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<b>Policy Title:</b>	<b>Public Art Policy</b>
<b>Policy Number:</b>	<b>2018.01</b>
<b>Report Number:</b>	<b>12E4.1</b>
<b>Approved by:</b>	<b>City Council</b>
<b>Meeting Date:</b>	<b>October 3, 2018</b>
<b>Council Action Number:</b>	<b>18.587</b>
<b>Resolution Number:</b>	<b>R2018.61</b>
<b>Effective Date:</b>	<b>October 3, 2018</b>
<b>Department:</b>	<b>City Manager</b>

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## **1.0 BACKGROUND**

The City of Holland desires to ensure that only public artwork of the highest quality and enduring value is accepted into the City’s collection. The City periodically receives requests to accept Public Art to be City-owned. City Council has established a Public Art Advisory Committee (PAAC) to advise City Council, and desires to adopt a Public Art Policy to further support the opportunities of Public Art and the policies necessary to address these opportunities.

## **2.0 PURPOSE**

To establish criteria and procedures for Public Art, including acceptance of art, memorials and related gifts to be City-owned. Public Art enhances the City’s visual and cultural aesthetics. But if inappropriately placed, produced with inadequate material, improperly maintained, or including features or elements incompatible with its setting, Public Art can also impair the public health, safety and welfare or vitiate visual and cultural aesthetics.

## **3.0 ENABLING LEGISLATION**

Resolution No. \_\_\_\_ establishes the PAAC responsibility “to advise City Council on the opportunities and procedures for supporting the addition of Public Art throughout the City and the policies necessary to address these opportunities”.

## **4.0 DEFINITIONS**

- 4.1 Public Art:** Works of visual art accessible to public view and enjoyment on City-owned property.
- 4.2 Public Art Advisory Committee (PAAC):** A professionally qualified citizen committee appointed by City Council to oversee quality control of the City’s Public Art program and collection and to advise Council on the acceptance, placement, removal, policies, and procedures concerning Public Art within the City.
- 4.3 Gift:** An existing or proposed work of art offered as a donation (either permanent or temporary) to the City for placement at a public site under the City’s jurisdiction; alternatively, a monetary gift for the purpose of acquiring artwork for the City.

- 4.4 Donor:** An individual, group, organization, or business that proposes a work of art for placement or installation on a City-owned site, and/or, when applicable, the artists(s) who created the proposed gift.
- 4.5 Memorial:** Memorials to be erected on City-owned property shall be in remembrance of a person or persons, concept, or event that has a positive meaningful significance to the Holland community as a whole.

## **5.0 REVIEW PANEL AND PROCESS**

- 5.1 Role of the Public Art Advisory Committee:** The City believes that decisions about the acceptance, placement, materials, maintenance, and other aspects of Public Art are best addressed by City Council as advised by the PAAC. The PAAC, in consultation with City staff, will make recommendations to Council consistent with criteria in this policy.
- 5.2 Involvement of Other Public Bodies:** Depending on the specific location of the proposed Public Art, the PAAC shall involve the chair or chair's designee of the following public bodies where appropriate: Parks Commission, Downtown Development Authority, Principal Shopping District, Historic District Commission, Neighborhood Improvement Committee, and Airport Authority.
- 5.3 Review Procedure:** Proposals for City ownership of Public Art shall be referred to the PAAC. The City Manager's Office will provide staff support on these matters. The PAAC will consult City staff on the proposal, and Department Heads must approve proposals for sites over which their department has jurisdiction. The PAAC may consult outside persons, experts or other community members, as the PAAC deems necessary or appropriate.

Proposals shall include the following materials prior to review by the PAAC:

- A.** A brief statement of intent from the artist, including any message or theme that the proposed work is intended to convey;
- B.** Adequate visual representation of the proposed work in drawing(s) and/or photographs and/or model(s), with scale and materials indicated;
- C.** A scale drawing showing the proposed work as it will be sited;
- D.** A comprehensive budget, with projected cost for the project, funds committed to date, proposed source(s) of funds, approach and funding for ongoing maintenance; and
- E.** Artist's resume and any additional supporting material relevant to the artist's experience.

A recommendation will be developed and presented to City Council for action, including a proposed formal agreement including such elements as outlined in section 5.4.

**5.4 Formal Agreement:** If the proposal is approved by City Council, a formal agreement will be executed between the City and the donor and/or artist. This agreement will include the following terms and conditions, in addition to other conditions as adopted by City Council.

- A.** The donor assumes responsibility, including any costs, for the installation of the work.
- B.** Ownership of the work, including certain rights under federal law, is relinquished to the City of Holland.
- C.** The City will consider proposed gifts of art with the understanding that no City funds will be required for the fabrication, siting or installation of the work. In addition, the donors will be required to make financial arrangements or assurances to avoid any lingering adverse impacts and to address any damage to or additional maintenance costs for any affected City Property. A maintenance endowment, security deposit, bond, or other security deemed appropriate by the City may be required. If, in the opinion of the City, the proposed work is likely to incur high maintenance cost certain additional funding may be required by City Council. Excessive maintenance cost, in the opinion of the City, may be grounds for rejection.
- D.** The donor provides any insurance required by the City of Holland.
- E.** The City of Holland retains the right to alter, repair, remove or relocate any piece (including site specific pieces) if the use of the site changes or if deemed necessary for the health and safety of the general public. This right will not be executed capriciously. Should the piece be removed, the City will attempt to return it to the donor or artist if requested and of reasonable cost. If any of the preceding terms and conditions are not acceptable to the donor or artist, the City shall make a final determination of the terms and conditions that will apply.
- F.** Any warranty applicable to the work or its installation shall be in the name of, assigned to, or otherwise be enforceable by the City.

**6.0 Criteria for Review:** City acceptance of ownership and placement of gifts of works of Public Art shall be subject to said gift meeting the following criteria:

- 6.1** The work supports a high standard of visual aesthetics on public property. The history, reputation and/or promise of the artist may also be key considerations.
- 6.2** The materials used in, placement of, and financial arrangements for the work shall minimize the cost and any detrimental impact upon City operations which may result from accepting, placing, and maintaining the work.
- 6.3** The work shall be placed and maintained in a way that (i) preserves the primary intended use and (ii) does not detrimentally affect the character of the public space in which it is

placed. Conceptual compatibility and appropriateness of the proposed artwork to the surrounding neighborhood or environment will be factors for consideration, and will include scale, form, content and design.

- 6.4** It is the City’s policy to avert the intrusion of political, religious, or commercial displays into parks and other public property.
- 6.5** To the extent reasonably practicable, the work should be accessible to all persons.
- 6.6** The work and its placement shall not endanger the public health, safety, or welfare. Specifically, it shall:
  - A.** Be structurally sound and durable enough to withstand the elements and other conditions to which it may be subjected;
  - B.** Not adversely affect nearby utilities, facilities, or infrastructure;
  - C.** Not impair pedestrian, bicycle, or vehicular traffic safety; and
  - D.** Not adversely affect the physical conditions of the site on which the piece is located by causing erosion, corrosion, hazardous runoff, unduly increase maintenance costs, etc.
- 6.7** The work or its display shall comply with all other applicable laws, rules, regulations, City policies, contractual requirements, and grant requirements, and shall not void or invalidate any warranties or guarantees applicable to City-owned improvements, structures, facilities or equipment.
- 7.0 De-Accessioning:** The City may de-access artwork in the City’s collection as decided by City Council. When considering any de-accession, the PAAC shall consult with City staff and other outside persons (experts).
- 8.0 Implementation:** The City Manager may establish and implement procedures and other appropriate measures to implement this policy.

**AMENDMENTS**

<b>Regular Council Meeting</b>	<b>City Manager Report Number</b>	<b>Description</b>
June 4, 2014	14E1.2*	Approval Option 2 which includes the “Government Speech” language and a process for submitting and reviewing proposed installations of art involving Council and relevant boards and commissions
October 3, 2018	12E6.5*	Public Art Policy and Establishment of a Public Art Advisory Committee – Adopt Resolution