

City of Denton Public Art Policy

SEC. 1 - GENERAL POLICY STATEMENT

It is the policy of the City of Denton (“the City” or “City”) to commission, display, maintain, and manage, as a form of government speech, the City’s public art inventory consistent with the policy guidelines and administrative procedures outlined within this policy.

SEC 2 - PURPOSE

The Public Art Policy provides guidance for the administration, maintenance, and growth of the City’s Public Art collection. This policy concerns permanent, temporary, and ephemeral art; the management of all three within the City’s public art inventory; as well as re-siting and deaccessioning of art within the City’s public art inventory.

The City’s Public Art Policy confirms the commitment of City staff and Denton residents to support Public Art as it:

- Sustains and promotes the City’s unique, creative identity and its diverse cultural and artistic heritage
- Creates distinctive, attractive, and inviting public spaces by integrating public art within carefully considered and designed public spaces and new development
- Maintains and enhances Denton’s reputation as an arts and culture destination and an arts-friendly community by involving local artist in public art projects, when possible
- Fosters community education in, and appreciation of, a variety of art forms
- Promotes a community environment that attracts artists to live and work in Denton, and situates public art works as tourism-attracting community assets that have both economic and aesthetic value
- Encourages productive collaborations between arts organizations and among artists to maintain and enhance Denton’s rich cultural reputation

SEC 3 – SCOPE

This policy defines the administrative procedures surrounding the management and maintenance of all works of art that are commissioned and acquired by, or donated to the City, for any timeframe, that additionally meet the following criteria:

- The artwork is developed or acquired using City funds or in an agreement whereby ownership, management, and maintenance responsibilities belong to the City.

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- The artwork is located on City of Denton property within a park, facility, facility grounds, median, or other City-owned property or right-of-way.
- The artwork is continually accessible to the public.

SEC. 4 – LIMITATIONS

This policy does not extend to:

1. Temporary exhibits of artworks owned by other individuals or institutions that are temporarily hosted within city-owned spaces that were not loaned subject to the city's Temporary Art in Public Places Policy.
2. The temporary exhibition of artworks in city-owned property whose exhibition is managed by external organizations (e.g. the Greater Denton Arts Council).
3. Exhibitions and programming in city-owned facilities that are not under the aegis of the public art program, but are instead displayed at the discretion of the facility operator.

SEC. 5 – DEFINITIONS

Artist: A creator whose professional praxis results in the creation of works of aesthetic merit in visual media, performance art, music, or temporary and ephemeral art. An artist is regarded as a professional of significant skill by their peers.

Artwork: A consciously-designed object, performance, musical piece, or temporary/ephemeral element created by one or more artists that has a considerable aesthetic element notwithstanding other intellectual commitments. Types of artworks include: paintings, sculpture, photograph, mural, musical piece, performance. For the purposes of this policy artworks are original works or works within a very limited edition of 50 or fewer copies. Additionally, artworks can be designed to be permanently part of the City's art inventory, or temporarily loaned by the artist. Ephemeral artworks are those that are not intended to exist much beyond their original performance or installation.

Bond Project: For the purposes of this policy, specifically defines a public art project that is connected to a vertical construction project supported by bond funds from a voter-approved bond proposition.

Deaccessioning: The process by which an item in the City's Public Art Inventory is permanently removed either by sale, return to artist, donation, or destruction. Deaccession requires removal of the artwork from its public location, removal of the item from the asset management inventory and maintenance schedule, and the archiving of any related documentation into the City's deaccession files.

Donated Art: An art work that has been provided at no cost to the City of Denton by an organization or individual, and which the Public Art Committee and City Council have decided to accept and enter into the public art inventory.

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Loan: A loan is an agreement entered into by an owner of a particular artwork to have that artwork displayed in public on City of Denton property. Administration of loaned art is governed by the Temporary Art in Public Places policy.

Public Art: Artwork that is owned by the City, and acquired by purchase, paid commission, or donation; or artwork that is temporary loaned to the city by an artist or owner of a particular piece of art, and is displayed on or in City-owned property such as a park, facility, or right-of-way. Public art also includes temporary and ephemeral works of art that are commissioned by, or donated to the City, and performed in City's public places.

Public Art Committee: An advisory committee composed of nine members, all of whom are officially appointed by the City Council. Seven members of the committee are nominated by the Council, while two members are nominated by the executive director of the Greater Denton Arts Council (GDAC). The Public Art Committee also has two ex-officio members: the executive director of GDAC and a designated City of Denton staff member, currently the Direct of Parks and Recreation.

Public Art Inventory: The complete collection of extant art work that is owned by the city, whether or not it is actively displayed in public on or in City property.

Public Place: A public place means a City-owned property that is freely accessible to and available for use by the general public during operating hours.

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SEC. 6 – POLICY ADMINISTRATION AND RESPONSIBILITIES

1. Administration of the City's Public Art Policy will be overseen by a Public Art Committee of nine members, appointed by the City Council. This committee will consist of:
 - a. Seven members nominated and appointed by the City Council
 - b. Two members nominated by the Executive Director of the Greater Denton Arts Council (GDAC).
 - c. The Public Art Committee will have the responsibility of making recommendations to City Council on the following:
 - i. The commissioning, placement, and installation of new works of art.
 - ii. Appraising City staff of possible external funding opportunities and engaging in fundraising for the City's public art program in conjunction with the Denton Parks Foundation.
 - iii. Asset management within the City's public art inventory including accessioning, deaccessioning, and artwork maintenance.
 - iv. Oversight of ~~all city programs related to public art~~ any other art-related issues Council assigns to the committee.
 - d. ~~A designated City staff~~ The Director of Parks and Recreation member and the Executive Director of the Greater Denton Arts Council (GDAC) will both serve as ex-officio members of the Public Art Committee.
2. A designated member of City staff will serve as an administrator to the Public Art Committee and the Public Art Program, generally.

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Commented [AB2]: Do we have a list as of now? Do we want to ad language that mimics the originating ordinance? Do we ant to say and any other Art related issues Council assigns to the Committee.

A: We don't really have a list, I think I had intended for this line to be something of a catch-all for other art-related oversight that I had not specifically enumerated earlier. I changed this to add the language you suggested. Historically, it's not as if the PAC has had sway over every single art piece installed by the City. For example, departments often have commissioned murals for their offices or facilities of their own accord and informed PAC of the outcomes later.

Sec. 7 – Community Involvement

The City Council seeks to ensure citizen involvement through the establishment of the Public Art Committee and the review and approval of each public art project. In addition, the Public Art Committee will work with the GDAC and local educational institutions to educate and inform citizens about projects and the process for involvement. Additionally, all Denton residents are invited to attend any public art committee meeting and are given the opportunity to speak to the board directly, if they wish to do so.

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SEC. 8 – SOURCES OF FUNDING; USES OF FUNDING

Funding for public art should be realized from both public and private sources to insure a broad and balanced program.

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1. Local Public Funding Sources

- a. **Hotel Occupancy Tax (HOT) Funds:** Annually, **at least 2.4%** of total Hotel Occupancy Tax (HOT) revenues will be allocated to public art projects as allowed under Texas Tax Code 351.103 (c). This section of Texas Tax Code allows cities to apply a maximum of 15% of total HOT tax receipts to Public Art. The current allocation, at 2.4% of total HOT receipts annually, represents only 16% of total funds that could legally be allocated to public art according to 351.103 (c).
- b. **Bond Funds for Public Art:** The City Council will consider placing, within bond propositions with a vertical construction component, a percentage allocation for public art or enhanced design within or adjacent to the construction project in question. As bond propositions are clarified, City Council can establish a public art percentage, if existing priorities and the fiscal condition of the city permit, of between 2% and 5% of vertical construction bond propositions. The bond funding for public art will not apply to projects focused on streets, drainage, traffic control, or other horizontal infrastructure. This provision only applies to voter approved General Obligation bond issuances.

2. External and Private Funding

- a. The City's Public Art administrator will explore external public and private external grants that help further the goals of the City's public art program. The public art administrator will additionally:
 - a. Provide an update to the Public Art Committee regarding the grants the City plans to apply for in each annual grant-application cycle.
 - b. Work with the Denton Parks Foundation to apply for and receive grants that require 501 (c)3 eligibility.
 - c. Determine matching grant fund sources and communicate intentions to apply for grants to Grants Management staff

Commented [AB3]: Do we need a definition? Who is currently the Public Art Administrator

A: I currently oversee public art for the City, but this role will probably fall under the future Arts and Culture Manager position at Parks and Rec. I left this a little vague on purpose, in case the position changes or moves outside of Parks sometimes in the future.

3. Additional Art Funding Mechanisms

~~a. Tax abatements to developers that include publicly accessible art as a significant component of the development are outlined in the Denton Policy for Tax Abatement. Under this policy, the City may consider granting an additional 5% tax abatement for projects provided that at least 50% of the additional tax abatement is committed to public art by the applicant.~~

~~b.a. Development fees: The City Council may choose to levy a public art fee on new development. This fee would be assessed alongside other development fees during the permitting process. The Public Art Committee should work to identify new and novel mechanisms for funding public, with staff support and assistance. Novel funding mechanisms should be shared with Council for their consideration.~~

SEC 9 – PROCEDURES FOR COMMISSIONING ART

The commissioning and accession of new works of art will be overseen by the Public Art Committee.

1. Arts Future Projects List and Site Selection

- a. Arts administrations staff within the Parks and Recreation Department will create an ongoing list of possible future projects that indicates project locations and types. This list will also indicate if funding for the project will come from HOT funds, if the project is a bond-related, or if the project will be sustainable only with external funding sources (grants, or donations).
- b. Staff will review this list with the Public Art Committee before the beginning of the new Fiscal Year to clarify which projects to pursue. If there are any grant projects in the *upcoming year* (meaning the year after the new fiscal year) staff will review these with the PAC and clarify which grants will be pursued for the projects, and the if there is a grant match.
- c. Arts administration staff will share this intended grant calendar with Grants Management.

2. Project Development

- a. For each project on the Arts Project List staff will indicate:
 - i. The project location
 - ii. The type of project staff would like to build as part of the project
 - iii. information pertaining to special theming or other considerations relevant to the site in question
- b. The provision of public art will normally be expected as part of any large development
 - i. Public art should be considered as an integral part of space in and around development
 - ii. The Public Art Committee should adopt standards and guidelines for the placement of permanent art in public places and for the placement of infrastructure intended to host rotating or temporary art.
 - iii. The Public Art Committee should focus on public art that serve as landmarks within view corridors, pockets, traffic circles, and other prominent locations.

Commented [AB4]: Will the Committee suggest Council begin using this option for all developments?

A: I wonder, in retrospect, if it might be best to leave this section out for the moment. I think this is certainly an avenue for funding worth consideration, but I don't know if there is much support for it in Council, currently. The only city in the region that currently has a developer fee to support public art is Keller. So I might make the language here more general about exploring new and novel ways to fund public art.

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Commented [AB5]: Who are these people? Are they Parks employees? Do we need a definition?

A: Again, currently I am fulfilling this role, but in the future it would be the Arts and Culture Manager. But the text is a little purposefully vague on this, to give flexibility. I added some text to make this less vague, let me know what you think.

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3. Artists' Call / Request for Proposals

- a. For each new art project over \$3,000, arts administration staff will prepare a detailed request for proposals that will include the project details, intended scope, and any specific theme for the requested artwork.
- b. This RFP will also serve as the Call for Artists for the new project, and will be posted on the City's purchasing.
- c. Arts administration staff will also email the Artist's Call / RFP directly to artists on the relevant Artist Contact List (see 6.4 below).
- d. RFPs/Artist Calls will also be posted on public, local and regional artists' forums such as the GDAC website, Glasstire, the Texas Commission on the Arts website, and similar online venues.

4. Artist Contact List

- a. Arts administration staff will maintain an updated list of local, regional, state, and national artist working in various media (e.g. muralists, visual artists, sculptors).
- b. A public facing application form will allow artists to add their contact information to media-specific lists so that they can receive consideration and future RFPs/artist calls.
- c. Artist contact lists will be used in tandem with the City's public-facing RFP portal

5. External Arts Consultant

- a. For large projects with a budget of more than \$500,000 the Public Art Committee can suggest that staff work with an external arts consultant to ensure that the city is able to procure the work of the highest-caliber of artists working nationally and internationally.
- b. External consultants would be hired under the City's existing RFQ process, with input from the Public Art Committee.

6. Council Communication and approval

- a. The Public Art Committee will regularly communicate to Council recommendations regarding the placement of public art, including an annual list of proposed projects. Council will guide the annual project list and approve of individual projects.
- b. All arts projects intended for display in public places (apart from art specifically excluded from this policy) will be approved by the City Council.

~~• The provision of public art will normally be expected as part of any large development scheme.~~

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Sec. 10 Eligible Projects

The Public Art Committee will be responsible for the development of specific guidelines for eligible projects. In general, eligible projects will include:

- The commissioning of permanent works designed for specific public sites in Denton
- The long-term loan, purchase, or donation of art works
- The installation of short-term projects and temporary art in public places (see [Appendix A: Temporary Art in Public Places Policy](#))

Sec. 11 Ownership and Copyright

Permanent pieces of public art shall be the property of the City of Denton. The City shall own the physical work, with unlimited reproduction rights allowed to the City for appropriate promotional and educational purposes. Legal title and copyrights in any work of public art will be spelled out contractually between the City and the artist/owner.

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Sec. 12. Maintenance

Prior to acceptance of any piece of artwork by the Public Art Committee, a recommendation should be developed for its short and long -term maintenance, including a budget for each project. All permanent public art projects must have a maintenance plan that projects both staff time and funding required to properly maintain the work. The City of Denton shall be responsible for the maintenance and management of public art projects approved by the City Council.

1. Parks Maintenance staff will review the condition of public art works in outdoor areas on an annual basis.
2. Parks Maintenance staff, the arts administrator, and outside experts will review the City's indoor public art inventory once every five years to ensure that these works of art are being conserved properly.
3. Public Art staff administrators will provide regular updates to the Public Art Committee about art Maintenance at least on an annual basis.

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Sec. 13 Public Art Asset Management

1. Accessioning and Asset Management

- a. The City's art administrator will maintain a current public art inventory that includes a GIS component. This inventory will catalog all works owned by the city and include data such as the artist, art media, current estimated value, date acquired, current condition, and any relevant maintenance or conservation notes.
- b. Items will be added to the Public Art Inventory as they are purchased by, donated to, or otherwise acquired by the City. Each item will be provided with an inventory tag number and, if appropriate, an asset management label with a n electronic QR-code that connects directly to the item's data on the Public Art Inventory.
- c. The City will provide a public-facing version of this public art inventory that may also include, if resources permit, the cataloging of all public art in Denton. This more expansive list would include, for example, sculptures and murals in areas that are easily visible by the public.

Commented [AB6]: Insurance?

A: Honestly, I'm not sure about insurance. I imagine we would communicate and share the public art inventory with risk management so that they would add these items to the city's assets per facility, in order to determine rates for fire-related or other accidental degradation.

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2. Donations

- a. Gift acceptance and placement of public art donations should be in accordance with historic use and in keeping with the City's ~~of Denton~~ general overall public

art goals. The quality, scale, and character of the gift should be appropriate to the particular setting. Donations of works that require the City of Denton to pay installation, framing, restoration, or repair are not encouraged. The City of Denton will evaluate such expenditures at the time the gift is considered. Works of art requiring high or excessive maintenance may be declined.

- b. All donations of art must be approved by the City Council with due consideration given to any Public Art Committee recommendations.

3. Deaccessioning/Removal

- a. Works of art can be removed from the City's Public Art Inventory for the following reasons:

- i. The work has deteriorated to the point that it can no longer be repaired. It has been destroyed by vandalism. Or the work has otherwise been irredeemably damaged.
- ii. The work poses a current danger to public safety.
- iii. The item is discovered to be a forgery or fake.
- iv. The Public Art Committee and City Council both agree that the artwork should be removed from the City's Public Art inventory.

- b. Deaccessioning can include:

- i. Selling the artwork at auction, with proceeds funding additional public art efforts
- ii. Recycling the artwork and its material components
- iii. Donating the artwork to a local museum or other historical repository
- iv. Storing the artwork outside of public view and access

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4. Deaccession Evaluation

- a. Before a work can be removed the public art administrator must provide to the Public Art Committee a Deaccession Report that will include: information from the Public Art Inventory about the work; a brief explanation of the work's history, its artistic significance, and its provenance; and a thorough explanation of the need for deaccessioning, including the estimated associated costs of the artwork's removal.
- b. The Public Art Committee must receive the Deaccession Report and determine by a majority vote if the artwork is to be deaccessioned.
- c. The City Council will have to provide final approval for the removal of any art from the City's Public Art Inventory.

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Section 14. Temporary Exhibits

See Temporary Art in Public Places Policy (Appendix A)

Section 15-~~1~~. Lending Policy

Artwork may be loaned to other agencies or entities if deemed appropriate by the Public Art Committee and approved by the City Council. The Public Art Committee will be responsible for recommending criteria for establishing a lending policy.

Appendix A: Temporary Art in Public Places

I. PURPOSE AND GOALS

The Temporary Art in Public Places (TAPP) Policy is an addendum to the overall Art in Public Places (APP) Policy for the City of Denton. The purpose of this policy is to provide administrative rules and guidelines for the short-term placement of art in public spaces owned by the City of Denton. The goals of the City of Denton Temporary Art in Public Places (TAPP) program is to beautify the public cityscape, support the local arts and culture economy, provoke a sense of joy and whimsy, and activate City-owned, and publicly accessible spaces across Denton with works of aesthetic distinction.

The Temporary Art in Public Places (TAPP) policy provides rules for the display of artwork that will be featured on City property for a pre-determined period of time, in a manner that is otherwise consistent with the overarching Public Art Policy (Ordinance forthcoming) and all other City of Denton ordinances, policies, and processes.

II. Definitions

- (1) **CALL FOR ARTISTS** means a notice of an artistic opportunity that is open to submissions. The call document will provide artists with a scope of the project, application requirements, and other information artists need in order to consider an artist call and complete their application for that call. Calls for Artists can be open or by invitation.
 - a. An **OPEN CALL** is a call for artists that accepts and considers applications from anyone in the city, region, state, or nation.
 - b. A **LIMITED CALL** is a call for artists that limits the applications considered by various criteria such as: artists city or county of residence, age, institutional affiliation, and artwork medium.
- (2)
- (3) **CITY** means the city of Denton, Texas. **EPHEMERAL ART**, by way of distinction from **TEMPORARY ART**, means art that is designed to be displayed or enjoyed for only a very short period of time – from a few hours (in the case of performance) to at most 30 days for works of visual arts. Ephemeral art is intended to have a finite lifespan. Examples include various types of performance, or visual arts like chalk drawings.
- (4) **PUBLIC ART INVENTORY** means all city-owned artworks that are not under the care and control of nonprofit institutions operating under management agreements with the City.
- (5) **PUBLIC ART COMMITTEE** means an advisory committee comprised of nine members, seven of which are appointed by the City Council, with the remaining two members appointed by the Greater Denton Arts Council (GDAC). The Public Art Committee will also include the two ex-officio members: the Executive Director of GDAC and the City's designated staff liaison, usually the Director of the City Parks and Recreation Department.
- (6) **TEMPORARY PUBLIC ART** means commissioned or donated original works of art installed in public places intended to be displayed for a predetermined period of time that is, in general, longer than two months, but usually not meant to exceed three (3) years. , for the purposes of this policy.

III. GENERAL GUIDELINES

This policy concerns the temporary display of visual artworks including but not necessarily limited to genres such as paintings, sculptures, photography, diorama, and mixed media. Artworks offered for consideration within TAPP should be constructed with a degree of robustness appropriate to their intended display location. Temporary artwork intended to be displayed outdoors should be made of material that will require no maintenance for the duration of the loan period. All artwork should be able to sustain general movement and relocation including being sited, installed, and removed.

Works of art must be in compliance with any and all applicable City codes, ordinances, policies, and procedures. Installations must not present a safety hazard and must meet all applicable codes or requirements.

IV. APPLICATION SUBMISSION

Artists wishing to be considered for the TAPP program must submit an application to the City's Public Art Committee (PAC). Applications must be full, complete, and submitted by the required and posted deadlines. Incomplete or late submissions will not be accepted.

Applications must include :

1. Artists Resumé and short biography
2. A catalog of representative past work with images or other media
3. Images or other media of the work proposed for temporary installation.
4. A written narrative describing the work including, if applicable, any special considerations regarding the works installation, and the proposed length of installation.

V. SELECTION

A scoring matrix will be established and approved by the Public Art Committee. Members of the Public Art Committee will individually score eligible applications. Based on the scores received, the Public Art Committee will make a recommendation to the City Council for the selection of TAPP works of art or artists for the given program year. The City Council will have final approval of the selection of the works of art and artists. The Public Art Committee will rank submissions based on the following general criteria:

- Artistic/aesthetic merit
- Appropriateness to temporary art hosting sites

- Feasibility and Durability
- Safety and compliance with City codes and ordinances

VI. LOCAL / REGIONAL ARTISTS

The Public Art Committee scoring rubric may provide additional points for local artists (those in the immediate Denton County area, as well as the Dallas – Fort Worth Metroplex). Preferential scoring for local artists helps meet one of the policies overarching goals: to support the local arts and culture economy by supporting its individual practitioners.

V. GOVERNMENT SPEECH

Artwork selected for Display by the City Council, the Public Art Committee (PAC), or by City Staff administering public art is considered government speech. By displaying artwork the City does not intend to open a public forum for free speech activity. The ultimate authority to accept or deny temporary art work provided for consideration by the public rests with the City Council, and the devolved authority it provides to the Public Art Committee (PAC) and City staff responsible for art administration.

VI. LOCATION/SITING

If a location is not predetermined, the Public Art Committee will make a recommendation regarding placement of the work of art given the artwork medium, size, duration, and other relevant factors during the selection process. All locations must be on City owned land or contained within City owned and occupied spaces or facilities. Art selected through TAPP will not be located on any privately-owned land or facility, or within any facility that charges an admission or entry fee. No entity other than the City of Denton shall be allowed to control access or charge for entry to selected installations.

VII. INSTALLATION/REMOVAL

The selected artist(s) will be responsible for overseeing the installation of the artwork at its predetermined installation location and for any and all installation and removal costs. These costs may include, but are not necessarily limited to, site preparation, changes to the work of art necessitated by its installation or removal, and any insurance requirements for working on City property. The City of Denton assumes no responsibility for any costs associated with the installation, maintenance, or removal of the artwork.

All materials must be removed when the installation is complete and at the conclusion of the exhibit period. Any damages to the site are the sole responsibility of the artist.

VIII. DURATION

The length of time for an installation may depend on the exhibit, location, and the number of applications received. The Temporary Art Program intends to display artwork for longer periods of time, from several months to as long as 2-3 years. Artists should indicate their desired length of time to exhibit on the application. A set length of time for display may be predetermined by the City. The City may extend an installation's timeframe or request that an artist remove their installation at any time at the sole discretion of the City.

IX. FUNDING/STIPENDS

Stipends of up to \$5,000 will be provided to the artist or artists selected for the TPAP program each year, depending on the scale of the artwork and the duration of the loan. ~~The PAC will allocate eligible to this funds for the stipend. The PAC will be responsible for allocating the total temporary art funding allotment in any given year.~~ The program will be funded ~~from by~~ Hotel Occupancy Tax (HOT) revenues ~~and/or other public-art supporting funding sources.~~

Commented [AB7]: Maybe reword this

A: Thanks for catching this. Reworded to make it sensical.

X. ARTWORK SALES

Artists are welcome and encouraged to list the prices of their works in proximity to where they are displayed, or to provide contact information to a website indicating their sales prices. The City of Denton asks artists to either keep sold items on site until the end of the agreed upon installation. The City of Denton, additionally, asks that a 10% gallery fee be provided to the City of Denton Public Art Program for hosting the artwork. These funds will be used to fund future leases of temporary public art.