

ATTACHMENT 2

MARCH 2019 PUBLIC ART PROGRAM DRAFT



DURHAM COUNTY PUBLIC ART PROGRAM

APRIL 2019

Implementation
Recommendations

Prepared by
Durham County Engineering
and Environmental Services

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1 OBJECTIVE

This document presents the initial concept of a Durham County Public Art Policy for consideration by the Board of County Commissioners. The fundamental Public Art Policy process structure and the administrative bodies defined and proposed herein would be utilized by both the City and County. At this time, funding resources and the day-to-day Staff management of the Policy are anticipated to remain separate for both governments.

This document describes the main concepts that will guide the Public Art Program and the commissioning of public art in Durham County. The draft Public Art Policy begins with a Statement on Cultural Equity and a mission statement – a concise explanation of the County's core values and how public art should impact people's experience in the community. The mission statement provides a general context for decisions about what projects to develop and a framework for communicating about why public art is important to the citizens of Durham County.

This document includes a set of goals for the coming years. These are specific outcomes that the Public Art Program should seek from the activities and projects it undertakes. These goals provide specific guidance for making decisions about what projects to develop, and how the projects should be organized.

This document includes proposed methods and procedures by which the Public Art Policy will be administered, and an explanation of the administrative bodies and their roles in those procedures.

PROVISION FOR REVIEW AND AMENDMENT

The Public Art Program Guidelines, Policies and Procedures, as formally adopted by the Board of County Commissioners, will be subject to periodic review by the Durham County Public Art Coordinator and the Durham Cultural Advisory Board, with proposed revisions approved by the Goal 4/5 General Manager and County Manager or designee.

2 MISSION STATEMENT AND GOALS

Our mission: to provide a sense of meaning and beauty to places in our community; to enliven our streets and neighborhoods; to celebrate our unique history, diversity, and creativity; to engage, enlighten, inspire, and educate all citizens now and in the future.

The goals of the Durham County Public Art Policy are:

- Make Durham 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 Community;
- Integrate artworks and the ideas of artists into a variety of public settings to promote Durham as a cultural center for innovation and creativity
- Educate the public about local history, culture, diversity, and values through public art;
- Increase the County's reputation as a great place to visit 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.

3 STATEMENT ON CULTURAL EQUITY

To support a full creative life for all, Durham County, North Carolina commits to championing public art policies and practices of cultural equity that empower a just, inclusive, equitable nation.

DEFINITION OF CULTURAL EQUITY

Cultural equity embodies the values, policies, and practices that ensure that all people - including but not limited to those who have been historically underrepresented based on race/ethnicity, age, disability, sexual orientation, gender, gender identity, socioeconomic status, geography, citizenship status, or religion - are represented in the development of arts policy; the support of artists; the nurturing of accessible, thriving venues for expression; and the fair distribution of programmatic, financial, and informational resources.

ACKNOWLEDGEMENTS & AFFIRMATIONS

In the United States, there are systems of power that grant privilege and access unequally such that inequity and injustice result, and that must be continuously addressed and changed.

Cultural equity is critical to the long-term viability of the arts sector.

We must all hold ourselves accountable, because acknowledging and challenging our inequities and working in partnership is how we will make change happen.

Everyone deserves equal access to a full, vibrant creative life, which is essential to a healthy and democratic society.

The prominent presence of artists challenges inequities and encourages alternatives.

MODELING THROUGH ACTION

To provide informed, authentic leadership for cultural equity, we strive to...

- Pursue cultural consciousness throughout our organization through substantive learning and formal, transparent policies.
- Acknowledge and dismantle any inequities within our policies, systems, programs, and services, and report organization progress.
- Commit time and resources to expand more diverse leadership within our board, staff, and advisory bodies.¹

4 DEFINITIONS

"Architect" is the person or firm designing the Project to which the one percent (1%) funding applies. Where the architect is a firm, the term Architect shall mean the principal of that firm in charge of designing the Project for which the one percent (1%) funding applies.

"Artist" is a practitioner in the visual arts, generally recognized by critics and peers as a professional of serious intent and recognized ability who produces Artworks.

"Artwork" includes but is not limited to, paintings, murals, inscriptions, stained glass, fiber work, statues, reliefs or other sculpture, monuments, fountains, arches, or other structures intended for ornament or commemoration. Also included are carvings, frescoes, mosaics, mobiles, photographs, drawings, collages, prints, crafts, both decorative and utilitarian in clay, fiber, wood, metal, glass, plastics and other materials. Landscape items include the artistic placement of natural materials or other functional art objects. Works of art may be portable as well as permanent.

"Capital Improvement Program" (CIP) means the annual Capital Improvement Program adopted for City financed public improvement projects.

"Construction Cost" is the contracted sum for construction of the designated project including any change orders. Construction costs do not include costs such as professional fees, cost of land, rights of way and financing.

"Construction Project" means any capital improvement project paid wholly or in part by Durham County for improvements to or new construction of a building or structure, streetscape, pedestrian mall or plaza, park, trail, or any other project, or any portion thereof, which includes finished space for human occupancy and will be available for public view.

"Consultant" is any firm, individual, joint venture or Committee of firms or individuals with which the City contracts for design or other consulting services related to construction projects.

"County" is the County of Durham, North Carolina.

"County Manager" is the Durham County Manager or designee.

"Visual Arts Professional" shall mean any of the following who is respected in his/her field and knowledgeable about visual arts: artist, curator, art critic, art historian, or fine arts professional.

"Deaccessioning" is a procedure for the withdrawal of an artwork from the public collection.

"Eligible Construction Cost" is that portion of the construction cost of any construction project paid for by the County to construct or remodel any building, decorative or commemorative structure, parking facility, recreational facility, or any portion thereof, located on City property, provided that the source of funds for such project(s) is not restricted by law or regulation as to its use for artworks.

"Maintenance" is the periodic work on a facility required to maintain its original functionality.

"Renovation" is work required to substantially change or enhance the functionality of an existing facility.

5 POLICY ADMINISTRATION, PROCESSES AND PROCEDURES

Durham County's Public Art Program will be administered by the Project Management Division of Engineering and Environmental Services and the Durham (City) Cultural Advisory Board, with support of the Board of County Commissioners, and will receive assistance from various City and County departments including but not limited to Planning, General Services, and Economic Development. Program administration includes the identification of projects and funding, development of partnerships, selection of artists, and the overall management of a project from contract to installation and maintenance.

PROJECT INITIATION

The initiation process and procedures are integral to the successful execution of a public art project. This is the structure and basis for the project, and thus is a critical part of the Public Art Program. An official Public Art Policy should be adopted by the Board of County Commissioners (BOCC,) formalizing this process and outlining the planning and development process for public art projects in Durham County, including the responsibilities and obligations of all participating officials and agencies.

PROJECT FACILITATION

The Durham County Public Art Coordinator will work with the project artist and participants to facilitate and coordinate the project from conceptual design through installation. Initially, these responsibilities include:

- Confirm the preferred artist selection method
- According to the selection method, prepare and distribute the "Call For Artists"
- Form the Artist Selection Panel

BRIEFING SESSIONS

Early in the process, the Public Art Coordinator shall arrange at least one discussion session with all key project participants including, but not limited to, the County project manager, the director of the site facility and his/her designee, the private sector developer or project designee, and the design project architect. The following topics, as well as others deemed necessary, shall be discussed:

- Architectural design objectives for the building and site
- Relationship of the public art project to the Capital Improvement Project (CIP) design objectives
- Identification of the local community or definition of community in the context of the site
- Any functional requirements or special site limitations associated with the Capital Improvement Plan (CIP) or private development project
- The Public Art Program goals for the project
- Description of the selection process, and composition of the Artist Selection Panel
- Budget for public art project, and line items in the CIP or development project that may be incorporated into the public art project (for example, paving, railings, landscape materials,)
- Code requirements

The Public Art Coordinator will collect the information received during the briefing session(s) and define the following considerations:

- Project goals for the public art project as it relates to the CIP or development project
- Public art budget
- Possible approaches to public art project
- Method of artist selection

ARTIST SELECTION

Selecting the appropriate artist for a public art project is the most important decision of the public art process. Consideration must be given throughout the artist selection process to ensure creation of the highest level and most appropriate public art project, given the project budget, schedule and site constraints. The past work of the artists considered for selection should reflect high artistic standards and a proven record in the world of public art, unless a particular circumstance warrants selection of a less experienced artist.

METHODS OF SELECTING ARTISTS

OPEN COMPETITION

An Open Competition is a “Call For Artists,” in which artists are asked to submit images of past work. Any artist may submit credentials and/or proposals, subject to any limitations established by the Artist Selection Panel. Calls for entries for open competitions will be sufficiently detailed to permit artists to determine whether their work is appropriate for the project under consideration.

INVITATIONAL COMPETITION

In an Invitational Competition, a small number of carefully considered artists are invited to submit credentials and/or proposals for a specific project. Invited artists shall be selected directly by the Public Art Coordinator or identified by the Artist Selection Panel through an initial review of images. Artists shall be included in the initial review based on their experience with similar projects or sites.

DIRECT SELECTION

At times, the Public Art Program may elect to make a direct selection in which a specific artist is contracted for a particular project. Direct selection of an artist may occur for several reasons, but it should not be due to time pressure or other considerations. An ongoing list of qualified artists shall be maintained by the Public Art Coordinator and the Cultural Advisory Board for use in the direct selection of artists. These artists have previously submitted RFQ's and been approved for future work.

ARTIST CALLS FOR ENTRY

Durham City and County both utilize CaFE, the not-for-profit web-based artist portal, for Artist Calls for Entry. Each interested artist is required to submit a Request for Qualifications (RFQ) that includes credentials, visual documentation, a list of references, and a signed application form agreeing to Insurance requirements for the project. Occasionally a Request for Proposal (RFP) may be issued, that includes a project description, concept, proposed project materials, outline for work schedule, an application form, and qualification documentation. These materials submitted for a project are reviewed in CaFE by members of the ASP and a short-list of candidates is

developed for subsequent personal interviews. Visit <https://www.callforentry.org/> for more information.

CRITERIA FOR SELECTION OF ARTISTS

- **Qualifications:** Artists shall be selected based on their qualifications as demonstrated by past public art projects, appropriateness of their work to the site and project concerns, and experience working in the world of public art.
- **Media:** All forms of visual arts shall be considered, subject to particular aspects of the project and site, as discussed in the project briefing sessions.
- **Style:** Artists whose artworks are representative of all schools, styles and tastes shall be considered.
- **Appropriateness:** Design of the public art project shall be appropriate but not necessarily mimic in scale, material, form, and content for the immediate environment in which the work will be located.
- **Permanence:** Consideration shall be given to integrity of structure and materials, permanence, and protection of the proposed art project against theft, vandalism, weathering, excessive maintenance and repair costs.
- **Elements of Design:** Consideration shall be given to the fact that public art is created in the public context and includes factors beyond the aesthetic, such as public participation, functional considerations, and enhancement of the locale. In addition, public art may also establish a focal point; provide a context for interaction; modify, enhance or define specific spaces; and/or address specific issues of urban design. The work of public art may contribute to establishing or enhancing the identity of a particular location.
- **Diversity:** The Public Art Program shall strive for diversity of style, scale, media and artists. The Program shall also strive for a wide distribution of public art projects throughout Durham County, while acknowledging the County's interest in particular areas of growth.

TABLE 1 - PROCEDURAL FLOW CHART

Joint City/County Processes and Administrative Entities

APRIL 2019

DURHAM COUNTY PUBLIC ART POLICY PROCEDURES & FLOW CHART

Cultural Arts Division
Public Art Committee
Artist Selection Panels
Durham County Public Art Coordinator

Communication Point:
Durham County Public Art Coordinator and Durham Cultural Advisory Board present the Annual Public Art Plan to the City Council & BoCC
Time: May - June

Capital Funds Approval by BOCC
BOCC approves the capital budget allocations for artwork for the coming year.
Time: May - June

Capital Funds Approval by City Council
City Council approves the capital budget allocations for artwork for the coming year.
Time: May - June

New Projects
Public Art Coordinator advertises to artists. Public Art Coordinator and Public Art Committee identify Artist Selection Panel members for each project.
Time: July - October

Communication Point:
Public Art Coordinator posts Calls for Artists on CaFE

Artist Selection Panels
Panels usually meet three times: orientation, review of written/visual materials, and interviews of finalists. Selection panels recommend artists to the Public Art Committee.
Time: Ongoing

Approval of Artists
The Public Art Committee reviews and approves the decisions of the Artist Selection Panels. The selections are then forwarded to the Public Art Coordinator for approval. Artists are placed under contract.

Communication Point:
Public Art Coordinator issues press releases on projects and the artists, and presents artist selection to BOCC

Design Development and Approval
Based on Work Plan descriptions, research, and design team meetings, artists create preliminary design concepts. Cultural Arts Board and the Public Art Committee review designs with Engineering staff and the design team for input.
Time: 4 months – 18 months

Communication Point:
News alerts are sent and invitations to meetings & special events are posted on the County's website.

Communication Point:
For larger projects, press releases with visuals are released to the media

Fabrication of Artwork
Once final design documents are approved by the Public Art Coordinator and Public Art Committee, the artist begins fabricating the artwork.
Time: 4 months – 18 months

Communication Point:
Public Art Coordinator submits progress report and previous year's audit to City and County.
Time: by November 30th

Completion and Dedication of Artwork
Before completion, the Public Art Coordinator begins planning for the dedication of the artwork. The program and speakers are arranged with City/County agencies.

Communication Point:
Elected officials are invited to speak on behalf of the facility and the artwork.

6 PROPOSED PUBLIC ART OFFICIALS AND AGENCIES

Many groups will play a role in Durham County's Public Art Program, as they do in Durham County's broader community life. This is advantageous since the range of groups and organizations brings various resources, points-of-view and cultural backgrounds from different segments of the community.

BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners (BOCC) plays a significant role in the Public Art Program by authorizing funding for public art projects. The BOCC will also review and approve the Cultural Advisory Board's Annual Work Plan, which will include recommendations for specific public art projects, programs, and funding requirements. Once the Annual Work Plan is approved as part of the Capital Budget process, the selected public art projects for the coming year are included in the County's Capital Improvement Budget.

EXISTING CITY OF DURHAM CULTURAL ADVISORY BOARD (CAB)

The existing City of Durham Cultural Advisory Board serves as an advisory body to the City Council and City Manager, and its functions include assisting the City's Office of Economic and Workforce Development, advising the city on the implementation of the Cultural Master Plan, and community advocacy. The current Board consists of members appointed to three-year terms by the City of Durham, with representation from local visual arts organizations, working artists, architects, the private development community, and the general public. Membership priority is given to residents inside the City limits.

The Cultural Advisory Board is responsible for providing advice to the City Council and the City Manager on commissioned public artworks, and advising whether works offered for donation should be accepted by the City. The Cultural Advisory Board has a designated subcommittee called the Public Art Committee (PAC) to carry out these two functions, and to make recommendations to the Cultural Advisory Board.

This Draft recommends that the CAB be re-branded to "Durham Cultural Advisory Board" and that the BOCC and County Manager appoint members in a number proportionate to the percentage of Durham residents who live outside the City limits to represent those areas. The CAB will then also advise and assist the BOCC, the County Manager, and the County Office of Economic Development in addition to the City agencies.

EXISTING CITY OF DURHAM PUBLIC ART COMMITTEE (PAC)

The existing City of Durham Public Art Committee is made up of a diverse group of residents that includes professional artists and professionals in related fields, such as architecture and landscape architecture, and members of the general public with knowledge or experience in public art projects or related activities. The Committee actively seeks diverse members of the population to encourage broad community participation. Committee members must live or work in Durham, with priority given to city residents.

This Draft recommends that the PAC be re-branded to "Durham Public Art Committee" and that the BOCC and County Manager appoint members in a number proportionate to the percentage of Durham residents who live outside the City limits to represent those areas.

ARTIST SELECTION PANEL (ASP)

The Artist Selection Panel (ASP) is a short-duration ad-hoc committee formed for the purpose of recommending individual artists for a specific project. The panel generally consists of five to seven voting members, including representatives from the CAB, PAC, the Public Art Coordinator, the project design architect(s), representatives of the site sponsor or County department, arts professionals, public art professionals, and members of the community at large. If deemed appropriate, the Panel may also consist of additional non-voting advisors such as other design or technical professionals associated with the project, other County stakeholders, other members of the CAB, or other associated professionals such as project managers, developers, County planners, urban designers, historians, etc.

The ASP members review the credentials, prior work, proposals, and other materials submitted by artists for a particular project and develop a short-list of candidates for interviews. Upon conclusion of artist interviews, the ASP will recommend to the PAC an artist or artist team to be commissioned for the project. The Panel may be asked to respond to other tasks at the request of the Public Art Coordinator, including a review of the project prospectus, project guidelines, or specific concerns about a particular project. In reviewing the credentials of artists, the Panel must be sensitive to the public nature of the project and the necessity for cultural diversity in the Public Art Program. Following the artist recommendation for the particular project, the Artist Review Panel is disbanded.

DURHAM COUNTY PUBLIC ART COORDINATOR

The Project Management Division of Engineering and Environmental Services should create a Durham County Public Art Coordinator position to manage the day-to-day work of the Public Art Program and coordinate the involvement of all participants, including project architects and planners, County department representatives, site sponsors, private development project representatives, and the Project Manager. The Public Art Coordinator will provide leadership and vision in the development of the Public Art Program through research, new ideas, and novel approaches to public art that are appropriate for Durham County.

The Public Art Coordinator will implement the Annual Work Plan approved by BOCC and the CAB. These responsibilities include preparing budgets, serving as a primary media spokesperson, developing an annual report, monitoring the program's policies and guidelines, and preparing programs that involve, engage and educate the community about public art. The Coordinator will also administer the artist selection process, publicize all new projects, facilitate the Artist Selection Panel meetings, and negotiate contracts between the selected artists and the County.

The Public Art Coordinator, serving as a professional resource, may work with corporations, philanthropic organizations, and individuals seeking to advance public art. The Coordinator can serve as a catalyst for increasing private sector involvement in public art, conducting research and preparing grant applications for program development.

7 PUBLIC ART PROJECT PLANNING - ANNUAL WORK PLAN

The Capital Projects Planning /Annual Work Plan will be crafted on a yearly basis and serve as the project outline for that year. Durham County's Public Art Coordinator will work closely with other County departments during the fall of each year to review public art opportunities in capital projects in the coming year and beyond. The recommendations will be reviewed by the PAC and the Cultural Advisory Board. Proposed public art projects for the Annual Work Plan will be submitted to the County Manager and BOCC for approval as part of the annual Capital Budget process.

EXAMPLE 1 - EXAMPLE ANNUAL WORK PLAN

FY 2018 Pompano Beach, FL Public Art Annual Plan

FUNDING OPPORTUNITIES

Durham County is an important venue for public art because it complements the urban design and revitalization strategies laid out in the Comprehensive Plan. Funding is necessary to underwrite and implement Durham County's public art program, and can come from a variety of sources, both public and private; however, it is important that they be permanent and dedicated in order to ensure long-term stability and provide predictability in short-term and long-term planning for public art. While local officials have supported public art over the years, the lack of a permanent funding source precludes long-term planning for projects.

PUBLIC SOURCES OF FUNDING

The largest source of funding for public art is the County itself. Durham County has traditionally funded public art through its Capital Improvement Plan (CIP) process. Public art projects will be recommended each year by the Public Art Coordinator and the Cultural Advisory Board (CAB,) and submitted to the Board of Commissioners for approval. Qualified capital projects might include the construction or repair of buildings, structures (e.g. retaining walls), schools, libraries, rights of ways, and private development.

This draft procedure document recognizes that the County will continue to fund Public Art on a project by project basis through its capital planning process. In the future it is recommended that the County consider a mechanism for a more predictable planning and funding process. It is recommended that both public sources, for example a percent for art program that dictates a percentage be considered, in addition to exploring private revenue sources for public art (discussed below).

PRIVATE SOURCES OF FUNDING

The private sector offers opportunities for sponsorship and funding of public art projects and programs. Corporations are potential sponsors for community art projects such as public art workshops, education and outreach, documentation of an event or temporary project, performances open to the community, or a residency for an artist with scheduled talks and activities. Additionally, developers and businesses often have semi-private spaces that are open to the public and create ideal locations for public art. The County could offer incentives for sponsoring an art project in these semi-private or public spaces, such as empty storefronts or parcels of land, which could be donated for a length of time. Partnerships could involve combining funds from the private developer and/or privately-owned facilities with available Public Art Program funds.

PUBLIC ART IN PRIVATE DEVELOPMENT

Policies should be considered that encourage public art in private development by creating incentives for developers to incorporate public art on-site. As an alternative to incentives like density bonuses, an option could be provided to contribute to public art using other matching funds when available. Large commercial and residential properties that have planned or existing public spaces are ideal places for public art. In these locations, it is typically preferable to install the artwork on-site, rather than pool the funds for alternative locations.

PARTNERSHIPS

Partnerships between the County and other cultural arts organizations offer opportunities to pool resources, generate new ideas, and co-sponsor project and programs. Durham County's Public Art Program, partnered with the City of Durham's Program, would be an ideal alliance. Future partnerships could include events planned around national or ethnic holidays, a theme of local significance, or subjects such as water resources, recycling, local history, agriculture, etc. Partners might include local arts groups; performing arts groups (e.g., dance, theater, music); local history groups; local horticultural groups; historic sites; local corporations and businesses, and national companies with a presence in Durham County.

GRANTS

Regional, state, and national grants should be pursued for public art programs to enhance Durham County's public art opportunities. The characteristics of the artwork typically have to match the goals of the organizations providing the grants. Future projects might include brochures and walking/driving tour guides for public art; research for future project themes; community art programs and workshops; working with consultants on a specific project; bringing visiting artists to Durham County for workshops and/or lectures; documenting temporary projects; or a specific project requiring funding from an outside source. Grants could come from the following organizations:

- Andy Warhol Foundation for the Visual Arts (www.info@warholfoundation.org)
- Knight Foundation (www.arts@knightfoundation.org)
- National Endowment for the Arts (www.arts.gov/grants.gov)
- North Carolina Arts Council (www.ncarts.org)
- North Carolina Department of Cultural Resources (www.culture.com)

North Carolina foundations, including:

- A.J. Fletcher Foundation (Raleigh) www.ajf.org;
- The Cannon Foundation (Concord) www.cannonfoundation.org;
- The Community Foundation of Western NC (Asheville), www.cfwnc.org;
- The Golden Leaf Foundation (Rocky Mount), www.goldenleaf.org

These organizations offer distinct opportunities for public art programs. Their missions and grant criteria are listed on their websites or available upon inquiry.

USE OF PUBLIC ART FUNDS

Any available public art funds may be used for all costs associated with the commissioning of selected artists and acquisition of public artworks. These include all costs associated with Public Art projects prior to individual artist selection; project specific coordination or management costs; artist fees; all costs necessary to transport, receive and install artworks at specified sites, including any unexpected costs; and ongoing project and program maintenance costs. Specific categories of expenditures might include site preparation, contingency, artist selection costs (e.g., travel expenses and honoraria for panelists), project consultants, fabrication and installation of artwork

identification plaques, documentation, public amenities, dedications, advertising and publicity, education and outreach activities, specific project or ongoing program project maintenance.

BUDGETING AND DOCUMENTATION

Budgeting and documentation of expenditures for public art in capital projects is essential for maintaining records for actual public art costs for planning and auditing purposes. Public art budgets should include the cost for all phases of a public art project, from conceptual design through construction and installation. An additional 5 to 8% of the public art budget should be designated as contingency for each project. The budget for the public art project should itemize all fees, components, consultants, insurance, travel expenses, fabrication and installation costs, and any other aspect of the project. The budget is in the artist's control, with the explicit understanding that the stated budget amount is final. County can, at its option, request "Additional Work" from the contracted artist for an agreed amount.

9 PUBLIC ART PROJECT TYPES

INTEGRATED DESIGN PROJECTS

In integrated design projects, public art is included in the overall construction project and is prefabricated and constructed by the general contractor. The artist must fully document the project design for inclusion as part of construction and must specify any construction administration required by the artist. Public art projects that are integrated into the context and/or physical properties of a project will generally follow the same method and timeline for project development as the overall construction project. The schedule for the public art project will be coordinated with the construction schedule, and will be part of the artist's contract, as described above. The Public Art Coordinator and the Public Art Committee will review and make recommendations regarding the artist's research, site selection, conceptual and schematic design, and design development, fabrication and installation phases. Construction documentation, bidding, construction administration, and project construction/ installation will be monitored by the Public Art Coordinator.

INTEGRATED/CONSTRUCTION ASSISTANCE PROJECTS

Integrated/Construction Assistance projects include most of the artist's design in the base building construction documents. Sole source work (installation expertise and/or elements fabricated by the artist) must be provided by the artist so that the general contractor can include the work in the construction schedule and process.

The Public Art Coordinator and Public Art Committee will review and comment on the artist's research, site selection, conceptual and schematic design, design development, fabrication, and installation phases. Construction documentation, construction administration, and project construction/ installation will be monitored by the Public Art Coordinator with the assistance of the Project Manager.

SITE-SPECIFIC DESIGN/BUILD PROJECTS

Site-specific design/build projects require that the artist be contracted to design, fabricate, and install a public art project within the established schedule and budget. Depending on the nature of the public art project, there are various degrees of integration and coordination required. The artist's contract must be coordinated with the construction schedule.

TEMPORARY PROJECTS

Temporary public art projects are a unique and growing category of public art. Temporary projects permit greater experimentation and creates a dynamic, ever-changing environment. In some cases, a specific site is selected and an artist engaged to create a project for a specific period of time. Another method engages an artist or artists whose work is seen as interesting and appropriate, and the artist(s) is shown a range of possible sites from which to select the project location. Temporary works may be in place for a time period that depends on the nature of the artist's work and the initial invitation to the artist. The contract with the artist follows the same phases as with any public art contract.

GIFTS OR LOANS

When gifts or loans of public art are offered to the County, the Cultural Advisory Board and Public Art Coordinator shall review and advise the local officials on the acceptance of the art. This review shall give special attention to protecting important civic places from the placement of artworks that might not be of lasting significance to the County.

The review process followed by the Cultural Advisory Board shall meet the following objectives:

- Provide uniform procedures for the review and acceptance of gifts or loans of artworks to the County
- Vest in a single County agency the responsibility of ensuring the management and maintenance of the donation
- Facilitate planning for the placement of artworks on County-owned property
- Maintain high artistic standards for artworks displayed in County facilities
- Provide appropriate recognition for donors of artworks to the County
- Protect significant public sites from placement of work that is not of lasting significance to the County

10 ARTISTS AND ARTWORK

Professional artists shall design all artworks commissioned or acquired under the County Public Art Program. Depending on the particular public art project, the work may be created in the artist's studio or fabricated as facilitated by the artist. Artworks may include, but are not limited to, the following types:

ELIGIBLE ARTWORKS

- Sculpture: freestanding, wall-supported or suspended; kinetic, electronic, may include sound; in any material or combination of materials, provided the material selection is appropriate for the duration of the project
- Murals or portable paintings using materials proven acceptable for outdoor public projects; collage; or the inclusion of non-traditional materials or means
- Earthworks, fiber works, neon, glass, mosaics, photographs, prints, calligraphy, any combination of forms of media including sound, literary elements, film, holographic images, and video systems, hybrids of any media and new genres
- Furnishings or fixtures, including but not limited to gates, railings, streetlights, signage, or seating, if created by professional artists as original work, not to be duplicated
- Artistic or aesthetic elements of the overall architecture or landscape design, if created by a professional artist
- Temporary artworks or installations
- Media artwork, including music, video, film, or other forms of electronic artworks

INELIGIBLE ARTWORKS

- “Art objects” that are mass produced, commercially-available or have standard manufacture (E.g., playground equipment, fountains or statuary elements)—unless incorporated into an artwork by the project artist.
- Reproductions, by mechanical or other means, of original works of art, except in the cases of film, video, photography, printmaking or other media arts.
- Decorative, ornamental, architectural or functional elements that are designed by the building architects, as opposed to elements designed and created by an artist commissioned for that purpose.
- Landscape architecture and landscape gardening, except where these elements are designed by a professional visual artist and/or are integrated with the artwork designed by the artist.
- Services or utilities necessary to operate and maintain an artwork over time.

If selected, the artist(s) shall execute and complete their art project in a timely and professional manner in accordance with the project schedule. They must work closely with the project manager, design architect, and/or other design professionals associated with the project and present the project to the Cultural Advisory Board and others at key project milestones as established in the contract. Artists might be requested to present the project to the public, conduct a community education

workshop, or complete a residency in the community where the artwork will be placed. Artists are responsible for providing all warranty and maintenance documentation for their projects.

REVIEW PROCESS CRITERIA

The review process will be based upon the following criteria:

- Aesthetic considerations that ensure artworks of the highest quality, based on a detailed written proposal and photographs of the proposed work, documentation of the artist's professional qualifications, and a current certified appraisal of the artwork
- Financial considerations based on the cost of installation, sources of funding for the project, and the estimated cost of maintenance and repair over the expected life of the artwork
- The liability associated with the artwork based on the susceptibility of the artwork to damage and vandalism, potential danger to the public and any special insurance requirements
- Environmental considerations based on the physical appropriateness of the artwork to the site, including the scale of the artwork

EXCEPTIONS TO THE REVIEW PROCESS

Gifts of State presented to the County by foreign governments or by other political jurisdictions of the United States—municipal, state or national—which may be accepted by the BOCC or County administration on behalf of the County shall be reviewed as follows:

- The Public Art Program shall determine the permanent placement of such artworks
- Appropriate recognition and publicity shall be the responsibility of the Public Art Program in collaboration with the County Site Facility
- If not provided by the donor, maintenance of the artwork(s) shall be the responsibility of the County. The Public Art Coordinator shall arrange repairs through an independent contractor and the work shall be funded through the annual Public Art Program appropriation.

11 CONTRACT EXECUTION

CONTRACTS

Integrated capital project contracts with architects, engineers and public artists must include related language about the obligations, responsibilities and schedule for working on an integrated public art project. It is essential that stakeholders work together in a timely and coordinated manner to keep the project on schedule and within the approved budget. The Public Art Coordinator should provide draft language to be included in these contracts, which will be reviewed by participating departments before being forwarded to the contract recipients for execution.

Contracts for architects, engineers and contractors shall be managed by the Engineering Project Manager. Artists' contracts shall be managed by the Public Art Coordinator. The artist's contract should include a detailed scope of services and a series of phases or agreements that define the artist's responsibilities from initial concept through construction and installation. Each phase or agreement must include details for submission and payment.

All artists' contracts for public art projects shall include a detailed budget for the design, fabrication and installation of the work, or be separate contracts for Design Phase and Fabrication/Installation Phase if an overall budget is not established at the onset of the project. The budget must also include all other financial aspects of the project, such as fees, travel expenses, and all other costs. The project budget must clearly distinguish the cost of public art design and installation from the baseline project costs related to other components of the capital project. This is critical for integrated projects where the net cost of public art can easily be exaggerated by including the budget numbers for construction work that was necessary and already budgeted as part of the original CIP.

After the public art project and budget have been approved and all phases of the project development accurately defined within the artist's contract, the Public Art Coordinator and Public Art Committee shall monitor and approve each of these phases as described in the contract.

The artist should be brought into the project as early as possible in all public art projects so that any necessary site preparation can be included in a timely and cost-effective manner within the construction schedule.

12 PUBLIC ART COLLECTION MAINTENANCE STANDARDS

CONSERVATION AND MAINTENANCE OBJECTIVES

A review process shall be followed by the Public Art Coordinator and the Cultural Advisory Board to meet the following objectives:

- Provide for the regular review and inspection of public artworks
- Ensure regular maintenance of public artworks
- Establish a regular procedure for effecting necessary repairs to public artworks

PERIODIC REVIEW AND INSPECTION

At least once every five years, the Public Art Coordinator and Public Art Committee, or an independent consultant contracted by the County, should evaluate the Public Art Collection for the purpose of Collection Management and to assess the collection's future. The County shall retain the right to deaccession any work of art in the Collection, regardless of the source of funding for the particular artwork. The County shall retain the right to assess the current value of works under consideration for privatization or resale, either individually or as an integrated element of a particular site or agency. A review process shall be established by the Public Art Program to meet the following objectives:

- Establish a regular procedure for evaluating artworks in the Public Art Collection
- Establish standards and review process for the acquisition of artworks by the Public Art Program
- Ensure that deaccessioning is governed by carefully articulated procedures
- Insulate the deaccessioning process from fluctuations in public and individual taste

DEACCESSION REVIEW STANDARDS

The Cultural Advisory Board shall review any proposal for deaccession or relocation of an artwork. Procedures for deaccession or relocation shall be as deliberate as those practice during the initial selection. This process shall operate independently from short-term public pressures and fluctuations in artistic taste. During the review process, the artwork shall remain accessible to the public in its original location. Artwork may be considered for review toward deaccessioning from the Public Art Collection if one or more of the following conditions apply:

- The condition or security of the artwork cannot be reasonably guaranteed.
- The artwork requires excessive maintenance or has faults of design or workmanship, and repair or remedy is impractical or otherwise not feasible.
- The artwork has been damaged and repair is impractical or not feasible.
- The artwork's physical or structural condition endangers public safety.
- Significant changes in the use, character, or design of the site have occurred which affect the integrity of the work, and no suitable alternate site is available.
- Removal is requested by the artist because of the condition of the work.
- The facility or location where the work is sited is undergoing privatization.

ARTIST MAINTENANCE RESPONSIBILITIES

- At the conclusion of each project, the project artist is required to submit maintenance recommendations for the project, including but not limited to suggested annual and 5-year cleaning procedures. The artist should also submit a list of specific components, including manufacturer's specifications, of the public art components such as paint, coating, lights, etc. that are essential to maintaining the installation.
- Within the terms of the contract, the artist shall guarantee and repair the work of art against all defects of material or workmanship for the life of the work.
- Within the terms of the contract, the artist shall provide the Public Art Program with drawings of the installation

COUNTY MAINTENANCE STANDARDS AND PROCEDURES

- Routine maintenance of artwork shall be the responsibility of the Artist.
- Responsibility for extraordinary maintenance or repairs of artworks shall be referred to the Public Art Coordinator.
- No County Department shall commence any maintenance or repairs to artworks without the consent of the Public Art Coordinator.
- No County Department or partner Agency shall move any artwork from the site for which it was selected, nor remove it from display and/or block access to it or the site, without the consent of the Public Art Coordinator.

13 PUBLIC ART POLICY ADOPTION ACTION PLAN

The recommendations in this Draft Policy include a variety of programs, practices and administrative tasks that should be explored and implemented as deemed appropriate. A summary of these recommendations is as follows:

- Adopt a formal County policy that Public Art will be included for all eligible capital improvement projects. As projects are approved, public art will be commissioned, funded, and implemented as an integrated part of approved capital planning projects.
- Adopt a formal County policy on public art that acknowledges the role of public art in capital projects, including not only the built environment but and parks, rights-of-ways, and open space development
- Prepare site design standards for public art in private development and the public realm.
- Consider developing a public art in private development ordinance that would provide incentives for developers to incorporate public art.
- Prepare a work agenda for community educational programs on public art
- Develop partnerships with corporations, businesses and arts organizations for sponsorships, programs, grants and pooled resources
- Include a Public Art Master Plan as a chapter of the future. This long-range consultant-driven study will engage the public in identifying community values and a vision for Durham that will speak to future generations through the art we install today.

14 PUBLIC ART IN THE COMMUNITY

OUTREACH, ENGAGEMENT, AND EDUCATION

A robust public art program provides great opportunities for teaching about art and the identity of the community. An educational program about the arts and the public art process will increase the overall understanding and support of public art, as well as its enjoyment. The Durham Cultural Advisory Board should take advantage of these opportunities and pursue educational programs as part of the Public Art Program. The Board may want to pursue grants and partnerships to leverage funds and resources for these programs. Examples of educational programs include:

- Artists should be encouraged to share information with the public about the inspiration and themes of their art projects. When this information is available, it should be included in Durham County's public art inventory posted on the public art website.
- A walking or driving tour brochure of public art would be a fun and educational means of increasing the public's awareness of public art in the community. The brochure would include a map, photographs and narrative on the art projects. Funding for the brochure could be through a corporate donation or grant application to state and regional arts organizations.
- Workshops, seminars or events with artists can generate a community dialogue about the meaning and importance of public art. Potential audiences are schools, civic organizations, or the public at large.
- A Durham County Public Art web page could provide the community with access to a variety of public art topics and include the public art inventory and upcoming events. With an expanded selection of information, such as public art articles, art projects in other communities and links, the web page can serve as an important repository for public art information, educating the community and promoting the Public Art Program.
- A community-based art project could directly involve citizens in the development of themes for a public art project. The result can be a one or two-word concept, or more detailed and descriptive themes. For example, some concepts may be:
 - Durham County's history
 - Durham County as a startup incubator
 - Foodie culture
 - Ethnic diversity
 - Agricultural history

These ideas are intended as a way of involving members of the community in evoking aspects of Durham County that they feel are important to express. This is not intended to describe the form of a particular art project, which is solely the artist's area of expertise, rather it is a way to collect a range of thoughts about what citizens may see as important about life in Durham County.

15 FOOTNOTES

1. Americans for the Arts, Statement On Cultural Equity, excerpt, used with permission. <https://www.americansforthearts.org/about-americans-for-the-arts/statement-on-cultural-equity>