

PUBLIC ART POLICY

Statement of Purpose

The purpose of the Public Art Program is to support a public process for incorporating artist services and artworks in the design of civic spaces and capital projects and to define the City of San Antonio's policies and guidelines for acquiring and commissioning art of the highest standards which shall enrich the quality of life for all residents and visitors of San Antonio. The goals of the Public Art Program are to create a better visual environment for the residents and visitors of San Antonio, to integrate the design work of artists into the development of City eligible capital improvement projects, and to promote tourism and the economic vitality of the City through the enhancement of public spaces. The Public Art Program is managed by the Department of Arts & Culture and serves the entire City of San Antonio as the public art program for all City departments, capital projects and public art initiatives. The Public Art Program specifically seeks:

- To encourage the selection of artists at the beginning stages of each project who can work successfully as members of the project design team, and to encourage collaboration among all arts and building disciplines;*
- To foster quality design and the creation of an array of artwork in all media, materials and disciplines that best respond to the distinctive characteristics of each project site and the community that it serves;*
- To select experienced artists who represent the diverse cultural landscape of San Antonio;*
- To encourage the selection of design enhancements that are accessible to the public and respects the historical resources and mobility of the citizenry;*
- To encourage artists, design enhancements and programs for open spaces, parks, infrastructure and facilities that contribute to neighborhood revitalization and enhance the quality and pride of neighborhoods in the City;*
- To encourage participation by citizens in the process of acquiring and commissioning of design enhancements;*
- To encourage the role of public art and design enhancements in enhancing economic development and cultural tourism;*
- To encourage the role of artists in the functional design of eligible capital improvement projects; and*
- To maintain and provide stewardship of the City public art and design enhancements collection.*

Section 1. Definitions.

- A. PUBLIC ART PLAN means a prioritized list, to be recommended by the San Antonio Arts Commission and its Public Art Committee of visual projects developed through a process using planning recommendations and selection criteria administered by the Department of Arts & Culture in consultation with City departments anticipating capital improvement projects. Department of Arts & Culture will provide updates to City Council on Public Art Plan. CAPITAL IMPROVEMENT PROGRAM means any permanent public improvement project paid for wholly or in part by monies appropriated by the City to design, construct, improve, or renovate a building, including its appurtenant facilities, a decorative or commemorative structure, a park, a street, a sidewalk, a parking facility, a utility, or any portion thereof, within the City limits or under the jurisdiction of the

City.

- B. **ELIGIBLE APPROPRIATIONS** means any capital improvement project contained in a bond proposition approved by the voters, or any non-bond program capital improvement project, with a total project cost of greater than \$500,000 excluding certain identified capital projects designated solely for real property acquisition, demolition, equipment, normal major maintenance, financing, below-grade water or wastewater improvements, and costs of repairing existing streets, sidewalks, and drainage facilities.
- C. **PUBLIC ART ACCOUNT** means a separate account established within each capital improvement project fund by the City to receive monies appropriated to the Public Art Program; provided that:
 - 1. City bond proceeds to be used for the Public Art Program must be maintained in the respective bond funds established in accordance with the City ordinance authorizing the issuance of the bonds; and
 - 2. Monies from non-bond sources that are eligible and appropriated from a City fund to be used for the Public Art Program must be maintained in a separate account within that fund.

Section 2. Funding.

A. Public Art and Design Enhancement Allowances

- 1. **Appropriation Procedures.**
 - (i) Standard appropriations for City capital improvement projects, whether financed with City bond proceeds or City monies from any other source, shall include one and one half percent of Eligible Appropriations to be used for design services of artists, for the selection, acquisition, fabrication, installation, conservation, and display of artworks, and for administration of the public art projects. Monies appropriated as part of one project, may be expended on other projects approved under the Public Art Plan; provided that proceeds from bonds issued and authorized for a particular use or purpose shall not be used or diverted for a different use or purpose.
 - (ii) Special appropriations for capital improvement projects that prioritize public art and design enhancement within their planning and/or scope of work shall include a budgeted amount within corresponding capital improvement project appropriation that is commensurate with estimated costs relating the artwork to the design and scale of each project or site.
- 2. **Grants and contributions from non-City sources.**
 - (i) City departments shall include in every application to a granting authority for a capital improvement project grant an amount for artists' services and artworks. The public art appropriation shall apply to all capital improvement projects financed with grants or contributions from private persons or governmental or

public agencies, subject to conditions of the granting or contributing person or agency. If the public art appropriation is not allowed as a reimbursable expense, only the City-funded portion of the project is subject to the public art appropriation.

- (ii) Contributions to public art from private sources shall be deposited into a separate public art account, subject to any donor's conditions within the instrument of conveyance. Disbursements must be made in accordance with project plans and this article.
3. Accounting. Amounts appropriated pursuant to this article shall be established by the City as separate budget items designated within the capital improvement program for public art and design enhancements.
 4. City bond financed projects.
 5. This article shall apply to a City capital improvement project financed with proceeds from:
 - (i) General obligation bonds authorized and approved by the voters on or after April 7, 2023; or
 - (ii) Revenue bonds, certificates, notes, or other obligations authorized and approved by the City Council on or after April 7, 2023.
 - (iii) General obligation bonds authorized and approved by the voters prior to April 7, 2023 and revenue bonds, certificates, notes, or other obligations authorized and approved by the City Council prior to April 7, 2023 shall be subject to the Public Art Program policies and guidelines in effect at the time of such approval.
 - (iv) This article shall not apply to any refunding bond proceeds.
 6. In developing the capital improvement program for bond-financed capital improvement projects, the City Manager may recommend that the City Council exempt certain bond-financed capital improvement projects from the application of this article. The City Manager's recommendations shall govern unless the City Council provides otherwise.
 7. If a City capital improvement project is financed with City bond proceeds, the use of any amounts appropriated for artists' services and works of art in accordance with this article must be consistent with any voted proposition approved by the voters of the City, any resolution or ordinance adopted by the City Council authorizing issuance of the bonds, and applicable state or federal law.
 8. Uses of public art and design enhancement appropriated funds.
 - (i) Monies appropriated under this article may be used for artists' design concepts and for the selection, acquisition, purchase, fabrication, placement, installation, exhibition, conservation, and display of artworks.

- (ii) A percentage of the total annual public art appropriations may be used for public art administration and may be used to pay the costs incurred in the administration of the program, including project administration, artist-selection-related costs, outside design fees where collaboration is involved, design, drawing, sculptural models, community education, insurance, curatorial services, identifying plaques, documentation, publicity, and such other purposes as may be deemed appropriate for the administration of the public art program.

B. Development of Public Art Plan.

1. The Department of Arts & Culture shall review with City departments all planned capital improvement projects to determine if they are eligible for public art and design enhancement treatment to develop the Public Art Plan. The following selection criteria will be utilized to develop the Plan.
 - (i) Coordination and collaboration with existing/planned infrastructure improvement projects, including partnership projects.
 - (ii) Connectivity between neighborhoods, community facilities, cultural landmarks, and economic/development centers.
 - (iii) Leverage existing improvements and funding, both public and private.
 - (iv) Complete and/or sustain significance of previously established projects.
 - (v) Support transportation and/or pedestrian connectivity and areas of density.
 - (vi) Support improvements within established boundaries, such as special districts or focal areas in need of revitalization and upgrade.
 - (vii) Achieve an overall balance of public art projects throughout the City based upon planning recommendations.
 - (viii) Improve value of public and private property and overall quality of life.
 - (ix) Support identified needs or projects within adopted strategic plans.
2. The Department of Arts & Culture will consider the feasibility, budget size, scope, and community impact as criteria for identifying and recommending capital projects suitable for public art and design enhancement treatment.
3. The Department of Arts & Culture shall discuss each eligible project with the assigned departmental staff and stakeholders to develop a project description, allowance, and timeline.

C. Eligible Public Art and Design Enhancements. It is the policy of the City of San Antonio that all public art and design enhancements commissioned or acquired through the Department of Arts & Culture are designed by an artist, craftsman or an artist or craftsman in collaboration with the project architect, landscape architect or engineer. Such artworks

may include, but are not limited to the following:

1. The incremental costs of infrastructure elements, such as sound-walls, utility structures, roadway elements and other items if designed by an artist or design team that includes an artist co-designer.
2. Artistic or aesthetic elements of the overall architecture or landscape design if created by a professional artist or a design team that includes a professional visual artist.
3. Earthworks, 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.
4. Murals or portable paintings in any material or variety of materials.
5. Sculpture: freestanding, wall supported, or suspended; kinetic and electronic in any material or combination of materials.
6. Temporary artworks or installations, if such artworks serve the purpose of providing community and educational outreach purposes.
7. Public art and design enhancements that are an integral part of architecture, landscape architecture, and landscape design.

Section 3. Responsibilities.

A. Department of Arts & Culture

1. Administer the public art and design enhancement allowances, artists' registry, and the artist selection panels.
2. Implement policies and procedures relative to applying for and accepting gifts and grants, and disposition, relocation, maintenance, repair, and alteration of the City art collection.
3. Manage artist selection panels, the San Antonio Arts Commission and its Public Art Committee, public art services of City departments, artists, design and building professionals and the public.
4. Develop a Public Art Plan linked to eligible City capital improvement projects.
5. Coordinate and implement public art education and community outreach programs.
6. Present to City Council for acceptance all cash gifts given for the purpose of purchasing or commissioning artworks.
7. Coordinate with all City departments and project designers the possibility of their acceptance and placement of a gift of an artwork to the City at specific sites.

8. Coordinate with City departments regarding eligible sites for the placement of a gift of an artwork the cost of care and maintenance of said artwork.
9. Staff the up to 11-member ad hoc Public Art Committee and the 15-member San Antonio Arts Commission, who shall be nominated and appointed by the Mayor and City Council and serve as advisory to City Council and an adjunct public art review board to the Historic and Design Review Commission.
10. Document the selection process and critical stages of specific projects such as fabrication and installation. The documentation will be used for the production of City promotional material and self-guided tour brochures. A video and still photography of each project may be part of the documentation. This documentation will be used as a promotional, educational and archival resource. All records relating to all projects such as contracts, correspondence, memoranda, proposals, models, and billings will be kept by the Department of Arts & Culture.

B. Other City Departments.

1. Plan, develop and coordinate with the Department of Arts & Culture regarding existing and future projects opportunities for the incorporation of artworks and artist services.
2. Develop and implement artwork projects at specific sites.
3. Assess information and coordinate with the Department of Arts & Culture on proposals for gifts of artworks and monies.
4. Inform the Department of Arts & Culture regarding any and all departmental activity related to the development and implementation of artwork and artist services.
5. Assist the Department of Arts & Culture in allocating funds, monitoring project budgets and educating the public.
6. Inform the Department of Arts & Culture on planning for capital improvement projects, which could potentially incorporate an art project.
7. Utilize Department of Arts & Culture as the primary professional public art resource for the City of San Antonio.

C. San Antonio Arts Commission

1. Be composed of a 15-member advisory board, nominated and confirmed by the Mayor and City Council. Members shall follow the term limits and appointment procedures set forth in the City's general rules and procedures for City Council Boards and Commissions set forth in Chapter 2, Article IX of the City Code.
2. Have a chairperson with a term of two (2) years. Subsequent chairpersons shall be elected by the San Antonio Arts Commission for two-year terms to manage the

functions of the Commission.

3. Elect an up to 11-member Public Art Committee, comprised of at least two Arts Commissioners and with one Arts Commissioner serving as chairperson. Terms of all members and chairperson shall be two (2) years.
4. Develop and approve an annual Public Art Plan.
5. Develop policies and goals for the selection, placement, and maintenance of artwork in the City's collection.
6. Review and make recommendations on artist selection panelists, artist selections, and all final public art and design enhancement projects and following the criteria set forth in Section 6.
7. Review and make recommendations on all proposed public art gifts and memorials following the criteria set forth in section 6(G).
8. Review and make recommendations on the disposition of artworks following the criteria set forth in Section 6(L,M and N).
9. Review and make recommendations on the conservation, maintenance, repair, or alteration of artworks in the City art collection.
10. Review and make recommendations on the inventory of artworks in the City art collection, which shall be periodically inspected.
11. Develop, promote, educate, and preserve aesthetic excellence in public spaces for San Antonio residents and visitors.
12. Actively promote the Department of Arts & Culture's call for artist opportunities for the purposes of recruiting a diverse group of talented artists for City of San Antonio projects.
13. The Arts Commission shall not bind the City of San Antonio by contract or otherwise. In order to avoid conflicts of interest, no member of the Arts Commission or its Public Art Committee shall vote or participate as a member in any matter that materially affects the property, income, or business interest of that member or in which the member holds a substantial interest. Such member shall give notice of abstention form voting prior to the taking of a vote.

D. Artist Selection Panels.

1. Suggested artists must be active members of the prequalified artist selection panel pool. (See Section 6 (A)).
2. The Department of Arts & Culture shall review information regarding each new project opportunity, including key stakeholders identified by partner departments, City Council members, San Antonio Arts Commission, and Public Art Committee, in

order to select Artist Selection Panelists.

3. The Artist Selection Panel shall review the artists' submitted materials taking into consideration the recommendations of the client and/or department and the criteria established by the Department of Arts & Culture.
4. Make final recommendations to the Department of Arts & Culture on the artist(s) selected for specific projects.
5. The Public Art Committee and San Antonio Arts Commission shall consider final artist selection and provide recommendations and approvals to the Department of Arts & Culture.
6. Cease to exist once the artist(s) is selected and approved.
7. The Artist Selection Panel shall not bind the City of San Antonio by contract or otherwise. In order to avoid conflicts of interest, no member of the Artist Selection Panel shall vote or participate as a member in any matter that materially affects the property, income or business interest of that member or in which the member holds a substantial interest.

E. Artist(s).

1. Submit credentials, visuals, proposals and/or project materials as directed for consideration by the artist selection panel.
2. Conduct necessary research, including attending project orientations and touring project sites, when possible.
3. Design, execute, complete and transfer title of the artwork in a timely and professional manner.
4. Work closely with the project manager and/or other design professionals associated with the project.
5. Submit to Department of Arts & Culture any significant changes in the scope of the project, color, material, or design of the approved artwork for presentation to the San Antonio Arts Commission, Public Art Committee, and whenever applicable, Historic and Design Review Commission.
6. Make public presentations, conduct community education workshops or a residency, as required by the contract with the City of San Antonio.
7. Provide a maintenance plan that includes a list of materials, diagrams, and names of fabricators describing processes used in fabricating the artwork, and the descriptions and drawings of installations, specifications and details of connecting methods.

F. Outside Agencies and Organizations.

1. Coordinate with the Department of Arts & Culture regarding the planning and

implementation of existing and future public art projects located within the public right of way, and/or that use public funding.

2. Submit to the Department of Arts & Culture any significant changes in the scope of the project, color, material, or design of the approved artwork.

Section 4. Conservation.

- A. All routine maintenance and repairs of permanent public art and design enhancements, including cleaning, shall be the responsibility of the City department housing the artwork, in consultation with the Department of Arts & Culture. Each department that houses public art and design enhancements shall notify the Department of Arts & Culture whenever it believes an artwork requires attention. City departments may request from the Department of Arts & Culture guidance in maintenance, cleaning and curatorial services for the City art collection.
- B. Maintenance and conservation of artworks in the public art collection shall follow the specific instructions and specifications listed under artist's maintenance and conservation plan.
- C. Donations of artworks to the City must include monetary donation of at least 5% of the value of the artwork to be deposited into the City's Public Art Fund for long-term maintenance of the public art collection.
- D. Whenever applicable, City departments will consider maintenance of artworks through the annual budget process.

Section 5. Education and Community Outreach.

- A. Purpose. Public participation is a key aspect of the Public Art Program. The Department of Arts & Culture will make significant efforts to involve the public in community outreach and public education programs. These efforts can create a context in which citizens can better understand and appreciate the artworks and the design contributions of the artists.
- B. Policy. The Department of Arts & Culture will make significant community outreach and public education efforts on each public art and design enhancement project. Possible activities may include:
 1. Efforts to raise the level of general awareness about public art and design enhancement, such as slide lectures or presentations to various community groups and service organizations, a regular program of media coverage, and periodic "town hall" meetings in City Council districts.
 2. Community involvement, including appropriate community meetings before the project is defined, community representation on the artist selection panels, community co-sponsorship of public art and design enhancement projects, and public "unveilings" or dedications.
 3. More formal public education programs, including design competitions and design awards, sponsorship of public art and design enhancement lectures by local museums

- and galleries, guided tours of public art and design enhancement in the City, and periodic symposia on public art and design enhancement.
4. A program for school children that includes the development of curriculum guides for public art and design enhancement, sponsorship of artist residencies in the public schools, and a speaker's bureau on public art and design enhancement for the school system.
 5. Media relations efforts that target the local print and broadcast outlets, participation by the San Antonio Arts Commission, Public Art Committee, staff members and public art artists on local media talk shows, and regular press development activities in the form of press releases and media packages.
 6. A publication program that includes catalogs and guides to the City art collection, a newsletter to interested citizens, and the creation of posters to accompany the unveiling of new artworks.

Section 6. Review and Approval Procedures

A. Calls for Artists.

1. The Department of Arts & Culture, in consultation with appropriate City departments, shall define the scope of work, project criteria, and budget, develop a community profile, assemble the artist selection panel and manage the artist selection process.
2. The Department of Arts & Culture shall brief the artist selection panel on the project.
3. The artist selection panel shall review a presentation by the Department of Arts & Culture of materials submitted by artists in response to a call for artists, invitation, or other method of selection recommended by the Department of Arts & Culture, and may choose to interview finalists.
4. Upon request, finalists may be required to submit additional qualifications and/or a concept proposal to the panel prior to being interviewed. If asked to submit a proposal, the Department of Arts & Culture shall coordinate with finalists to discuss the site and any additional project background.
5. Qualifications may include a resume and images of artists' past work. Proposals may include models, drawings, or other visual representations, and a written statement.
6. At the conclusion of presented artists' qualifications, the panel shall deliberate the materials presented, interviews, project scope of work and related criteria.
7. Artists who have completed past public art projects with the City of San Antonio shall submit an inventory of past works, and the Department of Arts & Culture shall brief the panel on artists' previous performance and past works.
8. Final recommendation of selected artist shall be decided by majority vote. A final

recommendation shall be presented to the Public Art Committee and San Antonio Arts Commission, through the Department of Arts & Culture.

9. The Department of Arts & Culture may request a formal proposal from the final artist(s) selected specifying the time frame for project development, payment schedule, ownership and copyrights. All materials related to the proposal including models, drawings etc. will be the property of the artist, but the City shall have the right to exhibit and use them for educational and promotional purposes.

B. Types of Call for Artists:

1. Open Competition. Any artist may submit qualifications or proposals subject to any requirements established by the artist selection panel or Department of Arts & Culture. Calls for artists for open competitions shall be sufficiently detailed to permit artists to determine whether their work is appropriate to the project under consideration.
2. Invitational. The artist selection panel may invite a limited number of artists to submit credentials or proposal.
3. Direct Selection. The artist selection panel may directly select an artist(s) from a short-list of artists on the Public Art Prequalified List.

C. Local and Non-Local Artists. The Department of Arts & Culture shall seek a balance in the awarding of contracts for the public art and design enhancement projects among San Antonio-based, Texas, national and international artists. Factors such as the size of the project, the level of visibility, the availability of funding, and other conditions, all may influence the selection of artists. The Department of Arts & Culture shall seek special opportunities to help develop a growing population of professional public artists in the San Antonio area.

D. Artist Selection Criteria. The artist selection process shall be managed by the Department of Arts & Culture and, whenever possible, shall begin at the conceptual stage of the project so the artist(s) will be able to integrate art concepts and artworks with the design of the specific projects. Early participation also allows for dialogue between the artist(s), the community the project serves and architect or designer to discuss the design processes and the inclusion of specifications for the artwork's site preparation that are subject to zoning, design, and construction codes. The selection of artists or artworks must meet the following criteria:

1. The design capabilities of the artist(s) and the inherent quality of the artworks.
2. All media forms of visual arts may be considered, subject to any requirements set by the San Antonio Arts Commission, Public Art Committee, or Department of Arts & Culture.
3. Public art and design enhancements of all schools, styles, and tastes should be considered for the public art and design enhancement program.
4. Public art and design enhancements should be appropriate in scale, materials, form

and content for the immediate social and physical environments with which they relate.

5. Consideration should be given to structural and surface integrity, permanence, and protection of the artwork against theft, vandalism, weathering, and excessive maintenance and repair costs.
6. Consideration should be given to the fact that public art and design enhancement, as defined by the program, is a genre that is created in a public context and that must be judged by standards that embrace factors other than the aesthetic, including public participation, social and political attitudes, and functional considerations. Public art and design enhancement may also serve to establish focal points, terminate areas, modify, enhance or define specific spaces, establish identity, or address specific issues of urban design.
7. Public art and design enhancements should be examined for unsafe conditions or factors that may bear on public liability.
8. The Department of Arts & Culture should strive for diversity of style, scale and media, and will also strive for an equitable distribution of artworks throughout the City, subject to sources of project funding.
9. Consideration should be given to budget suitability and/or constraints for each specific project.
10. The artist selection process shall ensure that the interests of all concerned parties are represented, including the public, the art community, and the City departments.

E. Final Artwork Approvals and Recommendations.

1. The Public Art Committee and San Antonio Arts Commission shall have the responsibility of reviewing and approving the artwork for a project as well as providing recommendations to City Council and other boards and commissions whenever necessary.
2. The Historic and Design Review Commission shall have the responsibility of reviewing and approving public art memorials requiring a certificate of appropriateness for their placement within the City, including those that affect a designated historical landmark, property within a designated historic district, a state archaeological landmark, a recorded Texas historical landmark, property within a National Register Historic District, property listed on the National Register of Historic Places, a National Historic Landmark, or property within the river improvement overlay (RIO) district.

F. Artist Contracts

1. Artist(s) and/or design team(s) selected for projects eligible for public art and design enhancement treatment will be contracted to provide architects/engineering and unique public art and design enhancement features. The artist may be asked to

prepare a budget that includes costs for fabrications, materials, labor, transportation, site preparation and installation, insurance, artist fee and a contingency fund. Contracts will require the artist to develop a maintenance plan for the artwork, which must be submitted to the Department of Arts & Culture before final acceptance of artwork by City is issued.

2. Fabrication of the artwork will be by the artist or under the artist's direct supervision in coordination with the Department of Arts & Culture.
3. Installations shall be coordinated between the Department of Arts & Culture and the appropriate representatives of each department having jurisdiction over the site and/or construction. Whenever possible, the installation of artworks will become part of the final project's construction contract and will be executed by the contractor under the artist's supervision.

G. Public Art Gifts Acceptance Policy.

1. These guidelines set forth below for public art gifts outline the process the Department of Arts & Culture follows in regard to donations of artwork gifts and memorial artworks (including art monuments, art plaques, property for placement of artwork, and funds for the acquisition of artwork) that may be proposed for donation to the City of San Antonio for placement on City property. Due to limited funds for maintenance and conservation of public art and the limited number of suitable sites on City property for the placement of donated artwork, a review process has been established. The guidelines for public art gifts and memorials outline a procedure and criteria for the Public Art Committee and San Antonio to review proposed public art gifts and memorials. The intent of the guidelines is to ensure that the same standards of excellence applied to City's public art and design enhancements are also applied to public art gifts and memorials and to the placement of such on City property.

H. The Department of Arts & Culture shall:

1. Serve as liaison between the Donor and the City and its designated authority, the San Antonio Arts Commission and Public Art Committee.
2. Convene and facilitate the Public Art Committee and San Antonio Arts Commission to review possible donations.
3. Oversee the fabrication (when applicable), site preparation (including, but not limited to foundations and lighting), and the installation of all accepted artworks/memorials and related materials such as donor plaques.

I. The proposed artwork/memorial shall be:

1. Original creations of visual art including, but not limited to, paintings of all media, sculpture, visual media, media-based artworks, art that incorporates the use of sound and artist design services.
2. By an artist who is a practitioner in the visual arts generally recognized by critics and

peers as a professional of serious intent and recognized.

3. A work of art donated free and clear to the City for inclusion in the City art collection.
 4. If a memorial, must conform to the criteria outlined within the City of San Antonio's policies regarding Markers, Memorials, and Plaques. The Historic and Design Review Commission shall have the responsibility of reviewing and approving public art memorials requiring a certificate of appropriateness for their placement within the City, including those that affect a designated historical landmark, property within a designated historic district, a state archaeological landmark, a recorded Texas historical landmark, property within a National Register Historic District, property listed on the National Register of Historic Places, a National Historic Landmark, or property within the river improvement overlay district.
- J. The Public Art Committee and San Antonio Arts Commission shall be responsible for reviewing and making recommendations on proposed public artwork gifts to City Council.
- K. All persons interested in donating or gifting works of art to the City shall:
1. Be required to submit the request in writing to the Department of Arts & Culture at least six months prior to the anticipated installation date of the project. Details in request shall include, but are not limited to:
 - (i) Artist name
 - (ii) Proposed artwork title
 - (iii) Dimensions, including weight
 - (iv) Materials
 - (v) Artwork rendering (in final design)
 - (vi) Artwork narrative
 - (vii) Proposed location, if applicable
 - (viii) Installation Information (including how artwork will be secured, attachment points, etc.)
 - (ix) Requested length of installation / display (if requestor intends for the artwork to be permanent, donor must include a monetary donation of at least 5% of the value of the artwork must be provided to the Department of Arts & Culture for long-term maintenance of the artwork).
 2. Depending on the artwork and/or if a specific location is proposed by donor, donor may be required to canvas community members/stakeholders including area residents and businesses within 1,000 feet of the proposed artwork. Donor must show documentation of canvassing through letters of support and/or neighbor signatures.
 3. If a memorial or in a historic district or park, applicant must apply for the artwork to be reviewed by the Historic and Design Review Commission.
 4. Final recommendations for acceptance of donations will be considered by City Council.
 5. Exceptions. These guidelines shall not apply to:

- (i) If an artwork is proposed for temporary installation (anything less than permanent) on City property, the donation process will be followed except for City Council approval.
- (ii) Artwork donated to City employees or appointed City officials for display in their personal offices.
- (iii) Gifts of state presented to the City by other governmental entities (municipal, state, national, foreign).
- (iv) Artwork donated to the private collections of nonprofit organizations that manage City entities or included in temporary exhibitions at those facilities.

L. Disposition of Art. The Department of Arts & Culture shall initiate a disposition review for a public artwork placed on City property, upon the existence of one (1) or more of the following conditions:

- 1. The condition or security of the artwork cannot be ably guaranteed.
- 2. The artwork requires excessive maintenance or has faults of design or workmanship and repair or remedy is impractical or unfeasible.
- 3. The artwork has been damaged, and repair is impractical or unfeasible.
- 4. The artwork endangers public safety.
- 5. No suitable site is available, or significant changes in the use of character or design of the site have occurred, which affect the integrity of the work.
- 6. Significant adverse public reaction over an extended period of time.
- 7. The quality of the artwork is called into question.
- 8. Written request from the artist has been received.
 - (i) The San Antonio Arts Commission and Public Art Committee wishes to replace the artwork with a more appropriate work by the same artist.

M. Review Procedures. The following steps are required:

- 1. Review of the artist's contract and other agreements that may pertain.
- 2. Discussion with the artist of the circumstances prompting the review.
- 3. Gathering of opinions of more than one (1) independent professional qualified to recommend on the concern prompting review (conservators, engineers, architects, critics, art historians, safety experts, etc.).

4. Review of written correspondence, press and other evidence of public debate, if applicable
5. Review the artwork's historic significance and if placed within a City designated historic or river improvement overlay district adhere to Historic and Design Review Commission guidelines, if applicable.

N. Recommendations.

1. A recommendation of reasonable measures is formulated to address the concerns that prompted the review and forwarded to the Public Art Committee and San Antonio Arts Commission by the Department of Arts & Culture.
2. The recommendation shall be reviewed at an open public meeting of the Public Art Committee and San Antonio Arts Commission and upon its acceptance by the Public Art Committee and San Antonio Arts Commission; the Department of Arts & Culture shall take necessary steps to implement the recommended action short of "removal."
3. If the recommendation is removal, or if the Public Art Committee and San Antonio Arts Commission determines that reasonable efforts to resolve the concern(s) which prompted the review have been made but have failed to resolve the situation, then the San Antonio Arts Commission shall appoint a mediating organization or consultant to designate a panel of impartial persons qualified to carry out steps in considering the removal of the artwork. The San Antonio Arts Commission shall consider the varying needs of the parties to the dispute in selecting the mediating organization or consultant.
4. The mediating organization/consultant may draw panel members from groups such as preservationists, art historians, museum curators, artists, urban planners, arts or public interest lawyers, social psychologists, policy analysts, and community improvement activists. The panel shall:
 - (i) Review the San Antonio Arts Commission's determination that reasonable efforts to resolve the concern have been made, yet have failed to resolve it. The panel may recommend any specific measures to resolve the concern including relocation or removal. This recommendation shall provide a reasonable timeframe in which to carry out the recommended measures.
 - (ii) Upon the panel's determination that the San Antonio Arts Commission's decision was correct, or that all previous concerns have not been resolved, the panel shall then consider the following in order of priority:
 - a) Removal from the collection by sale, extended loan, or gift. Three independent professional appraisals of the fair market value of the work shall be secured on which to base decisions.
 - b) If sale, trade, gift, extended loan, or relocation is not feasible, the work will be destroyed, subject to any moral rights retained by the artist.

- c) If feasible, the artist should be given first option on purchase.
- d) Sale may be through auction, gallery resale, or direct bidding by individuals.
- e) Trade may be through artist, gallery, museum, or other institutions.
- f) Proceeds from the sale of the work of art shall be deposited into an account to be used for future public art projects. Any pre-existing contractual agreements between the artist and the (responsible agency) regarding resale shall be honored.
- g) Any of the options enumerated above require the prior approval by the San Antonio Arts Commission and may require review by Historic and Design Review Commission if artwork is deemed historic or located in a historic or river improvement district.

O. Project Files and Records. Department of Arts & Culture shall maintain records on each project, which shall include, but not be limited to the following:

- (i) All materials in proposals submitted and other visual or written materials relating to the artist's design or method of execution as submitted or become available.
- (ii) Conveyance of title enumerating any donor conditions.
- (iii) Records of the San Antonio Arts Commission and City action bearing on the project.
- (iv) Any agreements related to the project.
- (v) Correspondence and memoranda relating to the project.
- (vi) Records of all billings made in connection with the project.