

**City of Hailey, Idaho
Public Art Guidelines
For Managing Public Art Projects**

In January of 2008, the Hailey City Council adopted an ordinance (Ordinance 999) which dedicates up to 1.25% of the total eligible costs of all eligible capital improvement projects to the purchase, creation, installation, administration, selection, management, maintenance, repair and conservation of public art. The Hailey Arts Commission (HAC) was designated to develop guidelines and determine how the program would be administered. The purpose of these guidelines is to provide a process for selecting, commissioning, placing, and maintaining the art purchased through Hailey's Public Art Program. The guidelines will be updated as necessary by HAC as the program evolves.

I. PURPOSE

The purpose of the City of Hailey's Public Art program is to integrate a wide range of public art into the fabric of the community and reflect the diversity and history of the community, points of view and artistic disciplines. To that end, artists can be valuable members of planning or design teams and primary resources in revitalization and construction, and making the City a cultural destination. The arts have been instrumental in creating unique public places throughout history that have yielded physical, social and economic benefits for a community.

The mission of the Public Art Program is to:

- Develop Hailey's identity as a cultural destination
- Make art of enduring excellence an essential element in the development and redevelopment of Hailey
- Use art to recognize the ethnic diversity that is and has been part of Hailey's history
- Include local, regional and national artists who can weave diverse artistic disciplines, cultural perspectives and life experiences into the fabric of Hailey's community
- Engage residents and visitors in a dialogue with art works that invite contemplation and enhance cultural awareness
- Broaden the role of the artist in the community and create opportunities for artists to pursue their careers in Hailey
- Provide for the proper maintenance of the Hailey Public Art Collection
- Ensure proper cataloguing of, and education about, the Hailey Public Art Collection

GOALS OF THE PUBLIC ART PROGRAM

In order to meet its mission, the Public Art Program defines goals in five areas:

1. Program Development

- To seek partnerships and collaborative opportunities for artists to work with community organizations, public agencies, private businesses and institutions
- To nurture the integration of art, architecture, and landscape architecture in Hailey
- To encourage art that is responsive to its site

- To address public art as early as possible in each project
- To encourage public participation in all phases of the art selection and installation process
- To build a City collection that represents broadly diverse styles and aesthetic attitudes

2. Funding

- To manage a fiscally sound and fully accountable Public Art Program
- To identify and pursue matching private, business and civic sources of revenue for public art projects

3. Public Art Maintenance

- To document, preserve and conserve all public art in the City's collection
- To ensure proper written and visual documentation and cataloguing of the Public Art Collection

4. Working With Artists

- To create meaningful opportunities for artists through public art projects and programs
- To provide opportunities for artists to collaboratively work with landscape architects, architects and engineers
- To provide training for area artists which can assist them in developing and proposing public art projects
- To commission and work with local, regional, and national artists
- To provide just compensation to artists for their work

5. Community Outreach and Public Education

- To encourage dialogue about public art
- To develop educational programs for the general public to promote understanding and acceptance of public art
- To establish opportunities for the participation of Hailey youth in public art projects
- To actively promote the City of Hailey's Public Art Program to a broad public through multiple venues and media

II. PLANNING AND IDENTIFICATION OF PERCENT FOR ART PROJECTS

- A. Section 3.08.020 of the attached Public Art Ordinance defines eligible capital improvement projects for the City of Hailey.
- B. Through the annual City budgeting process, eligible capital projects will be identified and the 1.25% will automatically be calculated in the budget software.

The HAC and the Public Art Coordinator will discuss with the City Administrator and each appropriate department head the public art program goals for upcoming improvement projects. The Public Art Coordinator will draft a project description for approval of the department and its commission or board. This description will become part of the overall annual Public Art Plan to be submitted to the participating Department Heads, and then City Council and Mayor for final approval. The participating department, the HAC, and the Public Art Coordinator may decide that funds from a specific improvement project are insufficient or that

the site is inappropriate for public art. Funds may be pooled for a project at another site or at a later date.

It is the responsibility of the city departments to contact the Public Art Coordinator should projects develop outside the scope of the planning meetings and as soon as funds are allocated for the eligible capital improvement projects.

- D. When an annual Public Art Plan has been approved by City Council and Mayor, the HAC will determine the following issues:
 - 1. percent for art funds allocated
 - 2. opportunities identified through the annual planning process
 - 3. design and construction schedule
 - 4. selection panel members
 - 5. selection process options
- E. The architect or engineer invited to submit a proposal for an improvement project shall be advised by the participating department about the Public Art Ordinance and guidelines and will be introduced to the Public Art Coordinator and HAC commissioner(s) working on the respective project.

III DEDICATION AND DISBURSEMENT OF FUNDS

Allocation and disbursement of funds:

- A. City funding for the arts is allocated as a component of the annual budget either during budget development or during the interim budget process. Allocations for capital improvement projects include funding for eligible public art projects, consistent with eligibility criteria and with the funding formula.
- B. Allocations for public art components of capital projects will be separately budgeted within the capital project and must be approved by City Council. Project funds (i.e., the “1% for public art”) will be separately budgeted and reserved within a designated fund until paid in accordance with the contract(s) signed with artists for the respective projects. Reports will be annually prepared by the Public Art Coordinator and HAC to identify the actual status of each public art project.
- C. The program administration portion (i.e., the 0.25 % for administration, maintenance, education, etc.) associated with each capital public art project will be transferred into the Hailey Public Art Fund when the project has been officially initiated by the HAC and the applicable department. The total transferred will not exceed the approved operating budget for the public arts program for the fiscal year in which the project is approved. However, the HAC may propose allocation of program portion funds to support additional project management staff necessary to sustain project development and continuity. The HAC may also propose a carry forward of remaining year-end program administration portion funds to meet identified subsequent years' maintenance needs. This proposal to carry funds forward shall be incorporated into the “rebudget” process for the city as a whole at fiscal year end.

- D. Any interim adjustments to the public art budget will be considered and approved within the city's interim budget process. Interim adjustments approved for the public art program will be budgeted and accounted in the same manner as those approved in the annual budget.
- E. The Public Art Coordinator is responsible for contracting with artists and assuring payments are made following city guidelines for disbursement.

IV CONFLICT OF INTEREST

- A. Each member of the HAC shall be governed by the Ethics in Government Act, Idaho Code §§59-701, et seq, as amended.

V APPLICATION OF PUBLIC ART FUNDS: INCLUSIONS

1% for art funds may be spent for:

- A. Artist's fee for serving on a design team
- B. A work of art, including:
 - 1. artist's design fee
 - 2. city required permits
 - 3. labor and materials
 - 4. operating costs
 - 5. project related travel
 - 6. transportation of the work to the site
 - 7. Installation
- C. Frames, mats, mounting, anchorages, containments, pedestals, or other materials necessary for the installation and/or security of the work
- D. Slides and other documentation by the artist or his/her representative
- E. Insurance
- F. 5-10% contingency may be set aside at the beginning of a project, and returned to the Hailey Public Art Fund if not used

The .25% for art funds may be spent for:

- A. Maintenance of public art, which can be pooled with maintenance funds generated from other art projects and carried over from year to year for perpetual maintenance of the entire public art collection
- B. Administration of the selection process including development and printing of a "Call for Artists" (RFQs – Request for Qualifications or RFPs – Request for Proposals), mailing, promotion of the project, etc.
- C. Fees for consultants or contractual management of a public art project.

- D. Community education
- E. Dedications and publicity, including identification plaques and labels
- F. Slides, video or other documentation
- G. Special projects approved by HAC such as local artists' skill development workshops or projects

VI APPLICATION OF PUBLIC ART FUNDS: EXCLUSIONS

Public Art funds may not be spent for:

- A. Reproductions of original artworks
- B. Decorative or functional elements designed by a project architect, landscape architect, 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. Architect's fees unless the architect was acting in a consultant capacity for the artist

VII SELECTION PANEL APPOINTMENTS

A. Panel Structure:

Selection Panels will be comprised of at least the following:

1. Voting Members:
 - a. Participating Department Representative
 - b. Hailey City Council Member or designee
 - c. HAC Member
 - d. Community Representative, preferably from project "impact area"
 - e. Artist not involved with the respective capital project
2. Non-Voting Members:
 - a. Public Art Coordinator (facilitator)
 - b. Project Architect, Landscape Architect, Interior Designer, or Engineer
 - c. Hailey City staff members acting in a technical advisory capacity

B. Method of Appointment:

The participating Department Head will select the representative from the department (staff, board or commission) whose capital project generated the public art funds and recommend an appropriate City Council member. The HAC will recommend the appointment of the selection panel members representing the HAC

and an artist. The community representative can be recommended by the department, HAC or selected from a reference list, continually updated by the Public Art Coordinator.

C. Length of Term:

Each Selection Panel shall serve through the completion of one public art project.

VIII SELECTION AND APPROVAL PROCESS: DEPARTMENT, HAC, PUBLIC ART COORDINATOR AND PANEL PROCEDURES, RESPONSIBILITY:

A. Participating Department, HAC, Public Art Coordinator Responsibilities

The participating department, the HAC and the Public Art Coordinator shall determine if the public art opportunity will be to:

- a. commission site-specific work,
- b. purchase works of art for the city's portable works collection,
- c. or commission works of specific duration which would be documented for future reference after the life of the piece.

The participating department, the HAC and the Public Art Coordinator will also determine one of the following methods of artist selection:

- a. Design Team: An open competition may be held for the design team.
- b. Open Competition: Any artist applies, subject to limitations established by the participating department, HAC, or Public Art Coordinator.
- c. Invitational: One or more artists are invited by the participating department, HAC and Public Art Coordinator to submit proposals or be interviewed by a Selection Panel.
- d. Direct Purchase: A completed work of art is selected.

B. Selection Panel Orientation

At the first meeting, the Public Art Coordinator will provide an orientation for each Selection Panel including a public art slide show, review of program guidelines, an orientation to the specific project, and a review of any goals already established by the participating department and the HAC.

C. Selection Panel Responsibilities

- 1. Reserve the option of making no selection. If no proposal or artist is accepted, the Selection Panel has the right to reopen the competition or to propose other methods of selection.
- 2. Approve all recommendations by consensus or a majority vote.
- 3. Forward the semi-finalist and final artist recommendation to the Public Art Coordinator who will present the semi-finalist and artist recommendation to the city department, HAC, and Hailey City Council for approval.
- 4. Hold all Selection Panel meetings in accordance with the Idaho Open Meetings law.

IX SELECTION CRITERIA:

A. Selection Criteria for Acquisitions

Criteria to be used when considering acquisition of artwork by either purchase or commission shall include, but not be limited to the following:

1. Inherent artistic quality.
2. Context: Works of art must be compatible in scale, material, form, and content with their surroundings. Consideration should be given to the architectural, historical, geographical and socio-cultural context of the site.
3. Media: All forms of visual art conceived in any medium, material, or combination thereof including disciplines and media which are of specific duration and which are documented for public accessibility 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.
5. Public Safety: Each work shall be evaluated to ensure that it doesn't present a hazard to public safety.
6. Diversity: The City of Hailey is committed to acquiring artworks that are reflective of diverse cultural communities and perspectives. To that end, the city shall seek artwork from artists of diverse backgrounds. The program shall also strive for diversity in style, scale, media and numbers of artists represented. There shall be encouragement of exploratory types of work as well as established art forms.
7. Feasibility: Proposed projects 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, site considerations, appropriateness of materials and city approval requirements.
8. Duplication: To assure that the artwork will not be duplicated, the artist will be required to warrant that the work is unique and an edition of one unless stated to the contrary in the contract.

B. Design Team criteria:

1. Ability to think conceptually
2. Ability to communicate and be flexible
3. Ability to work with architectural drawings
4. Ability to understand the project from the various perspectives of design team members
5. Prior experience with collaborative group work situations

X 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, the City of Hailey reserves the right to move a piece if circumstances dictate (See XI below).
- B. Works of art which are not site-specific may become part of the portable rotating collection and will move throughout city property at the discretion of HAC and the Public Art Coordinator, taking into account requests from various departments.
- C. Works of art commissioned to be of specific duration will be documented either by the artist(s), the Public Art Coordinator or the HAC via digital or photographic imagery, video, and/or written materials.

XI RE-SITING OF WORKS OF ART:

- A. The HAC may consider re-siting an 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 danger to public safety in its current site.
 - 3. The context of the site has changed so that the artwork has become significantly incompatible to the site or the work is compromised due to the change in the relationship to the site.
- B. Once HAC has determined that an artwork meets one or more of the above criteria for re-siting, the following process is initiated:
 - 1. HAC will make a documented, diligent, good faith attempt to notify/meet with the artist pursuant to the Visual Artists Rights Act of 1990 to discuss the proposed re-siting.
 - 2. If the artist agrees to the proposed re-siting, the recommendation will be referred by the HAC to City Council for approval.
 - 3. If the artist does not agree to the proposed re-siting, he/she will have the right to prevent the use of his/her name as the author of the artwork, but no right to prohibit its relocation.

XII MAINTENANCE AND MANAGEMENT OF PUBLIC ART:

- A. It is the responsibility of HAC and the Public Art Coordinator to maintain all works of art in the City's public art collection:
 - 1. HAC and the Public Art Coordinator will maintain a computer database inventory of artworks owned by the City.

2. A portion of the up to .25 % will be set aside for maintenance. Where allowable, these funds will be pooled to be used for the Public Art Collection as a whole.
 3. The original artist, a professional conservator, person(s) trained by a conservator, or a professional with the technical expertise necessary for a particular artwork will be consulted or hired to provide maintenance and conservation work for all works of art in the City's public art collection.
- B. Participating Departments must notify the Public Art Coordinator immediately if an artwork is either damaged or stolen, or if the participating Department plans to move to another location or in any way disrupt the artwork.

XIII DEACCESSIONING:

All requests for deaccessioning of works of art shall be referred to the HAC, which will make a recommendation to the Hailey City Council for consideration. The deaccessioning of any works of art, which are city assets, must comply with Idaho law governing the disposal of surplus property.

XIV GUIDELINE DEFINITIONS:

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

Artist: A person generally recognized by his/her peers and arts professionals, with a record of accomplishment in recognized artistic institutions, who produces works of art on a regular basis.

Hailey Arts Commission (or HAC): The Commission appointed by the Hailey City Council and Mayor to guide the direction matters pertaining to the arts for the City of Hailey.

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

Design Team: The collaborative team consisting of the architect, landscape architect, engineer and artist. Through the incorporation of the artist's perspective into materials selection, spatial considerations, overall design approach, and the inclusion of artwork, facilities can become more aesthetically fulfilling and humanly oriented places.

Improvement Project: A capital improvement project paid for wholly or in part by the City of Hailey as defined in Section 3.08.020 of the Municipal Code.

Participating Department: A Hailey City Department that is subject to the public art ordinance by virtue of its sponsorship undertaking of a capital improvement project.

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

Public Art Collection: All works of art owned by the City of Hailey that are site-specific, part of a portable works collection, and purchased through the Public Art Program or donated to and accepted by the City of Hailey.

Public Art Consultant or Project Manager: The person contractually hired by the City of Hailey to manage all functions of a public art project.

Public Art Coordinator: The person on Hailey city staff to coordinate all aspects of the Public Art Program and to share the vision for the program. This person manages public art projects or contracts a Public Art Consultant or Project Manager to manage public art projects. This person also works with the Department Heads, City Administrator and the HAC to develop public art goals for percent-for-art projects and with private individuals, developers, or businesses to include public art in private projects or as part of public/private partnerships.

Public Art Plan: This is a document created by the HAC and Public Art Coordinator, with support, review and approval of Department Heads and the City Administrator, on an annual basis, for final approval by the Hailey City Council. It is the blueprint of the public art projects to be implemented.

Selection Panel: The panel appointed by HAC responsible for the artist selection process, reviewing proposed works of art, and recommending artist selections to the HAC and Hailey City Council.

Works of Art: All forms of visual art conceived in any medium, material, or combination thereof, including but not limited to: paintings, murals, original prints, drawings, sculpture, stained glass, calligraphy, mosaics, photographs, ceramics, wood, metal, fiber, plastics, moving image art, reliefs, mobiles, fountains, kinetic or electronic artworks, furnishings (such as seating), lighting, artist-designed landscape elements, and works affecting the infrastructure (such as pavers, utility hole covers, tree grates), and may include disciplines and media which are of a specific duration such as temporary visual projects that can be documented after the life of the piece has ended.

XV ORDINANCE PASSED BY HAILEY CITY COUNCIL ON 14 January 2008 (SEE ATTACHED)

These guidelines approved by Hailey City Council on January 26, 2009.