

Key West Art in Public Places Board Guidelines

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I. PURPOSE

To advise the City Commission in the selection and location of public art in the City of Key West; to enhance and maintain the character and identity of our island community through the aesthetic of public art; to create a physical and human environment which nurtures artists, arts organizations, and arts producers; to nurture and preserve cultural diversity consistent with and reflecting Key West's population; and to promote the inclusion of aesthetic considerations in local decision-making through advocacy, services, financial and technical assistance, and leadership in the community.

II. INTENT

It is the stated intent of the Key West Art in Public Places Program to direct the inclusion of works of art in construction projects on order to expand citizens' and visitors' experience with visual art and enable them to better understand our community and their individual lives. By encouraging artists capable of creating works of art in public places,

the Art in Public Places Program shall strive to stimulate the vitality and economy of Key West by enhancing the visual beauty of our city and contributing to making Key West the ISLAND OF THE ARTS. Thus, it is the goal of the Art in Public Places Program to expend private and public funds on works of art and art projects of redeeming quality which advance public understanding of art and enhance the aesthetic quality of public places. This goal shall be realized through:

1. The commission of artists and works of art of the highest quality, which represent an expression of our time, contribute to a sense of the city's identity, and entail some measure or public significance;
2. The nurturing of the artistic vitality of the City of Key West through the encouragement of local artistic endeavors;
3. The encouragement of public dialogue which increases public understanding and enjoyment of art, through appropriate public education forums and programs;
4. The encouragement of public interaction with public places, via the placement of works of art;
5. The commission of a broad range or works of art, reflective of the overall diversity of current works in the field of art;
6. The commission of works of art carrying in style, scale, medium, form and intent representative of the local, regional, national, and international arts communities;
7. The encouragement of artists to reach creative solutions to the aesthetic problems they may be commissioned to solve;
8. The broad distribution of commissions among artists;
9. The broad geographic distribution of works of art in the City of Key Wets;
10. The encouragement of true collaborative efforts between artists; and architects, engineers, landscape architects, and planners.
11. The Board shall make recommendations to the City Commission as the budgeting of expenditures for the selection, acquisition, installation and maintenance of art and art projects commissioned and/or purchased through the Art in Public Places Program.

III. DEFINITIONS

- A. "ARTS BOARD"—THE KEY WEST ART IN PUBLIC PLACES BOARD, an advisory board appointed by the City Commission.

- B. "ARTIST"—A practitioner in the arts generally recognized by critics and peers as a professional possessing serious intent and ability who is not a member of the Project Consultant's firm or employed thereby.
- C. "ARTS PROFESSIONAL"—An artist, arts educator, art critic, arts administrator, arts dealer, designer, art historian, curator, fine art collector, architect, urban planner, or landscape architect who is well respected in his/her field, knowledgeable with regards to contemporary art.
- D. "WORKS OF ART or ARTWORK"—All forms of original creations of art which may be portable as well as permanent. To include but not limit 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, electronic, and neon sculptures;
 - Other works of art, such as inscriptions, stained glass, fiber works, carvings, mosaics, photographs, film and video works, performance art, drawings, collages, textile works, and prints. Also included are works of art both decorative and utilitarian in clay, fiber, wood, metal, glass, stone, plastic and other materials;
 - Artist designed to landscape and earthworks, including the artistic placement of natural materials or other functional art objects.
- E. "CAPITAL PROJECTS PLAN (CPP)"—The City's program for advance planning of capital developments.
- F. "CONSTRUCTION COST"—As defined in the Ordinance to mean the total City-funded portion of a City construction project as originally estimated, excluding demolition, equipment, and land acquisition costs, costs for fees and permits, as well as those costs associated with debt issuance. *Definition provided upon City Commission approval of dedicated revenue sources.*
- G. "CONSTRUCTION PROJECT"—Any capital project paid for wholly or in part by the City of Key West to construct or remodel any building, decorative or commemorative structure, park or parking facility or any portion thereof.
- H. "COORDINATOR"—The person appointed or hired to coordinate and facilitate the implementation of the Art in Public Places Program as adopted by the City of Key West.

I. "ELIGIBLE COST"—Any costs related to the construction of a project which are not specifically excluded by definition shall be included in the calculation of the percent assessment (or other funding sources). *Definition provided upon City Commission approval of dedicated revenue sources.*

J. "ELIGIBLE PROJECT"—A construction or remodeling project, as defined above, for which the source of funds is not restricted by law or regulation as to its use for artworks. *Definition provide upon City Commission approval of dedicated revenue sources.*

K. "MANAGING DEPARTMENT"—The department of the City Manager responsible for the implementation of the design and/or construction of all City of Key West owned facilities.

L. "PROJECT CONSULTANT"—Any firm, individual, joint venture or team of firms or individual with which City contracts, as selected by the Commission, for design consulting services related to construction projects.

M. "PROJECT MANAGER"—The staff person charged with the responsibility for the implementation of the design and/or construction of the facility which meets the definition provided for an eligible project.

N. "USER DEPARTMENT"—The City Department which will occupy or otherwise administer the use of the project upon its completion. Where more than one department is involved, the use departments shall have the authority to decide who represents them.

IV. APPROPRIATION AND ALLOCATION OF FUNDS

A. Initial projects (years 2000 to 2003) will seek private financing, through corporate and individual donations to the city of Key West, Art in Public Places Program, with the objective of stimulating the community's interest in public art.

B. Upon approval of each site-specific proposal, the Board will week full funding for the artwork through contributions from the private sector. Full funding includes the costs of creating and installing the artwork, plus projected insurance and maintenance expenses through 2003; it also includes administrative and fundraising expenses. Administrative and fundraising expenses should total no more than one-quarter of an artwork's total projected cost.

C. Two-thirds of the total projected cost for each artwork above must be raised before initiating its construction.

- D. For later projects (years 2003 and beyond), in the event the City should decide to enact an ordinance dedicated revenue sources, these sources may include, but not be limited to: Tourist Development Council funds, and % for art set aside in a major public and private commercial development and redevelopment. * Other funding sources may include a commercial real estate transfer tax, cruise ship revenues and entertainment tax revenues. It is recommended that established and recurring public funding will have goals of \$10 per capita/year by 2003, and \$25 per capita/year by 2010. **
- E. All art approved by the Arts Board and commissioned by the City shall be acquired in the name of the City of Key West and title thereto shall vest in the City. Artists shall not be considered City employees, and purchased or commissioned artwork is not a work for hire. Artists' original artworks are protected by statutory copyright, and copyright is completely separate from ownership of a physical work, but contracts for the purchase of artworks will seek to apportion equal compensation to artists and the City of Key West for any secondary reproduction rights.
- F. The Art in Public Places Board shall make periodic reviews, at least annually, of all AIPP projects. This review shall occur during the City of Key West's annual operating budget process, for the purposes of making recommendations to the City Manager regarding appropriations for works of art and art projects.
- G. A public art fund shall be established by the City of Key West for the purposes of administering the Art in Public Places Program. Public art funds shall be used for the selection, acquisition, installation, and substantive structural repair and maintenance of art and art projects commissioned and/or purchased through Art in Public Places Program. All appropriations to and allocations from public art funds shall occur in accord with any legal restrictions associated with the source of funds.
- H. The City Commission or its designee shall authorize all disbursements from the public art fund.

*Art in Public Places for the City of Austin is funded through 1% for art set-aside; Broward County, Florida has 2% for art set-aside

**By comparison, the City of Santa Fe, New Mexico currently collects \$26 per capita/year for public art.

V. DEVELOPMENT OF AN ART IN PUBLIC PLACES PROJECT

Art in Public Places projects may occur in, at, or near public buildings, parks, and open spaces. These may be sites which are under development or existing sites where construction is complete. The Art in Public Places Board shall on an ongoing basis actively explore potential sites for Art in Public Places projects. In this, the Board shall seek the input of various City Departments as well as the community at large, to identify both future planned and existing sites. Once an Art in Public Places project is developed, information will be disseminated, as appropriate through the media and mailings, well in advance of the selection process to provide artists adequate time to prepare any necessary submissions.

For sites under development, it is preferable to involve the artist in the earliest phases of the design process to ensure a totally integrated solution. Therefore at the earliest time possible, all City Departments shall inform the Art in Public Place board of proposed or planned eligible construction projects. This will allow the Art in Public Places Board time to adequately review the projects' potential for incorporation of artwork and to plan for an appropriate artwork project. The department responsible for an eligible construction project shall subsequently keep the Board apprised of the selection of the project Consultant. Additionally, provisions to the artwork project, shall be appropriately included in the design program for the construction project. The development of an Art in Public Places project and subsequent selection of an artist shall commence immediately upon the selection of the project Consultant.

Once a project is developed, the Art in Public Places Board shall recommend a Coordinator from the existing Board, city staff or paid consultant. The Board shall recommend to the City Commission, in the form of a written prospectus, the overall approach and selection process for each artwork project. This prospectus will strive for a solution that will allow for the artwork, whether purchased for commissioned, to be appropriate to the particular project site. This prospectus can provide for the direct purchase of an existing work(s) for art, or the selection of an artist (so to participate in a design team approach with the project consultant).

A. The Art in Public Places Coordinator shall research the background of each eligible project, consulting with the user department, project consultant, project manager, and community representatives. This information shall be recommended to the Art in Public Places Board for finalization in the form of parameters regarding:

1. Recommended format for participation of the artist in the construction project's design process and/or media.
2. Recommended location(s) within the site. Sitting of the artwork may be determined prior to the selection of an artist or proposed by the artist selected for the project. In the case of sites under development, it is preferable to allow the artist and the project consultant to coordinate the location of the artwork within the construction project. In the case of existing sites where

construction is complete the final location shall be determined by agreement between the City departments involved and the Art in Public Places Board, with the appropriate approval of any Boards or Commissions. In either case, whenever possible, the artist selected should be given the opportunity to recommend site of the artwork.

3. Maintenance of the assessment of the potential for vandalism and/or an accidental damage at the project site.
4. Recommended residency requirements for artists during the course of the project based on the suggested format for participation of the artist in the design process.

B. The Art in Public Places Board shall, with the assistance of the Coordinator, determine the method of artist selection to be used for each project. The method of artists selection employed and the determination as to how that method is to be implemented will depend upon the Board's overall approach to each project and its commitment to fulfilling all aspects of the stated intent of the Art in Public Places Program.

1. The Art in Public Places Board shall establish and maintain an open registry for all artists interested in being considered for commissions through the Art in Public Places Program. The registry shall serve as a resource in the competitive selection of artists/artworks.
2. The Art in Public Places Boards shall maintain the following general guidelines regarding the methods of artist/artwork selection, which may be employed for a particular project:
 - a) Open Entry competition- any artist is eligible to enter, with recognition of the possible residency requirements. The site and prospectus are appropriately advertised. Artists may be asked to submit slides or past work, resumes, and letters of intent related to the specific project or specific proposals for the project under review.
 - b) Limited Entry Competition – The jury invites a limited number of artists to participate in the selection process. The artists selected may be asked to submit slides of past work or proposals based on the project prospectus. The names of the artists invited to participate shall be publicly announced upon receipt of written acceptance of the invitation.
 - c) Direct selection of the Artist – An artist is invited to participate in the project and may be asked to develop a proposal for the project. If desired a team of several artists may be put together.

- d) Direct Purchase of an Existing Artwork – A completed work of art is purchased. No more than ten percent of the cost of the work may go toward a dealer or agent.
- 3. In the case of a limited competition and direct selection, an artist may be asked to develop an artwork proposal for a specific Art in Public Places project. If asked to develop a proposal, an artist may be paid a proposal fee on the basis of an approved fee schedule. This schedule shall be determined by the Art in Public Places Board and consist of a sliding schedule based on the total project commission.
- C. The Art in Public Places Board shall determine the jury format most appropriate to each project, to include the number of jurors the necessary expertise and recommended jurors.
- D. The Art in Public Places Board shall then recommend to the City Commission, in the form of a written prospectus, the overall approach to the project including the method of artist selection and the format for jury selection. The City Commission shall subsequently review the prospectus in an expedient manner (preferably at the next full meeting of the Commission), so as to ensure the timely selection of an artist.

VI. JURY SELECTION AND RESPONSIBILITIES

For each Art in Public Places Project an independent jury shall be established for the purposes of making an artist/artwork recommendation. The following guidelines shall be used by the Art in Public Places Board in the development of a jury for each project and in determining the jury's responsibilities.

- A. The Arts in Public Places board shall establish a file of potential jurors containing information on the experience and expertise of qualifying individuals to serve in this capacity.
- B. The Art in Public Places Board shall have the option of constituting itself as a jury. No gallery owner, dealer, or art agent with a potential for financial gain may serve as a juror due to the potential for conflict of interest. No invited juror may serve more than once in any two-year period, in an attempt to bring a diversity of interests to the selection process and to more precisely match the expertise of the jury member to each project.
- C. The art in Public Places Coordinator for each project shall facilitate the selection of the project's jury and subsequently serve as staff to that jury.

- D. Each jury shall be comprised of either three or five jurors, depending upon the size and complexity of the individual project.
- E. Each three member jury shall include at least one visual artist, and each five member jury shall include at least two visual artists. Other jurors shall be chosen from among the fields of visual art professionals. Additionally each three member jury shall include at least two AIPP Board members; each five member jury shall include at least three Board members, one non-Board member associated with the project plus an arts professional.
- F. Each jury may be aided by a non-voting advisor. This advisor may be appointed by the Art in Public Places Coordinator on a project-by-project basis. The advisor may be a person connected with those who will be in constant contact with the facility where the artwork will be placed, work this individual may be a City employee or a community representative, depending on the nature of the project. The advisor may be the project manager, the project consultant, or a representative of the user department.
- G. Jurors serve without payment for professional services rendered. Compensation for any travel, food and lodging expenses shall be in accord with the City policy.
- H. The Art in Public Places Board shall issue written instructions to jurors detailing the jury's duties and responsibilities relating to the project, prior to the first meeting of the jury. These instructions shall outline the method by which the jury is to make its selection as well as the technical and aesthetic criteria on which the selection is to be based. The jury shall adhere to these written instructions and criteria in making its recommendation.
- I. The Art in Public Places Board, in consultation with a representative from the project site, shall determine the overall budget for the selection of an artist and the commission of a work of art, prior to the first meeting of the jury. This budget shall be recommended for approval to the City Manager or his designee. This budget shall be based on the scope of the project and the proposed method of selection. Expenses related to the selection of an artist will be kept to a necessary minimum as required by each project. The Jury shall adhere to this budget, except in the instance where it is proven to be inappropriate, at which time the initial budget may be altered to accommodate the new conditions, subject to the approval of the City Manager or his designee.
- J. Each juror shall have one vote, with no juror possessing the right to veto. If a consensus cannot be reached by the jury within a reasonable amount of time, as determined by The Art in Public Places Board and the

Coordinator, then a vote shall be taken with the majority carrying the decision.

- K. The jury shall have the option of making no recommendation, if there is no proposal judged to be of sufficient merit. In such instances the matter shall be referred back to The Art in Public Places Board for resolution, which may include a new selection process or the abandonment of the project.
- L. Artist's proposals for AIPP projects will be made available for viewing in a public venue prior to selection by the jury.

VII. CRITERIA FOR SELECTION OF ARTISTS AND/OR ARTWORK PROJECTS

- A. All Art in Public Places projects are open to any professional artist, within a project's possible residency requirements as delineated by The Art in Public Places Board. Members of the project consultant's firm or anyone employed thereby, members of the jury, or employees of the City of Key West shall be excluded from consideration.
- B. Artists shall be selected on the basis of the appropriateness of their proposal to the particular project and its probability of successful completion, as indicated by the merit of their past work. In the case of the design team approach, an artist's willingness to fully participate in a collaborative process shall also be considered a criteria for selection. All Art in Public Places Projects are budgeted for a pre-determined amount.
- C. In making its selection, the jury shall bear in mind the purposes of the Art in Public Places Program, always aiming to achieve the highest aesthetic quality.
- D. The jury shall, in making its selection, give due consideration to the appropriateness of the proposed design in terms of its scale, form, content and design with respect to its immediate and general, social and physical environment.
- E. The jury shall also give due consideration to the proposed design its materials and construction for questions of durability, maintenance, public access, appropriateness, safety, and security.
- F. The aforementioned criteria are the minimum aesthetic criteria on which the jury shall base its selection. Other criteria may be established by the Art in Public Places Board as dictated by a project's particular

requirements. Any additional criteria shall be outlined in the jury's written instructions.

VIII. REVIEW OF THE JURY'S SELECTION

The Jury's recommendation shall be transmitted to The Art in Public Places Board in the form of a written report. The preparation of this report shall be facilitated by the Art in Public Places Coordinator. In reviewing the jury's recommendation the Art in Public Places Board and the City Commission shall take into account the Art in Public Places Program's goal of developing a diverse collection, its commitment to the jury process and the role of the board as a bridge between the arts community and the City of Key West. These considerations should outweigh individual aesthetic preferences in the Board's and the City Commission's review of the jury's selection.

- A. As stated in the Ordinance, it is the initial responsibility of The Art in Public Places Board to recommend the placement of works of art and art projects. The Board shall review the jury's recommendation to determine if the process for selection was properly implemented, if the jury responded appropriately to the project's prospectus, and if the recommendation satisfies the intent of the project. If the Board determines that the procedure for the selection was improperly implemented, the Board shall have several options including returning the matter to the jury for clarification, requesting that the jury recommend a different artist, developing a new program or convening a new jury panel.

Prior to the Board's recommendation being forwarded to the City Commission, the user and managing departments responsible for housing the work shall be requested to view the proposal for technical feasibility and maintenance expenses. In cases where legitimate problems are demonstrated to the satisfaction of The Art in Public Places Board, the jury may be reconvened select an alternate work.

Once the jury's selection is approved by the Art in Public Places Board, it will be recommended to the City Commissioner for a formal vote.

- B. The Board shall review the recommendation of the jury on the basis of procedural matters, to ensure that the prospectus, as approved by the jury, was appropriately responded to through the selection process. In the event that the Board has questions regarding the selection process, those questions shall be referred in writing, back to the jury for clarification.
- C. The Board's recommendation shall be forwarded to the City Commission or the City manager, as appropriate, in the form of a proposed contract for the purchase or commission of a work of art. The City Manager or City Commission shall, in keeping with the City Charter, determine if the

proposed contract is consistent with all relevant Ordinances and City purchasing policies.

In the instances that the Arts Board's recommendation is disapproved, the matter shall be returned to the Arts Board for further review.

IX. PROJECT IMPLEMENTATION AND DOCUMENTATION

- A. Upon approval of the Arts Board's recommendation by the City Commission, the City of Key West shall contract with the artist(s) for services or for the purchase and installation of a specific artwork. In general, Art in Public Places project contracts shall require the artist(s) to produce, deliver, and install a work of art for a guaranteed maximum cost and by a predetermined time which is in keeping with the construction project schedule. The artist shall submit a written maintenance schedule designed to protect the integrity of the work. Depending of the nature of the project, performance by the artist may be contractually ensured through phased payment for work completed and/or professional liability coverage. The Coordinator shall work with the artist to determine the appropriate budget for a each project to ensure that all necessary costs are met, and the Art in Public Places Board shall approve the final budget. In addition, the artist may be asked to make a public presentation at an appropriate time and in an appropriate forum in the community where the work is to be sited.
- B. Prior to the construction of a work of art, its final design must be approved by both the Art in Public Places Board and the City Commission. In the case of an artist who has contracted with the City Of Key West to produce a specific work of art, approval of the design prior to the signing of that contract shall be considered sufficient. If, however, the design changes substantially from that which was initially approved, the artist must return to the Board and Commission for subsequent review. The Art in Public Places Board and Coordinator shall have full authority to determine what constitutes a substantial change in design.

In the case of a design team approach, it shall be the primary responsibility of the artist and the project consultant to collaborate on the design of artwork and its relationship with the site. The artist shall be required to bring the design, in its formative stages, back to Art in Public Places Board for review. This review shall appropriately parallel the consultant's presentations of schematic, design development, and construction document to the user and managing departments. The state at which final approval of the design occurs will carry from project to project and shall be specifically set out in the artist's contractual agreement with the City of Key West.

- C. All project consultants expressing interest in an eligible construction or renovation project shall be advised of the Art in Public Places Program requirements and guidelines. The consultant selected and appropriate City representatives shall work closely with the Coordinator in the development of the artwork project and with the jury in the selection of the artist/artwork. The consultant shall incorporate the requirements of the work of art in to the construction documents, including time of delivery and installation.
- D. On site activity in connection with the installation of artwork shall be handled by the artist, the Art in Public Places Coordinator, and the appropriate City representatives within the departments having jurisdiction over the site and/or construction.
- E. The Art in Public Places Coordinator shall function as a liaison between the artist and the various City Departments involved in the completion of each artwork project. In instances where construction matters cannot be resolved between the artist and the consultant, the project manager shall have final authority.
- F. The Coordinator shall establish and maintain appropriate records on each project, which shall include the contract with the artist, records of the Board's and Commission's actions, interdepartmental agreements all billings made in connection with the project and all correspondence related to the project. In addition, the Coordinator shall maintain records particular to the project to ensure adequate standards of documentation, registration, care, and installation of the artwork.

X. MAINTENANCE OF WORKS OF ART

- A. The Art in Public Places Board shall make an annual review of the City's Public Art Collection for the purposes of a maintenance needs assessment. The Board, through the City Commission, shall communicate those needs and the appropriate actions required to mete those needs to the various user departments.
- B. The works of art acquired through the Art in Public Places Ordinance become the property of the city of Key West and may be held in trust by the User Department, or as determined by the City Manager. Therefore, the expenses associated with the routine maintenance and operation of each artwork shall be incurred by the user department and considered to be part of the routine maintenance of the facility, or as determined by the City Manager. Routine maintenance shall be understood to include such things as the periodic cleaning of a work and operational costs such as water in the case of a fountain. The appropriate department shall refer to the artist's written maintenance schedule for appropriate materials and techniques.

Any substantive repair of the work, such as structural repair, shall be considered to be an expense of the relation Public Art Fund. No substantive maintenance or repair work shall be performed by the appropriate department without the prior written consent of the Art in Public Places Board. Additionally, the appropriate department shall not move any work of art from the site for site it was selected, nor remove it from display, without the prior written consent of the Arts Board and in conformance with legal restrictions regarding the source of funds for that work of art. *Specifics to be determined upon City Commission approval of dedicated revenue sources.*

- C. So far as practical, in the event repair of the artwork is required, the City shall give the artist the opportunity to do that work for a reasonable fee. Disputes concerning what constitutes a reasonable fee shall be settled by the Arts Board. If the artist declines to perform the needed repairs for such a fee, the City may solicit bids from qualified conservators and award a contract to the conservator presenting the lowest and most responsible bid.

XI. ELIGIBLE COSTS FOR ART FUND MONIES

- A. All Art in Public Places contracts shall require the artist to design, produce, deliver and install a work of art for a guaranteed maximum cost. This cost may include the cost of the work itself and any associated costs, which may be required by the City of Key West, or inherently related to the implementation of the project. Therefore the following costs are eligible expenditures for the art fund monies included in the total project commission:
 - 1. The work of art itself, including but not limited to:
 - a) Artist's design fee;
 - b) Additional labor, materials, and contracted services required for the production and installation of the work;
 - c) Artist's operating expenses related to the project;
 - d) Travel related to the project;
 - e) Transportation of the work to the site;
 - f) Installation of the work.
 - 2. Identification plaques and labels.
 - 3. Frames, mats, mountings, anchorages, containments, pedestals, or materials necessary for the installation, location, or security of the work or art.

4. Photographs, or slides, of the completed work for the purposes of routine documentation of the project.
 5. Permits, or fees, necessary for the installation of the work of art.
 6. Legal costs directly related to the project.
- B. In addition to the actual costs associated with the Art in Public Places Board, the art fund monies are by these guidelines to be used for the selection, acquisition, and maintenance of the work of art commissioned or purchased through the Art in Public Place program. Therefore the following items are eligible expenditures of the art fund monies:
1. The project specific costs of the Art Public Places Program associated with the selection and acquisition of artwork.
 2. Jurors serve without payment for professional services rendered. Compensation for any travel, food and lodging expenses shall be in accord with City policy.
 3. Payment for artists invited to submit proposals for a project.
 4. Substantive structural repair and maintenance of the works of art commissioned through the Art in Public Places Program.
 5. General administrative costs of the Art in Public Places Program not directly related to a specific project.

XII. INELIGIBLE COSTS FOR ART FUND MONIES

- A. Directional elements such as supergraphics, signage, or color-coding except where these elements are integral parts of the original works of art.
- B. Art objects which are mass-produced or standard design such as playground equipment or fountains.
- C. Reproductions by mechanical or other means, of original works of art, except in cases of film, video, photography, printmaking, or other media arts.
- D. Decorative, ornamental, or functional elements, which are designed by the building consultant, as opposed to an artist commissioned for the purpose.

- E. Landscape architecture and landscape gardening except where these elements are designed by the artist and are an integral part of the work of art by the artist.
- F. Services or utilities needed to routinely operate or maintain the artwork over time.
- G. Project Consultant's fees.
- H. Modifications in or improvements to building surfaces or structural elements of the building.

XIII. REVIEW SCHEDULE

These guidelines are subject to an annual review from the passage of the ordinance.

XIV. DONATIONS POLICY

STATEMENT OF PURPOSE

The City of Key West is committed to building a collection of high quality public art that reflects the artistic and cultural diversity of Key West for the enjoyment and enrichment of citizens and visitors. In 2000, the Art in Public Places (AIPP) program was established to commission and purchase public art for new or remodeled city buildings and parks. In addition to artworks acquired through the Art in Public Places program, the City of Key West encourages donations or loans of art for public places. When gifts or loans of major artworks are proposed for placement with any City of Key West agency or department, such proposals shall be reviewed by the Art in Public Places Board and the City Commission, using the same criteria applied to the public art commissions undertaken through the Art in Public Places program. Representatives of the receiving city agency or department and the community are encouraged to participate in the review process. The objectives of this policy are:

- ❖ To Provide uniform procedures for their review and acceptance of gifts and loans of works of art for the City of Key West;
- ❖ To maintain high artistic standards in works of art displayed by the City of Key West;
- ❖ To vest in a single City board the responsibility for insuring the management and maintenance of the City's public artworks;
- ❖ To facilitate planning for the placement of works of art in City facilities; and,
- ❖ To facilitate appropriate recognition of the artists and donors of works of art to the City of Key West.

ARTWORK DONATION & LOAN REVIEW CRITERIA

The Art in Public Places Board shall review proposed gifts (or loans) of works of art according to the following criteria:

1. Aesthetic

- a) Artistic merit of the work of art, including consideration of its artistic, social, and/or historical significance, as evidenced by the Artwork Donation Proposal (which includes a written description and drawing and/or model for the proposed artwork.)
- b) Artist's qualifications, as evidenced by the Artwork Donation Proposal (which includes slides/photographs of past work, resume, references, and published reviews.)
- c) Compatibility of the work of art within the context of the City of Key West Art in Public Places Collection.
- d) Warranty of originality of an existing artwork (only original works or limited editions shall be considered.)
- e) Provenance for an existing artwork.

2. Site

- a) Appropriateness to the proposed site with respect to its immediate and general social (audience) and physical (neighborhood)
- b) Scale, form, content, color, and design of the artwork in relation to the site. (NOTE: Some city districts, such as the historic district, may have specific design criteria or special conditions.)
- c) Ecological impact (i.e. percentage of impervious cover, etc.)
- d) Accessibility to the public, including persons with disabilities
- e) Text components (i.e., signage and/or plaques)

3. Installation

- a) Site requirements for installation (i.e. electricity, lighting, water, or other services)
- b) Method of installation
- c) Storage requirements, if any
- d) Maintenance requirements

4. FINANCIAL (Responsibilities of Donor/Lender)

- a) All costs associated with fabrication and installation (including site preparation, plaque and unveiling/dedication event, if any)
- b) Source of funding and date funds are available
- c) Estimated annual maintenance costs

- d) Amount and source of funding for annual maintenance costs (NOTE: The City of Key West may assume responsibility if maintenance requirements are anticipated to be under \$100 annually.)
- e) Statement of value of artwork for insurance purposes (i.e. artist's commission contract amount or professional written appraisal of existing artwork.)
- f) Recipient(s) of revenues generated by any collateral material other than that used for educational purposes (i.e., will revenues be allocated to the City of Key West to defray annual maintenance costs?)

5. *Liability*

- a) Susceptibility of the artwork(s) to normal wear to vandalism
- b) Potential risk to the public
- c) Public access, in general, as well as compliance with ADA requirements
- d) Special insurance requirements

6. *Timeliness*

- a) Allowance of sufficient time for normal review process by the Art in Public Places Board, the City Commission, and any other agencies or departments involved
- b) Timely and appropriate response to Art in Public Places Board and staff requests for additional materials or information

7. *Special Conditions*

- a) Any conditions of the gift (or loan) imposed by the donor
- b) Donations/ Loans that contain advertising will not be considered.

EXCEPTIONS TO THIS POLICY

- a) Gifts of State may be accepted by the City Commission and/or City Manager without the benefit of this review, according to the City of Key West Purchasing Policies; however, the Art in Public Places Board shall be notified of acceptance of such donation or loan (in order to accession and insure the work) and may be consulted to recommend appropriate siting, an annual maintenance program, etc.
- b) Portable artworks on short-term (30 days or less) loan to the city of Key West shall not be subject to review under this policy.

REVISIONS TO THIS POLICY

The Art in Public Places Board may review this policy annually and make recommendations for revisions to the Key West City Commission as needed

ART DONATION/LOAN PROPOSAL FORM (sample follows):

CITY OF KEY WEST

ARTWORK DONATION/LOAN PROPOSAL

Please read the City of Key West Art in Public Places Artwork Donation & Loan Policy before preparing your proposal. In order to facilitate the review process, please provide information that specifically addresses the Artwork Donation & Loan Review Criteria.
If you have any questions please call (305) 809-3844

DONOR/LENDER INFORMATION

Name(s):

Please check one: Individual(s) ☐ Corporation ☐ Non-Profit ☐ Other (Please Specify) ☐

Address:

City/State Zip:

Telephone (day/eve/fax):

e-mail:

Contact Person:

TYPE OF PROPOSAL

(Please Check One):

- ☐ Donation of artwork to be commissioned
- ☐ Donation of existing artwork
- ☐ Loan of existing artwork

PROPOSAL ATTACHMENTS

- *NARRATIVE PROPOSAL* including concept, media, dimensions, site preference, total estimated budget, source of funding, timeline for completion, plaque or signage text, site preparation requirements, method of installation, annual maintenance requirements and costs. For existing artworks also include warranty of originality and provenance. For loans please also include duration and terms.
- *PHOTOGRAPH and MAP OF SITE* (If a site has not been identified, please describe type of site preferred.)
- *PHOTOGRAPH, DRAWING, and/or MAQUETTE* of artwork, preferably shown in the proposed site (for existing artworks or loans, please provide a slide or photograph of the artwork).
- *ARTIST'S RESUME and REFERENCES (STATEMENTS and REVIEWS are optional)* If an artist has not yet been selected, please describe the method that is planned or you may request assistance from the Art in Public Places program.
- *ARTIST'S SLIDES* showing work completed during the past 3 years.