



DURHAM COUNTY PUBLIC ART PROGRAM MANUAL



Engineering and
Environmental Services
PUBLIC ART PROGRAM

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ACKNOWLEDGEMENTS

Durham County Engineering and Environmental Services thanks the following individuals and organizations for their assistance during development of the Public Art Program documents, and for their support of the Public Art Program.

- Jina Propst, Stacey Poston, and Rebecca Brown, City of Durham General Services, Arts, Culture and Sustainable Communities Division
- Durham Cultural Advisory Board
- Durham Public Art Committee
- Sherry DeVries, Durham Arts Council
- Nancy Trovillion, North Carolina Arts Council
- Cheryl Stewart, Public Art Consultant
- Ruri Yampolsky, Director, Seattle Public Art Program
- Americans for the Arts

1 PUBLIC ART POLICY STATEMENT

This policy implements Durham County's "Resolution Establishing A Percent-For Art Program", which provides that the County will budget up to one percent (1%) of the annual Capital Improvement Program budget (CIP) for eligible projects for public art.

GOALS OF PUBLIC ART PROGRAM

It is the goal of the County's Public Art Program to:

- use art in public places to enhance the County's identity and the quality of public spaces
- increase the quantity and quality of public art in the County.
- create integrated public art, which is art that is designed to relate to or be incorporated with the design of public facilities.
- Encourage emerging local artists and support the local arts ecosystem through active outreach and mentoring.

PROJECTS INCLUDED

Up to 1% of all CIP costs for projects not specified under the exclusions below, are subject to the policy. Examples of projects included in the public art policy may include but are not limited to:

- All projects as required by the Durham City/County Unified Development Ordinance (UDO)
- New buildings such as libraries, public safety buildings, community centers, parking garages and lots, or small structures
- Significant renovations to existing buildings
- Parks, medians, landscaping, and plazas
- Gateways entering and exiting the County boundaries
- Bridges, walls, tunnels, streetscape improvements and transportation corridors

Engineering staff will work with appropriate County departments which may include but are not limited to Finance, General Services, Purchasing, and the department sited with or housing the art, to implement the Policy by identifying the projects that are subject to the one percent for public art requirement.

The County Manager, prior to the release of the Proposed Capital budget, will review the list of identified projects. Where the applicability is uncertain, the County Manager or his designee will make the final determination.

The up to one percent (1%) will be based on the initial CIP budget and adjusted if the CIP budget is later increased through the annual budget process. If the CIP budget is later decreased, the art contract shall be adjusted proportionately.

EXEMPTIONS TO POLICY

The following CIP expenses are excluded from the policy:

- Minor renovations totaling an amount below the threshold of a competitive bid for construction contracts
- Road, path and sidewalk repairs, curb and gutter repairs, sign reflectivity, road and parking signage, or other existing hardscape areas.
- Emergency repair projects.
- Cyclical replacement and repair of trails, outdoor furnishings, or fencing
- Studies

- Roof replacement
- Mechanical, security, A/V equipment, HVAC, and IT installations, upgrades, and repairs
- Utilities projects, including facilities fully funded by Enterprise Funds
- Vehicle repair and replacement
- Waterproofing, water intrusion prevention, or mold remediation projects
- Projects where most of the cost is allocated to elements located underground
- Projects where prohibited by federal law, including projects or portions of projects funded by grants from non-County sources that prohibit expenditure of funds for art

TRANSFER OF FUNDS

Funds will be identified during the budget cycle and be allocated to the Public Art Program at the beginning of the new Fiscal Year, except for grant funds allocated for public art, which will remain in the project budget.

PROCEDURE FOR IDENTIFYING AND SELECTING PUBLIC ART PROJECT SITES

- Engineering Staff shall have the authority to pool funds and may propose funds for use at a current CIP site or any other public or publicly accessible site. Proposals shall be approved by the County Manager or designee.
- The Project Manager, in consultation with the Durham County Public Art Coordinator designee, shall identify sites for public art funded by this program. CIP or other sites that merit further consideration for integration of artwork, will be presented to the Durham Public Art Committee. Consideration will include, but not be limited to:
 - Opportunities for the incorporation of art into the site
 - Types of artwork that may be appropriate at the site
 - Maintenance considerations specific to the site
 - Available funds to create impactful artwork
- Identification of project sites and establishment of an art budget early in the process allows the artist to be hired at an early stage of design so that the art can be better incorporated with the design. For projects in which art will be integrated on site, the Project Manager, in consultation with the Durham County Public Art Coordinator, will determine the final public art plan for the site. Engineering Management will approve the final plan.
- For projects in which it is determined that artwork will not be incorporated on site, the Durham County Public Art Coordinator designee will coordinate with Engineering Management and the County Manager or designee to determine the allocation of those funds to another public art site or publicly-accessible site or transfer those funds to the general Public Art Program account from which other miscellaneous arts projects are funded.
- Every effort should be made to identify and select projects in a timely manner.
- Some projects may not have a public art requirement but may voluntarily choose to include a public art element. Funding may come from a variety of sources including but not limited to grants, donations, departmental resources, or the general Public Art fund.

PROCEDURE FOR IDENTIFYING AND SELECTING ART WORKS

Artworks may include permanent or temporary art, including performance-based and experiential art.

The Project Manager and Durham County Public Art Coordinator designee will develop the RFP or RFQ for the artwork with input from the PAC, designer/architect, and County stakeholders at the project site. The RFP/RFQ will include, but not be limited to:

- Artist's timeline beginning with the project design phase.
- Any restrictions and requirements of the project as defined by staff and/or Project Manager.
- Artist's responsibilities to the project regarding time and involvement with the Project Manager and project team.
- Artist's responsibility to the County's Mentoring Goal and designated Mentee.
- Potential sites and materials for the artwork(s).
- Necessary Community outreach efforts for design development.
- Purpose of the project, identification of stakeholders, vision for the artwork.

A. Selection of the artist and artworks will fall into one of three processes:

- Open competition - for most projects.
- Limited competition - for small projects, typically using the prequalified artist pool.
- Commissioned artist for specific projects that lend themselves to that artist's stylistic approach.

B. Selection of the artists and artworks will be made through submittals reviewed by a selection panel composed of representatives of the Durham Public Art Committee, arts professionals, community representatives, appropriate County stakeholders, and the architect/designer as appropriate to the project. Considerations in selecting the artist and/or proposed work of art will include:

- Artistic quality
- Safety and security
- Maintenance and repair to the work of art for the lifecycle of the art
- Appropriateness to the purpose of the site
- Ability of the project to be realized within the budget
- Project's fit within the County's collection
- Diversity of artists represented in Durham County and the region

C. The Durham County Public Art Coordinator designee will recommend the selected artist and artist's proposal to the County with the concurrence of the Durham Public Art Committee and Durham Cultural Arts Board.

D. The selected artist will work with the Project Manager and appropriate County stakeholders as noted in the RFP/RFQ and contract.

E. Every effort should be made to conduct the artist selection and contract process in a timely manner to optimize coordination during the construction phase.

F. The Durham County Public Art Coordinator will work closely with the Project Manager to coordinate efforts and ensure smooth management of the art installation.

OWNERSHIP AND MAINTENANCE

Durham County owns all art in County projects and has sole fiscal and legal responsibility for the artworks. Departments with existing art, including murals, sculpture or land art within their project

site must contact Engineering staff to ensure the proper precautions are taken for the care and protection of the artwork. A comprehensive inventory of all art shall be maintained by the Public Art Program administration and made available for review.

The Artist shall guarantee and repair the work of art against all defects of material or workmanship for the life of the work.

MENTORING PLAN GOAL

Each selected Artist will participate in the Public Art Program Mentoring Goal. This includes formalizing a plan for a project mentee to develop the research, community-building, design, and installation skills necessary for a successful career as a public artist. The plan is designed for a career as a public artist but can be adapted for other art-based careers.

The plan includes:

- Discipline-specific conceptual knowledge
- Research skill development
- Communication skills
- Professionalism
- Leadership skills
- Responsible conduct of creative place-making

NOTE: Questions and/or clarification of this policy should be directed to the Durham County Public Art Coordinator designee with the Engineering and Environmental Services Department. The Public Art Program is a program of the Project Management Division of the Engineering and Environmental Services Department.

2 PUBLIC ART PROGRAM OBJECTIVES

This document contains the fundamental Durham County Public Art Program process structure.

The administrative bodies defined and proposed herein will be utilized by both the City and County. Funding resources and the day-to-day Staff management of the Policy will remain separate for both governments.

This document describes the main concepts that will guide the Public Art Program and the commissioning of public art in Durham County. The Public Art Policy begins with a Statement on Cultural Equity and a mission statement – a concise explanation of the County's core values and how public art should impact people's experience in the community. The mission statement provides a general context for decisions about what projects to develop and a framework for communicating about why public art is important to the citizens of Durham County.

This document includes a set of goals for the coming years. These are specific outcomes that the Public Art Program should seek from the activities and projects it undertakes. These goals provide specific guidance for making decisions regarding projects to develop, and how the projects should be organized.

This document includes methods and procedures by which the Public Art Policy will be administered, and an explanation of the administrative bodies and their roles in those procedures.

PROVISION FOR REVIEW AND AMENDMENT

The Public Art Program Guidelines, Policies, and Procedures will be subject to periodic review by the Durham County Public Art Coordinator designee and the Durham Cultural Advisory Board, with proposed revisions approved by the Board of County Commissioners.

3 MISSION STATEMENT AND GOALS

Our mission: to provide a sense of meaning and beauty to places in our community; to enliven our streets and neighborhoods; to celebrate our unique history, diversity, and creativity; to engage, enlighten, inspire, and educate all citizens now and in the future.

The goals of the Durham County Public Art Policy are:

- Make Durham known as a haven for works of significant artistic merit;
- Integrate public art into all aspects of the community and make art openly available to all citizens;
- Create distinct places, spaces, and objects that distinguish the character of the Community;
- Integrate artworks and the ideas of artists into a variety of public settings to promote Durham as a cultural center for innovation and creativity;
- Educate the public about local history, culture, diversity, and values through public art;
- Increase the County's reputation as a great place to visit and a desirable place to live; and
- Highlight the efforts of local artists as well as featuring works of regionally, nationally, and internationally notable artists.
- Encourage local emerging artists through active outreach and mentoring.

4 STATEMENT ON CULTURAL EQUITY

To support a full creative life for all, Durham County commits to championing public art policies and practices of cultural equity that empower a just, inclusive, equitable nation.

DEFINITION OF CULTURAL EQUITY

Cultural equity embodies the values, policies, and practices that ensure that all people - including but not limited to those who have been historically underrepresented based on race/ethnicity, age, disability, sexual orientation, gender, gender identity, socioeconomic status, geography, citizenship status, or religion - are represented in the development of arts policy; the support of artists; the nurturing of accessible, thriving venues for expression; and the fair distribution of programmatic, financial, and informational resources.

ACKNOWLEDGEMENTS & AFFIRMATIONS

In the United States, there are systems of power that grant privilege and access unequally such that inequity and injustice result, and that must be continuously addressed and changed.

Cultural equity is critical to the long-term viability of the arts sector.

We must all hold ourselves accountable, because acknowledging and challenging our inequities and working in partnership is how we will make change happen.

Everyone deserves equal access to a full, vibrant creative life, which is essential to a healthy and democratic society.

The prominent presence of artists challenges inequities and encourages alternatives.

MODELING THROUGH ACTION

To provide informed, authentic leadership for cultural equity, we strive to...

- Pursue cultural consciousness throughout our organization through substantive learning and formal, transparent policies.
- Acknowledge and dismantle any inequities within our policies, systems, programs, and services, and report organization progress.
- Commit time and resources to expand more diverse leadership within our board, staff, and advisory bodies.¹

5 DEFINITIONS

"Architect" is the person or firm designing the Project to which the up to one percent (1%) funding applies. Where the architect is a firm, the term Architect shall mean the principal of that firm in charge of designing the Project for which the up to one percent (1%) funding applies.

"Artist" is a practitioner in the visual arts, generally recognized by critics and peers as a professional of serious intent and recognized ability who produces Artworks.

"Artwork" includes but is not limited to, paintings, murals, inscriptions, stained glass, fiber work, statues, reliefs or other sculpture, monuments, fountains, arches, or other structures intended for ornament or commemoration. Also included are carvings, frescoes, mosaics, mobiles, photographs, drawings, collages, prints, crafts, both decorative and utilitarian in clay, fiber, wood, metal, glass, plastics, and other materials. Landscape items include the artistic placement of natural materials or other functional art objects. Works of art may be portable as well as permanent.

"Capital Improvement Program" (CIP) means the annual Capital Improvement Program adopted for County financed public improvement projects.

"Construction Cost" is the contracted sum for construction of the designated project including any change orders. Construction costs do not include costs such as professional fees, cost of land, furnishings, rights-of-way, or financing.

"Construction Project" means any capital improvement project paid wholly or in part by Durham County for improvements to or new construction of a building or structure, streetscape, pedestrian mall or plaza, park, trail, or any other project, or any portion thereof, which includes finished space for human occupancy and will be available for public view.

"Consultant" is any firm, individual, joint venture or Committee of firms or individuals with which the County contracts for design or other consulting services related to construction projects.

"County" is the County of Durham, North Carolina.

"County Manager" is the Durham County Manager or designee.

"Deaccessioning" is a procedure for the withdrawal of an artwork from the public collection.

"Durham Cultural Advisory Board (CAB)" is the appointed body charged with advising the City and County on matters pertaining to Public Art. The CAB advocates for public art and culture in Durham and appoints members of the Durham Public Art Committee to serve as art advisors.

"Durham Public Art Committee (PAC)" is a subgroup of the CAB whose members are the community's subject experts on public art.

"Durham County Public Art Coordinator" is the person designated by the County Manager to manage administration of the Durham County Public Art Program.

"Eligible Construction Cost" is that portion of the construction cost of any construction project paid for by the County to construct or remodel any building, decorative or commemorative structure, parking facility, recreational facility, or any portion thereof, located on City property, provided that the source of funds for such project(s) is not restricted by law or regulation as to its use for artworks.

"Maintenance" is the periodic work on a facility required to maintain its original functionality.

"Mentee" is a local emerging artist interested in the opportunity to work with and gain experience from the commissioned public artist for a local public art project.

"Project Manager" is a representative of Durham County Engineering and Environmental Services, responsible for providing the technical expertise necessary to manage the design and construction of Capital Improvement Projects related to County owned buildings.

"Visual Arts Professional" shall mean any of the following who is respected in his/her field and knowledgeable about visual arts: artist, curator, art critic, art historian, or fine arts professional.

6 POLICY ADMINISTRATION, PROCESSES AND PROCEDURES

Durham County's Public Art Program will be administered by the Project Management Division of Engineering and Environmental Services and the Durham Cultural Advisory Board, with support of the Board of County Commissioners, and will receive assistance from various City and County departments including but not limited to Planning, General Services, and Economic Development. Program administration includes the identification of projects and funding, development of partnerships, selection of artists, and the overall management of a project from contract to installation and maintenance.

PROJECT INITIATION

The initiation process and procedures are integral to the successful execution of a public art project. This is the structure and basis for the project, and thus is a critical part of the Public Art Program. The Public Art Program adopted by the Board of County Commissioners (BoCC,) formalizes this process and outlines the planning and development process for public art projects in Durham County, including the responsibilities and obligations of all participating officials and agencies.

PROJECT FACILITATION

The Durham County Public Art Coordinator designee will work with the Project Manager and County stakeholders to facilitate and coordinate the project from conceptual design through installation. Initially, these responsibilities include:

- Confirm the preferred artist selection method
- According to the selection method, prepare and distribute the "Call For Artists"
- Form the Artist Selection Panel

BRIEFING SESSIONS

Early in the process, the Durham County Public Art Coordinator designee shall arrange at least one discussion session with all key project participants including, but not limited to, the County Project Manager, County stakeholders, the private sector developer or project designee, and the design project architect. The following topics, as well as others deemed necessary, shall be discussed:

- Architectural design objectives for the building and site
- Relationship of the public art project to the Capital Improvement Project (CIP) design objectives
- Identification of the local community or definition of community in the context of the site
- Any functional requirements or special site limitations associated with the Capital Improvement Plan (CIP) or private development project
- The Public Art Program goals for the project
- Description of the selection process, and composition of the Artist Selection Panel
- Budget for the public art project, and line items in the CIP or development project that may be incorporated into the public art project (for example, paving, railings, landscape materials,)
- Code requirements

The Durham County Public Art Coordinator designee will collect the information received during the briefing session(s) and define the following considerations:

- Project goals for the public art project as it relates to the CIP or development project
- Public art budget
- Possible approaches to public art project
- Method of artist selection

ARTIST SELECTION

Selecting the appropriate artist for a public art project is the most important decision of the public art process. Consideration must be given throughout the artist selection process to ensure creation of the highest level and most appropriate public art project, given the project budget, schedule and site constraints. The past work of the artists considered for selection should reflect high artistic standards and a proven record in the world of public art, unless a particular circumstance warrants selection of a less experienced artist.

METHODS OF SELECTING ARTISTS

OPEN COMPETITION

An Open Competition is a “Call For Artists,” in which artists are asked to submit images of past work. Any artist may submit credentials and/or proposals, subject to any limitations established by the Artist Selection Panel. Calls for entries for open competitions will be sufficiently detailed to permit artists to determine whether their work is appropriate for the project under consideration.

INVITATIONAL COMPETITION

In an Invitational Competition, a small number of carefully considered artists are invited to submit credentials and/or proposals for a specific project. Invited artists shall be selected directly by the Durham County Public Art Coordinator designee or identified by the Artist Selection Panel through an initial review of images. Artists shall be included in the initial review based on their experience with similar projects or sites.

DIRECT SELECTION

At times, the Public Art Program may elect to make a direct selection in which a specific artist is contracted for a project. Direct selection of an artist may occur for several reasons, but it should not be due to time pressure or other considerations. An ongoing list of qualified artists shall be maintained by the Durham County Public Art Coordinator designee and the Durham Cultural Advisory Board for use in the direct selection of artists. These artists have previously submitted RFQ's and been approved for future work.

ARTIST CALLS FOR ENTRY

Durham City and County both utilize CaFE, the not-for-profit web-based artist portal, for Artist Calls for Entry. Each interested artist is required to submit a Request for Qualifications (RFQ) that includes credentials, visual documentation, a list of references, and a signed application form agreeing to Insurance requirements for the project. Occasionally a Request for Proposal (RFP) may be issued, that includes a project description, concept, proposed project materials, outline for work schedule, an application form, and qualification documentation. These materials submitted for a project are reviewed in CaFE by members of the ASP and a short-list of candidates is developed for subsequent personal interviews.

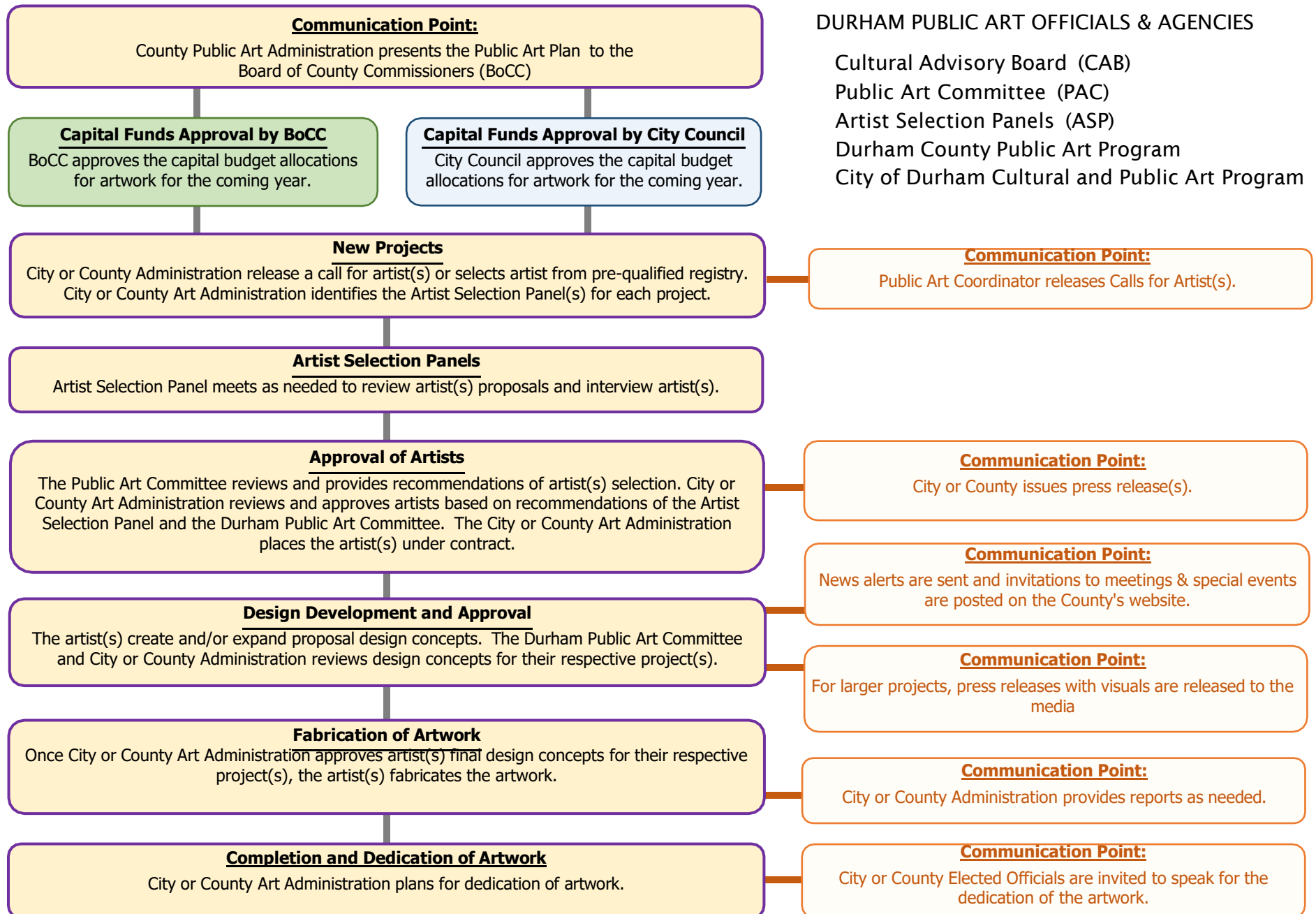
Visit <https://www.callforentry.org/> for more information.

CRITERIA FOR SELECTION OF ARTISTS

- **Qualifications:** Artists shall be selected based on their qualifications as demonstrated by past public art projects, appropriateness of their work to the site and project concerns, and experience working in the world of public art.
- **Media:** All forms of visual arts shall be considered, subject to aspects of the project and site, as discussed in the project briefing sessions.
- **Style:** Artists whose artworks are representative of all schools, styles and tastes shall be considered.
- **Appropriateness:** Design of the public art project shall be appropriate but not necessarily mimic in scale, material, form, and content for the immediate environment in which the work will be located.
- **Permanence:** Consideration shall be given to integrity of structure and materials, permanence, and protection of the proposed art project against theft, vandalism, weathering, excessive maintenance, and repair costs.
- **Elements of Design:** Consideration shall be given to the fact that public art is created in the public context and includes factors beyond the aesthetic, such as public participation, functional considerations, and enhancement of the locale. In addition, public art may also establish a focal point; provide a context for interaction; modify, enhance, or define specific spaces; and/or address specific issues of urban design. The work of public art may contribute to establishing or enhancing the identity of a location.
- **Diversity:** The Public Art Program shall strive for diversity of style, scale, media, and artists. The Program shall also strive for a wide distribution of public art projects throughout Durham County, while acknowledging the County's interest in specific areas of growth.

TABLE 1 - PUBLIC ART POLICY PROCEDURES & FLOW CHART

TABLE I - PUBLIC ART POLICY PROCEDURES & FLOW CHART



7 PUBLIC ART OFFICIALS AND AGENCIES

Many groups will play a role in Durham County's Public Art Program, as they do in Durham County's broader community life. This is advantageous since the range of groups and organizations brings various resources, points-of-view and cultural backgrounds from different segments of the community.

DURHAM BOARD OF COUNTY COMMISSIONERS

The Durham Board of County Commissioners (BoCC) plays a significant role in the Durham County Public Art Program by authorizing funding for public art projects. The BoCC will also review and approve the Durham County Public Art Program Work Plan, which will include recommendations for specific public art projects, programs, and funding requirements. Once the Work Plan is approved as part of the Capital Budget process, the selected public art projects for the coming year are included in the County's Capital Improvement Budget.

DURHAM CULTURAL ADVISORY BOARD (CAB)

The Durham Cultural Advisory Board serves as an advisory body to the City Council and City Manager, and the Board of County Commissioners and County Manager. Its functions include assisting the City's Office of Economic and Workforce Development, advising the city on the implementation of the Cultural Master Plan, and community advocacy. The Board consists of fifteen members, thirteen appointed to three-year terms by the City of Durham and two by the County Commissioners, with representation from local visual arts organizations, working artists, architects, the private development community, and the public.

The CAB is responsible for providing advice to the City Council and City Manager, and Board of County Commissioners and the County Manager, on commissioned public artworks and advising whether works offered for donation should be accepted by the City. The CAB has a designated subcommittee called the Durham Public Art Committee (PAC) to carry out these two functions, and to make recommendations to the CAB.

DURHAM PUBLIC ART COMMITTEE (PAC)

The Durham Public Art Committee is made up of a diverse group of residents that includes professional artists and professionals in related fields, such as architecture and landscape architecture, and members of the public with knowledge or experience in public art projects or related activities. The Committee actively seeks diverse members of the population to encourage broad community participation. Committee members must live or work in the County of Durham.

ARTIST SELECTION PANEL (ASP)

The Artist Selection Panel (ASP) is a short-duration ad-hoc committee formed for the purpose of recommending individual artists for a specific project. The panel varies per project and may include representatives from the CAB, PAC, the Durham County Public Art Coordinator designee, the Project Manager, the project design architect(s), representatives of the site sponsor or County department, arts professionals, public art professionals, and members of the community at large. If deemed appropriate, the Panel may also consist of additional non-voting advisors such as other design or technical professionals associated with the project, other County stakeholders, other members of the CAB, or other associated professionals such as project managers, developers, County planners, urban designers, historians, etc.

The ASP members review the credentials, prior work, proposals, and other materials submitted by artists for a project and develop a short-list of candidates for interviews. Upon conclusion of artist interviews, the ASP will recommend to the PAC an artist or artist team to be commissioned for the project. The Panel may be asked to respond to other tasks at the request of the Durham County Public Art Coordinator designee, including a review of the project prospectus, project guidelines, or specific concerns about a project. In reviewing the credentials of artists, the Panel must be sensitive to the public nature of the project and the necessity for cultural diversity in the Public Art Program. Following the artist recommendation for the project, the Artist Review Panel is disbanded.

DURHAM COUNTY PUBLIC ART COORDINATOR (DESIGNEE)

The Project Management Division of Engineering and Environmental Services will create a Durham County Public Art Coordinator designee position to manage the day-to-day work of the Public Art Program and coordinate the involvement of all participants, including project architects and planners, County department representatives, site sponsors, private development project representatives, and the Project Manager. The Durham County Public Art Coordinator designee will provide leadership and vision in the development of the Public Art Program through research, new ideas, and novel approaches to public art that are appropriate for Durham County.

The Durham County Public Art Coordinator designee will implement the Durham County Public Art Work Plan approved by the BoCC and the CAB. These responsibilities include preparing budgets, serving as a primary media spokesperson, developing reports, monitoring the program's policies and guidelines, and preparing programs that involve, engage, and educate the community about public art. The Coordinator designee will also administer the artist selection process, publicize all new projects, facilitate the Artist Selection Panel meetings, and oversee negotiation of contracts between the selected artists and the County.

The Durham County Public Art Coordinator designee, serving as a professional resource, may work with corporations, philanthropic organizations, and individuals seeking to advance public art. The Coordinator designee can serve as a catalyst for increasing private sector involvement in public art, conducting research, and preparing grant applications for program development.

8 PUBLIC ART PROJECT PLANNING - WORK PLAN

The Capital Projects Planning /Work Plan will be crafted as needed, or on a yearly basis depending upon planned or anticipated projects and will serve as the project outline for that fiscal year.

Durham County's Public Art Coordinator designee will work closely with other County departments during the fall of the year to review public art opportunities in capital projects in the coming year and beyond. The recommendations will be reviewed by the Durham Public Art Committee and the Durham Cultural Advisory Board. Proposed public art projects for inclusion in the Work Plan will be submitted to the County Manager and BoCC for approval as part of the Capital Budget process.

9 FUNDING OPPORTUNITIES

Durham County is an important venue for public art because it complements the urban design and revitalization strategies laid out in the Comprehensive Plan. Funding is necessary to underwrite and implement Durham County's Public Art Program, and can come from a variety of sources, both public and private; however, it is important that they be permanent and dedicated to ensuring long-term stability and provide predictability in short-term and long-term planning for public art. While local officials have supported public art over the years, the lack of a permanent funding source precludes long-term planning for projects.

PUBLIC SOURCES OF FUNDING

The largest source of funding for public art is the County itself. Durham County has traditionally funded public art through its Capital Improvement Plan (CIP) process. Public art projects will be recommended each year by the Durham County Public Art Coordinator designee and the Durham Cultural Advisory Board (CAB,) and submitted to the Board of Commissioners for approval. Qualified capital projects might include the construction or repair of buildings, structures (e.g. retaining walls), schools, libraries, rights of ways, and private development.

PRIVATE SOURCES OF FUNDING

The private sector offers opportunities for sponsorship and funding of public art projects and programs. Corporations are potential sponsors for community art projects such as public art workshops, education and outreach, documentation of an event or temporary project, performances open to the community, or a residency for an artist with scheduled talks and activities. Additionally, developers and businesses often have semi-private spaces that are open to the public and create ideal locations for public art. The County could offer incentives for sponsoring an art project in these semi-private or public spaces, such as empty storefronts or parcels of land, which could be donated for a length of time. Partnerships could involve combining funds from the private developer and/or privately-owned facilities with available Public Art Program funds.

PUBLIC ART IN PRIVATE DEVELOPMENT

Policies should be considered that encourage public art in private development by creating incentives for developers to incorporate public art on-site. As an alternative to incentives like density bonuses, an option could be provided to contribute to public art using other matching funds when available. Large commercial and residential properties that have planned or existing public spaces are ideal places for public art. In these locations, it is typically preferable to install the artwork on-site, rather than pool the funds for alternative locations.

PARTNERSHIPS

Partnerships between the County and other cultural arts organizations offer opportunities to pool resources, generate new ideas, and co-sponsor project and programs. Durham County's Public Art Program, partnered with the City of Durham's Program, would be an ideal alliance. Future partnerships could include events planned around national or ethnic holidays, a theme of local significance, or subjects such as water resources, recycling, local history, agriculture, etc. Partners might include local arts groups; performing arts groups (e.g., dance, theater, music); local history groups; local horticultural groups; historic sites; local corporations and businesses, and national companies with a presence in Durham County.

GRANTS

Regional, state, and national grants should be pursued for Public Art Programs to enhance Durham County's public art opportunities. The characteristics of the artwork typically must match the goals of the organizations providing the grants. Future projects might include brochures and walking/driving tour guides for public art; research for future project themes; community art programs and workshops; working with consultants on a specific project; bringing visiting artists to Durham County for workshops and/or lectures; documenting temporary projects; or a specific project requiring funding from an outside source. Grants could come from the following organizations:

- Andy Warhol Foundation for the Visual Arts (www.info@warholfoundation.org)
- Knight Foundation (www.arts@knightfoundation.org)
- National Endowment for the Arts (www.arts.gov/grants.gov)
- North Carolina Arts Council (www.ncarts.org)
- North Carolina Department of Cultural Resources (www.culture.com)

North Carolina foundations, including:

- A.J. Fletcher Foundation (Raleigh) www.ajf.org;
- The Cannon Foundation (Concord) www.cannonfoundation.org;
- The Community Foundation of Western NC (Asheville), www.cfwnc.org;
- The Golden Leaf Foundation (Rocky Mount), www.goldenleaf.org
- These organizations offer distinct opportunities for Public Art Programs. Their missions and grant criteria are listed on their websites or available upon inquiry.

USE OF PUBLIC ART FUNDS

Any available public art funds may be used for all costs associated with the commissioning of selected artists and acquisition of public artworks. These include all costs associated with Public Art projects prior to individual artist selection; project specific coordination or management costs; artist fees; all costs necessary to transport, receive and install artworks at specified sites, including any unexpected costs; and ongoing project and program maintenance costs. Specific categories of expenditures might include site preparation, contingency, artist selection costs (e.g., travel expenses and honoraria for panelists), project consultants, fabrication and installation of artwork identification plaques, documentation, public amenities, dedications, advertising and publicity, education and outreach activities, specific project or ongoing program project maintenance.

BUDGETING AND DOCUMENTATION

Budgeting and documentation of expenditures for public art in capital projects is essential for maintaining records for actual public art costs for planning and auditing purposes. Public art budgets should include the cost for all phases of a public art project, from conceptual design through construction and installation. An additional 5 to 8% of the public art budget should be designated as contingency for each project. The budget for the public art project should itemize all fees, components, consultants, insurance, travel expenses, fabrication and installation costs, and any other aspect of the project. The budget is in the artist's control, with the explicit understanding that the stated budget amount is final. County can, at its option, request "Additional Work" from the contracted artist for an agreed amount.

10 PUBLIC ART PROJECT TYPES

INTEGRATED DESIGN PROJECTS

In integrated design projects, public art is included in the overall construction project and is prefabricated and constructed by the general contractor. The artist must fully document the project design for inclusion as part of construction and must specify any construction administration required by the artist. Public art projects that are integrated into the context and/or physical properties of a project will generally follow the same method and timeline for project development as the overall construction project. The schedule for the public art project will be coordinated with the construction schedule, and will be part of the artist's contract, as described above. The Durham County Public Art Coordinator designee and the Durham Public Art Committee will review and make recommendations regarding the artist's research, site selection, conceptual and schematic design, and design development, fabrication, and installation phases. Construction documentation, bidding, construction administration, and project construction/installation will be monitored by the Durham County Public Art Coordinator designee.

INTEGRATED/CONSTRUCTION ASSISTANCE PROJECTS

Integrated/Construction Assistance projects include most of the artist's design in the base building construction documents. Sole source work (installation expertise and/or elements fabricated by the artist) must be provided by the artist so that the general contractor can include the work in the construction schedule and process.

The Durham County Public Art Coordinator designee and Durham Public Art Committee will review and comment on the artist's research, site selection, conceptual and schematic design, design development, fabrication, and installation phases. Construction documentation, construction administration, and project construction/ installation will be monitored by the Durham County Public Art Coordinator designee with the assistance of the Project Manager.

SITE-SPECIFIC DESIGN/BUILD PROJECTS

Site-specific design/build projects require that the artist be contracted to design, fabricate, and install a public art project within the established schedule and budget. Depending on the nature of the public art project, there are various degrees of integration and coordination required. The artist's contract must be coordinated with the construction schedule.

TEMPORARY PROJECTS

Temporary public art projects are a unique and growing category of public art. Temporary projects permit greater experimentation and creates a dynamic, ever-changing environment. In some cases, a specific site is selected, and an artist engaged to create a project for a specific period. Another method engages an artist or artists whose work is seen as interesting and appropriate, and the artist(s) is shown a range of possible sites from which to select the project location. Temporary works may be in place for a time period that depends on the nature of the artist's work and the initial invitation to the artist. The contract with the artist follows the same phases as with any public art contract.

GIFTS OR LOANS

When gifts or loans of public art are offered to the County, the Durham Cultural Advisory Board and Durham County Public Art Coordinator designee shall review and advise the local officials on the acceptance of the art. This review shall give special attention to protecting important civic places from the placement of artworks that might not be of lasting significance to the County.

The review process followed by the Durham Cultural Advisory Board shall meet the following objectives:

- Provide uniform procedures for the review and acceptance of gifts or loans of artworks to the County
- Vest in a single County agency the responsibility of ensuring the management and maintenance of the donation
- Facilitate planning for the placement of artworks on County-owned property
- Maintain high artistic standards for artworks displayed in County facilities
- Provide appropriate recognition for donors of artworks to the County
- Protect significant public sites from placement of work that is not of lasting significance to the County

11 ARTISTS AND ARTWORK

Professional artists shall design all artworks commissioned or acquired under the County Public Art Program. Depending on the particular public art project, the work may be created in the artist's studio or fabricated as facilitated by the artist. Artworks may include, but are not limited to, the following types:

ELIGIBLE ARTWORKS

- Sculpture: freestanding, wall-supported or suspended; kinetic, electronic, may include sound; in any material or combination of materials, provided the material selection is appropriate for the duration of the project
- Murals or portable paintings using materials proven acceptable for outdoor public projects; collage; or the inclusion of non-traditional materials or means
- Earthworks, fiber works, 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, or seating, if created by professional artists as original work, not to be duplicated
- Artistic or aesthetic elements of the overall architecture or landscape design, if created by a professional artist
- Temporary artworks or installations
- Media artwork, including music, video, film, or other forms of electronic artworks

INELIGIBLE ARTWORKS

- “Art objects” that are mass produced, commercially-available or have standard manufacture (E.g., playground equipment, fountains, or statuary elements)—unless incorporated into an artwork by the project artist.
- Reproductions, by mechanical or other means, of original works of art, except in the cases of film, video, photography, printmaking, or other media arts.
- Decorative, ornamental, architectural or functional elements that are designed by the building architects, as opposed to elements designed and created by an artist commissioned for that purpose.
- Landscape architecture and landscape gardening, except where these elements are designed by a professional visual artist and/or are integrated with the artwork designed by the artist.
- Services or utilities necessary to operate and maintain an artwork over time.

If selected, the artist(s) shall execute and complete their art project in a timely and professional manner in accordance with the project schedule. They must work closely with the project manager, design architect, and/or other design professionals associated with the project and present the project to the Durham Cultural Advisory Board and others at key project milestones as established in the contract. Artists might be requested to present the project to the public, conduct a community education workshop, or complete a residency in the community where the artwork will be placed. Artists will be partnered with and mentor an emerging local artist interested in a career in public art. Artists are responsible for providing all warranty and maintenance documentation for their projects and providing necessary repairs for the life of the work.

REVIEW PROCESS CRITERIA FOR PERMANENT INSTALLATIONS

The review process will be based upon the following criteria:

- Aesthetic considerations that ensure artworks of the highest quality, based on a detailed written proposal and photographs of the proposed work, documentation of the artist's professional qualifications, and a current certified appraisal of the artwork
- Financial considerations based on the cost of installation, sources of funding for the project, and the estimated cost of maintenance and repair over the expected life of the artwork
- The liability associated with the artwork based on the susceptibility of the artwork to damage and vandalism, potential danger to the public and any special insurance requirements
- Environmental considerations based on the physical appropriateness of the artwork to the site, including the scale of the artwork

EXCEPTIONS TO THE REVIEW PROCESS

Gifts of State presented to the County by foreign governments or by other political jurisdictions of the United States—municipal, state, or national—which may be accepted by the BoCC or County administration on behalf of the County shall be reviewed as follows:

- The Public Art Program shall determine the permanent placement of such artworks
- Appropriate recognition and publicity shall be the responsibility of the Public Art Program in collaboration with the County Site Facility.
- If not provided by the donor, maintenance of the artwork(s) shall be the responsibility of the County. The Durham County Public Art Coordinator designee shall arrange repairs through an independent contractor and the work shall be funded through the annual Public Art Program appropriation.

REVIEW PROCESS CRITERIA FOR TEMPORARY INSTALLATIONS

“Temporary Public Art” is defined as any art, including visual artworks, performances, projections, digital media, virtual reality, and other artistic media, that is not intended to be permanent and is not made a part of the permanent public art collection. Temporary public art is generally displayed for fewer than twelve months but may be longer in some cases.

Approval Process Overview: The approval process establishes criteria and guidelines for the consideration and installation of all temporary artworks proposed for locations in and on County properties. These procedures are intended to provide a consistent approach to approving placement of temporary art installations in the public realm. Temporary artworks are allowed in or on any County-owned property after receipt of required advance approval from the Durham County Public Art Program.

Proposals for temporary installations may be made by the County, individuals, or community organizations, and may be funded by any of these entities.

Public Art Project Types and Artwork Considerations: Temporary installations may include display of existing works of art as well as artworks and art experiences that are created for the specific location. All approaches and media for public art will be considered. These include but are not limited to artworks that consist of or include sculpture, light, social practice/community art, performance, sound, projection art and other artistic media. Outdoor installations must be constructed to withstand weather conditions during the approved display period. Temporary artworks and experiences must not create a nuisance in the area surrounding the proposed location, especially if the installation includes light or sound.

Artwork must not present any public safety hazards or violate City/County laws or codes. Interior installations may require approval by the Durham County Fire Marshal's Office. Physical artwork may require stamped engineering drawings or have specific insurance requirements. All temporary artwork installations must be removed by the artist, who is responsible for restoring the site to its original condition at the end of the exhibition.

Commissioned Installations: The Public Art Program will include the commission of any County-funded temporary installations in its Annual Work Plan. A project description may be developed that includes the proposed location/s and goal of the commission and artist selection methods. The Public Art Program may issue an RFP to solicit artists to develop original project proposals or submit artworks to be placed on loan and may enter into a contract with the artist that includes the artist's cost for design, fabrication, installation, maintenance and de-installation of commissioned temporary artwork created for the Program; or a fee for the use and maintenance of pre-existing artworks.

Non-Commissioned Installations: Projects proposals submitted by individuals or arts organizations will be evaluated by Public Art Program staff for compliance with County standards and requirements, and consistency with the Public Art Program goals.

Submission Requirements: Artists or organizations proposing temporary artwork installations for consideration shall submit the following information:

- A written description of proposed artwork, including title, medium, dimensions (height x width x depth), weight, installation method and any anchoring procedure.
- If proposing existing work: photographs or slides of artwork; include reference to human scale.
- If proposing a new work: working drawings or photograph of maquette to scale.
- Artist's statement and resume
- Installation budget, including a description of the sponsoring organization or other method of financing. Include the name, address and phone number of the contact person.
- Proposed duration and exhibition period
- Proposed location for the installation

There is no deadline for proposals. Applicants are strongly encouraged to submit materials at least three months prior to the intended installation date to allow time for proposal review and project development. Artists and organizations outside Durham County may apply with the understanding that the artist or sponsoring organization is required to be present for site visits, installation, maintenance, and removal of artwork.

Submit proposals by email to public-art@dconc.gov or by U.S. mail to:

Public Art Coordinator
Durham County Public Art Program
201 E. Main Street, Suite 561
Durham, North Carolina 27701

Proposal materials will not be returned. Incomplete applications will not be reviewed.

Approval Process: A Temporary Art Review Panel (TARP) which includes the Durham County Public Art Coordinator or his/her/their representative, will review proposals. Issues of particular concern include safety and durability of the artwork, appropriateness to the community, and suitability to the proposed site. Upon receipt of a proposal, the TARP may:

- a) Submit approval recommendation to the County Manager
- b) Request that the applicant make further clarification or redesign the proposal before submitting a recommendation to the County Manager
- c) Request that the applicant present a new concept for the project
- d) Recommend denial of the proposal.

The County Manager or his/her/their representative will issue final approval of proposals. All decisions of the County Manager or his/her/their designee are final.

Public Art Program Responsibilities: Coordination of projects recommended by the TARP, assistance with preparation of legal documents for signature by the artist or organization, general assistance with advertising/press releases, and production of any required identifying signage.

Conditions of Durham County Government Acceptance:

- In accepting a temporary artwork installation, the County requires that the responsible parties enter into an agreement for the duration of the display that outlines the maintenance responsibilities and agreement to remove the work at the agreed upon conclusion of the display, leaving the site in its original condition or better. Following the approval of a proposal, the County Attorney's Office will issue a contract to the artist and/or sponsoring organization.
- If an artwork is not completed within the timeline originally approved by the TARP, or if changes in content, materials, form, presentation, or financing of the artwork occur, the artwork must be reviewed and approved again.
- The County reserves the right to manage its own property including the removal of the artwork, for reasons that include but are not limited to artwork that poses a public safety risk, has been left on County property beyond the agreed terms, or is damaged beyond repair.
- Neither the Public Art Program, nor the County of Durham, nor any of its agents, will be held liable for any damage or state of disrepair of a temporary artwork.
- The Artist shall grant Durham County government the right to a royalty-free, perpetual license to use any depictions of the artwork for non-commercial purposes (credit will be given to the exhibitor).

12 CONTRACT EXECUTION

CONTRACTS

Integrated capital project contracts with architects, engineers and public artists must include related language about the obligations, responsibilities, and schedule for working on an integrated public art project. It is essential that stakeholders work together in a timely and coordinated manner to keep the project on schedule and within the approved budget. The Durham County Public Art Coordinator designee should provide draft language to be included in these contracts, which will be reviewed by participating departments before being forwarded to the contract recipients for execution.

Contracts for architects, engineers and contractors shall be managed by the Engineering Project Manager. Artists' contracts shall be managed by the Durham County Public Art Coordinator designee. The artist's contract should include a detailed scope of services and a series of phases or agreements that define the artist's responsibilities from initial concept through construction and installation. Each phase or agreement must include details for submission and payment.

All artists' contracts for public art projects shall include a detailed budget for the design, fabrication, and installation of the work, or be separate contracts for Design Phase and Fabrication/Installation Phase if an overall budget is not established at the onset of the project. The budget must also include all other financial aspects of the project, such as fees, travel expenses, and all other costs. The project budget must clearly distinguish the cost of public art design and installation from the baseline project costs related to other components of the capital project. This is critical for integrated projects where the net cost of public art can easily be exaggerated by including the budget numbers for construction work that was necessary and already budgeted as part of the original CIP.

After the public art project and budget have been approved and all phases of the project development accurately defined within the artist's contract, the Durham County Public Art Coordinator designee and Durham Public Art Committee shall monitor and approve each of these phases as described in the contract.

The artist should be brought into the project as early as possible in all public art projects so that any necessary site preparation can be included in a timely and cost-effective manner within the construction schedule.

13 PUBLIC ART COLLECTION MAINTENANCE STANDARDS

CONSERVATION AND MAINTENANCE OBJECTIVES

A review process shall be followed by the Durham County Public Art Coordinator designee and the Durham Cultural Advisory Board to meet the following objectives:

- Provide for the regular review and inspection of public artworks
- Ensure regular maintenance of public artworks
- Establish a regular procedure for effecting necessary repairs to public artworks

PERIODIC REVIEW AND INSPECTION

At least once every five years, the Durham County Public Art Coordinator designee and Durham Public Art Committee or an independent consultant contracted by the County, should evaluate the Public Art Collection for Collection Management and to assess the collection's future. The County shall retain the right to deaccession any work of art in the Collection, regardless of the source of funding for the artwork. The County shall retain the right to assess the current value of works under consideration for privatization or resale, either individually or as an integrated element of a specific site or agency. A review process shall be established by the Public Art Program to meet the following objectives:

- Establish a regular procedure for evaluating artworks in the Public Art Collection
- Establish standards and review process for the acquisition of artworks by the Public Art Program
- Ensure that deaccessioning is governed by carefully articulated procedures
- Insulate the deaccessioning process from fluctuations in public and individual taste

DEACCESSION REVIEW STANDARDS

The Durham Cultural Advisory Board shall review any proposal for deaccession or relocation of an artwork. Procedures for deaccession or relocation shall be as deliberate as those practice during the initial selection. This process shall operate independently from short-term public pressures and fluctuations in artistic taste. During the review process, the artwork shall remain accessible to the public in its original location. Artwork may be considered for review toward deaccessioning from the Public Art Collection if one or more of the following conditions apply:

- The condition or security of the artwork cannot be reasonably guaranteed
- The artwork requires excessive maintenance or has faults of design or workmanship, and repair or remedy is impractical or otherwise not feasible
- The artwork has been damaged, and repair is impractical or not feasible
- The artwork's physical or structural condition endangers public safety
- Significant changes in the use, character, or design of the site have occurred which affect the integrity of the work, and no suitable alternate site is available
- Removal is requested by the artist because of the condition of the work
- The facility or location where the work is sited is undergoing privatization

ARTIST MAINTENANCE RESPONSIBILITIES

- The artist shall guarantee and repair the work of art against all defects of material or workmanship for the life of the work

- The artist shall provide the Public Art Program with drawings of the installation
- At the end of each project, the project artist is required to submit maintenance recommendations for the project, including but not limited to suggested annual and 5-year cleaning procedures. The artist should also submit a list of specific components, including manufacturer's specifications, of the public art components such as paint, coating, lights, etc. that are essential to maintaining the installation.

COUNTY MAINTENANCE STANDARDS AND PROCEDURES

- Routine maintenance of artwork shall be the responsibility of the Artist
- Responsibility for extraordinary maintenance or repairs of artworks shall be referred to the Durham County Public Art Coordinator designee
- No County Department shall commence any maintenance or repairs to artworks without the consent of the Durham County Public Art Coordinator designee
- No County Department or partner Agency shall move any artwork from the site for which it was selected, nor remove it from display and/or block access to it or the site, without the consent of the Durham County Public Art Coordinator designee.

14 FOOTNOTES

1. Americans for the Arts, Statement On Cultural Equity, excerpt, used with permission.
<https://www.americansforthearts.org/about-americans-for-the-arts/statement-on-cultural-equity>

APPENDIX

North Carolina
County of Durham

Resolution Establishing A Public Art Program

Reach out to us with your questions or ideas about public art—we're here to help!

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