

CITY OF SISTERS	
POLICY: PUBLIC ART POLICY	NUMBER: CMO 105 Res 2020-31
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1. INTRODUCTION.

1.1 Purpose. The City of Sisters’ (“City”) public art collection represents a cultural, recreational, and educational resource that is held in trust for the public. The City of Sisters Public Arts Policy and Guidelines (the “Policy”) establishes guidelines and minimum standards that City will apply in the development and maintenance of its public art collection.

1.2 Definitions. Unless the context requires otherwise, when used in this document the following terms and phrases have the meanings assigned to them below:

“Accession” means the process of adding artwork to City’s permanent public art collection.

“City Council” means the then-appointed City of Sisters City Council.

“City Manager” means City’s then appointed city manager and/or his or her designee.

“Deaccession” means the process by which artwork is permanently removed from City’s permanent public art collection.

“Exhibition Period” has the meaning assigned to the term in Section 4.2 of this Policy.

“Public Art” means artwork that is in the public realm, regardless of whether it is situated on public or private property or whether it has been purchased with public or private money.

2. MAINTENANCE OF CITY’S PUBLIC ART COLLECTION.

2.1 Cataloging the Collection. City will maintain a current list of all holdings in City’s collection, detailing all pertinent information, including, without limitation, title, artist, medium, accession date, and placement location.

2.2 Periodic Review. City will conduct a biannual review of all holdings in City's public art collection. During this review, staff will inventory City's public art collection, examine the condition of each work to determine restoration or preservation needs, and examine the display and/or storage conditions of each work. The review may periodically include an estimate the value of each work for insurance coverage and the City's fixed asset inventory at the discretion of the city manager.

2.3 Maintenance of the Collection. City will perform and/or obtain the services of a professional to perform repairs, cleaning, labeling and other services related to the maintenance of City's public art collection. Such services will be performed to the extent deemed necessary to maintain City's public art collection in good repair at the discretion of the city manager.

2.4 Maintenance Instructions. When City purchases artwork, City will require the artist to submit a maintenance plan and instructions to be kept on file by City. The instructions will contain a description of the materials used for the artwork, the recommended cleaning methods, and a timeline and plan for regular maintenance of the artwork.

2.5 Placement of Artwork. While it is City's intent that site-specific artwork remain at the site for which it was created, City may relocate artwork if circumstances dictate. City will make reasonable efforts to notify the artist and/or donor of the artwork in advance of the relocation.

3. ACQUISITION OF ARTWORK.

3.1 Required Criteria. All artwork selected for inclusion in City's public art collection shall meet all the following criteria:

3.1.1 Clear Title. Artwork which passes to City by title shall be transferred with clear title. Artwork purchased by City shall be accompanied by a formal bill of sale from the owner and/or artist. Artwork gifted, donated, deeded, and/or contributed to City shall be accompanied by a deed of gift.

3.1.2 Restrictions. Artwork accessioned by City shall not have attendant restrictions. However, City will make reasonable efforts to acknowledge artists and donors of the artwork.

3.1.3 Reflects Community Values. City reserves the right not to select artwork that does not reflect the values of the community as determined by the city manager.

3.1.4 Original Artwork and Authentication. Unless otherwise approved by City Council, only original artwork will be accessioned into City's public art collection. Unauthorized copies or reproductions are not acceptable. When the authenticity of artwork could reasonably be questioned, City shall make reasonable efforts to authenticate the artwork before accession.

3.1.5 Suitability. City shall only accept artwork that City, in the city manager's discretion, reasonably believes can be adequately and safely displayed, maintained, and reasonably secured within City's financial confines and in the foreseeable future. All artwork must be reviewed by City and deemed appropriate before accession.

3.2 Desired Attributes. City shall consider the following desired attributes in considering selection of artwork for inclusion in City's public art collection:

3.2.1 Artistic Excellence. Artwork selected for City's public art collection should represent the skill and competence of the originator and should be an example of artistic excellence.

3.2.2 Variety of Media, Styles, and Techniques. Subject to the suitability requirements set forth in Section 3.1.5, artwork selected for the collection should, if possible, broaden the range of media and techniques represented in the collection.

3.2.3 Represents Artists of Varying Acclaim. City should strive to ensure that its public art collection represents artwork from a wide range of artists of varied public status.

3.2.4 Value. The price of any artwork proposed to be accessioned into City's public art collection should represent a responsible investment for City's public art collection. City may consult with an art consultant and/or appraiser to authenticate and verify the market value of artwork being accessioned into City's public art collection.

3.2.5 Selected for Specific Site. Major works of art should be selected taking into consideration the final display site for the artwork. Considerations should include, without limitation, how well the work fits the intended space and environment.

3.3 Methods of Accession. When funds become available to accession artwork, and subject to City's Public Contracting Code, City may accession artwork by open competition, artist invitation, and/or direct purchase. In addition, artwork may be added to the public art collection through a direct contribution of artwork or funds to purchase or commission artwork. City, in city manager's discretion, will determine the method of accession.

3.3.1 Open Competition. In open competition, any artist is invited to submit artwork or delineated proposals for consideration. A "Call to Artists" will be 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 several sites or works. City will evaluate submissions and select the artwork and/or proposal that best fits the criteria and needs of the site(s). City may decide that no submission meets the criteria and/or is suitable. For competitions held to populate several sites, this means that one or more sites may go unfilled. City may choose to leave the site vacant and add that site to the list of potential future accessions.

3.3.2 Direct Purchase. City may choose to purchase a work of existing art directly from a gallery, dealer, and/or from a private individual and/or artist.

3.3.3 Artist Invitation. City may choose to invite one or more artists to submit proposals to create a work for a specific site. City should work closely with the selected artist from the beginning of the project, making clear the applicable criteria. The artist should be asked to submit proposal sketches or models to City for approval before beginning the final work and to provide City with opportunities to periodically view the work throughout the various stages of completion to ensure the criteria are met.

3.3.4 Donations. At times, civic-minded citizens may wish to contribute to City's public art collection. They may do so by directly contributing funds to purchase artwork, commissioning artwork and then donating it to City, and by directly contributing artwork to City's public art collection. (See Section 6 of this Policy for additional detail regarding donated artwork).

3.4 Process for Accessioning Artwork. City will oversee the development of goals and processes for the selection, placement, and maintenance of public art projects in City. In initiating the public art project City will: (a) confirm the total project budget available for the purchase of services and artwork, including installation costs; and (b) identify a site for the final location of art or the project where an artist may be included on the design team. If City is considering a site in the public right of way, all appropriate City departments must be consulted before the site is finalized.

3.5 Artist Selection Criteria. Artists will be selected based on their qualifications, as demonstrated by past work, appropriateness of the proposal to the project, and the probability of the proposal's successful completion as determined by City. In selecting artists and artwork, City will select those artists and works of art which have the highest aesthetic quality, and those that fulfill the purpose of City's art selection criteria as outlined in Sections 3.1 and 3.2 of this Policy. In all cases, consideration will be given to materials, construction, durability (long or short-term depending on the intended life of the artwork), maintenance, public access, and safety. City may choose to utilize a "pre-qualified list" of public artists instead of open competition to simplify the selection process.

3.6 Artist Contracts. City will enter into a contract any time an artist is hired to perform services for the City, including, without limitation, participating on a design team, or selling and/or creating artwork. The contract will define, among other things, the scope of the work for artist's services and payment procedures for the purchase or commissioning of a work of art.

4. TEMPORARY EXHIBITION OF ART.

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

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

4.3 Selection Process. The criteria for selection of artwork for a temporary exhibition will be the same criteria applied to the selection of accession artwork as set forth in Sections 3.1 and 3.2 of this Policy.

4.4 Installation and Removal. The artist will agree to transport and install the artwork. The artwork will remain the property of the artist unless sold. If sold, the artist will replace the artwork, through the above selection process, at the time of removal. At the end of the Exhibition Period, the artist will remove the artwork from the site, leaving the pedestal, if applicable, and all other aspects of the site in the same condition as existed before 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.

4.5 Maintenance and Insurance. During the Exhibition Period, City will be responsible for the reasonable maintenance of the work. The artist will be contacted in the event of any need for cleaning beyond soap and water. City may help with maintenance procedures, at the discretion of the city manager. City will take reasonable steps to utilize the maintenance procedures designated by the artist. City will ensure the work against damage or loss in an amount to be established by the parties in writing. 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. City will have no liability for damage or destruction that may occur during transportation to or from the site, during installation, or during removal.

4.6 Compensation. City may pay the artist, gallery, and/or association a total honorarium in an amount to be determined by City for each Exhibition Period of the work.

5. DEACCESSIONING WORKS OF ART.

5.1 Deaccessioning Artwork. Upon the recommendation of City staff, the City Council shall be responsible for determining whether to deaccession artwork and the method of disposition.

5.2 Criteria for Deaccessioning. City may recommend that the City Council consider the deaccessioning of artwork for one or more of the following:

- 5.2.1 The artwork is not on display or is rarely on display because of the lack of a suitable site.
- 5.2.2 The condition or security of the artwork cannot be reasonably guaranteed.
- 5.2.3 The artwork has been damaged or has deteriorated, and repair is impractical or not feasible.
- 5.2.4 The artwork endangers public safety.
- 5.2.5 In the case of site-specific artwork, the artwork is destroyed by severely altering its relationship to the site.
- 5.2.6 The artwork has been determined to be significantly incompatible or inferior in the context of City's public art collection.
- 5.2.7 City wishes to replace the artwork with the artwork of more significance by the same artist.
- 5.2.8 The artwork requires excessive maintenance or has faults of design or workmanship.
- 5.2.9 There has been sustained and overwhelming public objection to the artwork.

5.3 Disposition of Artwork. Whenever City recommends the removal of artwork from City's public art collection, it shall also make a recommendation to City Council regarding the proposed disposition of the artwork. The disposition may include:

5.3.1 Sale or Trade. Artwork removed from City's public art collection may be sold or traded in a manner approved by the City Council (e.g., auction, gallery, resale, direct bidding). The artist of the artwork, the artist's family, or the artist's estate will be given the first option to purchase or trade the artwork. Trade may be through the artist, a gallery, a museum, or other institutions for one or more works of art of comparable value. No artwork shall be sold or traded to a public official of City or City staff except through a public sale process. Proceeds from the sale of artwork shall be designated for use by City to acquire additional artwork.

5.3.2 Destruction. Destruction of artwork that is deteriorated or damaged beyond repair and deemed to be of negligible value.

5.3.3 Donation. Donation of the artwork to a non-profit organization or otherwise disposed of as the City Council deems appropriate.

6. PUBLIC ART DONATIONS AND MEMORIALS POLICY.

6.1 Selection. In addition to City financial support, the public art collection may grow through the gifts of private citizens and corporations. City strives to follow a consistent and fair process for considering public art donations and memorials. The artwork selection criteria outlined in Section 3 of this Policy will be applied when considering public art donations.

6.2 Site Review. Donated artwork, memorials, and permanent pieces, whether located on the interior or exterior of a City-owned building, will be recommended to the city manager for review of site location and approval before making a recommendation to City Council. Anyone wishing to donate or sponsor a donation of artwork to City should contact the city manager to discuss the review and acceptance process for donated artworks.

6.3 Acceptance and Acquisition Procedures. City will consider gifts of art for placement at a public site with the understanding that minimal civic funds will be required for production, siting, and installation of the work. Donors may be required to deposit funds with City to provide for maintenance of the artwork.

6.4 Donation Request Process.

6.4.1 Proposal Submission. A donor wishing to donate artwork shall submit a written proposal to the city manager containing (a) a brief statement of purpose from the artist; (b) drawings, photographs and/or models of the proposed work, including scale and materials; (c) the artist's resume and any additional supporting material; (d) a detailed summary of projected required annual maintenance; (e) the estimated value of the artwork for insurance purposes; (f) a timeline for the donation; and (g) any special stipulations or requests that the donor wishes to include as part of the donation criteria.

6.4.2 City Manager Review. Once the proposal is received, the city manager will review the proposal to determine if the artwork proposed to be donated meets the selection criteria and the current goals and objectives for City's public art collection. If additional information or clarification is needed, City will contact the donor and request the needed details. The additional information will be due within two (2) weeks of City's request unless otherwise agreed by City and the donor.

6.4.3 Development Director Review. If the city manager approves the proposal, it will be forwarded to the Sisters Community Development Director or designee ("development director") who will work with all appropriate city departments to address issues of public safety, installation, maintenance, finances, etc.

6.4.4 City Council Determination. Upon completion of the development director's review, City staff will present the proposal to the City Council along with the findings and recommendations of the city manager and the development director for a determination on acceptance of the donation.

6.5 Letter of Agreement. If the proposal is approved by the City Council, the donor and City will enter into a memorandum of agreement detailing the conditions of acceptance of the donation, including, without limitation, recommendations regarding (a) site selection and design; (b) maintenance requirements; (c) a completion calendar; (d) insurance requirements; (e) budget, including maintenance reserve; (f) expected life of the artwork, and how long the piece will be displayed; and (g) if a temporary work of art, the anticipated removal date.