

Municipality of Anchorage

Public Art Program

Policies and Procedures

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Direct quotations from Anchorage Municipal Code, Chapter 7.40, Funds for Works of Art in Public Facilities, are printed in italics.

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I. STATEMENT OF PURPOSE

The purpose of these policies and procedures is to establish a process for the selection, acquisition and care of works of art through the expenditure of funds generated through Chapter 7.40 of the Anchorage Municipal Code, generally referred to as the 1% for Art Ordinance. In this document, words in *Italics* indicate language quoted from AMC 7.40 and AMCR 7.40, the regulations accompanying the ordinance.

II. INTENT OF THE PUBLIC ART PROGRAM

The intent of the 1% for Art Ordinance is to enhance the aesthetic environment of the Municipality of Anchorage by including works of art in municipal construction projects, including Anchorage School District projects. The goal of the Public Art Program is to acquire a collection of works of art of redeeming quality that advance public understanding of visual art and enhance the quality of Anchorage's public spaces. The Public Art Program is managed by the Office of Economic and Community Development Department under the direction of the Curator of Public Art.

AMC 7.40.020. *The State of Alaska has recognized through the enactment of AS 35.27.010 and the Municipality of Anchorage hereby recognizes by the enactment of this chapter, the responsibility of government to foster the development of culture and the arts through the purchase or commissioning of works of art for municipal buildings, schools or other municipal facilities.*

It is therefore declared to be municipal policy that a portion of appropriations for capital expenditures for municipal buildings and facilities be devoted to the acquisition of works of art to be permanently placed or incorporated in such buildings and facilities.

This goal shall be realized through:

- A. The commission of artists and works of art of the highest quality that represent an expression of our time, contribute to a sense of Anchorage's identity, and speak to the community;
- B. The nurturing of the creative environment of Anchorage and the encouragement of local artistic endeavors;
- C. The expansion of Anchorage citizens' experience with visual art;
- D. The incorporation of art that encourages public interaction with and enjoyment of public spaces;
- E. The commission of a broad range of art reflective of the overall diversity of current works in the field of visual art;
- F. The commission of art varying in style, scale, medium, form and intent, representative of the local, regional, national and international arts communities;
- G. The encouragement of artists to reach creative solutions to the aesthetic opportunities they have been invited to solve;
- H. The broad distribution of commissions among artists;

- I. The broad geographic distribution of art in Anchorage; and
- J. The integration of artists and their work into the process of creating public spaces for the citizens of Anchorage.

III. NATURE OF THE PUBLIC ART COLLECTION

General considerations on the nature of the public art collection shall include the following principles:

- A. The function of the public art collection should be to enhance the environment of the Municipality of Anchorage and the quality of life of its citizens through the development of a collection of museum-quality works of art placed in public spaces. The collection should function as a public education tool, a means for engaging the people in dialogue, an opportunity for artists to interact with the Municipality and its communities, and as a method for providing that which no other municipal resource provides.
- B. The public art collection should not be exclusively a collection of internationally recognized names nor strictly that of local artists; it should reflect a healthy balance of interactive ideas.
- C. The public art collection should represent the diverse nature of the collector, the Municipality, by being responsive to the various communities and neighborhoods within the Municipality.

IV. DEFINITION OF TERMS

Accession: The procedure followed to log in, designate, and incorporate an artwork into an art collection.

Acquisition: The inclusion of an artwork in a permanent art collection whether through a commission, purchase, gift, or other means.

Artist: *AMCR 7.40.001A.* *A person who practices in the visual arts as a professional. Indications of a person's status as a professional artist include, but are not limited to, income realized from the sale of artwork, frequent or consistent art exhibitions, placement of artwork in public institutions or museums, receipt of awards and honors, and training in the arts.*

Artwork: A tangible creation by an artist. ***AMC 7.40.010A.*** *All forms of original creations of visual art, including but not limited to the following: sculptures—in the round, bas relief, high relief, mobile, fountain, kinetic electronic, in any material or combination of materials; painting—all media, including portable and permanently affixed works, such as murals; graphic arts—printmaking and drawing; mosaics; photography; crafts—in clay, fiber and textiles, wood, metal, plastics and other materials; calligraphy; mixed media—any combination of forms or media, including collage.*

Contract: A binding legal document by which parties agree to perform certain services.

Construction Project: *AMC 7.40.010.B. Any capital improvement project paid for wholly or in part by the Municipality of Anchorage to build, rebuild or improve any decorative or commemorative structure, park, parking facility or any building.*

AMCR 7.40.001B. *Any construction, remodeling or renovation of a municipal building, school or other facility.*

Curator of Public Art: A member of the staff of the Economic and Community Development Department staff is responsible for the administration of the Municipality's Public Art Program.

Deacquisition: The indefinite removal of an artwork from permanent display, whether it is disposed of or not.

Incorporated Artwork: *AMCR 740.001C. Artwork that is integrated into the design plan of a construction project.*

Jurors Registry: List of individuals who have volunteered to serve on art selection juries inclusive of all areas of the Municipality of Anchorage.

Percent for Art: A term which has come to mean a method of financing public art programs by a law requiring that a percentage of capital project budgets be appropriated for artworks and/or the services of artists as design consultants.

Project Designer: *AMCR 7.40.001D. The architect, engineer, designer or other consultant selected to design the construction project, including all members of the business or firm. A project designer cannot qualify as an "artist" as that term is used in AMC 7.40.*

Public Art: Visual art in a public place; art permanently installed in a public place, usually as a result of a law such as Anchorage Municipal Code 7.40.

Public Places: All privately or publicly owned spaces, indoors or outdoors, which are generally accessible to the public.

User Department or Anchorage School District: *AMCR 7.40.001E. The municipal department or departments which shall use or occupy the construction project upon completion.*

V. COMPOSITION AND FUNCTIONS OF THE PUBLIC ART COMMITTEE

A. POLICY STATEMENT

The Public Art Committee shall be responsible for the policies and procedures of the Public Art Program. The committee shall be responsible for the delegation of quality control on public art projects by recommending to the Mayor persons to serve on art selection juries. Members of the Public Art Committee shall serve as advisers to the Curator of Public Art on matters related to the Public Art Program. The Committee shall elect a Chair and Vice Chair.

B. COMPOSITION OF PUBLIC ART COMMITTEE

AMC 7.40.050C. *The Mayor shall appoint a Public Art Committee consisting of at least seven members including:*

1. At least one member of the Urban Design Commission
2. At least one member of the Anchorage Arts Advisory Commission
3. At least one member of the Historical and Fine Arts Commission
4. At least one licensed architect
5. At least one professional artist.

The commissions may recommend other candidates for appointment to the Public Art Committee.

C. FUNCTIONS OF PUBLIC ART COMMITTEE

AMCR 7.40.002. *The administration shall notify the Public Art Committee upon selection of the project designer for a construction project required by Chapter 7.40 to dedicate funds for the acquisition of artwork.*

For each construction project and after receiving notice the Public Art Committee shall:

1. Coordinate with the project designer to determine the number and location of publicly visible sites in which artwork may be displayed and the appropriateness of each site for incorporated artwork, unincorporated artwork or both;
2. Determine the size, type and maximum cost of the artwork which may be placed at each site identified;
3. Select a jury in the manner set forth in Section 7.40.003 of the regulations implementing the Municipal Code;
4. Choose a selection method as provided in Section 7.40.005 of the regulations for each work of art to be displayed;
5. In the case of Anchorage School District capital improvements, the Public Art Committee shall seek the advice of the school administration department charged with the project construction and/or interested residents or users of the facility.

If the Public Art Committee has failed to perform before the Municipality has accepted the final project design, the jury shall limit its consideration to

unincorporated artwork so that the construction project may proceed on schedule.

AMCR 7.40.003B. *The Public Art Committee shall act as a jury and select the artwork for any construction project with proposed capital expenditures in an amount less than \$1,000,000.*

AMCR 7.40.011. *The Public Art Committee shall prepare an annual informational report listing all acquisitions and art projects, whether completed or in progress, and submit it to the Assembly, the Mayor, the Anchorage School Board, the Urban Design Commission, the Historical and Fine Arts Commission and the Anchorage Arts Advisory Commission.*

AMCR 7.40.12. *Pursuant to AMC 7.40.070, the Public Art Committee shall investigate any request for exemption and recommend action to be taken thereon to the administration.*

AMCR 7.40.013. *The Public Art Committee shall undertake an annual review of AMC 7.40 and these regulations and may propose amendments as necessary to the Urban Design Commission, the Anchorage Arts Advisory Commission, and the Historical and Fine Arts Commission who shall develop amendments in accordance with AMC 3.40.*

AMCR 7.40.008B. *The Public Art Committee shall develop policies and procedures for recommending conservation practices and priorities.*

AMCR 7.40.008C. *The Public Art Committee shall develop policies and procedures for recommending removal, relocation or disposal of artwork acquired pursuant to AMC 7.40.*

VI. COMPOSITION AND FUNCTION OF ART SELECTION JURIES

A. POLICY STATEMENT

AMCR 7.40.050A. *Where the construction, creation, or commissioning of works of art is to be incorporated in the building or facility or its grounds, such works of art shall be chosen or approved by a jury consisting of the architect or project designer, a representative of the user department, and representatives of the Urban Design Commission and the Anchorage Arts Advisory Commission and other persons as may be designated by regulation.*

AMCR 7.40.050B. *Where there will be an acquisition of existing works of art or the commissioning of works of art which will not be incorporated into the project design, selection shall be made or approved by a jury consisting of representatives of the Urban Design Commission and the Anchorage Arts Advisory Commission and such other persons as may be designated by regulation.*

Because the art selection jury will be responsible for the quality and reputation of the Public Art Program, the members of the jury must be selected with consummate care in order to ensure excellence in product and fairness in process.

In recommending jurors to the Mayor for appointment, the Public Art Committee should be aware of:

1. The extent of the juror's knowledge of art and familiarity with local, regional, and national artists;
2. The juror's ability to assess the design and problem-solving abilities of an artist;
3. The juror's knowledge of and interest in architecture;
4. The juror's sensitivity to the unique qualities inherent in public art.
5. The juror's ability to work creatively and cooperatively.

In recommending the members of a jury, the Public Art Committee should be sensitive to a jury's "personality" to be created by the individuals who will make up that jury. Occasionally it may be desirable to include jurors from outside the region with a national perspective on public art. Jury members shall serve as volunteers, without compensation. A member of the Public Art Committee may serve on a jury.

B. COMPOSITION OF ART SELECTION JURY

It is recommended that each jury be:

1. A body of qualified individuals.
2. A body of vision and energy.
3. Balanced in professional and community activities.
4. Ethnically diverse, reflecting the diversity of the Municipality.
5. Balanced in gender and geography.
6. Statesmanlike in the face of criticism.

AMCR 7.40.003A. *A jury shall consist of at least seven members and include:*

1. One representative from the Urban Design Commission
2. One representative from the Anchorage Arts Advisory Commission
3. One representative from the Historical and Fine Arts Commission

4. The project designer
5. A representative from the user department or Anchorage School District
6. At least two interested residents.

C. PROCEDURES FOR JURY SELECTION

AMCR 7.40.003A. *The Public Art Committee shall recommend a panel of jurors to the Mayor who shall appoint a jury to select artwork for each construction project with proposed capital expenditures in excess of \$1,000,000.00.*

1. The Curator of Public Art shall develop a Jurors Registry from which the Public Art Committee can recommend individuals to serve on art selection juries. The Registry shall contain a letter of interest and resume of each person volunteering to serve on a jury and should be inclusive of potential jurors from all areas of the Municipality.
2. The Urban Design Commission, the Anchorage Historical and Fine Arts Commission and the Anchorage Arts Advisory Commission may select representatives for art selection juries from among their members. If a commission desires to do so, it may delegate representation to a volunteer listed in the Jurors Registry or to another individual of its choosing.
3. The Curator of Public Art shall facilitate the selection of each jury and subsequently serve as staff to that jury.

AMCR 7.40.003B. *The Public Art Committee shall act as a jury and select the artwork for any construction project with proposed capital expenditures in an amount less than \$1,000,000.00 and greater than \$250,000.00.*

1. The Chair of the Public Art Committee shall name an art selection subcommittee consisting of the following members:
 - a. At least one member of the Public Art Committee, who shall serve as the Chair of the subcommittee.
 - b. The project designer.
 - c. At least one representative from the user department or Anchorage School District.
2. An art selection subcommittee shall follow the same procedures for the acquisition of artwork as an art selection jury.

VII. ACQUISITION OF WORKS OF PUBLIC ART

A. POLICY STATEMENT

The enabling ordinance for Anchorage's Public Art Program designates the Office of Economic and Community Development Department as the municipal department responsible for acquisition of works of public art. To this end, the Public Art Program seeks to acquire works of art of the highest quality which are representative of the diversity of artistic expression.

AMCR 7.40.030. *Plans and specifications for the original construction, remodeling or renovation of municipal buildings, schools and facilities resulting in proposed capital expenditures exceeding the sum of \$250,000.00 shall contain and provide for the inclusion of works of art of a value of one percent (1%) of the total cost of the construction, remodeling or renovation project.*

B. PROCEDURES FOR FUNDING

Funding of works of public art is calculated at 1% of the construction, remodeling and renovation cost of the project. Construction monies include site preparation, landscaping, parking areas and similar accessories, building construction/remodeling/renovation, permanently installed equipment and construction contingencies. Excluded costs are land costs, professional fees, administrative overhead and removable equipment costs such as books and office equipment. Funding is allocated according to ***AMC 7.40.080:***

1. Compliance with Section 7.40.030 shall be calculated on the basis of cost estimates available prior to construction or on actual construction costs, whichever figure is known at the time the final selection of artwork is made.
2. Sums allocated for the acquisition of works of art under the provisions of this chapter shall for all purposes be deemed to be part of the construction costs of the project.
3. Sums required to be allocated to works of art under the provisions of Section 7.40.030 shall be limited to all costs associated with design, construction and royalties, excluding all contract administration and project administration costs.
4. If there is a change order or amendment to a project budget after acceptance of a bid for the project, the amount of funding for the artwork may not be changed.

C. CRITERIA FOR SELECTING WORKS OF ART

Criteria to be used when evaluating artwork for acquisition shall include, but not be limited to the following:

1. **Quality.** The consideration of highest priority is the inherent quality of the work itself.
2. **Placement.** Each work shall be placed in a publicly accessible location and shall be visible to both users of and visitors to the site.
3. **Elements of Design.** Selection of art should proceed with an awareness and sensitivity to some of the special functions of public art such as its ability to add interest and meaning to an architectural environment.
4. **Style and Nature.** Works of art which are compatible in scale, material, form, and content with their surroundings and which form an overall relationship with the site may be considered. Particular attention shall be given to the social context of the work and the manner in which people may respond to and interact with it.
5. **Media.** All forms of visual art may be considered. Works should be installed with the intention of permanence, meaning for the life of the building (40 years).
6. **Permanence.** Due consideration shall be given to structural and surface soundness; inherent resistance to theft, vandalism and weathering; and the potential of excessive maintenance or repair costs.
7. **Public Liability.** Each work of art shall be examined for unsafe conditions or factors that may bear upon public liability.
8. **Diversity.** The overall program shall strive for diversity in style, scale, media and artists. There shall be encouragement of exploratory types of work as well as established art forms.
9. **Technical Feasibility.** Each work shall be examined for its feasibility and convincing evidence of the artist's ability to successfully complete the work as proposed.
10. **Duplication.** To assure that the artwork will not be duplicated, the artist will be asked to warrant that the work is unique and an edition of one unless stated to the contrary in the contract.

11. Equal Opportunity. The Public Art Program is clearly committed to equal opportunity in the purchase and commission of artworks from women and the ethnic groups that are significantly represented in the Municipality's population. Every project will be reviewed with this in mind before that project proceeds to a commitment for art or artists.

Each art selection jury member shall be provided with the following checklist for the selection of art:

1. Physical Attributes
 - a. Safety
 - b. Maintenance
 - c. Fireproof, waterproof
 - d. Durability—ability to withstand the elements (such as extreme temperatures, high winds, and low humidity levels inside and out)
 - e. Ability to withstand vandalism and theft
2. Technical Considerations
 - a. Artist's background and ability to carry out the proposed work
 - b. Lighting requirements
 - c. Complexities of installation.
3. Aesthetic Considerations
 - a. Scale
 - b. Color
 - c. Look
 - d. Feel
 - e. Message
4. Architectural / Artist Considerations
 - a. Relationship to the site
 - b. Relationship to the building
 - c. Relationship to the city
 - d. Artist's previous work

D. EXEMPTIONS

If the proposed building or facility falls into either of the following categories, it must comply with the requirements of AMC 7.40:

1. **Function.** The function of the building or facility is to provide a service to the general public which results in daily use of the building or facility by the public. Examples include but are not limited to:

- a. Libraries
- b. City Hall or other government office buildings
- c. Schools
- d. Fire department headquarters
- e. Police department headquarters
- f. Bus accommodation center.

2. **Location.** The building or facility does not meet the definition of Function but is located in an area which is visible to the public from the ground transportation system. Examples include but are not limited to:

- a. Solid waste transfer stations
- b. Well or pump houses
- c. District fire stations
- d. District police stations
- e. Telephone wire center.

Plans and specifications for the original construction, remodeling or renovation of municipal buildings, schools and facilities resulting in proposed capital expenditures less than the sum of \$250,000.00 are exempt from the requirements of AMC 7.40.

AMC 7.40.070. Exemptions. *If it is found by the Public Art Committee that inclusion of works of art in any specific project, as required by this chapter, would not provide any aesthetic benefit to the community or to the principal users of the building or facility, the committee may recommend to the administering department, division or individual designated in accordance with Section 7.40.060 that there be granted a waiver from the requirements of this chapter in whole or in part. The administering department, division or individual shall approve or disapprove the recommendation and so notify the user department. Any denial of exemption may be appealed to the administration within 10 working days. The Assembly will be advised of all recommendations for exemption.*

AMC 7.40.010B. *Where federal or state grant funds are to be used to match municipal funds, the grant application shall, where applicable and where permitted by the granting authority, be made for the "total cost of construction" including portions to be dedicated to art funding under the terms of this chapter. Unless prohibited by the terms of such grants, any money received may be used to implement the requirements of this chapter.*

VIII. ARTIST SELECTION

A. POLICY STATEMENT

Each art selection jury shall be unique, that is, a different jury will be impaneled for each public art project. The juries shall be given as much latitude as possible not only in selecting the artist(s) for the project but also in refining the definition of the site and the parameters of the artist's contribution to the project. For these reasons, the juries shall be named at the earliest possible time after a project has been identified in order to allow for adapting to a design collaboration if it is possible and preferable.

B. METHODS FOR ARTIST SELECTION

AMCR 7.40.005. *A jury may select an artist by any of the following three methods:*

1. **Open entry.** The jury may consider any artist for the project.
2. **Limited entry.** The jury may invite particular artists to compete for the project.
3. **Direct negotiation.** The jury asks a particular artist to submit a proposal for the project.

The Public Art Program shall establish and maintain an Artists Registry for the purpose of providing resumes, photographic documentation of past work, and other pertinent information to art selection juries. Artists shall be encouraged to provide information for the Registry. Every other year, artists listed in the Registry shall be asked to update the information; if they do not do so, their materials shall be returned and their names removed.

Art selection juries may review the materials of artists listed in the Registry before determining the art selection process (open entry, limited entry or direct negotiation).

Materials on file in the Artists Registry may be examined by government agencies, private businesses and individuals at the discretion of the Curator of Public Art.

C. PROCEDURES FOR ARTIST SELECTION

AMCR 7.40.006. *In its selection of an artist, a jury shall consider, among other things, the following:*

1. The quality of the artist's work.
2. Appropriateness of size, medium and form of the artwork to the site in which it shall be placed.

The process for selecting an artist is outlined in **AMCR 7.40.004**:

1. A jury shall review resumes, work product and other pertinent information, which artists have placed on file with the Alaska State Council on the Arts, or a juror may ask artists to submit resumes, work product or other pertinent information directly to the jury.
2. Each juror shall review educational materials as the Public Art Committee may require.
3. Only jurors may vote for the selection of an artist or artwork, and each juror shall have one vote.
4. A jury may meet to discuss and review the qualifications of artists or to select an artist only if a quorum is present. A majority of the authorized members of the jury shall constitute a quorum. An affirmative vote by a majority of the authorized jurors shall carry a motion.
5. A jury may take action only at meetings open to public observation.
6. A jury may reject all candidates and renew the selection process by choosing a different method set forth in AMCR 7.40.005.
7. A jury must conduct, as a minimum, one properly advertised public hearing prior to making a selection of any work of art. A model or appropriate representation of the work of art to be selected must be available for public review at the public hearing location. The public's testimony will be considered by the jury during the evaluation process.
8. A user department or the Anchorage School District may object to the selection of a particular piece of artwork for technical reasons related to maintenance or safety by filing that objection with the Public Art Committee before the Municipality has obligated itself to purchase or commission the work of art. If the Public Art Committee confirms the jury's selection, the user department or Anchorage School District may, within 10 working days, submit the matter to the administration (or the Anchorage School Board in the case of school facilities) for a final decision. The Mayor or his designee shall render a decision within 10 working days. If the Mayor or his designee rejects the jury's selection for technical reasons, the jury shall continue the selection process.

9. Within five working days after rendering a decision, a jury shall provide written notice of its selection to the Urban Design Commission, the Anchorage Arts Advisory Commission, the Historical and Fine Arts Commission, the Public Art Committee and the administration. Neither a commission nor the administration may reject a jury selection except for technical reasons related to *maintenance or safety*.

IX. CONTRACTING WITH ARTISTS

A. POLICY STATEMENT

After completion of the art selection process, the Municipality of Anchorage shall contract with the artist.

AMCR 7.40.010. *All commissioned artwork shall be acquired by formal contract which shall require the artist to perform to the reasonable satisfaction of the Public Art Committee. The Municipality may acquire completed works of art in accordance with municipal or Anchorage School District purchasing procedures.*

The following warranties shall be assured by artists contracted by the Municipality:

1. The art is unique and original and does not infringe upon any copyright.
2. The art or original multiple has not been accepted for sale elsewhere.
3. The execution and fabrication of the art will be performed in a professional manner.
4. The art as fabricated and installed by the artist will be free of defects in material and craftsmanship, including any defects or qualities, which cause or accelerate deterioration.

B. ARTISTS' RIGHTS

After final acceptance of the work of art by the Municipality, the following artists' rights shall be guaranteed:

1. Maintenance of public artworks shall be the responsibility of the Municipality, not the artist, and the Municipality shall make reasonable efforts to maintain the artwork in good repair.
2. Public artworks shall not be altered, modified, removed, or relocated from a site which is integral to the concept for the work without first consulting with the artist, if reasonably possible. If a work, nevertheless, has been significantly altered, the artist shall have the right to disclaim authorship.

3. Copyright of public artworks shall belong to the creator(s), but the Municipality must be granted in the contract the right to make two-dimensional reproductions for non-commercial purposes.

C. PROCEDURES FOR CONTRACTING WITH ARTISTS

1. **Payment.** A method and schedule of payment to the artist shall be provided by contractual agreement with the Municipality. The Municipality will make interim payments to the artist to assist the artist with financing the fabrication and installation of the work. Individual payments may be contingent upon a certificate of insurance, and/or review and approval of progress and completion. Final payment is made only after review and acceptance of the work by the Municipality.

2. **Ownership.** ***AMCR 7.40.008A.** All artwork acquired pursuant to AMC 7.40 shall be the sole property of the Municipality.*

***AMCR 7.40.008B.** The Anchorage Museum of History and Art shall inventory, insure, maintain and repair artwork pursuant to AMC 7.40.*

3. **Copyright.** Copyright in the artwork, including the design, shall be owned by the artist subject to the following restrictions:

- a. ***AMCR 7.40.008A1.** Should it be determined necessary to relocate the artwork in an alternate location, the Municipality may select the location. The Municipality may display the artwork in any place and manner so long as the integrity of the work is not violated. Prior to the relocation of the artwork which may become necessary during the life of the artist, the Municipality shall, to the extent practicable, first consult the artist.*

- b. ***AMCR 7.40.008A3.** The artist will not copy or reproduce the work unless it is an original multiple. The artist shall agree not to recreate for another person or organization any drawings, models or the completed artwork created by him/her pursuant to the contract with the Municipality.*

- c. ***AMCR 7.40.008A2.** The Municipality and the artist may photograph the artwork for documentary or archival purposes, and for informational publications, but not for profit.*

- d. The artist shall be entitled to retain and utilize copies of the drawings and models, including photographs of the work, for his/her own exhibitions. The artist shall further be entitled to reproduce such drawings, models and photographs for use in his/her portfolio and in books and publications about his work, and to exercise all other reproduction rights provided under the U.S. copyright laws, except as otherwise restricted by the contract.

4. **Liability.** If the artist uses subcontractors or other trades to aid in the execution of the contract, the artist shall be responsible for the payment of such work done by these subcontractors and shall secure evidence of payment by waiver of lien by these subcontractors.

5. **Insurance.** The artist shall not commence work until all required insurance has been obtained and such insurance has been approved by the Municipality. Failure to furnish satisfactory evidence of insurance or lapse of coverage is grounds for termination of the contract.

6. **Termination.** The artist's services may be terminated:

- a. By mutual consent of the parties
- b. For the convenience of the Municipality, provided that the Municipality notifies the artist in writing of its intent to terminate at least 30 days prior to the effective date of termination.
- c. For cause, by either party where the other party fails in any material way to perform its obligations under the contract. Termination for cause is subject to the condition that the terminating party notifies the other party of the intent to terminate, stating with reasonable specificity the grounds therefore, and the other party fails to cure the default within 30 days of receiving the notice.

7. **Installation.** ***AMCR 7.40.007.** The administration, the user department or the Anchorage School District and the artist shall coordinate installation of the artwork at the site. Installation expenses shall be paid from the funds allocated to the acquisition of the artwork pursuant to Anchorage Municipal Code 7.40.*

8. **Arbitration.** In the event of a dispute between the artist and the Municipality concerning the terms of the contractual agreement, the parties shall endeavor to arrive at a mutually acceptable solution. If they are unable to do so, either party may request that a mutually acceptable arbitrator familiar with artwork and construction settle the dispute. The cost of the arbitration process shall be borne equally. Any decision made as a result of such arbitration shall be enforceable in a court of law.

9. **Repair and Restoration.** The Municipality shall make reasonable efforts to maintain the artwork in good repair at all times after final acceptance by the Municipality.

X. PUBLIC EDUCATION AND COMMUNITY OUTREACH

A. POLICY STATEMENT

The works of art created as a result of the 1% for Art Ordinance will be an integral part of the daily experience of the citizens of Anchorage. Therefore, it is important that there be mechanisms for public involvement in each public art project, so that individuals who will be in daily contact with the resulting work of art participate in the project from the outset. At a minimum, this shall include the participation of at least two community representatives in the artist selection process. Additional efforts should be made to encourage other groups including community councils to participate.

Similarly, the Public Art Program shall develop and implement a municipal-wide public education program. This program should include efforts targeted at both the local visual arts community and the general public. Through such efforts, the intent of the Public Art Program should be explained and new forms of art should be discussed.

Policies governing public education/outreach shall take into consideration the following questions:

1. Have members of the public been contacted who will identify with the artwork throughout its development, completion, and life?
2. Has there been public representation/participation throughout the process?
3. Has affirmative action been given due consideration?
4. Have public education projects been designed and established?
5. Will the processes and projects serve to manage controversy?
6. Have a media program and a publication program been *established*?

B. PUBLIC INFORMATION SERVICES

Under **AMCR 7.40.009**, the Curator of Public Art shall:

1. *Within 10 working days after selection of a construction project architect and no less than 10 working days before the jury is selected, advertise the formation of a jury.*
2. *Distribute such information and applications as a jury may suggest and the Public Art staff deems necessary.*
3. *Announce the selection of an artist, the commission of a work of art or the acquisition of a work of art.*

4. *Perform such other public information services as the Public Art staff deems appropriate.*

Each work of art shall be identified by a permanently installed plaque which states the title of the work, the artist's name, the date of installation, and "Public Art Program/Municipality of Anchorage." The plaque may include additional information about the work.

C. PROCEDURES FOR PUBLIC EDUCATION

1. Activities such as the following shall be organized in order to encourage more people to become aware of and involved in the Public Art Program:
 - a. Presentations to community groups, government agencies, citizen committees and corporate service groups
 - b. Presentations to artists, arts organizations and other design professionals
 - c. Site visits by design professionals and citizen representatives
 - d. Media coverage.
2. An education program shall be established to help educate the public regarding the:
 - a. Diversity of public art
 - b. Importance of the creative process
 - c. Potential for artists to contribute to the improvement of the community.
3. Methods in which the public can be educated through:
 - a. Design awards
 - b. Talks by artists and arts administrators
 - c. Lectures and slide presentations on contemporary art/ public art
 - d. Tours of public art
 - e. Public art exhibitions
 - f. Symposia on subjects related to public art
 - g. Participation of artists in public relations.
4. A media program shall be developed and sustained through:
 - a. Press releases and media packages
 - b. Articles of national significance by public art persons
 - c. Promotion of high profile activities in public art.
5. A publication program shall be developed and sustained through Catalogs of public art projects and collections
6. Each work of art shall be extensively documented. Project files shall be kept in good order for reference, research, publication and promotion,

including color slides and black and white photographs of each work of art.

7. An education program shall be developed in coordination with the Anchorage School District called *Museum Without Walls*, which will incorporate visual and written materials about public art in general and public art projects in schools in particular.

XI. MAINTENANCE AND CONSERVATION OF PUBLIC ART COLLECTION

A. POLICY STATEMENT

Works of art in the Public Art Collection shall be maintained and preserved in the best possible condition.

AMCR 7.40.008B. *The Anchorage Museum of History and Art shall inventory, insure, maintain and repair artwork acquired pursuant to AMC 7.40.*

Municipal user departments and the Anchorage School District shall not provide any maintenance of a work of art, including cleaning, without the consent of the Museum. The building managers and other personnel shall be informed that the professional services of the Public Art staff are available for this purpose. Whenever possible, the department or School District shall be solicited for help and cooperation.

The objectives of the maintenance program shall be:

1. To inspect works of public art on a regular basis
2. To clean and provide other appropriate routine maintenance of the works of public art
3. To establish a regular procedure for effecting necessary repairs to works of public art, including emergency situations that endanger public safety.

B. RESPONSIBILITIES

1. Artist Responsibilities

- a. Within the terms of the contract, the artist shall guarantee the work of art against all defects of material and workmanship for a period of one year following installation.
- b. Within the terms of the contract, the artist shall provide the Municipality of Anchorage with drawings of the installation and with detailed instructions regarding routine maintenance of the artwork.
- c. The artist shall provide the Public Art Program with a current address so that prior to any repair and restoration of the artwork which may become necessary during the life of the artist, the Municipality shall, to the extent practicable, first consult the artist. To the extent practicable, the artist shall be given the opportunity to accomplish such repairs at a reasonable fee.

2. Municipality of Anchorage Responsibilities

- a. Works of public art shall be examined for condition at least once a year. A written report shall be prepared with photographic documentation as necessary.
- b. When a work of public art requires maintenance or repair, the Municipality will provide for such in cooperation with the agency that houses the work of art.
- c. The Municipality shall notify the artist before repair or restoration in order to provide an opportunity for comment. When appropriate, the Municipality will offer the artist the opportunity to do the work or to supervise it. The Municipality shall reserve the right to make minor and/or emergency repairs without consulting the artist, taking into consideration instructions provided by the artist at the time of acquisition.
- d. All works of art, after final approval and acceptance, shall be Insured by the Fine Arts Policy of the Municipality of Anchorage. The insurance value of a work of art is equal to its purchase or acquisition cost.
- e. **AMCR 7.40.008C.** *The Municipality of Anchorage shall not remove or alter artwork acquired pursuant to AMC 7.40 without first consulting the Public Art Committee.*

C. PROCEDURES FOR MAINTENANCE AND CONSERVATION

1. The Curator of Public Art shall provide for annual inspection and report on each work of art in the Municipality of Anchorage's collection, including the present condition of the artwork and recommendations regarding needed maintenance or repair.
2. Regular inspection may be accomplished by the Public Art staff or by another individual or group contracted to perform this service.

3. The Public Art Committee shall review the condition report and shall, for those works needing attention, recommend that:

- a. No action be taken.
- b. Staff negotiate maintenance and repairs with the Municipality department housing the artwork.
- c. Repairs be accomplished, in whole or in part, suggesting means of accomplishing the repairs.
- d. The work be relocated or removed from the collection.

XII. ALTERATION, RELOCATION, REMOVAL OR DEACQUISITION OF WORKS OF PUBLIC ART

A. POLICY STATEMENT

Public artworks generally enter the public environment through a careful process informed by the best available professional judgment and advice from affected public interests. They are created by artists specifically for the public context. In all circumstances, the Municipality should seek to insure the ongoing presence and integrity of the work at the site for which it is created, in accordance with the artist's intention. The primary concern should be to assure continuing access to the work by the public.

The user department and the Anchorage School District shall not move a work of art from its site or alter the site so that the work of art is obscured or jeopardized.

Public art has a long, historical tradition of controversy. Review of the status of a public artwork should be undertaken cautiously, in order to avoid potential influence of fluctuations in taste and the immediate pressures of public controversy. A work should not be removed from public view simply because it is controversial or unpopular. A decision may implicate basic questions of public trust, freedom of artistic expression, censorship, contractual obligations, copyright, moral rights, and the integrity of the artwork.

Consideration of removal should involve the same degree of careful review as a decision to acquire a work of art; informed by professional judgment and the interests of the public and proceeding according to carefully developed policies and procedures.

When the Municipality considers the possible relocation or removal of a public artwork, it must recognize its multiple responsibilities: to the artist, as represented in the original artist contract; to the community, through its legal mandate and stewardship role; and to our cultural heritage. Decisions about relocation and removal must include a deliberate and explicit review process, assistance from professionals, and thoroughgoing documentation of the process.

Because the Municipality has the responsibility for conserving the collection, and because the disposal of artworks may have serious implications, the

deacquisition of a work of art should be a deliberate and seldom-used procedure. It is the policy of the Municipality not to dispose of works simply because they are not currently in fashion and not to dispose of works whose worth might not yet be recognized.

Since the Municipality desires to have a diverse public art collection of the highest quality and the processes of acquiring works and disposing of them should reflect that desire, at least once every 10 years each artwork in the collection should be evaluated.

B. OBJECTIVES

1. To establish an orderly process for evaluating works of art in the Municipality of Anchorage's collection acquired as a result of the Public Art Program.
2. To establish procedures for removal or relocation of works of art.
3. To insulate the procedures from fluctuations in public opinion and from judgments made by the Public Art Committee.

C. PROCEDURES

1. **Conditions.** A work of art may be considered for deacquisition for one or more of the following reasons:
 - a. The work of art has received documented and consistent adverse public reaction from a measurable large number of individuals and/or organizations over a period of 10 or more years.
 - b. Deacquisition has been requested by the agency that displays the work.
 - c. The site has become inappropriate; for example, it is no longer publicly accessible, or the physical setting is to be destroyed.
 - d. The work is fraudulent or not authentic.
 - e. The work possesses faults of design or workmanship.
 - f. The work causes excessive or unreasonable maintenance.
 - g. The work is damaged irreparably, or to an extent where repair is unreasonable or impractical.
 - h. The work represents a physical threat to public safety.
 - i. Deacquisition has been requested in writing by the artist.

2. **Process.** The recommendation to dispose of a work of art shall be made by the Public Art Committee and shall require a site review and a majority vote of the full membership of the committee. If the artist whose work is being considered has an objection he/she shall be notified and invited to speak to the Public Art Committee. Final approval for deacquisition shall be granted by the three commissions initially approving the artwork, including the Historical and Fine Arts Commission, the Arts Advisory Commission and the Urban Design Commission. The following procedure shall be established to consider a work of art for deacquisition.

- a. Curator of Public Art shall prepare a report and submit it to the Public Art Committee, which shall include:
 1. Reasons for suggested deacquisition;
 2. Criteria for original selection, acquisition method and cost;
 3. Informed estimate of the current value of the work;
 4. Opinion of artist whose work is being deacquired;
 5. Staff evaluation of the work;
 6. Public, school and agency feedback on the artwork; and,
 7. Suggested alternate courses of action and costs.
- b. If removal or deacquisition of the artwork is for reasons other than safety, maintenance, destruction or theft, the Public Art Committee shall conduct an advertised Public Hearing prior to rendering a decision.
- c. Upon approval of deacquisition by the Public Art Committee the report shall be submitted to the Historical and Fine Arts Commission, the Arts Advisory Commission and the Urban Design Commission.
- d. If there is objection by any of the committee members, commissions, or the artist, the Curator of Public Art shall seek the opinion of the Municipal Attorney.
- e. Upon receiving approval from the above commissions, the Municipal Manager shall be notified.

POLICIES AND PROCEDURES FOR GIFTS OF PUBLIC ART

A. POLICY STATEMENT

Gifts to the Municipality are an important part of the Municipality's growing public art collection. Proposed gifts of works of art to be permanently installed in public locations should be reviewed as carefully as works which are purchased or commissioned; that is, in light of the purposes, goals and selection criteria.

There are very limited funds to preserve and conserve these works of art. There are also a limited number of suitable sites on municipal property for these works and other future public art projects. Therefore a careful review process has been established to evaluate proposed gifts of public art.

The Public Art Committee is charged with the responsibility for evaluating the suitability of a proposed artwork and determining whether or not to accept it as a gift. If accepted, donated works become the responsibility of the Municipality of Anchorage, which will inventory, insure, maintain and repair them.

References are made throughout this policy to the **Public Art Program Policies and Procedures Manual of the Municipality of Anchorage**, passed by the Public Art Committee in 1994.

This policy does not apply to gifts of state (e.g., gifts from sister cities or visiting foreign dignitaries).

B. PROCEDURES

1. Gift Proposals

For each proposed gift of public art, a written proposal or letter of intent must be submitted to the Public Art program staff. The proposal must include specifications of the proposed gift (artist, title, dimensions, proposed location, etc.), information on the artist and a donor profile. **[See Addendum A]**

The Public Art program staff will refer the proposals to the Public Art Committee for review. Whenever possible the actual work of art will be presented for approval. Proposals for large or monumental works should include:

- a. A maquette of the three-dimensional work or complete drawing of the two-dimensional work.
- b. If applicable, photographs that demonstrate the relationship of the artwork to the architecture and/or site and a site plan that locates the artwork and a photograph board of the site and its surrounding environment.
- c. Materials samples for the artwork and any relevant construction materials.

- d. Installation details.
- e. A professional appraisal of its value.
- f. An estimate of maintenance costs.
- g. Instructions for maintenance.

2. Committee Review

The Public Art Committee will discuss the proposal and move to accept or reject the proposal. Proposals for public monuments require careful consideration and may require several meetings before a final decision is made. Gift offers will be judged by the criteria listed in this gift and loan policy. In cases where a donor has specified a site for the proposed artwork to be located, the artwork must have the endorsement of the municipal department which oversees the site.

Works of art that are accepted on the basis of maquettes or drawings will be subject to a review process, including inspection by a structural engineer, during fabrication and installation. Specific plans for site design, installation and maintenance will be submitted for approvals. The artwork may not deviate from the proposal approved by the Public Art Committee unless the Public Art Committee approves such change.

3. Acceptance/Accession / Acquisition

The Public Art Committee meeting at which a resolution is passed stating final acceptance constitutes the date of accession, and an accession number will be assigned to the artwork. The staff of the Public Art Program shall maintain a record of all works donated to and accepted by the Municipality. Staff shall maintain records of each project, which shall include, but not be limited to the following:

- a. Written agreement with the donor or source of the loaned artwork.
- b. Records of Committee action bearing on the project.
- c. Interdepartmental agreements relating to the siting or implementation of the project.
- d. Correspondence and memoranda relating to the project.
- e. Records of all billings made in connection with the project.
- f. All proposals submitted and other visual or written materials relating to the artist's design or method of execution as are submitted or become available.

4. Acceptance by Municipality

Approval of acceptance of gifts by the Public Art Committee with a value of \$50,000 or more shall be presented to the Mayor and the Assembly before construction or installation may begin. The Public Art Committee is responsible for preparation and submission of the approval and resolution to the mayor.

5. Removal, Relocation or Deacquisition of a Work of Art

Works may be relocated or removed if a gift becomes a hazard or liability or if the approved terms of acceptance are not fulfilled. The Public Art Committee shall

deaccession and dispose of works of art in its collection only in the public interest and as a means of improving the quality of the collection as outlined in *Section XIII: Alteration, Relocation, Removal or Deacquisition of Works of Public Art* of the Public Art Program Policies and Procedures Manual.

C. CRITERIA FOR ACCEPTANCE

1. Quality and Appropriateness

A determination of appropriateness will be based on the Criteria for Selecting Works of Art outlined in *Section VII: Acquisition of Public Works of Art*. In addition:

- a. **General:** Gift acceptance and placement should be in accordance with adopted policy and historic use or master plan and should be in keeping with general public art goals. The location and design of the gift should be consistent with the character and design intentions of the proposed site. The quality, scale, and character of the gift should be appropriate to the particular setting.

Donation of works that require the Municipality to pay installation, framing, restoration, or repair are not encouraged. The Public Art Committee will evaluate such expenditures at the time the work is considered. Works of art requiring high or excessive maintenance may be declined.

- b. **Memorial Gifts:** Memorial gifts will also be judged on the following items to determine appropriateness:

1. If a person or event is being memorialized they/it must be deemed significant enough to merit such an honor. The person so honored shall have been deceased for a minimum of five years. Events shall have taken place at least five years prior to consideration of a proposed memorial gift.
2. The memorial represents broad community values.
3. The memorial has timeless qualities that are meaningful to future generations.
4. The location under consideration is an appropriate setting for the memorial; in general, there should be some specific geographic justification for the memorial being located in a specific site.

2. Placement/Site

If a donor has specified a site, the gift should significantly contribute to the setting, from a functional or design standpoint, and significantly enhance the chosen location in a way meaningful to the public. The following factors will be considered:

- a. Visibility
- b. Traffic patterns (both interior and exterior)
- c. Public safety
- d. Relationship to existing planned architectural and natural features.
- e. Park or area users
- f. Future development plans for the area (if known)
- g. Landscape design
- h. Existing artwork within the proposed site vicinity

- i. Environmental concerns
- j. Public accessibility to the work
- k. Social context (intended use of the work if any)
- l. Significance to the proposed site

D. ASSOCIATED COSTS

The donor must underwrite the costs of fabrication and installation. If necessary to the project, the donor will also be responsible for engineering specifications, design and cost of pedestal, identification plaque, special lighting, base, structural support and landscaping of the site. Insurance, maintenance and repair will be the responsibility of the Municipality upon acceptance of the gift. The donor will be encouraged to contribute funding to the Public Art Fund to be used for maintenance of the Municipality's public art collection. See gifts proposals for specifics.

All works of art in the Public Art Collection shall be maintained and preserved in the best possible condition, as outlined in *Section XI: Maintenance and Conservation of the Public Art Collection* of the Public Art Program Policies and Procedures Manual.

Addendum A

PROPOSED GIFT OF PUBLIC ART TO THE MUNICIPALITY OF ANCHORAGE

1. Please describe the work of art and/or commemorative gift being proposed for donation. Attach photographic and other documentation relevant to its value or merit. If available, please also attach any biographical information relating to the artist, or any published material relevant to the artwork.

Artist: _____

Title: _____

Medium: _____

Year: _____

Dimensions: (height x width x depth) _____

Overall description: _____

History of object (provenance): _____

How did you/your organization acquire the artwork?:

Estimated value: \$ _____ Source: _____

Condition: ☐ Excellent ☐ Good ☐ Fair ☐ Poor

Installation requirements (method of attachment, lighting, etc.):

Maintenance requirements:

Are you/your organization willing/able to provide the funding necessary to install, light, and identify the artwork?

2. If you are proposing that the work of art be installed in a specific location, please describe why you feel that site is appropriate for the proposed donation.

3. Does the artwork and/or commemorative gift acknowledge a person(s), place, or event that warrants broad and enduring public recognition?

4. What stipulations, considerations, or modifications, if any, are necessary?

5. Would you be willing to include with your donation funding for maintenance? (Donations would be used for general maintenance of the public art collection).

6. Is there an existing plaque which accompanies the artwork?

Suggested wording for identification plaque:

7. Other information:

8. Donor profile:

Name of individual or organization donating proposed artwork (if an organization, please also state the contact person's name):

Address:

Phone: _____

Fax: _____

Description of group/organization:

Reason for donating artwork:

Tax Implications, if any: _____

Person completing this form: _____

Telephone: _____

Date form completed: _____