



THE ARTS COMMISSION
INSPIRING A VIBRANT TOLEDO

**ART IN PUBLIC PLACES COMMITTEE STANDARD OPERATING
PROCEDURE
AND
1% FOR ART ACQUISITION HANDBOOK**

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**ARTS COMMISSION OF GREATER TOLEDO
ART IN PUBLIC PLACES PROGRAM
STANDARD OPERATING PROCEDURE GUIDE**

MISSION STATEMENT

The City of Toledo hereby declares its commitment to establish a favorable and supportive climate for cultural arts in the community. Through its Art in Public Places Program, the City seeks to create a stimulating and humanizing public environment by the inclusion and integration of high quality works of art in its public spaces. The City further seeks to encourage public education to enhance the community's understanding and enjoyment of the works of art and the creative process from which they derive. This policy therefore is established to direct the inclusion of works of art and /or design services of artists in public places in the City.

GOALS:

1. To acquire and integrate high quality works of art on the most appropriate sites resulting in the creation of a stimulating and humanizing public environment.
2. To conserve the city's public art collection.
3. To develop and implement a public education component which enhances the community's understanding and enjoyment of the works or art and the creative process from which they were derived.

PUBLIC ART MASTER PLAN

The master plan consists of two sections: the **Standard Operating Procedure**, and a **Plan for the Geographic Placement of Public Art**. The Standard Operating Procedure describes step-by-step the “who, what, where, how, and when” of the Art in Public Places Program. This includes but is not limited to: the pooling and appropriation of available funds, the selection of projects, the selection process for the acquisition of works of art, contracts, conservation of the artwork, and who is involved in the various phases of development, and how they are selected.

The second section of the Public Art Master Plan, Geographic Placement of Public Art, has been developed out of a growing recognition that to be effective, a public art program must take a more comprehensive, coherent view of the city as a whole rather than the traditional site by site focus. By so doing, high quality art that appropriately reflects the City’s own history, persona, and aspirations can be selected. This section will present a detailed description of the process of 1)selecting a wide range of sites to best meet the community needs, 2)developing a program that includes education and information, 3) soliciting information from neighborhoods, and 4)choosing who will be involved in the process.

ART IN PUBLIC PLACES COMMITTEE

Overview

The Art in Public Places (APP) Committee is a standing committee appointed by the ACGT, and will be responsible for overseeing the implementation of individual artwork projects, in accordance with the **Public Art Master Plan**

The APP Committee will be composed of members including but not limited to representation from the following:

- a. ACGT trustee as chairperson(s)
- b. City of Toledo Department of Natural Resources
- c. The Toledo Museum of Art
- d. Toledo Lucas County Plan Commission
- e. University of Toledo Department of Art

Other Membership positions are open but could be occupied by others as deemed necessary.

Terms of each member shall be renewable annually by the president of the ACGT upon recommendation of the APP chairperson(s)

Responsibilities

The Art in Public Places Committee (APP) shall:

1. Oversee the City of Toledo Art in Public Places Program.
2. Prepare the yearly **Municipal Art Plan** (MAP) which designated specific project sites, funding allocation, and recommended design approaches for all artwork projects to proceed during the year, as well as amounts to be allocated for maintenance and conservation of specific existing work and administrative projects. Submit MAP to the Toledo Lucas County Plan Commission for approval.
3. Appoint Design Review Boards of reach approved project site.
4. Make proposals for deaccessing of works of art in the Public Art Collection to the Toledo Lucas County Plan Commission.
5. Update site inventory as needed.

SITE SELECTION

Overview

The APP Committee will propose public project sites in the **MAP** reflecting at least one of the following:

1. geographic diversity.
2. areas used by large segments of the community.
3. significant gateways throughout Toledo.

Responsibilities and Criteria

1. The staff of the Arts Commission of Greater Toledo with the cooperation of the Toledo Lucas County Plan Commission staff will do the following:
 - a. facilitate the geographic dispersment of works of art.
 - b. Identify known areas of current and future development.
 - c. Identify city-owned properties and facilities which are potential sites for works of art.
2. ACGT staff will work with the Mayor/Manager or appropriate City department staff to identify current and potential construction projects.
3. Site inventories will be compiled for projects which are in the City's five year Capital Program and the Public Art Master Plan.
4. ACGT staff will identify groups with a demonstrated commitment to the neighborhood where a work of art will be located in order to distinguish potential sites for the Public Art Master Plan (PAMP).
5. When compiling a site inventory for the PAMP, the ACGT staff will consider the following:
 - a. extent of public access and high public visibility
 - b. community user groups involved
 - c. environmental conditions and on-going conservation and maintenance
 - d. surrounding community or urban area
 - e. art and architectural integration potential
 - f. design team potential
 - g. design and construction schedule
 - h. category: broad use, neighborhood, or city as a whole
 - i. function and significance: neighborhood identity, commemorative/historical/ cultural, or interactive. Site inventories will be compiled for projects which are in the five year plan and shall be part of the Public Art Master Plan.
6. The APP Committee will review the Site inventory annually and, with input from the ACGT staff, will recommend to the ACGT specific sites as projects for 1% for Art fund allocations. The ACGT will then submit the APP recommendation to the Toledo Lucas County Plan Commission for review and approval.
7. The ACGT will see allocation of funds in accordance with sec. 167.06 (d) of the Art in Public Places Ordinance.

Funds for major projects may be aggregated over a period of several years. A portion of funds may be allocated to design fees for site feasibility studies where artist/architect collaborations of art-integrated construction is likely. Sites will be chosen which are in accordance with the criteria for site selection developed in the Public Art Master Plan.

SELECTION OF WORKS OF ART

Overview

1. Collaboration between an artist and other design professional at the beginning of each project should be pursued whenever possible.
2. If the site inventory has indicated a potential for art and architectural integration or design team approach, then the Design Review Board (DRB) should select the artist at the same time as the design professionals are selected for the site.

Responsibilities

1. The APP Committee will appoint **Design Review Boards** (DRB) for each project approved in the **MAP**.

Composition of each DRB will include the following as a minimum:

- a. a representative from the City of Toledo
- b. an architect and/or a landscape architect
- c. and artist and/or arts consultant
- d. one-third of the committee shall be comprised of persons living or working in the immediate area
- e. chairperson appointed by APP
- f. APP committee member
- g. Others may be added as appropriate
- h. A representative from the Conservation and Maintenance Committee of APP

Terms of each member shall be the duration of the individual project.

2. DRBs will have sole responsibility of recommendation of works of art or selection artist(s) to create the works of art.
3. The selection of work and/or artist by the DRB is subject to approval by the APP Committee and, subsequently, by the ACGT Board of Trustees.
4. DRBs will select works of art in accordance with the Public Art Master Plan criteria.
5. The artist and the DRB will determine the **specific** placement of the artwork on the site.
6. DRBs will be responsible for raising additional funds if they choose to exceed the budget approved by the ACGT board.

A fundraising plan must be submitted to and approved by the APP committee. Grants for public art, if deemed appropriate and feasible, will be written by ACGT staff upon approval of the APP committee.

7. DRBs will determine the method of selection of the artist and work of art which may be any of the following:
 - a. open competition
 - b. by invitation to a limited number of artists
 - c. by direct selection
8. DRB meetings shall be open to observers.
9. Selection of works of art/artists shall be approved by majority vote. All DRB members have one vote: no member shall have the right to veto. A consensus decision is encouraged.

10. The DRB shall have the option of making no selection. In this event, a new selection process may be initiated or the project abandoned.
11. Minutes will be taken at all DRB meetings and will be public record. Minutes will be circulated to all DRB and APP committee members.

Criteria for Design Review Board.

1. Commission of a work of art specific to its site is usually preferable to selection of an already completed work.
2. Selected works of art must be one of a kind. Works created as one of an edition (multiples) are prohibited except in specific circumstances. Reproductions are prohibited.
3. Selected work must be of the highest quality possible for the designated budget. The opinion of arts professionals on the DRBs concerning the quality should be respected.
4. The Artist Slide Registry, maintained by the ACGT, will be the first source of artist information for DRBs.
5. Works that are decorative, ornamental, or functional elements of architecture or landscape design may be considered if they are designed by an artist (not architect or landscape architect) in collaboration with an architect or landscape architect where the artist has had the most significant input into the resulting work or where the artist-designed work is an integral aspect of the structure or site.
6. Selected artwork **may** be commemorative in nature but must be, stylistically, art of our time.
7. Local professional artists should be considered for all commissions. However, no selection process should designate that **only** local artists may be considered unless a compelling reason exists to do so. The best artwork for the site should always be the first consideration. Open competition announcements should be made in the local media and through direct mailings to local artists and visual arts organizations or a mailing list maintained by the ACGT, thus assuring local artists opportunity for all projects.
8. Consideration should be given to an ethnically diverse pool of artists.
9. All materials for selected works of art shall be permanent, require minimal maintenance, and be resistant as much as possible to vandalism and abuse.
10. Selected works of art shall be appropriate for the site considering the cultural and physical environment in which they are placed.

GOEGRAPHIC PLACEMENT OF PUBLIC ART

The Public Art Master Plan (PAMP) site inventory will include the following:

1. location maps with future developments indicated per PAMP.
2. location maps with city owned property shaded.
3. insert maps or photos documenting specific sites in the PAMP for location of art. (May be designated as “priority” or “future” or other designation.)
4. community input regarding history of area, buildings, structures, or parts that are “important” to neighborhoods, locations of high public use, or accessibility, etc.
5. information regarding existing and potential locations for public works of art.

INSTALLATION OF WORKS OF ART

Responsibilities

1. The artist is responsible for all aspects of the installation of the work of art and is accountable to the APP committee. Contracts shall stipulate all aspects of responsibility for the installation.
2. The ACGT staff will work with the DRB, artist and city to coordinate all aspects of installation.
3. The artist must submit a completed “Technical Maintenance-Conservation Information” form prior to the final payment.

PUBLIC EDUCATION AND INFORMATION

The ACGT, through the Art in Public Places Program, will seek to do the following:

1. provide information on all artwork projects.
2. initiate public education programs to develop a greater awareness of Toledo’s public art collection.
3. co-sponsor educational outreach programs in the area schools to include public art components.
4. maintain documentation of the City of Toledo 1% for Art Collection.

CONSERVATION AND MAINTENANCE

Overview

In order to maintain the integrity of the existing Public Art Collection, it is necessary to develop a conservation program which respects the artist's original intent.

Responsibilities:

1. The ACGT staff will establish a timely collection management plan.
2. ACGT staff, with the approval of the APP Committee, will arrange for a timely survey by a qualified professional to determine the condition of the Public Art Collection. The survey will include a condition report, recommendations for the conservation and maintenance of each artwork and a prioritized list of projects.
3. The city department where the artwork is located shall be responsible for routine landscape work such as mowing and weeding. Work will be monitored by the APP Committee.
4. Artwork needing conservation should be reported to the ACGT staff who will visit the site as soon as possible to make a preliminary assessment. Should the situation warrant it, a qualified professional will visit the site and make recommendations for conservation. The Conservation Committee must approve all expenditures for conservation and maintenance. Approval of contracts by APP is not required provided the work is within the parameters of the conservation budget and the contract is signed by the Executive Director.
 - a. Conservation methods should comply with prior contractual obligations, if practical.
 - b. To the extent it is practical, the artist should be consulted prior to any major conservation.
 - c. In cases where it is necessary to hire an outside contractor, the ACGT will enter into an agreement with the contractor. The contract will specify:
 - 1) exactly what is to be done
 - 2) who will be doing the work
 - 3) the amount to be paid for the services and a payment schedule
 - 4) the date by which the work is to be completed
 - 5) photographs before and after treatment
 - 6) written documentation of the work that was done
 - 7) final payment upon approval of work conservation committee or designated agent

If during the course of the conservation/restoration the professional discovers that the condition of the work is significantly different from what was originally believed and that additional or alternative repair is required, the professional shall immediately notify the ACGT for review and approval. The ACGT will not be responsible for payments beyond the contract provisions without prior written approval.

5. Temporary works shall not be conserved.
 - a. "Temporary" refers not to the material with which a piece is constructed but to the intent of the ACGT and the artist when the piece was installed.
 - 1) The original agreement must indicate a date for removal.
 - 2) If the piece is not removed by that date, ACGT reserves the right to remove and dispose of the piece without additional compensation to the artist. This is not synonymous with "deaccessioning" and deaccessioning policy does not apply.
 - 3) If a piece becomes a hazard before its scheduled date of removal, the artist will be notified before the piece is removed.

- 4) If it is anticipated that the removal of a piece will involve a significant expenditure of funds, the issue should be addressed in the original agreement.
- b. Ownership for a temporary piece remains with the artist unless the City's acceptance of ownership is explicitly stated in the agreement with the artist.

CRITERIA FOR DEACCESSIONING WORKS OF ART

The deaccessioning policy as outlined in ordinance 612-92 section 187.32 Deaccessioning and Deposition of Surplus Artworks, and section 187.33 Application of Proceeds of Sale of Artwork, shall be incorporated as criteria into the Art in Public Places Standard Operating Procedure.

(See attached Article of TMC. This page intentionally left blank)

187.32 Deaccessioning and Deposition of Surplus Artworks.

(a) Purpose.

As the City's public art collection grows and ages, it is desirable to periodically assess individual works to determine their continued intrinsic value to the collection as well as their continued appropriateness in their current locations. The economic reality of conserving and maintaining a growing collection at increasing costs makes such an assessment prudent in order to best maintain works that decrease in value if neglected.

Deaccessioning should be considered only after careful evaluation according to established guidelines, and after other options have been considered. Unless the condition of the artwork or immediate environment dictates otherwise, deaccessioning should not be considered for a work of art earlier than five years from the date of acquisition.

(b) Definitions.

(1) "Art in Public Places Program", "Artwork", "Arts Commission", "City Plan Commission", and "Public Art Collection" have the meanings set forth at Toledo Municipal Code Section 167.06(b).

(2) "Conservation" means a broad concept of care of artworks including examination by an arts professional, action taken to prevent deterioration, and restoration of artworks which may have already deteriorated.

(3) "Deaccession" means a process of disposing of art-work by means of sale, auction, trade, donation, or destruction.

(4) "Surplus" means determined to be no longer of intrinsic value to the Public Art Collection.

(c) Responsibilities.

(1) The Arts Commission shall establish policies and specific guidelines, subject to the approval of the Toledo City Plan Commission, for the review and assessment of artworks owned by the City and deemed surplus.

(2) After fulfilling the responsibilities detailed in the approved policies and guidelines that shall be established in accordance with Section (c)(1), the Arts Commission shall make a determination regarding the disposition of artworks that are proposed for deaccessioning.

(3) If the artwork is to be sold or auctioned, the following procedures shall apply:

(a) The sale or auction shall be handled by arts professionals to assure that the highest reasonable price is received.

(b) If the cost of professional services to handle the sale of the artwork is unreasonable compared to the expected sale value of the artwork, the sale may be handled in an alternative fashion that is deemed reasonably cost efficient.

(d) After the City Plan Commission has approved the Arts Commission's determination that an artwork should be deaccessioned from the City's collection of artworks, the Arts Commission may deaccession the same and arrange for its disposition in any of the following ways:

(1) through an exchange of the artwork for one or more other artwork(s) of comparable aggregate value for the City's collection subject to availability of funds and all other requisite contracting environments;

(2) Through a sale by an art gallery or dealer;

(3) Through a public auction or process inviting bids or proposals from the public and the acceptance of the best proposal;

(4) Through the Commissioner of Purchases and Supplies in the same manner as other surplus property;

(5) through a loan. Either for a definite or indefinite term, to another governmental entity on condition that the receiving entity shall maintain the artwork and provide an accompanying notice of the City's retained ownership;

(6) through rendition. Sale or other arrangement agreed upon with the original donor or artist at the time the City acquired such artwork; or

(7) in the event the artwork has been destroyed or damaged beyond reasonable cost to repair, or has no or only negligible value, through the disposition in accordance with policies and guidelines established by the Arts Commission and approved by the City Plan Commission.

CRITERIA FOR ACCEPTING GIFTS OF WORKS OF ART

Offers of art as gifts to the City of Toledo must be presented in writing to the chairperson(s) of the Art in Public Places committee. The written offer should present a complete description of each work of art including:

- a. title, medium, dimensions, weight if applicable, date created, signature/inscriptions
- b. artist's name, birthplace, date, citizenship, current address if known, gallery representation if any
- c. current owner, statement of ownership, absence of liens, copy of bill of sale
- d. current location of work of art
- e. current condition of work of art including history of the conservation of the work of art or a conservator's report
- f. current market value as established by an independent member of the American Association of Art Appraisers.
- g. Completion of "Technical Maintenance-Conservation Information" form

The chairperson(s) of the Art in Public Places Committee shall present the offer to the committee for their consideration. Acceptance of the gift shall be decided by the committee based on its meeting the following criteria:

- a. the work of art is of comparable aesthetic quality to the existing collection
- b. or, the work of art has outstanding cultural value to the City of Toledo as stated in the purpose of the Art in Public Places ordinance
- c. the condition of the work of art can be verified as acceptable
- d. the authenticity of the work of art can be verified
- e. a suitable site for the work of art can be agreed upon
- f. statement of ownership and absence of liens against the work or art can be verified

Acceptance of the gift shall be approved by the ACGT, the Toledo Lucas County Plan Commission and the City Council. The chairperson shall notify in writing the owner or owner's representative of the decision to accept or refuse the offer. Upon acceptance, the owner shall be presented a Deed of Gift full documenting the gift. The ACGT shall coordinate the method of transport, receiving address and payment for delivery of the gift.