

# **Bellingham Municipal Arts Commission Policies and Procedures**

## **I. Mission Statement**

The Bellingham Arts Commission (“BAC”) will serve as an advisor and advocate for the enhancement and integration of the arts in the community, and is responsible for the purchase, management, and maintenance of public artwork.

## **II. Authority**

Bellingham Municipal Code Chapter 2.36 regulates the BAC. Section 2.36.010(C) authorizes the BAC to establish policies and procedures governing the transaction of its business.

## **III. Date, time and place of regular meetings**

- 1) The BAC shall meet the first Tuesday of each month at 6:30p.m. in the Mayor’s Board Room at City Hall, 210 Lottie Street, Bellingham WA 98225. However, with publicized advanced notice of one week, the BAC may hold special meetings elsewhere or at a different time.
- 2) All BAC meetings shall be open to the public. The meeting notice shall comply with the Washington Open Public Meetings Act, to the extent proceedings of the BAC are governed by such Act. Sub-committee meetings may be scheduled between regular meetings if necessary or if requested by the department or individual proposing the project.

## **IV. Election of Officers**

- 1) The officers of the BAC shall consist of the Chair and Vice-Chair. The BAC shall elect these officers annually by a majority vote.
- 2) Nomination of Chair and Vice-Chair shall be made by the BAC at their regular December meeting. The election shall follow immediately. The nominee receiving the majority vote of those present shall be declared elected. Officers shall serve for one year.
- 3) The Chair shall preside at all meetings and may call special meetings when necessary. The Chair shall have all the powers and duties normally conferred by parliamentary usage on such officers. In the absence of the Chair, the Vice-Chair is authorized to perform and carry out the duties and obligations of the Chair. In the absence of both, the members present may elect a Chair *pro tempore* to serve for the duration of the meeting.

## **V. Sub-committees**

- 1) Each BAC member shall serve on one or more sub-committees. The BAC has the authority to create sub-committees on an as-needed basis. Each sub-committee shall consist of no more than 5 BAC members.
- 2) All sub-committee appointments shall be for a one-year term beginning in January. The BAC shall approve sub-committee members.
- 3) Municipal Art Grant Sub-Committee: This sub-committee shall establish criteria to review grant applications. This sub-committee is charged with reviewing and ranking grant submittals and making funding recommendations to the BAC.

- 4) Special Projects Sub-Committee: Special projects may be any project that furthers the goals of the Community Strategic Arts Plan. This sub-committee shall discuss the merits, feasibility, and available resources of various projects and forward recommendations to the BAC.
- 5) Membership Sub-Committee: This sub-committee is responsible for recruiting potential BAC commissioners by encouraging them to apply for vacant positions. They shall review applications and forward recommendations to the Mayor for appointment of the vacant seat.

#### **VI. Procedure for Maintaining Minutes and Records**

- 1) Written records of public meetings shall be kept and such records shall be public.
- 2) Recommendations of the BAC require the affirmative vote of at least a majority of the members present, provided there is a quorum at the time the decision is made. Motions shall be documented in the minutes.
- 3) A quorum consists of a majority of the BAC.
- 4) The BAC's recommendation will be sent within 15 days of the meeting to the project proponent, the Mayor, City Council, and City Departments, Boards and Commissions with jurisdiction, as applicable.

#### **VII. Procedures for Review and Approval of Projects**

The following procedures shall be utilized for both citizen and City-initiated projects. Citizen-initiated projects shall be presented by Planning and Community Development (PCDD) staff. City projects shall be presented by a City staff representative from the initiating department.

- 1) Staff Review – Prior to review by the BAC, staff shall review the proposal and insure the proposal is compliant with applicable codes and regulations.
- 2) Preliminary Design Review – Unless waived by the BAC, all projects shall be presented to the BAC for conceptual review prior to final design. Waiver requests shall be submitted to the PCDD staff. A notice requesting an item to be placed on the agenda for the next meeting shall be submitted to the PCDD no later than 10 days prior to the meeting date. The project proponent may request additional preliminary reviews prior to final approval. Materials to be submitted shall include:
  - a) BAC agenda request form;
  - b) Conceptual drawings or photos;
  - c) Site plan showing the proposed location of the project; and
  - d) Any additional information the project proponent believes will aid the BAC in their review and recommendation.

The BAC will send the project proponent a written response to the preliminary design within 15 days following the meeting, including notation of additional information needed for final design approval.

- 3) Final Design Approval – A meeting shall be requested by the initiating department or individual at such time as sufficient design and/or detailed information is available for the BAC to make an informed recommendation of approval. Materials to be submitted shall include:

- a) BAC agenda request form;
- b) Final drawings, including a site plan showing the location of the project;
- c) Any additional information that was requested by the BAC during the preliminary design review;
- d) Verification of review by other Boards or Commissions which have jurisdiction; and
- e) Any additional information the project proponent believes will aid the BAC in their review and final recommendation.

The Mayor will send the project proponent a final letter approving or denying the project within 15 days following the meeting.

### **VIII. Selecting Public Artwork**

- 1) Public artwork shall be selected by one of the following methods:
  - a) Open entry: The project is publicized through a Call for Art and proposals are accepted from artists based on the following minimum criteria:
    - i) Appropriateness of the proposal to the project;
    - ii) Artistic quality as presented in documentation of past work;
    - iii) Good planning and communication skills;
    - iv) Probability of successful completion (as indicated by the merit of past work) and/or the artists' willingness to participate in a collaborative process; and
    - v) Responsiveness to additional criteria specified in the Call for Art.
  - b) Limited entry/invitational competition: The BAC invites a small number of artists to submit proposals, based on artists' proven capabilities to carry out the scope of work
  - c) Direct artist selection: One artist is invited to submit a proposal for a project, based on the artists' qualifications and capabilities. In the event the proposal is not accepted, provision shall be made for payment for proposal preparation.
- 2) Selection of artists using methods b) or c) above shall be accomplished through the establishment of an on-call artist roster, or other acceptable method which complies with purchasing regulations.
- 3) A jury shall be formed to review and select public artwork. Jurors may be selected to represent the following categories:
  - a) Stakeholder;
  - b) City Council member;
  - c) Representative from the initiating department;
  - d) BAC member(s); or
  - e) Other professional representatives from the arts community.
- 4) Artwork, including donated artwork, shall be selected based upon the following criteria:
  - a) Is of high quality;
  - b) Has an identified location for installation;

- c) Supports the Community Strategic Arts Plan;
  - d) Is appropriate in size, scale, material, form and style for the social and physical environment in which it is to be placed;
  - e) Is durable and resistant to vandalism;
  - f) Is maintainable at a reasonable cost;
  - g) Is reasonably able to be installed; and
  - h) Complies with other criteria as established by the BAC.
- 5) The jury shall have the option of making no selection if there is insufficient merit or information, and the BAC may initiate a new selection process.
- 6) The BAC shall identify and prioritize locations within the City for the placement of public artwork using the following criteria:
- a) Maximizes visibility and public benefit;
  - b) Integrates with formal City plans;
  - c) Is secure and the artwork may be maintained; and
  - d) Integrates and coordinates with the type, scale and scope of proposed or potential private sector projects.
- 7) Generally, donations of artwork shall not be accepted unless sufficient funds are available to pay for installation, framing or base, display needs, and an identification plaque. Required documents for the donation include a release form from the donor, written acknowledgement of acceptance from the Mayor, and a completed Deed of Gift transferring title to City.

**IX. Management and Maintenance of Public Artwork**

- 1) Maintenance
- a) Artists shall provide maintenance criteria at the time of project acceptance.
  - b) The Museum will maintain records on each piece of public artwork, including ownership, contractual matters, maintenance requirements, schedules and records of work performed, artist information, photographic documentation and other records that may exist. The initiating department is responsible for preparing these records and transferring them to the Museum.
  - c) The City will have the budgetary responsibility for maintenance of public artwork.
  - d) The BAC shall be responsible for conducting inspections of public artwork and providing maintenance recommendations to the Mayor. Museum staff shall review maintenance procedures in advance of their implementation, and may make recommendations on any other treatment or changes to public artwork.
  - e) The BAC is responsible for the preparation of descriptive information, guides and brochures on public artwork

**X. Removal of Public Artwork**

- 1) The recommendation to remove, relocate, or deaccession artwork shall be made by a majority vote of the BAC and approved by the Mayor. This does not include pieces of artwork included in a temporary exhibition. The decision to remove, relocate or deaccession a piece of public art may include, but not be limited to, one of the following reasons:
  - a) The artwork has been requested by another agency or by the artist;
  - b) The condition and security of the artwork cannot be reasonably assured;
  - c) The artwork endangers public safety;
  - d) The artwork is damaged, and repair or conservation is not practical or feasible;
  - e) A suitable site for display is no longer available (change in use, character, or design which effects the integrity of the artwork);
  - f) The artwork has received significant adverse public opinion continuously for five (5) or more years; or
  - g) The department which displays the artwork requests that it be removed.
- 2) The recommendation to remove, relocate or deaccession shall be accompanied by a staff report including, as available,:
  - a) The reasons for the suggested removal, relocation, or deaccession;
  - b) The original acquisition method and cost;
  - c) A copy of the original artists' contract;
  - d) Documentation of correspondence or attempted correspondence with the artist;
  - e) Photo documentation of the condition of the artwork; and
  - f) The recommended handling of the artwork (removal, relocation or deaccession).
- 3) Upon decision to remove the public artwork, the artwork shall be handled by one of the following methods (in order of preference), unless otherwise specified in the artist's contract with the City:
  - a) Relocate the artwork to another appropriate location;
  - b) Remove and place the artwork in storage with intent of finding a new site. If the artwork is not re-sited within five (5) years, it shall be sent to surplus;
  - c) Sale, trade or gift. In the event the artwork is sold, the proceeds shall generally be used to further promote the goals of the BAC;
  - d) Destruction, if the object cannot be repaired or conserved, or if it presents a danger to life or property.