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The AIPP Program, to be housed within the Planning Department of the City of Key West, shall be staffed by an Administrator and governed by a Board of Directors.

The Art in Public Places Program is established under City of Key West Ordinance Sec. 2-481 through 2-487 ([Appendix A](#)) and as such shall be governed by the language therein.

Additionally, the following programmatic operating guidelines shall also apply.

PROGRAM PURPOSE AND INTENT:

"To encourage the inclusion of works of art in public and private construction projects in 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 Program shall strive to stimulate the vitality and economy of the city by enhancing the visual beauty of the city and contributing to making the city the "island of the arts."

Sec. 2-487, (a)

It is the goal of the Program to expend private and public funds on works of art and art projects of redeeming quality that advance public understanding of art and enhance the aesthetic quality of public places."

Sec. 2-487, (a)

The achievement of this goal shall be supported through the following activities:

- 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;
- The nurturing of the artistic vitality of the City of Key West through the encouragement of local artistic endeavors;
- The encouragement of public dialogue which increases public understanding and enjoyment of art, through appropriate public education forums and programs;
- The encouragement of public interaction with public places, via the placement of works of art;
- The commission of a broad range of works of art, reflective of the overall diversity of current works in the field of art;
- The commission of works of art carrying in style, scale, medium, form and intent representative of the local, regional, national, and international arts communities;
- The encouragement of artists to reach creative solutions to the aesthetic problems they may be commissioned to solve;
- The broad distribution of commissions among artists;
- The broad geographic distribution of works of art in the City of Key West;
- The encouragement of true collaborative efforts between artists; and architects, engineers, landscape architects, and planners.
- The Board shall make recommendations to the City Commission as the budgeting

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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.

BOARD OF DIRECTORS

Per Ordinance Sec. 2-481 through Sec. 2-484, the Program shall have an appointed Board consisting of delegates from each City Commissioner and the Mayor of the City, who shall serve for the length of their appointers term.

➤ MISSION

"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."

<http://www.cityofkeywest-fl.gov/departments/board.php?structureid=34>

- Per the Ordinance Sec. 2-487, (c), 3., c., "In-lieu funds ... may be used only for the following purposes: acquisition, administration, personnel, grants, matching funds, proposals, activities, programs, projects, commissions, installation, and maintenance of art in public places".
- Per Sec. 2-486, (4), the Board shall limit the amount of dollars spent on art/cultural activities, programs and events to no more than fifteen (15) percent of the one (1) percent set aside funds in a fiscal year and shall demonstrate high standards of financial stewardship in allocating public funds for community needs and interests relevant to their established mission.
- The expenditure of such funds shall require a Board vote by quorum; four members of the art in public places board shall constitute a quorum per Sec. 2-484, (a).

➤ ANNUAL REPORT

Collectively, the Board will submit an Annual Report through the Program Administrator to the City Commission, which shall be made public record. The monthly Administrator's Reports, monthly Meeting minutes, and other relevant documents will form the foundation of the Board's Annual Report to the City Commission.

This report will include an annual inventory of existing public art by City District, to be conducted by each Board member with respect to their appointment and shall be supported by the Program Administrator.

➤ PUBLIC ART INVENTORY

The Program Administrator will conduct the annual inventory with each member through the following process:

- Schedule a planning meeting to determine a walking, bike, or vehicular route through the delegate's District

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- Conduct and document research required prior to the scheduled planning meeting and follow up with additional research after to the planning meeting
- Compile all relevant pre-visit research in to a one-pager
- Conduct inventory via pre-determined route
- Document each piece with a minimum of three photographs which depict its size, color scheme, dimensions, location, and any special features
- Record the specific address for GIS mapping project
- For each location and art piece: record the year, the artist, and the title (this information may be identified and collected in the pre-visit research)
- Document any identified maintenance or repair needs and conduct follow up with project contact

➤ CONFLICT OF INTERESTS

Board members shall at no time accept payments from, or enter into contracts with, any of the projects participating in the AIPP Program and process, and shall be ineligible to submit proposals, qualifications, or responses to calls for artists for any projects under the AIPP Programmatic Operating Guidelines.

Any such collaboration is considered a direct conflict of interest. Upon relinquishment of a Board seat a member remains ineligible to accept payments from or enter into contracts with any of the projects participating in the AIPP Program and process, and to submit proposals, qualifications, or responses to calls for artists for any projects participating in the AIPP Program for a period of 18 months.

Board members shall make known in writing to the AIPP Administrator any real or perceived conflicts of interest they may have with either discussion or action items presented on their Board Meeting Agendas. In the event that a Conflict of Interest is found to exist

PROGRAM ADMINISTRATOR

In fulfillment of the requirements of Sec. 2-485, the Planning Department Director, representing the City Manager's Office, shall hire an Administrator and shall be the direct supervisor of the Administrator. The Administrator will be considered an employee of the City of Key West and serve as the liaison between artists, architects, contractors, developers, city departments and community groups in the process of public art projects.

The job duties and responsibilities of the Administrator include, but are not limited to the following:

- Document the process for participation in the AIPP Program ([see Appendix B](#))
- Ensure adherence to the standards set forth in the approved ordinance, Sec. 2-481 through 2-487, and the related programmatic operational guidelines and compliance with the requirements thereof
- Serve as an administrative coordinator for Arts in Public Places (AIPP)
- Keep and monitor the AIPP calendar to ensure that meetings and appointments are coordinated
- Accurately type reports, routine correspondence, and other departmental documents
- Set up, and maintain, all computer, electronic and paper files, so as to ensure the smooth handling of all AIPP business.
- Attend assigned board meetings to ensure an accurate account of minutes is kept
- Recommend, develop, and disseminate Requests for Proposals and Calls for Artists for public art project opportunities.

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- Conduct the selection process for art and artwork by recruiting qualified jurors, scheduling meetings, preparing materials for review, providing orientation for participants and facilitating interviews, discussions and selection
- Identify and oversee maintenance needs of the public art collection to include annual assessment of the collection and manage contracts for the repair of artworks (for items under City Ownership); collaborate with Community Services to execute regular (quarterly, semi-annual, annual, or bi-annual- consult Board to develop plan) maintenance schedule
- Manage the artwork donation process (from proposal to installation) and coordinate with user departments and stakeholder groups
 - Donations:
 - Require separate accounting for
 - Shall be accepted only when intended for the purpose of acquiring and installing art in public places
 - May be utilized for acquisition, administration, personnel, grants, matching funds, proposals, activities, programs, projects, commissions, installation, and maintenance of art in public places
 - Shall be governed under the Programmatic Operating Guidelines of the AIPP Program and be subject to the regulations of City-owned Public Art
 - All donation acceptance recommendations of the AIPP Board shall be subject to legal review and City Commission approval
- Recruit program participants and provide education and information through different outlets
- Manage contracts and monitor compliance of insurance and engineering requirements
- Be responsible for all phases of contracts with artists to include draft, negotiation, execution and administration
- Manage project artwork budget and provide updates
- Develop and maintain paper and electronic files, databases, visual archives, publicity materials and web resources
- Determine appraisal and insurance needs for all Public Art pieces owned by the City of Key West (criteria shall include: the item's worth based on the value of the art at the time of installment, improvements to the installation, normal weathering and time degradation of the work, the recognized value of other works by the same artist, items with an estimated value of \$50,000 or more shall be valued by a professionally certified art appraiser and appropriately insured as an administrative responsibility of the Program)
- Develop and execute appraisal and insurance contracts utilizing the approved procurement processes of the City of Key West
- Provide grant writing and fundraising
- Provide information, as needed, to the Art in Public Places Board and in turn implement program recommendations
- Provide correspondence with applicants and other program participants
- Attend annual FAPAP conference as a representative of the Program, the City, the Board, and the Arts Community
- Provide a presentation summarizing the annual FAPAP experience

Clarify process for Administrator to verify collection of fees in the appropriate amounts

➤ ADDING ITEMS TO THE MONTHLY AIPP BOARD MEETING AGENDA

The AIPP Administrator requires 5 days advanced notice for submission of items for inclusion on AIPP Board meeting agendas; for meetings held the second Monday of each month, agenda items

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should be submitted to the Administrator for inclusion on AIPP Board meeting agendas no later than 12 noon on the Thursday preceding the meeting, except when other arrangements have been made. Items submitted after 12 noon on the Thursday preceding the Board meeting will require special arrangements with the Administrator for inclusion and should be emailed with all relevant attachments as soon as is feasibly possibly.

PROCESS FOR INITIATING AIPP PARTICIPATION

Being present at the Development Review Commission Meetings, the AIPP Administrator will alert applicants for Major Development Plans to the AIPP participation requirement verbally at their initial DRC presentation. A contact person for the project will be established and the AIPP Administrator will be responsible for providing the contact person with an introductory email outlining the requirements and process for participation. This method of introduction will be the same for both City-owned and Private development projects. The introductory email will include the relevant language from the AIPP Ordinance, including the Art Plan Requirements, which must be followed to become AIPP compliant.

For City-owned Development Projects

- Costs determined
- 1% fee established
 - If lead department or entity within the City has a Plan for Public Art, the AIPP Admin will work with the City entity to develop it to meet with Board Approval
 - If the lead department or entity within the City does not have a plan but would like one, the AIPP Admin and AIPP Board will work together to implement the process as described in the ordinance
 - If the lead department or entity within the City does not have a plan and elects to opt out of the Public installation process, the fees will be set aside and the Board given the option to recommend to the City an approved Art Plan originating from the Board; such Plan must meet with approval of the Boards associated with the location and proposed activity, including but not limited to HARC and Tree.

For AIPP Projects not related to a Major Development Plan a proposal must be submitted to the AIPP Board for approval using the following template:

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Key West Art in Public Places Project proposal

Suggested name AIPP project:		
Brief description:		
Tentative budget:	Overall cost \$	Estimated Income: Fundraising \$ Donations \$ 1% \$ City's general fund \$
	Total: \$	Total \$
Estimated time line:		
Suggested location(s)		
Project needs approval from:	<input type="checkbox"/> City Commission <input type="checkbox"/> HARC <input type="checkbox"/> Tree Commission <input type="checkbox"/>	

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Use this form for proposed projects not associated with an existing major development plan.

DONATION 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 through the appropriate staff channels or the public comment process at the monthly AIPP Board meetings.

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.

DONOR AGREEMENT

The City of Key West shall enter into a Donor Agreement with any and all parties wishing to donate art to the City of Key West's Art in Public Places Program. The Donor Agreement document shall be accompanied by the following materials:

- a detailed Art Plan which meets the general requirements as outlined in sec 2-487, (c), (3) of the City of Key West Municipal Code of Ordinances
- Certificate(s) of appraisal declaring the value of the work for insurance purposes

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:

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.)

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- e) Provenance for an existing artwork.

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)

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

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?)

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

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

SPECIAL CONDITIONS

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

ADDITIONAL APPLICABLE REVIEW CRITERIA FOR DONATIONS

- A. All Art in Public Places donation based projects shall be reviewed and considered by The Art in Public Places Board.

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B. Donations shall be approved for receipt on the basis of the appropriateness of the donor's proposal to the particular project and/ or proposed location, the probability of successful installation and maintenance, the aesthetic value added to the AIPP program or to the community-at-large by the acceptance of the donation, and the long term resiliency of the piece as Public Art.

C. In making its selection, the Board shall bear in mind the purposes of the Art in Public Places Program, always aiming to achieve the highest aesthetic quality.

D. The Board 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 Board shall also give due consideration to the proposed design's materials and construction for questions of durability, maintenance, public access, appropriateness, safety, and security.

F. The aforementioned criteria are the minimum aesthetic and practical criteria on which the Board shall base its deliberation over the acceptance of a donation to the AIPP Program. Other criteria may be established by the Art in Public Places Board, the Administrator, or relevant City Departments, as dictated by the particular requirements of the donation or donor.

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 (available upon request).

CONTACT: Art in Public Places Program, City of Key West Planning Department
AIPP Administrator, Vicki Boguszewski, vboguszewski@cityofkeywest-fl.gov, (305) 809-3779

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Donation Agreement

This AGREEMENT is made and entered into this ____ day of _____, 201_, by and between donor or donor representative name and address, hereafter referred to as the "DONOR", the City of Key West, Florida, a municipal corporation of the State of Florida, whose address is 1300 White St., Key West, Florida 33040, hereafter referred to as the "CITY". This agreement shall be effective on the date of execution of the last party to sign the AGREEMENT.

WHEREAS, DONOR desires to donate to the CITY describe the items to be donated, the location for the installation of such items, and

WHEREAS, CITY desires to accept the donation of items to be accepted as donation and recognition of any associated donated funds

WHEREAS, the parties wish to reduce to writing the rights and responsibilities of the parties.

IN CONSIDERATION of the mutual promises and covenants contained herein, the parties agree as follows:

Article 1. Obligations of the Donor

1. DONOR, at his sole cost and expense, will detailed description of offer being proposed Prior to installation, the design and scope of the donation and commemorative plaque/monument will be approved by the CITY and the Art in Public Places Committee. DONOR shall be responsible for obtaining all necessary permits and other approvals for the installation of the donation.
2. In addition to the construction and installation of the donation and commemorative plaque/monument, DONOR shall donate the sum of \$_____ to the CITY, which sum shall represent the anticipated operating expenses, including, but not limited to, list the anticipated items for which costs would be accrued and funds allocated for the length of time funds are expected to support the work period commencing on the effective date of this Agreement. Included in this sum shall be amount required for de-installation of work reserve for the removal of the fountain in the event CITY elects to remove the donation and commemorative plaque/monument as provided for herein below.
3. With the assistance of support entities or donor partners, DONOR shall use his best efforts attempt to secure additional funding for the maintenance and operating expenses of the donation through an annual sponsorship program. However, nothing herein shall be interpreted to imply that DONOR guarantees any result and DONOR assumes no additional liability for the success of the sponsorship program.
4. In connection with the donation, DONOR shall put in place an education/information component through the website <http://www.cityofkeywest-fl.gov/AIPP> which will include text, photos, and audio and/or video clips with information regarding the donation to the City. This website shall be maintained by the AIPP Administrator.

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Article 2. Obligations of the City

5. Upon the CITY's acceptance of the donation referred to in paragraph 2 above, the donation and commemorative plaque/monument shall become the sole property of the CITY. Thereafter, CITY shall be solely responsible for all expenses associated with operating and maintaining the donation, and DONOR shall have no further responsibility or liability for those expenses. Further, upon the CITY's acceptance of the donation referred to in paragraph 2 above, the CITY shall have the unfettered right, in CITY's sole discretion, to alter or remove the donation and commemorative plaque/monument. In the event CITY removes the donation and commemorative plaque/monument at a time when all or a portion of the funds referred to in paragraph 2 above remain unspent, CITY shall return the balance of those funds to DONOR.

Article 3. General Legal Provisions

6. If any of the provisions contained in this AGREEMENT are held for any reason to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability will affect any other provision, and this AGREEMENT will be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
7. In the event of litigation affecting the rights of either party under this Agreement, the losing party shall pay the prevailing party's costs, expenses, and Attorney's Fees incurred in the enforcement of the prevailing party's rights hereunder, including those pertaining to appeals.

Article 4. Signatures

This AGREEMENT constitutes the entire AGREEMENT, supersedes all prior written or oral understandings, and may only be changed by a written amendment executed by both parties.

IN WITNESS WHEREOF, the parties execute below:

CITY OF KEY WEST, FLORIDA

By: _____
James Scholl, City Manager

ATTEST:

Cheryl Smith, City Clerk

Dated this _____ day of _____, 201_

Donor, donor representative,
Name
Title

Donor or donor representative

Dated this _____ day of _____, 201_

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REFUNDS FROM THE AIPP FUND:

In the event that a project elects to contribute 1% of the total construction costs to the AIPP Fund in lieu of installing Public Art and subsequently changes its intention to include Public Art within the development project on the developed site, the following procedure shall be executed for the purpose of refunding the collected fees from the AIPP fund to the Project for the expressed purpose of the implementation of a Board approved Art Plan:

- AIPP Administrator shall be notified in writing by the developer's AIPP project contact of the intent to revise their decision; this notice of intent must be filed within 60 days of the date of issuance of the project's Building Permit in order for the AIPP Board to render a determination. In the event that a notice of intent is filed outside of the period 60 days from the date of issuance of the project's Building Permit, City Commission approval based on AIPP Board recommendation shall be required.
- AIPP Administrator will verify the collection of the payment of the 1% of the total construction costs through the values assessed at the issuance of the project's building permits and document the receipt of the 1% fees into the AIPP fund, as collected by the City
- AIPP Administrator will notify the developer's AIPP project contact of the amount of funding available to be refunded from the AIPP fund
- The developer's AIPP project contact will submit an Art Plan for approval by the AIPP Board; the AIPP Administrator will be available to support the development of the Art Plan to comply with Sec2-487, (c), (3)
- The developer's AIPP project contact will indicate to the AIPP Administrator the requested amount or percent of the available funds to be refunded for Public Art based on the budget developed with in the proposed Art Plan
- The Art Plan must be submitted and approved by the AIPP Board, and the approval must be documented by the AIPP Administrator
- AIPP Administrator will generate a refund request via email and submit it to the Finance Director for processing.
Per the Finance Director, the request shall include the following:
 - Proof of the receipt of payments to the City's AIPP Fund, verified by AIPP Administrator
 - AIPP Board minutes demonstrating Board approval of the project's proposed Art Plan
 - AIPP Board approved Art Plan, as per Sec2-487, (c), (3)
 - Name of the Company to be refunded
 - Payment address and designee
 - Amount to be refunded
 - Narrative of the circumstances prompting the requested refund
 - Signature of the Planning Director
- The Finance Director will then issue the refund to the developer for the sole purposes described in the approved plan to participate in the AIPP program.

Commented [VB1]: I would like to document the process of verification as it is to be completed through One Solution.

DE-COMMISSIONING/DE-INSTALLING EXISTING PUBLIC ART

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PRIVATE**

DRAFT