



Public Art Program Guidelines

Public Art Design Council

August 13, 2015

City of Hutchinson, Kansas

MISSION

Hutchinson is a dynamic city of opportunity and increasing diversity. Located in the Kansas heartland of unparalleled prairie beauty, we want our urban landscape to reflect an equally engaging aesthetic profile. Public art can be a visual representation of this unique Hutchinson spirit – and help the City's character continue to evolve.

Through the creation of a Public Art Program, the City of Hutchinson will provide cultural leadership, guide the evolution of a distinct and vibrant artistic character for the city's emerging public places, and ensure a visual legacy.

Public Art is a vital ingredient in the cultural fabric and streetscape of creative cities. These guidelines provide a framework for developing public art that:

- builds a visually rich environment;
- plays a role in attracting creative businesses and workers;
- provides art opportunities that are freely accessible to all;
- reflects our diverse cultural character and celebrates our living heritage;
- encourages the growth of a culturally informed public.

As Hutchinson moves forward, its regional standing as an exciting place to live, work and visit will be enhanced through these guidelines. This is the moment to focus on the appearance of the City's public spaces and its civic architecture. In short, these guidelines foster the image and identity of Hutchinson.

FUNDING STRATEGY

The Public Art Program provides a sustainable funding mechanism for the development, acquisition and management of public art in, or adjacent to, new or existing municipal buildings, parks and other City owned land and facilities. This funding mechanism provides for:

- Costs of planning, design, fabrication, purchase and installation of public art at the time new public facilities are developed and in existing public spaces.
- Costs related to the development and management of the Public Art Program.
- Funds to properly maintain and conserve public art.

The funding mechanism for the Public Art Program is a “percent for public art” strategy. The percent for public art shall be calculated at 1% of the total capital project costs for City of Hutchinson capital budgets for city buildings or structures, streetscapes, pedestrian malls or plazas, trails, or other projects which includes finished space for human occupancy and will be available for public view.

- City departments shall, when initiating a capital project, include within the budget the 1% for public art component.
- Eligible capital projects include all upgrades and growth items.

- Ineligible costs:
 - Land purchase
 - Rolling stock
 - Portable equipment (computers, etc.)
 - Maintenance budgets

There are three options to expend percent for public art funds:

1. The 1% public art allocation shall reside with the initiating department as part of the overall capital project budget for development of public art on site of that project.
2. The Public Art Design Council, at the recommendation of the department, may choose to pool funds for use at a more publicly accessible site. Pooled funds stay with the department.
3. The Public Art Design Council may transfer the 1% public art allocation or a portion thereof to the Public Art Trust Fund. The Public Art Trust Fund will be invested annually. Disbursements from the Fund shall be expended on projects identified by the Public Art Design Council and Program Staff to ensure public art is located in public spaces throughout Hutchinson. A portion of these monies is allocated to the Public Art Maintenance Reserve.

MANAGEMENT OF THE PUBLIC ART PROGRAM

The management of the Public Art Program is based upon a consultative process involving many different partners. To support this process, available resources shall include Public Art Program staff, a Public Art Design Council, Selection Committees, departments, juries, as well as additional advisory, technical and support services as required.

The Public Art Design Council

The Public Art Design Council has been created as an advisory body to support a public process within the Public Art Program and to ensure that the overall mission of the Public Art Program is accomplished. The Public Art Design Council is appointed by Mayor and Governing Body, and is comprised of seven (7) members with expertise in visual arts, architecture, historical preservation, or affiliation with a local business association or public entity. Further, the Design Council includes Ex-Officio members with voting privileges that include the directors of Parks and Facilities, Downtown Development, Planning and Development, and the Arts and Humanities Council.

The Public Art Design Council is responsible to recommend and advise on public art policies, guidelines, plans and issues as they relate to the City of Hutchinson and to provide support to Public Art Program staff and activities. The Public Art Design Council shall report its activities and recommendations in an Annual Report to the City Council. These guidelines shall be reviewed annually by the Public Art Design Council for needed changes and additions.

The Public Art Design Council shall adopt bylaws to govern the conduct of meetings and elect officers. Meetings of the Public Art Design Council are subject to the Kansas Open Meetings Act.

Public Art Program Staff

The role of the Public Art Program Staff is to provide leadership in the coordination and implementation of the Public Art Program. The Public Art Program Staff shall work with partners to:

- Develop public art policies and guidelines.
- Develop a Public Art Master Plan and individual public art project plans.
- Coordinate the implementation of public art projects.
- Develop and implement a communications framework.
- Provide training, research and resource development.
- Maintain the Public Art Collection.
- Provide staff support to the Public Art Design Council.

Interdepartmental Team – The team is comprised of department heads and key staff members who regularly direct or otherwise work with projects within the City’s Capital Improvement Program.

Selection Committee (Jury) – The Selection Committee is comprised of representatives of the department responsible for the capital project, Public Art Program Staff, a representative of the Design Council, project professionals (e.g., engineers or architects), and an arts professional. The Selection Committee oversees the process for artist selection as well as the selection of the public art design and the integration of the public art into the capital improvement project. A jury may be used when the public art selection process involves an open or invited competition. A jury is not involved in the management of the public art project.

OWNERSHIP OF PUBLIC ART

All public art works acquired through the Public Art Program are solely owned by the City of Hutchinson. The City of Hutchinson shall preserve the integrity and security of public art through collection management systems, standards and procedures which include:

- Formation of a Public Art Collection.
- Creation of a maintenance reserve fund:
 - A Public Art Maintenance Reserve shall be established.
 - Allocations to the Public Art Maintenance Reserve shall come from the Public Art Trust Fund, established at up to 20% of the initial 1%.
- Development of an ongoing maintenance program:
 - The Public Art Maintenance Reserve shall be managed by the Design Council and the Public Art Program staff.
 - Eligible expenditures include:

- Conservation and repairs, related materials and equipment.
- Relocation expenditures, transportation and installation.
- Annual inventory and documentation.
- De-accession costs.

PUBLIC ART DEFINITION

Public art is defined herein as artist creations or collaboration in any medium which are intended to be accessible to the general public. Works may include all building or landscape related works of art, whether fixed or freestanding, permanent or temporary, within external or internal settings and covering a wide range of art forms and media. Public art does not include any architectural or landscape design, except when commissioned and designed by an artist. Public art can relate to a site in different ways:

1. **Discrete** – Public art that is not integrated with the site either in physical or conceptual manner. Usually this type of work relates to the site in terms of scale, character and size and can be created off site, installed and moved from site to site.
2. **Semi-integrated** – A project or a work of art which is generalized in its conception, but is physically integrated into the site through its location, placement, context or site construction.
3. **Integrated** – Public art which is conceived, designed and built specifically for a site and derives its conception from the local site narrative. A work of art such as this would not exist anywhere else.
4. **Temporary** – Public art created for a specific occasion, time frame or event and which is temporary in nature.

Unless specified or designed by an Artist, the following are not considered public art within these guidelines:

- Reproductions by mechanical or other means of original Artworks. However, limited editions controlled by the Artist or original prints, cast sculpture, or photographs, may be considered Artworks.
- Decorative, ornamental or functional elements that are not specified or designed by an Artist.
- Art objects that are mass-produced, ordered from a catalog, or of standard design; wayfinding or other functional elements such as graphics, signage, advertising or maps.

Note: Works of art designed by the Capital Project architects, landscape architects, designers, engineers, or other project professionals do not qualify as public art under the 1% public art budget.

The Public Art Policy allows for:

1. **Artists on Design Teams** – Artists commissioned to collaborate with architects, engineers and designers during the early stages of infrastructure design. As a member of the design team, the artist contributes to the overall design process, may identify opportunities for artistic enhancements or be responsible for the overall design in consultation with team members.
2. **Community Based** – Public art that is created as a result of a collaborative process between a professional practicing artist(s) and a self-defined community or neighborhood. It is a collective method of art making, engaging artists and communities or neighborhoods through collaborative, creative expression.

PUBLIC ART PROCESS

The Public Art Guidelines determine the process for the planning, commission, purchase, gift, donation and bequest of public art for the City of Hutchinson.

The following principles guide the creation and acquisition of public art:

- The scope of public art projects shall include discrete, semi-integrated, integrated and temporary works and allows for artists on design teams, community based public art and special projects.
- The Public Art Design Council may establish a Public Art Registry to allow artists interested in public art opportunities to participate in selection processes by maintaining a record of their work with the Public Art Program.
- Public art projects shall be selected on merit through a process informed by expertise and community input where practicable. Proposals shall be solicited through open competition or invited competition and should be selected by a jury appointed on a project specific basis. Direct award
- Public art acquired through the public art program shall be placed on property under the City of Hutchinson's ownership or control.
- Gifts, donations and bequests of public art shall be considered in accordance with City policy on Donated Public Art Guidelines. Each gift, donation and bequest should be reviewed to assess artistic merit, site suitability and context, durability and maintenance requirements, financial implications, public safety and liability.
- Gifts, donations and bequests of public art shall be placed in accordance with the Public Art Master Plan.
- Gifts, donations and bequests of public art shall not impede the actions of the City of Hutchinson.

Public Input

Public input is an essential feature of any Public Art Process. The Public Art Program Staff and the Design Council will coordinate a Public Input Process within the greater selection process on a project by project basis.

The goal of the Public Input Process is to better inform the Design Council through community engagement. By encouraging the participation of members of the public in a critical conversation about artists and proposals, the Design Council can fully understand the impacts of their decisions. The Public Input Process serves to advise the Design Council; while the Selection Committee may choose to solicit input and/or votes from the public, that input is advisory only.

The format of the Public Input Process is flexible and determined on a case-by-case basis by Program Staff and the Design Council. It can take place at any point in the public art process. The format may take one or more of the following forms:

- Public Forums
- Internet Presentation and Response
- Surveys
- Stakeholder Group Interviews
- Lectures/panel discussion

Observers

Selection meetings are open to members of the public who wish observe the proceedings. Observers are not granted voting privileges.

METHODS OF SELECTING ARTISTS

The method of selecting artists for a particular project will be determined by the Program Staff, in consultation with the Public Art Design Council, choosing from the following options:

- **Open Competition** - An open competition is a Call for Artists in which artists are asked to submit their qualifications for a project through evidence of their past work and experience related to the particular project. Calls for entries should be sufficiently detailed to permit artists to determine if their work is appropriate for the project. This method is the most egalitarian, allowing anyone to apply who feels they are qualified. It is the most transparent and public process. The open competition is preferable when there is adequate time to publicize and receive entries, and when there is staff available to manage a larger number of applications. Artists must comply with requirements set out in the Call to Artists. Artist/project selection is customarily a jury process.
- **Limited or Invitational Competition** - A limited number of artists are invited to submit credentials or proposals for a specific project. Artists are invited based

upon their past work and demonstrated success with a particular type of project, for example: design team, water feature, murals, etc. In the case of addressing a Public Art Program goal such as creating opportunities for local or regional artists, or for a very specific commission (such as a light work or an interactive sound environment), or when there is a short timeline, the invitational competition is a good method. The Design Council, Program Staff, the Public Art Registry, other public art programs and curators can be consulted to create an invitation list. Artist/project selection is customarily a jury process.

- **Direct Selection** - In certain circumstances (i.e., budget does not warrant a competition, very specific skills are required, or time lines do not permit a competition process) a completed Artwork is purchased by direct selection. This method should be used with caution, since it is not the competitive process usually preferred with public monies. In this instance artists may be selected from an approved listing (artist roster). Artist/project selection may involve a jury review.

In the event the artist or artist team defaults on the agreement, the City may select and commission another artist (or artist team) without following the foregoing selection process.

In all Call for Artists, the following statement shall be included:

The City of Hutchinson reserves the right to reject any or all applications, proposals, applicants, or projects and to modify or terminate the application process or the selection process for any reason and without prior notice, and further reserves the right to withhold the award of a commission or re-release the call for entries. The selected artist must agree to a City of Hutchinson Professional Services Agreement, and agrees to provide a certificate of liability insurance naming the City as a certificate holder.

Types of Artist Involvement

The Design Council should be open to involving artists in a range of ways, including:

- Artists on design teams – artists(s) selected to work collaboratively with other professions (planners, designers, architects, engineers) on a specific capital improvement project. Artist involvement early in design provides the opportunity to influence items already in the design budget.
- Artist in residence – artist(s) selected to be in residence for a specified period of time with a designated group and/or site. The City's Parks Department may want to consider contracting with an artist to advise on a range of projects or to work in a particular neighborhood or park with neighborhood residents.
- Temporary public art projects – artists(s) selected to organize and/or create limited-duration projects such as a 2-month outdoor exhibition in an urban lot in transition.
- Artist-initiated projects – artist(s) propose new public art projects and potentially bring financial or other resources for implementing projects.

RFQ vs. RFP

RFQ is a Request for Qualifications. Artists are asked to submit a resume and visual documentation of past work that demonstrates their ability to do the project. A letter may ask them to highlight specific relevant experience and a general approach to the project, but not to make a specific proposal. Based on qualifications, finalists are selected, interviews are held. An artist may then be selected to proceed to create a design. Alternatively, several finalists may be selected, given a thorough orientation and paid a proposal fee to return with a specific proposal. A final selection is made based on the proposals.

RFP is a Request for Proposals. Artists are asked to submit a proposal for the project. Commissioning organizations view this as a way to “see what they are purchasing,” rather than wait to find out what an artist develops. Many artists and arts administrators, however, oppose RFPs that do not include a proposal fee, because it is asking an artist to work without being paid. The RFP has the additional disadvantage that the artist usually develops the proposal on limited knowledge of the project and may offer a quick solution sent in “on speculation” of being selected.

Balance of Local and Non-Local Artists

The priority of the public art program is to commission works of high artistic merit. It is also a goal to develop capacity within the local arts community. An effective approach for meeting both goals is to create a variety of commissions. Smaller commissions favor emerging artists who can often produce more value as an investment in their career, or local artists who do not have to add travel or transportation costs. Successful completion of a commission gives the artist the demonstrated experience to apply for larger projects.

Local artists should be recruited to serve on selection panels. Through reviewing other artists' submissions, participating in interviews and design reviews, artists learn valuable lessons to apply to their future submissions. Through technical assistance workshops and staff consultations the public art program can develop the skills of artists and help them become competitive in public art selection processes.

Artist Selection Panels

Artist selection panels or juries are formed for an individual project or group of projects. Membership of the panel reflects the needs of the particular projects and should include:

- Art professionals
- The project's designer (architect, landscape architect or engineer)
- A representative of the project sponsor (the City Department or organization's project manager)
- One or more Design Council members
- A citizen with particular interest in the project

- Donors
- Others as deemed appropriate
- Non-voting public art staff

Responsibilities of Artist Selection Panels

- Become familiar with the project and how it fits in the context of City's Public Art Program.
- Frame the artist's opportunities by identifying the relevant public art program goals, the nature of the project, potential sites for artwork, suitable art forms and the desired outcome.
- Establish the mode of selection: open call, invitational competition, or direct selection.
- Determine the selection process, whether the artist will be selected on the basis of qualifications and an interview, or whether several artists will be selected, paid to make a specific proposal, and a selection made based on review of proposals.
- Determine and specify the nature of community involvement and public process.
- Review all materials submitted by artists.
- Maintain confidentiality on the proceedings of all panel meetings.
- Recommend to the Design Council an artist or artists to be commissioned for projects, or engaged for a design team.
- Reserve the option to make no selection and reopen the competition or propose another method of selection if no proposal is accepted.
- Panel presents the selection to the Design Council for their approval.
- Continue to meet, as needed, to review the selected artist's design concepts and to approve any changes in concept or media during the course of design.
- Participate in dedication ceremony.
- Support education and outreach efforts.

Selection Criteria

- Artistic quality: strength of the concept, design, craftsmanship.
- Appropriateness: concept, scale, media and content suitable to the project and the site.
- Maintainability: structural and surface soundness, durability, resistance to vandalism, theft, weathering, excessive maintenance and repair costs.
- Public liability: protective of the safety of the public in structure and siting.
- ADA compliant: in accordance with Americans with Disabilities Act standards.
- Diversity: contributes to both the diversity of artwork (temporary or permanent, style, scale, media) and artists (local and non-local, ethnic heritage, gender and range of experience).
- Feasibility: artist's ability to complete the project on time and within budget.
- Communication: artist's ability to effectively communicate with the project partners, managers and the community.
- Originality: unique artwork or a limited edition.

Selection Criteria for Design Team Artists

- Artists must have the ability to collaborate with a multi-disciplinary team of other design professionals and the client.
- Strong communication skills.
- Creative thinker who has a larger view of urban planning, site design, and innovative solutions.
- Demonstrated experience in serving on design teams.

INVENTORY, MANAGEMENT AND MAINTENANCE

The Public Art Program should establish a procedure to provide on-going funding for maintenance of the Public Art Collection.

- The public art program staff should catalogue the collection and maintain records of works as they are acquired.
- The public art program staff should also be responsible for re-siting and deaccessioning should that become necessary.
- The City should be responsible for routine cleaning and maintenance of artworks in public spaces.
- The Public Art Program should provide and coordinate professional maintenance and conservation services through contracted professionals, using established funding mechanisms.
- Adequate insurance coverage should be provided for the Public Art Collection.

DONATIONS POLICY

To maintain the continued high quality of the collection, all donations of public art should go through the review process set out in the City's "Donated Public Art" policy to assure that the artwork meets criteria for public art for the City. Donations may include funding a commission or donating an existing work of art. Acceptance of a donation brings with it the responsibility for installation of the work and maintenance of the work over time. As a basic principle, any donation of artwork should include funding for site preparation, engineering review, permits, utility connections, installation, lighting (if desired), recognition plaque, landscaping of the site, promotional materials and ongoing maintenance.

DEACCESSION POLICY

Deaccession is the process of withdrawing a work from the art collection. While the intent of the acquisition of artworks for the public art collection is for a permanent lifespan, circumstances may arise in which the Design Council decides to relocate or withdraw an artwork from public display. It is the policy of the Design Council not to remove or relocate an artwork prior to the work having been in place for at least five years. All reasonable efforts shall be made to rectify problems or re-site the art work where appropriate.

The City of Hutchinson reserves the right to deaccession works of art in its public art collection in the best interests of the public and as a means of improving the overall quality of the City's public art collection. At the beginning of the process, the Design Council will make reasonable effort to notify any living artist whose work is being considered for deaccession. All proceeds from the sale or auction of the artwork will be deposited in the Public Art Trust Fund.

Criteria for Deaccession of Artworks

An artwork may be considered for deaccession if one or more of the following conditions apply:

- The artwork presents a threat to public safety.
- The condition or security of the artwork cannot be guaranteed, or the City cannot properly care for or store the artwork.
- The artwork requires excessive maintenance.
- The artwork has serious faults in design or workmanship.
- The condition of the artwork requires restoration in excess of its monetary value, or is in such a deteriorated state that restoration would prove either unfeasible or would render the work essentially false.
- The artwork is of poor quality or is judged to have little artistic merit, historic or cultural value.
- The site for the artwork has become inappropriate, is no longer accessible to the public, is unsafe or is due to be demolished.
- Significant changes to the use, character or design of the site require the re-evaluation of the relationship of the artwork to the site.
- The work can be sold to finance, or can be traded for, a work of greater importance by the same artist.
- There has been sustained and overwhelming public objection to the artwork.
- A written request from the artist has been received to remove the work from public display.
- The work is not, or is rarely displayed.

Process for Deaccession

A Deaccession Review Panel is formed, consisting of 2 Design Council members, 2 arts professionals and an art conservator or curator. This panel shall determine if one of the criteria for deaccession has been met. The Design Council reserves the option of hiring a consultant to advise on whether the artwork meets the criteria. The Program Staff shall prepare a report which indicates:

1. Information from the public art inventory form (see Appendix A).
2. Detailed report on the condition of the artwork, supported by photographs.
3. Copy of title or other ownership documents.
4. Appraised value of the work by two independent consultants, if obtainable.
5. Justification for deaccession, according to the criteria of the Deaccession Policy.
6. Documentation of correspondence, press or other evidence of public debate documenting extended adverse public reaction.
7. Suggested methods of deaccession (sale, transfer, auction, or disposal).

8. Alternatives to deaccession and costs of doing so.
9. Documentation of notification of the artist, if living, and any related correspondence.
10. The opinion of the City Attorney on any restrictions which may apply to this specific work.

The report is presented to the Design Council for decision by a majority vote of the full Design Council.

Methods of Deaccession

The Design Council may choose one of these methods of deaccession or may suggest alternatives appropriate to the particular case. All proceeds from the sale or auction of the artwork will be deposited in the Public Art Trust Fund. The preferred methods of deaccession are as follows:

1. Relocation of the artwork. (This method should be given the highest priority.)
2. Withdrawal of the artwork from public display and subsequent storage.
3. Sale or exchange of the artwork through the following means:
 - Offer the artist the right of first refusal to buy back the artwork at the current appraised value or a price to be negotiated.
 - Obtain a professional appraisal of the artwork's value and advertise it for sale by auction.
 - Seek competitive bids for the purchase of the artwork.
 - Donate the artwork to another government or nonprofit organization.
 - Dispose of the artwork using City surplus property procedures.

APPENDIX A - Sample Public Art Inventory Form

Artist(s): Date of work:

Date acquired: How acquired (commission, donation, purchase, loan):

Title:

Dimensions (height x width x depth or diameter):

Discipline (e.g., sculpture):

Medium (e.g., welded stainless steel):

Fabricator (as a resource for future repairs):

Location (building / room, street address, or approximate locale):

Ownership:

Purchase price:

Funding source:

Interpretive signage/label:

Maintenance (current condition):

Maintenance record (repairs done, when, by whom):

Photographs (digital images of multiple views, details):

Background material on artist: