



# **CITY OF CEDARBURG**

## **PUBLIC ART PROGRAM**

### **Public Art Commission Guidelines**

*City of Cedarburg  
Parks, Recreation, & Forestry Department  
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**City of Cedarburg Public Art Committee**  
**Guidelines & Administration Plan**  
**Updated: 6/1/2015**

**Mission Statement:**

Working within the guidelines established by the Cedarburg Common Council, the Cedarburg Public Art Commission identifies and facilitates placement, and or sponsorship, of appropriate artwork in a wide variety of media in suitable public places within the City of Cedarburg, while also promoting Cedarburg as an arts destination.

**Purpose**

These guidelines are presented for the purpose of establishing policy and procedures for accepting gifts or purchase of art intended for long-term placement at public sites.

**1. Policy Objectives.**

- To ensure that artwork in the City of Cedarburg's public spaces enhances our community, adds to the existing strengths of public spaces and is of the highest quality.
- To provide a procedure for reviewing gifts or purchase of original artwork intended for long-term placement in public places.
- Installations of one year or less shall be considered temporary and addressed by the Public Art Commission on an as-received basis.

**2. Public Art Commission**

- The Public Art Commission shall be appointed by the Mayor, confirmed by the Council, and shall consist of six (6) voting representatives from the arts and other community organizations, **two (2) members at large**, and one (1) Common Council member. The Director of Parks, Recreation and Forestry, and the City Economic Development Coordinator will serve as non-voting members of the commission. The terms shall be two (2) years expiring on April 30<sup>th</sup>, except that, upon creation of the Commission, initially the term of three members shall expire after one (1) year to stagger the terms.

The Public Art Commission is responsible for promoting and maintaining art displays in public buildings and public spaces in the City of Cedarburg. The Commission shall:

Facilitate public art in public buildings and public spaces;  
Inform residents of and visitors to the City of Cedarburg about public art;  
Advance the City of Cedarburg as an “arts destination” and engage public art as a major attraction for artists, cultural tourism, and economic development;  
Be responsible for approving the site and content of public art;  
Be responsible for developing a procedure for the selection of art and/or artists, which includes public input as well as appropriate staff review.

- This is a volunteer advisory committee which advises the Common Council, staff, artists, developers and others on the implementation of public art acceptance or purchase.

### **3. Definitions**

- Public Art. Original artwork intended for placement or installation at indoor or outdoor areas of public use.
- Gifts. An existing or proposed work of art offered as a donation to the City for placement at a public site.
- Sponsor. An individual or group, other than the artist, who proposes a work of art for placement on a public site and assumes the financial responsibility for producing and installing the work of art.

### **4. Acceptance Conditions**

- The City will consider gifts of works of art for placement at a public site with the understanding that no City funds will be required for production, siting or installation of the work, except when the City itself acts as a sponsor or co-sponsor.
- To be considered for acceptance by the City, a work of art must have a sponsor or co-sponsor who will present the proposal and, when necessary, be responsible for raising the necessary funds or providing the funds, in accordance with the budget presented to the Public Art Committee. (See Acquisition Procedures)
- The City will consider the following types of proposals for works of art intended for placement at a public site:
  - a) A sponsor’s offer of an already completed work of art.
  - b) A sponsor’s offer to commission an artwork by a specified artist or artists.
  - c) A sponsor’s offer to commission an artwork by means of a public art competition.

## 5. Eligible Artworks

It shall be the Policy of the Public Art Commission that all artworks purchased and/or commissioned under this program shall be original works designed by artists who meet the criteria as defined in Section 9 of these guidelines. Such artworks may include, but are not limited to, the following:

- Sculpture: freestanding, wall supported, or suspended; kinetic, electronic, in any material or combination of materials.
- Murals or portable paintings: in any material or variety of materials, with or without collage or the addition of non-traditional materials or means.
- Earthworks, fiberworks, neon, glass, mosaics, photographs, prints, calligraphy; any combination of forms of media including sound, literary elements, film, holographic images, and video systems; hybrids of any media and new genres.
- Furnishings or fixtures, including but not limited to gates, railings, streetlights, signage, and seating if created by artists as unique elements or limited editions.
- Artistic or aesthetic elements of overall architecture or landscape design if created by a professional artist or a design team that includes a visual artist.
- Art related educational displays which contribute to public understanding of the City of Cedarburg as an arts destination
- Temporary artworks or installations, if such artworks serve the purpose of providing community and educational outreach.

## 6. Ineligible Artworks

- “Art objects” which are mass produced or of standard manufacture, such as playground equipment, fountains, or statuary elements, unless incorporated into an artwork by a project artist.
- Reproductions, **other than signed and numbered**, by mechanical or other means, of original works of art, except in the case of film, video, photography, printmaking, or other media arts.

## **7. The Artist shall:**

- Submit resume, visual illustrations, proposals, and/or project materials as directed for consideration by the Public Art Commission.
- Conduct necessary research, including touring project sites, when possible.
- If selected, execute and complete the artwork or design work, or transfer title of an existing artwork, in a timely and professional manner.
- Work closely with the project manager and/or other design professionals associated with the project.
- Submit to the Public Art Commission any significant changes in the scope of the project, color, material, siting, or design of the approved artwork.
- Make a public presentation, conduct a community education workshop, or complete an artist residency at an appropriate time and forum in the City of Cedarburg, as may be required by contract.
- Provide the City information on what is included in maintenance and ongoing costs.

## **8. Selection of Artists**

Selecting the “appropriate” artist is the most important decision in the public art selection process. Special care must be taken in all aspects of artist selection in order to ensure the best possible public art project, taking into account the goals of the project, the community served, and the nature of the site.

## **9. Eligibility Requirements**

Eligibility requirements for each project shall be established by the Public Art Commission, which shall be reviewed and approved by the Common Council.

- Artists will be selected on the basis of their qualifications as demonstrated by past work, appropriateness of the proposal to the particular project, and/or its probability of successful competition.
- Specifically excluded are artworks created by students under the supervision of art instructors to satisfy course requirements.

## **10. Criteria for Selection of Artists or Artwork**

- *Quality* – of highest priority are the design capabilities of the artist(s) and the inherent quality of the artwork(s).
- *Media* – all forms of art may be considered, subject to any requirements set by the Public Art Committee.
- *Style* – artworks of all schools, styles, and tastes should be considered for public art display.
- *Nature* – artworks should be appropriate in scale, material, form and content for the immediate social and physical environments with which they relate.
- *Permanence* – consideration should be given to structural and surface integrity, permanence and protection of artwork against theft, vandalism, weathering, excessive maintenance and repair costs.

- *Elements of Design* – consideration should be given to the fact that public art is a variety that is created in public context and must be judged by standards that embrace factors other than aesthetic, including public participation, social and political attitudes, and functional consideration. Public art may also serve to establish focal points, terminate areas, modify, enhance or define specific spaces.
- *Public Liability* – artworks should be examined for unsafe conditions or factors that may bear on public liability.
- *Diversity* – the Public Art Committee will strive for diversity in style, scale, and media. The Committee will also strive for an equitable distribution of artworks throughout the City. Finally, the artist selection process should ensure that the interests of all concerned parties are represented, including the public, the arts community, and the City.

## **11. Maintenance of the City's Public Art Collection**

Although the maintenance of the City property is typically the responsibility of the City's Parks and Forestry Department, it is recognized that maintenance of the City's Public Art Collection may, in certain circumstances, require specialized knowledge and procedures. The following outlines responsibilities for maintenance of the City's Public Art Collection:

- **Project Artist(s)**
  - a) Within the terms of the contract, the artist shall guarantee and maintain the artwork against all defects of material or workmanship for a period of not less than one (1) year following installation.
  - b) Within the terms of the contract, the artist shall provide the Public Art Commission with detailed drawings of the installation of the artwork and with detailed instructions regarding routine and extraordinary maintenance of the artwork.
  - c) Within the terms of the contract, all repairs and restorations which are made to the artwork within the lifetime of the artist shall have the mutual agreement of the City and the artist, and to the extent practical, the artist shall be given the opportunity to accomplish such repairs at a reasonable fee. Exempt from this requirement shall be any emergency repairs that may be required to ensure public safety.
- **Parks, Recreation, & Forestry Department**
  - a) Provide necessary and appropriate maintenance of the City Public Art Collection, including such duties as regular custodial care, snow removal, and/or landscape maintenance. Maintenance shall be performed in accordance with any special instructions or procedures necessary for the preservation of the work as identified by the Public Art Commission.
  - b) Report immediately to the Public Art Commission, its chair and staff, any evidence of damage, deterioration, vandalism, or theft of artworks in the City Public Art Collection.

- c) Refrain from conducting any repair, movement, or removal of artworks in the City Public Art Collection without prior authorization from the Public Art Commission, except for emergency repair, movement, or removal of works as may be necessary for public safety.
  - d) Upon authorization from the Public Art Commission, conduct any necessary repairs to works in the City Public Art Collection in accordance with instructions and procedures approved by the Commission. Should such repairs require expertise or equipment available only from outside vendors or professionals, the Parks, Recreation, & Forestry Department shall provide any necessary assistance to any such vendors or professionals authorized by the Public Art Commission.
- **Public Art Committee**  
A review process shall be established by the Public Art Committee to meet the following objectives:
    - a) To ensure there is a regular maintenance schedule for the City Public Art Collection to preserve them in the best possible condition. Toward that end, the Committee's review shall ensure that information necessary to the proper maintenance of the Collection is conveyed to the Public Works Department.
    - b) To monitor the regular inspection for conditions and location of artworks in the City Public Art Collection.
    - c) To establish a regular procedure for effecting necessary repairs to artworks in the City Public Art Collection.

## **12. Provisions For Review and Amendment**

These guidelines are subject to periodic review and revision by the Public Art Commission with the approval of the Common Council.

## APPENDIX A – POLICY ON ARTISTS RIGHTS

### 1. Purpose

The City of Cedarburg Public Art Commission wishes to create a climate wherein artists will thrive and receive the economic benefits of and recognition for their work. For that reason, it is important that the artists participating in the Public Art Program retain control over the artistic integrity of their artwork and receive equitable compensation for their creative endeavors.

### 2. Policy

The City of Cedarburg Public Art Commission strives to ensure the following rights to artists, which will be embodied in contracts for the commissioning or purchase of works of art:

- **Right to Retain Work in Situ:** Recognizing that successful public art is generally inseparable from the site for which it is created, the City will not move or remove an artwork unless the site is destroyed, temporary movement or removal of the work is required to effect repairs to either it or the site, the work is damaged beyond reasonable repair or restoration, the use of space has significantly changed, or for reasons of public safety. Should it become necessary to move or remove an artwork, the City will make reasonable efforts to consult with the artist before effecting such removal or relocation. However, the City reserves the right to move or remove the artwork without notification in emergency situations where immediate threat to property or public safety is present.
- **Right to Disclaim Authorship:** Recognizing the importance of preserving the integrity of an artwork, the City will not intentionally alter, modify, or destroy an artwork unless such work is already damaged beyond reasonable repair or restoration. Nevertheless, if an artwork in the City Public Art Collection is significantly altered, modified, or destroyed, whether intentionally or unintentionally, the artist shall have the right to disclaim paternity authorship of the artwork. Should an artist choose to exercise this disclaimer, the City shall, upon receipt of such written request by the artist, remove any plaques, labels, or other identifying materials that associate the work with the artist.
- **Rights to Conservation and Maintenance of the Work:** The integrity of an artwork also depends upon regular conservation and maintenance. The City commits to periodic inspection of the artworks in the City Public Art Collection and to making reasonable efforts to ensure that each artwork is properly and professionally maintained.
- **Right to Consultation about Repairs:** the City shall make reasonable efforts to notify the artist before undertaking repair or



restorations to the artwork when such work is undertaken during the lifetime of the artist. Where practical, the artist will be consulted and given an opportunity to accomplish the repairs or restorations at a reasonable fee. The City reserves the right to make minor and/or emergency repairs without prior notification.

- **Retention of Copyright:** The artist shall retain all copyrights associated with artworks acquired by the City. The City agrees that it will not copy or reproduce the artwork, or authorize third parties to do so, without the prior written permission of the artist or his/her estate, if deceased. Notwithstanding this policy, it shall be the practice of the City to secure from the artist the right to make and reproduce photographs or other two-dimensional representations of the artwork for public, non-commercial uses, such as catalogues, brochures, guides and other educational or public relations purposes, including internet-based versions of such materials. Any commercial uses such as images of the artist's work on T-shirts, coffee mugs, souvenirs, or other items intended for sale, shall require prior written permission of the artist.