishments or elements.
 11. Design Team Collaborations that place a public artist into the mix of design professionals involved in the planning of architectural or infrastructure projects.
 12. Art Master Plans that interject artist involvement into urban design and development projects.

- B. **Artist(s)**: Principal individual or team responsible for the concept, development, and production of *Work of Art/Artwork*.
- C. **City**: The City of Bainbridge Island.
- D. **Design Professional**: The person or firm (architect, landscape architect, engineer, interior designer, or other design professional) designing the project or any part thereof to which the 1% provision applies.
- E. **Public Art Fund (PAF)**: A special fund into which money equal to 1% of expenditures on eligible construction as defined in BIMC 3-80 and/or through private donations is deposited. Funds received from Bainbridge Performing Arts ticket sales (under an agreement signed by the BPA and the City of Bainbridge Island on June 24, 1991) are also to be deposited to the PAF.

IV. INCLUSIONS AND EXCLUSIONS

- A. Inclusions: Money from the Public Art Fund **MAY** be expended for the following:
 1. The cost of the work of art: generally, if the artists is commissioned to produce a new work, the following are taken into account in the contract:
 - a. Artist's professional design fee.
 - b. Labor of assistants and materials required for production of the work.
 - c. Studio and operating costs of the artist, including rent, depreciation, utilities, communications, insurance, and other direct and indirect costs.
 - d. Travel of the artist for site visitation and research.
 - e. Transportation of the work to the site.
 - f. Installation of the completed work and site preparation that is an integral part of the work.
 - g. Removal of completed work according to criteria set forth in Guidelines.
 - h. Taxes.
 2. Honoraria, paid to artists selected to participate in limited competition for time, materials, and travel involved in making a proposal or model.
 3. Identification plaques and labels to be placed on or adjacent to the artwork.
 4. Water works, electrical or mechanical devices, or equipment, which are necessary for the installation and proper functioning of the artwork.
 5. Pedestal or base, which is an integral part of the work, or frames and mats etc. necessary for the proper presentation of the artwork.
 6. Site Work. For existing sites not undergoing development, alteration or restoration necessary for installation of the artwork, cost may be paid by the Public Art funds.
 7. Project Administrative costs, not to exceed 30%, including:

- a. Honoraria paid to voting jury members, and other jury expenses
 - b. Project management, architect, art administrator, and consultant fees as are judged necessary for successful project completion
 - c. Dedications (not to exceed \$500 without Council approval)
 - d. Community education purposes
 - e. Reimbursement to designated agency of at least (depending on actual costs) 10% of project administrative costs for project related photocopies, postage, printing, bookkeeping and website services, photographs, etc.
8. Design and printing of any of the art forms listed in paragraph 1 A (Definitions) for the purpose of distribution to island residents and visitors.
 9. Funds, up to \$1500 per year from the Public Art Fund, may be used for operating expenses of the Committee. Such uses may include but are not limited to PAC notebook materials, meeting supplies, retreat expenses, travel and training, professional memberships, and PAC committee or staff educational materials.
 10. Conservation (maintenance, restoration, renovation, illumination or relocation) of city owned public artwork other than Artist Made Building Parts (AMBP). For this purpose, the City has created a public art sub-fund that sets aside up to 10% of all new funds added to the public art account each year. PAC will recommend an annual amount and request approval of conservation related expenditures from the Community Relations Committee. (Ordinance 2000-09)
 11. Funds, up to \$2000 per year from the Public Art Fund, may be used for publishing or reproducing published materials pertaining to the Public Art Program or its projects.

B. Exclusions: Money from the Public Art Fund MAY NOT be expended for the following:

1. Reproductions by mechanical or other means, of original works of art. (PAF money may spent on limited editions controlled by the artist of original prints, cast sculpture, etc.)
2. Objects which are mass produced or of standardized design, such as playground equipment.
3. Ongoing electrical, hydraulic or maintenance services for activation of an artwork, or utility costs.
4. Public art work that is designated as an Artist-Made Building Part (AMBP), or is embedded into the street or sidewalk, is part of the facility or street in which it is installed and is to be maintained, restored, renovated, illuminated, or relocated with general city funds. (Ordinance 2000-09). PAC will bring AMBP maintenance and conservation needs before the Community Relations Committee to request a City work order. AMBP and embedded artwork conservation or restoration will be performed by the fabricating artist or a conservator or artist recommended by PAC.

V. RESPONSIBILITIES

- A. The Bainbridge Island Arts and Humanities Council (BIAHC) will:
1. Implement BIMC 3.80.040 and Public Art Ordinances 96-23 (establishing a 1% public art program), Ordinance 96-48 (Amending BIMC Section 3.80.040), and Ordinance 2000-09 (addressing collection maintenance, conservation, restoration).
 2. Appoint a PAC to assist with the duties and obligations outlined in BIMC 3.80.040.
 3. Provide technical and staff support to the PAC.
 4. Act on PAC requests and vote on PAC proposals in a timely manner.
 5. Invoice City for authorized public art expenses.
- B. The Public Art Committee (PAC) will:
1. Define candidate arts projects.
 2. When appropriate devise means for Community input.
 3. Work with city officials and consultants when appropriate, to recommend sites for artwork and when desirable, means for participation of artists in overall project design.
 4. Establish guidelines for installation, maintenance, and relocation of artworks.
 5. Determine the methods of selection and commissioning artists; and for reviewing the design of, execution, placement of, and acceptance of works of art funded by this ordinance.
 6. Determine honoraria to voting members of the jury, and when appropriate, to artists invited to participate in a limited competition.
 7. Select a panel (jury) to evaluate proposals, and preside over jury review in a non-voting capacity.
 8. Consult with City official(s) regarding the execution and implementation of art work.
 9. Develop the necessary artist contract(s) for each project, and present to COBI attorney for review if warranted by project complexity, significant document content changes, or other necessitating circumstances.
 10. Receive approval from the appropriate City official(s) of any proposed artwork requiring extensive maintenance prior to implementation of the project. (See section IV, B3)
 11. Consult with the City Public Works Dept. and the Land Use Office on construction projects, regarding the execution or placement of the artwork. In cases of existing and completed sites, the PAC shall consult with City official(s) on locations and reach an agreement.

12. Submit the recommendation for the artworks and the budget to the Bainbridge Arts and Humanities Council for approval prior to submission to COBI.
13. Oversee progress of each project.
14. Consider and respond to the need for project changes as proposed by the Artist, as work develops.
15. Document completed art projects, including the proposal, photographs, contract, maintenance records, and PAC action related to each project.
16. Develop a program of educational and promotional activities as part of each public art project. In addition to involving citizens in advisory panels and art selection juries, public involvement may be achieved through artist's interaction with the community, use of the media, special events, exhibitions, tours, publications and public meetings.

C. The City will:

1. Provide information regarding the amount deposited in the Public Art Fund and Public Art Maintenance Sub-fund and assist with the disbursement of funds.
2. Provide information on new capital improvement projects including illustrations if available.
3. Provide space for public exhibition of project proposals or public art educational materials.
4. Provide security and insurance of the public artwork, upon ownership by the City, and abide by the artist's contract regarding artist involvement in repairs.
5. Notify BIAHC and assume the cost of maintaining and repairing public artwork designated as an Artist Made Building Part (AMBP), and abide by the artist's contract regarding artist involvement in repairs. If services of a professional conservator are required, City will request recommendations from BIAHC staff.
6. The appropriate City agencies shall review, advise and approve the proposed artwork(s) based on public safety, technical feasibility of installation; and, when necessary, facilitate the installation of the artwork(s).
7. The City attorney may assist with artist contract preparation.

D. Design professionals will, when artwork is being integrated into a construction project:

1. Work with the Committee as soon as possible in design phase to incorporate any possible advance planning in relationship to artwork.
2. Recommend and advise on sites, specific locations and opportunities for works of art.
3. If requested, serve in a nonvoting advisory capacity on the jury of the current project.
4. Work closely with the artist and provide technical assistance as requested, and be available to observe the installation of the contracted work.

E. Artists will:

1. Complete commissioned work in a timely and professional manner, or transfer title of an existing work of art to the City.
2. Maintain a close working relationship with the PAC, City officials, and design professional(s).
3. Request review and approval from the PAC, should any significant change occur in scope, material, or design of work.
4. Make a presentation, if requested, to the community on the development or progress of the artwork.
5. When required by the City, provide approved and stamped engineering plans with specifications for installation construction.
6. Be responsible for coordinating, and final inspection of the installation of the artwork, hiring subcontractors as necessary, unless otherwise stipulated in the contract.
7. Assume liability for the artwork, up to and during installation, until final acceptance of the artwork by the City.
8. Assume responsibility for all taxes, subcontractors fees, transportation, and costs incurred in artwork production and delivery.
9. Complete conservation records that include (as appropriate):
 - a. Specific materials and sources used in the execution of the piece.
 - b. Methods of fabrication including diagrams and names of fabricators.
 - c. Installation specifications, methods, description and diagram of structural support, company and persons involved in installation.
 - d. Method and frequency of maintenance including routine maintenance requirements, cyclical maintenance requirements, recommended cleaning materials and methods, recommendations and cautions about possible negative influences on work (e.g. climate, pollutants, sunlight, etc.)
 - e. Desired appearance of work (e.g. matte or glossy patina).
10. When requested, maintain a record (i.e. slides, log and/or sketches) of artwork production.
11. Respond to the City's concerns regarding vandalism and public safety through all phases of the artwork.
12. Estimate the life of the work and guarantee the work for a minimum of one year after installation or as provided in the contract.

VI. SELECTION PROCEDURES

A. Criteria for Selection:

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1. Artistic excellence will be the primary criterion for selection.
2. Selection will be based on artist's past work, quality and feasibility of proposals; artist's performance records, and, when appropriate, the ability of an artist to work with and to inspire the community.
3. When appropriate, priority will be given to artists with local or regional emphasis and backgrounds.
4. Specifically excluded from competing for commissions are artists who are members of the projects' architectural firm or members of the PAC or BIAHC.
5. Past BIAHC and PAC members are precluded from submitting proposals for one year after service.

B. Selection Process:

1. Selection shall be by juries named by the PAC. The PAC will adequately publicize all public artwork projects and will conduct a fair and open selection process.
2. One of the following methods of selection may be used:
 - a. OPEN COMPETITION: All professional artists eligible to enter, subject to residence limitations, which may be established by the PAC. The PAC will broadly publicize the application criteria and procedures at least one month prior to selection.
 - b. LIMITED COMPETITION: The jury will consider three or more artists and invite them to prepare a proposal. The names of artists will be publicly announced upon receipt of written acceptance from the artists. Where detailed proposals or models are requested, each artist may receive a fee for the time, materials and travel involved in preparing the proposal.
 - c. DIRECT SELECTION: The artist or artwork will be chosen by the jury. At least three artists or artworks must be considered through review of slides, photos, or actual works.

C. Jury Selection and Responsibilities:

1. The number of jurors will be determined by the PAC based on size and complexity of the project. The Jury will normally consist of: a non-voting member of the PAC who will chair the proceedings, a non-voting representative with technical expertise from the City, three professional artists (or two professional artists and one arts professional) and two community representatives. For smaller projects, two professional artists (or one professional artist and one arts professional) and one community representative will be sufficient in addition to the non-voting PAC member. The design professional, if any, on the current project may serve as an unpaid, non-voting advisor.
2. Jurors will be chosen based on experience and credentials.
3. The PAC will give instructions concerning criteria to be used in the judging to the jurors before or during the first meeting. The jury will also be instructed on confidentiality and conflict of interest issues.
4. The jury will be instructed by PAC to select an artist/artist team to develop artwork(s), OR to select a specific artwork as proposed by the selected artist/artist team.

5. Members of the jury may be paid honoraria.
6. If consensus cannot be reached by the jury, then a vote shall be taken, with the majority carrying the decision. The decision will be final except in cases of technical unfeasibility.
7. The jury shall have the option of making no selection if, in its opinion, there is insufficient merit and/or information to make a selection. In the event no selection is made, a new selection process may be initiated by the PAC.
8. The jury's selection will be reported to BIAHC, CRC and City Council. A written report of the jury's reasons for their selection will be submitted and made a matter of record.

VII. ADMINISTRATIVE PROCEDURES

1. The PAC will submit the Public Art proposed program or project to the BIAHC Board for review, discussion and approval. The proposal should be comprehensive, detailing all budget line items, including personnel, documentation, publicity, printing, etc. The proposal should also address the rationale for the project and when necessary, indicate how the project fits within the scope of the Guidelines for Implementating Public Art Projects.
2. Following BIAHC approval the PAC will:
 1. Submit the project concept and budget to the City Executive Assistant who will review the proposal with appropriate City staff, and advise the Public Art Committee of technical or legal issues relevant to the proposed project.
 2. Submit Public Art Project proposals for projects less than \$10,000, a proposed site, and an itemized project budget (with administrative expenses not exceeding 30% unless Council approval is obtained) to the Community Relations Committee, which may approve administrative funding for the proposal. (Ordinance 96-23, Section 3, amending section 3.80.040 of the Bainbridge Island Municipal Code)
 3. For public art projects anticipated to cost \$10,000 or more, PAC shall submit a proposal, including a proposed site and itemized budget (administration costs not exceeding 30% unless Council approval is obtained), to the CRC. The CRC shall present the proposal to the City Council and request Council approval. (Ordinance 96-23, Section 3, amending section 3.80.040 of the Bainbridge Island Municipal Code)
3. Prior to acceptance by the City, the Public Art Project and its site will be reviewed by the City Staff for technical feasibility of installation.
4. The City will enter into a contract with the selected artist.
5. Payments to the artist shall be in proportion to materials purchased, and services actually performed and completed. Payments will be paid upon submission of the artist's invoice, according to payment schedule, as agreed upon in the contract.
6. For either existing work or commissions, the artist may attach a sketch or photo of the artwork to the contract.

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7. The contract will grant all copyrights to the artist, except for allowance for photographic reproduction for purposes of documentation, educational purposes, or publicity. However, the artist will be asked to warrant that the design accepted will not be used elsewhere or in the future without prior written agreement between the Artist and the City.
8. In the event of termination of a contract or an artist's inability to complete the contract, the Committee, subject to review and comment by the BIAHC, reserves the right to appoint such artists or technicians as are necessary to complete the project.
9. Tasks necessary to the execution or installation of a project not included in the contract may be approved at the discretion of the PAC, subject to review and comment of the BIAHC. However, PAC members may not be hired for these tasks.

VIII. RECEIPT OF GIFTS OF ART

- A. Proposed gifts of works of art are to be referred to the PAC for its review and recommendation to the BIAHC and the City.
- B. The PAC will consider gifts of works of art for placement on a public site. If no suitable public site is available placement on privately owned sites which are within public viewsheds may be considered.
- C. The following review criteria are to encourage and ensure that the PAC acquires public art that meets a high standard and is appropriate for the site it will reach:
 1. Artistic excellence
 2. Artist's integrity and appropriateness to the collection and to the Public Art Program mission
 3. Maintenance requirements
 4. Conformance to structural and fabrication standards and safety codes
 5. Donor conditions
 6. Availability of an appropriate site for the work.
- D. Proposed gifts of funds for acquisition of works of art if restricted or dedicated in any way will be reviewed to ensure that such restrictions or dedications are consistent with the goals of the Public Art Program, the Community Cultural Plan and City Comprehensive Plan.
- E. Proposed gifts of sites for works of art will be reviewed to ensure consistency with the Public Art Program, the Community Cultural Plan and the City Comprehensive Plan.
- F. The PAC may require that the donor sign an installation and/or maintenance agreement or establish a maintenance endowment.

IX. MAINTENANCE AND CONSERVATION OF WORKS OF ART

In order to establish an orderly process for reviewing the status of public artwork and to establish a procedure for maintenance, removal or relocation of public works of art, the PAC shall observe a periodic reassessment process.

- A. The PAC shall make their recommendations to the BIAHC and then to the City Council. Options:
1. Maintain the work at its current site. Work will be cleaned and repaired by the artist or, when the artist is unavailable or unwilling, by a professional conservator chosen by BIAHC staff.
 2. Relocate the artwork. If the work was created for a specific site, relocation must be to a new site consistent with the artist's intention. Artist's assistance should be sought whenever possible.
 3. Removal of an artwork by sale, extended loan, trade or gift. Professional appraisals of the fair market value of the work should be obtained. Proceeds from the sale of the work shall be deposited into the PAF. Any pre-existing contractual agreements between the artist and the City regarding resale shall be honored.
 4. Destruction of the artwork. If destruction is the only solution, whenever practical the artist shall be given first opportunity to remove the piece.
- B. The reassessment may also be initiated by the PAC for one or more of the following reasons:
1. The condition or security of the artwork cannot be reasonably guaranteed.
 2. The artwork requires excessive maintenance or has faulty design or workmanship and repair or remedy is impractical or unfeasible.
 3. The artwork has been damaged and repair is impractical or unfeasible.
 4. The artwork endangers public safety.
 5. No suitable site is available or significant changes in the use, character or design of the site have occurred which affect the integrity of the work.
 6. Significant adverse public reaction has continued unabated over an extended period of time.
 7. The quality or authenticity of the artwork is called into question.
 8. Removal is requested by the artist.
- C. Reassessment may include but not be limited to:
1. Review of the artist's contract and other pertinent agreements.
 2. Discussion with the artist of the concern prompting the review.
 3. Opinions of an independent professional qualified to recommend on the concern prompting review (e.g. conservators, engineers, architects, critics, art historians, safety experts, etc.).

4. Written correspondence, press and other evidence of public debate.
- D. Expenses for the maintenance, repair or removal will be paid in accordance with City Ordinance 2000-09.
1. Artist Made Bulding Parts (AMBP) (Addendum) shall be maintained, restored, renovated, illuminated or relocated with general city funds.
 2. Maintenance, repair, renovation or relocation of non-AMBP artworks in the City collection will be paid from the Public Art Fund

X. PROJECT FILES, RECORDS AND PROCEDURES

- A. The PAC shall maintain the following files at the BIAHC office:
1. For each project:
 - a. Artist's contract.
 - b. Professional resumes.
 - c. Photographs and/or slides of the artwork.
 - d. Proposals including visual images of the proposed work, technical description, method of execution, recommendations for the care and maintenance of the work, and stamped engineering plans as appropriate.
 - e. City agreements relating to siting or implementation of the project.
 - f. A record of all billings made.
 2. Records of the PAC's actions including minutes of all meetings.
 3. Copies of all pertinent City Ordinances.
 4. Maintenance reports.

The Committee will periodically review its Guidelines for possible revision.

END OF GUIDELINES