

**City of Independence
Public Art Policy**

A. Purpose. Art enhances the City of Independence’s identity as a community that values creative and diverse expressions. It builds our sense of pride and enriches our lives. Public art supports the creative industries, creating opportunities for artists, designers and fabricators. In recognition of the importance of integrating public art into the daily lives of the citizens of the City of Independence, the City Council establishes the following policy for the purpose of providing opportunities for displaying public art to create exciting and attractive public spaces. The goals of the policy are:

- a** To ensure that artwork and the creative concepts of artist are supported.
- b** Serve as an act of public trust and stewardship for public art.
- c** To increase public awareness and enjoyment of the visual arts.
- d** Establish a process for selecting and exhibiting art on city-owned property.
- e** Guide the city staff in the implementation of a public art program.

B. Applicability. These regulations shall apply to all public art, as defined by this policy, that is visually or physically accessible to the public and that is acquired by City funds, donated to the City, borrowed or on-loan to the City, and/or placed on city maintained property. Though perhaps broadly falling within the definition of “public art,” these regulations are not intended to apply to and shall not apply with respect to pictures, decorations, or other displays placed or allowed by City or other government officials or employees on public property. The control of such displays shall be solely within the discretion of City staff or other governmental officials based on City policies, procedures, agreements, and customs as well as any applicable law.

C. Definitions

1. Artist (Visual)

- One who works in, is skilled in, or conceptually creates in any area of the fine arts, such as painting, drawing, sculpture, etc., but also including one whose skill and primary focus are cross-disciplinary.
- A practitioner in the visual arts generally recognized by critics and peers as a professional possessing serious intent and ability.
- A “professional artist” is any person who by virtue of professional training, exhibition history, and/or critical review is recognized as skilled in creating works of art.
- A person who has a reputation of artistic excellence, as judged by peers, through a record of exhibitions, public commissions, sale of works, educational attainment, or other means.
- A person who is a working professional making the majority of their income from creating artworks.

2. Artwork or Work of Art. All forms of original creations of visual art, which may be portable as well as permanent. To include but not be limited to:

- Paintings of all media, including both portable and permanently affixed works such as frescoes and murals;
- Sculpture of any form and in any material or combination of materials. To include statues, monuments, fountains, arches, or other structures intended for ornamentation or commemoration. Also included are reliefs, mobiles, kinetic, and electronic sculptures;
- Other works of visual art, such as inscriptions, stained glass, fiber works, carvings, mosaics, photographs, drawings, collages, assemblage, textile works, and prints. Also included are crafts,

both decorative and utilitarian in clay, fiber, wood, metal, glass, stone, plastic and other materials;

- Artist designed landscapes and earthworks, including the artistic placement of natural materials or other functional art objects;
- Media and electronic arts.

3. Public Art

- Artworks or art places created by an artist, artists, and/or a collaboration of artists and design professionals, for a public place for the public to experience, or for a public purpose.
- Art or design that is created specifically for a public context or place which, through a public process, influences that context or place in a meaningful way.

4. **City Owned and/or Maintained Property.** Any structure, land, infrastructure, or open space that is owned and/or maintained by the City of Independence, including, but not limited to, buildings, parks, and street right-of-way.

D. Mayor's Advisory Commission on the Arts

1. **Role.** The purpose of the Commission is to:

- (a) Plan, promote and encourage public awareness of, accessibility to, participation in, and support for the artistic and cultural development of the City of Independence;
- (b) Forge partnerships with private and/or public organizations in and around Jackson County to promote and support the arts;
- (c) Serve as an advisory body to the Mayor and make recommendations to the City Council regarding the establishment and implementation of arts and cultural policies and programs;
- (d) Review artist proposals for placement of artworks on city owned and/or maintained property, making recommendations for fabrication and acquisition;
- (e) Serve as a jury for artwork competitions, making recommendations of finalists to the City Council;
- (f) Provide technical advisement to staff to develop a public art program.

2. **Membership.** The nine-member commission is comprised of the following:

- (a) Four members having significant knowledge and demonstrated experience in one or more areas of the visual arts including drawing, painting, ceramics, sculpture, printmaking, design, crafts, photography, video, filmmaking and architecture;
- (b) One member having significant knowledge and demonstrated experience in one or more areas of the applied arts including industrial design, graphic design, fashion design, interior design and decorative art;
- (c) Two members from the business and professional community;
- (d) Two members representing performing arts including theatre, music, and spoken word.

3. **Terms.** Members serve three-year terms.

4. **Bylaws.** The Mayor's Advisory Commission on the Arts shall adopt bylaws and rules of order.

5. **Staff Support.** City of Independence staff shall provide support to the Mayor's Advisory Commission on the Arts to establish meeting date, times, and locations; prepare agendas, provide necessary documents, and provide meeting minutes. The City Manager will designate/determine staff for this purpose.

6. **Meetings.** The Mayor's Advisory Commission on the Arts meets the second Thursday of each month.

E. Selection Criteria: The Mayor's Advisory Commission on the Arts will use the following criteria in reviewing works of art:

- (a) **Artistic Quality and Merit:** Due consideration will be given to the strength of the artist's concept, vision, innovation, execution and craftsmanship.
- (b) **Context:** Consideration should be given to the architectural, historical, geographical and socio-culture of the City. The Mayor's Advisory Commission on the Arts may also take into consideration the theme and context of the display in terms of scale, form, content, and materials.
- (c) **Original Works:** All works of art on temporary display on city-owned property shall be original works of art and *not* a reproductive print or copy of another artist's work. The work must comport with themes and/or artists or groups of artists selected by the Mayor's Advisory Commission on the Arts.
- (d) **Prohibitions:** The Mayor's Advisory Commission on the Arts shall reject for display works of art that are obscene (as defined by A.C.A. § 5-68-302 *et seq.*) or violate other state or federal laws.

F. Displays of Art on city-owned property

1. **City Council Approval.** All requests to display artwork on city owned and/or maintained property shall be approved by the City of Independence City Council, the Mayor's Advisory Commission on the Arts and if required, the Parks and Recreation Advisory Board and/or other city boards and commissions.
2. **Insurance.**
 - a **Temporary Works of Art.** The City is self-insured and does not insure temporary artwork displayed on city owned and/or maintained property. The artist who loans temporary artwork for display on city owned and/or maintained property shall bear the risk of the loss from damage, destruction, or theft of the artwork while it in the care of the City of Independence. The artist shall agree in writing to assume sole liability or responsibility for loss, damage or theft of the artwork.
 - b **Permanent Works of Art.** Insurance details relating to permanent works of art shall be outlined in the contract agreement.
3. **Assumption of Risk and Public Safety.** Display of artwork shall not create an unnecessary safety hazard to the public or city employees and shall be displayed in a manner that does not unreasonably impede traffic or interfere with public safety.
4. **Types of Display.** Art displays hosted or coordinated by the City may include competitions sponsored by the City, art displays featuring individual artists, and/or themes and art displays featuring groups of artists.
5. **Location.** Artwork may be displayed in public places approved by City Council. Artwork may be physically separated from the main exhibit when, in the opinion of the City Council, warranted under current community standards.
6. **Compatibility.** Proposed public art shall be evaluated for its compatibility relative to the following:

- a Visibility and public access
- b Public safety
- c Traffic patterns
- d The relationship of the proposed public art project to the site's existing or future architectural features, its natural features, its historical, geographic and social/cultural context
- e The function and use(s) of the facility of site
- f The nature of the site's surrounding neighborhood and potential impact of the public art project on residents, businesses, existing works of art or design elements within the site's vicinity.
- g Future development plans for the are which may affect the public art project.

7. **Identification of Artwork.** Works of art should be identified in an appropriate manner to the context of the artwork consistent signage details shall be outline in the contract.
8. **Sales Prohibited.** Art shall not be sold on city owned and/or maintained property, except as a part of a City approved and organized event. Sales information shall not be posted or displayed with a work of art; interested buyers shall contact the artist directly for sales information.
9. **Payments Prohibited.** The City (or any organization or person affiliated with the City) shall not accept payments to have art displayed on city owned and/or maintained property. Furthermore, the display of public art on city owned and/or maintained property shall not be used by any organizations for fundraising.
10. **Coordination.** The City may work with other local art-centered groups as appropriate.
11. **Presentation.** As outlined in the contract, all art shall be finished and ready for display and artists shall remain responsible for all costs associated with presenting, setting up and taking down.
12. **Set-up and Take Down.** As outlined in the contract, it shall be the responsibility of the artist to adhere to the details for presenting (including setup and take down).
13. **Pick-up and Delivery/Abandonment.** As outlined in the contract, the artist shall adhere to the details for pick-up and delivery location and time. Any piece that is not picked-up by the deadline shall be treated as abandoned property subject to disposal without further notice under applicable laws.
14. **Complaints.** If the City receives signed, written complaints from ten (10) or more citizens of the City of Independence about a work of art on display, then the City shall notify the artist about the complaint and allow the artist an opportunity to immediately withdraw the work. Should the artist choose not to withdraw the work, the City shall hold a meeting between the artist and complainants during which all parties will be given an opportunity to address the appropriateness of the display of the work of art. After the meeting, if the issue is still unresolved, the City Council shall make the final decision on whether the work of art shall be removed, relocated, relabeled, or otherwise modified, giving due regard and consideration to the artist's freedom of expression and due process under the First and Fourteenth Amendments, in accordance with the forum in which the artwork is displayed.

15. Removal. As outlined in the contract, there shall be no removal or disguise of a work of art once it is placed on display unless and until the City Council decides to do so, subject to the right of the artist to remove it.

16. Maintenance & Ownership. All permanent public artworks placed on City property will remain under ownership by the City of Independence. The Mayor's Advisory Commission on the Arts shall perform an annual review of all public art placed under the One Percent for the Arts program, and will notify the City if maintenance is needed. If any City departments become aware of any damage to or theft of public art, they shall likewise advise the Commission. Funding sources to maintain Public Art may include the One Percent for the Arts program, which may set aside up to 20% of the initial 1% for this purpose.