Public Arts Commission

The Public Arts Commission will be held at 5:00 PM on July 24, 2018 at Memorial City Hall
24 South Street
Auburn, NY 13021
Room 313.

Accommodations: Requests for accommodations for individuals with disabilities may be made with prior notice of at least three work days in advance of the meeting by calling (315) 255-4100 or e-mailing disabilityaccess@auburnny.gov. As much advance notice as possible is needed to assure that appropriate services can be acquired.

AGENDA

1. APPROVAL OF MEETING MINUTES

2. PUBLIC ART APPLICATIONS

3. OTHER BUSINESS

   3.a. Review of Public Arts Ordinance and Organizational Discussion

       Final Adopted Public Arts Ordinance.pdf

   3.b. Public Art Plan

       Auburn Public Art Mini Plan.pdf

4. ADJOURN
COUNCIL MEMORANDUM

Memorial City Hall
24 South Street
Auburn, New York 13021

TO: Honorable Mayor and Members of Public Arts Commission

FROM: Jenny Haines, Office of Planning and Economic Development

DATE: July 24, 2018

RE: Review of Public Arts Ordinance and Organizational Discussion

Background
The Public Arts Ordinance was adopted by the City Council on December 21, 2017. The Ordinance outlines General Provisions, including Intent and Purpose and Definitions; Procedure, including Design Criteria and Approval Process; Establishment of the Public Art Commission; Standard of Review, including Public Art Guidelines/Regulations and Siting, Installation and Maintenance; Appeals Process; and De-Accession Policy and Procedure. Staff will review the Public Arts Ordinance with the Public Arts Commission.

In addition, the Commission will establish its Officers and regular meetings.

Recommendation

Fiscal Impact
There is no impact to the City General Fund for the Commission's review of the Public Arts Ordinance.
ORDINANCE #5 OF 2017
ADOPTING A NEW CHAPTER TO THE AUBURN CITY CODE,
CHAPTER 232 ENTITLED “PUBLIC ARTS”

By Councilor McCormick December 21, 2017

WHEREAS, the City Code of the City of Auburn currently does not include language regarding the installation of public art; and

WHEREAS, in light of the renaissance that the City of Auburn is experiencing, especially in its Downtown area, a regulatory framework is needed to establish a public art program; and

WHEREAS, City staff has worked with Bergmann Associates and a Public Arts Subcommittee to develop a public arts ordinance; and

WHEREAS, City staff now recommends adoption of this public art ordinance, which will be added to the City Code as Chapter 232, entitled “Public Arts,” and is attached and incorporated herein.

NOW, THEREFORE, BE IT ORDAINED that the Auburn City Council does hereby adopt Chapter 232, “Public Arts” to become a permanent chapter of the City of Auburn Code; and

BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately.

Seconded by Councilor Carabajal

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State of New York
County of Cayuga

I, Charles Mason, Clerk of the City of Auburn, Cayuga County, New York (the “City”), do hereby certify:

That I have compared the annexed abstract of the minutes of the meeting of the Council of the City (the “Council”), held on the 7th day of December, 2017, including Ordinance #5 of 2017 contained therein, with the original thereof on file in my office, and the attached is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

In witness whereof, I have hereunto set my hand and affixed the seal of the City this 22nd day of December, 2017.

Charles Mason, Clerk
City of Auburn, Cayuga County, New York
CHAPTER 232: PUBLIC ARTS

ARTICLE I: GENERAL PROVISIONS

§ 232-1 Title
This Chapter shall be known as “Public Arts.”

§ 232-2 Intent and Purpose
The purpose of this Chapter is to facilitate and encourage Public Art in the City of Auburn by creating a streamlined application and review process, and guidelines for siting, installation and maintenance of public art.

The provisions of this Ordinance are applicable to public art that is installed on publicly owned land within the City of Auburn including, but not limited to, city parks, streets and sidewalks within the public right-of-way, and any city-owned property. Murals on private property shall be regulated by Chapter 305, Article V, Signs.

§ 232-3 Definitions

ABANDONED PUBLIC ART
Public art that is not removed from the site by the owner or artist within 60 days of the stated agreement, or upon written notification from the City. The City is authorized to dispose of any abandoned public art pieces that have been stored by the City.

ARTIST
A practicing fine artist, generally recognized by critics and peers as a professional of serious intent and ability. Indications of a person’s status as a professional artist include, but are not limited to, income realized through the sole commission of artwork, frequent or consistent art exhibitions, placement of artwork in public institutions, receipt of honors and awards, and training in the arts.

ARTWORK
See Public Art.

DE-ACCESSION
The formal process used to permanently remove an artwork owned by the City from the public art collection, usually through sale or exchange or any other transaction by which title of the outgoing artwork is transferred from the City to an individual, institution, agency, gallery, vendor or dealer. Under certain conditions, it may also include disposal by intentional destruction.

DEED OF GIFT
A formal, legal agreement that transfers ownership of and legal rights in the property to be donated.
DONATION
A charitable contribution to the City, during lifetime or testamentary transfer, whether whole or fractional interest, including, but not limited to, cash and cash equivalents, real property, personal tangible property, publicly traded equity and debt securities, closely held securities, restricted securities, life insurance policies, intellectual property, artifacts and/or artworks which would contribute to the City’s goals and priorities outlined in the Public Art Plan.

EXTRAORDINARY ARTWORK MAINTENANCE
Any non-routine repair, restoration or conservation to the sound condition of artworks that requires specialized services.

MURAL
A hand-painted, hand-tiled, or digitally printed image which is on the exterior wall of a building located on public or private property and is visible from a city park, sidewalk, street or other right-of-way. Murals on private property are regulated by Chapter 305, Article V, Signs.

PERMANENT ARTWORK
Artwork exhibited with the expectation of indefinite duration.

PUBLIC ART
Refers to all forms of visual art that are located within the City right-of-way or on public land within the City of Auburn. Murals and artwork on private property are not regulated by this Chapter.

The aforesaid forms of visual art include, but are not limited to, the following mediums:

1. Paintings of all media including both portable and permanently affixed works such as frescoes and murals;

2. A sculpture of any form and in any material or combination of materials, including but not limited to, statues, monuments, fountains, arches, reliefs, mobiles, kinetic, electronic and neon sculptures.

3. Other Public Art shall include inscriptions, stained glass, fiber works, carvings, mosaics, photographs, drawings, collages, textile works, prints and crafts, both decorative and utilitarian, in any medium including, but not limited to, clay, fiber, wood, metal, glass, stone, plastic and other materials; and

4. Artist-designed landscapes and earthworks, including the artistic placement of natural materials or other functional art objects.

PUBLIC ART COMMISSION
The regulating entity appointed by the City Council to establish policy and procedures to administer the Public Art Plan and program.
PUBLIC ART PLAN
A comprehensive guidebook for Public Art in the City which is intended to be the major tool by which the Public Art Commission achieves its mission. The Public Art Plan is a working document that will assist the Public Art Commission, City Common Council and other public bodies in planning and funding for art-related projects, identifying key sites for Public Art, and will provide Artists guidance when responding to proposals and projects.

PUBLIC ART PROGRAM
All responsibilities and activities of the Public Art Commission in accordance with this Ordinance (Ordinance #5 of 2017 adopted December 21, 2017).

PUBLIC PROPERTY
All spaces owned by the City of Auburn, indoor or outdoor, that are accessible and visible to the general public.

REQUEST FOR PROPOSAL (RFP)
A process in which Artists are asked to submit a detailed proposal for a specific site or project.

ROUTINE MAINTENANCE
Regular routine inspection and care of artwork, such as cleaning and applying protective surface coatings. A trained technician, City employee or 3rd party contracted by the City trained to provide such services will carry out any required maintenance procedures.

TEMPORARY ARTWORK
Artwork exhibited for a limited duration.

ARTICLE II: PROCEDURE

§ 232-4 Design Criteria

There are no absolute criteria for acceptable Public Art, except for general tenets which include:

A. Artistic merit and quality as evidenced by an artist’s past history of exhibitions or sales, awards or other recognition, or an outstanding first work; as well as the inherent quality in terms of timelessness, vision, design, aesthetics, and excellence.

B. Intentionality of the Artist concerning the meaning and proposed or desired effect of the work as public art upon the viewing public.

C. Local significance and site-specificity by creating a sense of excitement on public property and presenting fresh ways of seeing the community and City while also recognizing the historic and environmental context of the site.

D. Representation of a variety of styles and tastes in the collection by acknowledging existing works in the Public Art collection, striving for cultural diversity of style, scale, and media, and representing the eclectic tastes of the community.
E. **Unrestricted public viewing**, primarily the opportunity for public access, but also suitability for public participation, social and political attitudes, and functional considerations.

F. **Safety and durability** including the ability and structural integrity of the Artwork to withstand weather conditions, minimize the possibility of injury, and protect against theft and vandalism.

G. **Installation and maintenance of work** from practicality of fabrication and transport, to installation and long-term maintenance and associated costs.

H. **Compatibility with established patterns of use at the site** by situating Artwork such that it is accessible, visible, and appropriately scaled to the site, and such that it does not seriously disrupt the flow of pedestrian or vehicular traffic or adversely alter the environmental conditions of the selected site.

§ 232-5 Approval Process

A. Prior to the installation of any Artwork, a complete Public Art application must be submitted electronically to the City Manager’s Office, including all requirements as detailed in Section 5. B. Application.

B. Application Requirements.

1. Project description, including purpose, Artist’s rationale and/or intention for the proposed work; history and provenance of the Artwork; relationship of the project to other community interests and activities; as well as potential materials and media.

2. Illustrative and/or construction drawings of the proposed work. A scale model of the proposed work is strongly recommended (if applicable).

3. For 3D Artwork, scaled site plan and color images of the proposed installation location and its context.

4. Scaled illustrative drawings or model showing the Artwork in relation to the proposed site.

5. Description of short- and long-term maintenance requirements and costs. For temporary installations, a general liability insurance certificate listing the City of Auburn as additionally insured with at least $1 million of general liability coverage must be included.

6. Artist resumé, annotated exhibition list, and digital images of other works.

7. Project timeline, including (as applicable) fabrication, delivery, installation, maintenance schedule, and removal.
8. Project budget, including both committed and anticipated funding sources.

9. General letters of support. Applicants are encouraged to include letters of support, particularly from neighborhood groups. For Murals on non-residential private property, a letter of support from the private property owner is required.

C. Review Procedures.

1. Within 30 days of receipt of an application, the City Manager’s Office shall review the application for completeness.

   a. Shall the application be deemed incomplete, the City Manager’s Office shall provide the applicant with written notification and a detailed description of the determination.

   b. If the proposed application is not complete, the applicant has the right to change the proposed site or design of the Public Art installation and have the application reconsidered.

   c. Once an application is deemed complete, the City Manager’s Office shall forward the application to the applicable City departments, the Public Art Commission, and other related agencies for approval of the installation’s proposed site.

D. The Public Art Commission shall review the application at its next regularly scheduled meeting to determine if the submission fulfills the design criteria and requirements detailed herein. Either the Public Art Commission or, upon invitation, the Artist may present the application at a public meeting for comment and review.

E. Upon considering community input, economic feasibility, maintenance requirements, and the appropriateness of the design, the Public Art Commission shall either approve, approve with modifications, or deny the application. Failure to act on an application does not result in a default approval. An application may only be denied based upon objective criteria as set forth in this Ordinance. If the Commission denies the application, the Commission shall provide the applicant with written reasons as to why the application was denied within ten (10) business days of its decision.
ARTICLE III: ESTABLISHMENT OF THE PUBLIC ART COMMISSION

A. Powers and duties.

1. The Public Art Commission (herein referred to as the Commission) shall provide leadership to enhance the experience of public space, be an effective decision-making body to recommend and implement approved Public Art policy and procedures, and maintain thoughtful public participation, outreach, and communications concerning public art.

2. The Commission shall approve all Public Art applications and said approval shall be necessary prior to the installation of public art in the City of Auburn unless exempted by the terms of this Ordinance.

3. The Commission shall initiate and develop proposals to receive recommendations and to solicit contributions for additions to the existing collection of Public Art.

4. The Commission shall be responsible for the development and oversight of a Public Art Plan including criteria and guidelines for the selection, acquisition, exhibition, and display of new Public Art, either temporary or permanent. The criteria and guidelines shall relate but are not limited to economic feasibility, maintenance, security, and aesthetics. No Public Art shall be acquired, loaned, or installed, nor shall existing Public Art be deaccessioned or removed from public places without prior review by the Commission.

5. The Commission is authorized to establish a jury, advisory group, or consult with Public Artists when reviewing an application or acquiring a piece of Public Art.

6. The Commission shall submit an annual report to the City Council on its activities and shall report to the Mayor on a regular basis.

B. Membership.

1. The Commission shall consist of a minimum of five (5) voting members who must be residents of the City of Auburn.

2. The Commission shall be composed of the following members:

   a. When possible, two (2) individuals chosen from the following disciplines: landscape architecture, architecture, urban planning, interior design, engineering, or a related design discipline.

   b. Two (2) professional Artists.

   c. One (1) citizen knowledgeable in the field of Public Art, education, or community affairs.
d. One (1) citizen knowledgeable of the real estate and development community.

e. One (1) at-large citizen.

3. Nonvoting members of the Commission shall include at least one representative from the Planning and Economic Development and a member of the Department of Public Works.

4. Members of the arts community may serve as non-voting, at-large members of the Commission to provide specific knowledge and expertise.

5. All members of the Commission shall be residents of the City of Auburn.

C. Terms of office.

1. The membership of the first term of the Commission shall be filled by the City Council of the City of Auburn with the following appointments:

   a. Two members to serve a two-year appointment;
   
   b. Two members to serve a three-year appointment;
   
   c. One member to serve a four-year appointment.

2. Terms shall be two (2) years in length with the exception of four members of the first established commission, staggered such that not more than three (3) of the two-year terms expire in any calendar year.

3. Once a person has served three (3) full and consecutive terms on the Commission, that person shall not be eligible for reappointment for a length of time equal to one (1) full term on the Commission.

4. If any member shall fail to attend three (3) consecutive meetings or more than half of the meetings in one (1) calendar year without just cause as determined by the Commission, then that member shall be replaced by the Chairperson of the Commission.

5. Any vacancy that results from an expired term or resignation shall be filled by the City Council.

D. Officers.

1. The Commission shall have a Chairperson and a Vice Chairperson, as elected by a majority vote of the Commission.

E. Compensation of members.
1. The members shall receive no compensation for their services.

F. Meetings.

1. The Commission shall meet for the purpose of organization as soon as reasonably possible after January 1 of each year.

2. The Commission shall meet at such times as it finds necessary throughout the year, but not less often than once every quarter.

3. All meetings of the Commission must be open to the public as required by the New York Open Meetings Law. A quorum shall consist of a majority of appointed voting members of the Commission.

4. Public notice of the time and place of a meeting scheduled at least one (1) week prior thereto shall be conspicuously posted in one or more designated public locations at least seventy-two hours before such meeting.

5. The Commission shall establish and publish rules and regulations governing the conduct of its meetings, the procedure and criteria to be utilized in approving or denying Public Art applications and any other matters within its power and duties, provided that the rules and regulations are not contrary to the terms and intent of this Ordinance.

G. Conflicts of interest.

1. All members of the Public Art Commission shall abide by the adopted City of Auburn Code of Ethics.

2. Any conduct that creates an appearance of impropriety or may otherwise impair a Commission member’s judgment in the selection of a project site, artist, or artwork is prohibited.

3. Anyone in a position to receive financial gain from the selection of sites, Artists, or artworks shall abstain or recuse themselves from the Commission.

4. Committee members must declare any conflict of interest and recuse themselves if a conflict of interest arises.

5. A Committee member may not participate in discussion or voting on an application submitted by said member.
ARTICLE IV: STANDARDS OF REVIEW

§ 232-6 Public Art Guidelines/ Regulations

A. Ownership of Public Art

1. All Artwork commissioned and/or acquired by the City of Auburn will be owned by the City of Auburn.

2. Artwork loaned to the City will be covered by the City’s insurance for the duration of the loan.

3. Acceptance of a gift or loan of Artwork by the City of Auburn means a commitment to its preservation, protection, and display for public benefit within the reasonable resources of the City of Auburn.

B. Acquisitions.

1. An acquisitions program is the most active and visible means of promoting and enhancing the public art collection. By purposefully acquiring individual works, the Commission can make a broad variety of art available and distribute installation locations across the City. Attending to site-specific themes will enhance sense of place and strengthen community character while citizen involvement will advance a greater appreciation for public art and a high quality physical environment.

2. Acquisitions of Public Art shall be free of restrictive conditions by the Artist or donor unless, at the discretion of the Commission, such conditions are reasonable and not detrimental to the City.

3. The Artist is the rightful owner with all power and authority to loan, donate, or sell to the City and will indemnify and hold the City harmless from any actions, claims, or proceedings challenging title to ownership.

4. All acquisitions of art work must be accompanied by the following statement:

The donor or the Artist, in cases where an artist loans or makes a donation, or a piece is purchased by the City, represents and warrants to the City of Auburn, New York, that it intends to loan, donate, or sell (as the case may be) the artwork to the City. The donor or artist also represents that he has not entered into any agreement that may impair this agreement. The City recognizes and respects artists’ rights as set forth in the Visual Arts Rights Act of 1990 (VARA) and Section 14.03 of the New York State Arts and Cultural Affairs Law, including, but not limited to, the right to claim authorship, the right to not have his name used on any work not created by the artist, and the right not to have his work intentionally distorted, mutilated or modified so as to prejudice the
artist’s reputation. However, the City expressly reserves the right, in its sole discretion, to relocate or remove from display visual art, and an artist shall sign a waiver to allow such relocation or removal.

5. Through the Public Art Plan, once established, the Commission and community will identify potential locations for public artwork across the City, as well as the highest priority sites. As resources become available, individual acquisition efforts will focus on these sites.

6. Once specific site selection occurs, the Commission will select an artist using one of the following methods:

   a. Open Request for Proposals. Artists submit proposals in response to a public advertisement, which includes a detailed project description and budget, explanation of honorarium, and application requirements. Submissions will include, at a minimum, the Artist’s resume and slides of his work. After reviewing the responses, the Public Art Commission will extend interview invitations to a number of the Artists, ultimately selecting one for the commission.

   b. Limited Invitational/Curated Pool of Artists. A select group of artists submits proposals in response to a direct invitation, which includes a detailed project description and budget, explanation of honorarium, and application requirements. Submissions will include the artist’s resume, slides of his work, and a written narrative of his proposal. After reviewing the responses, the Commission will extend interview invitations to a small number of the Artists, ultimately selecting one for the Commission.

   c. Blind Request for Proposals. Artists submit proposals in response to a public advertisement, which includes a detailed project description and budget, explanation of honorarium, and application requirements. Submissions will include narrative and two-dimensional depictions of the proposed concept, but not contain any artist information; each submission will have an identification number for evaluation purposes. After reviewing the responses, the Commission will extend interview invitations to a number of the artists, ultimately selecting one for the commission.

   d. Direct Invitation. A single Artist submits a proposal in response to an invitation, which includes a detailed project description and budget, explanation of honorarium, and proposal requirements. The Commission will interview the Artist, who will present his concept using both two- and three-dimensional portrayals.

7. After the Commission agrees on the artist selection method, it will prepare materials for advertisement and distribute them as required. The Commission will review each submission to determine if it is complete and responsive to the request. The
Commission will return incomplete submissions to the Artist, noting why the proposal is incomplete.

8. The Commission will review complete submissions and, except when using Direct Invitation, select Artists for interviews. Given the scope of some projects as well as the number of respondents, the Commission may first establish a jury which will be responsible for the selection of the Public Art. The Commission and/or jury may develop a short list for consideration and subsequently identify those to be interviewed. The Commission and/or jury may ask interviewees, in addition to a formal meeting with the Commission and/or jury, to make a public presentation regarding their body of work and initial concepts for the Commission.

9. Following the interviews and consideration of public comments and compatibility with the design criteria set forth in Section 5, the Commission and/or jury will either approve or deny the submission. Following approval, the selected Artist will enter into a contract with the City which will facilitate acquisition and will clearly stipulate the rights and responsibilities of both parties.

10. When the Artist and the City have satisfied contractual requirements, fabrication and installation can begin immediately. The appropriate City agency will monitor all work. The Commission will initiate any related marketing and outreach programs and will encourage community dialogue regarding the commissioned artwork.

C. Donations and Unsolicited Offers.

1. The City may also obtain public art through donations, as well as unsolicited offers. Gifts that Artists or owners offer must conform to the Public Art Plan’s goals and objectives, and public participation will help achieve community acceptance of a proffered piece.

2. All costs for installation shall be negotiated by the City and the donor at the time of donation.

3. Should the City choose to remove a piece of donated artwork from public display for a period of at least one (1) year, the City shall make a good faith effort to attempt one (1) of the following actions:

   a. Negotiate with the donor an extended period of time for the piece to remain out of public display; or

   b. Offer to return the piece, at donor expense, to the donor. If the original donor cannot be contacted after reasonable efforts or chooses not to accept the return of the piece, the City reserves the right to sell, convey, or otherwise discard the piece.
4. The City has the authority to decline gifts, donated pieces, and unsolicited pieces of Public Art.
On-Loan Items.

1. Displaying works that an Artist or owner has loaned is an effective way to expand public art in the community. The on-loan program allows the City to complement or supplement the permanent pieces in the collection for a limited time. It provides opportunities to display well-known works and those that are new or unfamiliar, and it offers the chance to highlight aspiring artists and experienced masters alike.

2. The Commission and artist shall agree upon a reasonable length of time, not to exceed the negotiated agreement, for the art to be displayed.

3. At the end of the agreed time period, as contracted between the City and the Artist, the Artist is responsible for removing the installation.

4. Should the Artist fail to remove the installation within the negotiated time period, the piece will be considered abandoned. The City retains the right to remove the installation in accordance with Section 10 of this Ordinance.

§ 232-7 Siting, Installation, and Maintenance

A. Siting.

1. The siting and location of all Public Artwork will be the responsibility and right of the City. Decisions on siting will be made by the Commission in consultation with appropriate City staff.

2. Site selection for Public Art will be reviewed with the following criteria, which may include, but is not limited to:
   a. The safety and security of the proposed site;
   b. Ease of access for routine maintenance using standard City equipment;
   c. Visibility and accessibility by a broad public audience;
   d. The context of the proposed Artwork at the proposed site as it relates to social, cultural, historical, ecological, physical and functional context; and
   e. Community support for the proposed site.

3. Public art shall be identified with suitably designed and sized plaques approved by the Commission.

B. Installation.

1. Installation, maintenance, alteration, refinishing, moving, and removal of Artwork in public places shall be done in consultation with the Artist.
2. Installation of individual works will be through the combined efforts of the Artist and City staff, or other contractor as specified in the contract.

   a. The Artist will be responsible for installation with the appropriate City department(s) providing oversight. If the Artist is not able to direct the installation, then City staff shall consult with an expert in art handling and maintenance to assist in the installation at the expense of the Artist.

   b. The Artist will provide the City with detailed drawings of the piece and descriptions of transportation, unpacking and/or handling methods and scheduling.

3. The Commission will encourage donors to cover installation costs associated with proposed gifts. In all cases, donors must provide sufficient information to generate accurate estimates of such costs.

C. Maintenance.

   1. The City of Auburn will be responsible for routine maintenance and emergency response for all Public Art acquired, donated, or on-loan to the City.

   2. For all acquired pieces, the Artist will define techniques, methods, materials, schedules and costs for regular repairs, and will provide this information at or before installation. Donations and/or loans of Public Art must include sufficient funding to adequately cover maintenance.

   3. In some circumstances, the Artist might elect to engage a particular technician for repairs, and therefore must include special provisions allowing the technical access to the piece in contracts between the Artist and the City. The City or Commission reserves the right to require the Artist (and/or donor or owner) assume all costs for specialized or extraordinary artwork maintenance.

   4. When emergency repair of artworks is necessary, the City will contact the artist regarding proposed remedies. Absent such advice, recommendations from the Commission for routine maintenance will serve as the principal guide for addressing emergency conditions.

   5. Artwork loaned or acquired by the City shall be insured by the City's insurance to cover damage, vandalism, theft, fire, and damage from natural disasters. Normal wear and tear are excluded from insurance coverage by the City. Therefore, repairs and maintenance for normal wear and tear of pieces acquired or loaned by the City and put on public display shall be provided by the City at its discretion. "Wear and tear" includes such things as normal aging or exposure to the elements, or similar circumstances (e.g., rust, cracks, fading). The City shall make a good faith effort to maintain the Artwork, pedestal, and plaque in good condition, on par with other art works on public display owned by or loaned to the City.
6. The City of Auburn Department of Public Works is responsible for maintaining all files related to the installation, routine maintenance and emergency response of public art pieces.

ARTICLE V: APPEALS PROCESS

The Public Art Commission recommends an appeals step as part of the Public Art acquisition process. The intention is to ensure that public art process and criteria are followed. Therefore, appeals would be based on process issues only.

A. Information about the appeal and selection procedures will be shared with the public at the start of each acquisition process in order to promote understanding Public Art and to ensure an open process. In addition, should it be necessary, Commission decisions may be appealed in writing based on the following criteria:

1. The decision was based on something other than the established review criteria;

2. The required information or other pertinent supporting material was not used during the review process; and/or

3. Conflict of interest procedures were not followed.

B. Appeals should be submitted in writing after the appellant has first consulted with the Commission to review the considerations that went into the acquisition or donation process. Appeals should be submitted to the Common Council in writing within two (2) weeks of written notification or public announcement of the selection, acquisition, or donation.

C. Upon receipt of the appeal letter, the Common Council and the Commission Chairperson will meet within two (2) weeks with the appellant to hear their grounds for reconsideration. The Common Council has the authority to determine whether or not there are grounds for reconsideration based on the appeal criteria listed above. If there are grounds, the Common Council will review the process and decision. After the reconsideration, a letter will be sent to the appellant.

D. Notice of appeals will be shared with the City Council.

E. All appeals will be reported in the annual report.

F. Since this is a City program, only City residents have the ability to submit appeals.
ARTICLE VI: DE-ACCESSION POLICY AND PROCEDURE

A. The Commission will not plan to de-accession permanent Artwork from the public art collection, whether acquired by direct purchase or through donation.

B. De-accessioning Public Art should be an action seldom used and should not be used due to fluctuations in taste.

C. After due consideration, the Commission can recommend such action, however, in cases that meet one (1) or more of the following criteria:

1. The Artwork has been abandoned.

2. The Commission finds the Artwork to be fraudulent or inauthentic;

3. The Artwork possesses substantial demonstrated faults in original design or workmanship;

4. The current condition of the Artwork presents a public or environmental hazard and repair/restoration is not feasible due to physical conditions and/or the expense would be disproportionate to the value of the Artwork;

5. The building housing the Artwork or other architectural support system for the piece is slated for demolition and relocation is not feasible;

6. The Artwork encumbers the use of public property; and/or

7. Public use and/or ownership of the site have or will change, rendering the artwork incompatible with the property.

D. Should the Commission justify de-accessioning, it will seek opinions on the disposition of the subject piece from the artist community and general public.

E. The Commission will give priority consideration to returning works to the Artist or their his/her, or in the case of donations, to the donor or his/her heirs.

F. The City will store de-accessioned pieces as time and space allow.

G. The Commission will disclose both the de-accession criteria and possible disposition of such artwork to the Artist and/or donor before finalizing any contractual agreements.

H. In the case the City chooses to sell a piece of Public Art, all proceeds from the sale will be placed in a City account for acquisition of new works of Public Art or maintenance of the existing collection.
TO: Honorable Mayor and Members of Public Arts Commission

FROM: Jenny Haines, Office of Planning and Economic Development

DATE: July 24, 2018

RE: Public Art Plan

Background
The Auburn City Council approved funding in the City's 2018-2019 Budget for the development of a Public Art Plan. Bergmann Associates, who assisted the City with the development of the Public Arts Ordinance, wrote a Public Art Program Guide, which outlines the process for the development of a Public Art Plan. The Commission will discuss next steps in moving forward the Public Art Plan.

Recommendation

Fiscal Impact
The development of the Public Art Plan is funded in the City's 2018-2019 Budget.
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This page intentionally left blank.
What is the Program Guide?
Auburn’s Public Art Program Guide will provide the City and the Public Art Commission with direction for developing a comprehensive Public Art Plan. At the beginning of each section of this Guide, a checklist identifies possible topics to include in the Public Art Plan. Case studies are also included to provide examples of public art plans and programs in other communities.

Purpose of the Public Art Plan
According to Auburn’s draft Public Art Ordinance, the Public Art Commission is responsible for the development and oversight of the Public Art Plan. The Plan should establish a clear vision and goals for the City’s Public Art Program, identify specific target locations suitable for public art, recommend best practices, clarify the roles and responsibilities of the Public Art Commission, and identify potential funding mechanisms for supporting the Public Art Program. The Public Art Plan should be the main tool with which the Public Art Commission achieves its mission and administers the Public Art Program.

Auburn’s Public Art Program
In addition to the Public Art Plan, the City’s Public Art Ordinance will also regulate the installation of public art within Auburn. Once adopted, the Ordinance will outline an application process and guidelines for design, siting, and maintenance of public art. The Public Art Plan should explain how, in combination, the Plan, Ordinance, and Commission will work to encourage public art in the City of Auburn by establishing clear design criteria, roles and responsibilities, and a streamlined review and approval process.

Process of Creating the Plan
The Plan should also explain how it was created, referencing the Public Art Commission, the Public Art Subcommittee, expertise from local artists, and any public feedback incorporated into the Plan.

OVERVIEW AND PROCESS

What to Include in the Plan: Background Section
- executive summary of the Plan
- history of public art in Auburn
- mission, goals, and vision of the Plan
- process used to create the Plan
What is Public Art?

The Public Art Plan should define public art and identify which media the City will and will not consider public art. These media can include but are not limited to:

- paintings and murals
- landscapes and earthworks
- sculptures, statues, and monuments
- photographs, drawings, and collages

The Plan should also clarify the difference between temporary and permanent artworks. Another important distinction is that between art on public property or City right-of-ways and art on private property. For instance, the City will need to determine whether and how it should regulate non-commercial murals on private property.

Benefits of Public Art

In order to justify the establishment of a Public Art Program and any resulting City expenditure, the Plan should detail the well-documented benefits of public art. Research has shown that the arts foster economic development, improve the local business climate, and promote cultural tourism. Public art also enhances aesthetics and creates a strong sense of place within a community. Art in public places provides psychological and physiological benefits to citizens and visitors, thus improving overall quality of life.

The Plan should reference and expand upon existing arts-related plans and reports, such as the City’s 2009 Comprehensive Plan which recognizes the importance of the arts to the City’s character. The Comprehensive Plan’s goals include developing downtown as a center for the arts and entertainment as well as adopting policies that promote the arts and culture as integral components of Auburn’s economy.
Public Art Commission

Since the Public Art Commission is the primary regulating entity of the Public Art Program, the Plan should establish the Commission’s roles and responsibilities, such as soliciting public art proposals, approving public art applications, and advising the City Council on arts-related decisions. The Plan should also describe the composition of the Commission, the required expertise of Commission members, and the process through which members are selected, either by the Mayor or by existing members.

City Council and Other City Departments

In addition to appointing members to the Public Art Commission, the City Council is tasked with making all final decisions regarding the approval and installation of public art within the City. The Plan should also identify the role of other City departments within the Public Art Program. For instance, at least one representative from both the Office of Planning and Economic Development and the Department of Public Works should serve as nonvoting members on the Public Art Commission. The Department of Public Works will also be involved in the installation and routine maintenance of public art on City right-of-ways. The Plan should determine which City agency or employee should be responsible for accepting applications for public art.

Local Art Organizations

Auburn’s economy and tourism industry are supported by its numerous historic sites and cultural institutions including the Auburn Public Theater, the Harriet Tubman Home, and the Schweinfurht Memorial Art Center. The Public Art Plan should list ways to leverage, coordinate, and partner with these existing institutions in order to further public art in the City of Auburn.
Public Art Ordinance

The Public Art Plan should reference and explain the Public Art Ordinance in a less technical manner such that it can be easily understood by the general public. Both the operational procedures and design criteria established in the Ordinance should be fleshed out in the Plan.

Soliciting Public Art

The Plan should distinguish between the three types of acquiring public art – acquisitions, donations, and on-loan items – and the different approval processes required for each type. The various types of artist selection methods, such as open requests for invitations and direct invitations, should also be differentiated.
Siting, Installation, and Maintenance

Once an artwork is approved, an appropriate site must be selected. The Public Art Plan should include a list of potential sites for future artworks. The Plan should also list criteria for appropriate sites, such as safety and visibility. If City departments, artists, or the public are involved in the site selection process, their respective roles should be explained. Likewise, the roles of the City and the artist in regards to the installation and routine maintenance of the artwork should also be distinguished. If the artist is to provide the City with a maintenance schedule, the Public Art Plan should identify the components of this schedule, including best materials, costs, and techniques for emergency repair.

Funding

The implementation of a successful Public Art Program is predicated on securing adequate funding. Such funding provides the resources for the Public Art Commission to publicize requests for proposals (RFPs), provide compensation to artists, and routinely maintain the collection. The Public Art Plan should identify potential funding sources, such as percent-for-art programs or state grants, and should determine whether the City should create a dedicated funding stream for the Program. The Plan can also propose a simplified budget for the Program, detailing certain expense categories that might be included in the official budget.
What is an Arts District?

If the Public Art Commission wishes to establish an Arts District within the City of Auburn, the Public Art Plan should define what an Arts District is and justify the reasons for its creation. Such reasons could include promoting art as a vehicle for revitalization, using art for placemaking and marketing purposes, and creating a unique experience for visitors and residents. If the Arts District requires zoning changes or provides incentives for artists, these policies should be explained in the Plan.

Boundaries of the Arts District

The Public Art Plan should finalize the boundary of the Arts District and determine whether this boundary is parcel-specific or a looser, geographic region. The location of the Arts District should consider such factors as walkability, available sites for arts-related uses and installations, and concentration of existing historic and cultural institutions.

Other factors to consider when finalizing the boundary of the Arts District include:

- relation to the Historic District
- the possibility of River trail art installations
- the possibility of installations on medians or verges at entrances to the City (i.e. State Street, Route 5 & 20)
- reducing the area enclosed by the boundary, but maintaining impact and walkability
- including City parks in the boundary
- including the Willard Chapel in the boundary
- including Seymour Street in the boundary
- determining which areas should be given priority within the boundary (i.e. Seward Park, the medians)
Historical Themes

Part of what makes Auburn unique is its history of invention, creativity, and the arts. Existing public art in Auburn, like the Wheel to Reel sculpture, celebrates the City’s history. Requests for proposals could ask artists to create works related to certain local themes such as:

- notable historical figures from or connected to the area such as Harriet Tubman, William Seward, Elizabeth Cady Stanton, and John D. Rockefeller
- agricultural and technological inventions
- advancement in women’s rights, suffrage, and abolition
- breakthroughs in prison reform

Recreation Themes

If the finalized boundary of the Arts District includes City parks and areas along the Owasco River, themes for public art in these areas could relate to recreation.

Other Themes and Opportunities

In addition to the above-stated themes, the Public Art Plan can suggest other themes for public art within the City of Auburn. These themes can be location-specific, meaning that the site of the artwork should reflect and be reflected by the artwork itself. The Plan can also list ideas for public art in Auburn by creating a visual database of successful public artworks in other communities. These ideas can inspire artists and act as a resource for City departments and developers seeking artists to understand the breadth of public art, from manhole covers to murals.
Overview

The following case studies detail how other communities have established and administered public art programs and arts districts. When composing the Public Art Plan, these case studies can suggest different approaches for regulating, approving, and promoting public art.

What to Include in the Plan:
Case Studies

- reference successful art programs and policies in other communities to justify decisions made in Auburn
In 2002, the City of Ithaca adopted Public Art Guidelines which outline specific criteria for the Public Art Commission (PAC). The PAC was established in 1988 to speak to the City of Ithaca’s “vision of a model community.”

In partnership with City departments, the PAC is tasked with developing and implementing the Public Art Plan, developing criteria and guidelines for art selection, and reviewing and advising the Common Council on all proposals for the display of public art.

The Public Art Plan, created by the PAC and approved by Common Council, the Plan establishes goals and objectives for public art in the City of Ithaca.

The Public Art Guidelines outlines specific responsibilities for the PAC including:

1. Artistic merit and quality
2. Safety and durability
3. Unrestricted public viewing
4. Ability of artist to respond to site and context
5. Realizes objectives of the acquisition program
6. Installation and maintenance
7. Representation of diverse styles and tastes

Approval Criteria
In 2014, the City of Saint Paul updated its **Public Art Ordinance** to establish a powerful tool for creating a public arts program. The following elements are critical to the process of providing public art for the city:

**Public Art Saint Paul**
- privately funded, non-profit public art organization that partners with the city and is tasked with developing the Public Art Ordinance, as well as the Saint Paul Public Art Ordinance Guidelines and the Public Art Ideas List (PAIL)

**Public Art Administrator**
- established in 2001, this position is responsible for creating the guidelines and working with the city to operationalize the directives of the ordinance

**Public Art Documents**
- includes three documents that formalize the procedures and criteria of the Public Art Ordinance
  - **Public Art Guidelines**: establishes the working methods to operationalize the ordinance
  - **Technical Manual**: integrates the ordinance into citywide procedures and promotes best practices
  - **PAIL**: serves as a resource for ideas and examples to spark imagination and begin conversation

Approval Criteria

1. artistic merit and originality
2. represents and engages in diversity
3. local and national significance
4. attention to safety, durability, and budget
5. design for public viewing and context
6. availability and timely installation
7. representation of many styles and tastes
In 2007, the City of Syracuse adopted a Public Art Ordinance in order to streamline the public art application and review process. The Ordinance established the following regulatory process:

1. **Public Art Commission**
   - 11-member board tasked with approving public art applications, creating and implementing the Public Art Master Plan, developing proposals to solicit additional public art, and advising the City on the installation of public art.

2. **Public Art Coordinator**
   - Responsible for overseeing the public art approval process, assisting the Public Art Commission, keeping an inventory of all public art in the City, and promoting public art.

3. **Public Art Application**
   - Must be submitted for any proposed art on public land or right-of-way within the City.
   - Proposed site and location of installation must be approved by applicable departments.
   - Once site is approved, application is forwarded to PAC for review.
   - PAC either approves or denies application based on design guidelines and criteria.

4. **Approval Criteria**
   - Artistic merit and ability
   - Intentionality of the artist
   - Local significance
   - Safety and durability
   - Unrestricted public viewing
   - Installation and maintenance
   - Representation of diverse styles and tastes
In 2009, the Town of Wake Forest adopted a **Public Art Vision Plan** and **Ordinance**. The Town also established a **Public Art Commission** in order to facilitate the creation of art in public spaces.

- **Public Art Commission**: 9-member board tasked with creating a public art policy and annually submitting a municipal public art plan to the Wake Forest Board of Commissioners.
- **Public Art Guidelines**: Implementation guidelines for establishing liaisons between the Commission and relevant agencies, and for obtaining proposals for public art including RFQs and RFPs.
- **Artist Selection Committee**: Designated by the Public Arts Commission (PAC) to evaluate potential artists.

**Approval Criteria**:

1. Artistic merit and quality
2. Collection diversity
3. Ability to respond to site and context
4. Safety and durability
5. Unrestricted public viewing
6. Installation and maintenance
7. Representation of many styles and tastes
Outstanding Items

Prior to developing the Public Art Plan, the following items should be addressed:

- identify potential funding streams for the Public Art Program
- adopt the Public Art Ordinance
- establish the Public Art Commission and identify potential members

Develop the Public Art Plan

Once the above-stated items are addressed, the Public Art Commission can begin to develop the Public Art Plan, considering the topics mentioned in this Guide and the lessons learned from the case studies of other communities.