

RESOLUTION NO. 17-027

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO,
ADOPTING THE REVISED PUBLIC ART POLICY.

WHEREAS, the need for a city-wide policy regarding Public Art has been deemed necessary
by the City Council; and

WHEREAS, the City Council adopted a Public Art Program Policy per Resolution No. 00-
010 on November 2, 1999, as amended by Resolution No. 08-017, adopted on April 1, 2008; and


WHEREAS, the Arts Commission has proposed revisions to this Policy, and the same were
discussed at the General Services Committee meeting on April 24, 2017; and

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the
citizens thereof that the revisions to the Policy be adopted;

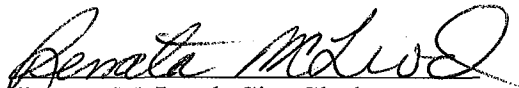
NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the
revisions to the Policy, as shown in the attached Exhibit "A," be and are hereby adopted.

DATED this 2nd day of May, 2017.


Steve Widmyer, Mayor
MAYOR PRO TEM

ATTEST:


Renata McLeod, City Clerk

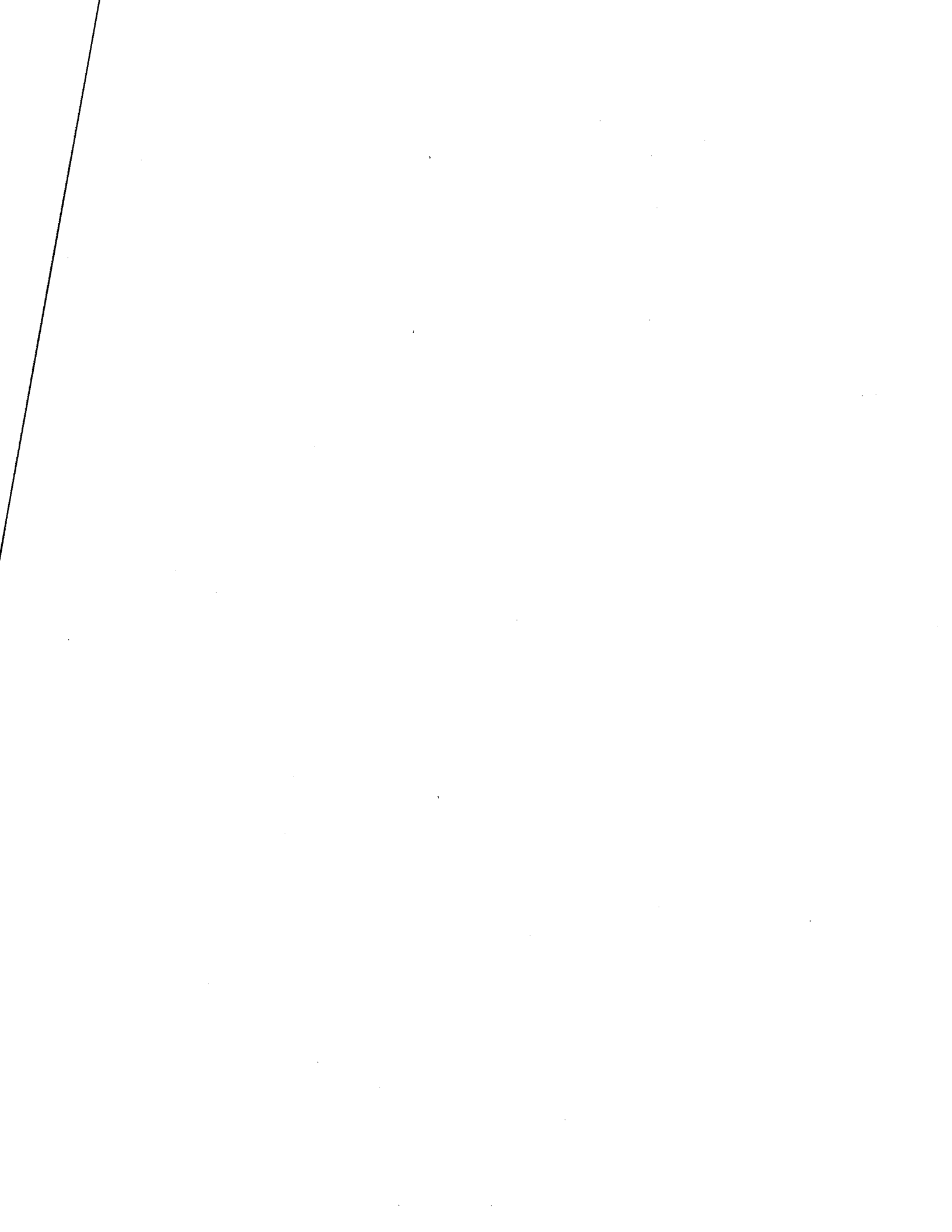


Motion by Evans, Seconded by Gookin, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER GOOKIN	Voted Aye
COUNCIL MEMBER MILLER	Voted Aye
COUNCIL MEMBER MCEVERS	Voted Aye
COUNCIL MEMBER EVANS	Voted Aye
COUNCIL MEMBER ENGLISH	Voted Aye
COUNCIL MEMBER EDINGER	Voted Aye

Motion Carried.



PUBLIC ART

City of Coeur d'Alene Public Art Program Policy

Adopted November 2, 1999 per Resolution No. 00-010

Revised April 1, 2008 per Resolution No. 08-017

Public Art Program Policy

1. Purpose

The purpose of the Coeur d'Alene Public Art Program is to integrate a wide range of public art into the community, reflecting a diversity of artistic styles, disciplines, and points of view.

The goals of the Public Art Program include: broaden the role of the artist in the community; encourage early collaboration among artists, architects, engineers and owners; dispense public art throughout the City of Coeur d'Alene; provide proper cataloging and maintenance of the Public Art Collection; preserve and relocate artworks displaced through improvement projects; ensure that public agencies and community representatives participate in the selection of public art; and promote public dialogue and understanding of public art; advocate for arts education; and provide support to a diverse range of categories of art.

2. Coeur d'Alene Arts Commission

The Coeur d'Alene Arts Commission (CAC) is the standing committee charged by the City Council to oversee the Public Art Program. The CAC seeks partnerships, provides education, and develops policies and goals for the selection, placement and maintenance of works of art acquired through the Public Art Program and other public/private partnerships.

Oversight responsibilities include:

A. Coeur d'Alene Public Art projects

1. Respond to briefings by city staff, agency representatives and project architects/landscape architects at beginning of project
2. Recommend selection panel members
3. Approve direction of project
4. Approve semi-finalists recommended by selection panel
5. Receive report on finalist and proposed work.

B. Memorials for public parks

C. Donations of artwork to the public collection

D. Decommissioning of artwork from the public collection

E. Developing guidelines and purchasing artworks for the Visual Chronicle of Coeur d'Alene Collection

F. Manages partnerships and collaborations with the arts community.

3. Identification of Public Art Projects

- A. ~~Item 1.30.020B of the attached Public Art ordinance outlines qualifying improvement projects for~~ Qualifying art projects are those authorized or identified in Item Section 1.40 of mMunicipal eCode of the City of Coeur d'Alene.
- B. As soon as practical after a qualifying improvement project is approved, ~~City Staff the Finance Director~~ shall notify the CAC of the anticipated revenue and when that revenue will be available.
- C. Staff assigned to the CAC shall meet with a department representative and project architect/landscape architect/engineer as soon as a project is confirmed. A presentation to the CAC is scheduled and visual and written project documentation is provided, as needed.
- D. The CAC reviews new projects with a department representative (project manager) and the project's architect/landscape architect/engineer to review the following issues:
 - 1. Allocated public art funds
 - 2. Design and construction schedule
 - 3. Appointment of selection panel members
 - 4. Selection process options;
 - 5. Appropriate sites and goals for artwork;
- E. The CAC, or designated staff, writes an ~~RFQ (Request for Qualifications)~~ a Call to Artists.
- F. The CAC may decide that funds from a specific improvement project are in excess, insufficient or that the site is inappropriate for public art. Funds may then be transferred to other public art projects or remain in the Public Art Fund. Decisions about spending pooled funds will be recommended to the City Council for approval.
- G. The CAC will write an annual RFQ (Request for Proposals) for any proposed community partnerships which will be reviewed by subcommittee.

4. Dedication and Disbursement of Funds

- A. The Public Art Fund is a dedicated fund of the City.
- B. Once it is determined that an improvement project qualifies under ordinance 1.40.050, the Finance Department invoices a department for Percent for Art funds and deposits them in the Public Art Fund.
- C. The CAC, in concert with City Council, contracts artists and partner organizations and pays them from the Public Art Fund.

5. Conflict of Interest

- A. No artist sitting on a selection panel may submit for the project for which the panel was formed.

- B. CAC members must declare a conflict of interest if a project or partnership comes before the panel with which he/she is involved. CAC members must also declare a conflict of interest if a person with whom he/she shares a household or whom he/she professionally represents has a matter before the Commission and must recuse themselves from any participation in the process.
- C. Any artist representative or person sharing a household with an artist sitting on a Selection Panel must declare conflict of interest in the event that an artist that he/she represents or shares a household with is being considered as a semifinalist for the project. The Selection Panel member must withdraw from discussion of that artist and shall not vote.
- D. No member of the project's architect or landscape architect, interior designer, or engineering firm may apply for a public art project being designed by that firm.

6. Application of Percent for Art Funds: Inclusions

~~In 1999, Coeur d'Alene City Council enacted a Percent for Art program that designates 1.33 percent of the budget for each City capital project to purchase art for placement in public places. The Coeur d'Alene Arts Commission administers the Percent-for-Art program, and any other funding sources, under the following guidelines.~~

~~The 1% for arts~~ Public art funds may be spent for:

- A. Artist's fees for design team work, including travel expenses, conceptual development, and proposals;
- B. Semi-finalist proposals and travel expenses;
- C. A work of art including:
 - 1. Artist's design fee
 - 2. City required permits
 - 3. Labor and materials
 - 4. Project related travel
 - 5. Transportation of the work to the site
 - 6. Site prep, including but not limited to lighting, electrical work, and landscaping
 - 7. Installation
- D. Community art partnerships and/or performances
- E. Purchases for and/or support of performing arts
- F. A portion of the budget may be set aside for contingency at the beginning of a project and returned to the Public Art Fund if unused.

~~The .33% for art funds may be spent for:~~ G. Continuing maintenance: a minimum of 15 percent (15%) of the project budget or the amount pursuant to Item Section 1.40.50 of the Municipal Code of the City of Coeur d'Alene.

~~AH.~~ Administration

~~IB.~~ Education activities

~~EJ.~~ Collection management of public art

~~DK.~~ Dedications and publicity

~~EL.~~ Identification plaques and labels

~~FM.~~ Frames, mats, mounting, anchorage, pedestals, cases or other materials necessary for the installation and/or security of two-dimensional, portable artwork

~~GN.~~ Cataloging slides and other documentation

~~HQ.~~ Insurance and Documentation

~~IP.~~ Consultant fees for selection panels or the CAC

~~JQ.~~ Operating costs

~~K.~~ Maintenance

7. Application of Percent for Art Funds: Exclusions

Project Percent for Art funds may not be spent for:

- A. Artworks which are not original (see Section 10)
- B. Decorative or functional elements designed by the project architects, landscape architects, interior designers, or their consultants, without artist collaboration
- C. Art objects which are mass produced of standard design, such as playground equipment or fountains
- D. Directional elements such as signs, maps, color coding, unless designed and/or executed by an artist
- E. Standard Architect's/Landscape Architect's/Engineer's/Interior Designer's fees.

8. Selection Panel Appointments

A. Method of Appointment

The CAC ~~recommends selection project subcommittee chairperson selects~~ panelists to the Mayor and City Council for approval for the Call to Artists or Request for Proposals. The CAC takes into account the established formula listed below, requests by individuals to serve, and staff recommendations. Selection panel members shall serve at the discretion of the Mayor and City Council CAC.

B. Panel Structure

Panels are composed of seven voting members consisting of the following:

1. Voting members

- a. ~~Three~~Two arts professionals, ~~two of whom must be artists~~
- b. The project's architect, landscape architect, engineer, interior designer or project manager (as applicable)
- c. ~~Two~~A citizens who ~~may be from the neighborhood impacted by the project~~ reside within city limits
- d. City Council member
- e. Special interest representative appointed by the ~~Mayor and City Council, if appropriate~~ panelist

2. Non-voting members

- a. CAC members
- b. City staff

3. Length of term. Each panel serves through the completion of one public art project or partnership selection process.

9. Selection Panel Procedures & Responsibility

A. CAC or designated staff holds an orientation for each Selection Panel which may include a public art slide show or electronic images, review of program guidelines, orientation to the specific project and a review of any goals already established by the participating department and the CAC.

B. ~~The Selection Panel~~CAC or CAC Subcommittee:

1. Develops the project's goals, sites for artwork, and suitable art forms for the project, taking into account goals and sites already determined by the participating department and the CAC, when applicable.
2. Recommends to CAC site specific work, to purchase works of art for the City's portable, rotating art collection, or recommends to CAC works of specific duration which would be documented for future reference after the life of the piece.
3. Determines a method for selecting an artist:
 - a. Open Competition: Any artist applies, subject to limitations established by the Selection Panel or CAC
 - b. Invitation: One or more artists are invited to submit proposals

- c. Direct Purchase: A completed work of art is selected from submitted applications or other methods deemed appropriate for the project

C. The selection committee:

- 41. Reserves the option of making no recommendation from submitted applications and may reopen the competition or propose other methods of selection if no proposal is accepted.
- 52. Approves all recommendations and decisions by a majority vote of the full panel;
- 63. Reports the finalists and their work to the CAC for recommendation to the City Council.

CD. Design Team Projects

The program acknowledges that artists can be valuable resources in the revitalization and development of neighborhoods and areas throughout the city. Efforts shall be made to select artists at an appropriate time and for appropriate projects to participate in:

- 1. Incorporating art into specific architectural elements
- 2. Planning aspects of infrastructure projects
- 3. Participating as members of project design teams

10. Selection Criteria

- A. Criteria to be used when considering acquisition of artwork by either purchase or commission shall include, but not be limited to the following:
 - 1. **Artistic quality.** Due consideration will be given to the strength of the artist's concept, vision and craftsmanship of the artwork.
 - 2. **Context.** Consideration should be given to the architectural, historical, geographical, geological, and socio-cultural context of the site.
 - 3. **Media.** Due consideration shall be given to all art forms including disciplines and media that are of specific duration and which survive only through documentation after the life of the piece has ended.
 - 4. **Permanence.** Due consideration shall be given to the structural and surface soundness, and to inherent resistance to theft, vandalism, weathering, and excessive maintenance or repair costs. Additional considerations shall be given for warranty provisions.
 - 5. **Public Safety.** Each work shall be evaluated to require that it does not present a hazard to public safety.
 - 6. **Diversity.** The program shall also strive for diversity in style, scale, exploratory types of work as well as established art forms.
 - 7. **Feasibility.** Proposals shall be evaluated relative to their feasibility and convincing evidence of the artist's ability to successfully complete the work as proposed. Factors to be considered

include, but are not limited to: project budget, timeline, artist's experience, artist workload, soundness of materials, city zoning/construction/design guidelines.

8. **Duplication.** Artists are required to warrant that artwork is unique (an edition of one) or part of a limited edition (see definitions).
- B. In addition to the above Selection Criteria, additional criteria to be considered for selecting artists for design teams shall include but not be limited to the following:
 1. Proven ability to work effectively in collaborative situations
 2. Experience in architecture or landscaped-based projects
 3. Experience working with design professionals and integrating artistic concepts into construction documents.
11. Placement of Works of Art
 - A. While it is the intent that *site specific works* will remain in the site for which they were created, CAC reserves the right to recommend to move a piece if circumstances dictate (see 12 below).
 - B. *Portable Works of art* that are not site specific are part of the Portable Works Collection and will move throughout City facilities at the discretion of CAC, taking into account requests from various departments.
 - C. *Temporary works* of art commissioned will be documented with appropriate media either by the artist(s) or the CAC.
12. Relocating Site Specific Works of Art
 - A. Absent specific City Council action, no artwork may be moved without the CAC's recommendation. The CAC may consider recommending relocating a site specific artwork for one or more of the following reasons:
 1. The condition or security of the artwork can no longer be reasonably guaranteed at its current site.
 2. The artwork has become a hazard to public safety in its current site.
 3. The site has changed so that the artwork is no longer compatible with the site.
 4. The artwork is determined to have a higher and better use at a different location.
 - B. Once the CAC and Council have determined that an artwork meets one or more of the above criteria, the following process is initiated:
 1. The CAC staff makes a good faith attempt to discuss resiting with the artist.
 2. If the artist agrees to the proposed resiting, the recommendation will be referred to the CAC and Council or other funding source for approval (for projects valued over \$20,000).

3. If the artist does not agree to the proposed resiting, he/she may request that his/her name not be used as the author of the artwork.

13. Maintenance and Management of Public Art

- A. It is the responsibility of the CAC to oversee the maintenance of all works of art in the City's public art collection.
 1. All commissioned artists will be required to complete a Conservation Record Form that provides information on materials, fabrication methods, installation details and recommended maintenance.
 2. The CAC assigned staff will maintain a computer database inventory and a paper file of relevant documents for artworks owned by the City.
 3. City staff assigned responsibility for routine cleaning and maintenance of artworks shall perform the work based on recommendation by a professional art conservator or on information provided by the artist on the Conservation Record Form. Every effort will be made to use approved maintenance practices and to maintain the artist's original intent.
 4. The artist shall be given the first right of refusal to repair any damage.
 5. A professional art conservator or person(s) trained by a conservator may be consulted or hired to provide maintenance and conservation work for the City's public art collection.
- B. Participating Departments must notify the CAC immediately if an artwork is either damaged or stolen, or if the participating department plans to move the artwork or in any way alter its use.
- C. The City shall provide adequate insurance coverage for the Public Art Collection.

14. Deaccessioning (Appendix A)

In the event a work of art needs to be deaccessioned, such cases shall be referred to the CAC for consideration according to CAC's adopted Deaccessioning Policy.

15. Donations Policy (Appendix B)

16. Definitions

Architect/Engineer/Landscape Architect/Interior Designer: The person or firm designing the improvement project to which the Percent funding applies.

Deaccessioning/Decommissioning: The procedure for the removal of an artwork from the public collection.

Design Team: The collaborative team consisting of the architect, landscape architect, interior designer, engineer and artist.

Improvement Project: See ordinance Municipal Code § 1.40.020.

Original Artwork: Artwork that is an edition of one or form a limited edition. Editioned work for sculpture must be the first in the edition and signed by the artist. Limited editions for prints/photographs must be individually signed and numbered and from editions limited to 200 or less. Prints/photographs and cast sculptures from open editions will not be considered. (*based on State of Utah and Indianapolis Airport guidelines*)

Participating Agency: A department, division or commission of the City of Coeur d'Alene that is subject to the Public Art ordinance by virtue of its undertaking an improvement project.

Portable Works Collection: Individual artworks purchased for display in city offices.

Public Art: Original works of art that are accessible to the public and/or public employees and which may possess functional as well as aesthetic qualities (see Work of Art for further clarification).

Public Art Collection: All works of art owned by the City of Coeur d'Alene that are site specific, part of the Portable Works Collection or documentation of City-commissioned temporary works of art.

Public Arts Fund: The CAC fund that receives all monetary contributions derived from improvement projects pursuant to ordinance 1.40.020 and public art funds from other sources.

Selection Panel: The panel appointed by the Council after recommendation of the CAC responsible for the artist selection process, reviewing proposed works of art and recommending to the CAC specific expenditures for each project.

Work of Art: All forms of art conceived in any discipline or medium, including visual, performance, literary, media and temporary works.

ATTACHMENT

Existing Code for the Arts Commission

2.84.010: POLICY:

It is found that there is an increasing appreciation and interest in the practice and enjoyment of the arts and that the citizens of Coeur d'Alene are becoming aware, due to increasing leisure time of a broader and richer life through artistic endeavors, that there is need to improve the cultural environment of the City of Coeur d'Alene and that growth of industry and commerce will be enhanced by cultural development.

It is declared to be the policy of the City of Coeur d'Alene to encourage the development of our artistic and cultural life and to join with all persons and institutions concerned with the arts to insure that the role of the arts in our community will grow and play an evermore significant part in the welfare and educational experience of the citizens of Coeur d'Alene.

2.84.020: ESTABLISHED; COMPOSITION; TERMS:

There is established an Arts Commission in the City of Coeur d'Alene, which shall consist of thirteen (13) members who shall receive no salary. Members shall be appointed by the mayor and confirmed by the city council, and any members may, in a like manner, be removed. No

more than four (4) members may reside outside city limits but within Kootenai County. One member shall be a high school student, who attends school within the boundary of School District 271, between the ages of fourteen (14) and eighteen (18) years, and one member shall be a permanent, voting liaison from the Coeur d'Alene Arts & Culture Alliance. All other members shall be chosen from the residents of the city. The term of office of each member shall be for a term of three (3) years or until his successor is appointed and qualified, whose term shall run for the duration of the existing term. The term of office for the high school student shall be for one year. No person shall be a member for more than two consecutive terms. The terms of office of the members shall be staggered in such a manner so that no more than four members may be up for reappointment or replacement in any given year.

2.84.030: OFFICERS; MEETINGS:

After appointment of the first membership and every two (2) years thereafter, following the first commission meeting in January, the commission shall organize by selecting a chairman and such other officers as deemed necessary by the commission. The commission shall meet at such times and places as may be determined by the chairman or by a majority of the members of the commission. A majority of the members of the committee shall be necessary to constitute a quorum at any meeting

2.84.040: DUTIES; RESPONSIBILITIES:

The duties and responsibilities of the Commission shall be as follows:

- A. To stimulate and encourage, throughout the City and surrounding area, the study and presentation of the performing and fine arts and public interest and participation therein;
- B. To make such surveys as may be deemed advisable of public and private institutions engaged within the City in artistic and cultural activities, including, but not limited to: music, theater, dance, creative writing, painting, sculpture, architect and allied arts and crafts, and to make recommendations concerning appropriate methods to encourage participation in, and appreciation of, the arts to meet the legitimate needs and aspirations of persons in the City of Coeur d'Alene;
- C. To take such steps as may be necessary and appropriate to encourage public interest in the cultural heritage of our City and to expand the City's cultural resources;
- D. To encourage and assist freedom of artistic expression essential for the well-being of the arts. (Ord. 1709 §4, 1982)
- E. To provide oversight for the City of Coeur d'Alene Public Art Program and other City public art programs;
- F. To comply with all city policies, procedures, and regulations.

APPENDIX A

Policy for Deaccessioning of Works of Art

City of Coeur d'Alene Art Commission

POLICY: Deaccessioning is a procedure for the withdrawal of artwork from the public collection. Deaccessioning will be considered only after careful and impartial evaluation of the artwork within the context of the collection as a whole.

Deaccessioning Procedure: A deaccessioning subcommittee will be appointed by CAC (Coeur d'Alene Arts Commission). The subcommittee will review the collection and make their recommendation of artworks for consideration/evaluation for deaccessioning.

Criteria for Deaccessioning:

- 1. Artwork has been damaged or has deteriorated and repair is impractical or unfeasible.**
- 2. The artwork endangers public safety.**
- 3. The artwork has been determined to be significantly incompatible or inferior in the context of the collection.**
- 4. The artwork cannot be re-sited or re-siting would not be appropriate.**
- 5. The work is not, or only rarely, on display because of lack of a suitable site.**

Sale or Exchange

- 1. Sale may be through auction, gallery resale or direct bidding by Individuals in compliance with state/local law and policies.**
- 2. Exchange may be through artist, gallery, museum or other institutions for one**

or more artwork(s) of comparable value by the same artist.

3. Proceeds from the sale of works of art shall be returned to the general fund of the Art Commission.

* If CAC cannot dispose of the artwork in a timely manner the commission may recommend to the council that the art be donated to a non-profit organization

APPENDIX B

Donations of Artwork Policy

1. Background

Works of art are occasionally offered as donations to the City of Coeur d'Alene. The Coeur d'Alene Arts Commission, CAC, is responsible for reviewing and evaluating the suitability of a proposed artwork and recommending whether or not to accept it as a gift, and/or allow it to be installed on City property. If accepted, the maintenance of a gift of art is the responsibility of the City unless otherwise specified. In accepting a gift, the CAC may recommend that the City Council require that the donor establish a maintenance endowment to ensure an adequate quality of care for the artwork.

The CAC is responsible for review of all proposed gifts of art to the City, including donations by individuals, neighborhoods, community groups, and international organizations. Artworks created by any of these groups may be placed temporarily on City property without being offered to the City as gifts provided that the donor obtains the appropriate approvals and/or revocable permits (if any) for placement of the works, and agrees to maintain them throughout the life of the work. In these cases, gift review is not required.

A. Existing Works of Art

1. Donor contacts CAC or appropriate city staff to discuss the potential gift, providing photos or the actual artwork.
2. CAC/staff declines to consider the gift or presents the gift to the CAC. If presented in photo form, the CAC reserves the right to postpone any decision until the actual artwork is reviewed.
3. CAC accepts or declines the gift. If accepted, the donor is acknowledged on a plaque (if requested) and in other relevant materials.
4. Funds for maintenance are agreed upon by the donor and CAC and deposited by the donor into the Public Art Fund.

B. Commissioned Works of Art

1. Donor contacts CAC or appropriate city staff for a meeting to discuss idea for commission as well as the plan for selecting an artist.
2. CAC/staff declines to consider the commission or accepts the idea and the selection process.
3. Donor presents the selected artist and design for the commission to the CAC which may approve, provide suggestions for improvement or reject the proposal.
4. Donor presents a maintenance plan and deposits funds for the work's future care in the Public Art Fund.
5. Donor is acknowledged in a plaque and other promotional materials (if requested).