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# Beyond Beautification, Toward Engagement and Excellence

Lincoln City Public Art Master Plan

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Created by the Lincoln City Public Art Committee  
with Bill Flood and Valerie Otani, consultants

Submitted to the Lincoln City City Council July 2018

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# Lincoln City Public Art Master Plan

## Executive Summary

**The City of Lincoln City and its Public Arts Committee are in a strong position to improve and increase public arts programming, leverage significant resources, and visibly link public art with key urban development. The City's ordinances establishing the Committee and public art funding associated with new capital construction are almost 15 years old. It's time to set standards, adhere to guidelines, and use the power of partnerships to reach excellence.**



*Glass Mosaic by Let There Be Arts, Lincoln City Glass Studio (2013)*

Assets to mobilize include:

- City staff who understand the power of creative place-making and are ready to participate;
- A one-half percent for art program, other potential funds through City Departments, and state and national grant resources;
- A Public Arts Committee with considerable experience who is committed to more strategically utilizing its resources toward projects with greater visibility and significance;
- Local artists, arts advocates, and a citizenry looking to participate in public art projects; and,
- Strong local organizational partners who bring assets to collaborations.

This plan sets out goals, standards, and recommendations for mobilizing and leveraging these assets.

A primary challenge to plan implementation and program improvement is how to manage and maintain a public art program and collection without dedicated, professional staff. Options for building management capacity are included in this plan, including the preferred strategy of pooling partner resources.

## Context for this Plan

The purpose of this public art plan is to guide the City of Lincoln City, and specifically the Public Arts Committee, in visioning, planning, managing, and maintaining its public art collection.

Lincoln City is situated between the Pacific Ocean (west) and Devils Lake and the Coast Range (east). A seven-mile long linear community, its economy depends on the near-constant stream of travelers driving through town. 2016 Oregon Department of Transportation data estimates that 8.8 million cars and 22 million people travel Highway 101 through Lincoln City. Lincoln City has worked hard to define its civic identity since incorporating five communities (Oceanlake, Delake, Nelscott, Taft, Cutler City), in 1965. Lincoln City now includes these five areas, along with Roads End and Wecoma Beach.

In 2004 the City of Lincoln City adopted a one-half percent for art requirement for new public construction. The Public Arts Committee advises the City on the use of these funds and seeks to improve the quality of life in the city by allowing residents and visitors to interact with art in public places.

Since the siting of the Abraham Lincoln sculpture by artist Anna Hyatt Huntington in 1965, many public art pieces have been commissioned and sited in public spaces. As the public art collection grows, so does the realization that a focused and strategic public art program can have greater impact on Lincoln City than individual projects with weak connection to community improvement goals.

The Public Arts Committee seeks to focus and leverage its resources toward public art projects with higher levels of excellence, significance, and impact.

## Definition of Public Art

Public art can draw from any artistic or creative medium and can be permanent or temporary. It can include everything from large identity-building events to smaller projects led by local artists that add character to an area. Placed in public spaces, this art is for everyone, a form of collective community expression.

Successful public art engages the viewer, reinforces a sense of place, and is well-managed and well-maintained. The professional field of public art now embraces temporary or limited-duration artwork as well as permanent work, and engagement with the viewer or audience is often a key indicator of successful projects. The definition of what is public art can and will evolve over time.



Participants in this planning process discussed many ways in which public art can enhance the community, including the consistent theme of using public art to build the cultural identity of Lincoln City. Public art can:

- Raise collective standards of excellence, building community pride and self-confidence;
- Connect visitors and locals with history and collective heritage;
- Engage people with art and with one another;
- Be fun and truly accessible to all;
- Demonstrate creativity, innovation, surprise;
- Call attention to and support the local arts-making community; and,
- Speak to what makes Lincoln City unique and wonderful.

## Assets and Challenges

Effective cultural planning must be based on understanding both the assets and the challenges toward achieving desired outcomes. This 2017-18 planning process has found the following:

1) The natural environment, including the blend of beaches, forests and parks, poses both assets and challenges for public art in Lincoln City. The beauty of the natural environment offers endless opportunities for creative human expression, and both wind and rain can be harnessed for public artwork. At the same time, wind, rain and salt air often damage artwork. The presence of such dramatic natural beauty also poses a challenge: how to complement, not compete with nature?

2) Key, strong organizations are in place to support and fund development of public artwork. Opportunities for partnerships are enormous. A longer list of these organizations can be found in Appendix A: Resources, but those listed below stand out as especially significant:

- City of Lincoln City. Several departments and programs with the City are looking to integrate public art with development, and art will be appearing more prominently in the upcoming City Comprehensive Plan. Staff members understand the value of public art in creative place-making and have good insights into identifying opportunities to use art to compliment urban planning goals. New design and signage standards will result from the City Branding Project.

- The Lincoln City Cultural Center. The Cultural Center leases a highly-visible public location and is well-positioned to partner with the Public Arts Committee, City departments and other city staff to implement public art, both on site and in other locations in the community. The opportunity exists to transition the Cultural Center into an arts council, which could further support public art goals.
- Confederated Tribes of Siletz Indians of Oregon. The land now called Lincoln City was formerly Tribal reservation lands. The Tribes have great moral connection with the lands and are interested in partnering on public art. Native imagery (especially used in basketry) could be strong components of public artwork. Such imagery would not only honor Siletz history but also stand out to both visitors and residents as unique/specific to the area.
- The Lincoln City Visitor and Convention Bureau. The VCB, funded by transient room tax receipts, is also a key public art partner, which recognizes the importance of arts and culture to overall visitor impression and community brand
- Sitka Center for Art and Ecology. Now in its fifth decade, the Sitka Center (just north of Lincoln City) is recognized as a valuable asset. Professional artists in residence could be utilized in public art initiatives.



*Siletz Basket in North Lincoln County Historical Museum  
Image by Ojibwa, "Indians 101: Oregon Coast Indian Baskets"*

the

3) The number of artists residing on the central coast is a major asset. The question becomes: how to build the capacities of local artists to engage in public art processes, and also how to build broader and deeper community support for public art. Those involved in this master plan believe that people in Lincoln City understand and support the arts, but may see the arts as non-essential amenities rather than necessities.

4) There is already an inventory of public art pieces existing in the community. The first was probably the Abraham Lincoln statue by Anna Hyatt Huntington, installed in 1965. A great deal of community support has been mobilized to realize projects, but with each project comes a growing awareness of the responsibilities involved in public art selection and management. A significant challenge to face is how to implement this plan with little or no professional public art management.

5) Timing appears right to engage in public art development. Both public and private development projects are rolling out, and this process has revealed that the will exists and financial resources can be leveraged.

## Recommendations

### Evaluating Success

The City of Lincoln City and Public Arts Committee will annually evaluate implementation of this plan and steps toward meeting plan goals and recommendations. The following goals and standards are written to be easily measurable, as should all future program and project elements.

### Mission

The mission of the public art program is imbedded in City code 3.24.010:

“The purpose of the percent for art program is to expand the experience of the city’s residents and visitors through public art of the highest quality in concept and execution. This will improve the quality of life in the city by allowing residents and visitors to view and interact with public art regularly in public spaces. It will instill a concern for beauty and good design in both the public and private sectors by setting high aesthetic standards. It will reflect and communicate the history, character, and values of the community and thereby create a sense of place.”

### Vision

We envision a well-managed and maintained public art collection that strongly reflects our connections to the land and people of Lincoln City, holds high aesthetic standards, is inclusive of all cultures, and is respected locally and regionally.

### Values and Standards

The following values and standards for our public art program lead our thinking, programming, and selection of artwork. Each of the following values and standards connects directly with the above mission and vision, and should be applied to specific projects and the program as a whole.

#### CONNECTION WITH PLACE

The artwork, program or project:

- Is appropriate to the site
- Enhances the built environment
- Reflects a commitment to environmental stewardship

- Is selected in careful consultation with local users and community
- Connects with or complements Lincoln City's position and relationship to the forests, ocean, lakes, rivers, and environment
- Helps people learn about the history and heritage of the area

## EXCELLENCE

The artwork, program or project:

- Expresses excellence in multiple ways
- Is led by professional or highly skilled artists
- Is specific to Lincoln City, and holds qualities of "the unexpected"
- Stimulates new and spontaneous ideas and expressions
- Elevates the look and feel of Lincoln City
- Adds visual interest without cluttering the area
- Makes residents proud to live in this community
- Relates to the mission, vision, standards of this public art program
- Is made of materials that will withstand both the coastal environment and the artwork's intended uses
- Has a realistic and concrete plan for maintenance and strategies for de-accessioning

## ENGAGEMENT

The artwork, program or project:

- Engages people in multiple ways (visually, emotionally, physically, interactively)
- Involves a broad community in the planning, siting and/or making
- Was chosen in a process that included proposals from local artists
- Is thought-provoking
- Can be used to stimulate learning and discussion
- Is photogenic and memorable, stimulating the viewer to take photos and share



- Draws the public in for a closer look

## ACCESSIBILITY

The artwork, program or project:

- Demonstrates accessibility
- Offers multiples ways for people to access, approach, participate with and enjoy
- Speaks to more than one group or sub-culture
- Speaks to people across cultural or other identities
- Speak to both visitors and residents
- Has signage that is clear and accessible

## Goals

The following goals will lead the work of the Public Arts Committee for the next five years, 2018-2023

1. Reinvigorate the Public Arts Committee through clarification of member roles and responsibilities. Identify steps necessary for the Committee to authentically represent the rich diversity of cultures and generations that make up Lincoln City. The Committee should either recruit members from these groups such as Native, Latinx, and youth, or actively seek their engagement when planning and executing projects. Committee membership should also seek to engage local design professionals in the work of the Committee.
2. Rewrite, where necessary, the 2006 City of Lincoln City Public Art Guidelines. Ensure that the revised Public Art Guidelines are closely followed by City staff and the Public Arts Committee. Pay attention to the following points:
  - Develop a process for setting annual priorities.
  - Develop conservation review procedures prior to construction and assign expected life span estimates for each work, for temporary installations as well as works added to the permanent collection.
  - Implement selection guidelines.
  - Establish maintenance guidelines.
  - Create guidelines for signage and siting, with details about artist review and supervision.

- Develop contracts using models from the Public Art Network (Appendix A: Resources) to be reviewed by City legal staff and compatible with City practices.
  - Implement the donations policy.
  - Follow the de-accessioning guidelines.
  - Protect artists' rights in accordance with the Visual Artists Rights Act.
3. Create a master inventory of publicly-owned artworks, and a permanent location for the background information and files at City Hall. Work to create a publicly-available digital archive of the existing inventory.
  4. Apply the Public Art Guidelines to evaluate all existing pieces in the inventory, and make recommendations for de-accessioning where appropriate.
  5. Establish a maintenance plan for all remaining artwork, with a recommendation on budget and method to be shared with the City. The Public Arts Committee will continue to be responsible for purchase and installation, while the City will be in charge of ongoing maintenance.
  6. Meet with all City departments looking to integrate public art with projects. Develop common solutions for management and maintenance. Look for ways to share resources and maximize the effectiveness of current staffing and dollars.
  7. Identify ways the Public Arts Committee can be notified of upcoming capital improvement projects, early in the process so that public art can be an integral part of those projects. Where feasible, engage early on in project planning to maximize public art resources and impact.
  8. Determine how to build and maintain key partnerships in-line with this plan (see following Partnerships section).
  9. Undertake commission of a major artwork. While the work may not be completed within the next five years, but assembling the funds and commissioning the work can be accomplished.
    - Budget \$70,000-\$120,000. Identify available funds; use the existing public art funds to leverage the additional funds. Use City resources to apply for grants, sponsors or partners.
    - Select a site from the City projects in development.
    - Include consultant management in the budget for the project. Use best practices in the selection and contracting processes.
    - Focus on high visibility, scale, color and engagement to give this project impact, and open the door for future projects.

- Select an artwork that will communicate an exuberant welcome to Lincoln City, using color and forms to express the pleasure of connecting to a place of spectacular natural beauty.

10. Complete a smaller scale, participatory project that engages all, including youth and multicultural communities. Consider a well-qualified local artist to lead the project.

### Partnerships and Collaborations

Opportunities for partnerships are enormous, and the Public Arts Committee cannot do this work alone. Tremendous goodwill exists within City departments and individuals and groups in the community. Begin by reaching out to City departments, Siletz Tribes, Sitka Center for Art & Ecology, and Latino communities. All partnerships need to be strengthened through the Public Arts Committee and City staff involvement. As noted in the Goals above, partnerships are key to leveraging the resources needed to move on significant public art projects.

Partnerships and collaborations will help the Public Arts Committee leverage impact. More and more public art around the U.S. focuses on community engagement and temporary works, including performance.

Feedback to this planning process from Native, Latinx, and youth stakeholders was rich and insightful. The following themes and ideas were mentioned consistently in meetings with youth and Latinx folks, and seem especially valuable to public art planning and programming, especially in connection with community partners.

1. Engaging, fun, colorful public art is highly valued.
2. Latinx and Native cultures bring un-tapped resources to Lincoln City.
3. Events of many kinds are valued, especially those geared toward families and celebrating the many traditions and common languages of Lincoln City.
4. Sports, arts, and food-related events are especially beloved. The existing Secrets of Salsa program of Oceana Family Literacy is a great way to bring people together and share cultural traditions within Lincoln City.
5. Both Latinx families and high school youth voiced the need for gathering places, such as a park with public art and a community garden. A small staging area (kiosko) in a park could represent multiple cultures and be a strong public art project.
6. People consistently mentioned that the ocean connects all people in Lincoln City. Within this, the idea surfaced of using glass floats thematically in public art.

One example of how partnerships can strengthen the foundation for the public art program focuses on building capacity of local artists. The Public Arts Committee can work in partnership with Sitka Center, LCCC, Small Business Development Center, and others, to help local artists participate in public art projects. A good public art program has a mix of project scales and supports development of the local arts community.

- Create professional development or mentorship opportunities so that studio artists can learn the skills needed to realize successful public art projects. The existing partnership with the Small Business Development Center is a good foundation to build on.
- Include local artist participation on the Public Arts Committee or on public art selection committees to share insights into the public art process.
- Create small-scale commissions for artists new to public art, and include the support needed for them to be successful.

Another example of a signature participatory event, done in collaboration with a lead partner organization, would be a driftwood sculpture festival. Individuals, teams or families could create sculptures from the found materials on the beach while thousands more could come just to watch. The inspiration for this event is the massive amount of wood at Taft and the lean-tos and structures that are always being built. Creating sculptures was a longtime tradition on the tidal flats of San Francisco Bay at Emeryville, giving freeway drivers a changing art show. This event could be a partnership with the LCCC, Visitor and Convention Bureau and the Sitka Center, which could host resident sculptors for a week while they made sculptures to inspire the “amateur” builders.

## Key Public Art Locations

There are two major routes through Lincoln City – Highway 101 and the seven miles of beaches. The following locations (regardless of whether they are in public or private hands) seem obvious choices for artwork visible to the public.

### Adjacent to Highway 101

The volume of people traveling on Highway 101 give frontage areas high visibility. Scale of the artwork is very important here; the artwork must hold its own in a very cluttered environment.

1. D River. The D River/101 site is most often mentioned as the physical heart of Lincoln City. It offers high visibility and opportunity for exciting collaboration with multiple partners including LCCC and the Siletz Tribes. Such collaboration will depend upon outcomes of the pending agreement between the City and Oregon State Parks and Recreation regarding management of D River Wayside.

2. Lincoln City Cultural Center. The Cultural Center is a key site in the center of town with highly visible frontage on Highway 101. The plans to upgrade that property pose an opportunity to strengthen the artistic and cultural identity of the city.
3. Taft is definitely another cultural hub, and a lovely one with minimal visual clutter. Consider designating Taft an Arts District and further building on its existing resources, which include galleries, museum, public art, and artist studios.
4. All City and Urban Renewal-initiated sites are prime opportunities for public art.
5. Parks are opportunity areas for public artwork. A note about parks and public art: people generally love their parks, so you are starting with a strong foundation of community interest and existing infrastructure (roads, parking, etc.) which encourages people to gather. Art can enhance this experience, creating viewpoints, trailheads and supporting interpretation of nature.
6. Private developments coming on line are opportunity areas. The Villages at Cascade Head was mentioned specifically.
7. Other public facilities and gathering spaces should be considered as opportunity areas for public art, given the standards and recommendations above. These include schools, community colleges and recreation facilities including the Lincoln City Skate Park.



*Sparky the Wish Guardian by Heidi Erikson,  
at Regatta Grounds Park*

## Beaches

Oregon's public access to beaches is a source of great pride. We recognize the access points to beaches as potential sites for artwork. Critically important to siting public art at these entries is a commitment to keeping the beaches clean and free of visual clutter, as well as respecting beaches as key cultural gathering sites. Art should draw people to the beach and enhance, not block, the impressive views of the ocean.

The beach "road" could have a number of landmarks based on beach access points. There could be beach overlooks, like Joe the Sea Lion, or art elements on the stairs and landing points, with particular attention to choosing durable materials and construction for this environment.





*16<sup>th</sup> Avenue Stairs, San Francisco, Collette Crutcher*

One possible medium for this application would be mosaic, which is an excellent material to withstand the water, salt and sun. Creating mosaic staircases or entryways are perfect local artist or community participation projects. The project can be artist-designed and led, with fabrication by community workshops.

People value experiences, and the chance to directly participate in the making of art is a memory they will treasure. This project could draw on the resources of the mosaic studio at LCCC and be coordinated by a local artist.

Residents of all ages could enjoy the pride of having their work part of Oregon's visionary public access to the beaches.

Another possible project would be a renewed installation of Joe the Sea Lion, in Nelscott. It is well sited at a location that gives perfect views of the beach and surf beyond, creating a good photo opportunity. Unfortunately, its material (fiberglass) is not suitable for the weather. Joe could be replaced with a bronze version, perhaps funded by a "Friends of Joe" group who could spearhead a crowd-funding campaign to create a more durable version.

The combination of overlooks, public parking areas and beach access stairs could create a "string of pearls" along the beach.

###



*Joe the Sea Lion, with a friend at the Nelscott Beach Access*

# Appendix A: Resources

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Resources, opportunities, collaborators for development of public art in Lincoln City are deeper than anticipated, and this is very good news. Having professional management/advisors will also allow you to leverage resources in new ways, and organizations and developers will come to you for help with projects. State and national grants resources certainly exist, but be aware of the cost of grants development and management. Grants should be considered as only one piece of funding.

## Local Resources

1. City resources including:
  - .5% for art funds
  - Relationship with Lincoln City Cultural Center to provide key organizing, technical expertise, staffing, etc.
  - Parks are primed for partnership and have spaces, some funds, and interest to integrate public art.
  - Urban Renewal projects are ripe for public art. There are eight currently on the books for development soon.
  - City staff and Council people who are excited to see more and stronger public art in Lincoln City.
2. Confederated Tribes of Siletz Indians of Oregon as discussed throughout this report.
3. Lincoln City Visitor and Convention Bureau (funding, integration with all City visibility campaigns, etc.)
4. Other nonprofit organizations including
  - Sitka Center for Arts and Ecology
  - Oregon Coast Council for the Arts
  - Pacific Artists' Co-op Gallery
  - Oceana Family Literacy Center
  - North Lincoln County Historical Museum
  - Lincoln City Glass Center
  - Audubon Society of Lincoln City
5. Schools in Lincoln City
6. Oregon Coast Community College

7. Local watershed councils
8. Devils Lake Water Improvement District
9. Businesses including local studios, galleries, designers and fabricators
10. Private gardens, clubs, other plant resources

#### State Resources

1. Oregon Arts Commission – for technical assistance and small grants (Arts Build Communities)
2. Oregon Cultural Trust and Lincoln County Cultural Coalition – for grants
3. Regional Arts and Culture Council (<https://racc.org/public-art/search>) – for examples of public art policies, procedures, forms
4. Oregon Department of Transportation – mentioned as becoming more open to public art projects
5. Travel Oregon – technical assistance, grants

#### National Resources

- 1) National Endowment for the Arts – grants, best practices, resources
- 2) ArtPlace America – grants, best practices, resources including the National Creative Placemaking Fund
- 3) Americans for the Arts Public Art Network and Public Art Resource Center – examples of policies, procedures, best practices -- <https://www.americansforthearts.org/by-program/networks-and-councils/public-art-network/public-art-resource-center>
- 4) Wayfinding
  - Ashville, SC -- <http://merjedesign.com/projects/asheville/>
  - Hillsboro, OR -- <https://www.hillsboro-oregon.gov/our-city/our-projects/hillsboro-wayfinding-project>
  - Atlanta Beltline – <http://merjedesign.com/projects/atlanta-beltline/>

## Appendix B:

### People Participating in this Planning Process

Ed Dreistadt, Executive Director, Lincoln City Visitor and Convention Bureau  
Krista Eddy, Art Instructor and Staff, Lincoln City Cultural Center  
Carrie Hardison, Program Manager, Sitka Center for Art and Ecology  
Diana Hinton, City Council, City of Lincoln City  
Leslie Jordan, Executive Director, Sitka Center for Art and Ecology  
Keith Killian, Police Chief, City of Lincoln City  
Katia Kyte, Oil Painter  
Noah Lambie, Teacher, Taft High School  
Bud Lane, Tribal Council Vice-Chairman, Confederated Tribes of Siletz Indians  
Niki Price, Executive Director, Lincoln City Cultural Center  
Alison Robertson, Urban Renewal Director, City of Lincoln City  
Emily Rogers, Gallery Owner  
Jeanne Sprague, Director, Lincoln City Parks and Recreation  
Roxce Stavney, Lincoln City Public Arts Committee Member  
Larry Stevens, Lincoln City Public Arts Committee Member  
Richard Townsend, Director, City of Lincoln City Planning and Community Development  
Anne Williams, Owner, Alder House Glass

#### Youth in Taft High School art class

Ben Delhorno  
Izaha Karn  
Riley Clark  
Toni Raney

Kayci Klaaer  
Sydney Anderson  
Tora Vinter  
Shaa Bayya

Lydia Prins  
Melody Diggs  
Chris Lopez

#### Families at Oceana Family Literacy Center

Elizabeth Alcaraz  
Kenia Fonseca  
Vickie Meneses  
Juan Perez

Rafael Perez  
Kimberly Alcaraz  
Juan-Jose Lupercio  
Joshua Ruiz

Madeline Del Valle  
Eulalia Del Valle

## Appendix C: Professional Management

*The following is a recommendation from Bill Flood and Valerie Otani, the consultant team that led this Public Art Master Plan process in 2017/18. The Lincoln City Public Art Committee would like to acknowledge this statement, and include it with this plan as a guideline and recommendation for future growth of the public art program in our community:*

Strong public art programs are most often managed by staff with public art expertise and current knowledge of best practices in the field. While arts advocates may feel they can oversee a public art project, this path is risky. Professional management can:

- Identify a good location and build a realistic budget for the project;
- Create a call to artists that is appealing, informative, clear, and attracts highly qualified artists;
- Ensure that the artwork is well sited;
- Assess conservation, maintenance and safety issues prior to construction to minimize those problems and save future maintenance costs;
- Develop a clear and comprehensive contract to avoid future legal problems;
- Facilitate communication between the project partners and the artist to coordinate the work for best results and minimize extra efforts and costs to fix unanticipated problems; and,
- Provide an objective voice so that local artists can participate without any taint of favoritism.

A full or part-time dedicated public art manager is a good goal for Lincoln City. We recommend considering the following options.

1) Dedicate a percentage of project funds for management and select a professional public art consultant. Build the capacity of local staff (most likely within LCCC) by encouraging staff to “shadow” the consultant through management processes.

2) Work with all City departments (and LCCC) to consider integrating public art in order to pool resources and support a .5 staff position or contract dedicated to public art management. Partners and beneficiaries include LCCC, Parks, Urban Renewal, Planning, and Visitor and Convention Bureau.



CITY OF LINCOLN CITY

# PUBLIC ART GUIDELINES

*Note: These guidelines are a revision/update of Lincoln City Public Art Guidelines Rev 112006.*

- Section 1. Introduction
- Section 2. Arts Committee
- Section 3. Maintenance of Collection
- Section 4. Acquisition of Artwork
- Section 5. Percent for Art Program
- Section 6. Deaccessioning Works of Art
- Section 7. Donations and Memorials Policy
- Section 8. Loans From the Collection

## SECTION 1. INTRODUCTION

The art collection of Lincoln City represents a cultural, recreational and educational resource held in trust for the public. The art collection is significant to Lincoln City's quality of life and complements the City's mission of enhancing the lives of its citizens. The guidelines contained in this document define how the collection will be maintained and developed.

### 1.1 Definitions

"Accessioning:" Accepting title to a work of public art.

"Advisor:" A professional asked by the arts committee to provide advice on some aspect of a project.

"Architect/Engineer:" The person or firm designing the City's public works improvement Project ("City Project") to which the .5 % funding applies. Where the architect/engineer is a firm, the term "architect/engineer" means the principal of that firm in charge of designing the City Project to which the .5 % funding applies.

"Artist:" A practitioner in the arts, generally recognized by critics and peers as a professional of serious intent and recognized ability who produces works of art and is not a member of the City Project architect/engineer firm.

"Call For Artists" -- An open competition where any artist is invited to submit works of art or delineated proposals for consideration. Proposals are reviewed and an artist is selected for the project.

"Capital Improvement Program (CIP):" The City's program for advance planning of capital improvements.

"City Project:" Any major construction project as defined in Lincoln City Municipal Code Chapter 3.24.020.

"Consultant:" A paid professional in the arts field of regional, national or international status, selected by a selection committee or subcommittee to share his/her expertise.

"Deaccessioning:" Relinquishing title to a work of public art.

"Eligible Funds:" A source of funds for projects from which art is not precluded as an object of expenditure.

"Participating Department:" The City department chiefly responsible for a City Project subject to the Percent for Art Program.

"Percent for Art Program" - The Program established in Lincoln City Ordinance No. 2004-14 to set aside a percentage of the total cost of eligible City Projects for public art.

"Permanent Art Collection:" All works of art owned by the City of Lincoln City, either site specific or part of a portable collection that may rotate through public buildings.

"Pre-Qualified List:" A list of artists deemed appropriate for Percent for Art projects by satisfying criteria outlined by the Arts Committee. The list may be created and updated by the Arts Committee and may be used as a starting point for "invitation only" competitions, as well as a tool for generating ideas for a project.

"Public Art:" All forms of original works of visual art as defined in Lincoln City Municipal Code Chapter 3.24.020.

"Arts Committee:" The committee appointed to act as an advisory committee to the city council on the percent for art program including recommending criteria and procedures for selection of works of art to be acquired under the program and recommending specific works of art for acquisition based on those criteria and procedures. The arts committee develops policies and goals for the selection, placement and maintenance of works of art acquired through the percent for art program. The arts committee has approval authority within the artist selection process, evaluates and/or causes to be evaluated by others the art collection, recommends uses for Public Art Fund monies, considers projects by private developers and citizens which would result in a piece or pieces of public art, and responds to any other public art initiatives. The committee shall consist of seven (7) members.

"In Concept:" Proposed work of art.

"Public Art Fund:" A City account into which all Percent for Art monies shall be set aside. Monetary contributions for public art and proceeds from the deaccessioning of public art shall also be deposited in the Public Art Fund. Funds within the Public Art Fund will be utilized solely for the purposes of the Percent for Art program.

"Total cost:" The entire amount of the City's contribution towards the price for construction of a project. "Total Cost" does not include costs for design and engineering, administration, fees and permits, building demolition, relocation of tenants, contingency funds, change order costs, environmental testing or indirect costs, such as interest during construction, advertising and legal fees.

## SECTION 2. ARTS COMMITTEE

### 2.1 Role of the arts committee

The arts committee shall maintain a list of the public art collection, and review and recommend all proposed accessions to and deaccessions from the art collection of Lincoln City. Specific duties include:

1. Maintaining a current listing of all holdings in the public art collection, conduct an annual review, and see that necessary repairs are performed.
2. Developing a list of potential or desired sites for future accessions. For each site, the list shall specify the goals for, and conditions on, the type of art to be placed there.
3. Developing the collection by acquiring artwork through various means of acquisition. This may include using funds from the Percent for Art program or other city funds to purchase or

commission works of art, and accepting donations of art or funds to purchase art from individuals or organizations.

4. Removing works of art from the collection that do not meet the goals of the collection or are damaged beyond repair.
5. Recommending uses for Public Art Fund monies generated through the Percent for Art Program.
6. Considering projects by private developers and citizens that would result in a piece or pieces of public art, and responding to any other public art initiatives.

## 2.2 Membership

The arts committee is composed of seven qualified members appointed by the mayor with the consent of City Council, as provided in Lincoln City Municipal Code Chapter 2.64.

## 2.3 Meetings

The arts committee shall meet only when it has business to transact. Public notice shall be given in advance of all meetings. Meetings shall be conducted in accordance with the requirements of Oregon Public Meetings Law.

## 2.4 Conflict of Interest

During their tenure, members of the arts committee shall refrain from activities that represent a conflict of interest. A committee member must not participate in any committee action, decision or recommendation, the effect of which would be to the private pecuniary benefit or detriment of the member or the member's relative or any business with which the member or a relative of the member is associated.

Members of the arts committee, and consultants and appraisers that the committee may engage, shall have no financial interest in any work of art under consideration by the committee. A committee member's financial interest includes that of an artist spouse or family relative. No committee member shall have any financial interest in any art consultant or art appraisal firm engaged by the arts committee.

Any member of the arts committee must also declare a conflict of interest and refrain from participating in discussion or deliberation on a matter before the arts committee involving a person with whom he or she shares a household or whom he or she professionally represents.

No members of the Project architectural firm may submit art for the Project being designed by that firm.

During the time they serve on the arts committee, artists may not submit any work of art to the arts committee or City Council for consideration, with or without cost.

Oregon Revised Statutes Chapter 244, Government Standards and Procedures Act, applies to all arts committee members. Arts committee members shall be familiar with Oregon State Guidelines for Public Officials published by the Secretary of State's Office.

## SECTION 3. MAINTENANCE OF THE PUBLIC ART COLLECTION

### 3.1 Cataloguing the Collection

The arts committee shall ensure that there is a current listing of all holdings in the City of Lincoln City Public Art Collection, including all pertinent information such as title, artist, medium, accession date, placement and other information. In addition, the arts committee shall, where appropriate, create catalogs describing the collection and make them available to the public.

### 3.2 Periodic Review

The arts committee shall annually review all holdings in the art collection. This review will include an inventory of the collection, an examination of the condition of each piece to determine any restoration or preservation needs, and examination of the display or storage conditions of each piece. Periodically, the arts committee will estimate the value of each work for property insurance purposes and the City's inventory of fixed assets. In addition, the arts committee shall update the current list of all holdings in the art collection catalogue and submit the record to City staff.

### 3.3 Maintenance of Collection

The arts committee shall obtain the services of City staff or recommend a professional to perform the repairs, cleaning, labeling, or other services that may be necessary to maintain the public art collection.

Should repairs to outdoor sculpture be necessary, the arts committee shall notify the appropriate City staff member. The arts committee shall coordinate cleaning and repairs with the City's Parks and Recreation Department. Should the art require significant cleaning, maintenance or care beyond the capabilities of the City's Parks Department, the arts committee will make the necessary arrangements.

City departments shall notify the appropriate City staff member immediately if a work of art is either damaged or stolen, or if the participating department plans to move the art to another location or in any way disrupt the work of art.

The arts committee will refer any estimated expenditure for maintenance services to City Council prior to requesting staff to contract for such services.

### 3.4 Maintenance Instructions

When the City purchases a new work of art, the artist shall be required to submit a maintenance plan and instructions to be kept on file by the City's Parks and Recreation Department. These instructions shall outline cleaning methods and materials for the artwork as well as a timeline and plan for regular maintenance of the work. The instructions shall be kept on file with the City Parks and Recreation Department offices.



### 3.5 Placement of Works of Art

While it is the intent that site-specific works will remain in the site for which they were created, a piece may be moved if circumstances dictate. A reasonable effort shall be made to notify the artist in advance of the move.

## SECTION 4. ACQUISITION OF ART WORKS

### 4.1 Background

The arts committee shall have the responsibility for developing the City's art collection. The City of Lincoln City desires to expand the experience of its citizens through public art of the highest quality in concept and execution. Public art contributes to the quality of life in the City of Lincoln City, because citizens view and interact with it daily in public spaces. Public art instills concern for beauty and good design in public and private sectors by setting high aesthetic standards. Public art reflects and communicates the history, character and values of the community and thereby creates a sense of place.

### 4.2 Art Selection Criteria

The value of every work of art is in the eye, ear and soul of each individual viewing it. A single work of art can engender a wide range of responses in the population. Because of this, art selection is, in part, a subjective process. Members of the arts committee must, at all times, remember that they represent the public. On the other hand, the members of the committee are selected because they possess expertise in art. They should understand these issues and strive to maintain a balance in making recommendations on the selection of art works. Making selections without this balance can result in public art that is, on the one hand, bland or trite, or, on the other hand, too esoteric to be appreciated by any but art connoisseurs.

The following sections define criteria, both mandatory and desired, to be considered during the accession process.

## REQUIRED CONDITIONS

All pieces of art selected for inclusion in the collection of the City of Lincoln City must meet all of the following criteria.

### A. Clear Title

The artwork must be able to be transferred to the City of Lincoln City with clear title. Purchased art shall be by a formal bill of sale from the owner(s) or artist(s). Contributed art must be accompanied by an appropriate deed of gift. Any contingent change must be submitted in writing during bid and/or proposal process.

### B. Without Restrictions

Artwork accessioned by the City of Lincoln City must not have attendant restrictions. The City will attempt to acknowledge artists and donors in the display of artwork, but shall be under no obligation to do so.

### C. Reflects Community Values

While recognizing the First Amendment freedom of artists to express themselves in any way they choose, the City of Lincoln City reserves the right to not select pieces if they do not reflect the values of the community.

This does not mean a piece should be rejected simply because it might be controversial. One of the purposes of art is to show people a new way of looking at their environment, or to share an artist's singular iconoclastic vision. Art can legitimately be intrusive, abrasive or unpopular. Failure to recognize this purpose for art can lead to an art collection that is simply "pretty" or "nice" without being ennobling or educational.

### D. Original Works and Authentication

Only original works of art shall be accessioned for the collection. Fakes, unauthorized copies, or reproductions are not acceptable. In cases where the authenticity of a work of art could reasonably be questioned, the work must be authenticated before accession.

### E. Suitability

All art works must be suitable for display in a public setting. Sculpture must be able to be secured to prevent accidents. Works executed in fragile media must be able to be protected while displayed.

### F. Maintenance and Security

The City of Lincoln City can only accept artwork that the arts committee and the City staff believe can, within the financial confines of the foreseeable future, be adequately and safely displayed, maintained and reasonably secured.

## DESIRED ATTRIBUTES

The criteria listed below describe the desired attributes of all art in the collection. Selected works should meet most, if not all, of these attributes to a high degree.

### A. Artistic Excellence

Art selected for the collection should represent the skill and competence of the originator, and should be an example of artistic excellence. The definition of artistic excellence changes over time, but the collection should always be representative of the best examples available.

### B. Variety of Media, Styles and Techniques

Within the guidelines above for suitability of form for a public setting, art selected for the collection should broaden the range of media and techniques represented in the collection.

### C. Represents Artists of Varying Acclaim

Some art collections strive for excellence by selecting only works from recognized "name" artists. The collection of the City of Lincoln City should strive to represent works from a wide range of artists of varied public status. Art should be chosen solely on the basis of its intrinsic merit. A

piece from a well-known artist should not be presumed to have more artistic merit than a piece from a relatively unknown artist.

#### D. Value

Because an aspect of the value of an artwork is the response of each individual to that art, value is difficult to assign. However, the price of any proposed piece of art should represent a responsible investment for the City collection.

When a work of art has a price of more than \$5000, the arts committee will make a recommendation to City Council to consult with an art consulting or appraisal firm to authenticate and verify the market value of the piece.

#### E. Selected for Specific Site

Major art works should be selected as part of a process that takes into account the final display site, and addresses how well the work fits an intended space and the environment considering the size and environmental harmony of a work and how well it fits into the use patterns of the area in which it will be placed.

### 4.3 Methods of Accession

There are several ways that a work of art may be accessioned. The selection criteria listed in Section 4.2 apply to all works, regardless of the particular accession method used to bring a work of art into the City collection.

When funds become available to accession art, the arts committee may use one of three processes: open competition, artist invitation and direct purchase. In addition, artwork may be added to the collection through a direct contribution of art or funds to purchase or commission a work of art. The arts committee shall determine the choice of accession method with final approval by the City Council

#### 1. Open Competition

In open competition, any artist is invited to submit works or delineated proposals for consideration. A Call For Artists is advertised within a designated region (local, regional, national, etc.) inviting all artists within the region to submit a proposal. The competition may be held for a single piece, a single site, or a number of sites or pieces. The arts committee evaluates the contender and selects the piece or proposal that best fits the criteria and the needs of the site(s).

The arts committee may decide that no entry fits the criteria or is suitable. For competitions held to populate several sites, this means that one or more sites may go unfilled. The arts committee may choose to leave the site unfilled, and add that site to the list of sites for potential future accessions.

#### 2. Direct Purchase

The arts committee may choose to purchase a piece of existing art from a gallery or dealer, from a private individual, or from the artist directly.

### 3. Artist Invitation

The arts committee may choose to invite one or more artists to submit proposals to create a piece for a specific site. The committee should work closely with the selected artist from the beginning of the project, making clear the criteria in the policy. The artist should be asked to submit proposal sketches or models for approval before beginning the final work, with opportunities to periodically view the work during different stages of completion to insure the criteria are being met.

### 4. Donations

At times civic-minded citizens may wish to contribute to the art collection. They may do so by directly contributing funds to purchase a work of art, commissioning a work of art and then donating it to the City, and directly contributing a piece of art to the collection. Section 7, Donations and Memorials, explains how donations are reviewed and accepted.

#### 4.4 Process for Accessioning Artwork

The arts committee shall oversee the development of goals and a process for the selection, placement and maintenance of works of art.

After the City Council notifies the arts committee of the Council's intent to initiate a public art project, the arts committee shall define the parameters of the services and purchase. In doing so, the arts committee shall confirm the available budget, identify a site for the work(s) of art, identify the goals of the project, and form a selection committee, if appropriate, to choose the artist and/or artwork, and determine the most appropriate accession method in each circumstance, depending upon the project-funding source.

The arts committee shall also determine whether the project falls within the scope of the Percent for Art Program. If it does, the specific guidelines contained in Section 5, Percent for Art Program, must be followed.

In initiating any public art project, the arts committee shall:

1. Identify the funding source and determine whether or not the project falls under the Percent for Art Program. If so, the committee shall follow the process outlined in Section 5, Percent for Art Program.
2. Obtain approval of acquisition method and selection process from the City Council as provided in Lincoln City Municipal Code Chapter 2.64.060.
3. Confirm the total project budget available for purchase of services and/or artwork, including installation costs.
4. Identify a site for the final location of art or the project where an artist may be included on the design team, as explained below. If the arts committee is considering a site in the public right of way, all appropriate City departments must be consulted through the staff liaison before the site is finalized. Likewise if any elements of the project fall under the jurisdiction of another department, that department must be consulted early in the selection process.

5. Identify the goals for the art project, which shall include whether the project warrants including an artist on the design team or whether a purchase or commission of art is more appropriate. The committee shall also establish at what stage of the project the artist will become involved in the process and shall coordinate funding accordingly (refer to Section 5.8, Dedication of Funds, as a guideline for art outside of the Percent for Art program).

A. Design Team Options

1. Hiring an artist to collaborate with the project architect only during the early planning phases of the project as a consultant.
2. Hiring an artist to collaborate with the project architect during the early planning stages and to make artworks with project materials. The artwork shall be incorporated into the design of the project and shall fall within the project's materials budget. The contractor shall be responsible for fabrication, and the artist shall provide oversight during fabrication and installation.
3. Hiring an artist to collaborate with the project architect early in design phase, and giving the artist a budget to create independent artworks that the artist will later place at a predetermined location(s) at the project site.
4. Hiring an artist to collaborate with the project architect early in the design, and then allowing the artist to apply, along with other artists, for design and construction of art for the project as part of an open competition.

B. Direct Purchase or Commission

Decide whether to purchase an existing work of art or commission a work of art.

C. Donations

Decide whether or not to accept a donation of art.

6. Determine which acquisition method, according to Section 5.3 Methods of Accession, is most appropriate based upon the project goals.
7. Establish a selection process that addresses the project goals and determine membership on an artist/art selection committee. The committee shall keep in mind the City's goals of maintaining artistic integrity and encouraging public involvement, as needed, in each selection process. The arts committee shall function as the selection committee in cases where non-restricted funding is available.
8. Select an artist, purchase art purchase, or commission a work through a majority vote of the arts committee.

#### 4.5 Artist Selection Criteria

Artists will be selected on the basis of qualifications as demonstrated by past work and the appropriateness of their proposals to the particular project, and its probability of successful completion as determined by the arts committee. In selecting artists and works of art, the arts committee shall select those artists and works of art of the highest aesthetic quality, and those that fulfill the purpose of the City's art selection criteria as set forth in Section 4.2. In all cases,



consideration will be given to materials, construction, durability (long or short term, depending on the intended life of the work), maintenance, public access and safety.

The arts committee may choose to utilize a "Pre-Qualified list" of public artists in lieu of open competition in order to simplify the selection process.

#### 4.6 Artist Contracts

Upon approval of the City Council at the recommendation of the arts committee, the City will enter into a professional services agreement for the performance of artist services for the City, such as participating on a design team or selling or creating a work of art. The contract should define the scope of work for artist services and payment procedure for the purchase or commission of a work of art. The contract shall require the artist to be responsible for:

- A. Producing a work of art for a guaranteed maximum cost, including all installation costs, and the names of persons to perform the installation.
- B. Maintaining public liability and property damage insurance as well as workers' compensation insurance as required by law. If the artist does not routinely carry this insurance in the amount specified by the contract, the artist should include a fee for one-time purchase of coverage in the artist's proposal.

3. Submitting the following items before the City authorizes final payment:

- A. A completed catalogue form that describes the work of art (materials, size, weight, artist biography, address, contact information).
- B. Six or fewer digital photos of the completed work of art. Submission photos may be in the following formats; bmp, jpg, jpeg, gif, png, avi, mpg, mpeg, wmv, mov, swf, mp4 or as otherwise requested by the City.
- C. A public art conservation and maintenance program giving detailed instructions for cleaning and maintaining the art work. The report will include, but not be limited to, frequency of cleaning, method and materials used, and any other recommendations for maintaining artwork. The report shall also provide a detailed description of all materials and processes used to fabricate the art work, along with the names and addresses of material suppliers, fabricators, and installers of the art work.

## SECTION 5. PERCENT FOR ART PROGRAM

### 5.1 Background

Lincoln City established the Percent for Art Program now codified at Lincoln City Municipal Code Chapter 2.64.

## 5.2 Program Goals

Art acquired through the Percent for Art Program should meet the criteria and desired goals listed in Section 4.2, *Art Selection Criteria*. In addition, it is the program's intent to:

1. Encourage early collaboration between artists and architects.
2. Ensure that City departments, commissions, and advisory boards play an active role in the selection of art purchased through the Percent for Art Program.
3. Preserve and maintain art works, objects and artifacts displayed through City capital improvement projects.

## 5.3 Qualifying Projects

Lincoln City Municipal Code Section 3.24.020 defines the capital improvement projects eligible for the Percent for Art Program. Generally, if funding is not legally restricted for particular uses, the city will set aside one-half of one percent (.5%) of the total cost of a qualifying Project for purchasing and maintaining public art.

Following the adoption of the Capital Improvement Program (CIP) by the City Council, each department with qualifying capital projects shall produce a summary sheet of Projects that qualify for funding under the Percent for Art Program. The summary sheet shall include the Project name and approximate dollar amount available for arts funding. The actual dollar amount shall be confirmed by staff from the participating department upon encumbering funds for construction of the project and shall be reported to the City Manager.

## 5.4 Application of Percent for Art Funds: Inclusions

Funds may be spent for the following:

### PURCHASE OF ART

Eligible city projects shall be used for costs associated with the acquisition of public art, including, but not limited to, the design, purchase and siting of public art. Such funds may be expended as follows:

1. Artist's fee for participating on a design team with the Project architect.
2. The work of art itself, including but not limited to:
  - a. Artist's design fee and operating costs.
  - b. Costs of any required public permits related to the completion of the art work including but not limited to building permits and permits from the Oregon Department of Transportation.
  - c. Purchase of labor and materials required for production of work of art.
  - d. Reimbursement of travel expenses directly related to the Project.

e. Costs of transporting the work to the site and installation costs.

3. Purchase of frames, mats, mounting, anchorages, containments, pedestals, or materials necessary for the installation, location, or security of the work of art.

4. Production of digital documentation of the work in progress as well as the required six or less digital representations of the completed work. Submission photos may be in the following formats; bmp, jpg, jpeg, gif, tiff, pug, avi, mpg, mpeg, wmv, mov, swf, mp4.

5. Cost of insurance as required by the artist's contract.

## MAINTENANCE AND ADMINISTRATION

Funds from qualifying City projects shall be used for costs associated with administration of the City's public art collection, including, but not limited to costs of selection, conservation and maintenance of the collection, and deaccessioning and registration of public art. Funds may be spent for:

1. The selection process, excluding the cost of producing a prospectus.

2. Community education related to the project.

3. Registration of Public Art.

4. Maintenance of Public Art.

5. Dedications and publicity.

6. Services and expenses of special advisors or consultants to the arts committee.

### 5.5 Application of Percent for Art Funds: Exclusions

Percent for Art funds may not be spent for:

1. Reproductions, by mechanical or other means, of original works of art.

2. Decorative, ornamental, or functional elements that are designed by the architect or consultants engaged by the architect, or elements generally considered to be components of a landscape architectural design, designed by a landscape architect as opposed to an artist commissioned for this purpose.

3. "Art objects" which are mass-produced of standard design, such as playground sculpture or fountains.

4. Directional or other functional elements, such as super graphics, signs, color-coding, maps, etc. except where a recognized artist is generating the work.

5. Fee of an architect, engineer, construction manager, or similar professional working on a Project.

### 5.6 Dedication of Funds

When municipal funds are encumbered for the construction portion of the Project, the participating department will be responsible for reimbursing the Public Art Fund to the extent possible with eligible monies obtained from the construction budget.

Public Art Funds shall be deposited in separate accounts within the city if separate accounting is requested by the City Manager or required by law.

Monetary contributions made other than through the Percent for Art Program shall be deposited in the Public Art Fund and may be dedicated for a specific program or work of art, subject to acceptance by the City Council.

### 5.7 Disbursement of Funds

Disbursement of funds from the Public Art Fund shall be made only after approval by the City Council. Disbursements shall be made according to Lincoln City Municipal Code and these guidelines.

The city's Finance Department shall prepare annual financial reports to the participating departments and the City Council on the disbursement of money from the Public Art Fund.

All payments to an artist shall be made according to the payment procedure outlined in the contractual agreement with the artist.

### 5.8 Artist Contract

The City of Lincoln City shall enter into a contractual agreement with an artist for any artist services in accordance with Section 4.6, Artist Contracts.

### 5.9 Arts Committee Procedures and Responsibility

The process for initiating and completing a Percent for Art project is similar to projects funded with other funding sources. The arts committee shall oversee the process by defining the parameters and implementing a selection process as listed in Section 4.4, Process for Accessioning Artwork. Requirements specific to the Percent for Art process are outlined below.

Upon notification that the City Council would like to initiate Percent for Art project, the arts committee shall:

1. Confirm the available budget and timing of funds availability for the Percent for Art. Availability of funds will dictate when projects can be initiated.
2. Identify a site for the work(s) of art.
3. Identify the goals of the project, including those goals outlined by the participating department and any artist's prerequisites. The committee must also establish a) whether the project warrants including an artist on the design team or whether a purchase or commission of art is more appropriate, and b) at what stage of the project the artist will become involved in the process and

coordinate funding accordingly. If it is decided that an artist should be involved from the conceptual stages of the project, the procedure described in Section 5.6, Dedication of Funds, shall be used.

#### 5.10 Artist Selection Criteria

The criteria used in evaluating and choosing artists for Percent for Art Projects is outlined in Section 4.5, Artist Selection Criteria.

#### 5.11 Approval Process

The following approvals are required in administering the Percent for Art Program:

Stage 1 - The City Council, must approve of the arts committee's initial project parameters, including budget, site, project goals, and selection committee membership before any further steps may be taken.

Stage 2 - The arts committee must approve of the final art work and/or services upon completion of the artwork or services rendered, prior to final payment to the artist. Once accepted, the art work is accessioned into the public art collection.

### SECTION 6. DEACCESSIONING WORKS OF ART

#### 6.1 Background

The decision to remove a work from the collection is as important as the original decision to accession the work. The world of art is constantly growing, and something that was revolutionary or revealing in the past may become trite or too well explored.

On the other hand, the world of art is also affected by fashion. The arts committee must be aware of the distinction between "out of date" and "out of style". The deaccession process should not result in the loss of classic work, even if it represents an earlier period.

Deaccession of pieces from the collection shall be based principally on issues of artistic merit or if the art work has been irreparably damaged. No piece from the art collection shall be sold primarily for monetary gain with the intention to use the funds for purposes other than art collection.

#### 6.2 Deaccession Policy

Deaccessioning is a procedure for the withdrawal of an artwork from the public collection. Deaccessioning should be considered only after ten years have elapsed from the date of installation of permanent works and acceptance in the case of portable works or under special circumstances (e.g., the piece has been damaged beyond repair). Deaccessioning will be considered only after a careful and impartial evaluation of the artwork within the context of the collection as a whole. At the beginning of the process, the arts committee will make reasonable effort to notify any living artist whose work is being considered for deaccessioning.

#### 6.3 Eligible Artworks

All art works owned by the City of Lincoln City, whether acquired through the Percent for Art Program, donation, or any other method, are eligible for deaccessioning. In the case of donated



artworks, all legal documents relating to the donation will be reviewed prior to beginning the process.

## 6.4 Deaccession Process

### 1. Deaccession Committee

Members of the arts committee shall serve as the deaccession committee along with an art appraiser or consultant if necessary. If the value of the artwork is estimated at less than \$5,000, the arts committee may informally appraise the artwork. However, if the value of the piece is in doubt, the arts committee shall secure the services of an appraiser or consultant.

### 2. Deaccession Criteria

The arts committee may consider the deaccessioning of artwork for one or more of the following reasons:

- A work is not, or is only rarely, on display because of lack of a suitable site.
- The condition or security of the artwork cannot be reasonably guaranteed.
- The artwork has been damaged or has deteriorated and repair is impractical or unfeasible.
- The artwork endangers public safety.
- In the case of site-specific artwork, the artwork is destroyed by circumstances severely altering its relationship to the site.
- The artwork has been determined to be significantly incompatible or inferior in the context of the collection.
- The City wishes to replace the artwork with work of more significance by the same artist.
- The artwork requires excessive maintenance or has faults of design or workmanship.
- There has been sustained and overwhelming public objection to the artwork.

### 3. Deaccession Procedure

A. The arts committee shall determine whether an artwork meets one of the criteria listed in Section 6.4.2.

B. A representative from the appointed arts committee shall submit a draft deaccession report to the City Manager which includes any advice of the City Attorney on restrictions that may apply to the specific work. The arts committee shall review the final report. The arts committee may seek additional information regarding the work from the artists, art galleries, curators, appraisers or other professionals prior to making a recommendation to the City Council.

C. The arts committee shall send its report along with a recommendation for action to the City Council for review and approval.

D. Upon approval of its recommendation, the arts committee shall consider the following actions:

## 1. Sale or trade

- a. Artist will be given first option to purchase or trade artwork.
- b. Sale may be through auction, gallery resale or direct bidding by individuals, in compliance with City law and policies governing surplus property.
- c. Trade may be through artist, gallery, museum or other institutions for one or more artwork(s) of comparable value by the same artist.
- d. No works of art shall be sold or traded to members or staff of the City, consistent with the conflict of interest policies in these guidelines and other applicable city policies or state law.
- e. Proceeds from the sale of a work of art shall be returned to the Public Art Fund departmental account. Funds from the sale of gifts shall go into the Public Art Fund for future artworks projects. Any pre-existing contractual agreements with the artist regarding resale shall be honored.

## 2. Donation

If the arts committee is unable to sell or trade the artwork in a manner outlined above, the work may be donated to a non-profit organization or otherwise disposed of as directed by the City Council.

## 3. Destruction

Work deteriorated or damaged beyond repair and deemed to be of negligible value may be destroyed.

# SECTION 7. PUBLIC ART DONATIONS AND MEMORIALS POLICY

## 7.1 Background

In addition to City financial support, the public art collection may grow through the generous gifts of private citizens. A consistent and fair process for considering public art gifts and memorials shall be followed.

The art selection criteria listed in Section 4.2 and 7.2 will be applied when considering public art gifts.

Anyone wishing to sponsor a gift of artwork to the City should contact the arts committee at the earliest possible time for a consultation on the review and acceptance process for accession of donated artworks. The arts committee will review potential donations and make a recommendation to the City Council.

If the proposed gift is to be a memorial and the site requested is in a park, the proposal must be submitted to the Parks and Recreation Department for its review and approval.'

## 7.2 Gifts

Donations of art works may include the following:

## 1. Existing Works of Art

Portable: works of a scale appropriate for rotation through public spaces belonging to the City of Lincoln City. The specific placement of portable works may not be stipulated as a condition of the gift.

Non-Portable: works of a scale larger than would be appropriate for the portable collection and would require a semi-permanent or permanent site.

## 2. Commissioned Works of Art

Works of art that are commissioned gifts to the City and which usually require a specific site.

### 7.3 Review Criteria

The following criteria apply to the review of potential gifts of public art:

#### 1. Artistic Excellence

Accepted works of art shall be of exceptional quality and enduring value as judged by the arts committee.

#### 2. Appropriateness to the City's Public Art Collection

Proposed gifts will be reviewed in relationship to existing goals for the public art collection, such as diversity of media, artists represented, styles, and geographic representation.

#### 3. Appropriateness to Site

Relationship of the artwork to the site shall be considered in respect to its social, cultural, historical and physical context.

#### 4. Maintenance Provisions

Maintenance concerns are a primary consideration. Adequate provision must be made for future needs. Donors must provide the arts committee with detailed maintenance instructions for the work(s) of art, copies of which shall be forwarded to city staff. Funds for future maintenance shall be deposited into the Public Art Fund.

#### 5. Adherence to Existing Master Plans

All works of art should comply with the master plans of existing jurisdictions including but not limited to the Lincoln City Parks and Recreation Department and the Lincoln City Urban Renewal Agency. The arts committee will help City staff review any proposed gift for compliance with existing master plans.

### 7.4 Review Process for Gifts of Existing Works

#### 1. Initial Contact

Sponsor should send digital photographs of work(s) of art to City with written materials, including name of the artist, artist biography or resume, the art medium, its size, date of execution and estimated value of the piece. This material shall be forwarded to the arts

committee for a recommendation. Submission photos may be in the following formats; bmp, jpg, jpeg, gif, tiff, png, avi, mpg, mpeg, wmv, mov, swf, mp4, or as provided by the committee.

## 2. Review by Arts committee

The arts committee will review the photographs and if it wants to consider the gift further, will ask to see the actual work of art. If the arts committee recommends acceptance of the work of art, it will also make a recommendation for future maintenance provisions.

## 3. Installation Readiness

In order to receive final acceptance, works of art should be professionally appraised and ready for installation. Two-dimensional works must be archivally framed and three-dimensional works must have a pedestal or appropriate hanging or mounting apparatus.

## 4. Acceptance

The City Council will review the recommendation of the Arts committee and determine whether to accept or deny the proposed donation and its installation and maintenance provisions.

# 7.5 Review Process for Gifts of Commissioned Works of Art

## 1. Initial Consultation

City staff will meet with the sponsor to discuss the commission. If no artist has been selected, staff will advise the sponsor about artist selection options, such as the use of an artist selection committee or an art consultant. The art consultant and advisory committees can provide expert assistance on selection procedures, technical and budgetary concerns and on the uses, appropriateness, quality and variety of art options.

## 2. Selection Process

Commissioned works must go through a two-phased process: first "in concept" and second when the design has been decided. Sponsors of gifts are requested not to select specific designs prior to approval in concept. If a site has been recommended and is under the jurisdiction of any other City department, such as the Parks and Recreation Department, that department must be contacted at the staff and that department will also review the project.

## 3. Review in concept

The sponsor must submit a written proposal to the City Council including the process for selection of an artist(s) and the general concept behind the project. The arts committee will review the proposal and make a recommendation for acceptance or denial or other recommendation.

## 4. Review of design by arts committee

If the project is approved in concept the sponsor will proceed to select an artist(s) as outlined above. When a site and a specific design have been chosen, a model and/or scale drawings of the

design along with a description of maintenance provisions must be presented to the arts committee, who will review the materials and make a recommendation to the City Council.

#### 5. Review of Design by City Council

A. The City Council will review the recommendation of the arts committee, and approve or deny the design of the work of art and the provisions for future maintenance.

B. If, in the development and execution of the project, the concept or aesthetic of the work is substantially changed, the concept and design must be re- approved before the work will be considered for final acceptance.

#### 6. Review and Final Acceptance of Completed Work

Both the arts committee and the City Council will review the completed work of art and determine whether to accept the art work.

#### 7.6 Bequests for Commissioning a Work of Art

Bequests for commissioning a work of art should comply with the process outlined above and shall include financial provisions for the administration of the commission as well as the future maintenance of the work of art as determined by the arts committee and the City Council.

#### 7.7 Bequests to the Public Art Fund

Bequests to the Public Art Fund may vary in scope from general gifts of unspecified use to gifts of a specified scope. For example, the sponsor could stipulate that the bequest be used to purchase portable works by Native American artists.

### SECTION 8. LOANS FROM THE COLLECTION

When loans are made from the collection, it is the responsibility of the borrowing gallery or institution to cover all expenses of packing, shipping and insurance. The borrowing gallery or institution shall submit proof of insurance coverage for the value of the piece to the City.

### End ###