

## OREGON CITY PUBLIC ART PROGRAM POLICIES AND GUIDELINES

### PURPOSE

The Oregon City Public Art Program Policies and Guidelines are designed to guide the City's acquisition, retention and deaccession of public art. The Oregon City Arts Commission will administer the Public Art Program, as outlined in the following policies and guidelines.

### APPLICABILITY

The policies and guidelines apply to all public art acquired, retained, and released.

### IN GENERAL

#### **Goals and Objectives of the Public Art Program**

- Develop a program which contributes to and enhances community identity and pride;
- Provide the highest quality artwork available, promoting excellence and demonstrating diversity and variety of media;
- Increase public exhibition opportunities for artists who live or work in the Oregon City area;
- Encourage public participation and interaction with public spaces, kindling awareness of how surroundings impact experience;
- Enrich the public environment for both residents and visitors through incorporation of the arts.

#### **Criteria of Artwork**

Highest quality of aesthetic experience is the primary criterion for selection of public art in Oregon City. The objective of the Public Art Policy is to develop a worthwhile, enduring and varied collection of artworks that enhances, enlivens and enriches the City while reflecting the values of the community. 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 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 should be given to structural and surface integrity, and should not require excessive maintenance and 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 identify, indicate boundaries, modify and/or enhance specific spaces.
<i>Public Safety/ Liability</i>	Artworks and art places must be free of unsafe conditions or other factors bearing on public liability.
<i>Diversity</i>	The Public Art Program should strive for diversity, reflecting the social, ethnic and cultural fabric of the City.

**Selection of Artists**

Artistic integrity is primary. 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*

Artwork may be selected by purchase, commission, donation, 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. Types of selection are as follows:

Direct Selection	Artist(s) chosen directly by Selection Jury Limited Competition. A small number of artists are invited by Selection Jury to submit proposals.
Open Competition establishe	All artists are welcome to apply, subject to limitations d by Selection Jury.
Invitation	Based on reputation and experience, an artist is invited by the Selection Jury and paid to develop a proposal.
Donation	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 artwork.

*Selection Jury*

The Oregon City Arts Commission (OCAC) will be responsible for coordination, selection and purchase of artwork for the Public Art Program, using the procedures established and described in this document.. The OCAC will appoint members to the Selection Jury. Each Jury will be comprised of at least the following:

- A minimum of two arts professionals (specifically excluding dealers, agents or representatives of artists applying to the Jury;)
- Two members of the OCAC board or staff, one serving as chair of the Jury and the other as a voting member. Chair will vote only to break a tie;
- One member of the community-at-large or neighborhood association, if applicable.

- Two representatives of the department or area most closely aligned with the project under consideration.

#### *Duties and Responsibility of the Selection Jury*

- Review, evaluate and discuss credentials, proposals and/or materials submitted by the artists.
- Via 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 awarding of the commission.
- Inform OCAC in writing of Selection Jury's decision to recommend, citing reasons for selection.
- If the Selection Jury cannot reach an agreement, the matter will be referred to the OCAC.
- The Selection Jury retains the right to make no selection if, in its opinion, there is insufficient merit among the submissions. If this occurs, the OCAC will determine whether to recommend that the project be abandoned, begin a new selection process or take some other course of action.

#### **Artist Responsibilities**

- If selected for a commissioned artwork:
  - be willing to sign and abide by the terms stated within a Personal Services contract with Oregon City,
  - execute and complete the work in a timely and professional manner,
  - maintain an effective working relationship with the project team and staff;
  - advise OCAC immediately of any significant changes to the scope, materials or design of the work after contract is signed (all changes must be reviewed and approved prior to completion, in accordance with the City requirements).
  - be responsible for all design and execution of the work, including site preparation and installation, unless otherwise stipulated in the contract;
- If an existing work is selected for a portable art collection, the artist (or owner) will:
  - deliver the selected piece promptly,
  - ensure that it is substantially and wholly is the same work who image was reviewed by the Selection Jury,
  - provide transfer of title to Oregon City, and third-party substantiation of stated value;
- Artists' works will be the original product of the artist's own creative efforts and do not infringe on any third party's copyrights or other intellectual property rights.

#### **City of Oregon City Responsibilities**

- 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;
- Exert reasonable efforts to protect the artwork from theft, vandalism or other damages;
- Maintain insurance policies providing coverage for theft, vandalism or other damages to the artwork.
- Coordinate publicity and media attention for artwork.

### **Oregon City Arts Commission Responsibilities**

- Manage and administer all implementation aspects of the Public Art Program as follows, coordinating with others (City staff as appropriate and necessary):
  - participate in development of possible Public Art sites;
  - draft and distribute artist prospectuses, stating project goals and site plan;
  - convene Selection Jury and coordinate its work;
  - prepare and monitor all tracking documents, including artist records, art inventories, and contracts;
  - coordinate all physical and logistical components of art installation;
  - coordinate preparation of any necessary signage, including identification labels and/or plaques.
- Serve as information conduit and link between artists, project and building managers (City staff) and others as necessary to ensure a trouble-free project flow.
- Serve as resource, guide and counsel to the Oregon City Commission and the City Manager regarding planning and other issues related to the Public Art Program.

### **Ownership/Copyright/Reproduction/Resiting/Resale**

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

### **Non-destruction/Alteration/Maintenance**

- The City generally will not purposefully destroy, damage, alter, modify or otherwise change a public artwork work. If any alteration occurs after the receipt of the work by the City, 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.
- The City shall be responsible for the proper cleaning, maintenance and protection of the work after its installation, considering any written instructions provided by the Artist at the time of delivery of the work.

### **Deaccessioning**

- Based on criteria developed by the OCAC and City staff, artworks may be released from future City ownership and offered for sale, following procedures stated above in *Ownership/Copyright/Reproduction/Resiting/Resale*. Written records of the entire process shall be maintained. Outside appraisals or opinions shall be used when appropriate.
- Proceeds from sales or deaccessioned artwork shall be used to fund additional purchases or commissions conforming to the *Criteria* and *Selection Methods* described above.

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Larry Patterson, City Manager

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Date

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ADOPTING POLICIES AND GUIDELINES FOR THE OREGON CITY PUBLIC ARTS PROGRAM

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, the City Commission on \_\_\_\_\_, 2001, created the Oregon City Arts Commission in order to ensure that the arts continue to be of value as an integral part of Oregon City; and

WHEREAS, one of the duties of the Oregon City Arts Commission is to assist the City Commission and Planning Commission in using public art to enhance continuing development, including public structures; and

WHEREAS, in order to further its duty in assisting the City in using public art, the Oregon City Arts Commission has developed certain policies and guidelines, known as the Oregon City Public Arts Program Policies and Guidelines; and

WHEREAS, the Oregon City Arts Commission has forwarded these public art policies and guidelines for adoption by the Oregon City Commission to guide the City's acquisition and use of public art; and

WHEREAS, the Oregon City Commission has reviewed the policies and guidelines adopted by the Oregon City Arts Commission and finds that it is necessary and appropriate to adopt the developed policies and guidelines;

NOW, THEREFORE, BE IT RESOLVED by the City Commission that:

Section 1. The City Commission finds that the Oregon City Arts Commission Public Arts Program Policies and Guidelines, attached hereto as exhibit 1, is necessary and appropriate to guide the City's acquisition and retention of public artwork and hereby adopts it as City policy.

Adopted, signed and approved this \_\_\_ day of \_\_\_\_\_, 2002.

Signed by Mayor

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Mayor

Signed by Commissioner

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Commissioner

Signed by Commissioner

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Commissioner

Signed by Commissioner

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Commissioner

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Commissioner

Comprising the City Commission  
of Oregon City, Oregon

# ORDINANCE NO. 2952

## AN ORDINANCE ESTABLISHING A PROCESS AND STANDARDS FOR REVIEW OF PUBLIC ART PROPOSALS

**WHEREAS**, On February 2, 2005, the St. Helens City Council established the St. Helens Arts & Cultural Commission, an advisory committee to assist in the review of proposals for public art in the City of St. Helens; and

**WHEREAS**, the St. Helens Arts & Cultural Commission requires direction and guidelines to assist in making recommendations on public art proposals.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council the following:

### **Section 1. Purpose.**

Recommendations from the St. Helens Arts & Cultural Commission regarding the acquisition and placement of public art should be based upon accepted standards and guidelines as opposed to personal opinion. Accordingly, the purpose of this ordinance is to provide assistance to the Arts & Cultural Commission by adoption of standards and guidelines commonly used by other governmental entities when evaluating public art proposals.

### **Section 2. Applicability.**

The processes, standards and guidelines of this ordinance concern only visual works of art located outdoors on real property owned by the City of St. Helens or such other properties made available to the City for public art use by written agreement. For purposes of this ordinance, visual works of art include but are not limited to:

- A. Sculptures and monuments in any combination of materials that are freestanding, wall supported, or suspended; kinetic; or electronic.
- B. Outdoor displays, such as murals, drawings, photographs, prints, calligraphy, or paintings in any combination of materials.
- C. Earthworks, neon, glass, and mosaics.
- D. Outdoor furnishings or outdoor fixtures created by an artist as unique elements or limited editions. Examples include, but are not limited to: gates, railings, streetlights, signage, and seating.
- E. Architecture on new City structures or landscape designs created by an artist that uses architecture and landscape as an integral part of their artwork.

### **Section 3. Definitions.**

- A. **Commission** - means the St. Helens Arts & Cultural Commission created by Ordinance 2921, as amended, consisting of seven members appointed by the City Council.
- B. **City Council** - the City of St. Helens City Council, the governing body of the City of St. Helens.
- C. **Public Art Account** - the St. Helens Public Art Account, a separate account established by the City Council in the City budget for the purpose of acquisition of public art.
- D. **Acquisition** - the inclusion of an artwork in the St. Helens Public Art Collection by any means including direct purchase, commission or acceptance of a gift.
- E. **Removal** - the exclusion of an artwork from the St. Helens Public Art Collection by the removal and disposal through any available means, such as relinquishing title through sale, gift or destruction.
- F. **St. Helens Public Art Collection** – all art acquired by the City by any means.

### **Section 4. Creation and Use of St. Helens Public Art Account.**

- A. **Establishment.** The City Council hereby establishes a separate account entitled the St. Helens Public Art Account to be reflected in the City Budget. All funds donated or generated for the purpose of public art acquisition shall be deposited in this account and used solely for such purposes, in accordance with this ordinance and other applicable law.
- B. **Permitted Purposes of Public Art Account.** The Public Art Account shall be used solely for the acquisition, placement and removal of artworks for inclusion in the St. Helens Public Art Collection, in accordance with the provisions of this ordinance and other applicable law.

### **Section 5. Review Process for Public Art Proposals.**

- A. **General.** Proposals concerning Public Art may include proposals to acquire or remove art from the St. Helens Public Art Collection. Proposals for acquisition of public art will generally be presented in one of two ways: (1) a work of public art may be offered to the City as a gift or donation; or (2) a work of art will be commissioned or purchased by the City using City funds or donated funds, in accordance with public contracting law. Removal of public art may be by request or owing to some damage or destruction of the artwork.
- B. **Presentation of acquisition proposals.** Regardless of the source of the funding for the proposal for public art, a proposal for acquisition shall be formally presented by the Artist to the Arts & Cultural Commission at a public meeting, advertised in accordance with subsection C of this Section. Immediately following the presentation of the proposal, or in the case of multiple competing proposals, after the completion of all presentations the

Commission shall conduct a public hearing and shall take public input on the proposal or competing proposals. Presentations shall not be made to City Council unless the Council specifically makes such request of the artist. Failure of the Commission to make a recommendation within thirty (30) days of the formal submission of an artist's proposal, either independently or in response to a City solicitation document, (e.g. RFP), shall forfeit the Commission's opportunity to submit a recommendation and the matter shall be forwarded to the Council for decision.

- C. **Published Notice for acquisition.** At least ten days prior to the presentation of proposals and hearing, notice shall be given by publication in a newspaper of general circulation in the City. The notice shall identify the subject property by address and description reasonably calculated to give notice of the location of the proposed public art site. The notice shall indicate that a public art proposal or multiple competing proposals will be made at a public meeting immediately prior to the public hearing. The public notice shall include the time, place, and date of the presentation or presentations, and subsequent public hearing, as well as a statement that both written and oral testimony by the public is invited.
- D. **Mailed Notice for acquisition.** At least ten days prior to the presentation of proposals and hearing, all property owners of record within three hundred (300) feet of the location of the proposed public art site shall be sent written notice by regular mail. The notice shall include substantially the same information as required for the published notice.
- E. **Conduct of the public hearing regarding acquisition.** The presentation or presentations by the artists to the Commission shall be during an advertised public meeting. Presentations shall be uninterrupted by the public; however Commissioners may ask questions during or following the presentations at the discretion of the Chair. Following the presentations the public hearing shall be conducted permitting public comment on the proposal or competing proposals. The artists shall not be personally examined or cross-examined by the public; however the Commission may further question the artists, following the public hearing. After the close of the hearing, the Commission shall deliberate and vote on a recommendation to the Council. The record of proceedings, including the reports, exhibits, minutes of the presentation(s), together with the summary of public comment during the hearing shall be forwarded to the Council for consideration and decision.
- F. **Removal and Disposal Process.** Except as provided in Section 7, neither the Council nor the Commission is bound to follow any particular process for removal and disposal of art in the St. Helens Public Art Collection.

## **Section 6. Guidelines for Recommendation by the Commission.**

### **A. Selection Guidelines for works of public art:**

1. **Quality:** The work of art should be of exceptional quality and enduring value.
2. **Site:** The work of art should enhance the existing character of the site by taking into account scale, color, material, texture, content, and the social dynamics of the location.
3. **Initial Cost:** The total cost of the artwork including all items related to its installation should be considered.
4. **Maintenance & Durability:** The cost to maintain the artwork should be considered and quantified, particularly if the work of servicing, repainting, repairing or replacement of moving parts.
5. **Media:** All forms of visual media shall be considered, subject to any requirements set forth by City ordinance.
6. **History & Nature:** Works of art should consider the historical, natural features, and the relationship to the existing architecture of the site.
7. **Public Liability:** The works of art should not result in safety hazards, nor cause extraordinary liability to the City.
8. **Diversity:** The works of art in the St. Helens Public Art Collection should encourage cultural diversity.
9. **Vision:** The works of art shall be supportive of the City's vision.

### **B. Guidelines for Site Selection.**

1. **Ownership or Control:** Public art should be placed on a site owned by the City or there should be a written agreement for its use.
2. **Visual Accessibility:** Public art should be easily visible and accessible to the public.
3. **Visual Enhancement:** Public art should visually enhance the overall public environment and pedestrian streetscape.
4. **Pedestrian Accessibility:** Public art should experience high levels of pedestrian traffic and be part of the City's circulation paths.
5. **Circulation:** Public art should not block windows, entranceways, or obstruct normal pedestrian circulation.
6. **Scale:** Public art should not be placed in a site where it is overwhelmed or competing with the scale of the site, adjacent architecture, large signage, billboards, etc.

## **Section 7. Standards for the St. Helens Public Art Collection.**

### **A. Acquisitions.**

1. Artworks may be acquired by direct purchase, commission, gift or any other means.
2. Acquisition, whether by direct purchase, commission, gift, or otherwise shall occur by a legal instrument of conveyance or other writing transferring title of the artwork to the City, and clearly defining the rights and responsibilities of all parties.
3. All legal rights to artwork shall be acquired by the City without legal or ethical restrictions on the future use of said artworks, except where expressly provided in the contract with the artist as to any other clearly defined residual rights incorporated into the contract.
4. Complete records shall be created and maintained for all artworks in the St. Helens Public Art Collection.

### **B. Removal.**

1. Arts & Cultural Commission may recommend removal and/or disposal based on one or more of the following conditions. No public hearing is required for a removal recommendation.
  - (A) The site for an artwork has become inappropriate because the site is no longer accessible to the public or the physical site is to be destroyed or significantly altered.
  - (B) The artwork is found to be forged or counterfeit.
  - (C) The artwork possesses substantial demonstrated faults of design or workmanship.
  - (D) The artwork causes excessive or unreasonable maintenance.
  - (E) The artwork is damaged irreparably, or so severely that repair is impractical.
  - (F) The artwork presents a physical threat to public safety.
  - (G) The artwork is rarely displayed.
  - (H) A written request for removal has been received from the artist.

### **2. Council Removal Process.**

- (A) Following receipt of a recommendation for the Arts & Cultural Commission the City Council may remove and dispose of any artwork previously accepted into the St. Helens Public Art Collection in their sole discretion.
- (B) Acceptance or placement of donated art by the City does not guarantee continuous public display of the artwork regardless of physical integrity, identity, authenticity, or physical condition of the site.

- (C) Removal officially deletes the work from the City of St. Helens Public Art Collection by a relinquishment of title to the artwork; thus, eliminating the City's obligation to maintain and preserve the artwork.

### **3. Removal & Disposal.**

- (A) The City may donate the artwork to another governmental entity or a non-profit organization.
- (B) A work that is deemed to have retained sufficient monetary value to warrant resale, shall be disposed of through a public sale, auction, or any other means as established in city ordinance.
- (C) Artworks removed from the St. Helens Public Art Collection may be disposed of through any appropriate means, including the City's procedures for the disposition of surplus property.

### **C. Borrowing of Artworks.**

1. The Arts & Cultural Commission may also recommend artworks be borrowed.
2. With the exception of ownership, the eligibility, review criteria, and procedure for borrowed works shall be the same as those established in this Ordinance for acquisition.
3. The borrowing of artworks shall be pursuant to written agreement between the City and the artist.
4. Nothing herein prohibits the City from securing other works of art or art exhibitions for display inside its facilities.

## **Section 8. Maintenance of the City's Public Art Collection.**

- A. Except where expressly provided in a contract or warranty for public art the City shall be responsible for all maintenance of all artworks acquired into the St. Helens Public Art Collection.
- B. Within the limitation of the City budget the City shall provide necessary and appropriate maintenance of the St. Helens Public Art Collection, including, but not limited to, regular custodial care and landscape maintenance. Maintenance shall be performed in accordance with any special instructions or procedures necessary for the preservation of the work.
- C. Any evidence of damage, deterioration, vandalism or theft of artworks in the St. Helens Public Art Collection shall be immediately reported to the City and the Arts & Cultural Commission.

## **Section 9. Parks Commission.**

The standards and procedures in this ordinance are in addition to, not in derogation of, the St. Helens Parks Commission review responsibilities for projects proposed in City parks. Nothing herein exempts public art projects from compliance with all applicable federal, state, and local laws including, but not limited to land development regulations and building code compliance.

**Section 10. Severability.**

If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of the Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the governing body to enact the remainder of the Ordinance notwithstanding the parts to be declared unconstitutional and invalid.

Read the first time:	June 1, 2005
Read the second time:	June 1, 2005
Read the third time and passed:	June 15, 2005
Approved by the Mayor:	June 15, 2005

Attested by:

/s/ Brian D. Little  
Brian D. Little, City Recorder

/s/ Randy Peterson  
Randy Peterson, Mayor