

# Public Visual Art Policy and Procedures

## City of Saginaw, Texas

### 1. Mission:

The City of Saginaw desires policies and procedures to encourage the display of public visual art within the City and to provide a mechanism for the inclusion of public art through the city in specific parks and outdoor public open spaces.

The purpose of this policy is to establish a Saginaw Art in the Community Program through which the City of Saginaw can acquire and accept artwork by commission, on loan or as a gift. This policy establishes the goals and objectives of the City's Saginaw Art in the Community Program and provides guidelines for acquiring existing artwork, commissioning artists to create new artwork for the City and sponsoring temporary art exhibits on City property. The policy applies to the acquisition and exhibition of all artwork loaned, donated to, purchased by, or commissioned by the City of Saginaw.

### 2. The Saginaw Art in the Community Program

- a. *Goals and Objectives:* The goals of the Public Art Policy are to promote public art to enhance, enliven and enrich the City while reflecting the values of the community. The program objectives are to:
  - i. Provide an opportunity for public art and artistic expression within the community;
  - ii. Allow public art as a vehicle to express the City's history and cultural heritage;
  - iii. Strengthen the community's sense of spirit, pride and community values;
  - iv. Generate cultural tourism and create economic impact;
  - v. Utilize resources efficiently and provide for sustainability;
  - vi. Enhance community identity and pride;
  - vii. Provide the highest quality artwork available, promoting excellence and demonstrating diversity and variety of media;
  - viii. Increase public exhibition opportunities for artists who live or work in and around Saginaw;
  - ix. Encourage public participation and interactions with public spaces;
  - x. Enrich the public environment for both residents and visitors through incorporation of the arts; and
  - xi. Strive for diversity, reflecting the social, ethnic and cultural fabric of the city.
- b. *Funding:* Public art projects may be funded through a variety of sources approved by the City Council, including:
  - i. Public funds;
  - ii. Private Contributions;
  - iii. Grants;
  - iv. Corporate Sponsorships;
  - v. Matching Gifts;
  - vi. Development Fees;
  - vii. Gifts of art; and
  - viii. Fundraising.

- c. *Administration:* The Keep Saginaw Beautiful Committee (KSB) shall administer the Saginaw Art in the Community Program, coordinating with other City agencies and committees as necessary. KSB will:
- i. Participate in identifying and developing possible public art sites for City Council approval;
  - ii. Draft and distribute Calls for Artists, stating project goals and site plan;
  - iii. Convene Art Selection Panels as needed;
  - iv. Participate in all City Council meetings where public art is discussed;
  - v. Prepare and monitor all tracking documents, including artist records, art inventories, and contracts;
  - vi. Coordinate all physical and logistical components of artwork installations;
  - vii. Coordinate preparation of all necessary signage, including identification labels and/or plaques;
  - viii. Coordinate publicity and media attention for artwork installations;
  - ix. Serve as a conduit between artists, project and building managers, City staff and others as necessary to ensure a trouble-free flow;
  - x. Serve as resource, guide, and counsel to the City Council and City staff regarding all issues related to the Saginaw Art in the Community Program;
  - xi. Present an annual report to the City Council on the Saginaw Art in the Community Program accomplishments of the prior year and plans for the coming year; and
  - xii. Conduct a bi-annual review during odd years of all holdings in the art collections. During this review KSB will:
    1. Inventory the collection;
    2. Examine the condition of each piece to determine any restoration or preservation needs; and
    3. Examine the display or storage conditions of each piece.
- d. *Maintenance, Protection, and Display of Artwork:* The City will be responsible for the proper maintenance, protection, and display of all artwork accepted by the City as part of the Saginaw Art in the Community Program. These activities will be conducted in accordance with any written instructions provided by the artist/donor at the time of delivery of the work to the extent feasible. In fulfilling these duties, the City will:
- i. Exert reasonable efforts to protect the artwork from theft, vandalism, and other damages;
  - ii. Maintain insurance policies providing coverage for theft vandalism, or other damages to the artwork;
  - iii. Exert reasonable efforts to ensure that acquired artwork is available for public viewing - and when available for public viewing, displayed in an appropriate and respectful manner; and
  - iv. Provide official acknowledgement of receipt of artwork to artist or donor.
  - v. The City will not intentionally destroy, damage, alter, modify, or otherwise change a piece of artwork accepted by the City as part of the Saginaw Art in the Community Program. If any alteration occurs after receipt of the work by the City, the artist has the right to request that the work no longer be represented to be the work of the artist.

e. *Types of Projects*

- i. PUBLIC ART COMMISSIONED BY THE CITY: From time-to-time, the City may desire to commission public art projects. Any art projects initiated by the City shall follow the process for review as outlined in these policies and procedures.
- ii. DONATIONS OR LOANS OF ARTWORK: The City provides an opportunity for donation or loans of artwork for display on public property. Any individual, group, or corporation interested in donating or loaning artwork for display shall follow the policies and procedures outlined in this document. Any donations or loans must occur under the following terms:
  1. All donations and loans shall be reviewed by the City of Saginaw and approved
  2. As part of the approval process, the owner or owner's representative of the project will be required to enter into an Art Display Agreement. This agreement shall outline the length of the loan or statement of donation, location, maintenance requirements, cost responsibility, insurance, value of artwork, installation and removal responsibility, and other items not specifically mentioned. If ongoing maintenance requirements, cost responsibility, or other obligations are the burden of the owner or owner's representative, then the sustainability of the owner or owner's representative shall be added as a condition of review.
  3. All siting decisions shall be made by the City Council, with input from the KSB.
  4. All donated works become part of the City's art collection and, as such, may be relocated or removed from display at any time.

**3. Process for Review**

- a. *Review/Approval Process:* Applications for public review must meet the submission requirements outlined below. Once an application is received by the City, it will be scheduled for an upcoming KSB meeting when agenda time is available. Then if approved, it will be scheduled for an upcoming City Council meeting when agenda time is available. It is anticipated that this process should take between 31-60 days, but may take longer as needed. The review process shall be as follows:
  - i. The application and its contents shall be forwarded to the KSB.
  - ii. The KSB Committee shall convene a meeting and provide a recommendation regarding the application to the City Council. The recommendation shall include all of the comments received during the review period and a summary of the recommendations.
  - iii. Acceptance of the application by the KSB. The KSB shall review the application and direct staff to proceed with the review procedures.
  - iv. The application / project will be scheduled for an upcoming City Council meeting for review and potential approval.
  - v. The City Council shall review the application and recommendation from the KSB to make a final decision on the application.
  - vi. Conflict of Interest Statement: In no event shall the application or representative of the applicant be part of the KSB committee.
- b. *Submission Requirements:* Applications will not be deemed acceptable unless accompanied with the following information:
  - i. A photo, drawing or sketch of the art piece.

- ii. Estimated cost of construction and design and proposed funding sources.
  - iii. Description of the materials used to create structure including materials needed to display/secure the structure.
  - iv. Dimension of the structure including appropriate base materials needed.
  - v. Description, including materials, dimensions, working and location, of interpretive signage for the structure.
  - vi. Statement of regarding relationship to proposed site including aesthetic, cultural or historic ties.
  - vii. An estimate of design lifespan of the structure and potential annual maintenance needed to maintain structural integrity.
  - viii. Statement as to whether the work is unique or duplicates other work.
  - ix. Proposed construction methods.
- c. *Guidelines for Review:* The KSB Committee and City Council will consider the following criteria in its review of all art on public parks and open spaces:
- i. The City's overall collection shall strive for diversity in style, scale, media and artists.
  - ii. If the structure is to be erected outdoors, the physical condition of the structure should be considered in terms of durability in an outdoor setting. Any requirements for immediate or future conservation should be noted.
  - iii. The structure must add interest and meaning to the environment in which it is placed. It must be compatible in scale, material, form and content with its surrounding and for an overall relationship with the site. Structure must conform to any existing Master Plan for the site.
  - iv. The structure must have social, cultural, historical or physical context to the site and/or community, either existing or planned.
  - v. Structures whose messages are exclusively religious in nature will not be accepted.
  - vi. Structures whose messages are exclusively political in nature will only be considered if the political message is of historical context.
  - vii. Structures that will provide burdensome maintenance costs on the City, according to its discretion, will not be accepted.
  - viii. Structure shall provide overall artistic merit, creativity, and vision (originality, ambition, connection with people and region, technical competence and craftsmanship).
  - ix. Message and content shall be judged by generally accepted community standards.
  - x. Preference given to work created by local and regional artists.
  - xi. Artist's background and ability.
  - xii. Pertinence to local people, history, events and cultural and ethnic heritage or related to location.
  - xiii. Support and collaboration for the project.
  - xiv. No conflict of interest with funding sources.
  - xv. Clear title of ownership.
  - xvi. Must meet City Codes and Ordinances.
  - xvii. Avoid over-representation by any one artist.
  - xviii. Prioritized list of sites and localities.
  - xix. Public Safety.
  - xx. Artworks should not block windows or entranceways, nor obstruct normal pedestrian circulation in and out of a building, on a sidewalk or path.

- xxi. Art should not be placed in a given site if the landscaping and maintenance requirements of that site cannot be met on a long-term basis.

#### 4. Acquisitions:

The following policies apply to the acquisition of art by the City for the City's permanent art collection:

a. *Artist Selection Process*

- i. The KSB serves as the preliminary review, advisory and recommending body for a Public Art project. The City Staff assists the KSB chair in presiding over meetings and overseeing the artist selection process. The KSB interviews and selects an artist to recommend for the project.
- ii. KSB reviews are scheduled in advance and open to observers who wish to attend. The KSB chair or City Staff instructs committee members on the duties and responsibilities relating to the project.
- iii. Committee members should verify that they have no conflict of interest relative to the project. If the KSB cannot reach a consensus on an artist, it takes a vote, with the majority carrying the decision. Each Committee members has one vote, and no Committee members has the right of veto.
- iv. The City Council has final authority to approve the artist and can accept or reject the KSB's recommendation.

b. *Contractual Agreements:* Upon final approval of the artist by the KSB, the City Staff negotiates with the artist using the City contract developed specifically for this purpose.

c. *Design Development and Review:* The following process guides the design development and review of a public art project:

- i. After selection but prior to design development, the artist meets with the KSB or the City Staff to discuss the scope of the project.
- ii. The artist gathers information and conducts research, solicits community input if appropriate and begins preliminary designs.
- iii. The KSB or City Staff responds to the artist's draft designs and provides feedback.
- iv. After the artist has created a fully developed design for the artwork, it may be shared with the public.
- v. The artist's final design is brought before the City Council prior to the execution of any agreements for fabrication of the design. The City Council is the final authority in the design review stage.
- vi. The City Staff may hold a final meeting of the KSB to obtain feedback on the process and interview members about lessons learned.

d. *Project Completion:* At the completion of a project, the following procedures apply to the transfer of project responsibility to the Municipal Art Collection:

- i. Within 15 days following the completion of the artwork installation, the artist provides a transfer of title document.
- ii. As a condition of final payment to the artist, the artist must send a letter documenting fabrication methods, artistic intent and routine and cyclical maintenance requirements.
- iii. Upon project completion, the City Council recommends to the citizens final acceptance of the artwork into the Municipal Art Collection.

- e. *Artwork Selection Criteria:* Artistic integrity and highest quality of aesthetic experience will be the primary considerations in the selection of public art in Saginaw. The following criteria shall be applied by KSB in the selection process:
  - i. MEDIA: All visual art forms and materials consistent with the purpose of acquisition will be considered.
  - ii. QUALITY: Artwork shall be of lasting value and artistic merit that will enhance the City's collection.
  - iii. AUDIENCE: The artwork will be suitable for display to a diverse audience including children. It should enhance its setting and help create a sense of place. The City may not acquire public art that would, when displayed, create a hostile work environment for public employees.
  - iv. STYLE: The artwork should be suitable in scale materials and form for its surroundings, or capable of being suited in a variety of public areas. Artwork selected for the City's collection should advance the purpose specified by KSB at the time an acquisition project is undertaken
  - v. RANGE: Artwork may be functional or non-functional; conceptual or tangible; portable or site-specific; folk art, craft or fine arts; temporarily or permanently installed
  - vi. CONDITION AND PERMANENCE: The artwork will be of materials and method of construction suitable to the setting. Artwork for outdoor exhibition will be resistant to theft, vandalism, weathering, and constructed to avoid extensive maintenance and repair. At the time of acquisition, the artwork will be in good condition or worthy of restoration.
  - vii. TECHNICAL FEASIBILITY: The City will consider only such artwork for commissions those artwork proposals it finds likely to be completed according to design. The City will only select artworks for which it has an immediate location or storage capacity.
  - viii. FISCAL FEASIBILITY: The City will consider only such artworks for which it poses adequate funding for appropriate display, maintenance, insurance and safeguarding. Prior to acceptance of a work, an estimate based upon past experience or knowledge of maintenance expenses associated with the proposed artwork shall be presented to the City Council by KSB in its Acquisition Recommendation.
  - ix. PUBLIC SAFETY: The City will not consider works that the City determines may pose a threat to public safety.
  
- f. *Acquisition Methods:* Artwork may be acquired by purchase, commission, donation, or long-term loan as follows:
  - i. PURCHASE: When an existing artwork satisfies the selection criteria of the Saginaw Art in the Community Program or a specific public art project, KSB may recommend that the City Council authorize direct purchase of the artwork.
  - ii. COMMISSION: Based on a recommendation from KSB, the City Council may award commissions by competition or invitation. The selected artist would be commissioned to create original work consistent with the artist's proposal. Commissions may be awarded as follows:
    - 1. Juried invitational: Artists may be chosen through a competition, for which selected artists are invited to submit proposals according to criteria established by KSB or the City Council. Such criteria will reasonably expedite the goals of the competition without unduly excluding qualified participation.

2. Open Competition: Artists may be chosen through a competition whereby all artists are invited to submit their qualifications (RFQ) as demonstrated by past work, past experience with public art, and successful completion of previous projects similar in scope and demand. Those artists meeting the qualification requirements established by KSB or the City Council will then be asked to submit a proposal; or
  3. Invitation: Artists chosen by KSB or a duly authorized Art Selection Panel on the basis of their qualifications, as demonstrated by past work, past experience with public art, and successful completion of previous projects similar in scope and demand will be asked or paid to develop a proposal.
- iii. DONATION: KSB may recommend that the City Council accept artwork offered as a contribution to the City by a citizen if the work satisfies Saginaw Art in the Community Program selection criteria and an appropriate site exists to exhibit the work.
  - iv. LOAN: When an existing artwork satisfies Saginaw Art in the Community Program selection criteria and is suited to a particular purpose or is well-suited to a particular site, KSB may recommend that the City Council authorize the City to borrow the work from the artist or owner. The terms of the loan, including the periods for which the work is loaned, any instructions for proper care and maintenance of the work, and all relevant insurance arrangements, shall be specified in a Loan Agreement.
- g. *Ownership of Purchased, Commissioned or Donated Artwork*
- i. Artwork purchased, commissioned, or accepted as a donation will be the property of the City of Saginaw. Title for each work will be transferred to the City as necessary.
  - ii. Upon acquisition of an artwork, the relationship between the City and the artist will be defined by a contract addressing the terms of the acquisition, any instructions for proper care and maintenance of the work, and any special agreements regarding copyright, reproduction and resale issues, and/or manner in which the work may be deaccessioned.
- h. *Responsibilities of Artists/Donors*
- i. When an artwork has been selected for inclusion in the Saginaw Art in the Community Program, the artist or donor must agree to:
    1. Sign and abide by the terms stated within the Acquisition Contract;
    2. Execute, complete and deliver the work at agreed upon date and time;
    3. Maintain an effective working relationship with the project team and City staff;
    4. Advise KSB immediately of any significant changes to the scope, materials or design of the work after contract is signed (all changes must be reviewed and approved prior to completion);
    5. Personally design and execute the work, working with City staff in connection with site preparation and installation, unless otherwise stipulated in the contract;
    6. Warrant that the work is the original product of the designated artist's creative efforts and does not infringe on any third party's copyrights or other intellectual property rights; and
    7. Correct or allow correction of any safety issues not foreseen in the installation of the artwork, or that develop after the artwork has been on public view.

- i. *Criteria for Artwork Placement:* When identifying the proposed location of artwork, KSB shall consider the following:
  - i. Public Safety;
  - ii. Visibility;
  - iii. Lighting;
  - iv. Traffic patterns, interior, exterior, foot and auto;
  - v. Function of the existing facility or site;
  - vi. Relationship of the proposed artwork to pre-existing artworks on the site;
  - vii. Future development plans for the area;
  - viii. Landscape design;
  - ix. Environmental assessment;
  - x. Public accessibility;
  - xi. Appropriateness of the physical characteristics of the site; and
  - xii. Relationship of the social and cultural identity of the immediate local community.
  
- j. *Public Safety:* No Artwork will be displayed before the City has inspected it and ascertained that it poses no threat to public safety. Through evaluation by qualified staff, the City will ascertain that no aspect of the installed artwork creates a substantial risk of injury when the work and any adjacent property are used with due care and in a reasonably foreseeable manner. The City will further ascertain that installation of the work will not pose a substantial or unreasonable risk of serious bodily harm to persons near the work or on adjacent property with due care appropriate to their age in a reasonably foreseeable manner. After an artwork has been installed, the City will monitor the installation as needed to ensure that no such risks are created due to changed circumstances.
  
- k. *Removal of Public Art:* The City shall remove and dispose of works of art when it finds such action to be in the public interest based on the following:
  - i. The artwork has no relevance to the collection or serves no exhibition function.
  - ii. The artwork has been vandalized and is unable to be repaired for any reason, including physical, structural or financial reasons.
  - iii. The artwork no longer meets the current standards for public art.
  - iv. The artwork is no longer repairable or is in a seriously deteriorated condition.
  - v. Due to the concerns for public safety if an artwork becomes a hazard or a public liability.
  - vi. Removal should not be based on current fashion or taste. Recommendations for removal of public art shall be directed to the City Council. If the City Council determines a review is appropriate, it shall follow the same procedures as outlined for the application for new artwork.
  
- l. *Deaccession of City-owned Artwork:* The City of Saginaw recognizes that the deaccession of artwork must be handled with great care, as concern that public art might be disposed of to pay operating expenses or satisfy changing desires of the City could discourage potential donors or artists. Moreover, haphazard deaccession could cause irreparable harm to the City's collection. The City of Saginaw has a fiduciary obligation to maintain the collection for the benefit of its citizens. KSB may recommend that an artwork should be permanently removed from the City's collection according to the procedures that follow:
  - i. CRITERIA FOR SELECTING WORKS FOR DEACCESSIONING. A work may be deaccessioned if at least one of the following applies:

1. The city cannot properly care for or store the work;
2. Security of the artwork can no longer be reasonably guaranteed;
3. There is no suitable site for relocation of a work that must be moved;
4. Maintenance costs are higher than can reasonably be absorbed by the City;
5. The artwork requires repairs that are unfeasible;
6. The artwork's condition requires restoration in excess of its aesthetic value;
7. The work is so deteriorated that restoration would prove unfeasible or misleading;
8. It, as erected, the artwork poses risks to public safety not identified in the selection process;
9. It is determined that the work lacks significant aesthetic, historical and/or cultural value;
10. The City's collection contains a large quantity of work by a single artist of minor stature (in such case, KSB may find it sufficient to retain only a representative collection);
11. The work is determined to be a duplicate (e.g. prints or multiples) of lesser quality than other works in the collection;
12. The work is determined to be a copy or pastiche without significant historical, documentary, or aesthetic value; or
13. The work is determined to be a forgery or fake. KSB is responsible for ensuring that any such forgery or fake is identified as such when it leaves the City's collection.