



City of Portland, Maine



Guidelines for the Public Art Ordinance



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**City of Portland, Maine**

**Guidelines for the Public Art Ordinance**

Portland Public Art Committee

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**I. GUIDING PRINCIPLES FOR COMMISSIONING NEW ARTWORK**

**A. Introduction**

The Portland Public Art Committee (PPAC) commissions art work that engages with the surrounding environment to create, enrich, or reveal a sense of place, and to express the spirit, values, visions, and poetry of place that collectively define Portland.

All public art should make a positive contribution to the life of the city, and to the well being of its citizens. In keeping with this principle, artwork that is to be added to the collection should be created in active response to the character and history of the site and reflect the creative exchange between visual arts professionals and the community.

Public art should not be seen as a mere adornment of buildings or spaces; rather, the art should be seen as an amenity for diverse groups of citizens. The emphasis is on the people who use the facilities – on improvement as enrichment of public life. The goal of the Portland Public Art Program is to respond to the City’s diverse communities. Artworks that are added to the collection should be created in active response to the character and history of their particular places.

Artists can make a profound contribution to public life. Whether they add extraordinary elements to the cityscape or more quietly improve upon public spaces in collaboration with architects and urban designers, the creative efforts of artists can heighten the quality of the common experience.

## **B. Categories of Public Art**

Public art can be viewed as dividing into four categories, listed below. The boundaries between these categories are often blurred, and successful art works often bridge two or more of the descriptions.

### **1. Art Works of Remembrance**

Art Works of Remembrance are used to commemorate a specific historical figure or event of public importance. Art works of remembrance can include figurative or abstract statues, monuments, memorials and historical markers.

### **2. Expressive Art Works**

Expressive Art Works integrate objects into public spaces with the primary purpose of introducing a sense of artistic vitality, playfulness, spirit, delight, fantasy, joy, or wonder into the daily lives of citizens.

### **3. Functional Art Works**

Functional Art Works aim to enliven the quality of our public realm while providing comfort and amenity. Functional Art Works create collaborations between visual arts professionals and architects/urban designers to add functional yet extraordinary elements to the cityscape. Examples of Functional Art Works can include streetscape furniture like benches, fountains, information kiosks, bus shelters or signage.

### **4. Community Art Works**

Community Art Works aim to engage the City's diverse communities by creating collaborations between visual arts professionals and community members to achieve works of artistic excellence. Community Art Works creatively express the memory, values, traditions, customs or aspirations of community members, address significant neighborhood sites, and/or respond to the character and history of particular places. Community Art Works should stimulate curiosity and interest in a community's heritage, and promote a sense of membership and harmonious co-existence among various groups within a community.

## **C. Priorities for Art**

Currently, the majority of the Portland Public Art Collection could be classified as Art Works of Remembrance. The Public Art Program will promote the principle of providing a more balanced

variety of public art categories within the collection, and will concentrate on commissioning new art work that expands the range of the collection.

The Public Art Committee receives many proposals for public art projects but is able to fund and implement only a few. The following are general guidelines for the use of public art funds and the means by which projects are selected.

1. Highest priority will be given to the ongoing conservation and maintenance of the existing public art collection.
2. Consideration of proposals for memorials or works commemorating historical events that are brought forward by public officials or other organizations will be balanced with the committee's primary focus on projects that are site specific or "placemaking" in character or that are community based. Proponents of proposals will generally help provide funding.
3. Proposals from visual arts professionals or other individuals will be considered only in rare instances when proposals demonstrate a clear benefit to the city.
4. Temporary art cannot be funded under the Public Art Ordinance. In some cases it may be possible to facilitate the placement of work on city property if funding is provided.

## **II. REVIEW CRITERIA FOR PROPOSED GIFTS OF ARTWORK**

### **A. Introduction**

From time to time, the City of Portland receives offers from potential donors interested in contributing artwork to the City's Public Art Collection for placement on City property. These are generous and much appreciated gestures to the citizens of Portland, and they often represent substantial investments of time, resources, and effort on the part of donors.

Installing works of art in public spaces must be viewed as a partnership between the City and the potential donor/artist in conception, design and implementation. It is an honor for an artist's work to be included in the City of Portland's collection of public art. Many gifts of art are offered to the City, but only a few can be accepted. There are a limited number of public spaces in Portland, and the City is entrusted with deciding how these spaces are to be enhanced for the greatest good of the community.

The Portland Public Art Committee is charged with the responsibility of reviewing all artwork offered as gifts to the City. Depending on the proposed location for siting the artwork, other review committees may also need to render a subsequent recommendation.

After reviewing a proposal of artwork, the Portland Public Art Committee makes a recommendation to the City Council to accept the gift or decline the gift. The artwork must be approved and accepted by the City Council before placement can occur. Nothing in these guidelines limits or modifies in any way the authority of the City Council to accept or reject gifts of public art.

The following criteria provide the City, the Portland Public Art Committee, and the potential donor a framework to assure a timely and responsive review process. The criteria will also assure the appropriateness of such donations. The Portland Public Art Committee will review potential gifts of art with regard to:

1. Appropriateness of the gift to the City's Public Art Collection as defined in the criteria for review ;
2. Quality of design, materials and construction of the proposed gift; and
3. Accessibility, public safety, site improvements, costs to the City, and maintenance requirements.
4. Compatibility with the current Public Art Plan.

**B. Summary of the Review Process**

1. The potential donor shall discuss the idea of donating artwork to the City's Public Art Collection with the Planning Office at the inception. A staff person from the Planning Office and a volunteer from the Public Art Committee will be designated to work with the potential donor throughout the review process.

2. Artist selection is a critical step. If the project is to be gifted to a site on City land, the Public Art Committee must be part of the selection of the artist and the project unless otherwise agreed to by the Public Art Committee. A list of potential artists and other resources shall be provided by the Public Art Committee.

3. The potential donor works with Planning staff and the Public Art Committee to review the appropriateness of a proposed gift to the Public Art Collection. This threshold issue of appropriateness should be addressed before the applicant invests inordinate amounts of time or money in designing a work or in preparing a detailed application.

4. Once the Portland Public Art Committee has rendered a decision regarding the appropriateness of the proposed gift, the potential donor will prepare additional application materials for review according to the *Criteria for Review* (see below). Planning staff will assist the potential donor to assure the completeness of the application.

5. The Portland Public Art Committee reviews a potential donor's application material according to the *Criteria for Review* (see below). To assure a timely review of a potential gift, the Public Art Committee will schedule a review of a project at its next regularly scheduled meeting, or as requested by the potential donor. Public comment will be taken at the time that the project is reviewed by the Public Art Committee.

- a. If the proposed site of the artwork falls within the jurisdiction of another review body (e.g., the Friends of the Parks for park sites, or the Historic Preservation Committee for sites in an historic district), the Planning Office will assist the potential donor in scheduling a review by the other review bodies. After recommendations are received from other review bodies, if any, the Planning Office will forward the recommendations from those review bodies back to the Portland Public Art Committee for consideration.
  - b. If the application is determined to be complete at the time of its review, and once other appropriate review bodies, if any, have rendered a recommendation, then the Portland Public Art Committee will vote to make a recommendation to the City Council as to whether to accept or not accept a proposed gift. The recommendation of the Public Art Committee is then forwarded to the City Council for review and action. The submission to the City Council will include designs, plans and supporting documents reviewed by the Portland Public Art Committee, as well as the recommendation from the Portland Public Art Committee and recommendation(s) from other appropriate review bodies, if any.
5. Artists are required to collaborate with an art conservation expert to determine issues related to sustainability, to make maintenance recommendations, and to submit a maintenance report.

**C. Criteria for Review**

1. The potential donor will meet with the Public Art Committee to review the appropriateness of the gift. The proposed donation of artwork must be of appropriate theme, character, and design for public display, and must be consistent with the objectives of the Portland Public Art Collection. The Portland Public Art Committee will work with the proponents to develop concepts that respond sensitively to the objectives of the Public Art Collection, the proposed site and surrounding context. Appropriateness is a threshold issue. It is recommended that a proposed donor gain the consensus of the Public Art Committee that the proposed gift is appropriate before investing inordinate amounts of time or money in planning, designing or documenting a potential gift.
2. The proposed donation of artwork shall be of the highest quality design, materials, and construction. It shall be designed and fabricated for durability as well as for relatively low maintenance. It should retain its intended appearance, quality, durability and function for a minimum of twenty years.
3. The proposed donation of artwork shall be accessible to the general public.
4. The proposed donation of artwork shall not contain commercial advertising including logos, slogans and mascots.
5. The appropriate level of design documentation will be required at all stages of the review process. Proposed donors must follow the documentation outline as set forth in Guideline III, Requirements for Design Documentation for Review of an Art Project.

6. The Portland Public Art Committee will work with the donor and/or the artist to integrate a Portland Public Art plaque into the site.
7. Any required commitment of public resources to the project must be thoroughly identified by the proponent, evaluated by the Portland Public Art Committee, understood and agreed upon prior to the acceptance of any donation. An itemized breakdown of all City contributions shall be required including estimates for all design time, labor, and ongoing maintenance.
8. All applicable considerations in Sections III *Guidelines for Selecting Artwork and Artists*, and Section IV *Requirements for Design Documentation and Project Records* shall apply.

**D. Glossary of Terms**

Amenity - Something that provides or increases comfort and convenience.

Applicant - The potential public art donor or donor's representative.

Appropriate - Suitable or fitting as determined by the review board responsible for particular aspects of site design and/or design quality.

Character - Distinguishing features or attributes.

Collaborative Art - Artwork generated from a group of designer/artists from different disciplines working together. Each discipline brings a different or new perspective to the design process. Often collaborative design teams consist of an artist, landscape architect and architect.

Memorial - A commemorative monument established to preserve the memory of a person, place or event.

Monument - A building, statue or other structure erected to commemorate a person, group of persons, or event, usually in recognition of some type of outstanding public service.

Site Amenity - Site furnishings or functional objects that provide or increase comfort and convenience such as: benches, trash receptacles, light fixtures, bollards, etc. Artists or collaborative design teams occasionally design functional objects or site amenities.

Theme - The subject or message of an artistic work.

### **III. GUIDELINES FOR SELECTING ARTWORK AND ARTISTS**

#### **A. Introduction**

The Portland Public Art Committee presents an Annual Art Plan to the City Council for review and approval. The Annual Art Plan includes recommendations for acquisition or commission of artwork for the public art collection. Once the site and concept of an acquisition or commissioned artwork project is approved as part of the Annual Art Plan, the Public Art Committee will establish an Artist/Artwork Selection Panel for each project. The Artist/Artwork Selection Panel will make a recommendation for artist/artwork selection to the Public Art Committee. The Public Art Committee will review the recommendation according to the review criteria and will accept, accept with conditions, or not accept the recommendation of the Artist/Artwork Selection Panel. In case the recommendation is not accepted, the Public Art Committee will work with the Artist/Artwork Selection Panel to resolve issues concerning the recommendation.

#### **B. Summary of Artwork Selection Process**

1. A project is identified in the Public Art Committee's Annual Art Plan, and is approved by the City Council. The project may be the acquisition of artwork for a site, or the commissioning of an artwork for a site.
2. The Public Art Committee appoints an Artist/Artwork Selection Panel for the project to coordinate the selection process.
3. The Artist/Artwork Selection Panel makes a recommendation to the Public Art Committee regarding the selection of an artist or artwork.
4. Upon acceptance of the Artist/Artwork Selection Panel's recommendation, the Public Art Committee and planning staff will manage the project through installation.

#### **C. Artist/Artwork Selection Procedure**

1. Establishment of the Artists/Artwork Selection Panel
  - a. The Public Art Committee will establish a separate Artist/Artwork Selection Panel to select an artist/artwork for each public art project under consideration.
  - b. At a minimum, the Artist/Artwork Selection Panel consists of five voting members including two site, neighborhood or district representatives who have a vested interest in the project, two visual arts professionals, and a representative from the Portland Public Art Committee. The number of voting panelists and composition of the panel may be different depending upon the size and complexity of the project. Non-voting advisors, consisting of community, design, technical and City departmental representatives etc. as deemed appropriate by the Public Art Committee can participate on the panel. The Public Art Committee member will chair the Panel. If



the project site is to be integrated with a newly constructed building, park landscape, or public plaza, the designer of the new construction, or designer's representative, shall be included in the Artist/Artwork Selection Panel.

- c. Community involvement is encouraged. All meetings of the Artist/Artwork Selection Panel are open to the public and are held on site or near to the site of the proposed artwork installation.
- d. Before the first meeting of the Artist/Artwork Selection Panel, the Public Art Committee shall issue written instructions to the Artist/Artwork Selection Panel detailing duties and responsibilities relating to the project and process. If consensus cannot be met regarding the selection of an artwork or artist, then a vote shall be taken with the majority carrying the decisions. The Artists/Artwork Selection Panel shall have the option of making no selection. The Artists/Artwork Selection Panel's decision will be recorded by the Artists/Artwork Selection Panel chairperson in the form of a written recommendation to the Public Art Committee for their formal vote of acceptance. Artists will receive notification of the results of the selection process after the Public Art Committee has taken final vote.

## 2. Artists/Artwork Selection Methods

The Public Art Committee will identify in the Annual Art Plan one of the three following methods or combination of methods in selecting a public art project:

- a. Direct Purchase: Artists who have finished work available for direct purchase for a public art project will be solicited to submit the following to the Artist/Artwork Selection Panel:
  - a1. A computer disk or slides with no more than five images each of four different pieces. If slides are provided, they shall be submitted in a clear plastic slide display sheet. Each slide should be numbered and marked with the artist's name and the title of the work.
  - a2. A proposal sheet with the artist's name including the following information on each piece: title of artwork, dimensions, medium, date produced, price, location, and other information the artist deems pertinent.
  - a3. Resume and references from previous similar projects.
- b. Open Competition: The project and request for qualifications shall be advertised through various media (local and/or national) and in the Maine Art Commission's Percent for Art Newsletter. Artists will be required to submit the following qualifications:
  - b1. Resume and work history
  - b2. Digital files or slides of previous work

- b3. Conceptual approach statement (1 page max)
- b4. References from similar previous projects
- c. Invitations or Limited Competition
  - c1. A limited number of artists are chosen directly from the Maine Arts Commission's Artists Registry or some other source and are invited to prepare proposals in the same manner as the Open Competition method.
- 3. Artist/Artwork Selection Rules
  - a. The Artist/Artwork Selection Panel and/or the Public Art Committee may ask for additional information before selecting finalists. Artists selected as finalists are generally paid a design fee for submission of a final proposal, which may include a model, drawings, photographs or sample materials. Depending on the project budget, consideration may be given to advertising within a limited geographic area.
  - b. Conflicts of Interest: Public Art Committee members or Artist/Artwork Selection Panel members shall abstain from voting when they are associated with an artist or artwork under consideration for any percent for public art project if the relationship may compromise the objectivity of that process.
  - c. Return of Submission Materials: Entry materials will be returned to the artist only if the artist provides appropriate packaging, postage, and insurance. Non-selected artists will be informed of the final artist/artwork selected when entry materials are returned.
  - d. If two art pieces by two separate artists share one site, these pieces shall be considered in relation to each other when selecting the pieces for the site.
- 4. Artist Artwork Selection Criteria

The selection of Artists and/or Artwork for all percent for art projects will be based on the following criteria:

- a. Artwork
  - a1. Quality: The work should be of the highest standard with regard to workmanship, materials, assembly, content, location on the site, and appropriateness in theme and character as determined by the Public Art Committee.
  - a2. Elements of Design: The Artist/Artwork Selection Panel and the Public Art Committee will take into account the fact that, as differentiated from works in a

museum context, art in public spaces may function as focal points, modifiers, definers of public spaces and/or creates identity within the public realm.

- a3. Style and Nature: Work of any style or nature which is appropriate for the public art collection and which is responsive in scale, material, form and content with their surroundings will be considered. Works may be participatory in nature.
- a4. Media: All forms allowed by ordinance may be considered.
- a5. Conservation: Due consideration shall be given to structural and surface soundness and to performance in terms of relative proof against theft, vandalism, weathering, or excessive maintenance or repair costs.
- a6. Project budget as specified in the Request for Proposals. This budget shall include at least the following items:

All costs related to the acquisition, fabrication and installation of the piece

Project Manager

Traffic Management and Police Detail

Street Closures

Structural Engineer

Conservation Evaluation

Landscape Architect

Plant Materials

Signage – temporary

Signage – permanent (in accordance with City specifications)

Fencing – temporary

Mitigation of any utility problems identified by Digsafe.

Contingency of 5% of total project cost.

Other issues that may be identified during planning, review and implementation.

b. Artists

- b1. Cooperation: The demonstrated ability of the artist to work closely and cooperatively with the Committee, staff, and community.
- b2. Communication: The artist must have the ability to clearly communicate concepts both visually and through clearly written materials. In addition the ability to develop specific drawings of the artwork placed at the site will be required. (See *Requirements for Design Documentation and Project Records*)
- b3. Experience. The artist and project team is required to demonstrate the ability to create and execute a public art project within the timeframe and budget.
- b4. Measurements. The artist is responsible for all measurements of the site, to be taken in the field. Failure to do so, or errors, shall be the responsibility of the artist, and be corrected at the artist's expense.
- b5. References. The artist must provide at least three references of persons who can speak to the artist's demonstrated ability to implement art in the public realm.

**D. Glossary of Terms**

Public Art Project - An acquisition or commissioning of an artwork that has been identified in the Annual Art Plan for addition to the public art collection.

Visual Arts Professionals - Professionals chosen from the following categories: architect, artisan, artist, art educator, museum curator or director, art historian, art critic, art collector, or layperson who has demonstrated interest in and understanding of the visual arts.

**IV. Cultural Equity**

**A. Introduction**

The following guidelines describe the ways the Committee can meet the stated goals within the Public Art Ordinance “to promote the educational, cultural, economic and general welfare of the City of Portland.”

Public art in the city must a) enhance and enrich the lives of City residents, visitors and employees, b) contribute to the city's civic pride and sense of identity, c) increase access to artworks to residents, visitors and employees to enjoy, and d) celebrate the multi-cultural and diverse character of the City of Portland's communities with place-specific art.

The Public Art Ordinance explicitly states that the Public Art Program is to reflect, enhance and celebrate the diverse City of Portland.

Cultural equity (definition by Americans for the Arts) is meant to embody “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.”

### **C. Equity and Processes**

#### 1. Artists and Artworks:

- a) The Public Art Committee, in accordance with the goals of the Public Art Ordinance, encourages or prioritizes diverse representation of artists when selecting artists or artworks to be added to the Public Art Collection.

#### 2. Governance:

- a) As an administrative body, the Public Art Committee historically has had a diverse representation of age, race/ethnicity, gender, profession or skillset, and geographic location.
- b) Although the City Council’s Legislative/Nominating Committee appoints members to the Public Art Committee, the Public Art Committee tries, to the best of its ability, through communication and outreach, to attract a diversity of applicants for open positions.

#### 3. Artwork Location:

- a) The Public Art Committee works with stakeholders including City departments, neighborhood and arts organizations, residents, property owners, or businesses as appropriate, to identify potential locations for new artwork. In some instances, public meetings or similar methods may be used to create greater opportunity for public engagement and decisions regarding public art location and siting.
- b) The Public Art Committee attempts to locate artworks in all parts of the city, on and off the peninsula, to increase access to public art for city residents, employees, and visitors.

#### 4. Interpretation, Education, and Outreach:

- a) The Public Art Committee provides historical interpretation of and outreach for artworks in the collection through the committee’s web site, artwork signage, or programs such as Art in Our Front Yard presentations or videos, and distribution of Coloring Books to youth programs and restaurants.
- b) The Committee solicits information on specific artworks from arts and cultural organizations, like Maine Historical Society, and from individual historians, who can provide research and expertise.

- c) The Public Art Committee seeks feedback or input from community stakeholders with regards to artwork goals, priorities, or location.
- d) The Public Art Committee facilitates accessibility of its resources such as multi-lingual versions of its web site and other printed materials for residents and visitors for whom English may not be their primary language.

5. Evaluation:

- a) The Public Art Committee periodically (every 2 years) assesses the Committee activities and the collection as a whole. The assessment should take into consideration best practices and comparison with similar cities in New England and throughout the country. The assessment should include evaluation of:
  - a. Diversity of artist representation in the collection;
  - b. Diversity and accessibility of artwork locations;
  - c. Diversity of representation in the Committee membership;
  - d. Implementation and effectiveness of interpretation, education, and outreach measures; and
  - e. Overall, how well the Public Art Program follows the Public Art Ordinance goals

The evaluation may also provide further recommendations to better meet the stated purpose of the Public Art Ordinance and these Guidelines

## **V. REQUIREMENTS FOR DESIGN DOCUMENTATION AND PROJECT RECORDS**

### **A. Introduction**

The Portland Public Art Committee must review all permanent public art installations, whether by acquisition through gift or purchase, or by commissioning of artwork, to insure that the artwork is of the highest quality in design, construction, materials and installation. Also, the Public Art Committee and staff are responsible for developing and maintaining permanent records regarding the public art collection. These Guidelines outline the requirements of documentation to be provided by an artist, his or her representative(s), and/or their collaborator(s) in order to insure a thorough review.

### **B. Requirements of Documentation for Review, and Project Records**

- 1. The appropriate level of design documentation by the artist will be required at various stages of the design process. For projects requiring a significant amount of design development, structural/architectural detailing, or site work, the Public Art Committee shall require that the artist retain the assistance of a professional architect, landscape

architect, and/or engineer. The following checklist for design documentation is intended to provide a thorough review process and provide sufficient records for the Public Art Committee's archives. The Public Art Committee will work with the project creators to determine the appropriate levels of documentation. All documentation submitted for review will become property of the City and will be included in the project records.

- a. Conceptual Design:
  - a1. Concept drawing(s) at an appropriate scale
  - a2. Site context drawing(s) at 1" = 20' or other scale as appropriate
  - a3. Working model, perspective sketches, and section and/or elevation drawings as appropriate
- b. Existing Conditions Site Survey for Location of Proposed Art:
  - b1. Proposed site or site alternatives
  - b2. Existing topography, context, vegetation
  - b3. Spatial and scale relationships
  - b4. Historic context
- c. Design Development
  - c1. Response to context and historic character of the site
  - c2. Proposed grading, site work, and proposed restoration of same
  - c3. Proposed construction and site materials including details/amenities
  - c4. Proposed and/or required plaques: Commemorative, identifying, and/or interpretive
  - c5. Review of liability issues (public health, safety, welfare)
  - c6. Review of safety/security issues
  - c7. Review of ADA accessibility standards
- d. Construction Drawings and Specifications:
  - d1. Construction drawings for all art objects, walls, paving, structural elements and/or objects to be built or installed on site

- d2. Planting plan and plant list, and
  - d3. Lighting plan, and plans of electrical and mechanical elements
  - d4. Installation details, catalog cuts, and specifications for all additional amenities
  - d5. Written Specifications
  - e. Proposed Schedule (all elements to be coordinated with City staff)
    - e1. Design documentation and review schedule
    - e2. Fabrication and installation schedule
    - e3. Maintenance plan and schedule
  - f. Additional Documentation:
    - f1. Artist's statement and/or interpretative narrative regarding proposed public art project
    - f2. Artist's resume
    - f3. References
    - f4. Photographic documentation of process and/or product through and including final installation
  - g. Maintenance Report
2. In addition to the documentation listed above, the Public Art Committee shall maintain record files on each project that shall include, but not limited to, the following:
- a. Contract(s) with the artist(s) engaged in the project.
  - b. Record of the Committee hearing on the project.
  - c. Interdepartmental agreements relating to the siting and/or implementation of the project.
  - d. Correspondence and memoranda relating to the project including media coverage.
  - e. Record of all billing made in connection to the project.

### **3. Digital Art Work**

Digital content can be part of artworks in the Public Art Program collection. Portland Brick, for example, includes a web site, web mapping, audio, photography and text content, all served using WordPress in that case.



## **Digital Formats**

In the instance the artwork is being commissioned by or created in collaboration with the Portland Public Art Committee (PPAC), the artist will coordinate with PPAC or City staff to determine appropriate and preferred platforms.

Source material for digital content will be in formats which can be accessed without proprietary software:

- For web: HTML, JavaScript and CSS, and (if possible) the programming and database dump used (for example, WordPress uses PHP and MariaDB)
- For text: TXT, RTF, PDF or DOCX
- For images: EPS, PDF, TIFF, JPEG, PNG or BMP
- For audio: ALAC, FLAC, MP3 or WAV
- For video: MP4, MOV or AVI
- For GIS data: KML, GeoTIFF or Shapefile

For digital content hosted by external services (YouTube for video, Mixcloud for audio, or Mapbox for mapping, for example), source material will be provided to the PPAC/City. This is to ensure the PPAC is able to maintain and archive the work. The material will only be kept and used for the purposes of backup and retention of content, if the external service ends, or if the external service provider experiences a disaster and data loss.

For digital content hosted by external services, in order for the PPAC to access and maintain the work in its holdings, the artist will provide the PPAC with credentials (eg username, password, PIN) to access the external services “control panel” usually provided for account management. Alternatively, the PPAC may enter into an agreement with service providers with access for account and data management.

## **VI. GUIDELINES FOR COMMUNITY ART WORKS**

### **A. Introduction**

The Portland Public Art Committee allocates a portion of its budget for Community Art Works. The goal is to engage citizens and community groups in the creation of public art in local neighborhoods. This initiative aims to:

- Engage the City’s diverse communities by creating collaborations between artists and community members to achieve works of artistic excellence;
- Creatively express the memory, values, traditions, customs or aspirations of community members;
- Address significant neighborhood sites, and/or respond to the character and history of particular places;
- Stimulate curiosity and interest in a community’s heritage; and
- Promote a sense of membership and harmonious co-existence among various groups within a community.

### **B. Project Types**

Community Art Works is a relatively new initiative of the Portland Public Art Committee. Many examples of community based public art can be found in other communities (Vancouver, British Columbia in particular has a well-developed program). Perhaps the best example of a local project is the East Bayside Murals by Andrew Schoultz and Bayside youth (a case study is available).

### **C. Eligibility**

Community Art Works grants are available to applicants that include a neighborhood-based not-for-profit partner which is able to legally and responsibly utilize grant funds. Such entities could include a local arts organization; neighborhood association; community center; community service group; or similar organization.

The organization must work in conjunction with a professional visual arts professional or group of visual arts professionals to create public art that is in compliance with the City’s *Public Art Program Ordinance* and the *Portland Public Art Committee Guidelines*.

The Community Art Works funding may be used for artist fees; administrative costs; supplies and materials; technical requirements and rentals; and travel, housing and hospitality for artists.

### **D. Funding**

The Portland Public Art Committee allocates a portion of its annual budget to be used as matching funding for Community Art Works. All awards are contingent upon the availability of

funds from the Portland Public Art Committee budget and are subject to approval by the City Council.

Grant applicants shall commit to a contribution of in-kind services or cash that is equal to, or greater than, the funding requested from the Portland Public Art Committee. Eligible in-kind contributions include, but are not necessarily limited to room rental, equipment, materials, donated services, volunteer participation, and staff costs. Applicants are encouraged to explore other sources of funds such as foundations and corporate resources.

***City Public Art funds will be made available only when the applicant has demonstrated that it has sufficient funds to complete the project. The design must be finalized and approved by the PPAC before the funds are released, unless an alternate payment plan is approved in writing in advance.***

#### **E. Application**

The attached application must be completed. In brief, applicants should address the following:

1. Describe the conceptual vision for the Community Art Works project;
2. Identify the potential neighborhood site(s) for the art work;
3. Explain what makes the potential site(s) important to the neighborhood;
4. Identify a non-profit organization that can receive funds on behalf of the project;
5. Provide the contact info and mission statements of the team members and project lead;
6. List the skills or background desired in an visual arts professional;
7. Describe the scope of the visual arts professional's role;
8. If there is an interest in engaging a particular visual arts professional or the application is coming from a visual arts professional, please provide a resume and slides of previous work. If a visual arts professional has not been selected, please list the qualifications desired.
9. Detail sources of additional matching funds (cash and/or in kind sources).
10. Timeline for completion of project.

#### **F. Requirements**

The requirements for Community Art Works projects are as follows:

1. Located on City lands with documented permission of the appropriate authority.
2. Designed to be permanent and last at least 20-25 years.
3. Accessible to the general public.
4. Accessible to people with disabilities, as required by law.
5. Safe and vandal-resistant.
6. Evaluated by the City's Public Art Conservator for future maintenance issues.
7. Demonstrated capacity to undertake and complete the project within one year.
8. Submitted under the auspices of a non-profit organization.
9. Applicants must include PPAC in all publicity related to the project.

10. Demonstrated outreach to the community, City Councilors and other local government officials.

**G. Site Criteria**

The applicant should prepare an explanation of the following issues as they relate to the project:

1. Preferred site(s) and general reason for this selection;
2. Written permission of the appropriate public authority (PPAC will help to identify);
3. Public accessibility and any related potential safety issues;
4. Traffic patterns and interactions with the artwork;
5. Environmental impacts, if any;
6. Relationship of proposed artwork to existing or future development plans for the area, architectural features, natural features and urban and landscape design;
7. If located near a structure, describe the facility's function, and its users and surrounding community, as well as the interaction of the users with the proposed artwork; and
8. Relationship of the proposed artwork to existing art works in the vicinity.

**H. Restrictions**

Community Art Works funds may not be used for the following purposes:

1. Work that portrays school, team, corporate or organizational mascots.
2. Art that has singularly religious or sectarian purposes.
3. Work that is not accessible to the general public.
4. Expenses incurred before the starting date of the period covered in the grant request.
5. Capital improvements, facility construction, structural renovation, and restoration.
6. Purchase of equipment, property, library holdings or acquisitions.
7. Publications or recordings for commercial purposes.
8. Scholarships or other activities related to academic credit or degrees.
9. Activities intended primarily for fundraising.
10. Receptions, parties, or gallery openings.
11. Food, beverages, or other refreshments.
12. Prizes and awards.
13. The application of new artistic work to historic buildings or structures, unless approved by the state historic preservation office as being in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. For more information, contact the City of Portland, Historic Preservation Program, 207-874-8721.

**I. Application Process**

Applicants should initially contact the Portland Public Art Committee to discuss the proposed project. Staff will provide feedback on the conceptual idea and determine if the activity is eligible for funding. Guidelines and an application will be forwarded after this initial contact.

Please contact the Portland Public Art Committee, attention of the Planning Division, City of Portland, 389 Congress Street, Portland, ME 04101, 207-874-8721.

Exact details of the proposed artwork do not need to be determined at the application stage. In fact, applicants are encouraged to refrain from specifying details of the artwork until a qualified visual arts professional is involved. The PPAC may provide input in choosing the visual arts professional.

Each application must clearly identify a lead organization or person. This lead entity will be asked to meet with the PPAC a minimum of two times. ***A member of the PPAC will be appointed as a liaison to the organization, and shall attend its meetings and report back to the PPAC.***

At the first meeting, the application and conceptual project will be discussed. The PPAC will help to establish a final scope for the project's design.

The PPAC may recommend appropriate visual arts professionals. If the applicant has an interest in engaging a particular visual arts professional or the application is coming from a visual arts professional, a resume and slides of previous work should be submitted. The PPAC must approve the visual arts professional.

At the second meeting, the project lead will present an application which may include a draft design and budget as well as materials and specifications.

Unsuccessful applicants may request a meeting with the PPAC to discuss the project and opportunities for revision prior to the next funding cycle.

## **J. Review Criteria**

The Portland Public Art Committee will review the final applications and recommend projects to the City Council for approval. The Committee will evaluate proposals for the following:

1. Artistic merit is evaluated by the quality of production, project innovation, and the intent of the proposed work for that site, in the context of its surroundings. If the visual arts professional is part of the application team, their training, experience and previous work are part of the evaluation.
2. Community process is evaluated by the level of community leadership, the cultural diversity of community participation, and evidence of support by community groups and individuals who may donate funds, materials and services. Projects are preferred that involve the community in "hands on" efforts.
3. The project site(s) for the art should be identified in the application, and the significance of these sites to the neighborhood or the larger community should be described, such as accessibility, prominence, cultural or historic significance, and proximity to other sites.
4. Focus, clarity and achievability.
5. Ability to produce a public project.
6. Realistic funding and implementation plans.

7. Maintenance requirements.

**K. Contract, Deliverables, and Disbursement**

Community Art Works shall be subject to a written agreement or contract between the City of Portland and the sponsoring organization responsible for the creation and installation of the art work. Such agreement will stipulate the terms of payment, the obligations of the recipient organization, time frames for performance of the work installation, budget and work plan, reporting requirements, insurance requirements, a time frame at which the offer of funds for the work will expire, license requirements for work on city property, performance guarantees if necessary, and any other provisions, terms, or conditions necessary and appropriate to the proposed Community Art Work project. If the project involves additional fundraising by the sponsoring organization to match or supplement the PPAC fund allocation, such additional funds must be secured prior to the release of PPAC funds for the project. Any required funding match amount shall be in cash, unless otherwise agreed to in writing by the PPAC

**L. Timeframe and Deadlines**

Submissions should be delivered to the Portland Public Art Committee, attention of the Planning Division, City of Portland, 389 Congress Street, Portland, ME 04101, 207-874-8721.

Projects are required to be completed within one year of funding approval, unless otherwise approved in writing. (Some exceptions may be approved in writing by the PPAC due to unforeseen or extenuating circumstances.) The steps below are guides and may change from time to time or for specific projects.

1. Conceptual Development
2. Application
3. Review of Application and recommendation to City Council
4. City Council Approval
5. Notice of Decision
6. Use of Funds May Begin
7. Design Development/Final Design approval by PPAC
8. Fabrication and Installation
9. Midpoint Assessment Due
10. Use of Funds Must Conclude
11. Final Report Due
12. Evaluation of Project

**M. Contact Information**

For any additional information, and to submit an application or proposal, please contact the Portland Public Art Committee, attention of the Planning Division, City of Portland, 389 Congress Street, Portland, ME 04101, 207-874-8721.

## **VII. MAINTENANCE POLICY**

### **A. Introduction**

The City of Portland is responsible for the maintenance of permanently installed artworks within the City's collection. The Public Art Committee is charged by ordinance to "recommend to the City Council the expenditure of funds for the ... maintenance of public art," and to "oversee the maintenance, care and repair of the public art collection."

The following Guidelines shall apply to the Public Art Committee in the preparation of an Annual Art Plan with respect to recommendations for maintenance.

### **B. Guidelines Regarding Allocations to and Implementation of Maintenance to Public Art**

1. The Public Arts Committee will develop an inventory of the public art collection, and periodically will work with a professional conservator to assess the condition of the collection. Based on this survey, the Committee will prepare a Public Art Maintenance Plan. The Committee will recommend to Council maintenance projects in an Annual Art Plan. Two levels of maintenance and their associated schedules will be identified within the Art Plan:

- a. Major Restoration

Public Art Committee may recommend to the City Council an annual appropriation from the Public Art C.I.P. allocation for a determined dollar amount identified for specific project needs. These recommendations must meet the criteria for capital improvements as defined by the City of Portland, and must generally be repairs or maintenance, which will have a lifespan of twenty years or more. Proposed work must be in accordance with recommendations and specifications made by a professional art conservator with expertise appropriate for the project.

- b. Minor Rehabilitation

Maintenance of this type that does not meet the criteria of a capital improvement shall be the responsibility of and administered by the Public Services Department as set forth by the Public Art Committee in the Public Art Maintenance Plan. The department having jurisdiction over the maintenance of particular projects/sites shall also be responsible for 1) keeping the Public Art Committee informed about any changes in the condition of the artwork, and 2) not altering the works of art or sites in any way without the prior approval of the Public Art Committee.

2. All maintenance and restoration work shall be reviewed and must be approved by the Public Art Committee prior to being initiated.

3. Visual arts professionals will be required to submit a comprehensive maintenance plan, schedule, and specifications prior to the final acceptance of a project, as per their contract.



## **VIII. RELOCATION OF PUBLIC ART**

### **A. Introduction**

These Guidelines recognize that over time there may be reasons to relocate artwork. The Public Art Committee shall review any proposed relocation of public art, and shall forward a recommendation to the Council for action. After receiving the recommendation from the Committee, the Council can vote to relocate artwork.

### **B. Summary of Relocation Process**

1. A review for Consideration for Relocation may be implemented by direction of the Council, or by the Public Art Committee as part of the annual art plan.
2. The Public Art Committee will review the Consideration for Relocation according to the Guidelines.
3. The Public Art Committee will include a recommendation to Council regarding relocation as part of the next scheduled Annual Art Plan.
4. The Council, by majority vote, can order the relocation of the artwork.

### **C. Relocation Policy and Procedure**

#### 1. Eligible Artworks

Works eligible for consideration for relocation through this policy include all artwork in the official City of Portland Public Art Collection. These works include:

- a. Artworks purchased or commissioned through the Public Art Program.
- b. Gifts of artwork accepted by the City of Portland in accordance with the gift acceptance policies of the Public Art Committee.

#### 2. Relocation Procedure

- a. The Committee may consider relocation of artwork for one or more of the following reasons:
  - a1. The current location of artwork limits public accessibility
  - a2. The condition or security of the artwork cannot be reasonably guaranteed in its present location.
  - a3. Significant changes in use, character or actual design of the site require a re-evaluation of the relationship of the artwork to the site.

- a4. Re-development of a public space offers a location that may be a more appropriate site.
- b. Sequence of action to relocation.
  - b1. The Public Art Committee determines that an artwork meets one or more of the criteria established above.
  - b2. The Public Art Committee shall inform the artist, if still alive, and the donor, if the artwork was a gift to the City, that the artwork is being reviewed for consideration of relocation.
  - b3. The Public Art Committee shall inform City Departments or Committees that have a vested interest in the relocation issue of the impending review. The Planning Office will coordinate reviews by other parties as appropriate. Examples of other departments or committees which may have vested interests and/or review authority may include, but is not limited to the Parks Department, the Department of Transportation and Waterfronts, the Friends of the Parks Committee, and the Historic Preservation Committee.
  - b4. The Public Art Committee holds a public hearing to consider a recommendation to the City Council to relocate a work of art. If the Public Art Committee then votes to recommend relocation of a work of art, that recommendation will be forwarded to the City Council in the annual Public Art Plan. Any relocation recommendation must also address all siting issues as outlined in the Guidelines for Design Documentation for Review of an Art Project.
  - b5. Acting on the Public Art Committee recommendation as included in the Annual Art Plan, the City Council holds a Public Hearing to consider relocation the artwork.

## **IX. DEACCESSIONING POLICY**

### **A. Introduction**

Deaccessioning is the process of removing existing installations of artwork from the public collection. These Guidelines recognize that over time there may be reasons to deaccession artwork. Reasons for deaccessioning may include, but not be limited to, situations where artwork has been damaged beyond reasonable repair, where artwork is deemed inappropriate, or requires removal because of new developments in the direction of the public art collection. The Public Art Committee shall review any proposed deaccessioning of public art, and shall forward a recommendation to the Council for action. After receiving the recommendation from the Committee, the Council can vote to deaccession artwork.

### **B. Summary of Deaccessioning Process**

1. A review for Consideration for Deaccessioning may be implemented by direction of the Council, or by the Public Art Committee as part of the annual art plan.
2. The Public Art Committee will review the Consideration for Deaccessioning according to the Guidelines.
3. The Public Art Committee will forward a recommendation to Council regarding deaccessioning.
4. The Council, by majority vote, can order the deaccessioning of the artwork.

### **C. Deaccessioning Policy and Procedure**

#### **1. Eligible Artworks**

Works eligible for consideration for deaccessioning through this policy include all artwork in the official City of Portland Public Art Collections. These works include:

- a. Artworks purchased or commissioned through the Percent for Art Program.
- b. Gifts of artwork accepted by the City of Portland in accordance with the gift acceptance policies of the Public Art Committee.
- c. All other artwork previously purchased by the City or received as a gift by the City.

#### **2. Deaccessioning Procedure**

- a. From time to time the Public Art Committee will review the Public Art Collection to determine those public art projects that might warrant deaccessioning.
- b. The Committee may consider deaccessioning of artwork for one or more of the following reasons:

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- b.1 The artwork has been determined to be of inferior quality relative to the quality of other works in the collection.
- b.2 The artwork has been determined to be incompatible with the intent of the collection
- b.3 The artwork has been damaged or has deteriorated to the point where restoration is impractical or unfeasible, or the cost of restoration is excessive in relation to the appraised value of the artwork.
- b.4 The artwork endangers public safety.
- b.5 Significant changes in the use, character or actual design of the site require a re-evaluation of the relationship of the artwork to the site.
- b.6 The work is not or is rarely on display.
- b.7 The artwork requires excessive maintenance or has faults of design or workmanship, and the city cannot properly maintain the artwork.
- c. Sequence of action to deaccession
  - c1. The Public Art Committee determines that an artwork meets one or more of the criteria established above.
  - c2. The Public Art Committee shall inform the artist, if still alive, and the donor, if the artwork was a gift to the City, that the artwork is being reviewed for consideration of deaccessioning.
  - c3. The Public Art Committee holds a public hearing to consider a recommendation to the City Council to deaccession a work of art. If the Public Art Committee then votes to recommend deaccessioning of a work of art, that recommendation will be forwarded to the City Council in the annual Public Art Plan.
  - c4. Acting on the Public Art Committee recommendation, the City Council holds a Public Hearing to consider deaccessioning the artwork.
- d. If the City Council votes to deaccession a public artwork, the Public Art Committee shall consider the following courses of action, (in order of priority) to deaccession the identified artwork:
  - d1. Sale or Trade
    - i. The first consideration shall be whether to sell or trade the art work.

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- ii. Regarding either sale or trade of artwork, the City shall offer the right of first refusal to the artist, if still alive, or the estate or family, and/or the original donor if the artwork was a gift to the City.
  - ii. Sale through auction, art gallery, or dealer resale, or direct bidding by individuals, in compliance with City law and policies governing surplus property.
  - iii. Trade through artist, gallery, museum, or other institution for one or more other artwork(s) of comparable value by the same artist.
  - iv. Funds from the sale of public art shall go to the Public Art Fund.
- d2. Gift to another governmental entity.
  - d3. Destruction of the work if deteriorated or damaged beyond repair or if determined to have negligible value.