

RESOLUTION 95-11 DEFERRED

METROPOLITAN EXPOSITION-RECREATION COMMISSION

RESOLUTION NO. 95-11

Adopting the revised "Metropolitan Exposition-Recreation Commission (MERC) Policy for Donations of Artwork to MERC-operated Facilities" which reflects the transition of duties and change of name from the Metropolitan Arts Commission (MAC) to the Regional Arts and Culture Council (RACC).

The Metropolitan Exposition-Recreation Commission finds:

1. On March 12, 1991, the Commission passed Resolution 117, adopting the Metropolitan Exposition Recreation Commission Policy for Donations of Artwork to MERC-operated Facilities which established provisions for MERC to enter into contractual agreements with the Metropolitan Arts Commission for the purpose of acquisition and siting of artwork for MERC facilities.

2. MERC has been advised that the Metropolitan Arts Commission has transferred its responsibilities and duties to the Regional Arts and Culture Council designated by Intergovernmental Agreement between the Portland City Council, Multnomah, Clackamas and Washington Counties.

3. RACC has requested that MERC amend its Donations of Artwork Policy to reflect the name change of Regional Arts and Culture Council.

BE IT THEREFORE RESOLVED:

1. The Metropolitan Exposition-Recreation Commission adopts the revised Metropolitan Exposition-Recreation Commission Policy for Donations of Artwork to MERC-operated Facilities" which acknowledges the changes from the Multnomah Arts Commission to the Regional Arts and Culture Council.

Passed by the Commission March 8, 1995.

Approved as to Form
Daniel B. Cooper, General Counsel

Chairman

By: _____
Mark B. Williams, Sr. Assist. Counsel

Secretary/Treasurer

March 8, 1995

**METROPOLITAN EXPOSITION-RECREATION COMMISSION
POLICY STATEMENT**

POLICY TITLE **Metropolitan Exposition-Recreation Commission (MERC)
Policy for Donations of Artwork to MERC-operated Facilities**

PURPOSE To establish a procedural relationship between the Metropolitan Exposition-Recreation Commission and the Regional Arts and Culture Council (RACC) for provision of and acceptance by the MERC, public art of the highest quality, appropriate to both location and use, at the facilities of the MERC.

POLICY The Metropolitan Exposition-Recreation Commission recognizes that through a century of generous giving, the citizens of the Metropolitan area have made the region more intimate and beautiful with works of public art. Beginning in 1888 with the Skidmore fountain, individuals, businesses, public and private groups have supported the creation of sculptures, fountains, murals and other forms of public art. Citizens of the Metro region have learned that public art contributes significantly to the image and the spirit of the entire region.

In consideration of this recognition, and recognizing the expertise of the Regional Arts and Culture Council in the realm of public art, the Metropolitan Exposition-Recreation Commission (MERC) authorizes establishment of a procedural relationship with the Regional Arts Culture Council for the purpose of recommendation, acceptance and placement of existing and commissioned works of art for display at MERC facilities, as may be determined appropriate by the MERC.

For purposes of acquisition and siting of donations of artwork, the Metropolitan Exposition-Recreation Commission hereby adopts procedures for the solicitation, review and final acceptance of completed works of art through the Public Art Advisory Committee* and the Regional Arts and Culture Council.

DEFINITIONS Types of donations to be accepted will be as follows:

1. Existing Works of Art:

Portable - Works of a scale appropriate for rotation through public spaces under the management of or associated with the MERC. The placement of portable works may not be stipulated as a condition of the gift.

Non-Portable - Works of a larger scale that would be inappropriate for the portable collection and would require a semi-permanent site.

2. Commissioned Works of Art:

Works of art which are specifically commissioned gifts to MERC-operated facilities and which usually require a specific site.

PROCEDURES Review Criteria:

Artistic Excellence - Accepted works of art shall be of exceptional quality and enduring value as judged by the Public Art Advisory Committee and the Regional Arts and Culture Council.

Appropriateness to Site - Relationship of the artwork and the site shall be considered in respect to the social, cultural, historical and physical context of the site, both existing or planned and shall be functionally and aesthetically approved by the MERC prior to initiation of the review and acceptance processes.

Selection Process - Sponsors of commissioned works should work with an art consultant and/or an art advisory committee in the selection of an artist of artists and artwork. The art consultant and advisory committees can give expert assistance on selection procedures, technical and budgetary concerns and on the uses, appropriateness, quality and variety of art options. (See SELECTION OF AN ARTIST).

Maintenance Provisions - Maintenance concerns should be a primary consideration, with adequate provisions made for the continued future maintenance of the artwork as may be required. Sponsor of the project will provide NACC with detailed maintenance instructions for the work(s) of art. MERC will approve maintenance criteria as it may affect MERC operations.

Adherence to Existing Master Plans - All works of art should adhere to MERC master plans, rules and regulations applicable to the receipt of gifts of art and memorials.

Review Process: Existing Works of Art

Portable

1. **Initial contact with the Regional Arts and Culture Council - Sponsor should send photographs of work(s) of art to Regional Arts and Culture Council with written materials including name of artist, medium, site, date of execution and estimated value of work of art and biography or resume of the artist.**
2. **Review by Public Art Advisory Committee**
Public Art Advisory will review the photographs and will ask to see the actual work of art if it wishes to consider further the gift. If the work of art is considered for display at any MERC facility, the PAAC will advise the RACC of its intent. The RACC will then notify MERC of the intended donation and assess the feasibility and applicability of the donation. If the PAAC recommends acceptance of the work of art, it will also make a recommendation as to the provisions for future maintenance needed for its acceptance.
3. **Installation readiness**
In order to receive final acceptance from RACC, works of art should be professionally appraised and ready for installation. This means that two-dimensional works must be archivally framed and three-dimensional works must have a pedestal or appropriate hanging apparatus.
4. **Review by Regional Arts and Culture Council**
The Regional Arts and Culture Council will review the recommendation of the Public Art Advisory Committee and upon approval of MERC, will vote to accept or deny the proposed donation and its maintenance provision. Regional Arts Culture Council approval will not be final until any provisions for future maintenance have been satisfied and approved by MERC.
5. **Acceptance by MERC**
The Metropolitan Exposition-Recreation Commission will accept the donated artwork in accordance with the provisions of the agreement with the Regional Arts and Culture Council.

Non-Portables

1. **Initial contact with the Regional Arts and Culture Council - Sponsor should send photographs of work(s) of art to RACC with written materials including name of artist, medium, size, date of execution and estimated value of the work of art and a biography or resume of the artist.**
 - a. **If the sponsor has identified a specific site for the placement of the work(s) that it wishes to have considered, information about the site**

and the work of art in relation to the site should also be included in these materials.

2. **Review by Public Art Advisory Committee**
Public Art Advisory will review the photographs and will ask to see the actual work of art if it wishes to consider further the gift. If the PAAC recommends to accept the work of art it will also review any suggested site(s). If no site has been suggested then the PAAC will recommend a process for site selection. In the event that a MERC site is considered, PAAC will notify the RACC of the proposed location and RACC will consult with MERC as to the appropriateness of the proposal.
3. **Provisions for installation and future maintenance**
PAAC will recommend provisions for the cost of the installation and future maintenance needed for the acceptance of the work. The sponsor will provide RACC with detailed maintenance instruction for the work of art.
4. **Review by Regional Arts and Culture Council**
The Regional Arts and Culture Council will review the recommendation of the Public Art Advisory Committee with the review of MERC, will vote to accept or deny the proposed donation and its maintenance provision. Regional Arts and Culture Council approval will not be final until any provisions for installation and future maintenance have been satisfied.
5. **Acceptance by MERC**
MERC will accept the donated artwork in accordance with the provisions of the Agreement with the RACC.

REVIEW PROCESS

Commissioned Works of Art

1. **Initial contact with the Regional Arts and Culture Council**
The Public Art Program Manager or Assistant will meet with sponsor to advise on how to select the work with an artist and how to select an art consultant and/or an art advisory committee. The art consultant and advisory committees can give expert assistance on selection procedures, technical and budgetary concerns and on the uses, appropriateness, quality and variety of art options. A list of working art consultants is available from the Regional Arts and Culture Council. It has been our experience that sponsors who come to the Regional Arts and Culture Council early in their process and who work with the PAAC to keep them advised of the developments have had a greater rate of acceptance than those who have not.

NOTE: It is preferable for commissioned works to go through a two-phase process, first "in concept" and second when the design has been selected. Sponsors of gifts are encouraged not to select specific designs prior to the approval "in concept" of the proposal and site. If the proposed site is under the jurisdiction of MERC, then MERC will be contacted at this preliminary point and the project must simultaneously go through any review process set forth by MERC or the City of Portland as may be applicable.

2. Review "in concept" by the Public Art Advisory Committee

Sponsor should submit a written proposal to the Regional Arts and Culture Council which includes such information as the process for selection of an artist(s) and of a site, medium, time frame and budget. The PAAC will review the proposal and will make a recommendation to sponsor on changes to the proposal if necessary. PAAC will subsequently make a recommendation to the Regional Arts and Culture Council for acceptance or denial and will begin to outline provisions for the future maintenance of the work of art.

3. Review "in concept" by the Regional Arts and Culture Council

The Regional Arts and Culture Council will review the recommendation of the PAAC and with approval of MERC, will accept or deny the donation "in concept".

4. Review of design by Public Art Advisory Committee

When a site, artist(s) and a specific design have been chosen, a model and/or scale representation of the design must be presented to PAAC for review. The PAAC will review the design and will make a recommendation for the approval or denial of the work of art. If PAAC recommends approval of the work of art, the final recommendation for provisions of future maintenance will be included.

5. Review of design by Regional Arts and Culture Council

The Regional Arts and Culture Council will review the recommendation of PAAC and approve or deny the design of the work of art and the provisions for future maintenance. **NOTE:** If in the development and execution of the project, the concept or aesthetic of the work is substantially changed, the concept and design should be re-approved before the work will be considered for final acceptance.

6. Review and final acceptance of completed work of art by Public Art Advisory Committee and the Regional Arts and Culture Council

Both PAAC and RACC will review the completed work of art in consultation

with MERC, and approve or deny its acceptance, and forward its decision to MERC. Final approval will not be granted prior to the receipt of any required maintenance provisions.

7. Acceptance by MERC

MERC will accept the completed work of art in accordance with the applicable provisions of this procedure.

Requests for Commissioning a Work of Art

Requests for commissioning a work of art should go through the process outlined above and must include provisions for the administration of the commission as well as the future maintenance of the work of art as determined by PAAC and RACC.

SELECTION OF ARTIST(S)

An artist is considered to be a practitioner in the visual arts, generally recognized by critics and peers as a professional of serious intent and recognized ability who produces works of art.

Any of the following methods of selecting an artist(s) are possible, although they are not exclusive.

1. Open competition

A request for proposal is widely distributed inviting artists to submit resumes, slides and a short proposal. When the selection is narrowed to a few finalists, it is desirable to commission the artists to produce models or working drawings which specifically address suggested materials, construction of the artwork and placement at the site. A final decision is made after review of the models and drawings.

2. Invitation

One or more artists are invited to submit slides and/or proposals. If finalists are chosen, it is desirable to commission them to produce models or working drawings which specifically address suggested material, construction of the artwork and placement at the site.

3. Direct purchase

A completed work of art is selected for a specific site. The sponsor should enter into a written contract with the final selected artist(s). The Regional Arts and Culture Council can provide assistance in drafting of a contract.

*** Public Art Advisory Committee** - The committee appointed by RACC to recommend policies for selection, purchase, placement and maintenance or works of art acquired through the Public Art Program. They also make recommendations on the types of art appropriate to a project as well as selection committee members. Evaluation of the artwork acquired by RACC and recommendations as to the use of the Public Art Trust Fund are also done by this committee. The committee consists of two NACC Commissioners, the NACC designee on the Design Review Commission, and four to six artists/arts professionals.