



Regional Arts & Culture Council

PERCENT FOR ART GUIDELINES

City of Portland and Multnomah County
Revised October 2006

Throughout history art has been instrumental in creating unique public places that have yielded physical, social and economic benefits for a community. These guidelines outline the processes for selecting, commissioning, placing, maintaining and deaccessioning artworks purchased through the City of Portland and Multnomah County Percent for Art Programs. The Regional Arts & Culture Council (RACC) is the non-profit entity responsible for administering the program.

I. PURPOSE

The purpose of the Public Art Program (of which the Percent for Art is a part) is to integrate a wide range of art into public spaces in the community and reflect the diversity of artistic disciplines, and points of view. The program promotes education about the arts through its collection and related programming and serves to raise the public's awareness of their environment and to expand their knowledge and understanding of the arts.

Through the Percent for Art Program, RACC advocates for artists and cares for the collection by:

- providing opportunities for artists to advance their art forms.
- developing a public collection of artworks with strong inherent aesthetic qualities.
- encouraging early collaboration with artists on planning or design teams that contribute to the revitalization of neighborhoods and redevelopment areas throughout the region.
- encouraging public dialogue about art and the various roles of artists.
- encouraging the preservation of cultural traditions.
- including public agency and community representatives in the selection process.
- building the collection through gifts and donations.
- ensuring proper cataloguing of the Public Art Collection.
- providing proper display, storage, handling and maintenance of artworks in the collection.

II. PUBLIC ART ADVISORY COMMITTEE

The Public Art Advisory Committee (PAAC) is the standing RACC committee that oversees the Public Art Program. The PAAC oversees policies, sets goals and provides curatorial guidance for the selection, placement and maintenance of works of art acquired through the Percent for Art

Program and other public/private programs. Membership includes no more than 2 RACC Board members, the RACC designee on the Design Commission, and 6-8 arts professionals who are artists, architects, landscape architects, curators or individuals with considerable experience in the visual arts. The RACC Board Chair approves final appointments to the PAAC. Members serve 3-year terms with one 18-month appointment reserved, when possible, for an artist with public art experience. Meetings are held monthly.

For City/County Percent for Art projects, oversight responsibilities include:

- responding to briefing(s) by RACC staff, agency representatives and project designers
- recommending selection panel members
- recommending and/or approving direction of project
- approving semi-finalists
- monitoring all final artworks added to the collections.

In addition to overseeing the Percent for Art Program, the PAAC also oversees the following programs that fall under the auspices of RACC's Public Art Program:

- A. Artist selection for the Design Team Roster
- B. Temporary programs: Portland Building Installation Space, in situ PORTLAND, and *intersections*: public art residencies
- C. Proposals submitted as part of the Public Art Murals Program (*see Public Art Murals Application & Guidelines*)
- D. Donations of artwork to the public collection (*see Guidelines for Donations of Artwork*)
- E. Floor Area Ratio (FAR) Bonus Program (*see FAR Procedures and Guidelines for Private Developers*)
- F. Memorials for public parks (*see Accepting Gifts and Memorials, Administrative Rules adopted by Portland Parks & Recreation*)
- G. Private parties substituting public art for street level windows (*see Art Substitute for Ground Floor Windows Guidelines*)

III. IDENTIFICATION OF PERCENT FOR ART PROJECTS

- A. Item 5.74.020 ([download document](#)) of the attached Percent for Art Ordinance 179869 outlines qualifying improvement projects for the City of Portland. Multnomah County Ordinance Nos. 7.450 through 7.456 ([download document](#)).
- B. Chapter 5.74 Acquisition of Public Art Administrative Rule will outline the Administrative Rule by the Office of Management and Finance (in process).

IV. CONFLICT OF INTEREST

- A. No artist sitting on RACC's Board of Directors or the PAAC may submit for public art projects over which RACC has approval authority or administrative responsibility during his/her tenure.
- B. No RACC staff member or member of his/her household may submit for public art projects for which RACC has approval authority or administrative responsibility.
- C. No member of the project architect's firm or design team may apply for a Percent for Art project being designed by that firm.
- D. No artist sitting on a selection panel may submit for the project for which the panel was formed.
- E. Panelists are required by RACC's Articles of Incorporation and Oregon statutes to disclose direct or indirect financial or non-financial conflict of interest. Disclosure should occur prior to consideration and discussion of artist selection process. Following disclosure of financial or non-financial conflict of interest, the panelist must refrain from voting on the artist in question. The panelist may also choose to refrain from discussion although both discussion and voting is permissible under RACC bylaws and Oregon statutes. (See RACC's *Conflict of Interest Policy* for definitions.)

V. SELECTION PANEL APPOINTMENTS

- A. Method of Appointment
The PAAC recommends selection panel members from a reference list that is continually updated by public art staff in conjunction with PAAC recommendations. The PAAC takes into account the established formula listed below, requests by individuals to serve, and staff recommendations. Selection panel members serve at the discretion of RACC.
- B. Panel Structure
Panels may be composed of the following:
 - 1. Voting members
 - a. Three arts professionals, two of whom must be artists
 - b. The project's building and/or landscape architect or engineer
 - c. A representative of the participating bureau
 - d. A citizen preferably from the neighborhood affected by the project
 - 2. Non-voting members
 - a. RACC public art staff
 - b. Project manager for participating bureau

Each panel serves through the completion of one public art project. For complex projects, a selection panel may appoint a sub-committee to make recommendations to the full panel. At least two of the sub-committee members must be artists.

VI. SELECTION PANEL PROCEDURES, RESPONSIBILITY

- A. Public Art staff holds an orientation for each Selection Panel including a presentation of completed and relevant public art projects, review of program guidelines, a project overview and a review of any goals already established by the PAAC and the participating bureau.

- B. The Selection Panel:
 - 1. Develops the project's goals, sites for artwork, and suitable art forms, taking into account goals and sites already recommended.
 - 2. Decides to commission site specific work, purchase works of art for the City/County Portable Collection, or commission temporary works that would be documented for future reference after the life of the piece.
 - 3. Determines a method for artist selection:
 - a. *Open Competition*: Any artist applies, subject to limitations established by the Selection Panel or PAAC.
 - b. *Invitational*: One or more artists are invited to submit proposals.
 - c. *Direct Purchase*: A completed work of original art is purchased from submitted applications or other appropriate methods.
 - d. *Design Team*: Artists are selected from an open competition if time allows or from RACC's Design Team Roster.
 - 4. Narrows the selected artists through paid competitive proposals or interview.
 - 5. Reserves the option to make no selection from submitted applications and to reopen the competition or propose other methods of selection if no proposal is accepted.
 - 6. Approves all selections by a majority vote or consensus.
 - 7. Presents the semi-finalists to the PAAC for recommendation to the RACC Board for approval.
 - 8. Reports the finalists and their work to the PAAC.
 - 9. Approves artist's final proposal and subsequent changes in concept or media during the duration of the artist's contract.

VII. SELECTION CRITERIA

A. Criteria to be used for acquisition of artwork by either purchase or commission shall include:

1. **Artistic quality.** Strength of the concept, vision and craftsmanship of the artwork.
2. **Context.** The architectural, historical, geographical and/or socio-cultural context of the site.
3. **Media.** All art forms including disciplines and media that are temporary and which survive only through documentation after the life of the piece has ended.
4. **Longevity.** The structural and surface soundness and inherent resistance to theft, vandalism, weathering, and excessive maintenance or repair costs.
5. **Public Safety.** Meets City building, electrical and other codes for safety.
6. **Diversity.** Artwork that is diverse in style, scale, and media, and ranges from experimental to established art forms; also refers to artists from assorted backgrounds and ranges of experience.
7. **Feasibility.** Artist's ability to successfully complete the work as proposed based on experience, durability of materials, project budget, timeline, and city/county zoning/construction/design guidelines.
8. **Duplication.** Artwork is unique and an edition of one or of a limited edition.

B. Design Team Projects

Additional criteria for selecting artists for design teams include:

1. Proven ability to work effectively in collaborative art and design projects.
2. Strong communication skills and a willingness to learn.

C. Public Art Murals Program

Murals approved as part of the Public Art Murals Program must remain in place for a minimum of five years. Additional criteria for approving public art murals include:

1. **Artistic merit.** Demonstrated strength of artist's concept and craftsmanship as well as originality of proposed mural; appropriateness of scale to the wall upon which mural will be painted/attached and/or to the surrounding neighborhood; and architectural, geographical, socio-cultural and/or historical relevance to the site scale.

2. **Community Support.** General support/advocacy from building owner/user, surrounding neighborhood, adjacent businesses and arts community.
3. **Feasibility.** Demonstrated ability to complete the proposed mural on time and within budget.

VIII. APPROVAL PROCESS

- A. The PAAC approves semi-finalists recommended by the Selection Panel.
- B. The RACC Board approves all contracts for percent for art projects and public art murals.
- C. RACC staff accessions the work into the public art collection.
- D. When an artist is hired from a PAAC approved roster, the PAAC may serve as the Selection Panel or recommend a Selection Panel, and approves the budget, the selected artist(s) and the proposed artwork.
- E. Except as limited by the Percent for Art ordinance, the PAAC's decisions about the selection, acquisition, siting, maintenance, disbursement of Public Art Trust Fund, deaccessioning, administration, education and registration of Public Art will be final.

IX. PLACEMENT OF WORKS OF ART

- A. While it is the intent that a site specific work will remain in the location for which it was created, RACC reserves the right to move a piece if circumstances dictate (see XI below).
- B. Works of art that are part of the Portable Works Collection will move throughout City/County facilities at the discretion of RACC, taking into account requests from the various bureaus.
- C. Temporary works of art commissioned will be documented with appropriate media either by the artist(s) or by RACC.

X. RESITING SITE SPECIFIC WORKS OF ART

- A. The PAAC may consider resiting a site specific artwork for one or more of the following reasons:
 1. The condition or security of the artwork can no longer be reasonably guaranteed at its current site.
 2. The artwork has become a danger to public safety in its current site.

3. The site has changed so that the artwork is no longer compatible as placed.
- B. Once the PAAC has determined that an artwork meets one or more of the above criteria, it initiates the following process:
1. RACC public art staff makes a good faith attempt to discuss resiting with the artist.
 2. If the artist agrees to the proposed resiting, staff refers the recommendation to the PAAC for approval.
 3. If the artist does not agree to the proposed resiting, he/she has the right to prevent the use of his/her name as the author of the artwork.

XI. COLLECTIONS MANAGEMENT AND MAINTENANCE OF PUBLIC ART

- A. RACC is responsible for the public art collections' documentation and management, as well as the care, handling and long-term maintenance for all works or art acquired through the Percent for Art program and/or accepted as a gift.
1. For these purposes, Collections Management is defined as the process of managing the information and disposition of all objects for which RACC has permanently or temporarily assumed responsibility. This includes developing, maintaining and enforcing collection policies and procedures that address the care, handling, placement and storage of artwork.
 2. Collections documentation includes such information as: collections inventory, acquisition records, incident reports, condition reports, legal ownership papers and histories, artist biographies, location histories and photographic images.
 3. A professional art conservator(s) will be consulted and/or hired to provide conservation assessments and/or perform treatments for the City/County's public art collection as needed.
 4. Maintenance technicians, who have been trained by a professional conservator, will be hired to provide routine and emergency maintenance for the City/County's public art collection.

XII. DEACCESSIONING

In the event a work of art needs to be deaccessioned, staff refers it to the PAAC for consideration according to RACC's adopted *Deaccessioning Policy* and in accordance with the artist's contract or purchase agreement.

XIII. APPLICATION OF PERCENT FUNDS: INCLUSIONS

The Percent for Art ordinances for both the City of Portland and Multnomah County contain formulas that distribute the available funds into three categories: (1) artwork acquisition; (2) project management and public outreach; (3) ongoing care and conservation.

A. Artwork Acquisition funds may be spent for:

1. Semi-finalist proposals and travel expenses
2. Selected artist's fees for design team work, including travel expenses, conceptual development, and proposals
3. Creation of a work of art, including:
 - a. artist's design fee
 - b. city required permits
 - c. labor and materials
 - d. operating costs
 - e. insurance
 - f. project related travel
 - g. transportation of the work to the site
 - h. installation
 - i. documentation
4. Frames, mats, mounting, anchorage, pedestals, cases or other materials necessary for the installation and/or security of the work
5. Fees for consultants to a selection panel or the PAAC

Any unused project funds remain in the Public Art Trust Fund and are used at the discretion of RACC.

B. Management and Public Outreach funds may be spent for:

1. Project, program and collections management
2. Education activities
5. Dedications
6. Publicity
7. Identification plaques and labels
6. Special projects approved by RACC

C. Ongoing Care and Conservation funds may be spent for:

1. Collections Management
2. Routine maintenance

3. Conservation
4. Storage
5. Rotation of artwork

XIV. APPLICATION OF PERCENT FUNDS: EXCLUSIONS

Percent for Art funds may *not* be spent for:

- A. Reproductions of original artworks
- B. Decorative or functional elements designed by the project architects, landscape architects or their consultants, without artist collaboration
- C. Art objects which are mass-produced of standard design, such as playground equipment or fountains
- D. Directional elements such as signs, maps, color coding, unless designed and/or executed by an artist
- E. Architect's fees

XV. DEFINITIONS

Architect/Engineer: The person or firm designing the improvement project to which the Percent funding applies.

Artist: A person generally recognized by his/her peers, critics and other arts professionals as producing works of art on a regular basis.

Deaccessioning: The formal procedure for removal of an accessioned artwork from the public collection.

Design Team: The collaborative team consisting of the architect, landscape architect, engineer and artist. Through the incorporation of the artist's perspective into materials selection, spatial considerations, overall design approach, and the inclusion of artwork, facilities can become more aesthetically fulfilling and humanly oriented places.

Design Team Roster: A list of artists selected by the PAAC (i.e., pre-approved) utilized for both private and public projects that request an artist's early involvement or on a fast track.

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Improvement Project (CITY): Any project paid for wholly or in part by a Participating Bureau in which the Participating Bureau's contribution of Eligible Funds equals \$50,000 or more for the construction, rehabilitation, remodeling, improvement or purchase for a public use of any building, structure, park, public utility, street, sidewalk or parking facility or any portion thereof within the limits of the City of Portland. This includes funds contributed by the City towards the completion of construction projects for public use managed by other public or private entities.

Improvement Project (COUNTY): Any project with an estimated construction cost of \$50,000 or more involving construction or alteration of a county building except service facilities not normally visited by the public, such as maintenance sheds, bridges and similar structures, and does not include roads. Funding sources include construction costs, capital improvement budgets in the Division of Facilities Management, the general fund portions of the Parks Development Account and the Recreational Facilities Fund devoted to parks development, and the purchase price of any building acquired on or after July 1, 1990, by the county for use in whole or part by the county.

Participating Agency: OAn agency, bureau or commission of the City of Portland Bureau or Multnomah County subject to the Percent for Art ordinance by virtue of its undertaking an improvement project.

Percent for Art: A percentage of capital construction costs for public buildings mandated by City and County ordinances to be set aside for art.

Portable Works Collection: A collection of two- and three-dimensional artwork rotated through City and County building and displayed in public spaces within those buildings.

Public Art: Original works of art that are accessible to the public and which may possess functional as well as aesthetic qualities (see Work of Art for further clarification).

Public Art Collection: All accessioned works of art owned by the City of Portland and/or Multnomah County that are either site specific, part of the Portable Works Collection, Visual Chronicle of Portland collection or documentation of temporary works of art.

Public Art Murals Program: The program adopted by the City of Portland in 2005 that expanded RACC's public art program to include reviewing submissions for public art murals to be placed on public walls and administered by RACC. Refer to the *Public Art Murals Program As Adopted Report* and the *Public Art Murals Program Guidelines and Application*.

Public Art Staff: The staff person(s) hired by RACC to oversee development and execution of Percent for Art projects.

Public Art Trust Fund: The RACC fund that receives all Percent for Art monetary contributions derived from improvement projects and public art funds from other sources.

Selection Panel: The panel appointed by RACC responsible for the artist selection, reviewing proposed works of art and recommending to the PAAC and to RACC specific expenditures for Percent for Art funds for each project.

Total Costs: The participating bureau's contribution toward the price for the completion of the improvement project. Exclusions (City of Portland): design and engineering, administration, fees and permits, building demolition, relocation of tenants, environmental testing, environmental remediation, non-construction contingency or indirect costs, such as interest during construction, advertising and legal fees. When an improvement project involves the acquisition of real property, costs attributable to land

Work of Art: All forms of art conceived in any discipline or medium, including visual, performance, literary, media and temporary works.

XVI. ORDINANCES PASSED BY THE CITY OF PORTLAND AND MULTNOMAH COUNTY. (See Section III.)

XVII. ADMINISTRATIVE RULES PASSED BY THE CITY OF PORTLAND AND THE PORTLAND DEVELOPMENT COMMISSION. (See Section III.)