

**CITY OF MOSCOW
PUBLIC ART GUIDELINES**

I. GENERAL PROVISIONS

A. PURPOSE

The purpose of the Moscow public art program is to integrate a wide range of public art into the community, reflecting a diversity of artistic styles, disciplines, and points of view.

B. POLICY GOALS

Goals of the public art program include: broadening the role of the artist in the community; encouraging early collaboration among artists, architects, engineers and owners; dispensing public art throughout the City of Moscow; providing proper cataloging and maintenance of the public art collection; preserving and relocating artworks displaced through improvement projects; ensuring that public agencies and community representatives participate in the selection of public art; and promoting public dialogue and understanding of public art.

II. MOSCOW ARTS COMMISSION

A. ORGANIZATION OF MAC

The Moscow Arts Commission was established by City Council on October 2, 1978 (by Ordinance No. 1370). The MAC generally represents the City's interests in art matters and acts as a spokesperson for arts matters within the City, informs the Mayor and Council and makes recommendations regarding matters related to arts, and acts as a resource for the Arts Director, offering advice and assistance in matters related to public art and public art activities.

Currently, the MAC is comprised of not more than twelve (12) voting members who serve at the appointment of the Mayor, as approved by Council. MAC membership consists of not more than three (3) Latah County residents who do not reside within the City limits. Other members are appointed at large. Where possible, the MAC includes at least one (1) student that is enrolled in a post-secondary educational program. The student member serves for a one (1) year term. At least one (1) high school (or equivalent educational program) student serves as a non-voting member for a one (1) year term. A Council member serves as an ex officio non-voting member for a one (1) year term.

B. MOSCOW ARTS COMMISSION ROLE

Working through the Arts Director, the Moscow Arts Commission (MAC) is charged by the Council to represent a broad spectrum of the community and give input on the public arts to the Council through the Arts Director. The MAC helps develop policies and goals for the selection, placement and potential maintenance of works of public art acquired through the public art program and other public/private partnerships and recommends such policies and goals to the Council for approval (through and in consultation with the Arts Director).

MAC oversight responsibilities include the following areas of interest:

1. Moscow public art projects
 - a. Responding to briefings by City staff, agency representatives and project architects, landscape architects at beginning of public art projects
 - b. Overseeing Selection Panel members
 - c. Approving direction of public art's projects
 - d. Approving semi-finalists recommended by the Selection Panel
 - e. Receiving report on finalist artists and proposed public artwork
2. Memorials and monuments for public parks
3. Donations of artwork to the public art collection
4. Decommissioning of artwork from the public art collection
5. Developing guidelines and purchasing artworks for the public art collection

III. PUBLIC ARTS PROJECTS

A. FUNDING OF PUBLIC ARTS PROJECTS

1. Overview of dedication and disbursement of funds
 - a. The public art fund is a dedicated fund of the City (currently fund number 125-000-00370-05).
 - b. Once it is determined that a public improvement project qualifies under Ordinance No. 2004-30, the Finance department calculates the one percent (1%) for art funds available for such project and deposits them in the public art fund.
 - c. The City, through its Arts Director, contracts artists and pays them from the public art fund (currently fund number 125-200-30770-35).
2. Expenditure of arts monies
 - a. Capital Improvement Projects that qualify for public art funding shall be subject to the provisions of Ordinance No. 2004-30.
 - b. Arts monies collected through the public art fund shall be set aside when either the qualifying public improvements project bid is approved by City Council so that the one percent (1%) art can be incorporated into the project during construction or upon completion of the improvement project. When the Arts Director (in consultation with MAC) determines that the art component to the improvement project does not fit or match the project, monies will be set aside in the public art fund for future arts projects pursuant to City policy.
3. The art component of a qualifying Capital Improvement Project will be allocated from the public art fund as follows:
 - a. No less than seven five percent (75%) shall be allocated toward such public art, including purchase, design, fabrication, and installation.
 - b. No more than twenty five percent (25%) shall be used for administrative costs, including, but not limited to, costs of selection, maintenance, repair, conservation, and on-going documentation and cataloging of the Public Art Collection (done, in part, to adequately insure all City-owned artwork).

B. IDENTIFICATION OF PUBLIC ART PROJECTS

Identify a potential public art project pursuant to these Public Art Guidelines. As soon as practical, the department head proposing or responsible for public works project or improvement will notify the Arts Director of a qualifying improvement project that can be part of the one percent (1%) for the arts art assessment. The Arts Director (with advice from the MAC, when appropriate) should determine whether the art considered can be a part of a project or whether it may be added to future art project(s).

After identifying an improvement project that qualifies for the one percent (1%) funding, the Finance Director shall calculate the one percent (1%) of the total project cost and notify the Arts Director of that estimate. The Arts Director will either identify a public art project to be affiliated with the public improvement project or shall request that the Finance Director transfer the one percent (1%) funds into the future art(s) project fund for future use.

Where a public art project will be affiliated with the improvement project, the Arts Director will meet with the respective department head and will attend pre-construction meetings as necessary. Presentations and construction meeting times will be made available to the Arts Director.

The Arts Director or designee will work with the project architect, landscape architect, and/or engineer to review the following, as appropriate:

1. Allocated art budget
2. Design and construction schedule
3. Appropriate sites and project goals for artwork

The Arts Director and City staff will prepare and issue a Request for Qualifications (RFQ) for the arts project affiliated with the improvement project with input from the MAC and following approval of the Art Project concept by the Council.

The Arts Director, in consultation with MAC, may decide that funds from a specific improvement project are in excess, insufficient, or that the site is inappropriate for public art. Funds may then be transferred to other public art projects or remain in the public art fund.

The Arts Director, in consultation with MAC, may make certain public art fund monies (not directly connected to a specific public works project) available for a MAC grant opportunity for artists. Such MAC “mini-grant” program shall generally follow the principles stated in these Public Art Guidelines.

C. THE SELECTION PANEL

Method of Selection Panel appointments.

The Arts Director and MAC will recommend selection panelists to the Mayor and Council. MAC takes into account the guidelines hereinbelow, requests by individuals to serve,

and staff recommendations. Selection Panel members shall serve at the appointment of the Mayor.

Panel Structure.

Selection Panels will be comprised of at least the following:

1. Voting members:
 - a. Participating department representative or designee (1)
 - b. Moscow Council member or designee (1)
 - c. MAC members (2)
 - d. Community representative, preferably from project “impact area” (1)
 - e. Artist not involved with the respective Capital Improvement project
2. Non-voting members:
 - a. Arts Director (Selection Panel facilitator)
 - b. Project architect, landscape architect, interior designer, or engineer
 - c. City staff members acting in a technical advisory capacity

Length of term. Each Selection Panel member serves through the completion of one (1) public art project.

D. CONFLICT OF INTEREST

1. No artist sitting on a Selection Panel may submit a proposal for the project for which the Selection Panel was formed.
2. MAC members shall declare a conflict of interest if a project comes before the Selection Panel from which he/she or the household or business could financially benefit. MAC members shall 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 to be considered by Selection Panel. Such person shall recuse themselves from any participation in any process for the project the Selection Panel is considering.
3. No member of the project’s architect or landscape architect, interior designer, or engineering firm may apply for a public art project being designed by that firm.

E. SELECTION PANEL PROCEDURES AND RESPONSIBILITIES

1. Moscow Arts Director will hold an orientation for each Selection Panel (which may include a public art slide show or electronic images, review of program guidelines, orientation to the specific project; and/or a review of any goals already established by the participating department and the Moscow Arts Director and MAC.
2. The Selection Panel shall utilize the following relative to the public arts project for which the Panel has been formed:
 - a. Develop the project’s goals, sites and suitable art forms for artwork (taking into account goals and sites already determined by the participating department and the MAC, when applicable).
 - b. Determine a method for selecting an artist:

- (1) Open competition. Any artist applies, subject to limitations established by the Selection Panel, MAC, or City.
 - (2) Invitation. One (1) or more artists are invited to submit proposals
 - (3) Request For Proposal, Request For Qualifications
 - (4) Direct purchase. A completed work of art is selected from submitted applications or other methods deemed appropriate for the project
 - (5) Other process designed to meet the City's objective to the project
3. The City shall always reserve the option of making no recommendation from submitted applications and may require reopening of the competition or may propose other methods of selection, if no proposal is accepted.
 4. Approve all recommendations and decisions by a majority vote of the full Selection Panel.
 5. The Selection Panel will make recommendations on finalists and their work to the Arts Director. The Arts Director will then generate a project report to present to the Mayor and Council for final approval.

F. EXEMPTIONS FROM SELECTION PANEL ART PROJECT CONSIDERATION

A project considered for funding through the public art fund shall comply with Ordinance 2004-30. In addition, the following shall not be considered for City public arts projects paid for by the City:

1. Works which are not entirely original (unless the non-original content is used with permission or is part of the public domain and comprises only a small portion of the work).
2. Decorative or functional elements designed by the project architects, landscape architects, interior designers, or their consultants, without the original artist's collaboration.
3. Art objects which are mass produced of standard design, such as playground equipment.
4. Directional elements such as signs, maps, color coding, unless designed and/or executed by an artist.
5. Standard architect's, landscape architect's, engineer's, or interior designer's fees, unless such work was approved prior to construction.

IV. ARTIST / ART WORK

A. ARTIST / ART WORK SELECTION CRITERIA

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

1. Art.
 - a. Artistic quality. The strength of the artist's concept, vision and craftsmanship of the artwork.

- b. Context. The architectural, historical, geographical, geological, and socio-cultural context of the site where such will be installed or displayed.
- c. Media. All art forms, including disciplines and media that are of specific limited duration and which survive only through documentation after the life of the piece has ended.
- d. Permanence. The structural and surface soundness, the inherent resistance to theft, vandalism, weathering, and/or excessive maintenance or repair costs. Additional consideration shall be given for warranty provisions.
- e. Public Safety. Artwork shall not present a hazard to public safety.
- f. Diversity in style, scale, exploratory types of work, as well as established art forms.
- g. Feasibility and evidence of the artist's ability to successfully complete the work as proposed. Factors include project budget, timeline, artist's experience, artist's workload, soundness of materials, and City zoning, construction, and design guidelines.
- h. Duplication. Artists are required to warrant that artwork is unique (an edition of one), or part of a limited edition.

2. Artist. Artists for design teams should ideally have the ability to think conceptually, the ability to communicate and be flexible, experience working with design professionals and integrating artistic concepts into construction documents, the ability to work with architectural drawings, and prior experience with collaborative group work situations.

B. ART WORK SITE SELECTION CONSIDERATION

In selecting a site for public art, the Selection Panel should consider whether:

- 1. The site is publicly accessible at reasonable times, allowing for contemplation and interaction between the public and the work of art;
- 2. The site is on public property or property managed or controlled by the City;
- 3. The site suggests art opportunities that would extend the breadth, vitality and quality of Moscow's public art program;
- 4. The art is likely to enhance the pedestrian experience of the space and contribute to the visual interest of the area;
- 5. The site falls within the prominent paths of circulation (e.g., an entry point, transit corridor, or plaza area), or is near a place of congregation (e.g., park, transportation center, entertainment or retail center); and
- 6. Meets the conditions to receive public art funding or grant funding.

C. PLACEMENT OF WORKS OF ART

- 1. While it is the intent that site-specific works will remain in the site for which they were created, the City reserves the right to relocate a piece of public art.

2. Portable works of art that are not site-specific are part of the “Portable Works Collection” and will move throughout City facilities at the discretion of the Arts Director, taking into account requests from various departments.
3. Temporary works of art commissioned will be documented with appropriate media either by the artist(s) or the City.
4. Where a work of art will be placed on a site not directly owned and/or controlled by the City, the placement terms and conditions shall be specifically approved of by City Council.

D. RELOCATING SITE-SPECIFIC WORKS OF ART

1. No site-specific artwork may be moved without the recommendation of MAC and the Arts Director and specific Council action. The MAC may consider recommending relocating a site-specific artwork for one (1) or more of the following reasons:
 - a. The condition or security of the artwork can no longer be reasonably guaranteed at its current site;
 - b. The artwork has become a hazard to public safety in its current site and condition; or
 - c. The site has changed so that the artwork is no longer compatible with the site.
2. Once the MAC and Arts Director have determined that an artwork meets one (1) or more of the above criteria, the following process shall be followed:
 - a. The Arts Director makes a good faith attempt to discuss relocation of the art work with the artist or his/her representative, if available.
 - b. If the artist agrees to the proposed relocation, the recommendation will be considered by the Park and Recreation Director, the Arts Director, and the City Supervisor, then presented to Council for approval.
 - c. If the artist does not agree to the proposed relocation, the artist or representative may request that his/her name not be used as the author of the artwork when relocated.

V. OTHER CONSIDERATIONS

A. MAINTENANCE AND MANAGEMENT OF PUBLIC ART

It is the responsibility of the Arts Director and Parks and Recreation Director to oversee the maintenance of all works of art in the City’s public art collection.

1. All commissioned artists will be required to complete a conservation record form that provides information on materials, fabrication methods, installation details, and recommended maintenance.
2. The Arts Director will maintain a computer database inventory and a paper file of relevant documents for artworks owned by the City.

3. City will facilitate routine cleaning and maintenance of artworks based on recommendation by a professional art conservator or based upon information provided by the artist on the conservation record form.
4. A professional art conservator or person(s) trained by a conservator may be consulted or hired to provide maintenance and conservation work for the City's public art collection.
5. Participating departments should notify the MAC immediately if an artwork is either damaged or stolen or if the participating department plans to move the artwork or in any way alter its location or use.
6. The City shall maintain adequate insurance coverage for its public art collection.

B. DONATIONS OF ARTWORK

1. Review of Proposed Art Donations

- a. Works of art are occasionally offered as donations to the City of Moscow. The Arts Director (in consultation with MAC) is responsible for reviewing and evaluating the suitability of a proposed artwork and recommending to the City Council whether or not to accept it as a gift, and/or allow it to be installed on city property. If accepted by the City Council, the maintenance of a gift of art is the responsibility of the City (unless otherwise specified). When considering a gift, the Arts Director may recommend that the Council require that the donor establish a maintenance endowment to ensure an adequate quality of care for the artwork.
- b. The Arts Director and MAC is responsible for review of all proposed gifts of art to the City, including donations by individuals, neighborhoods, community groups, and international organizations. Such donated artwork may be placed temporarily on City property without being offered to the City as a gift, provided that the donor obtains the appropriate approvals and/or revocable permits (if any) for placement of the works and agrees to maintain them throughout the life of the work. In these cases, gift review is not required.

2. Donation of works of art to City's art collection

- a. Donor contacts appropriate City staff to discuss the potential gift, providing photos or the actual artwork.
- b. Arts Director presents consideration of the gift to the MAC. If presented in graphic form, the MAC reserves the right to postpone any decision until the actual artwork is reviewed.

- c. Arts Director (in consultation with MAC and as approved of by City Council) accepts or declines the gift. If accepted, the donor is acknowledged (if requested).
 - d. Funds for maintenance are agreed upon by the donor and Arts Director and deposited by the donor into a public art maintenance fund.
3. Donation of commissioned works of art
- a. Donor contacts Arts Director and appropriate City staff for a meeting to discuss idea for commission as well as to plan for artist selection and location of art following completion of the artwork.
 - b. Arts Director (in consultation with MAC) accepts or declines the idea and/or the selection process.
 - c. If City accepts the idea of the donated commissioned artwork, its placement and maintenance, Arts Director presents the selected artist and design for the commission to the Council which may approve, provide suggestions for improvement, or reject the proposal.
 - d. Donor is acknowledged (if requested).

C. DEACCESSION

In the event a work of art may need to be considered for removal, sale, trade, or gifting (deaccessioning), the matter shall be referred to the Arts Director (and MAC).