

**CITY OF MARQUETTE, MICHIGAN**

**CITY COMMISSION POLICY**

Policy Number: <b>2017-01</b>	Revision Date:
Date Adopted: September 25, 2017	Effective Date: Fiscal Year 2018 (10/1/2017)
Department: City of Marquette Arts & Culture	

**SUBJECT: MARQUETTE PUBLIC ART POLICY**

**AUTHORITY:** City of Marquette Arts and Culture Master Plan, adopted July 2014 by the Marquette City Commission

**PURPOSE:** The City recognizes that the inclusion of art in appropriate capital improvement projects in the City will promote its cultural heritage and artistic development, enhance the City’s character and identity, contribute to economic development and tourism, add warmth, dignity, beauty and accessibility to spaces accessible to the public, and expand the experience and participation of citizens with the arts. A policy is therefore established to create a Public Art Commission and make funding available to support the inclusion of works of art in public spaces in the City.

**POLICY:**

**I. Definitions**

- A. “Public art” means both temporary and permanent works of art created, purchased, produced or otherwise acquired for display on or in public spaces or facilities. Public art means the product of a skilled artist (or group of artists) and includes, but is not limited to, material aesthetic enhancement of a building or landscape, paintings, sculpture, engravings, murals, mobiles, photographs, drawings, performance art, works in video and sound, and works in fiber.
- B. “Material aesthetic enhancement” means the skilled application of artistic elements to the publicly visible features of a public project or a capital improvement project, which may include the placement of works of art or design elements, or specially designed plazas, atriums, or other spaces open to the public.
- C. “Enhanced project” means a capital improvement project that includes public art.
- D. “Capital improvement project” (CIP) means any capital project paid for wholly or in part by the City or the City Downtown Development Authority (DDA) for the construction or substantial renovation of any building, facility or open space (such as a boulevard or streetscaping project) to which the public is generally invited.
  - 1. For purposes of this definition, a “substantial renovation project” is one that has been included in the City’s capital improvement program. A renovation project is “substantial” if it affects twenty-five percent (25%) or more of the square footage of the building, facility, or open space under renovation.

2. The following capital improvement projects are “exempt” from being an Enhanced Project under this Policy:
  - i. Water, stormwater or wastewater facilities, except for office buildings.
  - ii. Maintenance projects.
3. The exemptions set forth in this subsection do not preclude funding for public art from being included in an exempt CIP. City departments are encouraged, but not required, to include public art in exempt CIPs.

## **II. Marquette Public Art Commission**

- A. The oversight body empowered to carry out this policy will be the Marquette Public Art Commission, hereinafter known as “MPAC”.
- B. Membership, Appointment, and Terms.
  1. MPAC will be made up of seven (7) regular members and one (1) ex officio member chosen from City staff. Regular members will be appointed by the City Commission and will include at least four (4) members who are art professionals (artist, performing artist, architect, landscape architect, curator, arts writer, arts educator, arts administrator or individual with a college level degree in an art field). All members will meet the residency requirements set forth in the City Charter.
  2. MPAC members will serve three (3) year terms and the membership terms will be staggered. To achieve staggered appointments, the initial appointments to MPAC will have two (2) members appointed to one (1) year terms, three (3) members appointed to two (2) year terms and two (2) members appointed to three (3) year terms.
  3. Members of MPAC will be subject to the same term limits and ethical requirements as other boards in the City.
  4. Members of MPAC are volunteers and will serve without compensation or reimbursement for personal expenses, unless specifically approved by the City Commission.
- C. Officers. There will be a Chair and Vice-Chair of the Commission. MPAC will elect all officers from its membership for a term of one (1) year and will determine responsibilities of the officers.
- D. Meetings. MPAC will hold regularly scheduled meetings, and will determine the frequency, time and location of meetings. All meetings will be conducted in accordance with the Michigan Open Meetings Act.
- E. Duties. MPAC will:
  1. Make recommendations regarding disbursement of public art funds to acquire, produce, install, maintain, alter, relocate or remove public art;
  2. Develop guidelines, with input from the public, to implement the provisions of this policy, including procedures for soliciting and selecting public art and for determining suitable locations for public art;
  3. Work with City staff to conduct an initial and ongoing inventory, map and document existing public art and public art under construction in the City, and make the information publically available;
  4. Work with City staff to identify upcoming City capital improvement projects and the type and amount of public art that may be appropriate for such projects;
  5. Consult with donors of art works to the City on behalf of the City;
  6. Promote inclusion of art by private developers in spaces open to or visible to the public on private property in the City;

7. Foster public/private partnerships to support public art;
8. Promote awareness and understanding of public art;
9. Provide advice to and assist potential donors of art and private developers regarding possible public locations for placement of art when such art cannot be placed on City property or incorporated into a capital project of the City; and
10. Perform any related duty delegated by City Commission.

### **III. Funding**

#### **A. Public Art Fund.**

1. A Public Art Fund (“PAF”) is established by the City as a separate, special revenue fund into which public art funding is deposited, transferred and used for the acquisition, commissioning, performance, exhibition and cleaning, repair, and restoration of public art as recommended by MPAC and approved by the City Commission.
2. PAF funds may be used for the following purposes:
  - i. Artist fees and artist travel related to the training, education and performance of art open to the general public.
  - ii. Artist fees and artist travel and expenses that are related to the City’s commission or purchase of public art.
  - iii. Purchase of equipment to be used in performing art.
  - iv. Leasing of equipment and space for education, practice and performance.
  - v. Fabrication, storage, and installation of a commissioned work of public art.
  - vi. Acquisition of existing works of public art.
  - vii. Decorative, ornamental or functional elements that are designed by an artist selected specifically for the project and through the processes established by MPAC.
  - viii. Fees associated with the lease of works of public art for temporary display.
  - ix. Required permits and insurance during the fabrication and installation of the public art per contract.
  - x. Project consultants and contracted services.
  - xi. Curatorial services.
  - xii. Public art planning services.
  - xiii. Documentation and interpretive plaques.
  - xiv. Publicity for public art projects.
  - xv. Education and outreach regarding public art.
  - xvi. Conservation and maintenance of works in the City of Marquette public art collection.
  - xvii. Such other and further expenditures deemed appropriate by MPAC.
3. PAF funds may not be used for:
  - i. Mass produced work, with the exception of limited editions controlled by the artist.
  - ii. Professional graphics, unless designed or executed by an artist or used in the development of collateral material for education or publicity for public art.
4. Authorization of PAF Expenditures. The Chair of the MPAC or designee and the City Manager or designee will be jointly required to authorize expenditures of PAF funds pursuant to decisions of the MPAC and in accordance with the City’s ordinances and purchasing policies.

5. PAF Annual Report. Each year MPAC, with the assistance of City staff, will prepare an annual report to be presented to the City Commission which provides for a detailed accounting of all PAF monies spent and/or earmarked for public art expenditures.
- B. City Funding Commitment.
1. Capital improvement projects (“CIP”s) initiated after the effective date of this Policy, unless designated “exempt” under this Policy, are eligible for designation as an Enhanced Project.
  2. Each fiscal year the City Commission will appropriate from the City’s General Fund to the Public Art Fund (PAF) the amount of \$30,000.00, which will be adjusted each year by the State property tax inflation rate multiplier then in effect, or 5%, whichever is less. The funds will be appropriated beginning with fiscal year 2018. The appropriated funds will be designated by the MPAC as follows:
    - i. To a proposed CIP for purposes of making it an Enhanced Project; or
    - ii. To the PAF to be accumulated and expended for public art at a site other than a CIP, as determined by the MPAC; or
    - iii. To install public art or make a material aesthetic enhancement to any City site.
  3. At least annually and in advance of the City budgeting process, City staff will provide MPAC a written report of short-term and long-term CIPs undertaken by the City. MPAC and City staff will work together to identify each CIP that the MPAC will designate as an Enhanced Project.
  4. MPAC will ~~to~~ provide input to the public art component of a CIP that is designated an Enhanced Project early in the planning of the project. Such input will include:
    - i. Selection of the artist before or during the architectural design phase for the purpose of integrating the public art component into the total design of the CIP.
    - ii. Inclusion of the public art component of the CIP in any relevant RFQs, RFPs, or contracts for design of the Enhanced Project.
  5. MPAC and City staff will make reasonable efforts to plan MPAC’s input to the Enhanced Project in a manner that enables the completed design of the public art elements to be presented to the City Commission prior to the Commission’s consideration of any contract to construct or produce the Enhanced Project or public art elements.
  6. No public art from public funding may be placed on private property.
- C. Private Funding for Public Art. MPAC may form a nonprofit corporation for the purpose of accepting monetary gifts, grants, donations, or awards for public art and may work with nonprofit or other organizations to raise funds for public art. These funds will have the same purposes and uses as PAF funds, as described in this Policy.

#### **IV. Private Developer-Initiated Art on Private Property Open to the Public**

- A. The City departments will amend land use applications to identify a point of contact for the MPAC who will discuss incorporating art into the spaces of the private development that are open to the public. Applicants will be encouraged, but not required, to devote one percent (1%) of the cost of new non-City-initiated construction or redevelopment projects to the placement of art in the privately developed space.
- B. The City may develop other incentives to encourage private developers to include public art in their projects to further the intent of this Policy.

## **V. Ownership and Maintenance of Public Art**

- A. No work of art will be considered for construction or acquisition under this chapter without an estimate of, and plan to pay for, future maintenance costs.
- B. Routine maintenance of public art will be provided by the City service area responsible for maintenance of the facility or space where the art is located. "Routine maintenance" means periodic cleaning, regular mechanical maintenance, operational costs, and other necessary upkeep resulting from normal use. Funds for extraordinary maintenance or refurbishment, including structural reconstruction, will be drawn from the PAF or such other funds as the City Commission may appropriate. No extraordinary maintenance, repair, relocation or alteration of public art will be undertaken without prior recommendation by or consultation with MPAC.
- C. All permanent art acquired pursuant to this policy will be the sole property of the City unless an alternative arrangement is recommended by MPAC and approved by the City Commission.
- D. All temporary art will remain the property of that person or those persons who have created the art or offered it for display.

## **VI. Deaccessioning of Public Art**

Deaccessioning of public art will be considered only after a careful and impartial evaluation of the artwork within the context of the collection as a whole. At the beginning of the process, MPAC will make a reasonable effort to notify any living artist whose work is being considered for deaccessioning. MPAC may consider the deaccession of artwork for one or more of the following reasons in the event that it cannot be re-sited:

- A. The artwork has been damaged or has deteriorated and repair is impractical or unfeasible.
- B. The artwork endangers public safety.
- C. In the case of site-specific artwork, the artwork is destroyed by severely altering its relationship to the site.
- D. The artwork requires excessive maintenance or has faults of design or workmanship.