

CITY OF NEWPORT

RESOLUTION NO. 3875

**A RESOLUTION ADOPTING
A GENERAL PUBLIC ARTS POLICY
FOR THE CITY OF NEWPORT**

WHEREAS, Resolution No. 3528 created a Public Arts Task Force to develop recommendations on issues of public arts programs and policies; and

WHEREAS, the Public Arts Task Force completed its work and reported to the Council its recommendations; and

WHEREAS, the Council implemented recommendations of the Public Arts Task Force by establishing a public arts policy as set forth in Resolution No. 3589; and

WHEREAS, after utilizing Resolution No. 3589, and lengthy discussion, the Public Arts Committee recommended that the Public Arts Policy and Percent for the Arts Policy, adopted in Resolution No. 3589, be adopted as separate documents; and

WHEREAS, Resolution No. 3874 has been drafted for Council consideration, and will replace the Percent for the Arts Policy component of Resolution No. 3589; and

WHEREAS, Resolution No. 3875 follows for Council consideration, and will replace the general Public Arts Policy component of Resolution No. 3589.

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. The Public Arts Committee created by Newport Municipal Code (NMC) 2.05.060 shall be governed by the general art policies set forth in this Section.

- A. **Purpose of the Public Arts Committee.** The Public Arts Committee is responsible for making recommendations to the City Council on public art and art object decisions as set out in these policies. The Public Arts Committee is directed to advance public understanding of visual arts, enhance the aesthetic quality of public places, and help stimulate the vitality and economy of the city. Public art within this policy is art located on public property, property controlled by the city, or private property within public view, and includes sculptures, architectural accents, two-dimensional art, multimedia, temporary art, and other visual art.

B. Duties of the Public Arts Committee. The Public Arts Committee shall comply with committee operational requirements of NMC 2.05.003. In addition, it shall be the duty of the Public Arts Committee to encourage:

1. Public dialogue to increase public understanding and the enjoyment of visual art through appropriate public education forums and programs;
2. Human interaction in public places and areas of public ownership and accessibility, via the placement of works of art;
3. Collaborative efforts between artists, architects, engineers, and landscape artists;
4. Stimulation of the vitality and economy of the city by creating works of art in public places.

The Public Arts Committee will be used by the City Council to recommend artists and artwork; recommend expenditure of funds on public artworks and art projects; recommend requests for proposal requirements when such a process is used to make public art selection decisions; recommend sites for placement of public art; and work with artists to reach creative solutions to the aesthetic problems they have been employed to solve.

C. Public Arts Selection Panel. When the City Council has reason to seek a recommendation on the selection and placement of public art for a particular project, the Public Arts Committee shall form a "Selection Panel" to make the recommendation to the City Council. The Selection Panel may consist of:

1. The Public Arts Committee;
2. One recognized art professional, such as a museum curator, art historian, conservator, or gallery director;
3. One professional visual artist; and
4. Two Newport citizens.

Voting members of the Selection Panel shall not include anyone with a professional or personal relationship with the considered artist, or a business interest in selling the art.

D. Artist Selection Criteria. Artists may be chosen using some or all of the following criteria:

1. Meeting the requirements of a request for proposals or request for qualifications;
2. Vision and concept of the artwork;
3. Warrant that the artwork is unique and an edition of one or part of a limited edition;
4. Ability for a successful likelihood of completion as proposed by the artist;
5. Qualifications as demonstrated by past work (e.g., public art);
6. A willingness to fully participate in a collaborative process; and
7. Representation of a variety of concepts.

The following artists will not be considered: members of the Public Arts Committee; members of the Selection Panel; and employees of the city.

Selection processes and procedures shall not discriminate against any person based on race, color, religion, sex, national origin, disability, marital status, sexual orientation, or any other legally protected status.

E. Public Artwork Selection Criteria. The Public Arts Committee shall select artwork using the following criteria, as applicable:

1. Aesthetics:
 - a. Provide diversity in style, scale, media, form, or intent;
 - b. May represent the local, regional, national, or international communities;
 - c. May enhance the city's identity; and
 - d. Shall meet the context of the site (i.e., architectural, historical, geographical, and socio-cultural).
2. Craftsmanship:
 - a. High construction quality with structural and surface soundness;
 - b. Resistant to theft, vandalism, weathering, and excessive maintenance or repair costs; and

- c. Of no hazard to public health.
- 3. Other considerations:
 - a. Contribute to the city's art collection as a whole;
 - b. Artwork that is intentionally temporary such as a traveling exhibit;
 - c. Compliance with budget and timeline constraints;
 - d. Compliance with zoning, construction, and design guidelines; and
 - e. Additional criteria as determined by the Public Arts Committee for the particular project at issue.

F. Site Selection Criteria

- 1. Public art shall be placed where:
 - a. The relationship and scale of the artwork is appropriate to the proposed site, surroundings, and collection as a whole;
 - b. It is accessible and visible to the public;
 - c. Clearance is maintained from above- and below- ground utilities; and
 - d. It allows for safe and easy passage to both drivers and pedestrians.
- 2. Public art shall not:
 - a. Obstruct the greater view, such as the ocean, windows, doors, or street signs or traffic;
 - b. Interfere with utility access points, benches, crosswalk ramps, sight of the curb, or unduly disrupt curb use activities, loading zones ingresses and egresses for transit buses or opening of car doors;
 - c. Be placed where it could cause distractions for drivers or pedestrians that might cause accidents or tripping (e.g., catching spike heels or causing water to pool); and
 - d. Have moving parts or edges that could cause injury.

G. Accepting Public Art Donations

Recommendations on accepting public art donations will be made by the Public Arts Committee. When deemed necessary, a Selection Panel will be assembled to assist with the decision. Meetings should be held with the donor to discuss the commissioning process. Documentation of existing artwork (or the actual artwork) will be necessary in order to evaluate the concept and placement.

Conceptualized artworks not yet materialized will be presented with schematic renderings and/or three-dimensional models (maquettes) and will undergo the same process of evaluation and discussion. Newly commissioned artworks will be subject to the same process of evaluation and discussions in order to become public art. The artwork concept will be evaluated to make a recommendation to accept or reject further processing. If the concept is acceptable, the potential usability of the artwork will be evaluated utilizing applicable criteria in this public arts policy.

H. Accepting Cash Donations. The city may accept monetary donations for the benefit of public art. The city will honor donor wishes in the expenditure of such donations upon approval by the Public Arts Committee and the City of Newport.

I. Art Education. One of the duties of the Public Arts Committee shall be the education of the public to the public art in the community with the purpose of raising the public's awareness of its environment by expanding the public's knowledge, understanding and appreciation of the arts. A means of public education should include the creation of art education programs covering topics such as the City's art collection and other art-related subjects and events.

The Public Arts Committee may participate directly by recommending partnerships between the city and community partners to accomplish educational goals. These partnerships may result in but not be limited to:

1. Walking tours of public art;
2. Driving tours of historical or artistic significance;
3. Brochures regarding public art and historical sites;
4. Events with the Parks and Recreation Department and the library's youth programs;
5. Artist's talks; and
6. Art dedications, openings or ceremonies.

The Public Arts Committee may also recommend outsourcing an educational program through community providers, and working with the community to generate funds, if funding is required. After completion of each educational program, the Public Arts Committee will utilize a proper evaluation process to measure the success of the program in relationship to the goals and objectives.

J. De-accession Criteria for Public Art. The term "de-accession" denotes the formal process to permanently remove an object from the collection. Public Arts Committee recommendations on de-accessioning will be based on the following criteria:

1. Has the work been damaged or deteriorated beyond repair;
2. Has the work been stolen and not recovered;
3. The work cannot be properly exhibited or stored by the city;
4. The work endangers public safety;
5. The work's relationship to its site is no longer appropriate due to significant changes in the use, character or actual design of the site; and
6. The work may be replaced by a more significant work created by the same artist. De-accession should only be considered after a careful and impartial evaluation to avoid the influence of fluctuations of taste, premature removal, or possible exceptions. When the particular artwork is deemed ready for removal, the city will comply with the Visual Artists Rights Act of 1990, 17 U.S.C. § 106A. The city shall also attempt to find a way for the work to be relocated, and if not relocated, disposed of appropriately or prepared for resale.

Work should not be sold for funding general city operations. If a work is considered for resale, the city shall abide by public contracting rules and consider the following:

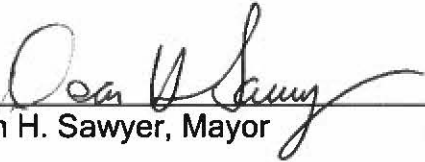
1. Artwork should be sold through a bidding process;
2. Artwork should be appraised, and if the artwork is estimated to be worth more than \$10,000, more than one appraisal may be sought;
3. The city will honor contract conditions with the artist, to the extent applicable; and
4. All proceeds from the sale of public art will be placed in the Public Arts Fund and used for future public art acquisitions or projects.

- K. Relocation of Existing City-Owned Art. When existing city-owned art is to be relocated, the Public Arts Committee shall be notified and provided an opportunity to provide input on the proposed location prior to relocation of the art.

Section 2. Effective Date.

This resolution will become effective immediately upon adoption.

Adopted by the Newport City Council on February 1, 2021.



Dean H. Sawyer, Mayor

ATTEST:



Margaret M. Hawker, City Recorder