

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REPEALING METRO’S)	RESOLUTION NO. 25-5468
ONE PERCENT FOR ART GUIDELINES AND)	
ADOPTING NEW ONE PERCENT FOR ART)	Introduced by Chief Operating Officer
GUIDELINES)	Marissa Madrigal in concurrence with
)	Council President Lynn Peterson

WHEREAS, on March 12, 1987, the Metro Council adopted Ordinance No. 87-215 establishing Metro’s One Percent for Art Program, which was subsequently codified as Metro Code Chapter 2.07; and

WHEREAS, Metro Code Section 2.07.060 "One Percent for Art Program - Implementation" requires that the Metro Council adopt guidelines directing the implementation of the One Percent for Art Program; and

WHEREAS, 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 Program," (the “Current Guidelines”); and

WHEREAS, the Current Guidelines require that art be included in individual projects costing as little as \$100,000, 1% of which is too small to obtain art, with no option to apply a programmatic approach to aggregate funds, and no rules governing such an approach; and

WHEREAS, the Current Guidelines lack clear departmental roles and responsibilities; and

WHEREAS, the Current Guidelines do not provide funding for long-term maintenance costs; and

WHEREAS, the Current Guidelines do not provide for deaccession and disposal of art that has become inappropriate or irrelevant to Metro’s facilities as they transform and adapt over time; and

WHEREAS, it is appropriate and necessary to revise and update Metro’s One Percent for Art Program implementation guidelines; now therefore,

BE IT RESOLVED that the Metro Council repeals Metro’s One Percent for Art Program Guidelines and adopts the new One Percent for Art Program Guidelines attached as Exhibit A.

ADOPTED by the Metro Council this 11th day of March 2025.



Lynn Peterson, Council President

Approved as to Form:



Carrie MacLaren, Metro Attorney

Exhibit A to Resolution No. 25-5468
Metro's One Percent for Art
Program Guidelines for Metro Projects

I. PURPOSE

The purpose of these Guidelines is to provide a process for selecting, purchasing, commissioning, placing and maintaining Metro's public art purchased with Metro One Percent-for-Art Program (hereafter, "Program") funds. The goal is to reserve 1% of each Project's Construction Cost for the selection, acquisition, install and maintenance of art that represents the best in artistic skills, encourages public dialogue, raises awareness of the power of art and demonstrates the diversity of people, cultures and experiences in the Metro region, providing an opportunity to reflect on the community and its characteristics, including history, identity, geography and culture.

II. DEFINITIONS

- A. "Architect" (if applicable): The person or firm designing a Project to which percent-for-art funding applies. When the architect is a firm, the term Architect will mean the principal of that firm in charge of designing the project.
- B. "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 but must not be a member of the project architectural firm.
- C. "Construction Cost": Includes estimated construction costs at time of initial budget, not including professional services costs governed by ORS 279B, property acquisitions, trail projects, conservation projects, demolition, construction management costs, planning and permitting costs, public utilities, equipment and furnishings.
- D. "Programmatic Approach": The process of amplifying the impact of Metro's Program by combining the present or expected contributions to Metro's Program from multiple (usually smaller) Projects into one fund, then selecting, funding and installing one or more Art installations benefiting the Metro department providing the funding.
- E. "Project": Construction, alteration or major renovation performed by Metro on a Metro property exceeding \$200,000.00 in total project budget. The term Project does not include ordinary repair or maintenance.
- F. "Project Sponsor": An individual from the initiating Metro department (usually a manager), who provides oversight of the project, reviews project documents, makes decisions and approves expenditures against the project budget.
- G. "Project Manager": Metro's owner representative who formally manages the project and is primarily responsible for its scope, schedule and budget.
- H. "Public Art Coordinator" or "Coordinator": The initiating Metro department staff person assigned to coordinate and facilitate the implementation of any Programmatic Approach.

- I. “Review Committee”: Review Committees will be established for the purpose of advising the Department Director or designee on the selection of artists and/or Works of Art.
- J. “Work(s) of Art, “Works” or “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 eligible for funding under this program.

III. PROCESS

The Percent-for-Art Program may be implemented project-by-project or using a Programmatic Approach.

- A. Individual Project Approach. Projects exceeding \$2,000,000.00 in Project Budget will reserve one percent of Construction Costs and expend said funds to select, acquire and install and maintain Art contemporaneously with Project construction.
- B. Programmatic Approach. Projects up to \$2,000,000.00 in Construction Costs will participate in the Programmatic Approach, unless a department director determines an Individual Project Approach is appropriate or the Metro Council adopts an alternative Programmatic Approach by resolution. Under the Programmatic Approach, one percent of Construction Costs will be allocated from the budget of each such Project Metro-wide, and deposited into one of the following seven Metro Percent for Art Program project funding pools (the “Pooled Funds”) connected with the source facility: Metro Regional Center, Waste Prevention and Environmental Services, Portland’5 Center for the Arts, Parks and Nature, Oregon Convention Center, Expo Center, Oregon Zoo. Each Department’s Finance Manager will manage the Pooled Funds. From time to time, at the discretion of the Director of the initiating department, all or a portion of the Pooled Funds may be distributed to provide Art associated with select Projects and/or independent Art installations to be placed on the Metro facility that is the source of the Pooled Funds, as determined by an empaneled Review Committee.
- C. Coordinated campus-wide approach. Projects under the same funding source, such as a bond measure, may participate in the Programmatic Approach.
- D. Review Committees will be appointed by the initiating Metro department Director.

- E. A Review Committee will be empaneled for each Project. For Programmatic projects, a Review Committee will be empaneled at the time Pooled Funds are distributed for a project. The Review Committee will:
 - 1. Recommend suitable art forms and the appropriate locations for artwork.
 - 2. Determine the Artist's prerequisites; specifics of Artist/Art form selection.
 - 3. Solicit opinions regarding recommended art locations and types from stakeholders, as reasonable and necessary.
 - 4. Conduct the selection process in accordance with procedures established by the Capital Asset Management Department Director or recommended by the Regional Arts and Culture Council (RACC) or other suitable advisors. Metro may elect to employ RACC to administer the selection of art. RACC may prepare the Request for Proposal and do the solicitation. The art agreement will be on terms provided by the Office of the Metro Attorney. RACC may also act as an advisor. RACC's art selection and administrative fees will be paid out of Program funds.
 - 5. Select the Artist and Work of Art.

IV. REVIEW COMMITTEE MEMBERSHIP

- A. The Public Art Coordinator – Lead/Facilitator.
- B. Project Sponsor.
- C. Project Manager (if applicable).
- D. A designated representative from facilities or maintenance staff.
- E. Committee membership will be offered to a Metro Councilor; however, their participation is optional. The Public Art Coordinator will work with Council Office staff to facilitate the selection of a Councilor.
- F. The project Architect, when applicable (optional).
- G. A member of the Regional Arts and Culture Council or its designee or another suitable advisor (optional).
- H. Membership may be supplemented by project-specific stakeholders such as staff that will be in contact with the Art and consultants, technical experts and advisors (optional).
- I. Metro will take a proactive approach toward recruitment and outreach to BIPOC and underrepresented communities to ensure the committee reflects Metro's commitments to diversity, equity and inclusion.

V. CRITERIA FOR ART SELECTION

- A. Review Committees will select Artists based on the following qualifications: past work (if any), appropriateness of the proposal to the particular project, and certainty of successful timely completion.
- B. The Review Committee will recommend those artists and Works of Art which fulfill the purposes of the program set forth above.
- C. The Review Committee will consider each Art project's use of sustainably sourced materials, construction, durability, maintenance, accessibility and safety.
- D. The Review Committee will consider each Art project's contribution to advancing the goals of Metro's Strategic Plan to Advance Racial Equity, Diversity and Inclusion.
- E. The Review Committee will consider the department's ability to fund the long-term operational costs presented by the proposed Art project, including but not limited to routine maintenance costs and other safety, financial and legal liability risks relating to the Art, (if any).

VI. PROJECT IMPLEMENTATION

The Architect (if applicable) will work closely with the Project Manager to designate appropriate Art locations and will incorporate the Artist's or Art's specific requirements within the construction documents, including the time of delivery and installation of the work.

VII. MANAGEMENT AND MAINTENANCE

- A. Each department is responsible for the maintenance of the Art it purchases and will plan for these costs prior to installation. The recommended annual target budget for art maintenance is 0.2% of the Art acquisition and installation cost.
- B. Deaccession and disposition of Art requires the approval of the CAM Director, General Manager of Visitor Venues or Department Director, and may require coordination or agreement with the Artist.
- C. Metro will make reasonable efforts to notify the Artist of any proposed future alteration of the site or adjoining areas that would significantly affect the intended character and appearance of the installed Work, and will make reasonable efforts to consult the Artist in the planning of such alteration.
- D. Except as provided above, if the Work is intentionally, damaged, altered, modified or changed by Metro, Metro will either restore the Work to its original form, or Metro will have the right to remove the Work from public display to storage or to destroy the Work
- E. If any significant damage to the Work occurs through mutilation, vandalism or other damage, and the Work is not fully restored to its original form in a timely manner, the Artist may, upon notice to Metro followed by 30 days' opportunity to cure, request that Metro remove or obliterate the identification plaque referred to in Section 2, as well as any signature or other emblem identifying the Artist with the Work, and Metro will do so.

VIII. PERMITTED EXPENDITURES

- A. 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. Artists’ travel related to the project.
 - 5. Transportation of the work to the site and installation.
 - 6. Architect’s fees for inclusion of artwork.
- B. Art 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. Expenses for special advisors or consultants, including for purposes of creating Art that is inclusive and culturally sensitive.
- F. Deaccession and disposal, renewal or relocation of existing Art displaced by construction.
- G. Program administrative costs.
- H. Art solicitation process costs, including, but not limited to artist proposal stipends.
- I. Utility infrastructure necessary to operate or experience the Art piece.
- J. Modifications or improvements to building surfaces or structural elements necessary to install, protect or accommodate the Art, as approved by the Project Manager.

IX. UNPERMITTED EXPENDITURES

Program funds will 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 utility costs.

- E. In connection with the Works of Art: registration, dedication, unveiling, security and publicity after selection.
- F. Architect's fees.
- G. Ephemeral, temporary or performance art.

IN CONSIDERATION OF RESOLUTION NO. 25-5468, FOR THE PURPOSE OF
REPEALING METRO'S ONE PERCENT FOR ART GUIDELINES AND ADOPTING NEW
ONE PERCENT FOR ART GUIDELINES

Date: February 18, 2025
Department: Capital Asset Management
Meeting Date: March 6, 2025

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ISSUE STATEMENT

The Percent for Art policy was developed in 1987 “to provide a process for selecting, purchasing, commissioning, placing and maintaining the Art purchased with art set-aside funds”. It was updated in 2007 to reflect Metro Council as the governing body. Today, changes are proposed to right-size projects to ensure art can be developed and installed for an appropriate sum, clarify roles and responsibilities, and ensure that projects reflect the needs of each department.

ACTION REQUESTED

Approve the proposed Percent for Art policy updates.

IDENTIFIED POLICY OUTCOMES

- Flexibility to address the specific needs of each department.
- Develop a plan for maintenance of the art over time.
- Right size allotted funds.
- Clarify roles and responsibilities.
- Support effective implementation.

POLICY QUESTION(S)

1. What are the core values of the updated policy?
2. Are there areas in which the Council wishes staff to advance as part of the policy’s completion and implementation?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

- Approve the resolution to adopt the updated Percent for Art Policy as included in Exhibit A
- Maintain current policy

STAFF RECOMMENDATIONS

The revised policy creates efficiency by right-sizing funds, ensures accountability by clarifying roles and responsibilities, and accounts for maintenance costs to support the preservation of artwork over time. The policy also reflects the needs of each department by providing flexibility and support through funding. Staff recommends the Council adopt the updated policy.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

Since 1987 the Percent for Art policy has aimed to install art of redeeming quality, advance the public's understanding of art, and display art which represents the best in artistic skills to encourage a public dialogue and understanding of Works of Art. Over time however, the program has developed many challenges which make it difficult to implement. The policy revisions that are proposed strive to address these challenges and provide solutions so that art is more easily implemented, and each department has a more prominent role in its design and installation.

Challenges with the current policy include:

- The policy is not right-sized to reflect current project budgets and costs. There are no options for a programmatic approach, so each project with a construction cost of over \$100,000 is required to design and install art. Since 1% of a small project would have an allotment of just \$1,000 to spend on design, construction, and installation of the Art, the policy is not being implemented.
- Art criteria may or may not currently align with each Department's goals and vision, and the policy doesn't reflect Metro's Strategic Framework with the guiding principles of racial justice, climate justice, and shared prosperity.
- Deaccession is not accounted for in the current policy, even when necessary to update a facility or move to a different location to allow for construction.

- Lastly, Maintenance costs are not currently considered, which could have significant impacts over time, putting each venue at risk with a lack of budget for ongoing maintenance costs over the lifetime of the artwork.

Proposed updates:

This Policy update introduces a programmatic approach for projects over \$200,000 and less than \$2M. The threshold is raised from \$100,000 to account for inflation since 1987. Projects over \$2M must follow the project-by-project approach, ensuring that major construction projects have associated art projects. Both these changes right-size projects to ensure art can be developed and installed for an appropriate sum.

The policy is updated to ensure that roles and responsibilities are clear. It gives authority to the department Director to make sure that each venue has an appropriate review committee and each department's Finance Manager will manage the pooled funds. It also designates roles to the Project Sponsor and Project Manager which accurately reflects the way projects are run at Metro,. The role of the Public Art Coordinator is added to lead the Art Committee, and the CAM Director is introduced as a key decision-maker. Committee membership will be offered to a Metro Councilor; however, their participation is optional. The Public Art Coordinator will work with Council Office staff to facilitate the selection of a Councilor.

A percentage for maintenance costs is also included to ensure that funds are set aside for the future maintenance and care of each project. The option for deaccession and disposal (upon approval of CAM Director and department Director) is also added to enable flexibility for development of each department over time.

BACKGROUND

The Percent for Art policy was originally developed in 1987 "to provide a process for selecting, purchasing, commissioning, placing and maintaining the Art purchased with art set-aside funds". It was updated in 2007 to reflect Metro Council as the governing body.

Since 2007 different departments have created their own policies that better address their specific needs. In 2011 the Zoo passed Resolution 11-4282 which allowed for a programmatic approach across their portfolio rather than a project-by-project approach. One percent of direct construction costs were allocated into a general bond program percent-for-art pool and funds were distributed to select projects as determined by the Zoo Public Art Advisory Committee.

In 2014 Parks and Nature passed Resolution 14-4523 so art could be implemented at a programmatic level, similar to the zoo's approach. Additional considerations were also included that were specific to parks, such as excluding the cost of plantings in the construction budget and ensuring that the art does not impair natural resources or wildlife.

Both the resolutions highlight that the current policy is antiquated and needs an update.

Now, in 2025, revisions are being proposed to better serve the agency and ensure that art is included in projects. The goal of this updated policy is to make it more accessible and better serve each department.

ATTACHMENTS

None