



**City of Raleigh**  
North Carolina

# Public Art Policy



## DOCUMENT SUMMARY

Public art serves as a crucial component in the City of Raleigh's civic and cultural life. The City intends to integrate a wide range of artworks reflecting diverse artistic disciplines and points of view into public locations throughout the community. In support of this goal, this document outlines the policy that facilitates the development of public art throughout the City. It provides a guide for City departments considering the placement of public art. To successfully implement this policy, City department heads should ensure that employees are familiar with the procedures herein for proper compliance and execution.

The following sections outline the purpose of the City of Raleigh Public Art Policy, the acceptable criteria for project types and the process for implementing and realizing public art projects.

**Section 1** contains introductory information, the criteria for art selection, information about the development of a public art master plan and the process for identifying and selecting art and artists. Raleigh's public art program, which determines and implements the funding apparatus for current and future Percent for Art public art projects, is fundamental to the public art process.

**Section 2** addresses key personnel and agencies and explains their roles as they relate to public art and the Municipal Art Collection.

**Section 3** discusses the Municipal Art Collection, including its operations, collection care and management responsibilities (acquisitions, maintenance and placement).

**Section 4** explains deaccessioning of artworks already in the City's possession.

**Section 5** encompasses a glossary of important definitions.

**Section 6** contains an appendix detailing the public art program's project implementation process, including artist selection, contractual agreements and project design. It reproduces in their entirety City ordinances that established the public art program in 2009. Section 6 also contains policies on acquisitions and citizen-initiated public art projects.

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## **Section 1 - Public Art in Raleigh**

The City of Raleigh recognizes the value of public art to its citizens and visitors. Public art matters because it is an essential building block for engaging, imaginative spaces that enliven the public realm, foster shared community interactions, celebrate our unique stories and collective history and inspire us to experience the world with fresh perceptions. We envision public works of art that transform and activate civic spaces and create a unique identity for Raleigh as a destination place. Significantly, public art plays a key role in Raleigh's 30-year Comprehensive Plan, adopted by the City Council in 2009. The Comprehensive Plan affirms the integral function of arts and culture in the City's enduring spirit and vitality.

The City of Raleigh commenced an exciting civic undertaking in 2009 with the creation of a public art program, joining hundreds of cities across the country with similar programs. The City public art program incorporates the work and ideas of artists and designers into public settings while creating connections among artists, project partners and communities. Prior to the program's establishment, the City of Raleigh Arts Commission (CORAC) developed select public artworks funded primarily with private donations, including the popular Red Wolf Ramble project. The public art program is administered by the Office of Raleigh Arts. It is directed by the CORAC and the Public Art and Design Board (PADB), with guidance from the Raleigh Arts Plan.

A primary aim of the CORAC, the PADB and the public art program is to raise public awareness of the impact of public art and its cultural and economic contributions. These include sustaining jobs, promoting the City's identity and civic pride, attracting visitors and developing vibrant, creative spaces.

### **1.1 Purpose**

The purpose of this policy is to give direction for:

- Establishing a diverse collection of public artworks.
- Creating works of public art with the cooperation of the community.
- Involving local, regional and national artists of diverse backgrounds.
- Providing ongoing opportunities for artists to advance their art forms with temporary and permanent public artworks.
- Considering economic development and cultural tourism when advocating for public art.
- Understanding of public art and encouraging public dialogue.
- Incorporating art and design projects of the highest quality throughout the community, in essence creating a museum without walls and making art accessible to all.
- Providing a legacy of art and culture for future generations.

### **1.2 Appropriation and Allocation of Percent for Art Funds**

The City established Percent for Art (PA) funds to administer and implement public art projects. PA funds are used for the selection, acquisition, installation, administration and maintenance of artworks and art projects commissioned or purchased through the public art program. The city manager appropriates PA funds concurrently with appropriations for City construction projects. Financial resources are maintained in accordance with accepted governmental accounting procedures. All appropriations to and allocations from PA funds occur in accordance with all legal restrictions associated with the source of financing.

Capital Improvement Program (CIP) projects that are required to be bid or otherwise contracted pursuant to the provisions of N.C.G.S. 143-129 and that provide significant general public access – for example, public safety centers, senior centers, cultural arts venues, parks and recreation facilities and streetscape projects such as gateway arteries and thoroughfares – are eligible for PA funding.

The amount of PA funding for a project is one percent of estimated construction costs, based on the bid or other price obtained under the above-referenced statute. Land acquisition, professional services (architectural, engineering, surveying, etc.), furnishings and equipment and all other soft costs are not included in the amount subject to the one percent allocation.

The city manager reviews all eligible projects approved as a part of the annual CIP process and refers them to the PADB. If the city manager declines to refer a project that the PADB considers eligible for PA funding, it may ask the city manager to reconsider. The PADB collects all available information about the project, including budget, site, schedule and constituent interests and then determines the desirability of a call for artists and the nature and geographical extent of the call.

Some projects otherwise eligible under Sec. 9-10007 of the ordinance establishing PA funding may not be suitable for the installation of public art. If a project is deemed unsuitable for public art, one percent of its estimated cost may be placed into a General Application Pool (GAP) account for the acquisition and administration of public art. Money held in this account may be appropriated upon recommendation by the PADB. Money from this fund may be used to acquire art for public projects that do not qualify under Sec. 9-10007 or to supplement PA funding for another eligible project. GAP funds may also be used for artist design services, maquettes, shipping or other expenses, including administration of the program required to obtain and place artwork. It is permissible to spend more than one percent of a project's cost on art if the additional cost is privately funded or paid for by an additional allocation upon recommendation by the PADB.

After the funding amount is established for a PA project or designated for GAP, five percent of the PA project funds are allocated for administrative PA expenses.

### **1.3 Percent for Art Process**

The City follows specific guidelines for the creation of public art, including the formation of an artist selection panel, the panel's procedure for selecting artists and artwork for specific sites and the process for a project's acceptance into the Municipal Art Collection. See the appendix in Section 6 for details.

### **1.4 Public Art Project Types**

For the purposes of this document, works of public art may include but are not be limited to:

- Sculpture in the round, bas relief, mobiles, fountains, kinetic and electronic work in any approved material or combination of materials.
- Paintings in all media, including oils and acrylics, that are portable or permanently affixed, such as murals.
- Graphic arts, such as printmaking, drawing and banners.
- Mosaics, including works executed in tile, glass, stone or other materials.
- Crafts using clay, fiber and textiles, wood, metal, plastics, stained glass and other materials, both functional and ornamental.
- Photography, including digital and traditional photographic print media.
- Mixed media, which may include any combination of two- and three-dimensional forms of media, including collage.
- Earth works, environmental installations and environmental art.
- Ornamental or functional decorative elements designed by practicing artists or other persons submitting as artists, including design professionals who are not members of the City design team for the project.
- Light-based or luminal art that is experiential, site-specific or installation-based work that explores optical phenomena or work composed of transmitted light, artificial or natural light

sources, projections or sculpture that incorporates light sources as major compositional and expressive elements.

- Sound art or media with primarily aural-based expressive elements, including electronic, audio media, found or experimental sound sources.
- Video and animation, projected or displayed on a video monitor;
- Portable art that may be displayed at locations other than a substantially permanent location or adjacent to the project site.
- Temporary performance or time-based art.

### **1.5 Criteria for Selection**

The selection panel may consider the following questions when conducting reviews of proposed artwork:

#### *Aesthetic Quality and Artistic Merit*

- What has the artist accomplished with the work and does it align with the proposed project goals?
- Does the work under consideration have artistic merit?
- Is the work relevant to the City, its values, culture and people and does it contribute to the fabric of the City? Is the work an integral component of the overall project?
- Is the work of art appropriate for the community it serves?

#### *Placement / Siting*

- What is the relationship of the work to the site? Is it appropriately scaled?
- Will the work help to anchor and activate the site and enhance the surrounding area?
- Will there be convenient public access to the site?
- Will additional parking or access accommodations be required?
- What are the utility requirements of the artwork?
- Does the artwork have a connection with the surrounding community?

#### *Fabrication, Handling and Installation*

- Are the projected costs accurate and realistic?
- Have written estimates been obtained from qualified technical support and fabrication contractors?
- Does a certain site present any special obstacles to installation?
- Can the work easily be removed if necessary?

#### *Maintenance Requirements*

- Is the work suitable for outdoor display or special indoor environments?
- Are the materials durable and will they last? Does the work have a limited lifespan due to built-in obsolescence or any inherent weakness?
- What are the existing or projected maintenance requirements of the work? Are they excessive or cost prohibitive? Are any unusual or ongoing costs likely?
- What are the artist's suggestions for protection of the work from vandalism?

#### *Liability and Safety*

- Is any aspect of the work a potential safety hazard?
- Does the work meet building code requirements?
- Does the work or any portion of the work require a professional seal (structural engineer, electrical engineer, etc.)?
- Will fencing or other types of security measures be required?

## **1.6 Criteria for Non-Acceptance**

Artwork fails to meet professional standards for acceptable public art practice if one or more of the following applies:

- Faults of design or workmanship pose a public health or life safety hazard or diminish the value of the work.
- The artwork is fraudulent, inauthentic or appears to be of inferior quality relative to the quality of other works in the Municipal Art Collection.
- The artwork is not the original work of fine art, such as a sculpture or painting. If the artwork is one of a multiple, it will be accepted only as an authorized limited edition. In the case of fine art prints and photographs, a limited edition is 200 or fewer.

## **1.7 Community Input**

Community input on public art projects is part of the overall conceptual design development of a construction project. There are numerous opportunities for community involvement, public input and discussions of location, safety, maintenance. Community input and information-sharing may take place at neighborhood meetings or occur in other ways, such as:

- Reviews of existing plans, histories or public art plans for the site or area at meetings of City commissions, boards and other organizations.
- Surveys or interviews of nearby residents or site users.
- Hosted or facilitated internet discussions.
- Events such as public meetings, forums or design charrettes/ workshops.
- Cultural events and gatherings.

## **1.8 Public Art Master Plan**

Over the past 25 years, the City has witnessed enormous growth and the concurrent need to support and increase cultural opportunities, including permanent and temporary public art, for residents and visitors. A report by the CORAC in 2008 outlined the critical goals and steps needed to develop a public art program. In response, the City Council passed the Half-Percent for Art ordinance in 2009, officially establishing the City's first public art program. (See ordinance in the appendix, Section 6.) In 2016, the City Council increased the Percent for Art allocation to one percent.

As discussed in the City of Raleigh's 2030 Comprehensive Plan, the CORAC, working with the PADB, looks forward to developing a Public Art Master Plan. This plan will provide a detailed framework for public art stewardship in Raleigh while setting forth policy measures and processes to enable the City to fulfill its public art objectives effectively and efficiently.

The Public Art Master Plan will:

- Advance goals for public art in the City of Raleigh.
- Identify opportunities and needs for public art across the City.
- Develop a strategy for the equitable distribution of public art in public places.
- Define maintenance requirements for public art.
- Identify opportunities for collaboration with entities such as the N.C. Department of Transportation to broaden the impact of public art.
- Reflect and document community input obtained during the master planning process.
- Establish the format and process of annual percent-for-art plans.
- Identify funding mechanisms for public art.

### **1.9 Public Art Project Selection Methods**

One of the following selection methods may be used to select artists or artist teams for eligible public art projects:

- *Open Invitational/Open Entry*  
This process is open to all qualified artists with possible limitations based on geographical or other eligibility criteria. Some competitions may also be open to other design professionals. The project is advertised and project guidelines are published. No fees will be charged to artists submitting materials and applications. A single artist may be selected, or a limited number of finalists may be paid an honorarium to prepare a specific site proposal and/or attend an interview with the selection panel.
- *Limited Invitational/Focused Invitational*  
Selected artists are invited to enter a competition or are pre-selected as candidates for a particular project or site. Artists are considered for a commission by invitation only. The Office of Raleigh Arts and members of the selection panel generate the names of artists to be invited. A finalist may be asked to submit a proposal in the form of a drawing or maquette and/or attend an interview with the selection panel. This method generally applies when a certain type of artwork or certain qualifications and experience are required, such as sculpture competitions, site-specific works and works requiring design team expertise.

### **1.10 Art in Private Development**

As municipal public art programs have become increasingly common throughout the nation, private developers are demonstrating a growing commitment to public art. The City of Raleigh does not have a formal policy regarding art in private development. However, the 2030 Comprehensive Plan states that public art should be incorporated into both public and private development.

Specifically:

*Action AC 1.2: Develop a public art master plan that reflects a coordinated vision to bring privately-funded art to the public realm. The plan should highlight significant places in the City and include an inventory of possible future sites for public art.*

*Action AC 1.4: Explore innovative public and private funding opportunities for public art.*

Accordingly, the City encourages creative public/private partnerships that enhance the profile of art in the City, support the City's mission and Public Art Policy and contribute to a culturally vibrant and aesthetically beautiful destination.

## **Section 2 - Roles and Responsibilities**

The following roles and responsibilities related to this Public Art Policy apply to groups and individuals. Each of the following groups and individuals has reviewed the City of Raleigh resolution pertaining to ethical responsibilities (Resolution No. 1988-955A) and is expected to abide by its terms and provisions, thereby ensuring that representatives from each agency operate within acceptable standards of conduct.

## **2.1 Raleigh City Council**

The City Council periodically reviews the Public Art Policy and related documents to assess compliance by City departments. The City Council appropriates Percent for Art funding.

## **2.2 City of Raleigh Arts Commission**

The City of Raleigh Arts Commission (CORAC) is composed of members appointed by the City Council. Bylaws adopted by the City Council in 1977 established and govern the CORAC. The CORAC approves works of art before they are acquired or transferred, sold or deaccessioned from the Municipal Art Collection. The CORAC advocates for public art in Raleigh and reviews public art projects not generated by Percent for Art (PA) funds.

Duties include but are not limited to:

- Establishing and approving curatorial and programmatic goals, policies and guidelines as they pertain to artwork acquired on behalf of the City.
- Approving the accession, care and deaccession of all donations of artwork accepted into the Municipal Art Collection.
- Reviewing the cleaning, repair and overall care of artwork in the Municipal Art Collection at the recommendation of the public art director and in compliance with currently accepted standards of care.
- Approving temporary public art projects that are not under the auspices of the Public Art and Design Board.
- Approving citizen-initiated public art projects with budgets under \$10,000.

## **2.3 Public Art and Design Board**

The Public Art and Design Board (PADB) is composed of individuals appointed by the chair of the CORAC. Bylaws adopted by the City Council in 2009 established and govern the PADB. The PADB is authorized to review and approve matters related to the PA public art program.

The PADB, in consultation with the public art director, the Office of Raleigh Arts staff and other City staff recommends the nature and placement of PA public art projects.

Duties include but are not limited to:

- Coordinating the development of this Public Art Policy with the CORAC.
- Reviewing and approving all issues related to PA projects, artist selection, design concepts and all other aspects of the public art program.
- Convening monthly or as needed to review issues related to PA selection panel recommendations, artist selections, project budgets and other program and project-related issues.
- Retaining the final authority for matters related to PA public art projects. The PADB may reject or reevaluate any related decisions, selections or recommendations and may recommend and authorize changes to the public art project in the best interest of the community, artists and others. The PADB reserves the right to reject selection panel recommendations or recommend modifications or changes.
- Providing guidance for citizen-initiated public art projects with project budgets over \$10,000 and approving or rejecting proposals for citizen-initiated projects.

## **2.4 Office of Raleigh Arts**

The Office of Raleigh Arts administers the programs of the CORAC and the PADB, curates the Municipal Art Collection and coordinates public art projects.

## **2.5 Executive Director, Office of Raleigh Arts**

The executive director is responsible for supervising the work of the public art director in order to develop a vision for the curatorial and programmatic goals of the public art program. The executive director works to ensure that these goals are in concert with the broader mission and goals of the Office of Raleigh Arts and the City of Raleigh.

## **2.6 Public Art Director, Office of Raleigh Arts**

The public art director works with the executive director, the CORAC and the PADB to facilitate the vision for the curatorial and programmatic goals of the public art program. The public art director works to ensure that these goals are in concert with the broader mission and goals of the Office of Raleigh Arts and the City of Raleigh. The public art director is responsible for the overall management of art projects from inception to completion.

The public art director's responsibilities include but are not limited to:

- Working with site agencies and project teams to follow public art project guidelines, criteria and budgets for each project and facilitating inter-agency communication and interaction throughout the life of the project.
- Providing project management services as necessary throughout all phases of public art projects and providing periodic reports to the PADB and the CORAC.
- Soliciting comments and managing the public input process on public art projects in partnership with the sites' project managers.
- Soliciting review comments and approvals for proposed artworks from site agencies and other City departments as necessary regarding accessibility, safety, liability, feasibility and maintenance.
- Reviewing and evaluating artworks acquired for the Municipal Art Collection and developing broad curatorial and collections care policies for the Collection as a whole.
- Overseeing the proper documentation, inventory and management of the Municipal Art Collection and consulting with professional conservators when appropriate regarding conservation and maintenance.

## **2.7 Site Agencies / City Departments**

Site agencies are the City departments conducting Capital Improvement Program (CIP) projects that generate PA funds and are the potential recipients of PA artworks. Site agencies are also City departments where artwork from the Municipal Art Collection or on loan from outside sources has been sited permanently or temporarily. These departments are accountable to the City Public Art Policy. This policy applies to City departments that display artwork using City funds in interior or exterior public spaces owned, leased and operated by the City or display privately funded works of art on City easements.

The director or an authorized representative in each site agency works with the public art director regarding artwork sited at the agency. The site agency's responsibilities include but are not limited to:

- Meeting with the public art director to discuss art projects and providing information and coordinating with the public art director to identify artwork donated to the site agency's jurisdiction for inclusion in the Municipal Art Collection.
- Ensuring that allocations for public art as provided through the department's construction budget are transferred and designated for use.
- Ensuring that public art-related coordination is included in the design and engineering consultant's scope of services agreement as required.

- Providing information for CIP projects regarding eligibility, including construction timelines and design drawings as requested, assigning an agency representative as liaison and attending meetings relative to the public art project.
- Working with the public art director to ensure that artworks in the Municipal Art Collection are the installed and maintained in accordance with nationally accepted standards.

The following are City department exceptions:

- Artwork donated or loaned directly to City employees or elected City officials for display in personal City offices.
- Artwork loaned to the Pullen Arts Center or Sertoma Arts Center due to their visual arts-specific mission.
- Artwork that uses temporary non-invasive support, such as easels for exhibition purposes.

The City does not accept responsibility for insurance or maintenance of any artworks identified in the above exceptions.

## **2.8 Artist Selection Panel**

Artist Selection Panels (ASPs) are convened to review, interpret and provide recommendations for qualified artists and art proposals, based on criteria provided at the inception of the public art selection process.

Duties include but are not limited to:

- Reviewing and narrowing the artist application pool based on the project's goals and the site criteria.
- Reviewing and narrowing the finalists through proposals or interviews.
- Reserving the option to make no selection from submitted applications and to reopen the competition or propose other methods of selection.
- Providing recommendations to the PADB for projects and final concept designs.

The involvement of an ASP may continue as the "client group" for a project after the artist/project is selected.

## **Section 3 - Municipal Art Collection**

The City of Raleigh has acquired many works of art that are on view in public spaces, including parks, municipal buildings and City offices. The artworks have until now been under the care and maintenance of the individual departments that acquired them. With this Public Art Policy, the City declares that there is one Municipal Art Collection and that there is one authority, the City of Raleigh Arts Commission (CORAC), for the acquisition and maintenance of the Municipal Art Collection. The full documentation of the Municipal Art Collection will facilitate opportunities for public access to the Collection's rich history. City departments are advised to follow the procedures outlined in this policy for artwork review and acceptance.

To fully support the care and management of the Municipal Art Collection, consideration must be given to providing funding and staffing at a level consistent with national standards for proper collections management.

The City Acquisition Policy and Public Art Policy set the criteria for approval of acquisitions for the Collection by the CORAC. The CORAC also approves the deaccession of artworks in the Collection.

### 3.1 Acquisition Types

Artwork considered for acquisition, whether by the CORAC or by City departments, must have a direct connection to the arts programming and objectives of the City. The CORAC approves all artwork designated for the Municipal Art Collection, including quality, placement and use. The CORAC takes into account the extent to which an acquisition meets the criteria and objectives discussed in the Acquisition Policy and any other factors that may influence acceptance or rejection of an acquisition. A chief consideration is whether the work can be sited rather than stored. City departments are required to defer to the CORAC for approval of acquisitions.

#### *Gifts*

- The Municipal Art Collection includes artworks acquired through donations, including gifts to the City by way of the mayor or a city councilor. A wide range of artworks may be acquired with no limits on form or size provided they meet the established criteria.

#### *Purchases of Artwork*

- The City may purchase artwork for the Collection. The artwork is subject to the process and criteria in place for acceptance by the CORAC.

#### *Percent for Art Public Art*

- Public art created as a part of the Percent for Art program (section 1.3) is accessioned into the Collection upon successful project completion.

#### *Monuments & Memorials*

- The CORAC can consider requests for monuments/memorials that are artwork. The CORAC works with the affected City departments on acceptance, approval, placement, siting and location of monuments/memorials. Donors typically pay the costs of design, manufacturing and installation. Simple memorial requests are referred to the appropriate City department.

#### *Citizen-Initiated Artwork*

- The CORAC reviews all requests for citizen-initiated artwork-related projects. Citizens who wish to site privately-funded artwork on public land or rights-of-way (e.g., murals) must comply with the Citizen-Initiated Public Art Policy.

#### *Additional Requirements for Proposals of Large-Scale Citizen-Initiated Artworks*

- Proposals for large-scale artworks or public monuments (projects requiring project team input regarding design, construction, fabrication, installation and placement) and proposals having benefactors contributing \$10,000 total to the artwork require careful consideration and may require several meetings and significant public comment before a final decision. Such projects are referred to the Public Art and Design Board (PADB). All costs are the responsibility of the presenter. Projects with high visibility or significant financial contributions may require approval by the City Council.

#### *Loans*

- Artwork loans of less than one year are at the discretion of City departments, in conformance with the criteria established in this Public Art Policy.
- Due to the long-term impact of artwork on display on City property, artwork loans of more than one year are reviewed by the public art director. The public art director works closely with the department director or designee to ensure an inclusive and collaborative process.

### **3.2 Acquisition Review and Acceptance Process**

- The potential donor meets with the Office of Raleigh Arts to review the appropriateness of the acquisition. The proposed acquisition must be of appropriate theme, character and design for public display and be consistent with criteria in the Acquisition Policy and Public Art Policy.
- Acquisitions must be of the highest quality design, materials and construction. Durability and maintenance requirements may be factors in considering acquisitions. The artwork should retain its intended appearance and function over a substantial period of time.
- The donor provides support materials and forms as directed by the Office of Raleigh Arts.
- The CORAC in most cases formally reviews and decides whether to approve the acquisition at its next regular meeting or as scheduled by the Office of Raleigh Arts.
- Once the CORAC approves a donation, the donor provides signed documentation, depending upon the type of acquisition, to the Office of Raleigh Arts, formally transferring ownership to the Municipal Art Collection.
- The Office of Raleigh Arts works closely with site agencies to determine a suitable location for the artwork. Once a site has been identified and the artwork placed, signage properly crediting the donor is placed next to the artwork.

### **3.3 Collections Maintenance and Responsibilities**

#### *Office of Raleigh Arts Responsibilities*

- The Office of Raleigh Arts retains a physical inventory of all artworks in the Municipal Art Collection. The inventory is conducted annually, with findings reported to the risk management section of the City Finance Department. The inventory record tracks object movement and is updated as needed. An inventory of artworks in the Collection is continuously maintained and includes estimated valuations of objects in the Collection. New donations to the Collection require an appraisal at the time of the gift, typically provided and paid for by the donor. Valuations of artworks are established principally for insurance purposes.
- The public art director oversees the assessment, treatment, maintenance and relocation of artwork. Cleaning and repair of artworks in the Municipal Art Collection are under the direction of the public art director, who complies with currently accepted standards of care and conservation.
- The public art director, in collaboration with site agencies, coordinates repairs with the involvement of other art conservators or independent contractors as needed. Reasonable efforts are made to notify artists of repairs to their works.

#### *Site Agency/City Department Responsibilities*

- Site agency representatives work with the Office of Raleigh Arts to identify art under their purview and assist with proper documentation and cataloguing of artworks in the municipal inventory. Following the initial site cataloguing, the Office of Raleigh Arts conducts annual inventories with the cooperation of site agencies.
- Site agencies undertake cleaning and repairs only as specified by the Office of Raleigh Arts. Site agencies must not remove, alter or relocate artwork in the Municipal Art Collection and are responsible for keeping the area surrounding the artwork clean and neat. Site agencies are responsible for protecting the artwork from damage caused by watering systems, furniture placement and maintenance equipment, such as mowers.
- Site agency staff, including service technicians and landscaping employees conducting maintenance of any kind on artwork, receive training as needed by the Office of Raleigh Arts, artists or professional conservators. The public art director determines whether a trained specialist is required and under what conditions nonspecialist labor may be used.

- Site agencies report any graffiti, damage or vandalism of artwork in the Collection to the Office of Raleigh Arts. The Office of Raleigh Arts reports the incident to police, corrects the damage within 48 hours and prepares an annual report for the site agencies detailing damage to artworks.
- Agreements for treatment and maintenance of artworks are developed when needed. These agreements ensure the integrity of the artworks and stipulate the roles of each responsible agency in staffing, funding and maintenance for the lifespan of the artworks. These agreements include directions to the site agency for routine maintenance and cleaning, including frequency and type of work to be performed.
- The site agency may make agreements with other appropriate parties for maintenance of artworks. These parties may include other governmental agencies, City departments or private contractors and are subject to the approval of the Office of Raleigh Arts.

### **3.4 Maintenance Procedures**

Objects in the Municipal Art Collection require a wide range of care under the oversight of the Office of Raleigh Arts. The Office of Raleigh Arts creates an annual maintenance plan and long-term forecast reports to determine current and future Collection needs. When available, funding is allocated by the CORAC for framing, documenting and routine maintenance of artworks in the Municipal Art Collection. Secure storage is provided for artwork not on display. Limited funding is allocated for maintenance of artworks created through the public art program. The Office of Raleigh Arts works closely with site agencies to determine funding for special conservation or restoration projects outside the scope of routine maintenance.

A centralized computerized collections management system is used to inventory, photograph, document and track all artworks in the Municipal Art Collection. All documentation, both written and visual, is maintained in an easily retrievable format. Exhibited artworks are labeled with the title, artist and date of the work, at a minimum. At the discretion of the Office of Raleigh Arts, artworks may be temporarily placed in storage or loaned to other institutions such as nonprofit galleries and museums.

### **3.5 Placement of Works of Art**

Works of art in the Municipal Art Collection may be moved throughout City facilities at the discretion of the Office of Raleigh Arts, taking into account requests from individual departments. As mentioned in Section 3.2, the Office of Raleigh Arts works closely with City departments to ensure consensus and open communication for determining site locations for artwork. While the intent is that a site-specific artwork remain in the location for which it was created, the Office of Raleigh Arts reserves the right to move a piece if circumstances dictate. The Office of Raleigh Arts may consider relocating site-specific artwork for one or more of the following reasons:

- The condition or security of the artwork can no longer be reasonably assured at its current site.
- The artwork has become a danger to public safety in its current site.
- The site has changed so that the artwork is no longer compatible as placed.

### **3.6 Municipal Loan Program**

City officials and staff may borrow certain objects from the Municipal Art Collection for installation in approved public buildings and other public venues. In general, more significant artworks are installed in key public spaces. The focus of display is on matching artworks to appropriate spaces in terms of scale, visibility and profile.

Security arrangements are based on the value and significance of the artworks and where they are exhibited or displayed. Those borrowing works in the Collection must follow check-out procedures as directed by the Office of Raleigh Arts. The Office of Raleigh Arts reserves the right at any time to

remove artwork deemed at risk, without advance notice to the borrower. The Office of Raleigh Arts reserves the right to consider loans on a case-by-case basis and has the authority to approve or reject loan requests.

## **Section 4 - Deaccessioning Policy and Procedures**

Deaccessioning is the process of removing artwork from the Municipal Art Collection. This policy recognizes that over time there may be reasons to deaccession artworks. Deaccessioning is considered only after careful and impartial evaluation of artworks within the context of the Collection. At the beginning of the process, the Office of Raleigh Arts makes reasonable efforts to notify any living artist whose work is being considered for deaccession.

Decisions related to deaccessioning are made by the City of Raleigh Arts Commission (CORAC), according to these guidelines:

- The CORAC may, from time to time, deem it necessary to deaccession objects for the betterment of the Collection. In considering an object or group of objects for deaccessioning, the CORAC must always be aware of its role as trustee of the Collection for the benefit of the public.
- Generally, objects are acquired for perpetuity and not with the thought of disposal. At issue is the CORAC's responsibility to the community, its donors and the public.
- Objects in the Collection should be retained permanently if they continue to be useful to the purposes and activities of the CORAC and the Collection, if they continue to contribute to the integrity of the Collection and if they can be properly stored, preserved, used and exhibited.

### **4.1 Criteria for Deaccessioning**

Objects may be deaccessioned when conditions require or when such action would improve or refine the Collection. Reasons for deaccessioning may include but are not limited to situations where:

- The use of the site has changed, the artwork is no longer appropriate, and the artwork cannot be reasonably protected or maintained.
- The artwork's annual maintenance cost is deemed excessive.
- The artwork has been damaged beyond reasonable repair.
- The artwork requires extensive conservation or restoration that is cost-prohibitive.
- The artwork is deemed inappropriate or requires removal because of new developments in the direction of the Collection.
- The artwork was commissioned or accepted with the provision or understanding that it was to have a limited lifecycle or installation period.

### **4.2 Procedure for Deaccessioning**

Deaccession of any object from the Collection is based on a written recommendation of the public art director. The recommendation must specify reasons for the deaccession. The executive director of the Office of Raleigh Arts reviews and endorses the recommendation before presenting it to the CORAC. The CORAC may approve the deaccession only upon a two-thirds majority vote. City and state regulations may apply when deaccessioning City property.

### **4.3 Manner of Disposition**

The manner of disposition should be in the best interest of the City of Raleigh and the public. Disposition should occur as follows:

- Unless the CORAC specifically determines an alternative means of disposition, all dispositions are by sale with the primary objective of obtaining the best possible price. Sales of artworks are allowed through public auction, art gallery or dealer resale or direct bidding by individuals. Trade

through artist, gallery, museum or other institution for one or more other artworks of comparable value by the same artist is acceptable.

- Artworks that were commissioned or accepted into the Collection as site-specific works may be destroyed in lieu of being sold or reinstalled at an alternative site. This process is known as decommissioning rather than deaccessioning. Generally, site-specific works are created for a specific location and are not appropriate for relocation.
- In rare instances, the Office of Raleigh Arts may recommend reinstallation of artwork if its integrity and original intent or purpose can be preserved. When possible, this is done with the cooperation and supervision of the artist or the artist's estate. Didactic signage is installed at the site, explaining that the work has been re-sited and providing information related to the original site, commission and intention.
- Deaccessioned objects may be placed in another institution where they serve a similar purpose to that for which they were originally acquired.
- Regarding sale or trade of artworks, the Office of Raleigh Arts offers the right of first refusal to the artist, if still alive, and/or the original donor if the artwork was a gift to the City. In the case of artwork by a living artist, an exchange may be made if appropriate.
- Absent mandatory donor restrictions or requirements, the Office of Raleigh Arts staff, officers, board members and their immediate family members (spouses and minor children and other family members who live at home) and other members of their immediate households and controlled entities may not be the purchasers or recipients of deaccessioned objects.

#### **4.4 Use of Net Proceeds from Deaccessioning**

Net proceeds from the sale of deaccessioned objects (i.e., the proceeds of the disposition less all related expenses) must not be used as operating funds. Net proceeds are designated "for acquisition only" and must be used only for the growth or care of the Collection, consistent with acquisition procedures. The donor of a deaccessioned object that enters the Collection as a gift is fully credited in documentary files, in publications and on identifying labels for artwork purchased with proceeds of the sale. The purchased artwork, so credited, is labeled and identified as a "gift of [name of original donor] by exchange."

#### **4.5 Records**

Conditions and circumstances of any deaccession are entered in the Collection's permanent records. If possible, a file on the object is retained, including object and donor history, photographs, conservation/restoration records, appraisals and other relevant records.

## **Section 5 - Definitions**

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

**Accession:** The formal process used to accept an artwork into the Municipal Art Collection and record an item as a Collection object.

**Artist:** Individual artist, team of individual artists or artist team leader of individuals from other disciplines whose body of work and professional activities demonstrate serious ongoing commitment to the fine arts.

**Artist Fees:** The portion of the project budget reserved for payment to the artist for creative services for design, fabrication and project management. Fees do not include other labor, materials, travel and per diem allowances for out-of-town artists.

**Artist Selection Panel (ASP):** An ad hoc panel whose charge is to review artists and art proposals and make recommendations to the Public Art and Design Board for their selection.

**Artwork or Work of Art:** A tangible creation by an artist.

**Capital Improvement Program (CIP):** A 10-year, two-phase plan adopted by City Council that serves as a statement of City policy regarding the timing, location and funding of major public facilities in the City of Raleigh.

**City:** The City of Raleigh.

**City of Raleigh Arts Commission (CORAC):** Charter-mandated commission governed by 12 members appointed by the City Council. The CORAC serves as the official advisory body and advocate for the arts to the City Council. The makeup, function, powers and duties of the CORAC are defined in City Charter Section 22 and further defined in Ordinance 1977-563. The CORAC is a part of the City Parks, Recreation and Cultural Resources Department.

**Deaccession:** The process of removing an object permanently from a collection, through sale, exchange or any other transaction by which title is transferred from the collection to another institution or individual. Under certain conditions, it may also include disposal by intentional destruction.

**Donor:** The individual, corporation or other entity offering a donation to the City.

**General Application Pool (GAP):** A collection of monies from Percent-for-Art-eligible projects that the Public Art and Design Board deems inappropriate for the inclusion of public art. GAP funds are used to support the City public art program.

**Loaned Artwork:** Artwork given for use over a period of time and returned to the owner at the end of the use period.

**Monuments:** Structures, sculptures or other objects erected to commemorate a person or an event.

**Municipal Art Collection:** The Municipal Art Collection comprises all artworks owned by the City that have been accessioned by the CORAC on behalf of the City.

**Percent for Art (PA):** A method of financing public art programs by ordinance requiring that a percentage of capital project budgets be appropriated for artworks.

**Plaque:** Signage affixed on or near an artwork to identify the title, artist, media, etc.

**Public Art:** Artworks purchased or commissioned with funds generated by the PA ordinance. The artworks are created, usually by artists or design team collaborations, for public places and public experiences.

**Public Art and Design Board (PADB):** Ordinance-mandated board of seven members appointed by the chair of the CORAC to review and approve matters related to the PA public art program.

**Public Art Program:** The CORAC program that administers the purchase and commissioning of artworks acquired as a result of the PA ordinance.

**Public Art Director:** The Office of Raleigh Arts staff member assigned to manage public art projects for the public art program and to oversee the Municipal Art Collection and Block Gallery exhibitions.

**Project Team (or Design Team):** Professionals, including architects, engineers, City staff and landscape architects, engaged in the collaborative design of CIP projects.

**Site:** Real property or land that is owned, leased or operated by the City of Raleigh.

**Site Agency:** The City department conducting the CIP project that generates public art funds and the recipient of the art purchased or commissioned by the CORAC.

## **Section 6 - Appendix**

### **Percent for Art Public Art Program Process**

#### **6.1 Artist Selection Panel Membership:**

The Public Art and Design Board (PADB) establishes written criteria for selecting art for public placement. After the PADB determines that a Percent for Art (PA) project is appropriate for public art, an Artist Selection Panel (ASP) recommends the artist and art.

The ASP reports directly to the PADB. The ASP may range in size from three to seven members, depending on the scope and method to be used for the public art project.

The chair of the PADB appoints the chair of the ASP. The PADB approves ASP members, based on the recommendation of the PADB chair, the ASP chair and the public art director. One member of the ASP must be a member of the PADB. Another member must be the site project manager or design professional recommended by the director of the department or agency responsible for the site. Other members may be artists, arts professionals, design professionals or neighborhood representatives.

The PADB chair appoints new members to fill vacancies that arise during the course of the ASP's work.

#### **6.2 Artist Selection Panel Process**

The ASP serves as the preliminary review, advisory and recommending body for a PA project. The public art director assists the ASP chair in presiding over panel meetings and overseeing the artist selection process. The ASP interviews and selects an artist to recommend for the project.

ASP reviews are scheduled in advance and open to observers who wish to attend. The ASP chair or public art director instructs panelists on the duties and responsibilities relating to the project.

Panelists should verify that they have no conflict of interest relative to the project. If the ASP cannot reach a consensus on an artist, it takes a vote, with the majority carrying the decision. Each panelist has one vote, and no panelist has the right of veto.

The ASP chair presents the recommendation to the PADB. The PADB has final authority to approve the artist and can accept or reject the panel's recommendation. If the PADB approves the recommendation, it is reported as information to the City of Raleigh Arts Commission and the City Council.

The ASP has the option of making no selection. In that case, a new selection process may be initiated or the PADB may approve another artist, open a new competition, pursue a direct selection, commission an alternative artist or abandon the project. In such event, the PADB determines whether to continue or disband the ASP.

The ASP may meet throughout the duration of the project, from conception to completion, or disband after the artist is selected. If a panel disbands, the PADB reviews and monitors the remainder the project.

### **6.3 Contractual Agreements**

Upon final approval of the artist by the PADB, the public art director negotiates with the artist using the City contract developed specifically for this purpose.

### **6.4 Design Development and Review**

The following process guides the design development and review of a public art project:

- After selection but prior to design development, the artist meets with the project team and the ASP or the PADB to discuss the scope of the project and community input to date.
- The artist gathers information and conducts research, solicits community input if appropriate and begins preliminary designs.
- The ASP or the PADB responds to the artist's draft designs and provides feedback.
- After the artist has created a fully developed design for the artwork, it may be shared with the public.
- The design is reviewed by relevant experts and technicians (art conservators, engineers, police, Mayor's Committee for Persons with Disabilities, etc.) as needed and identified by the public art director or other project team members.
- The artist's final design is brought before the PADB prior to the execution of any agreements for fabrication of the design. The PADB is the final authority in the design review stage.
- The public art director may hold a final meeting of the ASP to obtain feedback on the process and interview members about lessons learned.

### **6.5 Project Completion**

At the completion of a project, the following procedures apply to the transfer of project responsibility to the Municipal Art Collection:

- Within 15 days following the completion of the artwork installation, the artist provides a transfer of title document.
- As a condition of final payment to the artist, the artist must complete a Conservation Record form documenting fabrication methods, artistic intent and routine and cyclical maintenance requirements.
- Upon project completion, the PADB recommends to the CORAC final acceptance of the artwork into the Municipal Art Collection.

## **Public Art Ordinances**

### **6.6 ORDINANCE NO. 2009-563**

#### **An ordinance to establish a Percent for Art program in the City of Raleigh**

Whereas, a public art program is important to a city because it brings both economic and social benefits to the public and visitors to the City; and

Whereas, the City Council wishes to create and establish a program that enhances the visual environment of the City by incorporating the work of artists into the City's capital improvements; and

Whereas, the most efficient and effective way to achieve this goal is to guarantee a source of funding for public art by setting aside for art a portion of the capital budget for certain city projects; and

Whereas, the City of Raleigh Arts Commission has worked hard to help create a plan that the City can implement in a reasonable time to accomplish the goal of increasing the quantity of diverse public art throughout the City; and

Whereas, the City Council wishes to enact an ordinance in furtherance of that suggested program.

Now therefore be it ordained by the City Council of the City of Raleigh that:

**Section 1.** Chapter 10 of Part 9 of the Raleigh City Code, consisting of Sections 9-10001 through 9-10005, is hereby denominated as Article A of Part 9.

**Section 2.** There is hereby created a new Article B of Part 9 to read as follows:

## **Article B. Public Art**

Sec. 9-10006. Public Art and Design Board. The Chair of the City of Raleigh Arts Commission shall, within thirty days of the enactment of this ordinance, appoint a Public Art and Design Board. The membership of the Board shall be seven members. The City of Raleigh Arts Commission Chair shall appoint six members and the City of Raleigh Arts Commission Chair will be the ex officio seventh member. Subsequent members shall be appointed by the Chair of the City of Raleigh Arts Commission and serve according to the time and term limits of Part One, Chapter 4 or the Raleigh City Code. The Public Art and Design Board shall develop a Public Art Policy establishing guidelines for the Public Art Program and will forward the same to the City Council for approval. The city manager shall review all eligible projects approved as a part of the annual Capital Improvement Program and refer them to the City of Raleigh Arts Commission for immediate referral to the Public Art and Design Board. The City of Raleigh Arts Commission may request the city manager to review his recommendation if it feels that an eligible project was not forwarded for review. The City of Raleigh Arts Commission shall refer to the Public Art and Design Board the list of projects from the CIP that it believes are eligible for and appropriate for the installation of public art. The Public Art and Design Board shall collect all available information about the project including budget, site, schedule and constituent interests. The Public Art and Design Board shall then determine the desirability of a call for artists and the nature and geographical extent of that call. Once the Public Art and Design Board has determined a project is appropriate for public art, it shall appoint a five-member Artist Selection Panel (ASP) to serve in selecting art for the project. Before the appointment of the first ASP, the City of Raleigh Arts Commission shall establish written criteria to use in selecting art for public placement. At least one member of the ASP must be a member of the Public Art and Design Board. The other members shall be an artist, an arts professional, a design professional and a representative of the department or agency in whose building or on whose property the proposed work will be located. The members are not required to be members of the City of Raleigh Arts Commission. The department or agency representative will be named by the city manager. The ASP shall interview and select an artist for the project and forward that recommendation to the Public Art and Design Board which will approve or disapprove the recommendation. If the recommendation is approved it will be forwarded to the City Council as information. The city manager will then negotiate a contract between the City and the artist.

Sec. 9-10007. Eligible Projects. CIP projects that are required to be bid or otherwise contracted for pursuant to the provisions of N.C.G.S. 143-129 and provide significant general public access such as public safety centers, senior centers, parks and recreation buildings and community centers and streetscape projects as examples shall be eligible for funding. The amount of funding for a project shall be one-half of one percent of the hard construction costs of the bid or other price obtained under the above referenced statute. Land acquisition, professional services (architectural, engineering, surveying, etc.) furnishings and equipment and all other soft costs are not to be included in the amount subject to the one-half of one percent allocation.

Sec.9-10008. Fund Management. It is recognized that all projects otherwise eligible according to the provisions of Sec. 9-10007 are not necessarily suitable for the installation of public art. If it is determined that a project is not suitable for public art the one-half percent of its cost will be placed into an account for the maintenance and acquisition of public art. Money held in this account may only be appropriated by the City Council upon recommendation from the Public Art and Design Board. Money from this fund may be used to maintain art, acquire art for public projects that do not qualify under Sec. 9-10007 or to supplement the one-half percent amount for an eligible project. The fund may be used for artist design services, acquisition of art, maquettes, shipping or other expenses, including administration of the program, required to obtain and place the art. It is permissible to spend more than one-half percent of the project cost on art for the project so long as the remainder of the cost is privately funded or paid for by an additional appropriation by the City Council upon recommendation by the Public Art and Design Board Sec. 9-10009. Project Coordination. It is understood that coordination between the Public Art Program and City construction management is vital to achieve timely completion of CIP projects. In order to achieve this cooperation the chair of the ASP for a particular project shall make every effort to expedite the public art side of a project and the City construction management staff and arts staff shall cooperate fully with the project ASP. The City shall include in any professional service RFP or RFQ language that indicates one or more artists may be included on the design team and will be selected by an independent process. The project architect shall be informed during negotiations for the architect's professional services of the requirement for artist involvement in the process which may include the artist on the project design team. Any unresolved conflict shall be decided directly by the City Council.

Sec. 9-10010. Form and Medium. Any art acquired pursuant to this policy shall be designed and created by visual artists. In addition to the traditional forms of art such as sculpture, painting, fresco, glass, mosaic and others the public art requirement may also be met by incorporating artistic elements into the overall architectural design if created by a visual artist. Any art installed pursuant to this program shall become and remain the property of the City of Raleigh.

Sec. 9-10011. Administrative Action. Within sixty days after the passage of this ordinance the city manager shall cause to be created an administrative process to guide the various city contracting departments as to how each is to interact in the percent for public art process.

**Section 3.** The provisions of this ordinance are declared severable according to the severability provisions found in Part 14 of the Raleigh City Code.

**Section 4.** Any ordinance or ordinance section in conflict herewith is hereby repealed to the extent of such conflict.

**Section 5.** It is understood that current budgetary restraints may make it difficult to fully staff the public art process and that the City may continue to operate under the Percent for Arts Resolution (Res. 2009-822) passed by the City Council on February 17, 2009.

**Section 6.** This ordinance is effective July 1, 2009.

Adopted: March 17, 2009

Effective: July 1, 2009

Distribution: All Department Heads

**6.7 ORDINANCE NO. 2009-643**

**An ordinance to amend the current public art ordinance by making certain technical changes.**

Now therefore be it ordained by the City Council of the City of Raleigh that:

**Section 1.** Sec. 9-10006 of the Raleigh City Code is hereby amended by deleting the third sentence thereof and inserting in lieu the following sentence:

“The members of the Board may be residents or nonresidents of the City and shall be appointed by the City of Raleigh Arts Commission Chair.”

**Section 2.** All ordinances and portions of ordinances in conflict herewith are repealed to the extent of any such conflict.

**Section 3.** The provisions of this ordinance are declared to be severable according to the provisions of Part 14 of the Raleigh City Code.

**Section 4.** This ordinance is effective upon adoption.

Adopted: September 1, 2009

Effective: September 1, 2009

**6.8 ORDINANCE NO. 2011-874**

**An ordinance to amend the Raleigh Percent for Art ordinance by including additional projects eligible for funding.**

Now therefore be it ordained by the City Council of the City of Raleigh that:

**Section 1.** Sec. 9-10007 of the Raleigh City Code is hereby amended by adding the following language after the first sentence of that section:

“Streetscape projects shall include, but not be limited to, all roadway improvements for all Gateway arteries and thoroughfares. Streetscape projects shall not include general roadway landscape improvements, small intersection improvement projects or traffic calming projects.”

**Section 2.** All laws and clauses of laws in conflict herewith are repealed to the extent of any such conflict.

**Section 3.** The provisions of this ordinance are declared to be severable pursuant to the provisions of Part 14 of the Raleigh City Code.

**Section 4.** This ordinance is effective July 1, 2011.

Adopted: May 3, 2011

Effective: July 1, 2011

**6.9 ORDINANCE NO. 2016-606**

**An Ordinance To Amend The City of Raleigh Code of Ordinances, Part 9, Parks, Recreation and Cultural Affairs, Chapter 10, Arts Commission, Article B, Public Art, To Increase the Percentage for Public Art from Eligible Capital Projects**

Be it ordained by the City Council of the City of Raleigh, North Carolina that:

**Section 1.** Pursuant to Ordinance No. 2009 – 563 adopted March 17, 2009 and effective July 1, 2009, Raleigh City Code Section 9-10007 is hereby amended by deleting the language "one half (1/2) of one (1) per cent" and substituting in lieu thereof the language "one (1) per cent."

**Section 2.** Pursuant to Ordinance No. 2009 – 563 adopted March 17, 2009 and effective July 1, 2009, Raleigh City Code Section 9-10008 is hereby amended by deleting the language "one half (1/2) of one (1) per cent" and substituting in lieu thereof the language "one (1) per cent."

**Section 4.** All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

**Section 5.** If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

Adopted: June 20, 2016  
Effective: July 1, 2016

## Related Policies

### 6.10 Review and Acceptance of Citizen-Initiated Artworks on City Property

| <b>REVIEW AND ACCEPTANCE OF CITIZEN-INITIATED ARTWORKS ON CITY PROPERTY</b>  |  |
|--|--|
| <b>Purpose</b><br>To establish the administrative process for the review of citizen-initiated artworks temporarily sited on City property or the public right-of-way, and the review and acceptance of citizen-initiated artworks permanently sited on City property or the public right-of-way.   | <b>Public Art Policy<br/>Section 3.1</b>   |
| <b>Policy</b><br>The City of Raleigh's Public Art Program shall comply with the Public Art Policy <sup>1</sup> in order to maintain established standards for reviewing public art projects that originate with private citizens or organizations, use private funding sources or donations, and are located on City of Raleigh property or the public right-of-way.<br><br>Such projects are deemed to be "large scale" when they require review and input regarding design, construction, fabrication, installation, placement or maintenance and/or have benefactors contributing \$10,000 or more. | <b>PADB approved<br/>4/29/14<br/>CORAC approved<br/>5/13/14<br/>City Council approved<br/>10/21/14</b> |

### **Responsibilities**

- It is the expectation of citizens and/or organizations presenting projects for consideration that they abide by the City of Raleigh Arts Commission's (CORAC's) timeline and process for project review in advance of its inception.
- Public art projects expected to be on site for one year or less, regardless of budget amount, are considered temporary public art projects that are not designated for Raleigh's Municipal Art Collection. They are subject to review, guidance and approval by CORAC).
- Smaller-scale citizen-initiated permanently-sited artworks are referred to CORAC for review, guidance and approval.
- Large-scale citizen-initiated permanently-sited public art projects are referred to the Public Art and Design Board (PADB) for review, guidance and recommendation for acceptance to CORAC.
- The citizens and/or organizations presenting the project will be responsible for all costs associated with the artwork, including insurance, fabrication, installation, removal (if needed) and any maintenance or repair costs associated with a temporary public art project, unless otherwise determined by the City.
- CORAC, on behalf of the City of Raleigh, reviews all permanently-sited artwork and approves its accession into Raleigh's Municipal Art Collection.
- Maintenance and care of artwork accepted into the Municipal Art Collection is the responsibility of the City of Raleigh.
- Per City regulations, artwork that is donated or commissioned using outside funding sources requires City Council approval for final acceptance into the Municipal Art Collection after CORAC's approval.

<sup>1</sup> City of Raleigh Public Art Policy, Section 3.1, Page 11.

### **Procedure – Design Review and Installation**

1. The project is reviewed by the City’s public art Director for consideration.
2. The project is reviewed by the City department responsible for the public space as well as City departments that may have regulatory authority (i.e. Inspections, etc.)
3. If needed, preliminary funding and site approval is reviewed and approved by City Council.
4. The project is presented to either CORAC or PADB, depending on scope and budget. The presenters should provide schematics/drawings for the site, a timeline for project completion, and project budget as a part of their overview. Presenters will review the information with committee/board members and be available for follow-up questions.
5. CORAC or PADB may appoint a board liaison to design committees or selection panels that are formed in order to help with shaping the design of the artwork. Inclusion of a board member ensures compliance with Raleigh’s Public Art Policy in order to facilitate the likelihood of design acceptance.
6. Once a design has been finalized, the presenter will provide an update on the project, including visuals of the design that outline scale, color and materials; fabrication and installation details; and maintenance requirements. Presenters will review the information with the respective board and will be available for follow-up questions.
7. CORAC or PADB will offer a recommendation for the design that may include acceptance, modifications or rejection.
  - a) Accepted project designs may move forward with fabrication and installation.
  - b) Project designs requiring modification either may be accepted with modifications or require another review prior to approval;
  - c) Rejected designs do not receive a recommendation and should not move forward.
8. PADB will advise CORAC of their recommendation prior to fabrication proceeding.
9. For artwork offered to the City as a gift, CORAC’s acceptance recommendation is forwarded to City Council for approval prior to fabrication.

Upon successful completion of a project that City Council has accepted as a gift, CORAC accessions the artwork into the Municipal Art Collection.

## 6.11 Acquisition Policy, Municipal Art Collection

|   |  |  |
|---|--|--|
| <b>ACQUISITION POLICY, MUNICIPAL ART COLLECTION</b>   |  | <b>Public Art Policy<br/>Section 3.2</b> |
| <b><u>Purpose</u></b>   |  |  |
| To establish the criteria and acceptance process for the review of artwork that is accepted into the City of Raleigh’s Municipal Art Collection.  |  | <b>CORAC approved<br/>4/08/14</b>        |
| <b><u>Mission Statement:</u></b>  |  |  |
| The City of Raleigh’s Municipal Art Collection enriches the City, its residents and visitors, and fosters an artistic community through the acquisition, maintenance and display of exceptional visual art created by local artists, both past and present, as well as regional and nationally renowned artists.  |  |  |
| <b><u>Policy</u></b>  |  |  |
| The City of Raleigh’s Office of Raleigh Arts shall comply with the Public Art Policy <sup>1</sup> in order to consider artwork for acquisition into the City’s Municipal Art Collection, whether acquired by the Office of Raleigh Arts or by City departments. The artwork must have a direct connection to the arts programming and objectives of the City of Raleigh.  |  |  |
| Per the City of Raleigh’s Public Art Policy, there are several ways that artwork is acquired for the Municipal Art Collection. To that end, the following acquisition policy defines the criteria used when considering artwork for the Collection.   |  |  |
| <b><u>Roles and Responsibilities</u></b>  |  |  |
| <ul style="list-style-type: none"> <li>• Office of Raleigh Arts staff, including but not limited to the Public Art Director, make acquisition recommendations to the Art and Education Committee (AEC) or the Public Art and Design Board (PADB) depending on the type of art to be acquired.</li> <li>• The City of Raleigh Arts Commission (CORAC), on the recommendation of the PADB and/or the AEC, approves all artwork designated for Raleigh’s Municipal Art Collection. CORAC takes into account the extent to which the acquisition meets accepted criteria and objectives as designated below.</li> <li>• CORAC approves all artwork purchased with City funds. The City Council approves all donations of artwork to the City, which are first recommended by CORAC.</li> <li>• City departments are required, when considering any of the acquisition types below, to direct their consideration for approval to CORAC.</li> <li>• Objects are added or removed from the Poster or Education Collections at the discretion of the Office of Raleigh Arts, and do not need to be approved by PADB, AEC, or CORAC.</li> </ul> |  |  |

<sup>1</sup> City of Raleigh Public Art Policy, Section 3.2, Page 11.

## **Criteria**

Criteria for acquisitions to the Municipal Art Collection include but are not limited to:

- The artwork is relevant to the Collection's mission.
- The artwork is of high aesthetic merit.
- The artwork is of the highest quality materials and construction. Generally, acquisitions should take into consideration durability and relatively low maintenance. The artwork should retain its intended appearance and function over a substantial period of time.
- The artwork has historical or cultural significance, especially for the City of Raleigh and its history.
- Consideration will be given to the presence and number of works by the same artists that are already in the collection.
- The artwork has potential for study and teaching purposes at the City's Art Centers.
- The artwork has clear title and satisfactory provenance.
- The artwork can be preserved within the resources of the Office of Raleigh Arts and the City of Raleigh. Liability associated with the artwork, based on the work's susceptibility to theft, damage and vandalism, and special insurance requirements will be evaluated. No artwork shall be acquired if the City cannot give it proper storage, protection, and preservation.
- The artwork is appropriate in scale, material, form and content for the audience and for the intended destination for the artwork.
- The City can secure exclusive or non-exclusive copyright license on all acquisitions. In general, fair use permits the Collection to carry out its exhibition and education programs, even when it does not hold copyright or non-exclusive license.

## **Procedure for Municipal Art Collection Acquisitions**

1. The artwork under consideration for acquisition is reviewed by the City's Public Art Director.
2. Artworks may be added to the Collection by means of gift, bequest, purchase, commission, exchange, or any other transaction by which title to an object passes to the City.
3. The AEC reviews all potential acquisitions, with the exception of completed Half-Percent for Art (HPA) public art commissions, prior to presentation to CORAC. The PADB reviews completed HPA public art commissions, and offers recommendations on acceptance into the Collection to CORAC.

4. The AEC uses to the above criteria to review the acquisition, and may choose to:
  - a) Recommend to CORAC the acceptance of the artwork into the Municipal Art Collection.
  - b) Recommend to CORAC the rejection of the artwork into the Municipal Art Collection.
5. For artwork offered to the City as a gift, CORAC's acceptance recommendation is forwarded to City Council for final approval.
6. CORAC accepts the artwork into the Municipal Art Collection.
7. Once approved by the CORAC, the donor or seller provides signed documentation, depending upon the type of acquisition, to the Office of Raleigh Arts, formally transferring ownership of the artwork to the Collection. All documentation related to the object will be kept as part of the object's accession file and maintained by the Office of Raleigh Arts.

#### **Conditions**

- All artworks accepted into the Collection become the City's exclusive property and, if unrestricted, may be displayed, loaned, retained or disposed of in the best interests of the Collection, the City and the public they serve.
- If an entire collection is being offered, the collection on balance must meet the established criteria for acquisitions. CORAC is required to consider the disposal of those artworks not to be accessioned into the Collection, and every effort will be made to align decisions on such disposal with the wishes of the donors and their legal representatives, as may be appropriate.
- No artwork will be accepted into the Collection if it is offered with any restrictions, unless there is convincing reason to do otherwise. If an artwork is acquired with restrictions, the conditions will be stated clearly in writing and will become part of the accession records for that artwork.
- Objects bequeathed to the City for the Art Collection should be approved for acquisition prior to the City being designated as the beneficiary. If this is not done, the Collection and the City will not be under any obligation to accept the bequest. All objects bequeathed to the City are subject to the approval of CORAC. The Office of Raleigh Arts and the City will observe appropriate confidentiality with regard to accepted testamentary distribution of artworks.
- All acquisitions will be evaluated to avoid possible violations of legal and ethical standards involving ownership, possession and authenticity. The Office of Raleigh Arts and the City of Raleigh will not knowingly acquire an artwork unless valid title to the item in question can or has been acquired.
- The Office of Raleigh Arts, CORAC or the City of Raleigh does not provide appraisals. Upon request, the Office of Raleigh Arts will provide a list of independent outside appraisers, without making specific recommendations, and, if appropriate, will also identify organizations of appraisers as a courtesy to potential donors.