

Community Services Department **Boards and Commissions**

Los Alamos County Art in Public Places Board **Policies and Guidelines**

Division/Area Los Alamos County Art in Public Places

Version 2022v.1 Revision Date Insert Date [Date]

Art in Public Places Approval

Council Approval Date [Date]

APP and Council Approval

This policy was voted on and approved at the above public open meetings of the APP Board and Los Alamos County Council.

Purpose

These policies and guidelines are adopted by the Los Alamos County ("County") Art in Public Places Advisory Board, ("APP" or "Board"), for the purpose of establishing procedures for implementing Los Alamos County Code ("Code") Chapter 8, Article II, Sections 8-31 through 8-34 and Chapter 20, Article III, Sections 20-363 through 20-365.

Policy

The APPB is a standing board of the County and is responsible for making recommendations to the County Council ("Council") for selection, acquisition, ptacement, and disposal of public art, plus general management of the County's public art collection.

Definitions

Acquisition: The inclusion of artwork in the permanent public art collection of the County by commissioning, purchase, or donation.

Art or Work of Art: Any non-ephemeral work of visual art, and may include landscaping and landscape design. See also County Code Chapter 20.

Art in Public Places Account: A special County fund, as provided in <u>County Code</u> <u>Chapter 20</u>, <u>Article III</u>, established to facilitate the purchase, placement, and maintenance of the County's public collection of art.

Board: The Art in Public Places Board, as defined in the Los Alamos County Code, including the ex-officio staff liaison.

Collection: Consists of art purchased with Art in Public Places funds and/or artwork donated to Los Alamos County through the Art in Public Places Board.

Disposal or Disposition: The permanent removal of public art from the County's public art collection (formally called "deaccessioning").

Stakeholders: Those who are exposed to the County's public art collection.

Purpose and Objectives

The Board, pursuant to Los Alamos County Code of Ordinances, is charged with the following functions, powers, and duties:

- Recommend to Council the acquisition and maintenance of all works of art funded by the Art in Public Places Account;
- Recommend the public sites selected for the display and/or relocations of art, and criteria to be used in selection of the artists or the work of art to be funded or purchased;
- Provide advice to Council on the proposed removal, retocation, or alteration of any public facility or works of art;
- Recommend to Council policies and programs to further the development and awareness of the County's public art programs;
- Seek private donations for the County to supplement the County's art collection and Art in Public Places Account;
- Recommend necessary policies and procedures to include, but not be limited
 to, criteria for selection of artists, procedures for artistic competitions, selection of
 public locations for art equitably distributed throughout the community, and
 recommendations for the maintenance of art funded by the Art in Public Places
 Account;
- Recommend policies to coordinate with the County's capital improvements
 programs and other activities to ensure that works of art funded by the Art in
 Public Places Account are properly integrated into the community and do not
 pose excessive maintenance costs or public health risk, and do not unduly
 encumber public lands; and

 Perform such additional related duties as may be assigned by Council or requested by the County Manager.

The Board shall also encourage the integration of public art into the architecture of municipal structures and public spaces and shall strive to visually enhance the community.

The Board will address its purpose and objectives by recommending the acquisition and maintenance of a variety of art, including creation and maintenance of labels or plaques to identify the work of public art. This will be accomplished through:

- 1. Ongoing review and evaluation of appropriate art for County structures, both indoor and outdoor by:
 - a. Working with the public and stakeholders of the proposed location;
 - b. Fostering collaboration between artists, architects, or engineers; and
 - c. Considering factors in the site selection process to ensure substantial public access; specifically, not in private offices of public officials or at/in inaccessible public areas.
- 2. Recommending the selection of appropriate art through a new acquisition or from the existing County public art collection.
- 3. Ensuring that the recommended acquisition, placement, and disposal of works of art are governed by carefully designed procedures to enhance the public's viewing of art.

Aquisition, Donation, and Disposal

The Board will prepare a recommendation with a rationale and cost estimates to the appropriate management level for the acquisition or disposal of public art. The final decision regarding acquisition or disposal will be made after consideration of the APPB recommendations.

Aquisitions

As each public art piece may differ in size, scope, nature, format, and location, the Board may recommend purchasing a completed work of art, commissioning a work of art, holding a competition to select a work of art, or creating some other appropriate mode of selection.

The Art in Public Places Board shall follow the payment threseholds mentioned in <u>Chapter 31</u>, <u>Article III</u>, <u>Section 103</u> when purchasing art for the Los Alamos County collection and approval will be in the following tierr level:

- Purchases not exceeding \$10,000 shall be submitted to the Community Services Department Director for finial approval; County Counil approval is not needed.
- Purchases exceeding \$10,001, shall be put before County Council for final approval.

In the event that the work of art is to be purchased and placed in conjunction with a County project, the Board shall consult with the appropriate County staff and the project architect, if any, and involve them in the selection process as necessary. The Board may request Council approval in advance to purchase a work of art at a juried show.

- 1. Minimum Criteria: Pursuant to Code, the Board will consider the following minimum criteria in selection of works of public art:
 - a. The work of art must be located in a public place with public visibility and impact.
 - b. The work of art shall have a permanence generally of at least twenty (20) years and shall be likely to remain a thing of value for this time period given appropriate site selection and maintenance.
 - c. The work of art shall enhance the environment of the County.
- 2. Additional Criteria: In addition to the minimum standards, the Board may also consider the following:
 - a. Quality of the workmanship
 - b. Reputation and/or recognition of the artist or artists.
 - c. Appropriateness of the art for the proposed location.
 - d. Maintenance requirements for the art.
 - e. Environmental factors (weather, noise, light, etc.).
 - f. Security factors (theft, vandalism, etc.).
 - g. Public safety

The Board will consult with the County Attorney in order to prepare a purchase agreement or purchase order, if needed. To the extent possible, a legal instrument of conveyance, transferring title of the artwork and clearly defining the rights and responsibilities of all parties shall be made and maintained for all works of art in the public collection. In general, works of art shall be acquired without legal restrictions regarding future use and disposal, except with respect to copyrights and certain clearly defined residual rights that may be part of the agreement with the artist.

Donations

- 1. **Donations of Art** to the County's art Collection is to be guided by the County's works of art donations policy as provided for in Appendix A.
- 2. Donatiton of Cash to the Art in Public Places Fund can be added to the Art in Public Places Fund and used, budgeted, and appropriated in the same manner as all other APPB funds. In general, cash donations or gifts will only be accepted without restrictions. If a cash contribution or donation is proposed to be earmarked for a particular project, the Board, in consultation with the County Manager, will determine if the proposed project/work of art is reasonable depending on the circumstances and is in accordance with the objectives and intent of the Other County's public art program.

Disposal

- A recommendation for Disposal of any work of public art can come to the APPB from any person, source, or Board member. The Board, in an open public meeting, will decide whether to proceed with recommending disposal of the work of public art or to dismiss the proposed disposal. Generally, a work of art may be considered for disposal if one or more of the following conditions apply:
 - a. It has received consistent adverse reaction on the part of the stakeholders.
 - b. It is duplicative in the County's public art collection.
 - c. It possesses faults of design or workmanship.
 - d. It requires excessive or unreasonable maintenance.
 - e. It is damaged irreparably, or to an extent where repair is unreasonable or impractical.
 - f. It represents a threat to public safety or unduly encumbers public land.
 - g. A suitable place for display no longer exists.
 - h. The work is not, or is rarely, displayed.
- 2. If the APPB decides to proceed with recommending to Council the Disposal of a work of public art, the Board will:
 - a. Gather information from the stakeholders and discuss the results at an APPB meeting. The artist whose work is being considered for Disposal will be notified by reasonable means of the meeting, if possible.
 - b. If the Board decides to recommend Disposal of the art work, a plan for the path forward will be developed reflecting input from the stakeholders and the artist, if possible. The role of the artist is advisory only. The current monetary value of the art work, if available, will be included in the plan along with a description of the applicable conditions listed above.
 - c. Notify the Council liaison of the recommended plan for Council approval and disposition. Disposal of any public work of art requires Council approval, so the Board Chair, the Council liaison, and the staff liaison will formulate a plan and path forward for final Council decision.
- 3. Disposal by any means of County-owned public art shall comply with all applicable County and State legal requirements.

Placement, Movement, or Relocation of Art

The Board is charged with the duty to recommend to Council the orginal placement of public art. Movementor relocation of all public art from one public building or site to another does not need Council approval, unless costs to move or relocate exceed \$5,000. At which point the Board's recommendation to Council will generally include the method by which the works of art will be moved, handled, or stored, the dates of expected movement, length of storage, where applicable, and method for reinstalling the art. Once approved by Council, the Board will assist the staff liaison in coordinating

the movement, storage, and/or relocation of art to ensure proper handling and care of the art.

Maintenance, Repair, and Restoration of Art

The Board shall be instrumental in obtaining a Los Alamos County Service Agreement with a contractor to provide outdoor sculpture cleaning and maintence services, to assess the condition of, clean, maintain, and repair the County's Art in Public Places outdoor scultoure collection. The Board shall recommend to Council the general requirements for maintenance, repair, or restoration of all outdoor County-owned works of public art when a contract is complete and a new RFP is needed.

In the event that Los Alamos County Public Art is in need of maintenance, repair and/or restoration, the Art in Public Places Board shall follow the payment threseholds mentioned in Chapter 31, Article III, Section 103 and approval will be in the following tierr level:

- Purchases not exceeding \$10,000 shall be submitted to the Community Services
 Department Director for finial approval; County Counil approval is not needed.
- Purchases exceeding \$10,001, shall be put before County Council for final approval.

Plaques and Identification Signs

To the extent practicable, the APPB will comply with the current County's Graphic Standards related to the identification of County owned works of art. Attached here as Appendix B is the Art Board's plaque and labeling guidelines.

Appendix A: Artwork Donations to the Los Alamos County Public Art Collection Policy

Purpose

In addition to artwork purchased for the Los Alamos Public Art collection, the County may accept donations of art. The purpose of this policy is to establish procedures for the acceptance or rejection of these donations. This policy only applies to artwork donation offers made through the Art in Public Places Board ("Board").

Policy

It is the Board's policy that when any gifts or donations of art are proposed to the Board for placement within any County facility (interior or exterior) or any other public space, such proposals of gift or donations shall be evaluated by the Board, the respective County department, and the County Council using the procedures listed in this policy.

Exemptions to this Policy

- 1. Portable artworks on short-term loan to Los Alamos County shall not be subject to review under this policy [i.e. temporary exhibitions, generally 60 days or less].
- 2. Donations of artwork made directly to the Library Division shall not be subject to this policy.

Criteria for Acceptance of Donations

Aesthetics - Visual criteria shall include consideration of the following:

- Artistic merit of the work of art, including consideration of its artistic social and/or historical significance, as evidenced by Form A - Intent to Donate (which shall include a written description and drawings and/or photographs of the proposed artwork);
- 2. Artist's background, as evidenced by Form A Intent to Donate (which shall include information about the artist plus slides/photographs or other visual examples of past work, and a resume, if possible);
- Compatibility of the work of art within the context of the County's collection;
- 4. Warranty of originality of an existing artwork (only original works or limited editions shall be considered);
- 5. Ability of the work to meet the Board's criteria for quality of workmanship and permanence; and
- 6. Verification that any permanently attached text components (including signage and/or plaques) for the artwork will not violate the requirements of Los Alamos County regulations relating to the display of non-commercial signs in public places. As noted under "Special Conditions," the artwork shall not contain/display anything that can be construed as advertising.

Location - Consideration shall be given to the following:

- 1. Appropriateness of the proposed site with respect to the artwork's audience and physical environment;
- Compliance with any Master Plans or other plans the County has developed with regard to site location;
- 3. Identification of potential public safety concerns;
- 4. Proposed method of display (including any necessary base design; landscaping, lighting, utilities, anchoring);
- 5. Scale, form, content, color, and design of the artwork in relation to the site;
- 6. Ecological impact (i.e., percentage of impervious cover, etc.);
- 7. Accessibility to the public, including persons with disabilities; and
- 8. Compatibility with art works already in existence at the proposed site.

Installation - The standards to be considered for putting the artwork in place shall include:

- Site requirements necessary for installation, including, but not limited to electricity, lighting, and water, including irrigation water. If the irrigation system needs to be relocated, but is not feasible, then the effect of the irrigation water on the artwork must be taken into effect;
- 2. Method of installation;
- 3. Transportation costs;
- 4. Storage requirements, if any; and
- 5. Maintenance requirements.

Financial - Financial criteria to be considered shall address the cost and availability of funding and shall include the following items:

- 1. All costs associated with fabrication and installation (including site preparation, plaque and unveiling/dedication event, if any);
- 2. Source of funding and date funds are available (i.e., must funds be raised through private fundraising before the artwork can be installed or fabricated?); and
- 3. Estimated annual maintenance costs.

Liability – Added costs or liabilities the County may incur if the artwork is accepted, such as:

- 1. Susceptibility of the artwork(s) to normal wear and to vandalism;
- 2. Potential risk to the public;
- 3. Public access, in general, as well as compliance with ADA requirements; and
- 4. Any special insurance requirements.

Timeliness – Subjects of concern related to timeliness include:

 Allowance of sufficient time for normal review process by the affected department, the Board, the County Council, and any other affected parties; and 2. A failure by the donor to provide a timely response for additional materials or information may be grounds to reject a gift or donation.

Special Conditions - Conditions imposed by the donor may not be compatible with the County's plans. Therefore, such conditions will be a factor in determining the advisability of accepting a proposed gift or donation

Procedures

The following procedures have been established to provide a fair and consistent application of this policy.

- 1. The potential donor shall submit a completed Form A "Intent to Donate Artwork," including the required attachments, to the Board's staff liaison. The staff liaison will schedule the proposal on the Board's agenda. The Board shall perform a preliminary review based upon the criteria listed in Section IV. A. "Aesthetics." If the Board determines that the donation does not meet the criteria listed in Section IV. A., the process is concluded at this point.
- 2. If the donation offer passes the review in Section V. A. above, the Board will review the offer in relation to Sections IV. B-G. Upon a recommendation to accept the donation by the Board, the staff liaison will be directed to contact all interested County departments affected by the decision for review and technical evaluation, when particular technical expertise is needed. The purpose of the departmental review is to determine the feasibility of accepting the artwork, i.e., the viability of the recommended location, maintenance costs, as well as other impacts. If the affected department(s) has a Board or Commission that is appropriate to involve, that Board or Commission should review and comment on the proposal as well.
- 3. If the proposed donation is deemed appropriate through the process outlined in A. and B. above, the Board shall either vote to make a recommendation to the County Council to accept the donation or vote to decline the donation as presented. The recommendation to County Council shall take into consideration the input from all others involved in the review process; however, if the Board votes to decline the proposed donation, the process stops.
- 4. If the Board's review of the proposed donation results in a recommendation to accept the donation with modifications, the new design shall be resubmitted to the respective department for review prior to the Board taking its final recommendation to the County Council.
- 5. When the artwork donation approval process has been successfully completed, the County and the donor shall enter into an Agreement for the Transfer and Placement of Artwork that legally conveys the title to the County and includes the appropriate warranty of originality. The Agreement shall also enumerate any

conditions of the gift the County has agreed to accept and outline the responsibilities of each party with respect to the donation, including installation and maintenance. In general, gifts may only be accepted without restrictions. Once installed, the artwork shall be added to the County's collection and covered under the County's insurance policies for the appraised value.

6. Until an agreement has been accepted by both the donor and the County, the donor may withdraw the offer of gift or donation.

Date Appendix A was approved by the APP Board:
April 25, 2013; Revised November 21, 2013; Revised March 24, 2016; Revised
June 23, 2016

Date Appendix A was approved by the Los Alamos County Council: November 5, 2013; Revised August 30, 2016;

Los Alamos County Art in Public Places Board Intent to Donate

I wish to present the following piece of artwork for consideration by the Art in Public Places Board to be included in the Los Alamos County Public Art Collection. I understand that the acceptance and disposition of this piece will be governed by the Policies and Guidelines established for the Art in Public Places Board.

Donor Information) :		
Name:			
Information about	the Artist, if known:		
Artist Name:			
Resume Attached	d: Yes No_		
Additional Informat		al pages, as needed. Pr	
Information about	the Artwork		
Title:			
		work:	
Medium:			
Dimensions:			
Height:	Length:	Diameter:	Weight:

Estimated Value:	Photos attached: Yes No
Appraised: Yes No	If yes, date of Appraisal:
Appraisal Value: \$	
Appraisal attached? Yes No_	
Donor Requests/Recommnedations:	
Desired or requested location:	
1st choice:	
2 nd choice:	
3 rd choice:	
Description of Annual Mantenance:	
Requested or Recommended Plaque	e wording:
Additional Information or Comments:	
*Please attach photographs of the piece (any additional information you have abou	(at least 2 photos from different angles) and ut the artist and the artwork.
Donor's Printed Name:	
Donor's Signature:	
Date:	

Los Alamos County Art in Public Places Board Artwork Donation Offer – Internal Review Form

Donation Po Submitted b							
Date Submi	tted:						
Date Reviev	wed:						
APP Membe	er/s:						
Title of Artw	ork:						
Artist:							
Medium:	Abstro	act	act Representational				
Aesthetics: Rate from 1 (low) to				Artist Qualification_			
5 (high)		Originality		Quality & P	_ Quality & Permanence		
Quality: Professional Non-Professional							
Proposed Lo	ocation	າ:					
Rating (1-Low to 5-High) Indoor Outdoor							
Installation Requirements:							
Maintenand	ce:						

Base:	Yes	No	Price Estimate:				
Plaque:	Yes	No	Price Estimate:				
Lighting:	Yes	No	Price Estimate:				
Comments:							
Liability Issues: Ye	s No_						
If Yes, Explain:	If Yes, Explain:						
Additional Comme	Additional Comments or Special Conditions:						

Form c

To be completed by County and Artist/Donor upon acceptace of Donated Art

Los Alamos County Art in Public Places Board Acceptance of Donated Art

I understand that the acceptance and disposition of the work of art will be governed by the Policies and Guidelines established for the Art in Public Places Board and the Terms and Conditions outlined below.

Donor Information:	
Name:	
Address:	
Phone Number/s:	
Is this your original work of	Art(1) ? Yes No
Are you the Artist? If "Yes", proceed with the be	Yes No elow.
If "No", please contact the A may have in donating the w	Arts in Public Places Staff Liaison to review what rights you ork of art.
Are you the sole creator o others ⁽²⁾ ?	f this work or was it created in coordination with
Sole Creator	Created with other artists or Individuals
Information about the Arto	wrk:
Title:	
Date Created (if known) c	or Est. age of the Artwork:
Medium:	

Dimensions:							
Height	Length		_	Diameter: _	Weight		ıt
Estimated Value: \$				Photos Attached: Yes No			
Appraised?: Yes No I			lf	If Yes, date of Appraisal:			
Appraiser's Name & Phone Number:							

- (1) If you answered "No" to the question on whether you are the Artist or creator of the work, a case-by-case analysis is required to determine what rights you may have, hold, or possess in relation to the work of art and what rights may be transferred to the County.
- (2) If you are not the sole creator of the work of art, can you or will you obtain the other artist(s) release and agreement to donate the work of art? All creators of the work of art must agree to donate the work of art either by full copyright or irrevocable license.

Incorporated County of Los Alamos Acceptance of Donated (Original) Work of Art

I,, ar	nd	_ ("Artist" hereafter used individually
or collectively) hereby, on thi original work of art, described Incorporated County of Los A	is the day of d fully below, (hereaft Alamos ("County") Pu n of the Artwork from	, of, donate my rer "Artwork") to be included in the blic Art Collection. The County Artist in accordance with the
The work of art (hereafter "Ar of art)	rtwork), is titled "(title	e)," is as follows: (describe the work
_	e donated Artwork by	s that upon the acceptance, transfer, y County into the County's public art : (choose one and initial)
and to include all rights, title, is transferred and vested with sole right to any and all deriv	and interests Artist had and in perpetuity to ative works and the Cothe Artwork. County I	d by Artist, whether recorded or not as in the Artwork, including possession, the County. County shall have the County has all rights to publish, print, may, at its option and costs, record
limited to, reproductions used catalogues or other similar po (70) years. Artist retains all co U.S.C. sec. 101 et seq., as am Artist agrees to: 1) not enter in duplication, or installation of collection within a 100-mile ro	d in advertising, broch ublications, the Artwo opyrights under the Ur hended, and all derive nto any agreements of copies or derivatives adius of the County's	ossess, and publish, including, but not nures, media publicity and rk for the life of the Artist plus seventy nited States Copyright Act of 1976, 17 ative rights to the Artwork, except that which would authorize the creation, of the Artwork as part of a public art installation site; and 2) Artist shall not n of the final Project, nor shall Artist

grant permission to others to do so, derivative works, except with the express written permission of the County.

Visual Artists Rights Act (VARA) and Derivative Works

Artist agrees that if the Artwork is found to be a work of "visual art" as provided by the Visual Artists Right's Act, the Parties specifically agree that: (1) Artist, as author of the Artwork, will only have the right to claim authorship of the work, pursuant to 17 U.S.C. § 106A(a)(1)(A), but herein specifically waives all rights to prevent the use of Artist name by County related to publication or showing of the Artwork; and (2) Artist hereby expressly waives all other rights, including the right to limit or prevent the use of the Artist's name(s) in relation to the Artwork, the right of to prevent, limit, or halt the placement, movement, or temporary loaning of the Artwork and of the right to be notified of movement, sale, or decommissioning of the Artwork. Artist, where applicable, will provide to County any instructions on the preservation, maintenance, or cleaning of the Artwork.

Authorship Credit

Display of the Artwork by County will include a credit to Artist pursuant to the County's Arts in Public Places Policies and Procedures, as may be amended. In any public showing or publication of the Artwork, derivative works, or reproductions by Artist, as permitted herein, Artist shall give the following credit: "__(title)_, an original work held as a Public Work of Art by the Incorporated County of Los Alamos." This requirement may be waived upon written approval and mutual agreement of the Parties.

Release

Artist agrees there are no claims or liens against the Artwork and that Artwork was solely created as an original work of art by the Artist. Artist releases, waives, and gives to County, whether granted a license or copyright, all income from the Artwork. Each party is responsible for their own costs in holding, maintaining, or preserving the Artwork or their right(s) therein. Artist agrees to release County against any and all claims of the Artist for any infringement of copyright by the publication, duplication, or copy of the Artwork including derivative works. Artist understands, agrees, and releases County from any actions in law or equity relating to resulting from such infringement of rights that may be held by the Artist.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date(s) set forth opposite the signatures of their authorized representatives to be effective for all purposes on the date first written above.

ATTEST	INCORPORATED COUNTY OF LOS ALAMO		
	BY:		
NAOMI D. MAESTAS	STEVE LYNNE	DATE	
COUNTY CLERK	COUNTY MANAGER		

ARTIST/DONOR

BY:			
			DATI

Appendix B: Los Alamos County Art in Public Places Collection **Plaques and Identification Signs**

Guidelines

All new and future replacement plaques identifying artworks as part of the Los Alamos County collection should be designed, to the extent possible, according to the general guidelines used by New Mexico public art collections, museums and other cultural institutions.

Required Plaque Content

- 1. Artist Name
- 2. Artwork Title (Bold, Italicized not in quotation marks)
- 3. Ownership (Los Alamos County Public Art Collection)
- 4. Date of Acquisition

Plaque content is not limited to the required content. Dedication information, artist comments, background information, story, etc., may be added by APPB vote to suit the installation.

Indoor Plaques

- 1. Minimum size: 3.5" x 2"
- 2. Material: Silver or equivilent look
- 3. Font: Book Antiqua, Times New Roman, or equivalent
- 4. Font Size:
 - a. Line 1 & 4: 12pt
 - b. Line 2: 16pt or 18pt
 - c. Line 3: 12pt, or as appropriate for plaque size

Example:

Artist Nomenclature

Premier Artwork

Los Alamos County Public Art Collection December 16, 2015

Outdoor Plaques

- 1. Minimum size: 9" x 12"
- 2. Material: Bronze, dark satin or equivalent or another appropriate material as determined by the Art in Public Places Board, depending on the circumstances.
- 3. Border Style: Single
- 4. Font: Book Antiqua, Times New Roman, or equivalent
- 5. Font Size:
 - a. Line 1 & 4: 36pt
 - b. Line 2: 48pt
 - c. Line 3: 24pt, or as appropriate for plaque size

Date Appendix B was approved by the APP Board: June 23, 2016

Date Appendix B was approved by the Los Alamos County Council: August 30, 2016