

## Waxhaw Public Art Policy

### Policies and Guidelines

The Waxhaw Public Art Program Policies and Guidelines are designed to guide the Town's acquisition, display, retention, and deaccession of public art. The Waxhaw Public Art Committee, in coordination with the Town staff and Town Board of Commissioners, shall be the coordinator of the Public Art Program, as outlined in the following policies and guidelines.

### Goals and Objectives of the Public Art Program

The objective of the Public Art Policy is to develop a worthwhile, enduring, and varied collection of artworks that enhances, enlivens, and enriches the Town while reflecting the values of the community.

- Develop a program, which contributes to and enhances community identity and pride;
- Promote excellence and demonstrate diversity and variety of media;
- Increases public exhibition opportunities for new and experienced artists.
- Encourage public participation and interaction with public spaces, kindling awareness of how surroundings impact experience;
- Enrich the public environment for both residents and visitors through incorporation of the arts.

### Criteria of Artwork

Public art is acquired through loan, purchase, commission, donation or by contract with the artist. It should be recognized that the acquisition of public art can be controversial and at times technically difficult. Public art submissions will be considered based on the following criteria:

<i>Media</i>	All visual art forms and materials will be considered.
<i>Style</i>	Artwork reflecting any school, movement, method style will be considered.
<i>Range</i>	Artwork may be functional or non-functional; conceptual or tangible; portable or site-specific; folk art, craft or fine art; temporarily or permanently installed, borrowed or purchased.
<i>Character</i>	Artworks must be appropriate in scale, media, style and content to the project and environment to which they will relate.

<i>Permanence</i>	Consideration should be given to structural and surface integrity, and should not require excessive maintenance and repair costs.
<i>Design Elements</i>	In addition to meeting aesthetic requirements, public art may also be asked to serve as a means of defining architectural space, e.g. establish focal points, clarify, identify or indicate boundaries, modify and/or enhance specific spaces.
<i>Public Safety/ Liability</i>	Artworks and art places must be free of unsafe conditions or other factors bearing on public liability
<i>Diversity</i>	The Public Art Program should strive for diversity, reflecting the social, ethnic and cultural fabric of the Town.

### **Selection of Art**

Artistic integrity is primary. Artist's work will be chosen on the basis of their qualifications as demonstrated by past work, past experience with public art, and successful completion of previous projects similar in scope and demand. In addition, new and emerging artists including students will be considered. Selected artwork will be original work completed by the submitting artist. The various methods of selection are as follows:

Direct Selection: Artist(s) chosen directly by Public Art Committee.

Limited Competition: A small number of artists are invited by Public Art Committee to submit proposals.

Open Competition: All artists are welcome to apply, subject to limitations established by Public Art Committee.

Invitation: Based on reputation, research, and experience, an artist is invited by the Public Art Committee and paid to develop a proposal.

Donation: Triggered by a citizen offer to contribute artwork to the Public Art Program, the Public Art Committee will review the work in terms of whether it satisfies stated "Criteria of Artwork" elements, and whether a suitable and appropriate site exists to exhibit the artwork.

### **Process and Responsibilities**

### **Waxhaw Public Art Committee Responsibilities**

- Manage and administer all implementation aspects of the Public Art Program as follows, coordinating with others including the Town staff and Waxhaw Board of Commissioners as appropriate.
  - Assist Town Staff for possible Public Art sites with final approval by the Board of Commissioners.
  - Serve as information conduit and link between artists, project and building managers, Town Staff and others as necessary for proper project flow.
  - Serve as resource, guide and counsel to the Waxhaw Board of Commissioners and the Town Manager regarding planning and other issues related to the Public Art Program.
- Review, evaluate and discuss credentials, proposals and materials submitted by the artists.
- Draft and distribute artist prospectuses, stating project goals and site plan;
- Via majority vote, recommend, make action, or decide to further investigate.
- Prepare and monitor all tracking documents, including artist records, art inventories, and contracts;
- Coordinate all physical and logistical components of art installation with the artist.
- Coordinate preparation of any necessary signage, including identification labels and/or plaques
- If further investigation of finalists is decided, draft list of information and/or additional materials required. Conclude investigation as rapidly as possible, convene for further discussion and, via majority vote, make recommendation.
- The Public Art Committee retains the right to make no selection if, in its opinion, there is insufficient merit among the submissions. If this occurs, the Public Art Committee will determine whether to recommend that the project be abandoned, begin a new selection process or take some other course of action.

### **Artist Responsibilities**

- Be willing to sign and abide by the terms stated within any agreement with the Town of Waxhaw,
- Execute and complete the work in a timely and professional manner,
- Maintain an effective working relationship with the Public Art Committee and other representatives of the Town,
- Advise Public Art Committee immediately of any significant changes to the scope, materials or design of the work after contract is signed (all changes

- must be reviewed and approved prior to completion, in accordance with the Town requirements),
- Be responsible for all design and execution of the work, including site preparation and installation, unless otherwise stipulated in the contract.
  - If an existing work is selected for a commission the artist (or owner) will:
    - Deliver the selected piece promptly,
    - Ensure that it is substantially and wholly the same work whose image was reviewed by the Public Art Committee,
    - If the Board of Commissioners chooses to purchase artwork, provide transfer of title to the Town of Waxhaw
    - If the Board of Commissioners does not purchase, provide a third-party licensed art appraisal of the value.
    - Sign a Waiver, Indemnity and Release in a form provided by the Town.
  - Artists' works will be the original product of the artist's own creative efforts and will not infringe on any third party's copyrights or other intellectual property rights.

### **Town of Waxhaw Responsibilities**

- Exert reasonable efforts to ensure that artwork is available for public viewing and, when available for public viewing, is displayed in an appropriate and respectful manner.
- Exert reasonable efforts to protect the artwork from theft, vandalism or other damages. Notwithstanding the foregoing, the Town shall not be liable for any damage or theft to the artwork.
- Coordinate publicity and media attention for artwork.
- The Town shall be responsible for the proper cleaning, maintenance and protection of the work after its installation, considering any written instructions provided by the Artist at the time of application.

### **Funding of Art, Purchase, Sale and Deaccessioning**

#### **Funding for Art Program**

The Town of Waxhaw recognizes that the inclusion of public art in appropriate capital improvements projects will promote the cultural heritage and artistic development of the Town, enhance the Town's character and identity, contribute to economic development and tourism, add warmth, dignity, beauty and accessibility to public spaces, and expand the experience and participation of citizens with visual arts. The Town Commissioners shall establish a special fund designated the public art account into which funds appropriated or derived from gifts or donations to the Town for public art shall be deposited.

Monies collected in the public art account shall be budgeted and expended in the same manner as other city revenues and used for projects commissioned pursuant to this article. Each disbursement from such account or from other appropriations for artwork shall be recommended by the Public Art Committee and authorized in accordance with applicable law and accounting principles governing expenditures from the Town's budget. Separate accounts shall be established whenever funds are required to be used at a designated capital improvement project.

### **Ownership/Copyright/Reproduction/Resiting/Resale**

- Work purchased, commissioned or accepted as a donation shall be the property of the Town.
- The Town intends that the work shall remain accessible to public viewing for as long as the Town owns the work. The Town retains the right to transfer work from one Town-owned site to another, as it deems necessary, or to place in storage in another facility, or to make a temporary loan to another agency or organization. • At the time of application, the artist/Town relationship will be defined as necessary by an agreement addressing copyright, reproduction and resale issues.

### **Non-destruction/Alteration/Maintenance**

The Town generally will not purposefully destroy, damage, alter, modify or otherwise change a public artwork work. If any alteration occurs after the receipt of the work by the Town, whether intentional or accidental, the Artist has the right to request that the work shall no longer be represented to be the work of the Artist.

### **Deaccessioning**

The Public Art Committee or the Public Art Committee Town Liaison may recommend to the Board of Commissioners the deaccessioning of artwork for one or more of the following reasons in the event that it cannot be re-sited:

- A work is not, or is rarely, on display because of lack of suitable site.
- The condition or security of the artwork cannot be reasonably guaranteed.
- The artwork has been damaged or has deteriorated, has faults of design and repair/maintenance is impractical or unfeasible.
- The artwork endangers public safety.
- In the case of site-specific artwork, the artworks relationship to the site is altered because of changes to the site.
- Replacement of the artwork with work of more significance by the same artist.
- Deaccessioned artwork owned by the Town may be sold or transferred by the Town in accordance with its policies and applicable law. Proceeds

from sales of deaccessioned artwork shall be used to fund additional purchases or commissions conforming to the *Criteria and Selection Methods* described above.