

City of Fredericksburg **Public Art Policy**

Public art is any work of art or structural design element situated in a public place and open for the public to experience, including installations, sculptures, murals, and other pieces designed by artists. The City's public arts program is for the benefit of all citizens.

The Fredericksburg Arts Commission

The Fredericksburg Arts Commission is responsible for carrying out this public art policy. General responsibilities of the Commission include:

- Facilitating public art in public buildings and spaces;
- Informing City residents and visitors about public art;
- Guiding the subject matter and aesthetic direction of public art projects;
- Advancing the City as an “arts destination” and attracting artists, cultural tourism, and economic development through public art;
- Developing procedures for selection of art and artists, to include input from the public and City staff; and
- Making recommendations to City Council, including recommendations on public art policy and recommendations on acquisitions of works of art.

Specific responsibilities of the Commission include:

- Making recommendations to the City Council on acceptance of gifts and loans of artwork;
- Recommending sites for public art projects;
- Raising funds for public art projects;
- Granting funding for privately-owned art projects, such as murals visible to the general public;
- Making recommendations to the Economic Development Authority on potential EDA grants for art projects;
- Promoting privately-funded and owned art that benefits the public;
- Maintaining an inventory and documentation of the City's collection of public art; and
- Surveying the City's collection of public art to determine if works require maintenance or other attention.
- Developing and following Public Art and Implementation Guidelines, reviewing these Guidelines every five years, and modifying if appropriate.

Goals of Public Art

The goals of the public art program are to:

- Make Fredericksburg known as a haven for works of significant artistic merit;
- Integrate public art into all aspects of the community and make art openly available to all citizens;
- Create distinct places, spaces, and objects that distinguish the character of the City;
- Educate the public about local history, culture, and values through public art;
- Increase the City's standing as both a tourism destination and a desirable place to live; and
- Highlight the efforts of local artists as well as featuring works of regionally, nationally, and internationally notable artists.

Community Participation

Community involvement is fundamental to any public art project. All efforts should be predicated on active community participation and open dialogue with the artist. Specifically, community conversations should help direct the early identification and development of public art. Once a project is underway, there should be mechanisms for citizens to express their opinions on the project as it evolves. The Commission will take efforts to involve the community via methods such as:

- Hosting public meetings with the artist to discuss proposed works
- Advertising planned projects in media outlets such as city websites and local newspapers
- Presenting at Council meetings to explain the vision and scope of recommended projects
- Consulting with local businesses, nonprofits, landowners, and City departments; in particular the Architectural Review Board and the Department of Public Works
- Enlisting neighborhood involvement in the conception, construction, and maintenance of projects
- Establishing educational and internship opportunities as an integral part of projects
- Disseminating information about the City's public art collection through tourism outlets

Forms of Public Art

The form that public art can take is as open as the definition of "art" itself. Public art may be:

- Indoors or outdoors
- Commemorative
- Educational
- Interactive
- Representational or abstract
- Functional, symbolic, or merely decorative
- A single work, or a whole plaza or park
- Incorporated with landscape elements
- Integrated with architecture or infrastructure
- Of a non-visual nature (e.g. poetry on buses, or community history programs on radio)
- Technological (e.g. employing light, sound, or motion).

Criteria for Public Art Projects

All public art projects accepted or funded by the Commission or the City must:

- Promote meaningful collaboration between the artist, the City, and any other relevant parties.
- Be in an area where residents and visitors commonly congregate or travel, to achieve high visibility.
- Be composed of the highest quality materials and constructed according to best practices, to achieve results that endure without requiring unusual maintenance.
- Be well-integrated into the context of the surrounding environment. Current usage, historic significance, nearby building materials, foliage and landscape features, public rights-of-way, and potential audiences are all relevant.
- Be accessible to all, with special consideration to those with special needs. Access to public art must meet all requirements of the Americans with Disabilities Act and other relevant laws.
- Be primarily a work of artistic merit, and not an advertisement for any commercial establishment.

Selection of Artists

The Commission is responsible for selecting artists for public art projects. Additional art professionals may be consulted as necessary.

The primary objective of the selection process is to select an artist whose experience, aesthetic, commitment to collaboration, and community fabrication skills align with the needs of a given public art project. The selection process will be conducted in an open and consistent manner.

Potential selection process models include:

- Open competition: public solicitation for project proposals open to all artists
- Limited competition: public solicitation for project proposals from a select group of artists
- Direct selection: contracting a specific artist for a particular project or evaluating a request to submit art to the public from an artist

All submissions must include evidence of previous work, credentials, and a specific project proposal. Calls for entries must be sufficiently detailed to permit artists to determine if their work is appropriate for the project under consideration. All solicitations must state that entry into the selection process constitutes an agreement to all conditions set forth during the process, and that entry constitutes permission for the Commission to photograph or scan any accepted work, photo, or slide for use in promotional materials, websites, films, television programs, videos, or archival records produced by the City.

Acquisition of Public Art

The Commission is responsible for reviewing all proposed acquisitions of art, in consultation with outside art professionals as needed. These guidelines govern the acquisition of public art:

All artwork under consideration must be completely and thoroughly documented, to include:

- Past and current certificates of ownership;
- A detailed written description of the artwork, and photographs, video, sketches, and models (as appropriate) to best describe and document the work of art;
- Its value;
- All relevant information on the artist-of-record;
- A warrant of originality;
- Recommended sites, if any;
- Annual maintenance procedures and estimated budget;
- Any other fees associated with ownership (e.g. insurance or installation costs);
- If the acquisition is a loan, duration of ownership.

Artwork will be selected based on:

- Whether the work meets the City's criteria for public art projects
- Quality of the work's construction
- Aesthetic merit and originality of the work
- Benefit to the City's public art collection
- Appropriateness of the work's scale, materials, and content for the proposed site
- Financial considerations, including sources of funding and maintenance costs
- Susceptibility to damage, vandalism, or theft
- Potential for public endangerment
- Technical feasibility

- Timeline for acceptance of the work
- Donor restrictions
- Availability of proposed site
- Suitability of available site

At any time during the selection process, the Commission may request to see the original work (if it exists at the time).

Every acquisition carries with it an explicit responsibility that it be displayed, maintained, preserved, and documented. This is a permanent, ongoing commitment unless otherwise specified.

Methods:

The City may acquire art by commission, purchase, loan, gift, or private partnership. The role of the Commission is to advise the City on matters pertaining to art acquisition.

Commissions:

The City hires an artist to create original artwork for a specific project. Commissions may be funded wholly by the City or funded in partnership with the Economic Development Authority or private partners.

Purchases:

The City acquires artwork via a direct financial obligation to do so.

Loans:

The owner of a work of art places the artwork in the temporary care of the City, without transferring ownership. The City and owner must sign a Loan Agreement for each loaned work of art, to include an explicit loan expiration date and either a provision holding the City harmless or an insurance policy for the declared value of the artwork. Before the loan expiration, the Commission (or an appointed representative) and the owner must agree whether 1) the artwork will be returned; 2) the loan period will be extended; or 3) the loan will be converted to a gift.

Gifts:

The City accepts legal title to a work of art when the owner of the art offers it without a request for compensation and an authorized City official formally accepts the gift on behalf of the City. A Deed of Gift form must accompany each gifted work of art. The City Council, with the Commission's recommendation, can accept or refuse a gift.

Private Partnerships:

The City uses private property for the installation of a public art project. Private partnerships may be funded wholly by the City or funded in partnership with the EDA or private partners. The City and any partners to a project must sign an agreement, whose terms must include:

- The minimum duration of the project's installation;
- An assurance that the project will remain openly accessible to the public;
- Assignment of any care and maintenance duties that the artwork might require;
- An assurance that the project will continue in its original form if its site is sold, leased, removed, or repurposed in any manner.

Documentation of the City's Collection

Each artwork will have an accession number applied to it in an inconspicuous, reversible manner. The accession number format is the year accessioned, followed by an accession number for that year (e.g. 2013.01 for the first 2013 accession). All documentation for a work must reference its accession number.

The Commission will maintain documentation on the City's public art collection in the office of the Clerk of City Council. Documentation for each work of art in the City's collection must include:

- An accession form documenting:
 - Accession date
 - Title
 - Artist
 - Medium
 - Dimensions
 - Location
 - Donor contact information, if applicable
- An artist information sheet documenting:
 - Accession date
 - Contact information for the artist or estate of the artist
 - Information regarding the fabrication, installation, and maintenance requirements of the artwork
- A photographic record of the artwork
- The Deed of Gift or Loan Agreement, as applicable
- Any applicable copyright agreements
- Conservation or historical records, if applicable

The Commission will maintain an accession ledger containing for each accession all information listed on the accession form.

Maintenance and Conservation

The acquisition of artwork for the benefit of the public entails a legal and moral commitment to long-term stewardship. The Commission, in conjunction with City Departments such as Parks, Recreation and Public Facilities, Public Works, and the City Attorney, assume this responsibility. The Commission will coordinate maintenance and conservation in conjunction with these departments.

Once every four years, the Public Arts subcommittee will conduct a condition survey for each item in the City's collection. The survey will be the basis for prioritizing maintenance and conservation needs. If necessary, the subcommittee may solicit an independent art professional to perform a more detailed inspection. The subcommittee will submit a report of the survey's findings to City Council.

The Commission will coordinate routine maintenance in conjunction with others, including organizations, art professionals, and City departments. Routine maintenance must be conducted in accordance with any instructions on the artwork's artist information sheet unless otherwise authorized by the Commission. This authorization may only be given upon the recommendation of an art professional with authoritative experience regarding the type of artwork under consideration. All maintenance procedures must be documented (including pre- and post-maintenance photographs) and kept with the artwork's documentation.

Deaccession of Public Art

Decassession is the procedure for the permanent removal of a work from the City's collection. An artwork may only be considered for deaccession for these reasons:

- It has deteriorated or has been damaged such that restoration is impractical, unfeasible, or would render the work false;
- It no longer exists due to theft, accident, or natural disaster;
- It requires excessive maintenance or is found to be of inferior workmanship;
- It is demonstrated to be fraudulent, not authentic, or in violation of copyright law;
- It endangers public safety;
- Its site has experienced significant changes that prevent its continual display and no suitable replacement site is available;
- Its security cannot be reasonably guaranteed;
- It is not regularly on display, with no plans for its future display; or
- It has been determined to be significantly incompatible or inferior in the context of the collection.

Artwork may only be removed from the City's collection through deaccession after careful and impartial evaluation of the artwork within the context of the City's collection by the Commission. The deaccession evaluation must include:

- A good faith effort to inform the artist or the artist's estate that the artwork is being considered for deaccession
- A review of all pertinent accession documentation, including a review of legal documents by the City Attorney
- A written recommendation on deaccession by an independent art professional such as a curator, conservator, historian, or architect
- A review of any pertinent written correspondence, media coverage, and other evidence of public opinion

If the Committee deems deaccession to be appropriate, it will submit a formal recommendation, including a written statement of findings, to City Council. If Council decides that deaccession is appropriate, the artwork will be disposed as follows:

- The artist or estate of the artist will be given first option for acquiring the work through purchase, exchange, or other terms as determined by the Commission
- The artwork may be sold in accordance with all relevant laws governing surplus public property
- The artwork may be loaned to a gallery, museum, or similar institution
- The artwork may be donated to a gallery, museum, or similar institution
- The artwork may not be sold, loaned, or otherwise transferred to any City staff or member of the Commission

The City is responsible for all costs associated with the removal or relocation of the artwork, unless another agrees to assume these costs. Any proceeds from the sale of public art belongs to the Commission. A record of deaccessed artwork will be kept with the documentation of the City's collection.