

## ART IN PUBLIC PLACES PROGRAM GUIDELINES

*(Revised 2/5/2004)*

### I. PURPOSE

The purpose of these guidelines is to establish a process for the selection, purchase, commission, placement, and maintenance of works of art via the expenditure of the monies generated through Ordinance #850926-0, generally referred to as the Art in Public Places Ordinance, originally signed into law on September 26, 1985, and amended by Ordinance #970904-B on October 31, 2002. This ordinance is understood to apply to only those projects which received approved funding after the effective date. These guidelines shall not be understood to apply to donated works of art, as those instances are covered by a separate donations policy.

### II. INTENT

- A. It is the stated intent of the Art in Public Places Ordinance to direct the inclusion of works of art in City construction projects in order to expand the citizens' of Austin experience with visual art and enable them to better understand their communities and their individual lives. By encouraging artists capable of creating works of art in public places, the Art in Public Places Program shall strive to stimulate the vitality and economy of the City and enhance Austin's standing as a regional leader in the arts. Thus, it is the goal of the Art in Public Places Program to expend the percent funds on works of art and art projects of redeeming quality which advance public understanding of visual art and enhance the aesthetic quality of public places. This goal shall be realized through:
1. The commission of artists and works of art of the highest quality, which represent an expression of our time, contribute to a sense of the City's identity, and entail some measure of public significance.
  2. The nurturing of the artistic vitality of the City of Austin through the encouragement of local artistic endeavors;
  3. The encouragement of public dialogue which increases public understanding and enjoyment of visual art, through appropriate public education forums and programs;
  4. The encouragement of public interaction with public places, areas which provide for public ownership and accessibility, via the placement of works of art;

5. The commission of a broad range of works of art, reflective of the overall diversity of current works in the field of visual art;
6. The commission of works of art varying in style, scale, medium, form and intent representative of the local, regional, national, and international arts communities;
7. The encouragement of artists to reach creative solutions to the aesthetic problems they have been employed to solve;
8. The broad distribution of commissions among artists and the encouragement of new and emerging artists;
9. The broad geographic distribution of works of art in the City of Austin;
10. The encouragement of true collaborative efforts between artists and architects, engineers, and landscape architects.

### III. DEFINITIONS

- A. “ARTS COMMISSION” - The Austin Arts Commission, as appointed by the City Council.
- B. “ART IN PUBLIC PLACES PANEL” - A standing committee appointed by the Arts Commission, responsible for advising the Commission on matters relating to the implementation of the Art in Public Places Ordinance. (See Section V.)
- C. “ARTIST” - A practitioner in the visual arts generally recognized by critics and peers as a professional possessing serious intent and ability who is not a member of the Project Consultant’s firm or employed thereby.
- D. “VISUAL ARTS PROFESSIONAL” - An artist, arts educator, art critic, arts administrator, arts dealer, designer, art historian, curator, fine art collector, architect, urban planner, or landscape architect who is well respected in his/her field, knowledgeable with regards to contemporary visual art, and willing to participate effectively in a panel process without conflict of interest.
- E. “WORKS OF ART or ARTWORK” - All forms of original creations of visual art which may be portable as well as permanent. To include but not limited to:

Paintings of all media, including both portable and permanently affixed works such as frescoes and murals;

Sculpture of any form and in any material or combination of materials. To include statues, monuments, fountains, arches, or other structures intended for ornamentation or commemoration. Also included are reliefs, mobiles, kinetic, electronic and neon, sculptures;

Other works of visual art, such as inscriptions, stained glass, fiber works, carvings, mosaics, photographs, drawings, collages, textile works, and prints. Also included are crafts both decorative and utilitarian in clay, fiber, wood, metal, glass, stone, plastic and other materials;

Artist-designed landscapes and earthworks, including the artistic placement of natural materials or other functional art objects.

- F. "PROJECT CONSULTANT" - Any firm, individual, joint venture or team of firms or individual with which the City contacts, as selected by the Council, for design consulting services related to constructions projects.
- G. "CONSTRUCTION PROJECT" - Any capital project paid for wholly or in part by the City of Austin to construct or remodel any building, decorative or commemorative structure, park, or parking facility or any portion thereof.
- H. "CAPITAL IMPROVEMENT PROGRAM (CIP)" - The City's program for advance planning of capital developments.
- I. "ELIGIBLE PROJECT" - A construction or remodeling project, as defined above, for which the source of funds is not restricted by law or regulation as to its use for artworks.

The Ordinance extends to the construction or remodeling of all buildings, as defined by the City's Comprehensive Zoning Ordinance and irrespective of its function; decorative commemorative structures; new streetscapes or street improvement project; bridges, including but not limited to the incorporation of an artistic feature into the structural design; water or wastewater treatment facilities and other appropriate project as recommended by the Art in Public Places Panel and Arts Commission and approved by the City Council on a case-by-case basis; parks (including but not limited to swimming pools, land development, playscapes, picnic structures, jogging trails, restroom facilities, and athletic courts); or parking facilities (public lots, garages, parking terminals or other structures or accommodations for the parking of motor vehicles off the street or highway, and includes equipment, entrances, exits, fencing, and other accessories necessary for the safety and convenience in the parking of vehicles), or any portion thereof. However, the Ordinance does not extend to underground water and sewage lines, street repair and street reconstruction, electrical transmission and distribution lines, electrical sub-stations, and/or water pumps stations.

In order to be considered eligible for the Art in Public Places Program, a remodeling project must provide a new use for or an addition to an existing space by making structural changes. This shall be understood to include rehabilitation projects which extend the useful life of a structure as well as restoration projects which return a structure to a previous condition. Examples of such projects would include the construction of office space from existing storage space, the addition of a wing to an existing structure, and the restoration of a structure such as that of the Old Main Library. Because of the administrative costs associated with the transfer of funds and the selection of an artist, a project must have an original estimated construction cost of \$100,000 or more in order to be considered eligible.

Purely decorative remodeling projects such as new carpeting, painting, or the installation of portable partitions shall not be considered eligible projects. Normal maintenance and repair to an existing structure such as the replacement of a roof, broken windows, or out-dated heating/cooling systems shall not be considered eligible projects. If, however, these costs are part of a larger eligible project, then they shall be included in the total construction cost on which the 2% is assessed.

The Art in Public Places Ordinance extends to construction and remodeling projects planned through the City of Austin's biennial capital improvement planning process (CIP) as well as those planned at the departmental level. CIP projects are generally funded either through bond propositions or current revenues, whereas non-CIP projects are funded through the annual operating budgets. The Ordinance states that in no case shall the 2% dedication exceed \$300,000 for water or wastewater treatment facility. For CIP projects a single City construction project is identified by a serial number, which is included as a line item in a single approved bond proposition and/or in an approved annual capital budget. As non-CIP projects are not indicated on a line item basis in a departmental budget, identification of a single construction project under the Art in Public Places Ordinance and Guidelines must be determined on a case-by-case basis between the Administrator, the appropriate department representative, and representative of the Financial Service Department.

Pursuant to the Ordinance, the Art in Public Places Panel may through the Arts Commission, recommend that the City Council make an exception to this limitation for those City construction projects which merit or require a larger expenditure by virtue of the project scale or function; provided, however, such recommendations must be made and reviewed by City Council during the course of the normal budget process.

- J. "STREETSCAPE" - An improvement to a public right-of-way, including a sidewalk, tree, light fixture, sign, and furniture.

- K. “USER DEPARTMENT” - The City Department which will occupy or otherwise administer the use of the project upon its completion. Where more than one department is involved, the user departments shall have the authority to decide who represents them.
- L. “ADMINISTRATOR” - The staff person hired by the Director of Economic Growth & Redevelopment Services Office to coordinate and facilitate the implementation of the Art in Public Places Ordinance as adopted by the City Council of the City of Austin.
- M. “ELIGIBLE COSTS” - The original estimated construction cost as defined in the Art in Public Places Ordinance. Any costs related to the construction of the project which are not specifically excluded by said definition shall be included in the calculation of the two percent (2%) assessment.
- N. “CONSTRUCTION COST” - As defined in the Ordinance to mean the total City-funded portion of a City construction project as originally estimated, excluding demolition, equipment, and land acquisition costs, costs for fees and permits as well as those costs associated with debt issuance.
- O. “MANAGING DEPARTMENT” - The City Department responsible for the implementation of the design and /or construction of all City of Austin owned facilities.
- P. “PROJECT MANAGER” - The City staff person charged with the responsibility for the implementation of the design and/or construction of the City of Austin owned facility which meets the definition provided hereinabove for an eligible project.
- Q. “NEW GENRES” – including but not limited to video, electronic, digital art, holography, and other new art forms as they evolve.

#### IV. APPROPRIATION AND ALLOCATION OF FUNDS

- A. All City Department Heads and the Director of Financial Services shall, after consultation with the Art in Public Places Administrator, include in all estimates of necessary expenditures and all requests for authorizations and appropriations for City construction projects, an amount for art equal to at least two percent (2%) of the original estimated construction cost of any eligible project. For CIP construction projects the original estimated construction cost shall be that estimated in the CIP for the year in which such funding is approved by the City Council. For non-CIP construction projects subject to the provisions of the Ordinance, the original estimated construction cost shall be that amount initially authorized in the departmental budget by the City Council. If the source of funding or appropriate law with respect to any particular project precludes art as an

object of expenditure, the amount of funds so restricted shall be excluded from the total project cost in making the aforesaid calculation.

- B. The minimum amount to be appropriated for art shall be the total City-funded portion of the construction cost for the City Construction project, divided by one hundred (100) and multiplied by two (2).
- C. For those projects which are only partially funded by the City of Austin, the two percent (2%) assessment shall be based on the City's portion of the original estimated construction cost. All City grant applications for federal, state, or county support of eligible construction projects shall include a request for funds for the purpose of the Art in Public Places Program. Additionally, the City of Austin shall actively seek to encourage its partners in all joint public/private ventures to participate in the Art in Public Places Program.
- D. As provided in the Ordinance, the Art in Public Places Panel, with the Administrator, shall make periodic reviews, at least annually, of all CIP projects and other City construction projects. This review shall occur during the City of Austin's biennial CIP process and annual operating budget process, for the purposes of making recommendations to the Financial Services Department regarding appropriations for works of art and art projects.
- E. Public Art Funds shall be established by the City of Austin for the purposes of administering the Art in Public Places Program. The funds contained in said accounts shall be used for the selection, acquisition, installation, and substantive structural repair and maintenance of art and art projects commissioned and/or purchased through the Art in Public Places Program. One account for all general fund departments shall be established within the Economic Growth & Redevelopment Services Office and separate fund(s) shall be established for the enterprise fund departments.

As provided in the Ordinance, the City Council shall appropriate the two percent monies to the proper Public Art Fund concurrent with the appropriation to fund the related City construction project. These Public Art Funds shall be maintained in accord with accepted governmental accounting procedures. All appropriations to and allocations from the various Public Art Funds shall occur in accord with any legal restrictions associated with the source of funds.

- F. As provided in the Ordinance, in the event that an eligible project is deemed inappropriate for the siting of public art by the Art in Public Places Panel, the 2% monies shall be appropriated to the proper Public Art Fund, for use at other more appropriate public sites, unless prohibited by any legal restrictions associated with the source of funds.

- G. The Art in Public Places Panel shall allocate funds for artwork projects subject to their legality of expenditure according to source. Given the specific use limitation on a wide variety of fund sources (general obligation bonds, revenue bonds, grants, operating budgets, etc.), eligibility of expenditure must be determined on a case-by-case basis in consultation with the appropriate City Departments.
- H. The City Manager or his or her designee shall authorize all disbursements from the Public Art Funds.

V. COMPOSITION AND FUNCTION OF THE ART IN PUBLIC PLACES PANEL

- A. The Art in Public Places Panel, appointed by the Arts Commission, shall have seven (7) members and serve as a standing committee of the Arts Commission. The Art in Public Places Panel shall be comprised of one representative from the Arts Commission and others as the Commission might appoint. At a minimum the Panel's membership shall include five (5) visual art professionals, two of whom shall be representatives from the environmental design fields (architecture, landscape architecture, urban planning/design). Selection of the panelists shall reflect the ethnic, artistic, economic, and demographic diversity of the community. All panelists shall possess knowledge of contemporary visual art. Panelists shall serve two-year terms for no more than three consecutive terms. The Director of Economic Growth & Redevelopment Services Office or his designee shall serve ex-officio without vote. The Panel shall elect its own Officers and establish by-laws. Staggered terms shall be provided for by the drawing of lots such that three members of the first panel shall agree to serve for only one year.
- B. The primary functions/responsibilities of the Art in Public Places Panel are to:
  - 1. Assist the Arts Commission in the promulgation of guidelines to implement the provisions of the Art in Public Places Ordinance, including methods of selecting artists and commissioning works of art;
  - 2. Provide review responsibilities for the provisions of the Art in Public Places Ordinance and its Guidelines;
  - 3. Make recommendations regarding appropriations for works of art and art projects, through the Arts Commission, the City Council or City Manager;
  - 4. Review, on a biennial basis, the artwork projects of the Art in Public Places Program as a reflection of the intent of the Art in Public Places Ordinance and Program.

## VI. DEVELOPMENT OF AN ART IN PUBLIC PLACES PROJECT

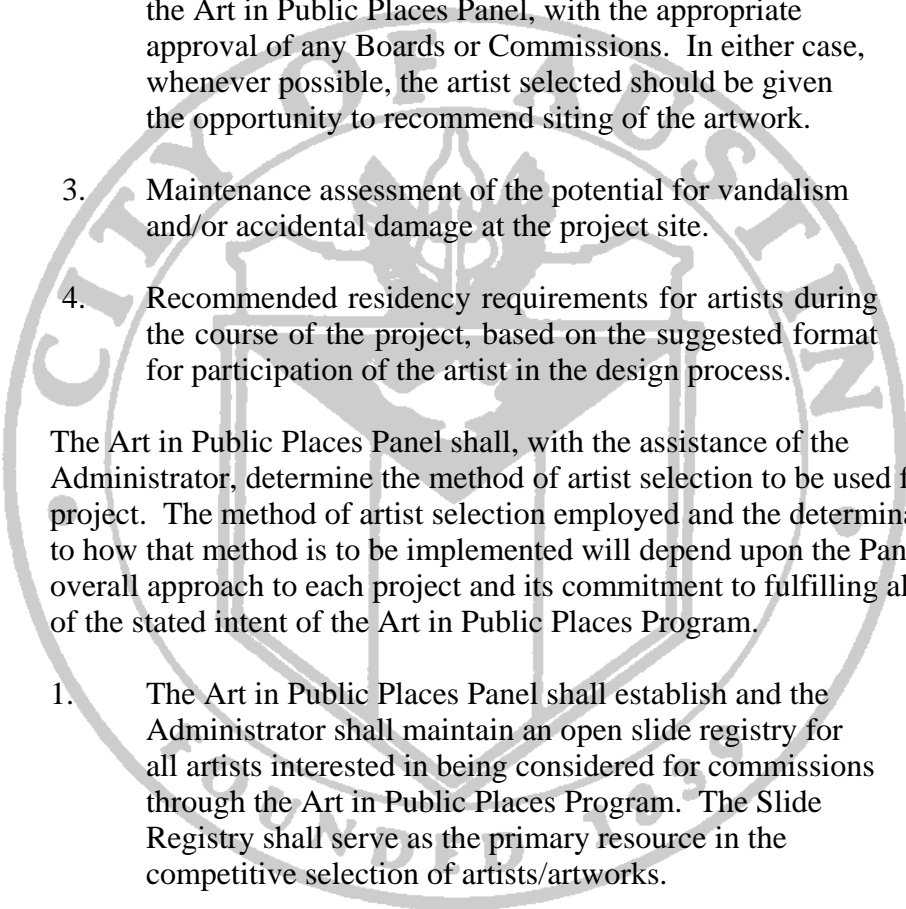
Art in Public Places projects may occur in, at, or near public buildings, parks, and open spaces. These may be sites which are under development or existing sites where construction is complete. The Art in Public Places Panel, with the assistance of the Administrator, shall on an on-going basis actively explore potential sites for Art in Public Places projects. In this, the Panel shall seek the input of various City Departments as well as the community at large, to identify both future planned and existing sites. Once an Art in Public Places project is developed, information will be disseminated, as appropriate through the media and mailings, well in advance of the selection process to provide artists adequate time to prepare any necessary submissions.

For sites under development, it is preferable to involve the artist in the earliest phases of the design process to ensure a totally integrated solution. Therefore, at the earliest time possible, all City Departments shall inform the Art in Public Place Panel, through the Administrator, of proposed or planned eligible construction projects. This will allow the Art in Public Places Panel time to adequately review the project's potential for incorporation of artwork and to plan for an appropriate artwork project. The Department responsible for an eligible construction project shall subsequently keep the Administrator apprised of the selection of the Project Consultant. Additionally, provisions for the artwork project shall be appropriately included in the design program for the construction project. The development of an Art in Public Places project and subsequent selection of an artist shall commence immediately upon the selection of the Project Consultant.

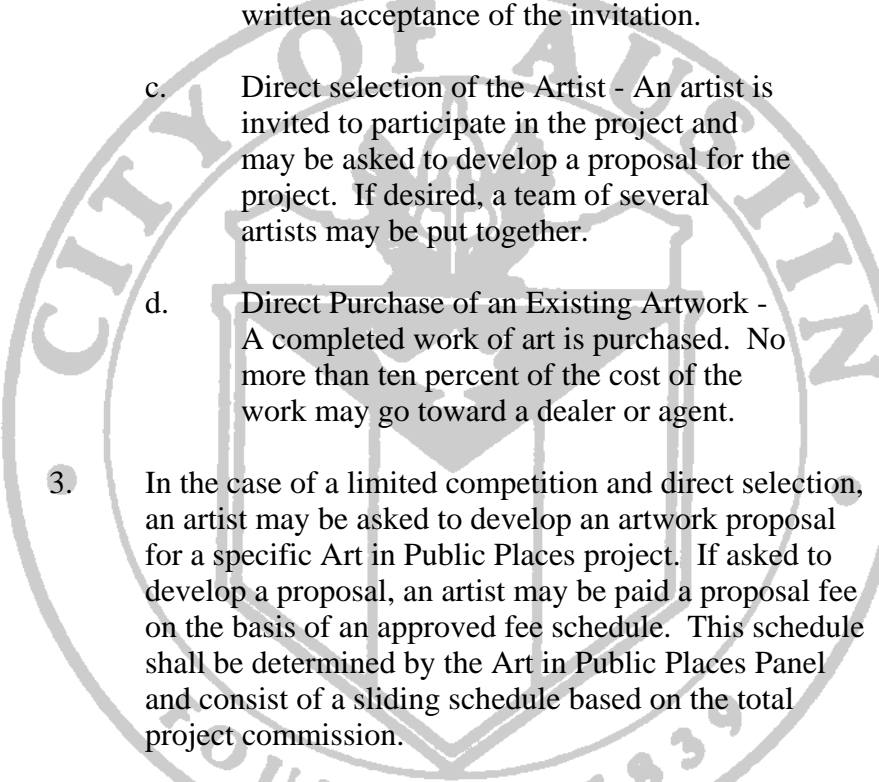
Once a project is developed, the Art in Public Places Panel with the Administrator shall recommend to the Arts Commission, in the form of a written prospectus, the overall approach and selection process for each artwork project. This prospectus will strive for a solution that will allow for the artwork, whether purchased or commissioned, to be appropriate to the particular project site. This prospectus can provide for the direct purchase of an existing work(s) of art, the selection of an artist(s) to complete a specific work(s) of art, or the selection of an artist(s) to participate in a design team approach with project consultants.

- A. The Art in Public Places Administrator shall research the background of each eligible project, consulting with the user department, project consultant, project manager, and community representatives. This information shall be recommended to the Art in Public Places Panel for finalization in the form of parameters regarding:



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1. Recommended format for participation of the artist in the construction project's design process and/or media.
  2. Recommended location(s) within the site. Siting of the artwork may be determined prior to the selection of an artist or proposed by the artist selected for the project. In the case of sites under development, it is preferable to allow the artist and the project consultant to coordinate the location of the artwork within the construction project. In the case of existing sites where construction is complete, the final location shall be determined by agreement between the City departments involved and the Art in Public Places Panel, with the appropriate approval of any Boards or Commissions. In either case, whenever possible, the artist selected should be given the opportunity to recommend siting of the artwork.
  3. Maintenance assessment of the potential for vandalism and/or accidental damage at the project site.
  4. Recommended residency requirements for artists during the course of the project, based on the suggested format for participation of the artist in the design process.
- B. The Art in Public Places Panel shall, with the assistance of the Administrator, determine the method of artist selection to be used for each project. The method of artist selection employed and the determination as to how that method is to be implemented will depend upon the Panel's overall approach to each project and its commitment to fulfilling all aspects of the stated intent of the Art in Public Places Program.
1. The Art in Public Places Panel shall establish and the Administrator shall maintain an open slide registry for all artists interested in being considered for commissions through the Art in Public Places Program. The Slide Registry shall serve as the primary resource in the competitive selection of artists/artworks.
  2. The Art in Public Places Panel shall maintain the following general guidelines regarding the methods of artist/artwork selection which may be employed for a particular project:
    - a. Open Entry competition - Any artist is eligible to enter, with recognition of the possible residency requirements. The site and prospectus are appropriately advertised. Artists may be asked to submit

slides of their past work, resumes, and letters of intent related to the specific project or specific proposals for the project under review.

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- b. Limited Entry Competition - The jury invites a limited number of artists to participate in the selection process. The artists selected may be asked to submit slides of past work or proposals based on the project prospectus. The names of the artists invited to participate shall be publicly announced upon receipt of written acceptance of the invitation.
  - c. Direct selection of the Artist - An artist is invited to participate in the project and may be asked to develop a proposal for the project. If desired, a team of several artists may be put together.
  - d. Direct Purchase of an Existing Artwork - A completed work of art is purchased. No more than ten percent of the cost of the work may go toward a dealer or agent.
3. In the case of a limited competition and direct selection, an artist may be asked to develop an artwork proposal for a specific Art in Public Places project. If asked to develop a proposal, an artist may be paid a proposal fee on the basis of an approved fee schedule. This schedule shall be determined by the Art in Public Places Panel and consist of a sliding schedule based on the total project commission.
- C. The Art in Public Places Panel shall determine the jury format most appropriate to each project, to include the number of jurors, the necessary expertise and recommended jurors.
  - D. The Art in Public Places Panel shall then recommend to the Arts Commission, in the form of a written prospectus, the overall approach to the project including the method of artist selection and the format for jury selection. The Arts Commission shall subsequently review and approve the prospectus in an expedient manner (at the next full meeting of the Commission), so as to ensure the timely selection of an artist.

## VII. JURY SELECTION AND RESPONSIBILITIES

For each Art in Public Places Project, an independent jury of visual art professionals shall be established for the purposes of making an artist/artwork recommendation. The following guidelines shall be used by the Art in Public Places Panel in the development of a jury for each project and in determining the jury's responsibilities:

- A. The Art in Public Places Panel shall establish and the Administrator shall maintain a file of potential jurors containing information on the experience and expertise of qualifying individuals to serve in this capacity.
- B. The artist/artwork for each project shall be recommended by a jury to the Art in Public Places Panel, with the format for the jury selection approved by the Arts Commission. The Art in Public Places Panel shall have the option of constituting itself as a jury. No gallery owner, dealer, or art agent may serve as a juror due to the potential for conflict of interest. No juror may serve more than once in any two-year period, in an attempt to bring a diversity of interests to the selection process and to more precisely match the expertise of the jury members to each project.
- C. The Art in Public Places Administrator shall facilitate the selection of each jury and subsequently serve as staff to that jury.
- D. Each jury shall be comprised of either three or five jurors, depending upon the size and complexity of the individual project.
- E. Each three-member jury shall include at least one visual artist, and each five member jury shall include at least two visual artists. Other jurors shall be chosen from among the fields of visual art professionals. Additionally, each three-member jury shall include at least one local juror, and each five-member jury shall include at least two local jurors.
- F. Each jury shall be aided by a non-voting, advisory panel. This panel shall be appointed by the Art in Public Places Administrator on a project-by-project basis. The panel shall include at least one person connected with those who will be in constant contact with the facility where the artwork will be placed. This individual(s) may be a City employee or a community representative, depending on the nature of the project. The advisory panel shall also include the project manager, the project consultant, and a representative of the user department.
- G. Jury payment for professional services rendered shall be determined by the Administrator, in consultation with the Art in Public Places Panel, and recommended to the City Manager or his designee for the approval of disbursement. Such contractual payment shall be in keeping with the standards of the field, not to exceed a maximum of \$250 per day plus food, travel and lodging expenses. Anyone receiving compensation by the City as either a full-time employee or a separate consultant, members of the Arts

Commission who may serve as jurors and any members of the Art in Public Places Panel who serve as jurors may not receive compensation as a juror.

- H. The Art in Public Places Panel shall issue written instructions to jurors detailing the jury's duties and responsibilities relating to the project, prior to the first meeting of the jury. These instructions shall outline the method by which the jury is to make its selection as well as the technical and aesthetic criteria on which that selection is to be based. The jury shall adhere to these written instructions and criteria in making its recommendation.
  - I. The Administrator shall, in consultation with the Art in Public Places Panel, determine the overall budget for the selection of an artist and the commission of a work of art, prior to the first meeting of a jury. This budget shall be recommended for approval to the City Manager or his designee. This budget shall be based on the scope of the project and the proposed method of selection. Expenses related to the selection of an artist will be kept to a necessary minimum as required by each project. The jury shall adhere to this budget, except in the instance where it is proven to be inappropriate, at which time the initial budget may be altered to accommodate the new conditions, subject to the approval of the City Manager or his designee.
  - J. Each juror shall have one vote, with no juror possessing the right to veto. If a consensus cannot be reached by the jury within a reasonable amount of time, as determined by the Art in Public Places Panel and the Administrator, then a vote shall be taken with the majority carrying the decision.
  - K. The jury shall have the option of making no recommendation, if there is no proposal judged to be of sufficient merit. In such instances the matter shall be referred back to the Art in Public Places Panel for resolution, which may include a new selection process or the abandonment of the project.
- VIII. CRITERIA FOR SELECTION OF ARTISTS AND/OR ARTWORK PROJECTS
- A. All Art in Public Places projects are open to any professional artist, within a project's possible residency requirements as delineated by the Art in Public Placed Panel. Members of the project Consultant's firm or anyone employed thereby, members of the jury, or employees of the City of Austin shall be excluded from consideration.
  - B. Artists shall be selected on the basis of the appropriateness of their proposal to the particular project and its probability of successful completion, as indicated by the merit of their past work. In the case of the design team approach, an artist's willingness to fully participate in a collaborative process shall also be considered a criterion for selection.

All Art in Public Places Projects are budgeted for a pre-determined amount.

- C. In making its selection, the jury shall bear in mind the purposes of the Art in Public Places Program, always aiming to achieve the highest aesthetic quality.
- D. The jury shall, in making its selection, give due consideration to the appropriateness of the proposed design in terms of its scale, form, content and design with respect to its immediate and general, social and physical environment.
- E. The jury shall also give due consideration to the proposed design, its materials and construction for questions of durability, maintenance, public access, appropriateness, safety, and security.
- F. The aforementioned criteria are the minimum aesthetic criteria upon which the jury shall base its selection. Other criteria may be established by the Art in Public Places Panel as dictated by a project's particular requirements. Any additional criteria shall be outlined in the jury's written instructions.

#### IX. REVIEW OF THE JURY'S SELECTION

The jury's recommendation shall be transmitted to the Art in Public Panel in the form of a written report. The preparation of this report shall be facilitated by the Art in Public Places Administrator.

*In reviewing the jury's recommendation, the Art in Public Places Panel and the Arts Commission shall take into account the Art in Public Places Program's goal of developing a diverse collection, its commitment to the jury process and the role of the Commission as a bridge between the arts community and the City of Austin. These considerations should outweigh individual aesthetic preferences in the Panel's and the Arts Commission's review of the jury's selection.*

- A. As stated in the Ordinance, it is the initial responsibility of the Art in Public Places Panel to recommend the placement of works of art and art projects. The Panel shall review the jury's recommendation to determine if the process for selection was properly implemented, if the jury responded appropriately to the project prospectus, and if the recommendation satisfies the intent of the project. If the Panel determines that the procedure for selection was improperly implemented, the Panel shall have several options including returning the matter to the jury for clarification, requesting that the jury recommend a different artist, developing a new program or convening a new jury panel.

Prior to the Panel's recommendation being forwarded to Arts Commission, the user and managing departments responsible for housing the work shall be requested to view the proposal for technical feasibility and maintenance expenses. In cases where legitimate problems are demonstrated to the satisfaction of the Art in Public Places Panel, the jury may be reconvened to select an alternative work.

Once the Art in Public Places Panel approves the jury's selection, it will be recommended to the Arts Commission for a formal vote.

- B. The Arts Commission shall review the recommendation of the Panel on the basis of procedural matters, to ensure that the prospectus, as approved by the Commission, was appropriately responded to through the selection process. In the event that the Commission has questions regarding the selection process, those questions shall be referred, in writing, back to the panel for clarification.
- C. The Arts Commission's recommendation shall be forwarded to the City Council or the City Manager, as appropriate, in the form of a proposed contract for the purchase or commission of a work of art. The City Manager or City Council shall, in keeping with the City Charter, determine if the proposed contract is consistent with all relevant Ordinances and City purchasing policies.

In the instance that the Arts Commission's recommendation is disapproved, the matter shall be returned to the Arts Commission for further review.

## X. PROJECT IMPLEMENTATION AND DOCUMENTATION

- A. Upon approval of the Arts Commission's recommendation by the City Manager or City Council the City of Austin shall contract with the artist(s) for services or for the purchase and installation of a specific artwork. In general, Art in Public Places Project contracts shall require the artist(s) to produce, deliver, and install a work of art for a guaranteed maximum cost and by a predetermined time, which is in keeping with the construction project schedule. Depending on the nature of the project, performance by the artist may be contractually ensured through phased payment for work completed and/or professional liability coverage. The Administrator shall work with the artist to determine the appropriate budget for each project to ensure that all necessary costs are met, and the Art in Public Places Panel shall approve the final budget. In addition, the artist may be asked to make a public presentation at an appropriate time and in an appropriate forum in the community where the work is to be sited.

- B. Prior to the construction of a work of art, the artist must obtain approval of the final design by both the Art in Public Places Panel and the Arts Commission. In the case of an artist who has contracted with the City of Austin to produce a specific work of art, approval of the design prior to the signing of that contract shall be considered sufficient. If, however, the design changes substantially from that which was initially approved, the artist must return to the Panel for subsequent review. The Art in Public Places Panel and Administrator shall have full authority to determine what constitutes a substantive change in the design.

In the case of a design team approach, it shall be the primary responsibility of the artist and the project consultant to collaborate on the design of the artwork and its relationship with the site. The artist shall be required to bring then design, in its formative stages, back to the Art in Public Places Panel for review. This review shall appropriately parallel the consultant's presentations of schematic, design development, and construction document to the user and managing departments. The stage at which final approval of the design occurs will vary from project to project, and shall be specifically set out in the artist's contractual agreement with the City of Austin.

- C. All project consultants expressing interest in an eligible construction or renovation project shall be advised of the Art in Public Places Program requirements and guidelines. The consultant selected and appropriate City representatives shall work closely with the Administrator in the development of the artwork project and with the jury in the selection of the artist/artwork. The consultant shall incorporate the requirements of the work of art into the construction documents, including time of delivery and installation.
- D. On site activity in connection with the installation of artwork shall be handled by the artist, the Art in Public Places Administrator, and the appropriate City representatives within the departments having jurisdiction over the site and/or construction.
- E. The Art in Public Places Administrator shall function as a liaison between the artist and the various City Departments involved in the completion of each artwork project. In instances where construction matters cannot be resolved between the artist and the consultant, the project manger shall have final authority.
- F. The Administrator shall establish and maintain appropriate records on each project, which shall include the contract with the artist, records of the Panel's and Commission's actions, interdepartmental agreements, all billings made in connection with the project and all correspondence related to the project. In addition, the Administrator shall maintain records particular to the project to ensure adequate standards of documentation, registration, care, and installation of the artwork.

## XI. MAINTENANCE OF WORKS OF ART

- A. The Art in Public Places Panel shall make an annual review of the City's Public Art Collection for the purposes of a maintenance needs assessment. The Panel, through the Arts Commission, shall communicate those needs and the appropriate actions required to meet those needs to the various user departments.
- B. The works of art acquired through the Art in Public Places Ordinance become the property of the City of Austin and are held in trust by the User Department. Therefore, the expenses associated with the routine maintenance and operation of each artwork shall be incurred by the user department and considered to be part of the routine maintenance of the facility. Routine maintenance shall be understood to include such things as the periodic cleaning of a work and operational costs such as water in the case of a fountain. Any substantive repair of the work, such as structural repair, shall be considered to be an expense of the related Public Art Fund.

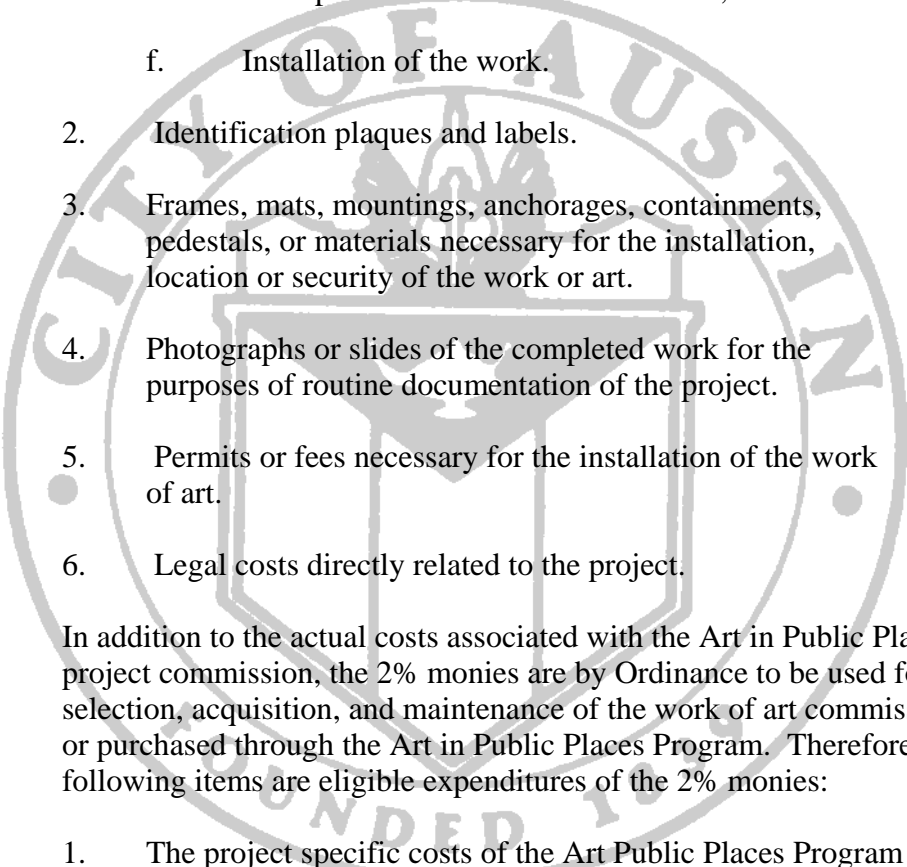
Per the Ordinance, no maintenance or repair work shall be performed by the user department without the prior written consent of the Art in Public Places Administrator. Additionally, the user department shall not move any work of art from the site for which it was selected, nor remove it from display, without the prior written consent of the Arts Commission and in conformance with legal restrictions regarding the source of funds for that work of art.

- C. So far as practical, in the event repair of the artwork is required, the City shall give the artist the opportunity to do that work for a reasonable fee. Disputes concerning what constitutes a reasonable fee shall be settled by a panel of three visual art professionals with knowledge of curatorial concerns, to be appointed by the Arts Commission. If the artist declines to perform the needed repairs for such a fee, the City may solicit bids from qualified conservators and award a contract to the conservator presenting the lowest and most responsible bid, if the fee is in excess of Five Thousand Dollars (\$5,000.00).

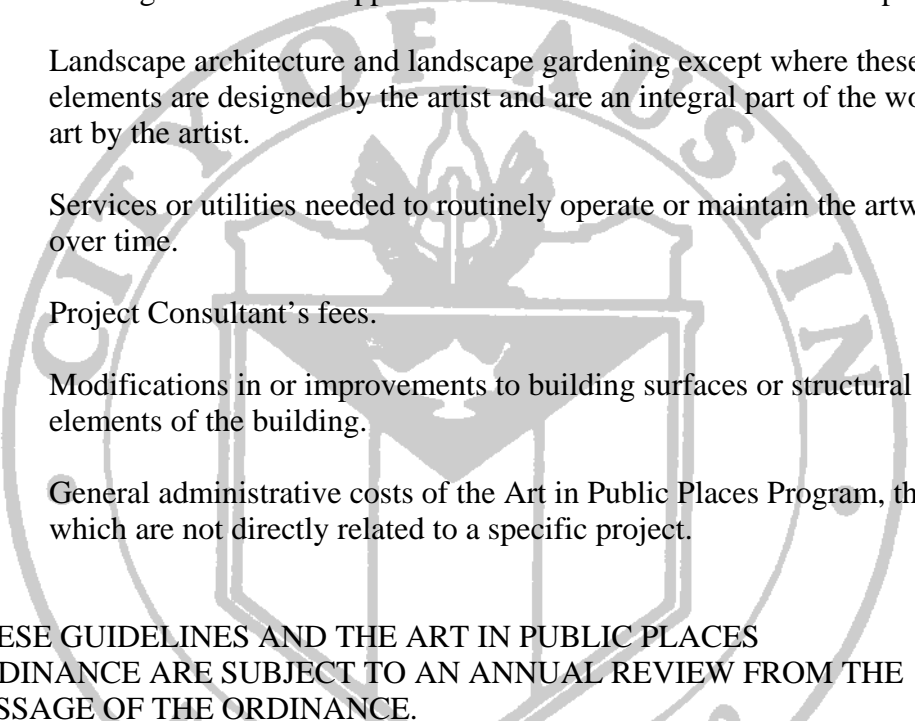
## XII. ELIGIBLE COSTS FOR TWO PERCENT MONIES

- A. All Art in Public Places contracts shall require the artist to design, produce, deliver and install a work of art for a guaranteed maximum cost. This cost may include the cost of the work itself and any associated costs which may be required by the City of Austin or inherently related to the implementation of the project. Therefore the following costs are eligible expenditures for the 2% monies included in the total project commission:



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1. The work of art itself, including but not limited to:
    - a. Artist's design fee;
    - b. Additional labor, materials, and contracted services required for the production and installation of the work;
    - c. Artist's operating expenses related to the project;
    - d. Travel related to the project;
    - e. Transportation of the work to the site;
    - f. Installation of the work.
  2. Identification plaques and labels.
  3. Frames, mats, mountings, anchorages, containments, pedestals, or materials necessary for the installation, location or security of the work or art.
  4. Photographs or slides of the completed work for the purposes of routine documentation of the project.
  5. Permits or fees necessary for the installation of the work of art.
  6. Legal costs directly related to the project.
- B. In addition to the actual costs associated with the Art in Public Places project commission, the 2% monies are by Ordinance to be used for the selection, acquisition, and maintenance of the work of art commissioned or purchased through the Art in Public Places Program. Therefore the following items are eligible expenditures of the 2% monies:
1. The project specific costs of the Art Public Places Program associated with the selection and acquisition of artwork.
  2. Jury honoraria expended for the purposed of selecting the artwork.
  3. Payment for artists invited to submit proposals for a project.
  4. Substantive structural repair and maintenance of the works of art commissioned through the Art in Public Places Program.

### XIII. INELIGIBLE COSTS FOR THE TWO PERCENT MONIES

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- A. Directional elements such as supergraphics, signage, or color coding except where these elements are integral parts of the original works of art.
  - B. Art objects which are mass produced of standard design such as playground equipment or fountains.
  - C. Reproductions, by mechanical or other means, of original works of art, except in cases of film, video, photography, printmaking or other media arts.
  - D. Decorative, ornamental, or functional elements which are designed by the building consultant as opposed to an artist commissioned for the purpose.
  - E. Landscape architecture and landscape gardening except where these elements are designed by the artist and are an integral part of the work of art by the artist.
  - F. Services or utilities needed to routinely operate or maintain the artwork over time.
  - G. Project Consultant's fees.
  - H. Modifications in or improvements to building surfaces or structural elements of the building.
  - I. General administrative costs of the Art in Public Places Program, those which are not directly related to a specific project.
- XIV. THESE GUIDELINES AND THE ART IN PUBLIC PLACES ORDINANCE ARE SUBJECT TO AN ANNUAL REVIEW FROM THE PASSAGE OF THE ORDINANCE.