

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Policy Session Worksheet

Presentation Date: Oct. 30, 2018 **Approx. Start Time:** 1:30pm **Approx. Length:** 30 min

Presentation Title: County Public Art Administrative Policy & Public Art Steering Committee

Department: Arts Alliance, Tourism & County Administration

Presenters: Deputy County Administrator Laurel Butman & Arts Alliance Executive Dir. Cheryl Snow

Other Invitees: Christa Wolfe, Finance

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

This is an opportunity for the Board of County Commissioners to review the updated policy which will be adopted by the County Administrator as an administrative rule and to hear about plans to reestablish the Clackamas County Public Arts Steering Committee.

EXECUTIVE SUMMARY:

In 1994, the Board of County Commissioners adopted Board Order No. 94-950 which established the Arts Action Alliance. This new administrative rule is adapted from the Public Art Program Policies & Guidelines adopted by the Board in 2000 pursuant to the administrative rule-making of the County Administrator. This administrative rule – ARA-ART-1.01 – supersedes the former Public Art Program Policies & Guidelines and will be included in the County's online Policy Library once approved by the County Administrator. The purpose of this administrative rule is guide and assist the County in promoting public art through its commitment to the Public Art Program. This commitment includes dedicating staffing and resources through the appointment of various county positions to a Public Art Steering Committee.

FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? YES NO

What is the cost? \$ approx \$200,000 What is the funding source? County General Fund

STRATEGIC PLAN ALIGNMENT:

- How does this item align with your Department's Strategic Business Plan goals?
- How does this item align with the County's Performance Clackamas goals?

LEGAL/POLICY REQUIREMENTS:

No additional legal or policy requirements apply.

PUBLIC/GOVERNMENTAL PARTICIPATION:

In accordance with review requirements for administrative rules, this policy was reviewed by the Executive Management Team and their input has been considered and incorporated.

OPTIONS:

N/A – Staff welcomes the Board’s questions, feedback, and input on this administrative rule and the steering committee proposal.

RECOMMENDATION:

Staff respectfully recommends acceptance of the administrative rule and steering committee proposal.

ATTACHMENTS:

1. ATTACHMENT A: ARA-ART-1.01: Clackamas County Public Art Policy
2. ATTACHMENT B: Proposed Public Art Steering Committee
3. ATTACHMENT C: 1994 Board Order

SUBMITTED BY:

Division Director/Head Approval:

Department Director/Head Approval: CS

County Administrator Approval: LB

For information on this issue or copies of attachments, please contact Laurel Butman @ 503-655-8893

ATTACHMENT A



CLACKAMAS COUNTY PUBLIC ART POLICY Administrative Rule Adopted by the County Administrator ARA-ART-1.01

**FINAL
DRAFT**

1. PURPOSE

The purpose of the policy is to document the County's Public Art Program and its commitment to featuring art in public buildings. The County desires to develop and maintain an art program that does the following:

- Contributes to and enhances community identity and pride;
- Provides the highest quality artwork available;
- Promotes excellence, and demonstrates diversity and variety of media;
- Preserves, encourages and promotes awareness and understanding of the arts by residents and visitors;
- Increases public exhibition opportunities for artists who live or work in Clackamas County;
- Encourages public participation and interaction with public spaces, kindling awareness of how surroundings impact experience; and
- Enriches the public environment for both residents and visitors by incorporating access to arts throughout the County.

2. SCOPE

This policy applies to the County and its various service districts.

3. AUTHORITY

Board Order No. 94-950 established the Arts Action Alliance (dba Clackamas County Arts Alliance). This policy is established by the administrative rule-making of the County Administrator.

4. POLICY STATEMENT

It is the policy of the County to promote public art through its commitment to the Public Art Program. This commitment includes dedicating staffing and resources through the appointment of various county positions to a Public Art Steering Committee.

Public Art Steering Committee

A total of seven members will be seated on the Public Art Steering Committee, including the following named positions:

1. County Administrator or designee;
2. Tourism Director or designee;
3. Finance Director or designee;
4. Facilities Manager or designee;
5. Two at-large members; and
6. One member of the Clackamas County Arts Advisory Council

The Clackamas County Advisory Council will recommend their member and the two at-large members, who shall be professional public artists and/or consultants with expertise in public art

management, for 3 year terms. The County Administrator will have the authority to make appointments and remove members at his or her discretion.

The Public Art Steering Committee will meet at least twice annually; meetings will be facilitated and coordinated by Clackamas County Arts Alliance staff. Meetings will be held on County property. County staff will assist in the coordination and scheduling of these meetings. The Public Art Steering Committee members will review and abide by the Artwork and Selection Criteria as defined in the Appendixes to this policy.

County Responsibilities

The County will exert reasonable effort to ensure that any commissioned and/or purchased artwork is available for public viewing and, when available for public viewing, is displayed in an appropriate and respectful manner. The County will make efforts to protect the artwork from theft, vandalism or other damages; accept responsibility for routine, ongoing maintenance and repairs as needed; maintain insurance appropriate for owned artwork, and work with the Arts Alliance to coordinate publicity and media attention for artwork. These efforts will be taken through the various Departments charged with these services, and the County will provide the necessary resources and funding through the annual budget process.

5. EXHIBITS & APPENDIX

- Appendix A –Artwork Criteria
- Appendix B – Selection Criteria
- Appendix C – Preferred Contract Language

6. QUESTIONS & RESOURCES

For questions related to this policy, please contact the Finance Director or Facilities Manager within the Finance Department.

7. HISTORY

Adopted by the County Administrator: XX/XX/20XX

Effective: XX/XX/20XX

Revised: TBD

APPEXNDIX A – ARTWORK CRITERIA

Criteria of Artwork

Highest quality and aesthetic experience are the primary criteria for selection of public art in Clackamas County. The objective of the Public Art Program is to present artwork that enhances, enlivens and enriches the County while reflecting the values of Clackamas County and the community. This will occur by developing both a worthwhile, enduring, varied permanent collection, and a program of temporary exhibits. In the context of these objectives, the following guidelines apply:

<i>Media</i>	All visual art forms and materials will be considered.
<i>Style</i>	Artwork reflecting any school, movement, method or style will be considered.
<i>Range</i>	Artwork may be functional or non-functional; conceptual or tangible; portable or site-specific; folk art, craft or fine art; temporary or permanently installed; borrowed or purchased.
<i>Character</i>	Artworks must be appropriate in scale, media, style, and content to the project and environment to which they will relate.
<i>Permanence</i>	Consideration will be given to structural and surface integrity, and should not require excessive maintenance and/or repair costs.
<i>Design Elements</i>	In addition to meeting aesthetic requirements, public art may also be asked to serve as a means of defining architectural space (e.g. establish focal points, clarify identity, indicate boundaries, augment wayfinding, modify and/or enhance specific spaces).
<i>Safety/Liability</i>	Artworks and art sites must be free of unsafe conditions other factors bearing on public liability.
<i>Diversity/Equity</i>	The Public Art Program will strive for diversity and equity, reflecting the social, ethnic, and cultural fabric of county citizens and Clackamas County values.

APPENDIX B –SELECTION CRITERIA

Selection of Artists

Artistic integrity is primary, for both permanent and temporary artwork. Artists will be chosen on the basis of their qualifications as demonstrated by past work, past experience with public art, and successful completion of previous projects similar in scope and demand. Selected artwork will be original work completed by the submitting artist.

Specifically excluded are works completed by students under the supervision of art instructors, or completed to satisfy course requirements.

Selection Methods

Artworks may be selected for purchase, commission, donation, and loan or by contract with the artist as part of a design team. An artwork may also be selected for purchase on its own merit, independent of the artist. The Public Art Steering Committee may itself serve as the Selection Jury by expanding to include Jury members as described below, or authorize formation of a separate Stakeholder Selection Committee to serve as Jury for specific projects. Types of selection are as follows:

<i>Direct Selection</i>	Artist(s) chosen directly by Selection Jury.
<i>Limited Competition</i>	A small number of artists are invited by Selection Jury to submit proposals for a project described in a prospectus.
<i>Open Competition</i>	All artists are welcome to apply, subject to parameters established by Selection Jury, and described in a <i>Call to Artists</i> prospectus.
<i>Invitation</i>	Based on reputation and experience, an artist is invited by the Selection Jury and paid to develop a proposal.
<i>Donation</i>	Triggered by a citizen offer to contribute artwork to the Public Art Program, the Selection Jury will review the work in terms of whether it satisfies stated "Criteria of Artwork" elements, and whether a suitable and appropriate site exists to exhibit the art.
<i>Loan</i>	Based on the Selection Jury's knowledge that an existing artwork satisfies stated "Criteria of Artwork" elements, and is uniquely suited for a specific exhibit or purpose, the work may be borrowed from the artist or owner for that exhibit or purpose for a limited time period.

Selection Jury

CCAA will be responsible for coordinating selection and purchase of artwork for the Public Art Program, using the procedures established and described in this document. In each situation, these procedures will result in a recommendation to the Board of County Commissioners regarding selection and purchase of artwork. CCAA will appoint members to Stakeholder Selection Committees as authorized for specific projects.

Each Stakeholder Selection Committee will be comprised of the following:

- A minimum of two arts professionals (specifically excluding dealers, agents or representatives of artists applying to the Jury);
- Two members of the CCAA board or staff, one serving as Jury chair and the other as a voting member. Chair will vote only to break a tie;
- One member of the Public Art Steering Committee;
- One member of the community-at-large;
- A representative of the department or area most closely aligned with the project under consideration.

Duties and Responsibilities of the Selection Jury

- Work with CCAA staff to develop a *Call to Artists* prospectus, defining project objectives/goals, art opportunity, selection criteria, and process timeline.
- Review, evaluate, and discuss credentials, proposals and/or materials submitted by the artists.
- Through majority vote, recommend the award of the commission or decide to further investigate 2 or 3 finalists.
- If further investigation of finalists is decided, draft list of information and/or additional materials required. Conclude investigation as rapidly as possible, convene for further discussion, and via majority vote, recommend that the Board of County Commissioners award the commission.
- Inform CCAA and Tourism & Cultural Affairs (TCA) in writing of Selection Jury's decision to recommend, citing reasons for selection. (TCA forwards request for final decision to the Board of County Commissioners).
- If agreement cannot be reached by the Selection Jury, the matter will be referred to CCAA for a recommendation to the Board of County Commissioners.
- The Selection Jury retains the right to make no selection if, in its opinion, there is insufficient merit among the submissions. If this occurs, CCAA will determine whether to recommend that the Board of County Commissioners abandon the project, begin a new selection process, or take some other course of action.

APPENDIX C – PREFERRED CONTRACT LANGUAGE

Artist Responsibilities

1. Submit complete proposal as defined in project prospectus.
2. If selected for a commissioned artwork:
 - a. Be willing to sign and abide by the terms stated within a Personal Services contract with Clackamas County;
 - b. Execute and complete the work in a timely and professional manner;
 - c. Maintain an effective working relationship with the project team and staff;
 - d. Advise CCAA immediately of any significant changes to the scope, material or design of the work after contract is signed (all changes must be reviewed and approved prior to completion, in accordance with the County's Local Contract Review Board Rules);
 - e. Be responsible for all design and execution of the work, including site preparation and installation, unless otherwise stipulated in the contract; and
 - f. Provide written Maintenance Guide addressing cleaning and restoration.
3. If an existing work is selected for a portable art collection, the artist (or owner) will:
 - a. Deliver the selected artwork promptly;
 - b. Ensure that it substantially and wholly is the same work whose image was reviewed by the Selection Jury; and
 - c. Provide transfer of title to Clackamas County, and third-party substantiation of stated value.
4. With the understanding that the artist continues to hold copyright to his/her work, release to Clackamas County all rights to reproduction, access, and resale within defined limits of the federal Visual Artists Rights Act.

Clackamas County Arts Alliance Responsibilities

1. Manage and administer all implementation aspects of the Public Art Program as follows, coordinating with TCA and other County staff as appropriate and necessary:
 - a. Participate in identification of potential Public Art sites;
 - b. Draft and distribute artist prospectuses, stating project goals and site plan;
 - c. Convene Selection Jury and coordinate its work;
 - d. Prepare and monitor all tracking documents, including artist records, art inventories, and contracts;
 - e. Coordinate all physical and logistical components of art installation; and
 - f. Coordinate preparation of any necessary signage, including identification labels and/or plaques.
2. Serve as information conduit and link between artists, project and building managers, TCA and other County staff, and others as necessary to ensure a trouble-free project flow.
3. Serve as a resource, guide, and counsel to the Board of County Commissioners and the County Administrator regarding planning and other issues related to the Public Art Program.

Clackamas County Responsibilities

1. Exert reasonable efforts to ensure that any commissioned and/or purchased artwork is available for public viewing and, when available for public viewing, is displayed in an appropriate and respectful manner;
2. Exert reasonable efforts to protect the artwork from theft, vandalism or other damages;
3. Hold responsibility for routine, ongoing maintenance and repairs as needed;
4. Maintain insurance policies providing coverage for theft, vandalism or other damages to the artwork; and
5. Coordinate publicity and media attention for artwork.

Ownership / Copyright / Reproduction / Resiting / Resale

1. Work purchased, commissioned, or accepted as a donation shall be the property of Clackamas County.
2. The County ensures that the work shall remain accessible to public viewing for as long as the County owns the work. The County retains right to transfer work from one County-owned site to another, as it deems necessary, or to place in storage in another facility.
3. After a purchase or commission is awarded, the artist / County relationship will be defined by a standard contract addressing copyright, reproduction, and resale issues.

Warranty, Loss or Damage

1. Artist warrants that the work is and will be the original product of the Artist's own creative efforts and does not infringe on any third party's copyrights or other intellectual property rights.
2. Regarding commissioned artwork, Artist warrants for a period of one year from the date of installation of the work that it shall be free of defects in material and workmanship. Artist shall repair or replace at the County's discretion, and at no additional cost to the County, any portion of the work that is found to be defective during the warranty period. The County agrees to notify the Artist of any such defect immediately upon discovery. Confirmation of notice shall be made in writing.
3. Artist shall assume all risk of loss or damage to the work prior to completion and installation. The County shall assume all risk of loss or damage to the work after acceptance of work, provided such loss or damage is not the fault of the Artist.
4. In the event of physical loss or damage to the work prior to completion and installation, the Artist shall rectify the loss or damage by repair, restoration, replacement or other appropriate means as soon as possible at no additional cost to the County.

Non-destruction / Alteration / Maintenance

1. The County agrees not to purposefully destroy, damage, alter, modify or otherwise change the work in any way whatsoever. If any alteration occurs after the receipt of the work by the County, whether intentional or accidental, the Artist has the right to request that the work shall no longer be represented to be the work of the Artist.
2. The County shall be responsible for the proper cleaning, maintenance and protection of the work after its installation, following written instructions provided by the Artist at the time of delivery of the work.

Acceptance / Early Termination

1. Representatives of the County and/or CCAA will inspect Artist's progress with commissioned work through on-site or virtual studio visits, and inspection of the work after installation. The County may reject work and require that it be redone if it does not conform to this agreement and the project specifications as described in prospectus for the project. The County will accept the finished work when it conforms sufficiently to stated specifications.
2. The County and the Artist, by written agreement, may terminate a commissioned artwork agreement at any time.
3. In the event of termination, if Artist has not performed the work for which he has been paid, Artist shall return all or a portion of payment received to the County.

Deaccessioning

1. Based on criteria developed by CCAA and County staff, artworks may be released from future County ownership and offered for sale, following procedures stated above in *Ownership / Copyright / Reproduction / Resiting / Resale*.
2. Proceeds from sales of deaccessioned artwork may be used to fund additional purchases or commissions conforming to the Criteria and Selection Methods described above.

ATTACHMENT B

Proposed Public Art Steering Committee



Seven seats, assigned as follows

County Departments

1. *Finance*: Christa Wolfe or designee
2. *Facilities*: Jeff Jorgensen or designee
3. *Tourism & Cultural Affairs*: Danielle Cowan or designee
4. *Administration*: Don Krupp or designee

Arts Stakeholders

5. Clack County Arts Advisory Council: Owen Premore
6. At-large: Kirk Mouser
7. At-large: TBD (*under recruitment*)

Staffing facilitation/coordination:

Cheryl Snow, Executive Director & Suzi Anderson, Programs Manager
Clackamas County Arts Alliance

ATTACHMENT C

IN THE MATTER OF ESTABLISHING
THE ARTS ACTION ALLIANCE OF
CLACKAMAS COUNTY

ORDER NO. 94-950

WHEREAS, THE CLACKAMAS COUNTY
BOARD OF COMMISSIONERS, has long appreciated and supported the
arts in their various forms; and

WHEREAS, the Board understands
the fundamental contribution which the arts make to civilization;
and

WHEREAS, the Clackamas County
Arts and Culture Task Force came together for the purpose of
devising a means to promote, encourage, and protect the arts for
all citizens of the county with a strong emphasis on our children
and our future; and

WHEREAS, the Arts and Culture
Task Force, through a public forum, has developed a vision of
strong arts organizations and facilities, flourishing individual
artists, students educated in the arts and encouraged to
experiment themselves, and citizens with ready access to our rich
artistic and cultural resources;

NOW, THEREFORE, BE IT RESOLVED
that the Clackamas County Board of Commissioners acknowledges
that "culture is the sum of all the forms of art, of love, and of
thought, which, in the course of centuries, have enabled man to
be less enslaved" (Andre Malraux). In support of that belief,
the Arts Action Alliance of Clackamas County, a _____ member
group of staggered 3 year terms, is hereby established as
Clackamas County's recognized arts advocate, advisor, and
ambassador.

DATED THIS 31st DAY OF ^{March} ~~FEBRUARY~~, 1994.

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Ed Lindquist, Chair

Judie Hammerstad

Darlene Hooley