

Public Art Procedural Guidelines

The City of Portsmouth, NH

Art-Speak
City of Portsmouth Cultural Commission
August, 2015

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I. Introduction

This document outlines the Public Art and Percent for Art Guidelines for the City of Portsmouth, New Hampshire. The Portsmouth City Council, on September 18, 2006, adopted the Percent for Art Ordinance Section 1.1700-1.1707 to become effective August 21, 2007. Art-Speak, the City of Portsmouth Cultural Commission has provided the following recommendations for implementation:

A. Art-Speak defines Public Art as:

Public art or Public Artworks are meant to be enduring original artworks of the highest quality and craftsmanship. The artworks should be an integral part of the landscaping and/or architecture of a building or other site considering the historical, geographical and social/cultural context of the side and constructed on a scale that is proportioned to the scale of the development. These works should be:

1. Publicly accessible work created by an artist
2. Original artwork selected using a process that includes the public
3. Publicly accessible artwork that considers the social and physical context of the site

B. Art-Speak recommends that the City of Portsmouth develop its Percent for Art and Public Art Programs to meet the following objectives:

1. Provides opportunities for all citizens to participate in the process of planning and selection of public art
2. Celebrates diversity in the city's neighborhoods by promoting its culture and history through public art
3. Promotes artwork in all sectors of the city
4. Enhances the built environment by placing engaging public art in locations where it can be enjoyed by residents and visitors
5. Creates a framework for a sustained effort to include public art in both public and private projects
6. Creates a variety of opportunities for local artists
7. Recognizes that public art can contribute to the vitality of the city
8. Establishes a process for the acceptance of gifts and donations of art to the City of Portsmouth
9. Encourages and facilitates public art in private development and for joint ventures
10. Encourages voluntary public art initiatives to adopt practices and policies developed by the City of Portsmouth Cultural Commission
11. Encourages temporary art displays that meet the established criteria

C. Art-Speak recommends that it establish and appoint members to a Public Art Review Committee (PARC).

1. The PARC will consist of between 7 and 11 members. Members will include a minimum of 2 Art-Speak Board Members, one member of library staff, city staff, DPW, and community members.
2. Members shall have demonstrated experience in the fine arts, architecture, art criticism, engineering or structural analysis, art history, graphic arts, interior design, landscape architecture, town planning, or other art and design-related fields, or who have demonstrated a strong interest in the visu

- improvement.
3. Vacancies shall be announced and anyone with the desired expertise may be nominated or apply.
 4. Members shall be appointed by Art-Speak to staggered terms varying from two to three years to ensure fluidity. Members may serve for a total of six consecutive years
 5. The PARC shall be chaired by a member of the Art-Speak Board of Directors and shall interview or make recommendations to fill PARC openings as they may determine necessary. The term of the chairperson shall be for one year, with eligibility for reelection for two additional terms.
 6. The PARC shall meet as it determines to be necessary, but at least quarterly. Meetings shall be in accordance with Robert's Rules of Order unless the board adopts other rules for the transaction of business. The PARC shall keep a record of its resolutions, transactions, findings, and determinations and post agendas and meeting notes.

D. Art-Speak's recommendations for the PARC include, without limitation, the following responsibilities:

1. To foster development and awareness of public art in the city
2. To assist in the preparation of planning documents including guidelines, master plans, and strategic planning documents where they relate to public art
3. To review applications for public art
4. To make recommendations and nominations as to how vacancies shall be filled when they arise on the PARC
5. To oversee acquisition, maintenance and marketing of the Public Art Collection outside that of the public art collection
6. To develop a stewardship policy

Based on the City of Portsmouth Cultural Plan, the City Council of Portsmouth ordained and enacted Section 1.1700-1.1707 on September 18, 2006 establishing a program for Public Art and approval for Public Art projects that meet the criteria to receive public funding.

II. Purpose

The purpose of the City of Portsmouth Percent for Art and Public Art Programs are to:

1. Enhance the appearance of public places constructed as city or private projects by incorporating public art in and about such places
2. Honor, celebrate and give visual expression to the local diversity of the city, and to contribute to cultural tourism through the acquisition of public art in all city neighborhoods
3. Integrate public art concepts and artwork into the community and neighborhood planning processes, and to encourage early collaboration on projects among artists, architects, landscape architects, engineers and other design professionals
4. Enrich individuals' experiences in public spaces and to engage citizens in the public art process in meaningful and responsive ways
5. Foster collective memory and give meaning to place by recalling local and regional history
6. Promote art as a valuable city experience and initiative for ec

7. Ensure that public artwork is accessible to all individuals including those with special needs.
8. Develop a plan of potential locations for public art throughout Portsmouth
9. Create an inventory of citywide public art
10. Establish policies for collection acquisition, management, cataloguing, maintenance and conservation
11. Give visual expression to local values and cultural diversity
12. Implement the enacted ordinance of Section 1.1700-1.1707
13. Partner with current strategic initiatives in the City of Portsmouth that focus on business development and recruitment, green and sustainable infrastructure, neighborhood quality of life, and a secure, clean, accessible environment

III. Goals

The Public Art Program seeks to enhance the quality of life in Portsmouth by:

1. Addressing public art needs and options at the beginning of all applicable capital improvement projects
2. Building and maintaining a city collection that represents diverse styles and aesthetic attitudes
3. Ensuring the equitable geographic distribution of public art throughout Portsmouth
4. Enhancing the Portsmouth image locally, regionally and nationally by ensuring the creation of the highest quality of public art

IV. Abbreviations and Definitions

Accession - The procedure used to accept and record an artwork as part of the collection

Amenity - Something that provides or increases comfort and convenience

Applicant - The potential donor, artist, or agency petitioning the city with a public art project

Appropriate - Suitable or fitting as determined by the Site Planning Group, Jury/Selection Committee or the PAAB responsible for particular aspects of site design and/or design quality

Acquisition - The accession of an artwork into the PAC, whether by commission, purchase, gift or other means

Artwork - Original visual object produced or fabricated by an artist(s) using a variety of media; can be free standing, integrated into architecture, functional, non-functional, temporary or permanent. *See also Works of Art.*

Character - Distinguishing features or attributes

CIP - Capital Improvement Project

Collaborative Art - Artwork generated by a group of designers/artists from different disciplines working together. Each discipline brings a different or no

design process. Often collaborative design teams consist of an artist, landscape architect, and architect.

Commission - The act of hiring an artist(s) and artistic services contractually to create a work of art for financial compensation

Construction project - The building or renovation of any public or private building or structure, park, or parking facility. Also to include the reconstruction, replacement, extension, repair, betterment or improvement of any public or private building structure where a building permit is required. This covenant excludes single family and duplex residences.

Consultant - An individual or firm/agency compensated for expertise in the performance of a specific task

Deaccession - The procedure to remove an artwork from the PAC

Department Having Oversight Responsibility - City agency or bureau that has authority over the site of a completed public art project

Design Team - Working group that includes but is not limited to the artist, Art-Speak coordinator, architect, landscape architect, and engineer

DPW - Director of Public Works

Maquette - A scale model either three dimensional or digital illustration of a proposed public artwork

Memorial - A commemorative monument established to preserve the memory of a person, place, or event

Monument - A building, statue or other structure erected to commemorate a person, group of persons, or event, usually in recognition of some type of outstanding public service

ORD – Section 1.1700-1.1707

PARC - Public Art Review Committee

PAC - City of Portsmouth Public Art Collection, artwork on public land or in public facilities owned by the city

Project Planning Committee - A Project Planning Committee shall be convened for every project. The committee shall have an odd number of participants and include one or more of each of the following: an artist and/or arts professional, a design consultant, site partner, neighborhood or community member, Art-Speak Director, a city staff representative and two members of the PARC.

Public Art – Artwork that is accessible to the public and in the public domain and space through the process of accession considering the physical context of the space, audience, and goals of the public art program and the ORD

Public Art Funds - Funds established by the PARC and the city that are ap

for the expressed concern of the public art program and are deposited into the Public Art Trust. PARC and the city shall maintain separate funds as required to account for any proceeds, expenses, donations, gifts in kind, and monies from state and federal sources.

Public Art Program – A program of the Art-Speak and the PARC established by the ORD and governed by the public art guidelines

Site Amenity - Site furnishings or functional objects that provide or increase comfort and convenience such as: benches, trash receptacles, light fixtures, bollards, etc. Artist or collaborative design teams occasionally design functional objects or site amenities.

Site Partner - Agency or department that oversees the site and location where a proposed public art project will be located.

Works of Art - May include, but are not limited to the following examples:

1. Sculpture; in the round, statuary, bas relief, mobile, kinetic, and electronic, in any approved material or combination of materials
2. Painting; All media, including portable and permanently affixed works, such as murals
3. Graphic Arts; printmaking, drawing, and banners
4. Stained Glass
5. Mobiles
6. Inscriptions
7. Mosaics
8. Photographs, drawings, prints, collages, frescoes
9. Monuments, Fountains, Arches or other structures intended for ornament or commemoration
10. Crafts; in clay, fiber and textiles, wood, metal, plastics, stained glass, and other materials both decorative and utilitarian
11. Mixed Media; any combination of forms of media including collage and assemblage
12. Landscape items including the placement of natural materials and other functional art objects
13. Installations that are technological such as light or luminal art, lighting or sound art
14. Temporary performance, time-based art, provided it is documented

Exclusions/restrictions:

1. Directional Elements such as super graphics, signage, or color coding except where these elements are an integral part of the works of public art
2. Logos or corporate identity
3. Objects, which are mass-produced in a standard design, such as playground equipment or fountains. Prototype objects that are designed by an artist selected using the procedures of the Public Art Program may be produced in editions. Such editions may be included as public art.
4. Objects that are mass produced from a standard design or reproductions of original artworks
5. Landscape architecture and Landscape gardening except where the elements are designed by the artist/landscape architect and are integral part of a work of environmental art
6. Decorative ornamental or functional elements which are designed by the building architect

7. Work that portrays school, team, corporate or organizational mascots
8. Art that has singularly religious or sectarian purposes
9. Work that is not accessible to the general public

V. the Public Art Advisory Board's Function and Responsibilities

A. Function

The PARC will:

1. Foster and develop public awareness of the public art within the City of Portsmouth
2. Advise Art-Speak, the City Manager, Mayor and City Council with respect to matters relating to the development of public art awareness within the City of Portsmouth
3. Assist the city in the preparation of planning documents including guidelines, master plans and strategic planning documents related to public art, Percent for Art and the public awareness of the visual arts within the city
4. Recommend to the Art-Speak replacement members to fill on the PARC when they arise
5. Collaborate with the library, on a plan for the maintenance of the city's Public Art Collection
6. Identify funds to supplement the public art budget to achieve maximum effect.
7. Review project briefings organized by the city and Project Planning Committee that describe the construction project, context, timeline and funding
8. Initiate public forums where appropriate for determining thematic approaches and location options for public art
9. Determine recruitment strategies to attract qualified artists for public art projects
10. Advise and oversee public art programs established by the City of Portsmouth in accordance with any policies and guidelines either established by the city or established by the Public Art Review Committee at the request of the City Council
11. Review applications for sponsored works of public art
12. Perform further duties related to public art within the City of Portsmouth the City Manager may request.

B. Reporting Responsibility

Art-Speak shall include a summary report of all of the proceedings to City Council as part of its annual report in June of each year. Details of the report include, but are not limited, to:

1. Assess available and potential resources in the Public Art Trust.
2. Assess possible and/or proposed municipal capital projects and criteria that would benefit from the inclusion of an artist in their design.
3. Emphasize public art projects that advance economic development opportunities.

Minutes of meetings will be published and available on both the City and the Art-Speak website. Meetings are open to the public, dates and times to be published.

C. Revenue Development

The PARC may solicit or receive gifts, money or other to be applied to principal or interest, into the Public Art Trust, for either temporary or permanent use for the acquisition, maintenance and/or installation of public art. The PARC shall not, however, be authorized to expend any such funds without the consent of the The Trustees of Trust Funds.

VI. Conflicts of Interest

A. City Employees and the PARC

Employees of the City of Portsmouth are ineligible for public art commissions or projects as long as they are employed by the city. Family and household members are also ineligible for public art commissions or projects over which the PARC has authority

PARC are ineligible for public art commissions or projects during their tenure and for one year following their term of service. Family and household members also are ineligible for public art commissions or projects over which the PARC has authority to recommend. These restrictions will extend indefinitely for any specific commission or projects that were reviewed or otherwise acted upon during membership on the PARC. Members of the PARC must declare any potential conflict of interest, including business, fiduciary, or personal relationships, and withdraw from participating or voting on any competition, commission or project with which they are involved that come before the PAAB or selection and jury panels.

B. Other Participants

Members of the project construction team, design team, architects, consultants, and their respective agencies and employees of the city are ineligible to receive public art funds for design services or public art commissions.

C. Project Planning Committee

Selection and jury panelists will exclude family or household members or those who have business, fiduciary and personnel relationships with an artist or artwork under consideration for a public art project by the panel. Business relationships include but are not limited to gallery owners, brokers, artist representatives, agents, fabricators, suppliers and employers.

D. Artists

Artists who were previously involved in the development of a public art project or public artwork plan may be eligible for consideration for that particular project or plan provided there is disclosure of the prior involvement and approval of the PARC. Artists may have their artwork considered for a public art commission if they are not also serving on the selection panel for the commission.

VII. Selection and Approval Criteria for Art

Projects undertaken by artists or acquisitions of artwork whether by commission, purchase, gift or other means should further the purpose and goals of the City of Portsmouth and the Public Art Program. The PARC will determine the appropriate recruitment strategy to establish a qualified pool of artists for each project based on applicable standards and methods.

The Project Planning Committee will apply the following criteria when recommending artists, considering acquisitions, or siting artwork:

1. *Artistic Merit* - The inherent quality and excellence of a proposed artwork together with the strength of the artist's design capabilities.
2. *Context* - Artwork must be compatible in scale, material, form, and content with their surroundings. When serving a functional purpose, artwork may establish focal points, modify, enhance, or define specific spaces; establish identity or address specific issues of civic design. Consideration will be given to the architectural, geographical, and social/cultural context of the site, the immediate community, as well as the manner in which the public may interact with the artwork.
3. *Relevant Experience* - Experience and previously executed works of art demonstrated by the artist should provide convincing evidence of the ability to successfully complete a project.
4. *Permanence/Maintenance* - Consideration will be given to the structural and surface soundness, operational costs, and inherent resistance to theft, nuisance, vandalism, weathering and excessive maintenance of the artwork.
5. *Technical Feasibility* - An artist must exhibit a successful track record of construction and installation of artwork or show that an appropriate professional has

- examined the proposed artwork and confirmed feasibility of construction and installation.
6. *Budget* - An artist's proposal should provide a budget that covers all costs for artist fees, design, materials, fabrication, insurance, transportation, storage and installation of the artwork. Any potential cost over-runs should be noted. Artists should have a history of completing projects within budget.
 7. *Diversity* - Artwork will be sought from artists of diverse ethnic, cultural and geographic identities. The PARC will encourage artists working in both established and non-traditional art forms in all applicable media.
 8. *Fabrication and Installation schedules* - The artist proposal will include project timeline that includes design review panels, fabrication, delivery, and installation in accordance with the project schedule. Proof of payment to any third party vendors, fabricators, or any agencies sub-contracted by the artist may be required.
 9. *Project Specific Requirements* – Additional criteria that take site and other project specific details into consideration

The Project Planning Committee may recommend rejection of all submissions if none in the initial pool are acceptable and may require a new pool of artists be established.

The Project Planning Committee shall obtain the approval of the PARC at the following milestones in the development of each Public Art project:

1. Selection of the artist
2. Approval of the conceptual design
3. Approval of the construction drawings and specifications

VIII. Initiation and Application for Permanent or Temporary Sponsored Art Projects

After projects are approved by the City Council, concepts for either **permanent or temporary** public art projects may be submitted to the PARC for consideration. Art-Speak and the PARC seek to promote, sponsor, partner and facilitate the creation of public art generated by local groups, artists and 501(c) 3 organizations for inclusion in the City of Portsmouth Public Art Collection. Such works shall:

- I. Creatively express the memory, values, traditions, customs or aspirations of community members
- II. Address significant neighborhood sites and/or respond to the character and history of particular places
- III. Stimulate curiosity and interest in a community's heritage
- IV. Promote a sense of ownership and harmonious co-existence among various groups within the community

A. Eligibility

Applications for both permanent and temporary public art installations will be reviewed on an on-going basis from individuals and 501(c) 3 organizations interested in utilizing public space for a work of art.

B. Application Process

Proposals must be made **online through the Art-Speak website**. Each application must clearly identify a lead organization or person. This lead entity may be required to present their idea formally to the PARC. For projects requiring a significant amount of design development, structural, or architectural detailing or site work, the PARC shall require that the artist or applicant retain the assistance of a professional architect, landscape architect or

structural engineer. Each application must clearly identify and satisfy all requirements listed. Required documents are:

PART 1: APPLICATION

Go to the Art-Speak website and download and complete the APPLICATION. This will serve as your cover sheet.

PART 2: WRITTEN VISION STATEMENT

Provide a written vision statement. Your statement should include the following:

- Describe the conceptual vision for the project. Provide mission statement or artist's statement of purpose.
- List of potential site(s) for the artwork.
- Written explanation of what makes the potential site(s) important to the neighborhood. If relevant, include the relationship of the proposed artwork to existing or future development plans for the area, architectural features and urban landscape design. If location near a structure, a description of the facility's function, its users and surrounding community and the desired interaction of the community with the proposed artwork.
- If applicable provide report or comment on: public accessibility, potential safety issues, traffic patterns and its interaction with the artwork, environmental impacts.
- List of all participating individuals and organizations that will that will participate in the project. Include descriptions of organizations and resumes for participating individuals.
- Provide the contact information of the team members and identify the project manager.
- List the scope of the visual arts professional's role.
- List sources of funds which includes 10% of the value of the project to be given to the Public Art Trust for on-going maintenance costs of the piece.
- Provide a project timeline.

PART 3: DESIGN DOCUMENTATION

Include any and all that are relevant to your project.

A. Conceptual Design

- Proposed site plan or site plans of alternative sites.
- Existing topography, context, vegetation.
- Site context drawing(s) at 1" = 20' or other scale as appropriate.
- Concept drawings(s) including dimensioned plan drawings at an appropriate scale.
- Working model, perspective sketches, and section and/or elevation drawings to scale.
- Spatial and scale relationships.
- Historic context.

B. Design Development Documentation

- Statement related to context and historic character of the site.
- Drawing(s) of proposed grading, site work and site restoration.
- Drawings of proposed construction, including details, and a list of materials.
- Drawings of proposed and/or required plaques and signage;

C. Commemorative, identifying, and/or interpretive

- Statement related to liability issues (public health, safety, welfare).
- Statement related to safety/security issues.
- Statement related to ADA accessibility standards.

D. Construction Drawings and Specifications

- Construction drawings for all art objects, walls, paving, structural elements and/or objects to be built on site.
- Planting plan and plant list.
- Lighting plan, and plans of electrical and mechanical elements.
- Installation details and specifications for all amenities.
- Written specifications.

E. Site Criteria

The applicant shall prepare a report addressing the following issues where the issues are applicable to the project, as determined by the PARC.

- Preferred site(s) and general reason for the selection
- Written permission of the City Council (Art-Speak, PARC and Department of Public works will assist to identify)
- Public accessibility and any potential safety issues
- Proposed pedestrian access and interactions with the artwork
- Environmental impacts
- Relationship of proposed artwork to existing or future development plans for the area, architectural features, natural features and urban and landscape design
- If located near a structure, a description of the facility's function, its users and surrounding community, and the desired interaction of the community with the proposed artwork
- Relationship of the proposed artwork to existing art works in the vicinity

F. Schedules

- Design documentation and review schedule.
- Fabrication and installation schedule.
- Maintenance plan and schedule.

Art-Speak will route all proposals to PARC for review. Clarifications may be required from the proposer prior to preliminary and/or final approval.

The City Planning and Inspection Departments will sign off on all structural and location compliance issues.

All documentation submitted for review will become property of the city and will be included in the project records.

IX. Percent for Art and Public Art Projects

Percent for Art Projects are those that receive municipal funding through section 1.1702 of the Public Art Ordinance which specifies that (1%) percent of the bid price or negotiated contract price for the construction of all new municipal buildings or for the renovation of existing municipal buildings, in which the bid price or negotiated price shall be in excess of Two Million (\$2,000,000.00) Dollars up to fifteen Million (\$15,000,000.00) Dollars (expressed in terms of actual construction costs exclusive of design and engineering fees), shall be contributed to the Public Art Trust for the purpose of funding public art. Thereafter, such funds shall be expended in accordance with the terms of this ordinance and the Public Art Trust.

A. Establishment of a Project Planning Committee

A Project Planning Committee shall be convened for all Percent for Art projects. The Planning Committee shall include one or more of each of the following: Art-Speak Director, one member of the PARC, an artist and/or arts professional, a design consultant, site partner, city staff representative, neighborhood or community member

The Project Planning Committee shall act to:

1. Oversee and guide the project
2. Create the call and prospectus,
3. Serve as the Jury/Selection Panel or commission a panel
4. Create a plan for the site, to the dedication of the artwork, subject to the approval of the PARC and the administration

The Project Planning Committee may act to select the artist or artwork, or other organization to assist, and/or they may act to establish or recommend a Jury/Selection Panel. In unusual circumstances, i.e. donations, unique funding sources, or design team projects, variations in the composition of the Project Planning Committee may be permitted. Determination of which process is to be used and which additional individuals are to be involved, if any, shall be approved by the PARC.

The Project Planning Committee shall conduct business by discussions in order to arrive at a consensus among the members. Efforts shall be made to ensure mutual understanding and respect in response to a variety of aesthetic values. All committee members should be involved in the final decisions regarding the prospectus, the selection of artists, artwork the approval of a proposal, determination of site issues, and all other committee business.

B. Factors

In determining a site for artwork commissioned, purchased, donated or loaned, the PARC will consider the following factors:

- a. Visibility and civic prominence
- b. Accessibility to proposed artwork for all individuals, including facility users, surrounding community members and those with special needs
- c. Public safety and liability issues
- d. Vehicular and pedestrian traffic patterns
- e. Relationship to architectural and natural features, landscape design, environmental impact and concerns, and future plans for the area
- f. Social context and other uses of the artwork or space
- g. Existing artwork or any visual impediments within the proposed site vicinity

C. Placement of Artwork

When Percent for Art funds are generated and directed toward a construction project, the PARC Chair working in concert with the city will meet to determine where the Public Art project will be located at the site. Upon consultation with site partners, architects, designers and team members, proposed sites will be located within the footprint of the approved plans. The options and recommendations will be presented to the PARC for approval.

D. Application of Public Art Funds

Appropriated funds may be spent for the acquisition of artwork, including artist-related costs consisting of:

1. Artist design fees
2. Operating and overhead costs
3. Labor and materials
4. Proposals, renderings or maquettes

5. Project related travel
6. Transportation of art to site
7. Installation
8. Site preparation or modification when not included in construction costs
9. Mounting, anchoring, pedestals, cases, or other materials necessary for the installation, display and/or security of the artwork, including fire retardant or graffiti resistant treatment
10. Third party review costs
11. Stewardship
12. Contingency fees (built into artist budget)

E. Project Management costs consisting of:

Fifteen (15) percent of appropriated funds based on scale and complexity of project.

1. Artist recruitment costs including travel, conveyance for one on-site visit for all project finalists
2. Permanent, standardized identification plaques and labels
3. Documentation fees related to acquisition, research, title fees to establish provenance and ownership of artwork
4. Educational activities pertaining directly to the project

X. Art Acquisition and Gifts of Art

The City of Portsmouth is committed to acquiring public art by donation, acquisition or commission. Only original work will be considered for acceptance.

A potential donor of a work of art will submit a letter of intent to the City Council which will in turn, refer the project to Art-Speak for review by PARC. If accepted for further investigation, PARC chair, or an appointed member of the PARC Committee, will contact donor to advise them of the requirements regarding donations to the public collection. Survey of the artwork, provenance research, an independent condition report are the responsibility of the donor. Once submitted, PARC will undertake any verification of any documentation provided by the donor if necessary. Evaluation is required to be conducted independently with costs to be borne by donor. The PARC will review and evaluate the gift and the findings from the report as pertains to authenticity, title, and chain of custody. The PARC and the City of Portsmouth retain the rights to site and locate the artwork. All gift proposals will include:

1. Proof of ownership; to include title, receipts of purchase, insurance-value appraisals, and documentation clearing the object of any potential financial liens
2. Maintenance plan for all components of the artwork

The PARC will evaluate proposed donations, acquisitions or commissions based on the following criteria:

- The quality of the artwork.
- Appropriateness of the size, scale and materials for the site(s)
- Availability of an appropriate site.
- Costs of installation and maintenance of artwork.
- Condition and durability of the artwork.
- Aesthetic merit.
- Inclusion of a mandatory maintenance plan (including materials used and proper care for such materials)

All donated, acquired or commissioned works of art must include signed Deed of Gift and a cash stewardship donation of at least 10% of the value of the artwork which will be added to the Public Art Trust for ongoing stewardship of public art.

The Trustees of the Portsmouth Public Library have their own policy for art acquisition. Art-Speak will defer to the Trustees of the Library for art acquisition at the Library.

Art-Speak and the PARC, along with recommendations from appropriate city boards, city staff, and/or committees, will review and recommend pieces of public art to the City Council for acceptance. All final decisions on acceptance shall be made by the City Council.

Suitable donations will be accepted unconditionally and free of all obligations and encumbrances. The City reserves the right to relocate donated artwork from time to time; and to not display a donated piece of art. Works from the collection may be considered for removal if they are in poor condition, damaged or deteriorated beyond reasonable repair or conservation.

As pieces of public art are acquired, they will be entered into the City Art and Artifact Index maintained by Portsmouth Public Library staff. If a piece is deaccessioned, the date and reason for withdrawal will also be so recorded. Changes of location, whether temporary or permanent will be recorded in the Art and Artifact Index.

XI. Maintenance Policy

1. Prior to the acceptance of a new work by the city, the artist/donor will submit in writing a routine maintenance plan to the PARC, and provide appropriate training where necessary.
2. Routine maintenance of permanently installed artwork will be the responsibility of the site management in consultation with PARC and according to the artist's maintenance plan. The artist will be notified and consulted as to any repairs or restoration deemed necessary.
3. Maintenance will be guaranteed by the artist against all defects of material and workmanship for a minimum of one year following installation or according to artist's contract.
4. On an annual basis the PARC will review routine maintenance activities on artwork acquired for the city.
5. The PARC will be responsible for keeping Art-Speak and the City informed about changes in the condition of artworks and the sites.
6. The PARC will not authorize the repairing of artwork beyond what is specified in the artist's maintenance plan without notification to Art-Speak or the City.
7. Any proposed public art project requiring operation or maintenance expenses shall include a plan with annual operating and maintenance estimates to be submitted for prior approval to the City.

XII. Conservation Policy

The PARC, in consultation with the library, will establish policies and procedures to evaluate the public art collection on a regular basis for conservation and assessment purposes.

XIII. Resiting and Deaccessioning

The City and PARC will retain the right to resite or deaccession any artwork in accordance with Visual Artists Rights Act (VARA copyright law) regardless of the source of funding or method of acquisition. While the intent of the acquisition is for permanent public display, circumstances and/or conditions may arise that make it necessary for the PARC to remove an artwork from public display. The review process will insure that the resiting or deaccessioning will consider the physical condition of the artwork and will not consider resiting or deaccessioning based on fluctuations in taste.

A. Qualifications for Resiting and Deaccession

The PARC will recommend to the City Manager and City Council artwork be resited or deaccessioned only if one or more of the following criteria is met.

1. The site is being eliminated
2. The site is being altered such that the artwork is no longer compatible with the site
3. The security of the artwork can no longer be reasonably guaranteed at its current site
4. The artwork has become a hazard to public safety
5. The cost of maintaining or updating the artwork's operating technology is cost prohibitive

Once the PARC has determined that an artwork meets one or more of the above criteria, and has the approval of the City Council, the following process is initiated:

1. The PARC makes a good faith attempt to discuss a new site with the artist.
2. If the artist does not agree to the proposed resiting, he/she has the right to prevent the use of his/her name as the author of the artwork or to buy back the work as addressed in the artist contract.
3. If, in the opinion of the PARC, there is another appropriate site, the artwork may be stored or deaccessioned.
4. If deaccession occurs, all rights revert to the artist where consistent with contractual agreements. If the artist waives these rights, the PARC will dispose of the artwork.
5. If the structural integrity or condition of an artwork, in the opinion of the PARC and the Director of Public Works, presents an imminent threat to public safety, the Director of Public Works may authorize the artwork's immediate removal without the artist's consent and have the work placed in storage. PARC will then notify the artist of this action within 30 days. The PARC will then make recommendations for disposition (repair, reinstallation, maintenance, provisions, and deaccession) to the PARC for approval.
6. In the event that the artwork cannot be removed without being irreparably damaged or destroyed, and if artist rights are not waived in the contractual agreement, the PARC must attempt to gain such written permission before proceeding. In the event that this cannot be accomplished before action is required in order to ensure public safety, the Director of Public Works will proceed according to the advice of the city solicitor.

XIV. Review and Amendment

These guidelines are subject to periodic review and revision by the PARC and subsequent approval by the City.