

CITY OF BURIEN

WASHINGTON

RESOLUTION NO. 152

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON ESTABLISHING POLICIES AND PROCEDURES FOR PUBLIC ART EXPENDITURES

THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON HEREBY RESOLVES AS FOLLOWS:

1.0 Purpose

To establish guidelines and procedures for the development of the “Public Art Fund” program and for the implementation of the 1% for Art projects.

2.0 Organizations Affected

- The Burien City Council and Arts Commission
- All City Departments, other governmental entities and community members/groups.

3.0 References

Burien City Ordinance No. 238

4.0 Policy

It is the policy of the City to include works of art in its public works and public spaces, through development and implementation of the “1% for Art” program.

The establishment of Ordinance No. 238 by the City Council expresses the City’s intent to provide its residents with expanded experience with visual arts, while encouraging artists capable of creating art for public places. The Burien Arts Commission has identified the following policies and objectives as important to the development and implementation of the “1% for Art” program:

- 4.1 The mission of the “Public Art Program” is to integrate the highest quality artworks and the ideas of artists into a variety of public places in Burien. The program will ensure that the work, creative skills, and unique perspective of artists are included in the planning, design, and construction of City projects and public spaces.
- 4.2 Artwork projects shall be developed with the objective of contributing to a sense of the City’s identity. Artwork should reflect and respect community history, values, character, and provide a source of community pride.

- 4.3 Development of the Public Art Fund Program shall coordinate with the City’s annual Capital Improvement Program process.
- 4.4 Wherever possible, sites for public art projects will be identified at the earliest CIP planning stages, so that these art projects can be effectively and economically integrated through planning concurrent with site development. The artist will serve as member of the project design team throughout the planning, design, and construction phases.
- 4.5 The City’s Public Art Program will seek artworks of the highest quality that:
- Are integrated and coordinated with City and private sector projects
 - Reflect the scope, scale, and character of the site
 - Represent diversity in art form, artists, and audiences served
 - Are geographically dispersed
 - Demonstrate a favorable cost/benefit to the community
 - Are safe and easily maintained
 - Are technically feasible, structurally sound, and not prone to damage by weather, vandalism, etc.
 - Take advantage of creative purchase options and exhibition agreements

5.0 Definitions

- 5.1 Public Art Program means any expression by an artist of visual works available to the public in an open City-owned facility designated as a public area, or non-city-owned property if the art is installed or financed, either in whole or in part, by the City’s “1% for Art” program. (City of Burien, Ordinance 238).
- 5.2 Designer is any consultant or City employee(s) providing design services for the execution of a Capital Improvement Project, renovation, or other development.
- 5.3 Consultant is any firm, individual, joint venture, or team of firms or individuals (including any sub-consultants engaged by the consultant) with which the City contracts for consulting services related to Capital Improvement Projects.
- 5.4 Professional Artist is any person who by virtue of professional training, exhibition history, and/or critical review is recognized as skilled in creating works of art.
- 5.5 Artwork can be a newly commissioned work or the purchase or loan of an existing work. Artwork may be integrated with, attached to, or placed upon a public site, or may also be part of a portable collection or exhibit.
- 5.6 Prospectus is a “Call for Artist” brochure that outlines the scope of work, artist eligibility requirements, funding availability, and project timelines.
- 5.7 Jury is a panel of art professionals, technical advisors, and community advisors who convene to select an artist or team of artists.

- 5.8 Qualifying Capital Improvement Project means projects funding wholly or in part by the City of Burien for construction or remodeling of government-owned public buildings, transit centers, and parks. (City of Burien Ordinance 238)
- 5.9 Temporary Artwork is artwork that is part of a portable collection, has a non-permanent lifespan, and/or is displayed for a pre-determined period of time.
- 5.10 Deaccessioning is the removal of artwork from permanent display, whether it is disposed or not.
- 5.11 Disposal is any action that results in the cessation of ownership and possession of an artwork.

6.0 Procedures

6.1 Commission Responsibilities

- 6.1.1 The Commission and City staff representative shall annually prepare, adopt, and amend as necessary, the “Public Art Fund” recommendations, which shall allocate available “1% for Art” funds for projects.

In developing these recommendations, the Arts Commission will request suggestions and ideas from the City Council, City Departments, and the community. Final recommendations shall then be forwarded to the City Council. Following final adoption, the Arts Commission city staff liaison will prepare and administer all artwork contracts.

- 6.1.2 The Commission shall consult with the City Department responsible for a particular construction project site (s) that is recommended for inclusion in the annual “Public Art Plan” prior to final recommendations.
- 6.1.3 The Commission shall provide information relative to any proposed artwork requiring extraordinary operation or maintenance to the City Department Director responsible for such operation or maintenance prior to recommendation for the project.
- 6.1.4 City staff shall set up procedures for insuring adequate standards of documentation, registration, care, and installation of all artworks purchased by the City.
- 6.1.5 The Commission and City staff shall develop and maintain an inventory of public spaces which are potential sites for artwork projects, and shall consult with City Departments in the identification of suitable sites.
- 6.1.6 The Commission and City shall make an annual report to the City Council, City Manager, and City Departments, showing the location, types of artwork, the artist(s) commissioned, the dollars expended for each artwork project, and the status of each project. This report shall be completed no later than January 31 for all projects completed in the preceding year.

6.2 Department Responsibilities

- 6.2.1 Within each Department, a City staff person will be designated to provide information and coordinate with the Commission to identify existing or planned sites under that Department's management which are suitable for location of potential public art projects.
- 6.2.2 Departments shall inform the Commission of proposed or planned projects involving construction, renovation, or further development of a site or facility at the earliest possible planning stage. This will allow appropriate timelines for inclusion in the annual "Public Art Plan" when possible. This will also ensure adequate review of the project's potential for incorporation of artwork, and for commissioning an artist for the project design team.

7.0 **Artwork**

The Commission and staff shall work with designated City officials and the Project Designer and/or Manager for the site to determine the following parameters:

- Recommended location: Artwork may be integrated or placed into the construction project in connection with which the funds were appropriate, or may be integrated or placed on or about other public facilities.
- Existing sites: The Commission, staff, and artist shall consult with the designated City official on location (s) for artwork, and these location(s) shall be determined by an agreement between the Department managing the site and the Commission.
- Sites under development: The Department managing the site development shall keep the Commission apprised of progress in selection of a Project Designer, and shall include the artwork project in the design program and budget for the project. The Designer and artist shall then work collaboratively to coordinate the integration and/or location of the artwork within the construction project.
- Format: Scope of work (including theme) and/or format for artist participation in project design will be determined by Commission and Project Designer.
- Appropriate level of funding: Level of funding will be determined by the medium, construction budget, location, and scope of work.
- Geographic Eligibility: Artwork commissions may be restricted to local or regional artists, or open to a larger geographic pool. The program may seek participation from (in descending priority) local artists, regional artists, and artists with national and international reputations.
- Medium: When applicable, recommended media (painting, sculpture, artist-made building parts, etc.) shall be addressed in the prospectus.

- Maintenance: Potential for vandalism, accidental damage, and environmental deterioration at the site shall be assessed.
- Ownership: Art purchased through the “1%” program will be the property of the City of Burien.
- Loaned Artwork: The City’s “Loaned Art Agreement” document will be used for loaned artwork situations. This contract will specify exhibit time periods; artwork transportation, installation, and removal; and insurance.

8.0 Criteria and Selection Process

- 8.1 Prior to prospectus development, the Arts Commission and City staff liaison will define the project by the following:
- Description of project and site
 - Statement of public benefit
 - Determination of artist selection criteria
 - Funding and budget breakdown for the project
 - Project Timeline
- 8.2 Prospectus will be disseminated as broadly as possible, through artist professional newsletters, media, and related methods. “1%” funding will cover costs relating to the selection process. Final artist selection will be completed with the participation of a jury.
- 8.3 Jury Selection
- Jury selection will be approved by the Arts Commission.
 - Panel size may range from 5 to 7.
 - All juries shall include at least 1 artist.
 - Panel may have 1 community representative.
 - Panel will include minimum of 1 Arts Commissioner, and may also include the Project Manager/Designer, and/or other City employee.
 - Panel shall include the Project Consultant/Architect as a non-voting advisor.
 - Panel review shall be open to observers who wish to attend; however, panelists may elect to cast votes in closed session.
 - Panel will have option of making no selection. In this event, a new selection process may be initiated or the project may be abandoned.
- 8.4 Final Approval of Artist
- The Department managing the project shall review the Jury’s recommendation(s) to review artists qualifications or previous work, prior to recommendation going to the Arts Commission. In cases where legitimate concerns are articulated, the Jury shall be reconvened to select an alternative artist.
 - Jury recommendation will be forwarded to Arts Commission for review.
 - Arts Commission’s recommendation will be forwarded to City Council for final approval.
- 8.5 Withdrawal of Artist From Project

In the instance that an artist withdraws from a commissioned artwork project, the Jury shall re-convene. Selection may be made from the existing pool of artist proposals, or a new selection process may begin, depending on project time constraints and other considerations.

8.6 Revision of Artist Proposal

If the artist wishes to present a revision to their original proposal during participation in the City's CIP design process, that revision shall be brought before the Arts Commission for approval. If a revision requires additional expenditure of funds, recommendations shall be forwarded to the City Council for review.

8.7 Artist Selection:

The Jury may select an artist by 1 of 3 methods:

8.7.1 Open Entry: Project is widely publicized and proposals are accepted from any professional artist.

8.7.2 Limited Entry or Invitational: Jury invites a small number of artists to submit proposals, based on artists' proven capabilities to carry out the scope of work.

8.7.3 Direct Selection of Artist by Jury: One artist is invited to submit a proposal for project, based on artist's qualifications and capabilities. In the event that the proposal is not accepted, provision shall be made for payment for proposal preparation.

9.0 Maintenance, Inventory, and Storage

9.1 The Arts Commission will develop annual public artwork maintenance recommendations and submit to the City Council. Funds for repair and maintenance will come from the "1%" fund.

9.2 Once funds are approved, routine maintenance of permanently installed artworks shall be the responsibility of the City Department or jurisdiction having management responsibility over the site. City Department and/or jurisdiction will also have responsibility for keeping Commission informed about changes in condition of artwork.

9.3 The City will be responsible for maintaining an inventory of the public art, and establishing maintenance processes and schedules.

9.4 In the instance that artwork needs to be removed and stored, structural information on the piece will be reviewed, so that potential damages can be prevented. Value of the piece will need to be evaluated relative to costs of moving, storing, and re-installing. Depending on artwork size and type, professional artwork removal and storage technicians may be used.

10.0 Public Art Not Funded Through The “1%” Program

10.1 Non-Qualifying Public Art Projects

Although various City CIP projects such as streets, sidewalks, surface water, solid waste facilities, etc. are excluded from the “Public Art Program” 1% calculation base, this ineligibility shall not preclude a City Department, in cooperation with the Arts Commission, from proposing inclusion of public art for these projects. The Arts Commission can also provide artist recommendations and/or rosters for City Departments managing these projects, if requested.

10.2 Gifts and Donations

The Arts Commission will provide initial review of all public art donation proposals. Recommendation for accepting or rejecting proposed donations will be forwarded to City Council for approval.

10.2.1 Donations may be made for either existing or newly-commissioned artwork.

10.2.2 Review Criteria will focus on five main areas:

- Artistic Excellence: Recommended artwork for acceptance shall be of exceptional quality and enduring value as judged by a jury, as identified in section 8.0 (Criteria and Selection).
- Appropriateness To Site: Relationship of the artwork to site shall be considered in respect to the social, cultural, historical, and physical context of the site, both existing and planned.
- Selection Process: Sponsors of commissioned works will work with the Arts Commission in the selection of an artist(s) and artwork, also identified in section 8.0.
- Maintenance Provisions: Adequate provisions should be made for continued future maintenance. Sponsor of the project will provide the Arts Commission with detailed maintenance instructions for the artwork. Donations for future maintenance costs shall be deposited in the “Public Art Fund”.
- Adherence to Existing Master Plans: All artworks shall adhere to the site master plans developed by the City.

10.2.3 Following these procedures, recommendations will be forwarded to the City Council for final review.

10.2.4 Generally, donated artwork shall not be accepted unless sufficient funds are provided by the donor to pay for installation, framing, base (if applicable), other display needs, and identification plaque.

10.3 Additional Funds

In the instance that the Arts Commission has access to additional grant dollars to fund public art, both the Review Criteria (section 10.2.2) and Selection Process (8.0) will be followed.

11.0 1% Co-Funded Projects

In the instance that a City capital improvement project is also partially funded by another governmental jurisdiction that has its own “1%” public art program, the Arts Commission may initiate collaborative discussions, so that 1% public art funding can be combined for maximum leverage of total budget dollars. (An example includes joint City-County transit centers that could receive “1%” public art funding from Metro/King County and the City).

An Interlocal Agreement between jurisdictions may be developed to address joint purchase, ownership and other issues relative to the commission and implementation of the project’s artwork.

12.0 Deaccessioning or Disposal of Artwork

12.1 At least once in every five year period, the status of all public artwork shall be reviewed by the Arts Commission.

12.2 For temporary artwork, removal or relocation shall generally not be considered before work has been in place for 60% of its anticipated life span.

12.3 Consideration for deaccessioning or disposal may be for one or more of the following reasons:

- Condition and security of artwork cannot be reasonably assured.
- Artwork endangers public safety.
- Artwork is damaged, and repair is not practical.
- Artwork required excessive maintenance.
- Suitable site for display is no longer available. This could include a significant change in the use, character, or design of an existing site which affects the integrity of the work.
- Artwork is rarely or never displayed.
- The City Department displaying the artwork requests that it’s status be reviewed.
- Removal is requested by the artist.

12.4 Following these considerations, the Arts Commission shall make a recommendation to the City Council for final decision.