



Regional
Arts &
Culture
Council

Policy

PERCENT FOR ART GUIDELINES City of Portland and Multnomah County Revised October 1998

Throughout history the arts have been instrumental in creating unique public places that have yielded physical, social and economic benefits for a community. The purpose of these guidelines is to provide a process for selecting, commissioning, placing, maintaining and deaccessioning the art purchased through the Percent for Art Program.

In 1980, both the City of Portland and Multnomah County adopted ordinances dedicating 1% of the total construction costs of major capital improvement projects to public art. In 1989, the Portland City Council adopted an ordinance that broadened the scope of the program, including dedicating an additional .33% of the total construction costs for administration and establishing the Public Art Trust Fund. In 1990, the Board of Multnomah County Commissioners followed suit.

In 1995, the Regional Arts & Culture Council (RACC) became the non-profit successor to the Metropolitan Arts Commission as recommended by Arts Plan 2000+, a citizen driven cultural plan completed in 1992. Through the cooperation of the City of Portland and Clackamas, Washington and Multnomah Counties as well as Metro, RACC was established and continues to administer the City and County Percent for Art programs and related services.

I. PURPOSE

The purpose of the public art program is to integrate a wide range of public art into the community and reflect the diversity of communities, artistic disciplines, and points of view. Artists can be valuable members of planning or design teams and primary resources in the revitalization of neighborhoods and redevelopment areas throughout the region.

The goals of the Percent for Art Program include broadening the role of the artist in the community by:

- developing a public collection of artworks, which have strong inherent aesthetic quality, represent diverse communities, and a wide range of artistic styles and disciplines
- encouraging early collaboration among artists, architects, engineers and owners
- encouraging public dialogue about and understanding of works of art, issues raised by public art, and the various roles artists can undertake
- providing opportunities for artists to advance their art forms
- encouraging the preservation of multi-cultural traditions
- ensuring that public agencies and community representatives participate in the selection of public art

Additional goals include

- Dispersing public art throughout the City of Portland and Multnomah County
- Ensuring proper cataloguing of the Public Art Collection
- Providing proper maintenance of the Public Art Collection
- Preserving artworks displaced through improvement projects

RACC's Mission

Through vision, leadership and service the Regional Arts & Culture Council works to integrate arts and culture in all aspects of community life.

II. PUBLIC ART ADVISORY COMMITTEE

The Public Art Advisory Committee (PAAC) is the standing committee charged by RACC to oversee the Public Art Program and meets once a month. The PAAC develops policies and goals for the selection, placement and maintenance of works of art acquired through the Percent for Art Program and other public/private programs. Membership includes no more than 2 RACC board members, the RACC designee on the Design Commission, and 6-8 arts professionals who are artists, architects, landscape architects, or individuals with considerable experience in the visual arts. The chair of the Regional Arts & Culture Council approves final appointments. Members are appointed to serve 3-year terms with one 18-month appointment reserved for an artist with public art experience.

Oversight responsibilities include:

- A. City/County Percent for Art projects
 - 1. respond to briefing by RACC staff, agency representatives and project architect as project begins
 - 2. recommend selection panel members
 - 3. approve direction of project and semi-finalists
 - 4. receive report on finalist/selected work

In addition to overseeing the Percent for Art Program, the PAAC also oversees the following programs:

- A. Floor Area Ratio Bonus Program (see FAR guidelines)
- B. Private parties substituting public art for street level windows (see Blank Wall Mitigation guidelines)
- C. Memorials for public parks (see Memorials Placing Policy and Donations Guidelines)
- D. Donations of artwork to the public collection (see Guidelines for Donations of Artwork)
- E. Deaccessioning of artwork from the public collection (see Policy for Deaccessioning Works of Art)
- F. Visual Chronicle of Portland collection

III. IDENTIFICATION OF PERCENT FOR ART PROJECTS

- A. Item #5.74.020 of the attached Percent for Art Ordinance outlines qualifying improvement projects for the City of Portland. The attached Ordinances No. 222 and 654 outline qualifying improvement projects for Multnomah County.
- B. On an annual basis the RACC Public Art Staff and the Finance Director discuss upcoming improvement projects with each City/County agency. Those agencies should contact the RACC Public Art Director when projects develop outside the scope of this annual meeting and as soon as funds are allocated for the improvement project.
- C. RACC's Public Art staff meets with a bureau representative and project architect as soon as a project is confirmed. Plans are made for a presentation to the PAAC including obtaining visual and written documentation for a project.

- D. The PAAC reviews each new project together with the Bureau representative (Project Manager) and architect to consider the following issues: 1) Percent for Art funds allocated; 2) design and construction schedule; 3) selection panel members; 4) selection process options; 5) appropriate sites for artwork; 6) goals for project.

The PAAC may decide that funds from a specific improvement project are insufficient or that the site is inappropriate for public art. Funds may then be transferred to other Percent for Art projects or remain in the Public Art Trust Fund, with the approval of the participating bureau. The PAAC and the participating bureau will make decisions about spending pooled funds.

- E. Improvement projects funded by the City of Portland Bureaus of Water and Environmental Services, except on a voluntary basis (see BES and BWW Public Art Policy)

IV. DEDICATION AND DISBURSEMENT OF FUNDS

- A. The Public Art Trust Fund is a discreet fund of RACC.
- B. RACC invoices a bureau for Percent for Art funds and deposits them in the Public Art Trust Fund as soon as it has been determined that an improvement project qualifies under the Percent for Art ordinance.
- C. Percent for Art funds are adjusted if project's construction costs increase. Additional funds are deposited in the Public Art Trust Fund for that specific project's contingency or for unrestricted public art use, as determined by PAAC
- D. RACC is responsible for contracting with artists and paying them from the Public Art Trust Fund.
- E. RACC follows standard accounting procedures for disbursements from the Public Art Trust Fund.

V. CONFLICT OF INTEREST

- A. No artist sitting on RACC's Board of Directors or the PAAC may submit for public art projects over which RACC has approval authority or administrative responsibility during his/her tenure.
- B. No RACC staff member or member of his/her household may submit for public art projects for which RACC has approval authority or administrative responsibility.
- C. No member of the project architect's firm may apply for a Percent for Art project being designed by that firm.
- D. No artist sitting on a selection panel may submit for the project for which the panel was formed.
- E. PAAC members must declare a conflict of interest if a project comes before the panel with which he/she is involved. PAAC members must also declare a conflict of interest if a person with whom he/she shares a household or whom he/she professionally represents has a matter before the committee.

- F. Any artist representative or person sharing a household with an artist sitting on a Selection Panel must declare conflict of interest in the event that an artist that he/she represents or shares a household with is being considered as a semifinalist for the project. The Selection Panel member must withdraw from discussion of that artist and shall not vote.

VI. APPLICATION OF PERCENT FUNDS: INCLUSIONS

1% for art funds may be spent for:

- A. Artist's fees for design team work, including travel expenses, conceptual development, and proposals
- B. Semi-finalist proposals and travel expenses
- C. A work of art, including:
 - 1. artist's design fee
 - 2. city required permits
 - 3. labor and materials
 - 4. operating costs
 - 5. project related travel
 - 6. transportation of the work to the site
 - 7. installation
- D. Frames, mats, mounting, anchorage, pedestals, cases or other materials necessary for the installation and/or security of the work
- E. Slides and other documentation
- F. Insurance
- G. Fees for consultants to a selection panel or the PAAC
- H. A portion of the budget may be set aside for contingency at the beginning of a project and returned to the Public Art Trust Fund if unused
- I. 5% of the original 1% budget for maintenance.

The .33% for art funds may be spent for:

- A. Administration
- B. Education activities
- C. Collection management of public art
- D. Maintenance
- E. Dedications and publicity
- F. Identification plaques and labels
- G. Special projects approved by RACC

VII. APPLICATION OF PERCENT FUNDS: EXCLUSIONS

Project Percent funds may not be spent for:

- A. Reproductions of original artworks
- B. Decorative or functional elements designed by the project architects, landscape architects or their consultants, without artist collaboration
- C. Art objects which are mass produced of standard design, such as playground equipment or fountains
- D. Directional elements such as signs, maps, color coding, unless designed and/or executed by an artist
- E. Architect's fees

VIII. SELECTION PANEL APPOINTMENTS

A. Method of Appointment

The PAAC recommends selection panel members from a reference list that is continually updated by public art staff in conjunction with PAAC recommendations. The PAAC takes into account the established formula listed below, requests by individuals to serve, and staff recommendations. Selection panel members shall serve at the discretion of RACC.

B. Panel Structure

Panels are composed of at least the following:

- 1. Voting members
 - a. At least three arts professionals, two of whom must be artists
 - b. The project's building and/or landscape architect or engineer and the project manager, if appropriate
 - c. A representative of the participating bureau
 - d. A citizen who may be from the neighborhood impacted by the project
- 2. Non-voting members
 - a. RACC public art staff
 - b. For complex projects, a selection panel may appoint a sub-committee to make recommendations to the full panel. At least two of the sub-committee members must be artists.
- 3. Length of term
 - Each panel serves through the completion of one public art project.

IX. SELECTION PANEL PROCEDURES, RESPONSIBILITY

A. Public Art staff holds an orientation for each Selection Panel including a public art slide show, review of program guidelines, an orientation to the specific project and a review of any goals already established by the participating bureau and the PAAC.

B. The Selection Panel:

- 1. Develops the project's goals, sites for artwork, and suitable art forms for the project, taking into account goals and sites already determined by the participating bureau and the PAAC, when applicable.

2. Decides to commission site specific work, to purchase works of art for the City's portable, rotating art collection, or commission works of specific duration that would be documented for future reference after the life of the piece.
3. Determines a method for selecting an artist/s:
 - a. Open Competition: Any artist applies, subject to limitations established by the Selection Panel or PAAC.
 - b. Invitation: One or more artists are invited to submit proposals.
 - c. Direct Purchase: A completed work of art is selected from submitted applications or other methods deemed appropriate for the project.
 - d. Design Team: Select artists from an open competition if time allows or select artists from RACC's Design Team Roster.
4. Reserves the option of making no selection from submitted applications and may reopen the competition or propose other methods of selection if no proposal is accepted.
5. Approves all selections by a majority vote or consensus.
6. Presents the semi-finalists to the PAAC for approval.
7. Reports the finalists and their work to the PAAC

X. SELECTION CRITERIA

- A. Criteria to be used when considering acquisition of artwork by either purchase or commission shall include, but not be limited to the following:
1. **Artistic quality.** Due consideration will be given by members of the Selection Panel and the PAAC to the strength of the artist's concept, vision and craftsmanship for the artwork.
 2. **Context.** Consideration should be given to the architectural, historical, geographical and socio-cultural context of the site.
 3. **Media.** All art forms including disciplines and media that are of specific duration and which survive only through documentation-after the life of the piece has ended.
 4. **Permanence.** Due consideration shall be given to the structural and surface soundness, and to inherent resistance to theft, vandalism, weathering, and excessive maintenance or repair costs.
 5. **Public Safety.** Each work shall be evaluated to ensure that it does not present a hazard to public safety.
 6. **Diversity.** RACC shall actively seek artwork from artists of diverse racial, sexual, and cultural identities. The program shall also strive for diversity in style, scale, media and numbers of artists represented. There shall be encouragement of exploratory types of work as well as established art forms.

7. **Feasibility.** Proposals shall be evaluated relative to their feasibility and convincing evidence of the artist's ability to successfully complete the work as proposed. Factors to be considered include, but are not limited to: project budget, timeline, artist's experience, soundness of materials, city/county zoning/construction/design guidelines.
 8. **Duplication.** Artists are required to warrant that artwork is unique and an edition of one or part of a limited edition.
- B. **Design Team Projects**
In addition to the above Selection Criteria, additional criteria to be considered for selecting artists for design teams shall include but not be limited to the following:
1. Proven ability to work effectively in collaborative situations
 2. Experience in architecture or landscape-based projects
 3. Experience working with design professionals and integrating artistic concepts into construction documents

XI. APPROVAL PROCESS

- A. The PAAC approves the site, Percent for Art budget and selection process recommended by each project's Selection Panel.
- B. The PAAC approves semi-finalists recommended by the Selection Panel. Selection Panels report finalists and their work to the PAAC.
- C. RACC staff accessions the work into the public art collection.
- D. When an artist is hired from a PAAC approved roster, the PAAC may serve as the Selection Panel or recommend a Selection Panel, and approves budget, the selected artist(s) and the proposed artwork.
- E. Except as limited by the Percent for Art ordinance, the PAAC's decisions about the selection, acquisition, siting, maintenance, disbursement of Public Art Trust Fund, deaccessioning, administration, education and registration of Public Art will be final.

XII. PLACEMENT OF WORKS OF ART

- A. While it is the intent that site specific works will remain in the site for which they were created, RACC reserves the right to move a piece if circumstances dictate (see XIII below).
- B. Works of art that are not site specific are part of the Rotating Collection and will move throughout City/County facilities at the discretion of RACC, taking into account requests from various bureaus.
- C. Temporary works of art commissioned will be documented with appropriate media either by the artist(s) or by RACC.

XIII. RESITING SITE SPECIFIC WORKS OF ART

- A. The PAAC may consider resiting a site specific artwork for one or more of the following reasons:
 - 1. The condition or security of the artwork can no longer be reasonably guaranteed at its current site.
 - 2. The artwork has become a danger to public safety in its current site.
 - 3. The site has changed so that the artwork is no longer compatible with the site.
- B. Once the PAAC has determined that an artwork meets one or more of the above criteria, the following process is initiated:
 - 1. RACC public art staff makes a good faith attempt to discuss resiting with the artist.
 - 2. If the artist agrees to the proposed resiting, the recommendation will be referred to the PAAC for approval.
 - 3. If the artist does not agree to the proposed resiting, he/she will have the right to prevent the use of his/her name as the author of the artwork.

XIV. MAINTENANCE AND MANAGEMENT OF PUBLIC ART

- A. It is the responsibility of RACC to maintain all works of art in the City/County's public art collection.
 - 1. RACC will maintain a computer database inventory of artworks owned by the City/County.
 - 2. 5% of the original 1% budget will be set aside for maintenance. Where allowable, these funds will be pooled to be used for the Public Art Collection as a whole.
 - 3. A professional art conservator or person(s) trained by a conservator will be consulted or hired to provide maintenance and conservation work for the City/County's public art collection.
- B. Participating Bureaus must notify RACC immediately if an artwork is either damaged or stolen, or if the participating Bureau plans to move the artwork or in any way alter its site.

XV. DEACCESSIONING

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

XVI. GUIDELINE DEFINITIONS

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

Artist: A person generally recognized by his/her peers, critics and other arts professionals as committed to producing works of art on a regular basis.

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

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

Exclusions: Improvement projects funded by the Bureaus of Water and Environmental Services, except on a voluntary basis [see BES and BWW Public Art Policy]; improvement projects funded by the following revenue sources: private development revenue, federal and state grants, Street Light Levy Fund and Local Improvement District revenue

Improvement Project (CITY): Any project of \$100,000 or more paid for wholly or in part by the City of Portland involving construction, rehabilitation, remodeling or improvement of any building, structure, park, public utility, street, sidewalk, or parking facility within the limits of the City of Portland. Improvement projects that are developed privately and leased back to the City of Portland must adhere to the requirements of the Percent for Art ordinance.

Improvement Project (COUNTY): Any project of \$50,000 or more involving construction or alteration of a county building except service facilities not normally visited by the public, such as maintenance sheds, bridges and similar structures, and does not include roads. Funding sources include construction costs, capital improvement budgets in the Division of Facilities Management, the general fund portions of the Parks Development Account and the Recreational Facilities Fund devoted to parks development, and the purchase price of any building acquired on or after July 1, 1990, by the county for use in whole or part by the county.

Participating Agency: An agency, bureau or commission of the City of Portland Bureau or Multnomah County that is subject to the Percent for Art ordinance by virtue of its undertaking an improvement project

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

Public Art Collection: All works of art owned by the City of Portland and Multnomah County that are site specific, part of the portable collection or documentation of temporary works of art

Public Art Program Director: The staff person hired by RACC to oversee all functions of the Public Art Program and to provide vision for the program. This person works with bureau managers in the development of public art goals and with private developers to include public art in private projects

Public Art Staff: The staff person(s) hired by RACC to oversee development and execution of Percent for Art projects.

Public Art Trust Fund: The RACC fund that receives all Percent for Art monetary contributions derived from improvement projects and public art funds from other sources.

Selection Panel: The panel appointed by RACC responsible for the artist selection process, reviewing proposed works of art and recommending to the PAAC and to RACC specific expenditures for Percent for Art funds for each project

Total Costs: The participating bureau's contribution toward the price for the completion of the improvement project. Exclusions: Design and engineering fees, administration, fees and permits, building demolition, relocation of tenants, contingency funds, land acquisitions, environmental testing or indirect costs, such as interest during construction, advertising and legal fees

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

XVII. ORDINANCES PASSED BY THE CITY OF PORTLAND AND MULTNOMAH COUNTY ATTACHED

Percent for Art Guidelines
City of Portland + Multnomah County