

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ESTABLISHING) RESOLUTION NO. 11-4282
ADDITIONAL ONE PERCENT FOR ART)
PROGRAM GUIDELINES FOR OREGON ZOO) Introduced by Acting Chief Operating Officer
BALLOT MEASURE 26-96 CONSTRUCTION) Daniel B. Cooper, with the concurrence of
PROJECTS) Council President Thomas Hughes

WHEREAS, at the General Election held on November 4, 2008, the Metro Area voters approved the Oregon Zoo Ballot Measure 26-96, entitled "Bonds to Protect Animal Health And Safety; Conserve and Recycle Water" providing funding for \$125 million in capital improvements at the Oregon Zoo ("Oregon Zoo Bond Measure"); and

WHEREAS, in 2010, the Oregon Zoo launched the Oregon Zoo Comprehensive Capital Master Plan process, to ensure that the Oregon Zoo Bond Measure is implemented within budget, in a fashion that effectively integrates bond projects with existing exhibits, preserve opportunities for future non-bond funded projects and makes the maximum use of existing and proposed infrastructure, which plan will be completed in September 2011, and presented to the Metro Council for review and adoption; and

WHEREAS, during the Comprehensive Capital Master Plan process, staff determined that the most effective use of the One Percent for Art Program funds for the Oregon Zoo Bond Measure would be to allocate them programmatically, rather than on a project-by-project basis, enabling a more strategic approach to the selection and installation of public art at the Oregon Zoo and leveraging the funds to greater effect for the public and the Oregon Zoo campus; and

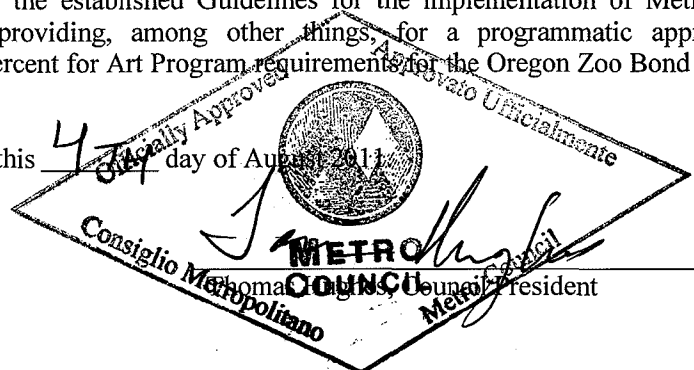
WHEREAS, Metro Code Section 2.07.060 "One Percent for Art Program – Implementation" requires that the Metro Council adopt guidelines for implementing Metro's One Percent for Art Program, and Metro Council Resolution No. 87-717, adopted March 12, 1987, "For the Purpose of Establishing Guidelines for the Implementation of a One Percent Program," provides said guidelines; and

WHEREAS, the One Percent for Art Program implementation guidelines imposed by Resolution No. 87-717 provide for a project-by-project implementation of Metro's One Percent for Art Program and not a programmatic approach; now therefore

BE IT RESOLVED that the Metro Council hereby:

Adopts the One Percent for Art Program Guidelines for the Oregon Zoo Bond Measure Projects attached as Exhibit A, amending the established Guidelines for the implementation of Metro's One Percent for Art Program and providing, among other things, for a programmatic approach to implementation of Metro's One Percent for Art Program requirements for the Oregon Zoo Bond Measure public improvement projects.

ADOPTED by the Metro Council this 4th day of August, 2011.



Approved as to Form:

[Signature]
Alison Kean Campbell, Acting Metro Attorney

Exhibit A to Resolution No. 11-4282
Metro's One Percent for Art Program Guidelines

One Percent for Art Program Guidelines for Oregon Zoo Bond Measure Projects

I. PURPOSE

The purpose of these Guidelines is to provide a process for selecting, purchasing, commissioning, placing, and maintaining the zoo's public art purchased with zoo bond program percent-for-art funds. This art should be of redeeming quality, advance public understanding of art, enhance education programs and animal exhibits, inspire visitors to be aware of the zoo's inherent role in creating a better future for wildlife, and enhance the aesthetic quality of the site. The goal is to select and display art which represents the best in artistic skills and to encourage public dialogue and understanding of works of art.

II. GUIDELINE DEFINITIONS

- A. "Advisory Committee" or "Zoo Public Art Advisory Committee": The Advisory Committee created for the purpose of advising Metro on the selection of artists and/or works of art in accordance with Metro's percent-for-art program.
- B. "Architect": The person or firm designing a project to which percent-for-art funding applies. Where the architect is a firm, the term Architect shall mean the principal of that firm in charge of designing the project.
- C. "Artist": A practitioner in the visual arts generally recognized by critics and peers as possessing serious intent and recognized ability that produces works of art and is not a member of the project architectural firm.
- D. "Bond Program" or "Zoo Bond Program": In 2008 voters approved Ballot Measure 26-96 (the "Oregon Zoo Bond Measure 26-96") to support several improvements to the physical environment and operation of the Oregon Zoo with \$125 million in capital improvements.
- E. "Project" or "Bond Project": The construction or alteration of zoo campus structures and animal habitats, funded by the zoo bond program.
- F. "Proximity Art Project": A stand-alone art project, near but distinct from any bond project, subject to bond program percent-for-art funding.
- G. "Public Art Collection Coordinator" or "Coordinator": The staff person assigned by the zoo director to coordinate and facilitate the implementation of the percent-for-art ordinance adopted by Metro Council.
- H. "Works of Art": All forms of original creations of visual art, including but not limited to:
 - 1. Painting of all media, including both portable and permanently affixed works, such as murals;

2. Sculpture which may be in the round, bas-relief, high relief, mobile, fountain, kinetic, electronic, etc., in any material or combination of materials.
3. Other visual media, including, but not limited to, prints, drawings, stained glass, calligraphy, mosaics, photography, clay, fiber and textiles, wood, metals, plastics, or other materials or combination of materials, or crafts or artifacts.
4. Artworks which possess functional as well as aesthetic qualities.
5. Performing art, such as dance, is not an eligible art form under this program.

III. PROCESS

- A. Bond project percent-for-art funds will be implemented on a programmatic level rather than a project-by project approach. One percent of direct construction costs will be allocated from each bond construction project (valued greater than \$100,000) and deposited into a general bond program percent-for-art pool. Art funds will be distributed to select bond projects and/or proximity art projects from the accumulated pool, as determined by the Zoo Public Art Advisory Committee.
- B. The Office of the Chief Operating Officer shall appoint a Zoo Public Art Advisory Committee, as directed by Section IV of these guidelines.
- C. The Advisory Committee shall:
 1. Recommend suitable art forms and the appropriate locations for artwork within bond program projects and other zoo campus locations in the proximity of bond projects.
 2. Develop a long-term public art strategy dealing with the zoo's existing public art collection and integrating new pieces into the collection.
 3. Determine artist's prerequisites; specifics of artist/art form selection.
 4. Prepare a statement of procedures to be followed in the selection process. The committee may seek the advice of the Regional Arts and Culture Council (RACC) or other suitable advisors.
 5. Recommend expenditures for the program in accordance with the approved budget and further guidelines contained in sections VIII and IX.
 6. Make the selection of the artist and work of art.
 7. Work with Zoo Bond Program staff, the Public Art Collection Coordinator, and the architect on designation of appropriate sites and incorporation of artist's and artwork's special requirements within construction documents.
 8. Solicit opinions regarding recommended art locations and types from stakeholders, as required.

- D. The Metro Council shall:
1. Maintain oversight, review and approval of the Advisory Committee's recommended art location and types, at the time the Council reviews and approves the project design.
 2. Maintain oversight, review and approval of contracts brought forward under this program in accordance with the provisions of the Metro Code.

IV. ZOO PUBLIC ART ADVISORY COMMITTEE MEMBERSHIP

- A. The Advisory Committee shall be comprised of individuals from the following categories:
1. A Metro Councilor
 2. The Public Art Collection Coordinator
 3. A designated representative from the Oregon Zoo Bond Citizen's Oversight Committee
 4. A designated representative from the Oregon Zoo Foundation
 5. A designated representative from the Zoo Bond Program
 6. A zoo division head or designated representative from zoo staff
 7. The project architect, when applicable
 8. A citizen with a background in the arts
 9. A member of the Regional Arts and Culture Council or its designee or another suitable advisor
- B. The Metro Council President shall appoint the Metro Councilor to serve on the Advisory committee.
- C. With the exception of the Metro Councilor serving on the Advisory committee, the Chief Operating Officer shall appoint the members of the Advisory Committee and designate a chairperson.
- D. When required, the Advisory Committee shall be augmented by project-specific stakeholders and consultants such as staff that will be in contact with the art, technical experts and advisors.

V. CRITERIA FOR SELECTION OF ART BY ADVISORY COMMITTEE

- A. Artists will be selected on the basis of their qualifications as demonstrated by past work if any, appropriateness of the proposal to the particular project, and its probability of successful timely completion as determined by the Advisory Committee.

- B. In recommending artists and works of art, the Advisory Committee shall select those artists and works of art of the highest aesthetic quality, and those which fulfill the purposes of the program set forth above.
- C. In all cases, consideration will be given to materials, construction, durability, maintenance, accessibility and safety.
- D. Specifically excluded from selection are members of project architect's firm.

VI. PROJECT IMPLEMENTATION

- A. The Zoo Bond Program director shall initiate the programmatic approach to percent-for-art expenditures upon submittal and approval of zoo master plan. Budget estimates and project design recommendations in the master plan shall be used by Advisory Committee to recommend suitable art forms and the appropriate locations for artwork within bond program projects and other zoo campus locations in the proximity of bond projects.
- B. When implementation of percent-for art program is associated with a bond project, as opposed to a stand-alone proximity project, the Zoo Bond Program director shall initiate the process early in the project's design phase, so that the Advisory Committee may offer art-related recommendations on the project's schematic design alternatives.
- C. The architect shall work closely with the Advisory Committee on the designation of appropriate sites and shall incorporate the artist's or artwork's special requirements within the construction documents, including the time of delivery and installation of the work.
- D. The Advisory Committee may elect to use the Regional Arts and Culture Council (RACC) to help administer the selection of art. RACC can help prepare the Request for Proposal and do the solicitation. RACC may also act as an advisor. The Advisory Committee should obtain authorization from the Chief Operating Officer to use RACC in administering the art selection. RACC's art selection advisory and administrative fees shall be paid as part of the percent-for-art budget, see section VIII.
- E. Upon the designation of an artist or work of art, Metro and the artist shall enter into a contract for the artist's services or for the purchase and installation of a work of art. This contract shall require the artist to produce or deliver a work of art for a guaranteed maximum price by a specific time.

VII. MANAGEMENT AND MAINTENANCE

- A. Metro shall be responsible for the ongoing care and maintenance of all works of art purchased or commissioned for the project.
- B. In those cases where a work of art may be expected to require extraordinary maintenance expenses, Metro may reduce the amount of its percent-for-art expenditure by an amount equal to the extraordinary maintenance expenses it will incur over a reasonable period.

VIII. APPLICATION OF PERCENT FUNDS: INCLUSIONS

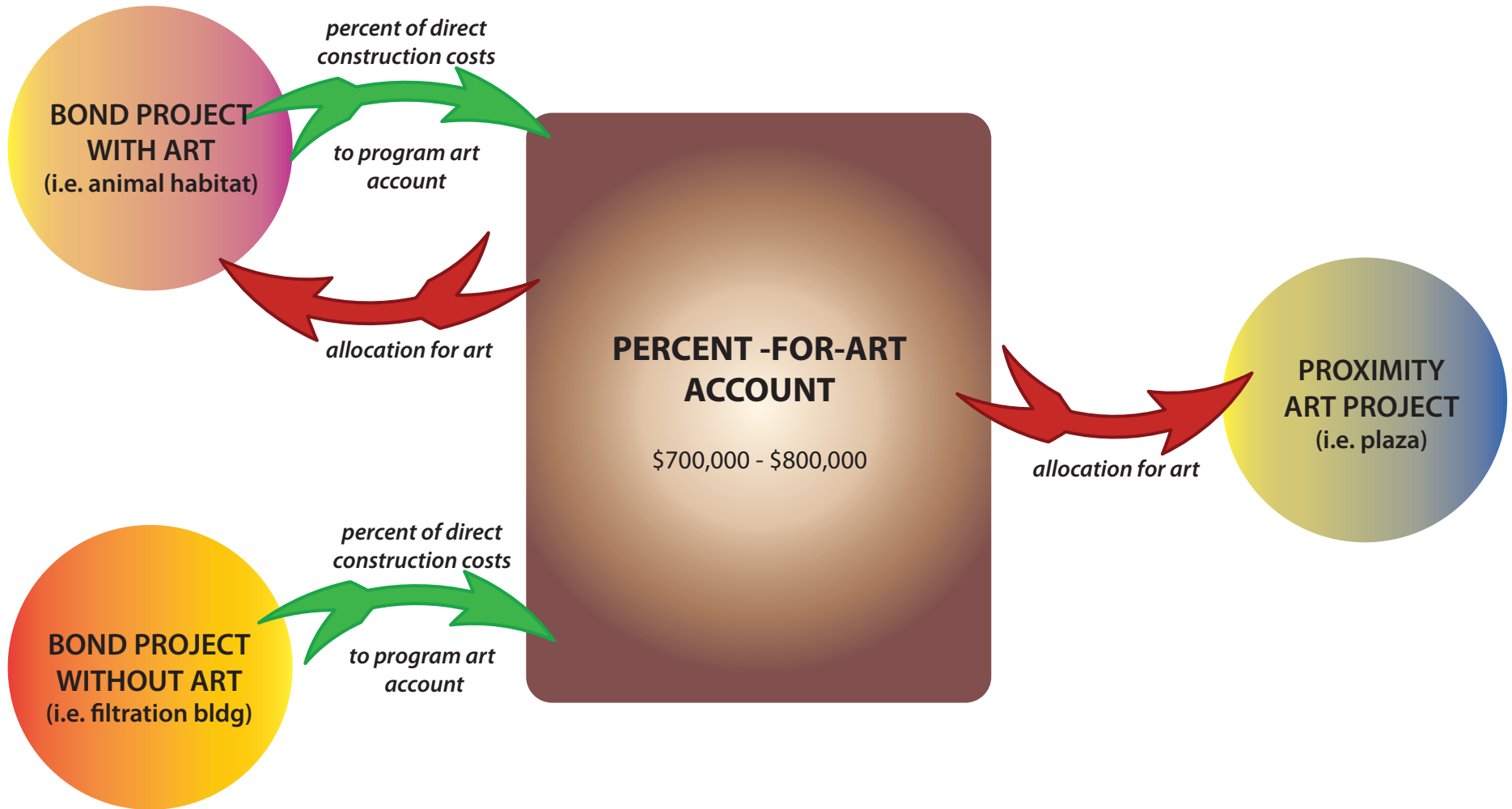
- A. Appropriations of percent-for-art program funds may be spent for the work of art itself, including but not limited to:
 - 1. Artist's design fee.
 - 2. Additional labor and materials required for production of work.
 - 3. Artist's operating costs.
 - 4. Travel related to the project.
 - 5. Transportation of the work to the site and installation.
- B. Identification plaques and labels.
- C. Frames, mats, mountings, anchorages, containments, pedestals, or materials necessary for the installation, location, or security of the work of art.
- D. Photographs of completed works.
- E. Insurance.
- F. Expenses for special advisors or consultants.
- G. Historical artifacts displaced by construction.
- H. Percent-for-art program administrative costs.

IX. APPLICATION OF PERCENT FUNDS: EXCLUSIONS

Appropriations of percent-for-art program funds shall not be spent for:

- A. Reproductions, by mechanical or other means, of original works of art.
- B. "Art objects" which are mass-produced of standard design.
- C. Modifications in or improvements to building surfaces or structural elements of the building, except for integral art as defined by the Advisory Committee.
- D. Electrical, water or mechanical activation of the work of art (i.e., utility costs).
- E. In connection with the works of art: registration, dedication, unveiling, security and publicity after selection.
- F. Architect's fees.

BOND PROGRAM PERCENT-FOR-ART CASH FLOW DIAGRAM



Bond project percent-for-art funds will be implemented on a programmatic level rather than a project-by-project approach. One percent of direct construction costs will be allocated from each bond construction project (valued greater than \$100,000) into a general program percent-for-art pool. Art funds will be distributed to bond projects and/or proximity art projects from the accumulated pool.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 11-4282 FOR THE PURPOSE
OF ESTABLISHING ADDITIONAL ONE PERCENT FOR ART PROGRAM
GUIDELINES FOR OREGON ZOO BALLOT MEASURE 26-96
CONSTRUCTION PROJECTS

Date: July 6, 2011

Prepared by: Kim Smith, 503 220-2450
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BACKGROUND

Metro Code Section 2.07.020 (d) states the agency policy of spending one percent of direct construction costs, on projects valued at more than \$100,000, towards public art.

The Oregon Zoo has featured public art as part of its visitor experience since opening at its current site in 1959. The variety of artwork (more than 30 pieces) located throughout the campus appeals to all ages and provides an alternative learning experience that builds upon the zoo's already rich environment.

The goal for the zoo's public art program is to present art that complements and enhances the zoo's award-winning education programs and animal exhibits and inspires visitors to be aware of the zoo's inherent role in creating a better future for wildlife.

On November 4, 2008, the Metro Area voters approved Ballot Measure 26-96 (the "Oregon Zoo Bond Measure") to support several improvements to the physical environment and operation of the Oregon Zoo with \$125 million in capital improvements. It is estimated that the amount reserved for art under Metro's policy will be in the \$700,000.00 – \$800,000.00 range. Staff determined the most effective use of the one percent for art funds would be to designate them programmatically rather than on a project-by-project basis. This would enable a more strategic approach to the selection and installation of public art at the zoo and leverage the monies to greater effect for the public and the campus.

In 1987, Metro Council established, via resolution guidelines, to provide the direction necessary for implementation of the One Percent for Art Program. The guidelines included:

- Appointing an Advisory Committee to recommend suitable art forms, artist prerequisites, recommend expenditures and work with project architect to designate appropriate sites.
- Criteria for selection of each project's art by Advisory Committee, including artist's qualifications based on past work, highest aesthetic quality, and consideration for safety, durability, maintenance, safety and public access.

Staff's recommended one percent for art approach aligns with Metro Council's guidelines, established in Resolution No. 87-717, including the formation of an Advisory Committee, the process for artist selection, and application of one percent funds, but aims to designate them programmatically rather than on a project-by-project basis. This will ensure consistency in the selection and placement of public art during the execution of the bond program's construction projects.

The Oregon Zoo's art Advisory Committee will address relocating current art collection pieces impacted by bond construction, integrating new art pieces into the collection, and creating a holistic public art experience throughout the zoo with a campus-wide approach to public art management. Staff believes a

programmatic approach to public art selection is an opportunity to select art that will have more impact on the visitor experience. For instance, some of the Oregon Zoo Bond Measure program smaller construction projects may not be in public areas. Using one percent for art monies pooled from these smaller, back-of-house projects to fund larger pieces located in public areas and more likely to be viewed and appreciated by patrons will have a beneficial impact.

Staff recommends the designation of an existing zoo staff member as zoo public art collection administrator. This individual will be a bridge between the zoo and the Advisory Committee, will serve on the committee, and will administer the maintenance and management of the zoo's public art collection. This shall ensure that the zoo's public art collection is preserved for future generations.

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition to this resolution.

2. Legal Antecedents

On March 12, 1987, the Metro Council adopted Resolution No. 87-717, "For the Purpose of Establishing Guidelines for the Implementation of a One Percent for Art Program," approving guidelines to provide a process for selecting, purchasing, commissioning, placing and maintaining the art purchased with art set-aside funds.

Metro Code Chapter 2.07, section 2.07.070 requires that the Metro Council shall adopt by resolution guidelines for implementing this program. The guidelines shall be interpreted in such a manner to fully carry out the purposes of the ordinance.

3. Anticipated Effects

- A. Implements a public Art Advisory Committee for the purpose of selecting zoo bond program public art.
- B. Allows the Art Advisory Committee to implement Metro's percent-for-art requirement programmatically rather than on a project-by-project basis.

4. Budget Impacts

The Oregon Zoo Bond program already anticipates spending one percent of direct construction costs towards public art. Implementing the one percent for art plan on a programmatic rather than project-by-project basis should not impact budget beyond what has already been anticipated.

RECOMMENDED ACTION

The Chief Operating Officer recommends passage of Resolution No. 11-4282.