

RESOLUTION NO. 2016 - 72

A Resolution approving the McMinnville Committee for Public Art Standards, Procedures and Guidelines.

RECITALS:

The art collection of McMinnville represents a cultural, recreational, and educational resource that is held in trust for the public. The art collection is significant to McMinnville's quality of life and complements the City's mission of enhancing the lives of its citizens.

To promote the continuing development and maintenance of the art collection throughout the City, the McMinnville Committee for Public Art (CPA) was created by the City Ordinance effective October 27th 2016.

The Ordinance calls for the development of policies and procedures related to the maintenance, acquisition, temporary display, deaccessioning, and lending of the City's public art collection, and for such policies and procedures to be presented as recommendations to the City Council for final approval by Resolution of the Council.

An initial set of policies and procedures should be approved by the City, to guide the Committee's initial work and to provide for a seamless transition from the work of the McMinnville Downtown Association Committee for Public Art to the McMinnville CPA.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON as follows:

1. The "McMinnville Committee for Public Art Standards, Procedures and Guidelines" (Policies), attached hereto as Exhibit 1, are hereby approved.
2. The policies shall take effect October 27th, 2016.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 27th day of September 2016 by the following votes:

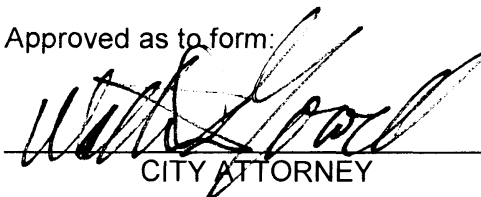
Ayes: Jeffries, Menke, Ruden, Yoder

Nays: _____

Approved this 27th day of September 2016

MAYOR

Approved as to form:



CITY ATTORNEY

Exhibit 1

CITY OF McMINNVILLE

MCMINNVILLE COMMITTEE for PUBLIC ART STANDARDS, PROCEDURES, and GUIDELINES

Section I. INTRODUCTION

Section II. MAINTENANCE OF THE PUBLIC ART COLLECTION

Section III. ACQUISITION OF ARTWORK

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Section VI. PUBLIC ART DONATIONS AND MEMORIALS POLICY

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I. INTRODUCTION

The art collection of McMinnville represents a cultural, recreational, and educational resource that is held in trust for the public. The art collection is significant to McMinnville's quality of life and complements the City's mission of enhancing the lives of its citizens. The guidelines contained in this document define how the collection will be developed and maintained.

II. MAINTENANCE OF THE PUBLIC ART COLLECTION

A. Cataloging the Collection

The MCPA will ensure that there is a current listing of all holdings in the McMinnville collection, including all pertinent information such as title, artist, medium, accession date, placement, and other information. In addition, the MDA and MCPA will from time to time create catalogs and/or art walk maps describing the collection and make them available to the public.

B. Periodic Review

The MCPA will annually review all holdings in the Public Art collection. During this review, the committee will inventory the collection, examine the condition of each work to determine restoration or preservation needs, and examine the display or storage conditions of each work. The review may periodically estimate the value of each work for insurance coverage and for the City's fixed asset inventory. In addition, the MCPA will update the current listing of all holdings in the art collection and submit the updated list to City staff.

C. Maintenance of the Collection

The City will perform or obtain the services of a professional to perform the repairs, cleaning, labeling, etc. that may be necessary to maintain the Public Art collection. The MCPA may assist

in the performance of this duty if requested by the City and may be provided a budget for the work. In this case, the MCPA will not exceed the budget without express permission of the City Manager.

Should repairs to outdoor art be necessary, the committee will notify the appropriate City staff member. Should the committee undertake the cleaning or repair, the committee will coordinate cleaning and repair with the appropriate City Staff Member.

The City will notify the committee as soon as practical if a work of art is either damaged or stolen, or if the City plans to move, or in any way disrupt, one of the pieces in the collection.

D. Maintenance Instructions

When the City purchases a new work of art, the artist will be required to submit a maintenance plan and instructions to be kept on file by the City maintenance staff. These instructions will outline the cleaning methods and materials for the artwork as well as a timeline and plan for regular maintenance of the work.

E. Placement of Works of Art

While it is the intent that site specific works will remain at the site for which they were created, a work may be moved if circumstances dictate. A reasonable effort will be made to notify the artist or donor of the work in advance of the move.

III. ACQUISITION OF ARTWORK

A. Art Selection Criteria

The value of every art work is in the eye, ear, and soul of each individual viewing it. A single work of art may engender a wide range of responses in the population viewing it. Because of this, art selection is, in part, a subjective process. Members of the MCPA must, at all times, remember that they represent the public. On the other hand, the members of the Committee are selected because they possess expertise or interest in art works. Making a selection without this balance can result in Public Art that is bland or trite or too esoteric to be appreciated by any but art connoisseurs.

The following sections give both required and desired criteria to be considered during the selection or accession process.

1. Required Conditions

All works of art selected for inclusion in the City of McMinnville collection must meet all of the following criteria.

i. Clear Title

If title to the work passes to the City, the artwork must be able to be transferred to the City with clear title. Purchased art will be by formal bill of sale from the owner(s) or artist(s). Contributed art must be accompanied by an appropriate deed of gift.

ii. Restrictions

Artwork accessions by the City must not have attendant restrictions. The City will make every effort to acknowledge artists and donors of the artwork.

iii. Reflects Community Values

While recognizing the First Amendment freedom of artists to express themselves in any way they choose, the City reserves the right not to select works it they do not reflect the values of the community.

This does not mean a work should be rejected simply because it might be controversial. One of the purposes of art is to show people a new way of looking at their environment, to share an artist's sometimes iconoclastic vision. Art can legitimately be intrusive, abrasive, or unpopular. Failure to recognize this purpose for art can lead to an art collection that is simply ""pretty" or "nice" without being ennobling or educational.

iv. Original Works and Authentication

Only original works of art will be accessioned for the collection. Fakes, unauthorized copies, or reproductions are not acceptable. In cases where the authenticity of a work could reasonably be questioned, it must be authenticated before accession.

v. Suitability

All art works must be suitable for display in a public setting. Sculptures must be able to be secured to prevent accidents and must be free of sharp edges or points which may cause injury simply by being touched. Works executed in fragile media must be able to be protected while displayed. Exterior art must be able to withstand weather conditions.

vi. Maintenance and Security

The City can only accept artwork that the MCPA and City staff believe can, within the financial confines of the foreseeable future, be adequately and safely displayed, maintained, and reasonably secured.

2. Desired Attributes

The Criteria listed below describe the desired attribute of all art in the collection. Selected works should meet most, if not all, of the attributes to a high degree.

i. Artistic excellence

Art selected for the collection should represent the skill and competence of the originator, and should be an example of artistic excellence. The definition of artistic excellence changes over time, but the collection should always be representative of the best examples available.

ii. Variety of Media, Styles, and Techniques

Within the guidelines above for suitability of form for public setting, art selected for the collection should, if possible, broaden the range of media and techniques represented in the collection.

iii. Represents Artists of Varying Acclaim

Some art collections strive for excellence by selecting only works from recognized "name" artists. The collection of the City of McMinnville should strive to represent works from a wide range of artists of varied public status. Art should be chosen solely on the

basis of its intrinsic merit. A work from a well known artist should not be presumed to have more artistic merit than a work from a relatively unknown artist.

iv. Value

Because an aspect of the value of an art work is the response of each individual to that art, value is difficult to assign. However, the price of any proposed work of art should represent a responsible investment for the City collection.

When a work of art has a price of more than \$10,000 the MCPA may consult with an art consulting or appraisal firm to authenticate and verify the market value of the work.

v. Selected for Specific Site

Major art works should be selected as part of the process that takes into account the final display site for the work. This should be considered in terms of how well the work fits an intended space and the environment. This requires not only consideration of the size and environmental harmony of a work, but also how well it fits into the use patterns of the area in which it will be placed.

B. Methods of Accession

There are several ways that a work of art may be accessioned. The selection criteria listed in Section IV. A. apply to all works regardless of particular accession method used to bring the work to the City collection.

When funds become available to accession art, the MCPA may use one of three processes: open competition, artist invitation, and direct purchase. In addition, art work may be added to the collection through a direct contribution of art or funds to purchase or commission a work of art. The choice of accession will be determined by the MCPA.

1. Open Competition

In open competition, any artist is invited to submit works or delineated proposals for consideration. A "Call to Artists" is promoted within a designated region (local, regional, national, etc.) inviting all artists within the region to submit a proposal. The competition may be held for a single work, a single site, or a number of sites or works. The MCPA evaluates the contenders and selects the work or proposal that best fits the criteria and needs of the site(s).

The MCPA may decide that no entry fits the criteria or is suitable. For competitions held to populate several sites, this means that one or more sites may go unfilled. The MCPA may choose to leave the site unfilled and add that site to the list of potential future accessions.

2. Direct Purchase

The MCPA may choose to purchase a work of existing art from a gallery or dealer, from a private individual, or from an artist directly.

3. Artist Invitation

The MCPA may choose to invite one or more artists to submit proposals to create a work for a specific site. The committee should work closely with the selected artist from the beginning of the project, making clear the criteria in the policy. The artist should be asked to submit proposal sketches or models for approval before beginning the final work, with

opportunities to periodically view the work during different stages of completion to ensure the criteria are being met.

4. Donations

At times, civic minded citizens may wish to contribute to the art collection. They may do so by directly contributing funds to purchase a work of art, commissioning a work of art and then donating it to the City, and by directly contributing a work of art to the collection. See Section VI, Public Art Donations and Memorials for a detailed explanation of how donations are reviewed and accepted.

C. Process for Accessioning Artwork

The MCPA will oversee the development of goals and process for the selection, placement, and maintenance of works of art in McMinnville.

Upon notification that the City Council, or another entity or person, would like to initiate a Public Art project, the MCPA will define the conditions of the purchase. In doing so, the MCPA will confirm the available budget, identify a site for the work(s) of art, identify the goals of the project, and form a selection committee, if appropriate, to choose the artist and artwork and determine the most appropriate accession method in each circumstance, depending on the project funding source.

In initiating the Public Art project, the MCPA will:

1. Confirm the total project budget available for purchase of services and artwork, including installation costs.
2. Identify a site for the final location of art or the project where an artist may be included on the design team. If the MCPA is considering a site in the public right of way, all appropriate City departments must be consulted through the staff liaison before the site is finalized.
3. Identify the goals for the art project, which will include whether the project warrants including an artist on the design team or whether a purchase or commission of art is more appropriate. The MCPA will also establish at what stage of the project the artist will become involved in the process and will coordinate funding accordingly.

Options for consideration include:

Design Team Options

- i. Hiring an artist to collaborate with the project architect only during the early planning phases of the project as a consultant.
- ii. Hiring an artist to collaborate with the project architect during the early planning stages and to make artwork with project materials. The artwork will be incorporated into the design of the project and will fall within the projects material budget. The contractor will be responsible for fabrication, and the artist will provide oversight during the fabrication and installation.

iii. Hiring an artist to collaborate with the project architect early in the design phase, and giving the artist a budget to create independent artwork(s) that the artist will later place at a predetermined location(s) at the project site.

iv. Hiring an artist to collaborate with the project architect early in the design, and allowing the artist to apply, along with other artists, for design and construction of art for the project as part of an open competition.

v. Direct purchase or commission

Decide whether to purchase an existing work of art or commission a work of art.

vi. Donations

Decide whether or not to accept a donation of art.

4. Determine which acquisition method, according to Section III. B., Methods of Accession, is most appropriate based on the project goals.

5. Establish a selection process that addresses the project goals. The MCPA will keep in mind the City's goals of maintaining artistic integrity and encouraging public involvement, as needed, in each selection process.

6. Select an artist and/or art purchase/commission through a majority vote.

D. Artist Selection Criteria

Artists will be selected on the basis of their qualifications as demonstrated by past work, appropriateness of the proposal to the particular project, and the probability of the proposal's successful completion as determined by the MCPA. In selecting artists and works of art, the MCPA will select those artists and works of art which have the highest aesthetic quality, and those that fulfill the purpose of the City's art selection criteria as set forth in Section III. A. In all cases, consideration will be given to materials, construction, durability (long or short term depending on the intended life of the work), maintenance, public access, and safety.

The MCPA may choose to utilize a "Pre-qualified list" of public artists in lieu of open competition in order to simplify the selection process.

E. Artist Contracts

The City will enter into a contract any time an artist is hired to perform services for the City, such as participating on a design team or selling or creating a work of art. The contract should define the scope of the work for artist services and payment procedure for the purchase or commissioning of a work of art. The contract will require the following:

1. The artist will produce a work of art for a guaranteed maximum cost, including all installation costs.

2. The artist will maintain general liability and property damage insurance as well as workers compensation insurance. If the artist does not routinely carry this insurance in the amount specified by the contract, a fee for one-time purchase of coverage may be included in the total proposal.

3. The artist will submit the following items to the City before final payment is authorized:
- i. A complete catalog form that describes the work of art (materials, size, weight, artist biography, address, contact information),
 - ii. Four digital images of the work of art on digital CD of at least 1600 by 2400 pixels each and 4" by 6" prints of each of the digital images, and
 - iii. A Public Art conservation and maintenance program giving detailed instructions for the cleaning and maintenance of the artwork. This report will include, but not be limited to, frequency of cleaning and materials used, and other recommendations for maintaining the artwork. The report will also provide detailed description of all materials and processes used to fabricate the art, names and addresses of material suppliers, and specifics regarding fabrication and installation of the artwork.

IV. TEMPORARY EXHIBITION OF ART

The City may contract with an artist or gallery for the temporary exhibition of art on sites that may be dedicated for that purpose or intended for a future work of art through accession.

A. Exhibition Period

The term of temporary placement will be two years. If the City, MCPA, and the artist or gallery desire and agree, the work may remain for a second two year term. No temporary exhibition will remain in place longer, absent unusual circumstances. The City may, with or without cause, decline or terminate exhibition of the work at any time.

B. Selection Process

The selection of a work of art for temporary exhibition will be the same as that for accession in Section III. Acquisition of Art Work.

C. Installation and Removal

The Artist will agree to transport and install the work. The work will remain the property of the Artist unless sold. If sold, the Artist will replace the work, through the above selection process, at the time of removal. At the end of the Exhibition Period, the Artist will remove the work from the site, leaving the pedestal and all other aspects of the site in the same condition as existed prior to installation. Transportation to the site, proper installation, proper de-installation, proper removal from the site, and all associated costs and expenses will be the responsibility of the Artist. The City may provide assistance with these activities, such as use of a crane or heavy equipment.

D. Maintenance and Insurance

During the exhibition period, the City will be responsible for reasonable maintenance of the work. The Artist will be contacted in the event of any need for cleaning beyond soap and water. The City may help with maintenance procedures. The City will take reasonable steps to utilize the maintenance procedures designated by the Artist. The City will insure the work against damage or loss in an amount to be established by the parties in writing. The City's obligation to provide insurance is solely for the duration of the exhibition period and only while the work is located at the site, excluding installation and

removal. The City will have no liability for damage or destruction that may occur during transportation to or from the Site, during installation, or during removal.

E. Compensation

The City will pay the Artist or gallery a total honorarium in an amount to be determined by the MCPA for each two year exhibition of the work.

V. DEACCESSIONING WORKS OF ART

A. Background

The decision to remove a work of art is as important as the decision to accession it originally. The art world is constantly growing, and something that was revolutionary or revealing in the past may become trite or too well explored.

On the other hand, the world of art is also affected by fashion. The MCPA must be aware of the distinction between out of date and out of style. The deaccession process should not result in the loss of classic work, even if it represents an earlier period.

Deaccession of works from the collection will be based principally on the issue of artistic merit or if the artwork has been irreparably damaged. No work from the art collection will be sold primarily for monetary gain with the intention of using the funds for purposes other than art collection.

B. Deaccession Policy

Deaccessioning is a procedure for the withdrawal of an artwork from the public collection. Deaccessioning should be considered only after 10 years have elapsed from the date of installation of permanent works and acceptance in the case of portable works or under special circumstances (e.g. the work has been damaged beyond repair). Deaccessioning will be considered only after a careful and impartial evaluation of the artwork within the context of the collection as a whole. At the beginning of the process, the MCPA will make a reasonable effort to notify any living artist or donor whose work is being considered for deaccessioning.

C. Eligible Art Works

All art works owned by the City of McMinnville, whether acquired through purchase, donation, or any other method, are eligible for deaccessioning. In the case of donated art works, all legal documents relating to the donation will be reviewed prior to the beginning of the process.

D. Deaccessioning Procedure

A Deaccessioning Subcommittee of the MCPA will be appointed by the committee. This subcommittee will consist of no more than five arts professionals or experts, three members of the MCPA, and an art appraiser or consultant if necessary. If the value of the art work is less than \$5,000, the MCPA may informally appraise the artwork. However, if there is any doubt as to the value of the work, the MCPA must secure the services of an appraiser or consultant.

E. Criteria for Deaccessioning

The MCPA may consider the deaccessioning of artwork for one or more of the following reasons:

1. A work is not or rarely on display because of lack of suitable site.
2. The condition or security of the artwork cannot be reasonably guaranteed.
3. The artwork has been damaged or has deteriorated and repair is impractical or not feasible.
4. The artwork endangers public safety.
5. In the case of site specific artwork, the artwork is destroyed by severely altering its relationship to the site.
6. The artwork has been determined to be significantly incompatible or inferior in the context of the collection.
7. The City wishes to replace the artwork with artwork of more significance by the same artist.
8. The artwork requires excessive maintenance or has faults of design or workmanship.
9. There has been sustained and overwhelming public objection to the artwork.

F. Sequence of Action

1. The subcommittee appointed by the MCPA will determine whether an artwork meets any of the criteria listed in Section V. E. above.
2. A representative from the appointed subcommittee will submit a report to City staff which includes the opinion of the City Attorney on any restrictions that may apply to the specific work.
3. The MCPA will review the report. The Committee may seek additional information from the artist(s), art galleries, curators, appraisers, or other professionals prior to making a recommendation to the full board.
4. The MCPA will send a recommendation for action to the City Council for approval.
5. Upon approval of its recommendations, the MCPA will consider the following actions:
 - i. Sale or Trade
 - a. The Artist(s) will be given first option to purchase or trade the artwork.
 - b. Sale may be through auction, gallery resale, or direct bidding by individuals, in compliance with City laws and policies governing surplus property.
 - c. Trade may be through the Artist, a gallery, a museum, or other institutions for one or more artworks of comparable value by the same Artist.

- d. No works of art will be sold or traded to City Council members or staff of the City, the MDA, the MCPA, or members of the Deaccession Subcommittee consistent with the conflict of interest policies in these guidelines.
- e. Proceeds from the sale of a work of art will go into the Public Art Trust Fund account for future artwork projects. Any pre-existing contractual agreements with the artist regarding resale will be honored.
- ii. Destruction of work deteriorated or damaged beyond repair and deemed to be of negligible value.
- iii. If the MCPA is unable to dispose of the artwork in a manner outlined above, the work will be donated to a non-profit organization or otherwise disposed of as the City Council sees fit.

VI. PUBLIC ART DONATIONS AND MEMORIALS POLICY

A. Background

In addition to City financial support, the Public Art collection may grow through the gifts of private citizens. A consistent and fair process for considering Public Art gifts will be followed. The art selection criteria of Section III. A. will be applied when considering Public Art gifts.

Anyone wishing to sponsor a gift of artwork to the City for location in the McMinnville collection should contact the MDA or the MCPA at the earliest possible time for a consultation on the review and acceptance process for donated artworks. The MCPA will review potential donations and make a recommendation to the City Council.

If the proposed gift is to be a memorial and the site is in a park, it must also go through a review process with the Parks and Recreation Department.

B. Types of Donations

1. Existing Works of Art.

- i. Specific placement of portable works of a scale appropriate for rotation through public spaces belonging to the City may not be stipulated as a condition of gift.
- ii. Non-portable works of a scale larger than would be appropriate for the portable collection would require a semi-permanent or permanent site. Permanent site location cannot be guaranteed by the City.

2. Commissioned Works of Art

These are works of Art which are commissioned gifts to the City and which usually require a specific site. Permanent site location cannot be guaranteed by the City.

C. Review Criteria

1. Artistic Excellence

Accepted works of art must be of exceptional quality and enduring value as judged by the MCPA.

2. Appropriateness to the City's Art Collection

Proposed gifts will be reviewed in relationship to existing goals for the Public Art Collection, such as diversity of media, artists represented, styles, and geographic representation.

3. Appropriateness to Site

Relationship of artwork to the site will be considered in respect to its social, cultural, historical, and physical context.

4. Maintenance provisions

Maintenance concerns are a consideration. Adequate provisions should be made for future needs. Donors must provide the MCPA with detailed maintenance instructions for the work(s) of art, copies of which will be forwarded to the City liaison to the committee.

5. Adherence to current Master Plans

All works of art should adhere to the master plans of the City, including but not limited to the Parks and Recreation Department. The MCPA will help to advise the sponsor of existing master plans.

D. Review Process

1. Existing Works, Portable And Non-Portable

i. Initial Contact

Sponsor should send photographs of work(s) of art to the City or the MCPA with written materials including the name of the artist, her/his bio or resume, medium, size, date of execution, and estimated value of the work. If sent to the City, this material will be forwarded to the MCPA for a recommendation.

ii. Review by the MCPA

The MCPA will review the photographs and will ask to see the actual work of art if it wants to consider the gift further. If the MCPA recommends acceptance of the work of art, it will also recommend a site for installation.

iii. Installation Readiness

In order to receive final acceptance, works of art should be professionally appraised and ready for installation. This means that two dimensional works should be archivally framed and three dimensional works should have a pedestal or appropriate hanging or mounting provisions.

iv. Acceptance

The City Council may review the recommendation of the MCPA and will accept or deny the proposed donation and its site, installation, and maintenance provisions. In the event that the MCPA recommends against acceptance and the City Council denies acceptance, the Donor will be notified of the reason(s).

2. Commissioned Works of Art

i. Initial Contact

City staff or the MCPA will meet with the sponsor to discuss the commission. If no artist has been selected, staff will advise the sponsor about the artist selection options, such as the use of an artist selection committee, an art consultant, or a competition under the auspices of the MCPA. These can provide assistance on the selection procedures, technical and budgetary concerns, and on the uses, appropriateness, quality, and variety of art options.

ii. Selection Process

Commissioned works must go through a two-phased process, first "in concept" and second when the design has been decided. Sponsors of gifts are requested not to select specific designs prior to the approval of the "in concept". If a site has been recommended and is under the jurisdiction of a specific City department, such as Parks and Recreation Department, that Department must be contacted at the start and that Department will also review the project.

iii. Review "in concept" by the MCPA

The sponsor must submit a written proposal to the City Council or the MCPA, including the process for selection of an artist(s) and the general concept behind the project. The MCPA will review the proposal and make a recommendation for acceptance, denial, or modification.

iv. Review of Design by MCPA

If the project is approved "in concept," the sponsor will proceed to select an artist(s) as outlined above. When a site and specific design have been chosen, a model or scale drawings of the design and maintenance provisions must be submitted to the MCPA, which will review the materials and make a recommendation to the City Council.

v. Review of Design

- a. The City Council will review the recommendations of the MCPA and approve or deny the design of the work of art, the site, and the provisions for future maintenance.

If, in the development and execution of the project, the concept or aesthetic of the work is changed, the concept and design must be re-approved before the work will be considered for final approval.

6. Review and Final Acceptance of Completed Work

Both the MCPA and the City Council will review the completed work of art and approve or deny its acceptance.

E. Requests for Commissioning a Work of Art

Requests for commissioning a work of art should go through the process outlined above and must include financial provisions for the administration of the commission as well as the future maintenance of the work as determined by the MCPA.

F. Bequests to the Public Art Trust Fund

Bequests to the Public Art Trust Fund can vary in scope from general gifts of unspecified use to gifts of a specific scope. For example, the sponsor could stipulate that the bequest be used to purchase portable works, works from a specific artist, or perhaps only existing works.

VII. LOANS FROM THE COLLECTION

A. Policy

When loans are made from the collection, it is the responsibility of the borrowing gallery or institution to cover all expenses of packing, shipping, and insurance. The borrowing gallery or institution will submit proof of insurance coverage for the value of the works prior to obtaining custody.