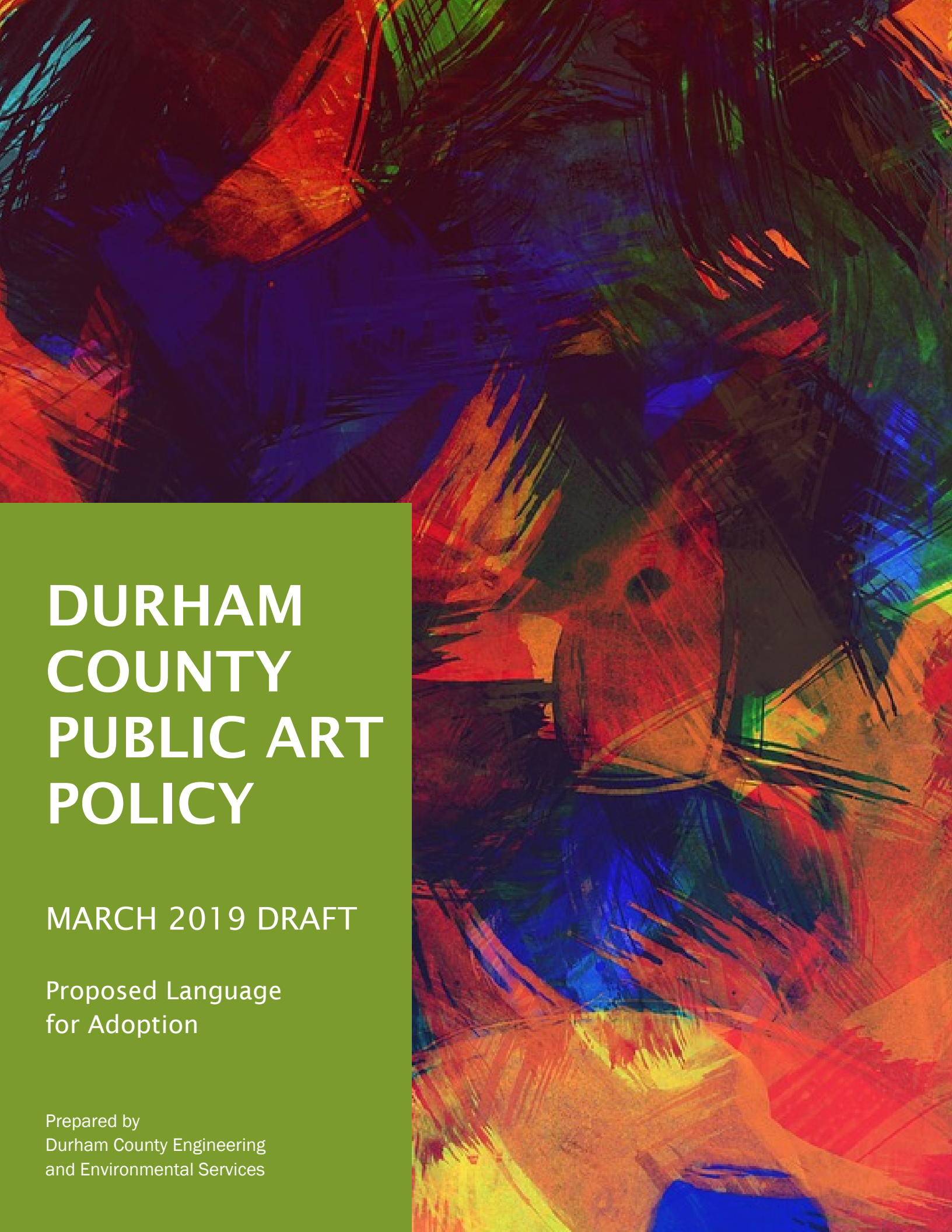


ATTACHMENT 1

MARCH 2019 PUBLIC ART POLICY DRAFT



DURHAM COUNTY PUBLIC ART POLICY

MARCH 2019 DRAFT

Proposed Language
for Adoption

Prepared by
Durham County Engineering
and Environmental Services

PUBLIC ART IN DURHAM COUNTY CAPITAL IMPROVEMENT PROJECTS

POLICY STATEMENT

This policy implements Durham County "Public Art for Capital Improvement Projects" program, which provides that the County will budget one percent (1%) of the annual CIP budget for eligible projects for public art.

GOALS OF PUBLIC ART PROGRAM

It is the goal of the County's public art program to:

- use art in public places to enhance the County's identity and the quality of public spaces
- increase the quantity and quality of public art in the County.
- create integrated public art, which is art that is designed to relate to or be incorporated with the design of public facilities.

PROJECTS INCLUDED

1% of all CIP costs for projects not specified under the exclusions below, are subject to the policy. Examples of projects included in the public art policy may include but are not limited to:

- All projects as required by the UDO
- New buildings such as libraries, public safety buildings, community centers, parking garages and lots, or small structures
- Significant renovations to existing buildings
- Parks, medians, landscaping and plazas
- Gateways entering and exiting the County boundaries
- Bridges, walls, tunnels, streetscape improvements and transportation corridors

Engineering staff will work with appropriate County departments which may include but are not limited to Finance, General Services, Purchasing, and the department sited with or housing the art, to implement the Policy by identifying the projects that are subject to the one percent for public art requirement.

The County Manager, prior to the release of the Proposed Capital budget, will review the list of identified projects. Where the applicability is uncertain, the County Manager or his designee will make the final determination.

The one percent (1%) will be based on the initial CIP budget and adjusted if the CIP budget is later increased through the annual budget process. If the CIP budget is later decreased, the art contract shall be adjusted proportionately.

EXEMPTIONS TO POLICY

The following CIP expenses are excluded from the policy:

- Minor renovations totaling an amount below the threshold of a competitive bid for construction contracts

- Road, path and sidewalk repairs, curb and gutter repairs, sign reflectivity, road and parking signage, or other existing hardscape areas.
- Emergency repair projects.
- Cyclical replacement and repair of trails, outdoor furnishings, or fencing
- Studies
- Roof replacement
- Mechanical, security, A/V equipment, HVAC, and IT installations, upgrades and repairs
- Utilities projects, including facilities fully-funded by Enterprise Funds
- Vehicle repair and replacement
- Waterproofing, water intrusion prevention, or mold remediation projects
- Projects where the majority of the cost is allocated to elements located underground
- Projects where prohibited by federal law, including projects or portions of projects funded by grants from non-County sources that prohibit expenditure of funds for art

TRANSFER OF FUNDS

Funds will be identified during the budget cycle and be allocated to the Public Art Program at the beginning of the new Fiscal Year, with the exception of grant funds allocated for public art, which will remain in the project budget.

PROCEDURE FOR IDENTIFYING AND SELECTING PUBLIC ART PROJECT SITES

- A. Engineering Staff shall have the authority to pool funds and may propose funds for use at a current CIP site or any other public or publicly-accessible site. Proposals shall be approved by the County Manager or designee.
- B. The Project Manager or designee, in consultation with the Public Art Coordinator, shall identify sites for public art funded by this program. CIP or other sites that merit further consideration for integration of artwork, will be presented to the Public Art Committee. Consideration will include, but not be limited to:
 - Opportunities for the incorporation of art into the site
 - Types of artwork that may be appropriate at the site
 - Maintenance considerations specific to the site
 - Available funds to create an impactful artwork
- C. Identification of project sites and establishment of an art budget early in the process allows the artist to be hired at an early stage of design so that the art can be better incorporated with the design. For projects in which art will be integrated on site, the Project Manager, in consultation with the Public Art Coordinator, will determine the final public art plan for the site. Engineering Management will approve the final plan.
- D. For projects in which it is determined that artwork will not be incorporated on site, the Public Art Coordinator will coordinate with Engineering Management and the County Manager or designee to determine the allocation of those funds to another public art site or publicly-accessible site, or transfer those funds to the general Public Art Program account from which other miscellaneous arts projects are funded.

- E. Every effort should be made to identify and select projects in a timely manner.
- F. Some projects may not have a public art requirement but may voluntarily choose to include a public art element. Funding may come from a variety of sources including but not limited to grants, donations, departmental resources, or the general Public Art fund.

PROCEDURE FOR IDENTIFYING AND SELECTING ART WORKS

Artworks may include permanent or temporary art, including performance-based and experiential art.

The Project Manager and Public Art Coordinator will develop the RFP or RFQ for the artwork with input from the PAC, designer/architect, and department head(s) at the site. The RFP/RFQ will include, but not be limited to:

- Artist's timeline beginning with the project design phase.
 - Any restrictions and requirements of the project as defined by staff and/or Project Manager.
 - Artist's responsibilities to the project regarding time and involvement with the Project Manager and project team.
 - Potential sites and materials for the art work(s).
 - Necessary Community outreach efforts for design development.
 - Purpose of the project, identification of stakeholders, vision for the artwork.
- A. Selection of the artist and artworks will fall into one of three processes:
- Open competition - for most projects.
 - Limited competition - for small projects, typically using the prequalified artist pool.
 - Commissioned artist for specific projects that lend themselves to that artist's stylistic approach.
- B. Selection of the artists and artworks will be made through submittals reviewed by a selection panel composed of representatives of the Public Art Committee, arts professionals, community representatives and appropriate County department representatives or architect/designer. Considerations in selecting the artist and/or proposed work of art will include:
- Artistic quality
 - Safety and security
 - Maintenance and repair to the work of art for the lifecycle of the art
 - Appropriateness to the purpose of the site
 - Ability of the project to be realized within the budget
 - Project's fit within the County's collection
 - Diversity of artists represented in Durham County and the region
- C. The Public Art Coordinator will recommend the selected artist and artist's proposal to the County with the concurrence of the Public Art Committee or designee.

- D. The selected artist will work with the appropriate department(s) and Project Manager as noted in the RFP/RFQ and contract.
- E. Every effort should be made to conduct the artist selection and contract process in a timely manner to optimize coordination during the construction phase.
- F. The Public Art Coordinator will work closely with the Project Manager to coordinate efforts and ensure smooth management of the art installation.

OWNERSHIP AND MAINTENANCE

Durham County owns and maintains all art in County projects and has sole fiscal and legal responsibility for the artworks and the maintenance thereof. Departments with existing art, including murals, sculpture or land art within their project site, must contact Engineering staff to ensure the proper precautions are taken for the care and protection of the artwork. A comprehensive inventory of all art shall be maintained by the Public Art Coordinator and made available for review.

NOTE: Questions and/or clarification of this policy should be directed to the Public Art Coordinator with the Engineering and Environmental Services Department. The Public Art Program is a program of the Project Management Division of the Engineering and Environmental Services Department.

Recommended: _____ Date: _____
H. J. Gibson, General Manager

Approved: _____ Date: _____
Wendell Davis, County Manager

Approved: _____ Date: _____
Board of County Commissioners