

## TITLE 7 PURCHASING, CONTRACTS AND PROFESSIONAL SERVICES

### Regulation 7.40 REGULATIONS GOVERNING FUNDS FOR WORKS OF ART IN PUBLIC FACILITIES

#### 7.40.001 Definitions.

The following definitions shall apply herein:

- A. *Artist* means a person who practices in the visual arts as a professional. Indications of a person's status as a professional artist include, but are not limited to, income realized from the sale of artwork, frequent or consistent art exhibitions, placement of artwork in public institutions or museums, receipt of awards and honors, and training in the arts.
- B. *Construction project* means any construction, remodeling or renovation of a municipal building, school or other facility.
- C. *Incorporated artwork* means artwork that is integrated into the design plan of a construction project.
- D. *Project designer* means the architect, engineer, designer or other consultant selected by the Municipality of Anchorage to design the construction project and includes all members of the business or firm. A project designer cannot qualify as an "artist" as that term is used in these regulations.
- E. *User department or Anchorage School District* means the municipal department or departments which shall use or occupy the construction project upon completion.

(AR No. 79-109; AO No. 80-79; AO No. 91-41)

**Authority**--Anchorage Municipal Code 3.40, 7.40.040.

#### 7.40.002 Public art committee.

- A. The administration shall notify the public art committee upon selection of the project designer for a construction project required by Anchorage Municipal Code chapter 7.40 to dedicate funds for the acquisition of artwork.
- B. For each construction project and after receiving notice pursuant to subsection 7.40.002.B [7.40.002.A] of these regulations, the public art committee shall:
  - 1. Coordinate with the project designer to determine the number and location of publicly visible sites in which artwork may be displayed and the appropriateness of each site for incorporated artwork, unincorporated artwork or both;
  - 2. Determine the size, type and maximum cost of the artwork which may be placed at each site identified;

3. Select a jury in the manner set forth in section 7.40.003 of these regulations;
  4. Choose a selection method as provided in section 7.40.005 of these regulations for each work of art to be displayed;
  5. In the case of the school district capital improvements, the public art committee shall seek the advice of the school administration department charged with the project construction and/or interested residents or users of the facility.
- C. If the public art committee has failed to perform as provided in subsections C.1 and C.2 [B.1 and B.2] of this section before the municipality has accepted the final project design, the jury shall limit its consideration to unincorporated artwork so that the construction project may proceed on schedule.

(AR No. 79-109; AO No. 80-79; AR No. 81-270; AO No. 91-41)

**Authority**--Anchorage Municipal Code 3.40, 7.40.040.

#### **7.40.003 Jury selection.**

- A. The public art committee shall recommend a panel of jurors to the mayor who shall appoint a jury to select artwork for each construction project with proposed capital expenditures in excess of \$1,000,000.00. A jury shall consist of at least seven members and include one representative from the urban design commission, one representative from the Anchorage Arts Advisory Commission, one representative from the historical and fine arts commission, the project designer, a representative from the user department or Anchorage School District and at least two interested local residents.
- B. The public art committee shall act as a jury and select the artwork for any construction project with proposed capital expenditures in an amount less than \$1,000,000.00.

(AR No. 79-109; AO No. 80-79; AR No. 81-270; AO No. 84-30; AO No. 91-41)

**Authority**--Anchorage Municipal Code 3.40, 7.40.040.

#### **7.40.004 Jury.**

- A. A jury shall review resumes, work product and other pertinent information which artists have placed on file with the Alaska State Council on the Arts, or a juror may ask an artist to submit his resume, work product or other pertinent information directly to the jury.
- B. Each juror shall review educational materials as the public art committee may require.
- C. Only jurors may vote for the selection of an artist or artwork, and each juror shall have one vote.

- D. A jury may meet to discuss and review the qualifications of artists or to select an artist only if a quorum is present. A majority of the authorized members of the jury shall constitute a quorum. An affirmative vote by a majority of the authorized jurors shall carry a motion.
- E. A jury may take action only at meetings open to public observation.
- F. A jury may reject all candidates and renew the selection process by choosing a different method set forth in section 7.40.005 of these regulations.
- G. A user department or Anchorage School District may object to the selection of a particular piece of artwork for technical reasons related to maintenance or safety by filing that objection with the public art committee before the municipality has obligated itself to purchase or commission a work of art. If the public art committee confirms the jury's selection, the user department or Anchorage School District may, within ten working days, submit the matter to the administration (or the Anchorage School Board in the case of school facilities) for a final decision. The mayor or his designee shall render a decision within ten working days. If the mayor or his designee rejects the jury's selection for technical reasons, the jury shall continue the selection process.
- H. Within five working days after rendering a decision, a jury shall provide written notice of its selection to the urban design commission, the Anchorage Arts Advisory Commission, the historical and fine arts commission, the public art committee and the administration. Neither a commission nor the administration may reject a jury selection except as provided in subsection G of this section.
- I. A jury must conduct, as a minimum, one, properly advertised, public hearing prior to making a selection on any work of art. A model or appropriate representation of the work of art to be selected must be available for public review at the public hearing location. The public's testimony will be considered by the jury during the evaluation process.

(AR No. 79-109; AO No. 80-79; AR No. 81-270; AO No. 84-30; AR No. 87-309, 1-1-88; AO No. 91-41)

**Authority--**Anchorage Municipal Code 3.40, 7.40.040.

**7.40.005 Selection methods.**

A jury may select an artist by any of the following three methods:

- A. *Open entry.* The jury may consider any artist for the project.
- B. *Limited entry.* The jury invites particular artists to compete for the project.
- C. *Direct negotiation.* The jury asks a particular artist to submit a proposal for the project.

(AR No. 79-109; AO No. 80-79)

**Authority--**Anchorage Municipal Code 3.40, 7.40.040.

**7.40.006 Artist selection.**

In its selection of an artist, a jury shall consider, among other things, the following:

- A. The quality of the artist's work.
- B. Appropriateness of size, medium and form of the artwork to the site in which it shall be placed.

(AR No. 79-109; AO No. 80-79)

**Authority**--Anchorage Municipal Code 3.40, 7.40.040.

**7.40.007 Installation of artwork.**

The administration, the user department or Anchorage School District and the artist shall coordinate installation of the artwork at the site. Installation expenses shall be paid from the funds allocated to the acquisition of artwork pursuant to Anchorage Municipal Code 7.40.

(AR No. 79-109; AO No. 80-79)

**Authority**--Anchorage Municipal Code 3.40, 7.40.040.

**7.40.008 Ownership and maintenance of artwork.**

- A. All artwork acquired pursuant to Anchorage Municipal Code 7.40 shall be the sole property of the municipality, and the artist shall be required to agree that:
  - 1. Should it be determined necessary to relocate the artwork in an alternate location the municipality may select the location;
  - 2. The municipality and the artist may photograph the artwork for documentary or archival purposes and for informational publications, but not for profit;
  - 3. The artist will not copy or reproduce the work unless it is an original multiple.
- B. The Anchorage Museum of History and Art shall inventory, insure, maintain and repair artwork acquired pursuant to Anchorage Municipal Code 7.40. The public art committee shall develop policies and procedures for recommending conservation practices and priorities.
- C. The municipality shall not remove or alter artwork acquired pursuant to Anchorage Municipal Code 7.40 without first consulting the public art committee. The public art committee shall develop policies and procedures for recommending removal, relocation or disposal of artwork acquired pursuant to Anchorage Municipal Code 7.40.

(AR No. 79-109; AO No. 80-79; AR No. 81-270; AR No. 84-341; AO No. 85-8; AO No. 91-41)

**Authority**--Anchorage Municipal Code 3.40, 7.40.040.

**7.40.009 Public information.**

The administration shall:

- A. Within ten working days after selection of a construction project architect and no less than ten working days before the jury is selected, advertise the formation of a jury.
- B. Distribute such information and applications as a jury may suggest and the museum staff deems necessary.
- C. Announce the selection of an artist, the commission of a work of art or the acquisition of a work of art.
- D. Perform such other public information services as the museum staff deems appropriate.

(AR No. 79-109; AO No. 80-79; AR No. 81-270; AO No. 91-41)

**Authority--**Anchorage Municipal Code 3.40, 7.40.040.

**7.40.010 Contracts.**

All commissioned artwork shall be acquired by formal contract which shall require the artist to perform to the reasonable satisfaction of the public art committee. The municipality may acquire completed works of art in accordance with municipal or Anchorage School District purchasing procedures.

(AR No. 79-109; AO No. 80-79; AO No. 91-41)

**Authority--**Anchorage Municipal Code 3.40, 7.40.040.

**7.40.011 Annual report.**

The public art committee shall prepare an annual informational report listing all acquisitions and art projects, whether completed or in progress, and submit it to the assembly, the mayor, the Anchorage School Board, the urban design commission, the historical and fine arts commission and the Anchorage Arts Advisory Commission.

(AR No. 79-109; AO No. 80-79; AO No. 84-30; AO No. 91-41)

**Authority--**Anchorage Municipal Code 3.40, 7.40.040.

**7.40.012 Exemptions.**

Pursuant to Anchorage Municipal Code 7.40.070, the public art committee shall investigate any request for exemption and recommend action to be taken thereon to the administration.

(AR No. 79-109; AO No. 80-79; AR No. 81-270; AO No. 91-41)

**Authority--**Anchorage Municipal Code 3.40, 7.40.040.

**7.40.013 Review of regulations.**

The public art committee shall undertake an annual review of Anchorage Municipal Code 7.40 and these regulations and may propose amendments as necessary to the urban design commission, Anchorage Arts Advisory Commission, and the historical and fine arts commission who shall develop amendments in accordance with Anchorage Municipal Code 3.40.

(AR No. 79-109; AO No. 80-79; AR No. 81-270; AO No. 84-30; AO No. 91-41)

**Authority**--Anchorage Municipal Code 3.40, 7.40.040.