

# **Public Art Policy And Procedures**

Adopted  
October 1, 2012



# CITY *of* CAPE GIRARDEAU

## Public Art Policy & Procedures

### Executive Summary:

The City of Cape Girardeau desires to improve its “quality of life” initiatives by enhancing and supporting growth of our cultural environment through the development of a Public Art Program on City property. An Ad Hoc committee was casually formed to create a systematic process for the City Administration and City Council to review in order to launch this program. Throughout the fall of 2011 and winter/spring of 2012, the committee met to develop a written Policy and Procedure format in order to propose recommendations to all stakeholders. The following document was created using what the committee deemed as “best practices” from a variety of different City and County documents from across the country; literally from Virginia to Colorado. Key concerns for the committee included keeping the initial recommendations simplistic; as you can always add policy language as the need arises along with concerns regarding costs, annual operations, and the potential for managing risk and liability for the City. The following represents a “draft” document and first steps that the committee would like to propose to the City of Cape Girardeau for review.



## **I. Public Art Policy Purpose and Mission Statement**

Public Art has the ability to inspire, ignite, awaken and animate. It can enrich and connect a community and add or enhance a sense of place in a symbolic or creative way. The City of Cape Girardeau values public art, the sense of community identity, and the creativity it can inspire. Public art fulfills these purposes in a myriad of ways: by improving the aesthetics of our public spaces through excellent and harmonious design, by sensitively preserving or highlighting vistas; by introducing surprising and enlivening elements into otherwise ordinary spaces; and by engaging us with insightful interpretations of our community's activities, aspirations and history. In addition, the public art program is designed as a contribution to the City's economic draw and to foster educational opportunities for the community. The City of Cape Girardeau, in recognition of the importance of integrating public art into the daily lives of the residents and visitors to the City, supports a public arts program, and to this end hereby establishes the Cape Girardeau Public Art Policy.

### **A. Cape Girardeau Public Art Goals**

1. To develop a formative public art strategic plan that addresses short and long term goals for developing, promoting, and expanding the public art experience in Cape Girardeau;
2. To provide for oversight of public art policy and processes as an advisory committee;
3. To create exciting, appealing, and harmonious public spaces by integrating art into architecture, landscape, urban design and the planning of infrastructure at the earliest design stage;
4. To promote and celebrate our community's heritage, ethnicity, diversity, commonality, and civic pride by stimulating collaboration and understanding between artists and the community of Cape Girardeau;
5. To recognize the impact of public art with regard to cultural tourism and economic development of the City;
6. To enhance the City's image locally, regionally, and nationally by ensuring the creation and ongoing pursuit of the highest quality public art program possible, as resources allow;
7. To foster public education by developing a forum and resources for public art programs, exhibits, workshops, events, and other opportunities that will promote the participation, understanding, and enjoyment of art;
8. To recruit artists to live and work in the City, and to participate in public presentations of their art within the City; and,
9. To advocate for local, regional, state, and Federal support, and to foster public and private partnerships for the city's public art program and goals.

### **B. Definitions**

1. Public Space - Property owned or controlled by the City of Cape Girardeau, including, but not limited to, parks, road right-of-ways, courtyards, squares, bridges, as well as building exteriors/interiors, foyers, and other places as deemed appropriate by the City of Cape Girardeau.

2. Public Art - Visual art including the imaginative use and interplay of all artistic disciplines placed in areas within city buildings, or city owned property, for limited or permanent display that is accessible to the public, including art that is acquisitioned, commissioned, donated, purchased, accepted, solicited and/or gifted to the city.
3. Public Art Program - The body of work related to the management, promotional and educational aspects of the Public Art Asset Inventory.
4. Public Art Committee - A standing committee of the City established to review and advise the City on policy, procedures, and other recommendations relative to art in public spaces and the Public Art Program.
5. Public Art Procedures – Those procedures developed by the Public Art Committee to effectively manage the acquisition, installation, maintenance and operations of a public art program.
6. Public Art Asset Inventory – Process used to track public art displayed by the city or permitted to be displayed by the city on public property.
7. Loaned Art – Public art on loan to the city for a specified time period without ownership transferred to the city.
8. Special Exception Projects – Proposed projects not specifically outlined in this policy.
9. Juried Show/Juried Art –
10. De-accessioning – The decision and process to remove a work of art from a Public Space or the Public Art Asset Inventory.

### **C. Public Art Authority and Administration**

1. City Council – Governing body that has the final authority to designate public property, resources, and approval to support the Public Art Program.
2. City Administration – The City Manager through delegation by the City Council has the authority to administer and provide direction for the Public Art Program.
3. Public Art Committee – An Ad Hoc Committee appointed through the City Manager’s office and representative of a variety of different community stakeholders serves in an advisory capacity on an as needed basis and oversees the Public Art Program.
4. The Parks and Recreation Department – Maintains the Public Art Asset Inventory that identifies each piece of public art by the receipt date, artist, piece title, general description, value, construction material and its location.
5. Development Services Department – Implements City planning documents (Comprehensive and Downtown Strategic Plan, and other appropriate planning documents) works to incorporate public art into planning and development processes where possible and oversees development within the City of Cape Girardeau.
6. Public Works Department – Oversees the city’s infrastructure, including city streets, City right of way, round-a-bouts which may be impacted by the Public Art Program.

## **II. Public Art Site Designation Policy**

Working with the City, the Committee will develop a “Public Art Master Plan,” which will include identifying appropriate and significant sites for the location of public art. The Committee will oversee a comprehensive community planning process to develop this plan. The

Committee shall ensure that the process of preparing the Public Art Master Plan and any subsequent modifications provide ample and appropriate opportunities for public input into site identification. The Public Art Master Plan must complement and supplement the City's various other planning documents guiding the growth and development of Cape Girardeau, such as, but not limited to, the Comprehensive Plan, Parks and Recreation Master Plan, General Land Use Plan, Master Transportation Plan, and Downtown Strategic Plan.

#### **A. Public Art Master Plan Procedures and Projected Deadlines**

1. The initial Public Art Master Plan shall be submitted to the City Council by the Public Art Committee for the City Council's review and approval on or before January 1, 2013.
2. The Public Art Master Plan will be reviewed and updated minimally every five years, commencing with date of adoption.

#### **B. Public Art Site Designation Procedures**

1. The Public Art Committee, working with City staff, will identify the highest priority projects described in the Public Art Master Plan and recommend those projects for implementation as funding allows. When possible, opportunities for public art should be considered and correspond with construction or renovation projects planned by the City.
2. The process used to select public art sites is dependent upon the type of project to be executed.
3. City Initiated Art Projects will be located on sites identified in the Public Art Master Plan unless determined as a special exception project.

#### **C. Special Exception Projects**

1. A site for the inclusion of public art amenities in conjunction with a special exception development project (as permitted by the zoning ordinance) may be identified.
2. The Public Art Master Plan will provide guidelines for the site selection process.
3. The City may negotiate for the inclusion of the art amenity as part of the site planning process.
4. If public art is a component of the site plan, then the City's Public Art Committee shall review the public art proposal as part of the public review process. The Public Art Committee may make recommendations to the City Administration and City Council concerning the appropriateness of the public art proposal, and possible inclusion in the Public Art Asset Inventory.

### **III. Public Art Acquisition Policy**

All public art acquisitions and proposals must be evaluated by the Public Art Committee working in consultation with designated City staff to provide recommendations to the City Council for final approval.

The committee will review proposed artwork and exhibition sites to determine conditions and stipulations regarding risk management as the display of artwork in public spaces could present liability issues related to security, indemnification for damage to the artwork itself (either intentional or accidental), and/or damage to persons caused by or related to the artwork.

### **A. Public Art Acquisition Criteria**

Proposed public art acquisitions are based on the following criteria when in consideration for acquisition:

1. Quality of Work
2. Aesthetic Merit
3. Context within the City Collection
4. Availability of Appropriate Site (Coordination with the appropriate public or private entities concerning site, costs of installation and maintenance of artwork)
5. Condition of Donation
6. Condition of Artwork
7. Durability of Artwork
8. Installation Requirements
9. Maintenance Requirements

### **B. Public Art Acquisition Procedures**

- 1. Donations and Loans of Artwork – please note policy duplication as necessary based on the type of artwork to be displayed.**
  - a. Proposed donations or loans of artwork to the City of Cape Girardeau shall be reviewed by the Public Art Committee.
  - b. The Public Art Committee will consult appropriate departments and other formal citizen advisory boards as necessary for installation assistance and permit requirements then make a recommendation to the City Council for final action. Criteria for acquisition listed above will determine the committee's recommendation.
  - c. For proposed artwork displayed in a City Park, a recommendation from the Parks and Recreation Advisory Board will be requested.
  - d. For loans of artwork to the City of Cape Girardeau, the owner or owner's representative will be required to enter into an Art Display Agreement, setting forth the length of the loan and other terms such as signage, location, maintenance requirements, liability, insurance, value of artwork, installation, and removal responsibility, and other conditions pertinent to the agreement. (To be outlined by the City Attorney)
  - e. After review and approval from the Public Art Committee and City Council, all donated works become part of the City of Cape Girardeau art collections, unless otherwise stated and, as such, may be relocated or de-accessioned. (see V. De-accessioning Policy)

## **2. Temporary Artwork and Special Exhibitions**

- a. Proposed use of existing exhibition locations for temporary artwork shall be reviewed by the Public Art Committee.
- b. The Public Art Committee will consult appropriate departments for installation assistance and permit requirements then make a recommendation to the City Council for final action. Criteria for acquisition listed above will determine the committee's recommendation.
- c. For proposed artwork displayed in a City Park, a recommendation from the Parks and Recreation Advisory Board will be requested.
- d. For temporary exhibition of artwork in the City of Cape Girardeau, the owner or owner's representative will be required to enter into an Art Display Agreement, setting forth the length of the loan and other terms such as signage, location, maintenance requirements, liability, insurance, value of artwork, installation, and removal responsibility, and other conditions pertinent to the agreement.
- e. After review and approval from the Public Art Committee, City Administration and City Council as determined, all artworks become part of the City of Cape Girardeau art collections, unless otherwise stated and, as such, may be relocated or de-accessioned. (see V. De-accession Policy)

## **3. Commissioned Artwork**

- a. Commissioned public artwork projects shall be administered and reviewed by the Public Art Committee.
- b. The Public Art Committee will consult appropriate departments for installation assistance and permit requirements then make a recommendation to the City Council for final action. Criteria for acquisition listed above will determine the committee's recommendation.
- c. For proposed artwork displayed in a City Park, a recommendation from the Parks and Recreation Advisory Board will be requested.
- d. For commissioned artwork in the City of Cape Girardeau, the commissioned artist or representative will be required to enter into an Art Commission Agreement, setting forth commission costs, length of project construction, signage, location, maintenance requirements, liability, insurance, installation, and other conditions pertinent to the agreement.
- e. After review and approval from the Public Art Committee, city Administration and City Council and completion and installation of artwork, all artworks become part of the City of Cape Girardeau art collections, unless otherwise stated and, as such, may be relocated or de-accessioned. (see V. De-accession Policy)

## **4. Memorial Artwork**

- a. Proposed donations or commissions of memorial artwork shall be administered and reviewed by the Public Art Committee.

- b. Proposed commissioned memorials must honor significant historical events or deceased individuals who have made outstanding contributions to the community or region. A waiting period of at least one year should elapse prior to the proposal of memorial artwork to be eligible for consideration.
- c. The Public Art Committee will consult appropriate departments for installation assistance and permit requirements then make a recommendation to the City Council for final action. Criteria for acquisition listed above will determine the committee's recommendation.
- d. For proposed artwork displayed in a City Park, a recommendation from the Parks and Recreation Advisory Board will be requested.
- e. For exhibition of donated or commissioned memorial artwork in the City of Cape Girardeau, the commissioned artist, owner, or owner's representative will be required to enter into an Art Display Agreement, setting forth the length of the loan or commission costs, length of project construction, signage, location, maintenance requirements, liability, insurance, value of artwork, installation, and removal responsibility, and other conditions pertinent to the agreement.
- f. After review and approval from the Public Art Committee and City Council and completion and installation of artwork, all artworks become part of the City of Cape Girardeau art collections, unless otherwise stated and, as such, may be relocated or de-accessioned. (see V. De-accession Policy).

## **5. Special Exception Projects**

- a. Special exception projects shall be administered and reviewed by the Public Art Committee, City Administration and City Council as deemed necessary.
- b. In conjunction with the City of Cape Girardeau's site plan review process, the committee may negotiate for the inclusion of public art as a component of the site plan approval for a specific development.

## **C. Juried Review Policy**

The Public Art Committee may convene a jury to review individual temporary or permanent public art acquisitions. The Public Art Committee will convene a jury when the public artwork is a commissioned proposal, completed artwork or temporary exhibit.

1. Candidate jurors will be artists, architects, landscape architects, engineers, urban designers, representatives from the community, or art professionals.
2. A jury will be comprised of no less than three and no more than five jurors. The Public Art Committee should maintain a list of candidates to facilitate selection.
3. An appointed jury shall not include any City of Cape Girardeau staff, City Council member, or their respective partners or families.
4. Any juror with a conflict of interest must recuse themselves from the jury process.



#### **D. Juried Review Procedures**

1. The Public Art Committee will draft a prospectus detailing the designated art project concept, procedures, proposal requirements, projected timeline, and proposal or application deadline.
2. Proposals for commissioned or submitted artwork shall include:
  - a. Artist Statement of Concept
  - b. Submission of a three-dimensional work or complete drawing of a two-dimensional work.
  - c. Drawings or photographs that demonstrate the relationship of the artwork to the site.
  - d. Material samples of the artwork and any relevant construction materials.
  - e. Installation details.
  - f. Description of routine maintenance and estimate of maintenance costs.
  - g. Artist's resume with a list of references.
  - h. Portfolio of Past Artwork on CD.
3. The Public Art Committee will meet to review proposals and designate finalists.
4. For commissioned artwork see *III. Public Art Acquisition Policy, 3. Commissioned Artwork* for procedure.
5. For temporary juried shows, exhibits or events see *III. Public Art Acquisition Policy, 2. Temporary Artwork* for procedure.
6. The City Administration and City Council will have final review and approval of all proposed art to be placed on City property or in City facilities.

#### **E. Installation and Maintenance Policy**

The City shall be responsible for the maintenance of City Initiated projects created through this policy. All permanent public art projects must have a plan that projects both staff time and funding needed to properly maintain the work. Funds for the maintenance of City Initiated Projects will be allocated as a portion of the public art program's operating budget. Maintenance of public art in special exception projects will be negotiated on a case by case basis. Maintenance of public art donated to the City will be negotiated with the donor.

#### **F. Ownership and Copyright Policy**

For works included in the Public Art Asset Inventory the city shall own the physical work and copyrights shall be retained by the artist, with reproduction rights allowed the City or Public Art Committee for appropriate promotional and educational purposes. Legal title and copyrights in any public art work funded in whole or in part by direct City funding, donations, or loans of public art which are accepted by the City, shall be outlined in a mutually agreeable contract between the City, the artist, and the owner. Ownership of art obtained through special exception projects will be negotiated on a case-by-case basis.

#### **IV. Public Art Funding Policy**

The Public Art Committee will be active in applying for public and private funds to support public art projects as appropriate. Individuals, businesses and organizations will also be encouraged to make contributions to the Parks and Recreation Foundation for public art projects.

#### **V. De-accession Policy**

De-accessioning is the removal of Public Art from a Public Space, or the Public Art Asset Inventory, and should be cautiously applied only after careful and impartial evaluation including input from the Public Art Committee. The following criteria and procedures describe de-accessioning processes.

##### **A. De-accession Criteria**

1. Present location no longer guarantees the condition or security of the artwork.
2. The artwork presents a public safety risk.
3. The artwork is damaged and repair is not feasible.
4. Significant changes in the use, character, or actual design of the site require a re-evaluation of the artwork's relationship to the site.
5. The artwork requires excessive maintenance or has failures of design or workmanship.

##### **B. De-accession Procedures**

1. Procedures for possible de-accessioning of artwork shall be initiated by a majority vote of the Public Art Committee with review and approval by the City Administration and City Council action.
2. The Public Art Committee in consultation with City Attorney will review artist agreements to determine if any restrictions exist that may prohibit de-accessioning.
3. The Public Art Committee will consider the storage or disposition of artwork, which may include sale, trade, return to the artist, or gifting to another municipality, entity, or organization.

#### **VI. Public Art Education and Outreach**

Education and outreach are critical to the success of Cape Girardeau's Public Art Program. By engaging artists, arts advocates, citizens, and visitors in opportunities where they can experience artwork created for public space, the Public Art Committee provides resources that broaden the appreciation and understanding of Public Art. The Public Art Committee will work to inform and engage the community regarding the Public Art Program.

## **VII. Public Art Promotion**

The Public Art Committee will work with appropriate organizations and entities to promote the Public Art Program.

## **VIII. Amendments**

At least every five years, beginning with year of adoption, the Public Art Committee will review this document for modification and will submit amendments to the City Council for review and approval.

Amendments to this policy will be approved by a majority vote of the Public Art Committee.