

RESOLUTION NO. 332

A RESOLUTION OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, ADOPTING AN ART POLICY AND AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES TO IMPLEMENT THE POLICY.

WHEREAS, the City Council wishes to enhance the cultural environment of the community; and

WHEREAS, the City Council wishes to achieve this in part by promoting the creation and placement of art in various public venues throughout the city;

WHEREAS, the City Council encourages active public involvement during the artwork selection process; NOW, THEREFORE,

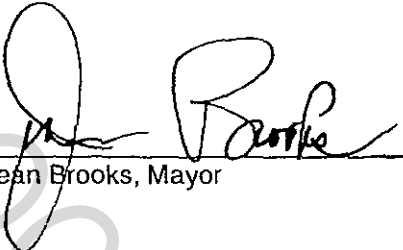
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AS FOLLOWS:

Section 1. Art Policy Established. A policy for the acquisition of art for placement on public property is established and attached as Exhibit A.

Section 2. Authorization of City Manager to administer a cohesive art program. The City Manager or designee shall administer the Art Program and may establish administrative rules in keeping with this policy.

Section 3. Effective Date. This resolution shall take effect immediately upon adoption.

ADOPTED BY THE CITY COUNCIL JANUARY 7, 2002.




Jean Brooks, Mayor

ATTEST:



Catrina Craig, City Clerk

CITY OF UNIVERSITY PLACE - POLICIES & PROCEDURES

TITLE: Art In Public Places	POLICY MANUAL SECTION & NO. 05.05	
APPROVED BY CITY MGR 	REVISES OR SUPERSEDES N/A	EFFECTIVE DATE: January 7, 2002

1. PURPOSE

This document establishes policies and procedures for acquiring and displaying art on public property. It is the City's intention to enhance the cultural environment in the community by promoting the creation and placement of art in various public venues throughout the City. To protect the ever-changing needs of the public, this policy by necessity is a dynamic and flexible one. It recognizes that the City's need to use limited public spaces changes over time. The amount of funding available to the City to operate and maintain an arts program and to preserve a publicly owned arts collection also changes over time.

2. DEFINITIONS

Acquisition: Procurement of artwork for the City of University Place's owned and/or loaned collection by either public or privately donated funds.

Artwork: All forms of original visual and tactile art (e.g. paintings, photographs, sculptures, fountains, etc.) intended for display on public property.

Disposal: Actions that result in the termination of ownership, sale, or transfer of legal possession of an artwork.

City: City of University Place, Washington.

Commissioned Art: Artwork acquired by the City through a contract that specifies parameters under which the artwork is created for the city.

3. POLICIES

Overview

The City Council of the City of University Place, Washington – through the biennial budget and budget amendment processes, the Council's specifically reserved oversight function over certain city contracts, and the Council's express authority to approve donations made to the City – may participate in the acquisition of art. The Parks and Recreation Commission, by recommendations made to the City Council, may assist in the acquisition of artwork for display in City parks. The City Council has directed the City Manager to administer and maintain a cohesive art program. The City Manager may designate other city staff to carry out this policy.

Artwork Selection Process Policies

Meetings at which either the Parks and Recreation Commission or Council discuss art related issues including a possible acquisition of artwork are subject to the Open Public Meeting Act. The Council encourages active public involvement during the artwork selection process. The Parks and Recreation Commission or Council may invite art experts and/or citizens with special interests in an arts project to testify at such meetings.

In making a selection of artwork, the City may endeavor to include a broad cross section of interested parties, such as the Parks and Recreation Commission, Planning Commission, the general public, the business community, and the arts community. Further, the City may encourage collaboration between artists and design professionals, including architects, landscape architects, project managers, and engineers as early in the selection process as practical.

When the City acquires a piece of artwork, it shall do so by a written agreement. A written agreement is required if the artwork is acquired either for a temporary showing on public property or for permanent acquisition by the City. The written agreement shall be approved as to form by the City Attorney. The agreement may include such terms as:

1. Period of time artwork is to be exhibited and/or stored.
2. Responsibility for costs including, but not limited to, required permits & approvals, site preparation, transportation, storage, installation, damage & liability insurance, maintenance, removal of the artwork, restoration of the site and any other associated costs.
3. Site location of the artwork.

- Conditions for sale of the artwork, if applicable.
- 5. Conditions for termination of the agreement by the artist, donor or the City.

Types of Acquisitions

The City has the option of selecting works through any of the following methods:

Commissioned Work:

The City may seek commissioned artwork through open or closed competitions, or through special invitation of individual artists. The City will decide on a case-by-case basis whether proposal development fees will be paid to the artists with City funds.

Purchase:

The City may purchase an existing piece of artwork.

Acceptance of Donated Artwork:

The City may acquire artwork through donations. Such donations may be made either directly by an artist to the City or through a third party who pays the artist for the artwork and then donates the artwork to the City. In accordance with the City's Gift and Donations Policy, all donations of artwork to the City are conditioned on the final approval of the City Council.

If a donation of artwork is accepted, the City will provide the donor with a donation form (available in the Finance Department) for federal tax purposes. It is the responsibility of the donor to determine the value of the donated artwork for federal and state tax purposes. The City reserves the right to require an independent appraisal of the value of any artwork donated to the City as a condition of final acceptance.

Loaned Artwork:

The City may agree to permit a piece of artwork to be temporarily displayed on public property. Any such agreement shall be in writing.

Selection Criteria for Artwork Purchased by, Donated to, or Loaned to the City.

Artwork may be evaluated on the following criteria:

1. *Condition of the artwork.* The artwork should be in good condition (i.e. free of safety hazards, free of maintenance problems, free from defects, etc.).
2. *Availability of an appropriate site.* Artwork should generally not be accepted unless there is an approved display site on public property where the artwork can be displayed. The City reserves the right to make exceptions on a case by case basis.
3. *Time schedule.* The artwork should be available for installation within a reasonable period of time.
4. *Maintenance and preservation.* Artists should provide thorough maintenance instructions including estimated costs. The donor must indicate if there are any unusual or ongoing costs. The artwork should be maintainable at a reasonable cost to the City.
5. *Restrictions.* Because of future changes in the possible uses of public property, it is the policy of the City to acquire artwork only when the artist is willing to waive all future rights under federal and state law in such artwork. The City specifically reserves the right to remove, relocate, sell, transfer, remove from public display either temporarily or permanently, or otherwise dispose of any piece of artwork that is acquired by the City. Any exception to this policy that could place the City at future risk regarding a specific piece of artwork shall be in writing in an agreement that is specifically approved by the City Council prior to the acquisition.
6. *Appropriateness of artwork.* The proposed artwork must not:
 - A. Be lewd or obscene as defined in RCW 7.48A.010(2);
 - B. Have a subject matter that promotes violence against persons or animals;
 - C. Have a predominately religious subject matter or depict a religion or religious symbols in a way that a reasonable person would deem to promote a particular religion; or
 - D. Have a subject matter that deals predominately with partisan politics.
7. *Memorials.* This policy shall not be construed to exclude memorials such as war memorials veterans' memorials, etc.

The City Manager may develop additional written specifications regarding the acquisition, maintenance and preservation of artwork to carryout this policy.