

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ESTABLISHING	)	RESOLUTION NO. 14-4523
ADDITIONAL ONE PERCENT FOR ART	)	
PROGRAM GUIDELINES FOR PARKS AND	)	Introduced by Chief Operating Officer Martha
NATURAL AREAS PROJECTS	)	Bennett in concurrence with Council
	)	President Tom Hughes

WHEREAS, in May 2013, the voters of the Metro region approved a five-year local option measure for the purpose of preserving water quality, fish and wildlife habitat and maintaining Metro’s parks and natural areas for the public;

WHEREAS, as part of implementing the operating levy, Metro’s Parks and Natural Areas’ five-year work plan includes projects for natural area restoration, maintenance and improvements for visitors, and park maintenance and improvements, among other things;

WHEREAS, Metro Code Chapter 2.07.040 (the “One Percent for Art Program”) requires that one percent of the cost of major construction projects (where the construction cost exceeds a certain threshold), be set aside for the acquisition of art that will be integral to, or displayed in, upon or adjacent to the construction project, unless the Metro Council deems it appropriate for the art to be displayed or relocated to other Metro facilities;

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;

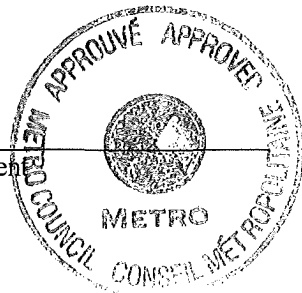
WHEREAS, by Metro Council Resolution No. 87-717 and Metro Council Resolution No. 11-4282, the Metro Council provided said guidelines, establishing both a project-by-project approach to implementation of Metro’s One Percent for Art Program and a programmatic approach for implementation of the program requirements for the Oregon Zoo bond Measure public improvement projects; and

WHEREAS, the additional guidelines attached as Exhibit A to this Resolution will make available a programmatic approach to Metro’s One Percent for Art Program for Metro’s parks and natural areas, allowing Metro to pool funds from parks and natural areas projects that would qualify for the One Percent for Art Program and use the pooled funds to create art at select sites for greater impact; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the One Percent for Art Parks and Natural Areas Guidelines, to provide additional guidance to staff in the implementation the One Percent for Art Program for parks and natural areas projects.

ADOPTED by the Metro Council this 13th day of November 2014.

*Tom Hughes*  
Tom Hughes, Council President



Approved as to Form:  
*[Signature]*  
Alison R. Kean, Metro Attorney

## **ONE PERCENT FOR ART PARKS AND NATURAL AREAS GUIDELINES**

### **PURPOSE**

The purpose of these One Percent for Art Parks and Natural Areas Guidelines are to provide an alternative process for implementing Metro’s One Percent for Art Program in Metro’s parks and natural areas. These guidelines allow staff to use a programmatic approach for parks and natural areas projects, as described below, but staff may also continue to use the project-by-project approach and the existing guidelines as appropriate.

### **PROCESS**

Metro’s One Percent for Art Program for its parks and natural areas may be implemented on a programmatic level, rather than a project-by-project approach. One percent of the funds generated from contributing projects, described below, will be deposited into a general parks and natural areas percent-for-art pool. Art funds will be distributed to sites and placed on select sites according to criteria set forth below.

### **CONTRIBUTING PROJECTS**

The following criteria will be used in determining which parks and natural areas projects contribute to the One Percent for Art funding pool:

- As of the date of Resolution 14-4523, projects for construction, reconstruction or major renovation of a Metro facility with an estimated construction cost of \$100,000 (the “Cost Threshold”) or more are “major construction projects” under the Metro Code and trigger the One Percent for Art requirement.
- Planting, even if extensive and over the Cost Threshold, is not considered a major construction project and will not trigger the One Percent for Art requirement.
- Multiple construction, reconstruction or renovation projects under the Cost Threshold on the same facility that if combined, would meet the Cost Threshold may be deemed at the discretion of the department director to be one major construction project if they are:
  - Projects designed and/or engineered under one design agreement, even if constructed under separate construction contracts.
  - Take place concurrently or in close succession.
- Equipment that is a fixture, such that it is attached to the facility and integral to a project, counts toward the Cost Threshold (example: water fountains). Moveable equipment does not count, such as a small back-hoe for trail maintenance and construction.
- Based on project work scopes and cost estimates, staff shall calculate and document the funds available for the art program, to be revised annually and updated based on actual project costs and using exceptions identified in the Metro Code.

### **ART PLACEMENT CRITERIA**

Staff will follow the following criteria when selecting sites and placing art at Metro’s parks and natural areas.

### **Site Selection and Placement Criteria**

With this programmatic approach, Metro staff will ensure that art is placed at locations distributed geographically to maximize the opportunity for all residents of the region and visitors to parks to experience art in Metro's parks and natural areas.

1. Creates opportunities for people to connect to the site's context, history, uses, habitats, species, processes and phenomena.
  - Creates opportunities for people to connect to the perception of natural phenomenon and processes over time
  - Creates opportunities for people to connect to the poetics and interconnectedness of water in wetlands, headwaters and rivers
  - Creates opportunities for people to connect to animal architectures, morphology, behaviors and life cycles
  - Promotes curiosity, environmental literacy and site interpretation
  - The site has the potential to engage private and public sectors, artists, arts organizations and community members
  - Provides an opportunity to reflect on the community and its characteristics, including history, identity, geography and cultures
  
2. Be easily visible and accessible to the public.
  - Located on primary trails within parks or natural areas, or in the natural area itself
  - Ensures fair and equitable distribution of public art throughout the Metro region
  - Supports artwork that meets ADA regulations
  - Provides an opportunity to celebrate one or more of the Metro region's cultural communities
  - Provides an opportunity for people to gather and come together
    - View of recreational activities should not be obstructed by the placement, size or shape of the artwork
    - Should not create a blind spot where illegal activity can take place
    - Should not impair resources or wildlife
  
3. Public art shall improve the natural quality or appeal of the site.
  - Serve to anchor and activate the site
  - Help to create a place of congregation and activity
  - Heightens people's aesthetic experiences of the place
  - Contains and focuses people's experiences while protecting wildlife and habitat
  - Should be placed in a location where it is not overwhelmed or competing with the scale of the site
  
4. Respect and respond to the existing site's habitats, plant and animal species, infrastructure, community context, natural processes, and wetlands.
  - Reflect and manifest community goals
  - Structurally sound to ensure the safety of the community as well as the longevity of the work
  - Appropriate activities on or near the site
  - Functional art elements are encouraged
  - Conditions at the proposed site are stable enough to support artwork for several years. The site is not expected to undergo significant changes in the future
  - The artwork should add value to the site and not interfere with the recreational uses, the natural appearance of the area, the natural function and resources or wildlife

When planning levy projects specifically, Metro staff will incorporate artwork as part of the design phase. Sites will be proposed by Metro staff and selected by the department director. A diverse design team (the “team”) will be convened to develop place-based art for each site selected. The team may be comprised of a Metro project manager, lead landscape architect (Metro staff or a consultant), an artist or writer selected from a roster to be developed by a regional arts organization (“RAO”), or similar organization, and education and resource staff to assess each site, prepare plans and determine the appropriate story for each piece of work. The theme, scale and media will be selected by the team to determine the best story, location and facility. As required by the Metro Code, the artwork will be owned and maintained by Metro.

The RAO will assist Metro in developing a list of interested artists or writers qualified to contribute to the design projects as part of the larger design team. The RAO will solicit letters of interest from artists or writers in their extensive network of artists. The department director will convene an ad-hoc selection committee to review the letters of interest based on objective criteria and determine the roster of potential artists or writers. This roster will be used by the lead landscape architect and design team to select the artist or writer to work with on levy construction projects. The committee members will be comprised of five to seven members from Metro, RAO and the community.

**One Percent for Art Program funds will not be used for the following:**

- Reproductions, by mechanical or other means, of original works of art.
- Those elements generally considered to be standard components of a landscape architectural design.
- “Art objects” which are mass-produced of standard design, such as playground sculpture or fountains.
- Modifications of or improvements to building surfaces or structural elements of the building, except for integral art as defined by the team.
- Electrical, water, or mechanical service for activation of the works of art (i.e., utility costs).
- In connection with the works of art: registration, dedication, unveiling, security and publicity after selection.
- Architect’s fees.

## **STAFF REPORT**

### **IN CONSIDERATION OF RESOLUTION NO. 14-4523, FOR THE PURPOSE OF ESTABLISHING ADDITIONAL ONE PERCENT FOR ART PROGRAM GUIDELINES FOR PARKS AND NATURAL AREAS PROJECTS**

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Date: November 4, 2014

Prepared by: Kathleen Brennan-Hunter, 503-797-1948

## **BACKGROUND**

Metro Code Chapter 2.07 sets forth Metro's One Percent for Art Program. The code states that "one percent of the construction cost of major construction projects shall be set aside for the acquisition of art" (Section 2.07.040). Section 2.07.020 (d) defines a "major construction project" as "construction, reconstruction or major renovation of a Metro facility with an estimated construction cost of \$100,000 or more." Works of art are to be integral to, or displayed in, upon or adjacent to the project, unless the Metro Council deems it appropriate for the art to be displayed or relocated to other Metro facilities.

Metro Code Chapter 2.07.070 requires that the Metro Council adopt guidelines for the implementation of the One Percent for Art Program. The Metro Council has the general flexibility to exempt projects from the art requirement or relocate works of art procured for one place to other Metro facilities (Section 2.07.040).

Resolution No. 87-717 establishes the initial guidelines for the implementation of the One Percent for Art Program. The guidelines provide a process for selecting, purchasing, commissioning, placing and maintaining art purchased with the funds set aside, and generally provides for implementation of the program on a project-by-project basis.

In 2011, the Oregon Zoo asked the Metro Council to adopt guidelines that allowed the Zoo to implement the One Percent for Art Program with a programmatic approach instead of a project-by-project approach. Metro Council Resolution No. 11-4282 approved this programmatic approach for the Oregon Zoo. The resolution approved guidelines that allow one percent of direct construction costs of Oregon Zoo Bond Measure projects (valued at greater than \$100,000) to be deposited into a general bond program percent-for-art pool. Art funds are distributed to select bond projects and/or proximity art projects from the accumulated pool.

## **PROPOSED APPROACH FOR PARKS AND NATURAL AREAS**

Metro parks and natural areas staff currently follow guidelines established in Resolution No. 87-717, including the use of exceptions. Program staff implement the One Percent for Art Program in a manner that is consistent with the Oregon Zoo, and would like to establish guidelines similar to the Oregon Zoo's approach, allowing staff to implement the One Percent for Art Program programmatically, rather than on a project-by-project basis. If adopted, this resolution would allow Metro staff to pool together One Percent for Art Program funds from parks and natural areas major construction projects, including funds from the 2013 Parks and Natural Areas local option levy and the Natural Areas Bond program, and use the pool of funds to create art at select sites for greater impact. The proposed additional One Percent for Art Parks and Natural Areas Guidelines are attached as Exhibit A to the Resolution.

Rather than procure or create art for every parks, levy or natural areas project with a cost that exceeds the cost threshold set in the Metro Code, which would result in multiple small artistic endeavors, the proposed program approach would allow Metro staff to pool the funds from multiple major construction projects. By pooling resources in this way, Metro will have the opportunity to incorporate art into everyday aspects of parks in a compelling way, so the story of a place is expressed as part of the design for the site. Projects incorporating artwork will develop around placed-based stories for the site's natural,

cultural and scenic values to enhance people's experiences and provide a stronger connection to the place. These story lines can be expressed in site elements such as custom benches, fences, bike racks or picnic shelters that reflect the character of the site. This approach has the ability to be especially successful when One Percent for Art Program funds from both levy and non-levy parks and natural areas major construction projects are combined. Leveraging or pooling these funds will enhance Metro's ability to fund meaningful art in the region that provides an opportunity to make unique and engaging or bold artistic statements, a recent example being the art benches built during the construction of Scouter's Mountain Nature Park.

As mentioned in the specific proposed guidelines, attached as Exhibit A to the Metro Council Resolution, department directors will make the final art location selection based on the Site and Placement Criteria, including the overarching intent to ensure that art is distributed through the region in a manner that ensures that the geographic distribution provides for the maximum number of residents to experience art at their closest Metro park or natural area.

## **ANALYSIS/INFORMATION**

### **1. Known Opposition**

There is no known opposition to this resolution.

### **2. Legal Antecedents**

Ordinance No. 87-215, "For the Purpose of Establishing a One Percent for Art Program for the New Construction or Major Alteration of Major District Facilities," was adopted on March 12, 1987 and was codified in the Metro Code as Chapter 2.07, One Percent for Art Program.

Resolution No. 87-717, "For the Purpose of Establishing Guidelines for the Implementation of a One Percent for Art Program," was adopted on March 12, 1987.

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."

Ordinance No. 02-967, "For the Purpose of Amending Title II Administration and Procedures (Chapters 2.03, 2.05, 2.06, 2.07, 2.09, 2.11, 2.12, 2.14, 2.15, 2.16, 2.17 and 2.18), of the Metro Code to Conform to the Metro Charter Amendments Adopted on November 7, 2000, and Declaring an Emergency," was adopted on November 21, 2002 and amended Metro Code Chapter 2.07.

### **3. Anticipated Effects**

Pooling the One Percent for Art funds from levy and non-levy parks and natural areas projects and focusing the funds on fewer projects will allow the Parks and Environmental Services and the Sustainability Center Directors to implement Metro's One Percent for Art requirement for parks and natural areas projects programmatically rather than on a project by project basis. This approach will be the most effective use of public funds.

### **4. Budget Impacts**

None.

## **RECOMMENDED ACTION**

The Chief Operating Officer recommends adoption of Resolution No. 14-4523.