

Order 140-13/14

Passage: 7-0 (Coyne, Leeman absent)

Effective 2/13/2014

MICHAEL F. BRENNAN. (MAYOR)  
KEVIN J. DONOGHUE (1)  
DAVID A. MARSHALL (2)  
EDWARD J. SUSLOVIC (3)  
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

JOHN R. COYNE (5)  
JILL C. DUSON (A/L)  
JON HINCK (A/L)  
NICHOLAS M. MAVODONES, JR (A/L).

**ORDER ACCEPTING 2014 ANNUAL REPORT  
OF THE PUBLIC ART COMMITTEE**

**ORDERED**, that the 2014 Annual Report of the Portland Public Art Committee attached hereto as Attachment A, is hereby accepted.

**Annual Public Art Committee Report**  
**2010, 2011, 2012, & 2013**  
**&**  
**2014 Budget Plan**

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### VI. Proposed Budget for Fiscal Year 2014

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## **I. OVERVIEW**

In April 2000, the City Council established the Portland Public Art Program to preserve, restore, and enhance the City's public art collection. The Portland Public Art Committee (PPAC) was tasked to commission art which engages the surrounding environment to facilitate a sense of place by expressing the spirit, values, and visions of Portland through public art.

The public art collection currently contains forty-five permanent pieces installed throughout Portland and one long-term loan. The collection contains works of both historical significance dating from the nineteenth century; and contemporary pieces reflecting Portland's diversity and spirit.

The PPAC administers the Portland Public Art Program. The Committee's responsibilities are outlined in Article XI of the City Code (Public Art Program). The Committee utilizes the Guidelines for the Public Art Ordinance (Volume 1, Number 1 – adopted 2008) for direction in administering their responsibilities.

A key element of the Portland Public Art Program is the establishment of a percent-for-art ordinance. This program allocates .05% of the City's annual Capital Improvement Project (CIP) budget for the restoration, maintenance or acquisition of permanent public art.

The Portland Public Art Committee is responsible for the following:

- Develop and present an Annual Public Art Plan to the City Council which includes recommendations for the use of allocated CIP funding; program administration; conservation of the collection; and initiation of new projects;
- Provide recommendations to the City Council regarding proposed gifts to the collection; Seek donations to fulfill Committee responsibilities in the case that CIP funding is insufficient;
- Recommend appropriate locations for the installation of public art;
- Promote public awareness and engagement between the public and the collection.

The following report is a review of the actions of the Portland Public Art Committees of fiscal years 2010 through 2013. The report is followed by a proposed 2014 budget.

## **II. ADMINISTRATIVE UPDATES**

### **Committee Members**

In 2010, the Portland Public Art Committee consisted of Peggy Golden, Steve Halpert, Richard Renner, Alice Spencer, Sara Struever, David Wade, Councilor David Marshall, and was chaired by Jack Soley. Alison Hildreth joined the Committee in early 2010. At the end of 2010, after nine years of dedicated service to the PPAC, Jack Soley tendered his resignation from the Committee.

In the beginning of 2011, Patricia Murtagh replaced Jack Soley as Co-Chair of the PPAC along with Alice Spencer. Jere DeWaters, Photography Professor, University of Maine, was elected to the position of Vice Chairman within the same period of time. In June, 2011, sculptor and arts educator Lin Lisberger was appointed to the PPAC. A communications subcommittee was initiated to create an on-going strategy to fulfill its responsibility for public awareness and engagement. It was also determined that there should be three standing subcommittees: governance, professional development, and strategic planning/communication.

Alice Spencer completed her term in 2012. James Craddock joined the Committee, filling the vacancy left upon Alice Spencer's departure. Lin Lisberger was elected to Co-Chair with Patricia Murtagh. Kirsten Stray-Gundersen joined the Committee staff as an intern to Alex Jaegerman, the Planning Division Director, to aid the development of PPAC projects. Late in 2012, Jennifer Hutchins Executive Director of PACA and the Creative Portland Corporation, resigned as Program Assistant. Her position was replaced by Edwige Charlot, a member of Creative Portland.

In June 2013, following the completion of Peggy Golden's term, and the resignation of Patricia Murtagh, Committee staff and members included the following: Lin Lisberger, Chair; Terry DeWan, principal with T.J. DeWan & Associates, Landscape Architects; Pandora LaCasse, artist and Portland's seasonal lighting sculptor; Jessica Lipton, artist and the Creative Portland representative; Anthony Muench, Landscape Architect; David A. Marshall, City Council representative and Artist; James Craddock, Information Technology consultant at Yellahoose LLC; Jere DeWaters, Photographer and Professor at UMA; Alison Hildreth, artist; and Julia Kirby, Development Director at St. Lawrence Arts. Management & Administration included: Alexander Jaegerman, Planning Division Director, Kirsten Stray-Gundersen, Planning Division Intern, and Edwige Charlot, Program Assistant, Creative Portland.

The Committee as of January 2014 is as follows:

- Lin Lisberger, Chair, Artist and Professor of Art at USM;
- Julia Kirby, Vice Chair, Development Director at St. Lawrence Arts
- James Craddock, Information Technology consultant at Yellahoose LLC;
- Jenna Crowder, Artist and Admissions assistant at MECA (appointed in September 2013 to fill out Patricia Murtagh's term);
- Terry DeWan, Principal with T.J. DeWan & Associates, Landscape Architects;
- Jere DeWaters, Photographer and Professor of Art at UMA;
- Alison Hildreth, Artist;
- Pandora LaCasse, Artist and Portland's seasonal lighting sculptor;
- Vacant, Artist and the Creative Portland representative;
- David A. Marshall, City Council representative and Artist;
- Anthony Muench, Landscape Architect

Management & Administration

- Alexander Jaegerman, Planning Division Director
- Caitlin Cameron, Urban Designer

Information about the Portland Public Art Program can be obtained from the Department of Planning and Development, City of Portland, 389 Congress Street, Portland, Maine 04101, 207-

874-8721, [AQJ@portlandmaine.gov](mailto:AQJ@portlandmaine.gov), [publicart@portlandmaine.gov](mailto:publicart@portlandmaine.gov), or at the website [www.publicartportland.org](http://www.publicartportland.org).

## **Administrative and Policy Matters**

Until October 2013, Creative Portland provided administrative support to the Portland Public Art Committee, but that position has been eliminated. Portland Public Art Committee Member Virginia Rose held a seat on the Portland Arts & Cultural Alliance Board (now Creative Portland) in 2010. In 2012, Jessica Lipton replaced Virginia Rose as the Creative Portland representative.

In May of 2010, the Communications subcommittee was formed in order to engage local media in PPAC events, projects, and achievements; help disseminate information about RFPs/RFQs; and keep the public informed about important events and projects. The Communications subcommittee created and helped disseminate press releases for the Bayside Trail Bench RFP and the Pullen Fountain including an acknowledgement of the Margaret E. Burnham Charitable Trust donation. The subcommittee also helps the larger PPAC explore potential communications opportunities.

## **Summary of Committee's October 2012 Workshop**

A significant portion of the October 2012 Committee workshop included the discussion of aspects of the program that are either effective or deficient. The effective aspects included actions that were responsive to public reaction, and the multiple events coordinated by the Committee that were well received by the public. The Committee recognized a deficiency of both public comment prior to piece installations, and overall community engagement. It is a desire of the Committee to ease and encourage interaction with the public. The Committee agreed upon the following objectives for the coming five years:

- To commission and execute a signature piece of the Public Art Collection and to grow available funding until a commission has been made. The Committee intends to reserve a portion of the CIP allocation over the next couple fiscal years in order to afford a large commission that will be highly valued by the greater Portland community;
- To increase the prevalence of public art in regions of outer Portland. This may be in the form of Community Art Projects, or temporary art event coordination. This objective aims to support current City projects aimed at increasing the use of pedestrian and bicycle as modes of transportation;
- To initiate a formal process for the installation of temporary public art (maximum one year) on public sites. (See Temporary Public Art Guidelines subcommittee and Updated Temporary Art Guidelines);
- To activate public education, interest, and enjoyment of public art by providing public art walks or public art guides in Portland; and to publicize and archive the collection. (See Portland Public Art Committee Website);
- To increase donation solicitation for projects supported by the PPAC, particularly for projects that enhance community engagement and identity. For many communities,

semi-permanent art may be more desirable than permanent pieces and therefore such initiatives would require non-CIP funding;

- To promote the acquisition of derelict land that can be used for the public/communities;
- To have greater influence on site selection for gifts, and commissioned works. This specific vision was prompted by a handful of endearing pieces that become either underutilized or inappropriate for the location in which they are placed. (See Sites sub-committee);
- To provide a forum for public input.

Ultimately, these visions aim to contribute to Portland's identity as a cultural destination. The Committee recognizes that the prevalence and quality of Public Art will greatly contribute to Portland's overall image and increase both national and international recognition.

### **Gifts**

Many of the pieces in the collection are either gifts, or have been subsidized by donations. The Bernard Langlais Estate has given eight restored sculptures to the City's Public Art Collection with the condition that they be placed indoors. William Hamill has donated several more sculptures to the Portland International Jetport (See Collection Updates).

### **Seeking Donations**

As stated above, soliciting donations must be an increased focus of the Committee because of the nature of the CIP allocations. Anything funded using the CIP budget must have a projected life-span of at least 20 years. Since the Public Art Program applies to all forms of public art, the committee must actively seek donations for any semi-permanent, rotating, or temporary installations.

### **Location Recommendations**

In July of 2012, the committee formed a Sites subcommittee intended to identify and evaluate public sites in need of public art; and to create a rubric with which to approve, deny, or suggest a site for particular gifts or commissioned pieces. The Sites subcommittee of the PPAC is composed of Alison Hildreth, Pandora LaCasse, James Cradock, Jere Dewaters, and Anthony Muench. The subcommittee performed site analysis research to ascertain the important components relevant to site selection and evaluation. The subcommittee developed a rubric for site evaluation. Attached to this report is an example of a completed site analyses for Congress Square. The rubric requires descriptions of site history, aesthetic factors, amenities, view-points, cultural character, manmade attributes, existing structures, and natural determinants. It is intended that this rubric will place art work in more appropriate locations.

### **Promoting Public Awareness and Engagement**

The Committee has made efforts to promote public awareness and engagement. In 2010, the Committee created an online map of the collection; conducted a review of the Community Art

Guidelines reflective of recent experience; and, in response to public input, the Committee suggested to the City Council to deaccession *Tracing the Fore*.

In 2011, a Communications subcommittee was instated to increase and improve communication with the public. Particular projects benefitted from the focus on improved communications including the Bayside Trail Seating Project, and the expansion of the *Serpent Sculpture* at the East End Community School. For the Bayside Trail Seating project, the PPAC conducted a public meeting and feedback, which was sent to the City Council. The Committee effectively responded to the artist Carole Hanson, and the East End Community in their desire to further develop the *Serpent Sculpture* at the East End Community School. Carole Hanson sculpted three additional parts (wings and feet) to add to the series of granite sections that comprise the *Serpent Sculpture*. The sculpture has been renamed *The Stone Dragon*.

In 2012, the Art In Our Front Yard Series, Portland Public Art Website, and the Temporary Public Art Guidelines Committee were initiated with the primary intent to engage, inform, and respond to the public. The Committee determined a Portland Public Art Committee website to be necessary not only to promote awareness and engagement, but to achieve other objectives, such as, having a publically published archive of the collection; a forum for public feedback and comment; and a location to aid public art education. The first round of Art in Our Front Yard Series was on the first Friday of temperate months of the year. Each Friday, a member of the Committee conducted a lecture about the piece including information such as the history, relevance, and/or context. This was an effort to bring interest and relevancy to the pieces and to perpetuate Portland's rich history. This event used no CIP funding and is solely supported by the efforts of the Committee members. The Temporary Art Guidelines subcommittee was established in response to an increase in temporary art installation proposals. The Committee felt it was necessary to be the overseeing entity as such proposals fall under the category of publically displayed art.

It is a desire and intent of the Committee that donations to the program will rise with the initiatives taken to increase public awareness and engagement.

### **III. DEACCESSIONS, CONSERVATION & MAINTENANCE**

#### **Deaccessions**

##### *Tracing the Fore*

The saga of *Tracing the Fore* by artist Shauna Gilles-Smith, has concluded with the recommendation by the PPAC and the decision of the City Council who voted unanimously on April 4, 2011 to authorize the PPAC to proceed with the deaccession of the *Tracing the Fore* art piece at Boothby Square.

In summer of 2010, the PPAC received a petition from neighbors of Boothby Square requesting the removal of *Tracing the Fore* public art piece from Boothby Square. After considering relocation, which was not supported by the City Council, the PPAC recommended deaccession

of the piece. The Public Art Guidelines contain a detailed policy for the deaccession of public art, which were followed by the PPAC. The PPAC based their recommendation on the criteria for deaccession, specifically that significant changes in the use or character of the site prompt a re-evaluation of the relationship between the artwork and the site; and that the artwork requires excessive maintenance or has faults of design or workmanship, and the city cannot properly maintain the artwork.

The PPAC proceeded with a disposition plan in compliance with the Public Art Guidelines. The City offered the piece for sale, after offering a right of first refusal to the artist. The process proceeded in compliance with City law and policies governing surplus property. The site at Boothby Square is left in a suitable loam and seed condition as specified by the city departments of Planning and Public Services. The site was restored at no expense to the City. Any net value received will accrue to the Public Art Fund, according to the Public Art Guidelines.

### **Conservation & Maintenance**

Taggart Objects Conservation has worked for the City for several years to repair and conserve the pieces in the Public Art Collection. It is essential to the longevity and safety of the works in the collection to engage a conservator for conservation and repair of our public art collection.

The collection requires on-going assessment and maintenance. Jonathan Taggart, of Taggart Object Conservation has been contracted on an annual basis to provide ongoing conservation work on the collection. In 2010 the conservation work was conducted on the *Pullen Fountain* on Federal Street, the Thomas Brackett Reed statue on the Western Prom, and *The Hiker*, in Deering Oaks Park.

#### Public Art Bronze Plaques

Jonathan Taggart, the committee's conservator was contracted to install plaques on pieces of the Portland's Public Art Collection. Bronze plaques were fabricated through a contract with Burr Signs of Yarmouth. Taggart Object Conservation installed the bronze signs as part of the contract work plan in 2011, although some of the plaques were moved slightly in 2012.

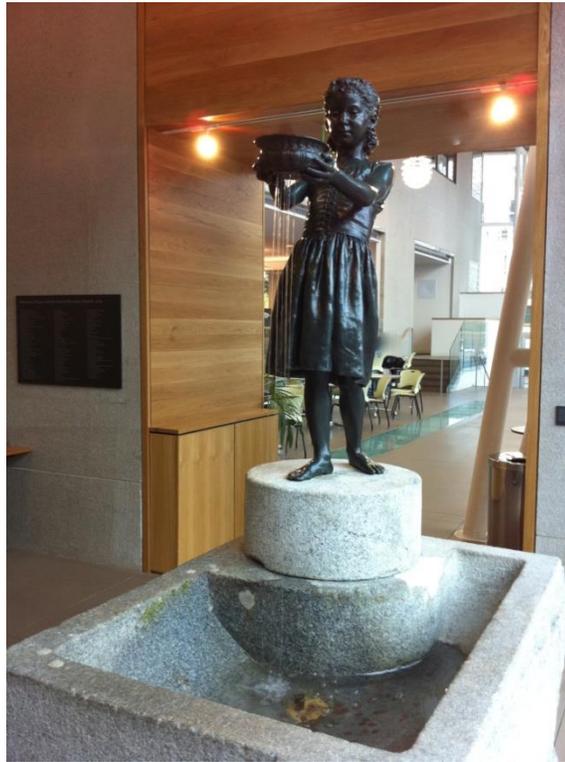
#### Little Water Girl

With the renovations of the Portland Public Library, the *Little Water Girl* was completely refurbished by Mr. Taggart, and installed as a working fountain in a prominent location in the Library's new lobby. It is an integral element of the lobby redesign and is highly visible from Congress Street.

While the Library renovations have proceeded, the Planning Division received a communication from the Chicago Park District requesting permission to create a replica of the *Little Water Girl* sculpture to replace an original version that was stolen in 1958 from one of their parks. It has been confirmed that the City of Chicago had one of the original castings of *Fountain Girl* commissioned in 1895 by the Loyal Temperance Legion of Boys and Girls. The Women's Christian Temperance Union donated our *Little Water Girl* sculpture to the City of Portland in 1917. The City of Portland and the Chicago Parks District entered into an agreement and contract to allow Chicago to create a replica by creating a mold from our original before it is

reinstalled on its pedestal in the Library. Chicago sent an artisan, sculptor, and conservator Andrzej Dajnowski, to Portland in the winter of 2010 to work with our conservator, Jonathan Taggart, to create a mold of *Little Water Girl* for use in the recasting. As specified in the terms of the contract, the mold of the sculpture has been returned to the City of Portland for the future in case there is a legitimate need for it for conservation purposes. We are considering options for permanent storage of the mold.

### **The Little Water Girl**



#### *Stanley Pullen Foundation Memorial Fountain*

The granite fountain was surrounded by vehicle barriers during the winter of 2009-2010 to protect it from the elements. A plan was contributed by PPAC member Anthony Muench, Landscape Architect, to help conserve and restore the fountain, and to create a more appropriate setting to permanently protect it from vehicle damage. The fountain and surrounding area has been turned into a jewel of a pocket park. Additionally, the fountain's original function as a horse trough has been restored. These improvements have created a pocket park while addressing issues of protection from skateboard activity, parking and snow plowing.

With \$35,000 allocated from the PPAC funds from prior fiscal years, and a generous contribution of \$7,500 from the Margaret E. Burnham Charitable Trust, and a good bid from the contractor, Gnome Landscapes, this project was completed in spring of 2011.

Special thanks to the contractor, the Trust, Tony Muench, and Katherine Kern of T.Y. Lin International engineers who donated the engineering and bid documents to the project. Between design service by Tony and engineering by Kathy, the project saved upwards of \$6,750 through

these in-kind services that would otherwise be required as “soft costs” to a construction project. As noted above, the last remaining project component before a site ribbon-cutting and celebration of a job well done is the conservation work by Jonathan Taggart. Jonathan has in his possession some granite fragments that had chipped off the fountain. These will be affixed and the surfaces cleaned during the conservation process.

### **Stanley Pullen Foundation Memorial Fountain**



## **IV. ACCOMPLISHMENTS IN 2010, 2011, 2012, and 2013**

### **Community Art Works Program**

The Portland Public Art Committee reviews projects that are commissioned in the following categories: Community Art Works, Expressive Art Works, Art Works of Remembrance, and Functional Art Works. The Committee has also overseen the development of projects that can be categorized as Environmental Art Works and Temporary Art Works.

The Community Art Works program encourages collaborations between artists and community members to create public art in the neighborhoods of Portland. Community Art Works express the memory, values, traditions, customs, or aspirations of community members, address significant neighborhood sites, and/or respond to the character and history of particular places.

Jill Dalton, artist, and Priscilla Dreyman, of Spiral Arts, presented a grant request for the commission of new public art works for Peppermint Park. In 2009, the PPAC approved a

challenge grant of \$5,000 toward the creation of two benches to be located in Peppermint Park, which required a \$5,000 match from the community. The project has not been successful in securing the match, so the PPAC has concluded that the \$5,000 will be reprogrammed. The project remains eligible to reapply for funding.

### **Community Art Works Guidelines Amendment**

From this project experience, we have learned that the terms and conditions for Community Art Works need to be clarified and strengthened. Attached to this report is a proposed revision of Chapter V. of the Guidelines for the Public Art Ordinance, addressing the contractual, funding sequence, and related matters for the allocation and implementation of such projects. The City Council may approve these amendments upon review and acceptance of this Annual Report and Plan, or refer it back to the PPAC for further consideration.

### **Collection Updates**

#### Functional Art: Bayside Trails Seating Project (2010-2013)—Project terminated

The Portland Public Art Committee worked with Portland Trails on proposed sculptural seating for the Bayside Trails. The Portland Public Art Committee determined expenses for the commission of artistic seating for the expansion should not exceed a total of \$50,000. This project was intended to provide functional art to the Bayside Community. In the summer of 2010, a Request for Proposals was announced, to which several submissions were received. The selection panel chose not to proceed with any of the submissions. Upon advice of the PPAC, no entries from the first round were accepted. It was agreed that a Request for Qualifications would accrue a greater variety of submissions and a second Request was conducted.

As a result of the second round of entries, 117 artists submitted their qualifications. By summer of 2011, the top three artists were offered a stipend to develop seating concepts for any of the following three locations: the Elm Street plaza area; the small plaza near Franklin Street behind Planet Dog; and at the easterly trail junction of the Bayside Trail, the Eastern Prom Trail, and the Back Cove Trail at Tukey's Bridge. The concepts were developed in late spring of 2012. Skye Designs' (Washington, DC) proposal was accepted by the Committee after much deliberation. The Council unanimously accepted the design in June, 2012.

After extensive design work by Skye Designs, because of unexpected construction cost increase of approximately 100%, the Committee reluctantly made the decision in June 2013 to terminate this project before a contract was signed.

#### Carole Hanson's *The Stone Dragon* (2011)

In late 2011, Ethan Boxer-Macomber (a parent and representative of the East End Community School) proposed to the Committee that it renews its commitment to the East End Community School community art project now called *The Stone Dragon*. Carole Hanson's original design for the sculpture had included additional sections to the seven existing pieces, and the EECS wanted to complete that design. The estimated cost of finishing the piece was \$10,000, but

EECS asked for \$5000 from the PPAC and accrued the remaining \$5000 in financial and labor donations from the community and the artist. In 2012, the PPAC accepted the proposal for \$5000 in-kind funding for this project. The additional sections were installed in May 2013.

### **Dragon (Carole Hanson)**



### **Glimpse (2011)**

A sculpture consisting of five welded steel deer, one steel porcupine, and one steel wolf by Wendy Klemperer were generously donated to the City by William Hamill. The pieces were placed along the entrance road to the Portland Jetport in October, 2011. A reception welcoming the sculptures and honoring the artist and Mr. Hamill was held in November 2011.

### **Glimpse (Wendy Klemperer)**



### Tidal Moon (2012)

A granite sculpture by Maine artist Jesse Salisbury was also donated to the City by William Hamill. The piece was placed outside the Portland Jetport baggage claim area in June 2012. A reception was held in fall of 2012. The Committee hopes to gain outside funding or in-kind contributions to further develop the site where the sculpture is located. The intent would be to create a greater sense of connection between the site and the sculpture, and to encourage longer periods of enjoyment by placing a bench and adding both lighting and landscaping to the site. As part of this process, *Tidal Moon Bench*, made with the “extra” granite from the original sculpture by Salisbury, was placed on the site in November 2013.

### **Tidal Moon (Jesse Salisbury)**



### Art In Our Front Yard (2012)

Upon the suggestion of Nicole Clegg, the City’s communications director, the Committee started the Art in Our Front Yard series. The series of public lectures were held at each of the public art pieces during Portland’s Art Walks. A member from the Committee prepared a short talk about a given piece, which included an overview of Portland’s Public Art program. Handouts were provided and time was allotted for comments and questions. The success of the talks prompted the Committee to schedule another year for the series for spring of 2013. Plans for an expanded Art in Our Frontyard series are in the works for 2014. Grant money will be sought to videotape the talks to post on the Public Art website.

### Sites Subcommittee (2012)

The purpose of the Sites subcommittee is to provide a blueprint of sites available for public art and to make recommendations for site specific installations. The subcommittee is currently composed of Alison Hildreth, Anthony Muench, Pandora LaCasse, Jim Cradock and Jere Dewaters. A site location analysis rubric was created to evaluate existing conditions of available sites, and the appropriateness of sites currently hosting public art (See Appendix A). This rubric would also be used in the case of new additions to the collection to assure they are placed in the most appropriate sites. This rubric would not be limited to permanent art, and should be used in the cases of temporary or semi-permanent art on display on public spaces. It is intended that the rubric be added to the PPAC guidelines.

### The Official Portland Public Art Committee Website (2013)

In September of 2012, the Committee announced a Request for Proposals for the design and development of a responsive website with the capabilities for a simple interactive map, photos, and descriptions of pieces in the collection. The budget for this project was \$5000 and was obtained through the BCBG grant program. The website being a continuously changing item, the PPAC was unable to use CIP funding for this project as the CIP funding may only be used for projects with a 25 year or longer life-expectancy. The Request stipulated that the website be fully compatible with mobile devices and that the content be downloadable in a viewer-friendly printable format.

The purpose and expected benefits of the website include a wide-variety of PPAC objectives. The website will act as the primary interface with the public – visitors and residents alike. It will be a resource to explore and learn about the City, its history, and its public art collection. The website will be used to build support, increase visibility, and provide a forum for publicity, temporary public art, and donations. It is intended to aid in Portland's branding and development as a cultural destination.

In January of 2013, Perch Design Studio (3C32 LLC) signed a contract with the City to complete this project in June of 2013. The website was launched in June 2013 and a launch party was held in Deering Oaks Park in September 2013. The website continues to be improved with an added page for images of temporary art around the City. Additional funding of \$200 was used for this update.

### Temporary Public Art Guidelines Subcommittee (2013)

November of 2012, the Committee formed a subcommittee tasked with writing guidelines for any temporary art installations on city property. This was prompted by the case of sculptures by Sandy Mcleod that were originally meant for temporary installation. The East End community grew to enjoy the piece so much that it was asked to be accepted into the public art collection. In another instance, a local arts curator wanted to install a Wendy Klemperer sculpture in Eastern Promenade Park and there were not sufficient guidelines to control the process. The Committee was concerned that this situation might set precedent for the display of art pieces on city property

for commercial purposes, but wanted to be able to consider proposals for temporary art in the future. The type of content, oversight, and funding for temporary art pieces is very different from that of permanent structures, so the committee recommended that guidelines for temporary art installations be created to respond to any future proposals.

Representatives from the PPAC include Jessica Lipton, Pandora LaCasse, and Alison Hildreth. As Ted Musgrave of the Public Services Department currently handles temporary student art installations on City property, he is also on the subcommittee. Alice Spencer coordinates the committee and the progress of the guidelines. The City's Planning Department intern, Kirsten Stray-Gundersen, joined the committee to represent the Planning Department in the creation of the guidelines. The guidelines were completed in September 2013 and are attached to this report. The subcommittee is continuing its work outside the general operations of PPAC, however with member involvement and input. The City Council may approve these guidelines upon review and acceptance of this Annual Report and Plan, or refer it back to the PPAC for further consideration.

#### Bernard Langlais Estate Gifts to the City (2013)

The Bernard Langlais Estate in Cushing, Maine offered the City of Portland a selection of pieces from the extensive collection of wood and painted art work. A sub-committee composed of Pandora LaCasse, Alison Hildreth, and Anthony Muench, and Lin Lisberger were tasked with searching the available collection for pieces appropriate for public display. The Langlais Estate asked that the pieces be displayed in indoor locations only with the commitment that they be properly maintained.

The full extent of the collection was originally donated to Colby College. The College soon determined the large collection too large for them to have sole financial responsibility and the Kohler Foundation was asked to perform the appraisal, and restore the pieces. Kohler hired local conservationists to update the pieces. Eight sculptures were donated and have been accepted by the Council. *Standing Bear* will be sited at Ocean Gateway Visitor Center and *Playing Bears* will be temporarily sited at the Portland Public Library. The Public Library will also be home to *Acrobatic Dogs* and a relief of an *Elephant*. The Peaks Island branch of the Public Library will host a hanging two sided lion head. Three groups of *Bird House Heads* will be placed in Portland High School, Deering High School and Casco Bay High School. Installation is expected in the first quarter of 2014. The installation will be funded by \$30,000 set aside in the current budget.

# Pieces from the Bernard Langlais Estate

Two-sided Lion Head



Bird House Heads



Bird House Heads



Elephant



Standing Bear



Playing Bears



### Hamill family gifts to the City at Portland International Jetport

William Hamill and family have made a second generous donation of sculpture to the City at the Portland International Jetport with the guidance of local sculpture curator, June LaCombe. This includes one more outdoor granite sculpture by Jesse Salisbury, *Beach Pea*, and two outdoor granite benches, also by Salisbury, *Beach Pea Bench* and *Tidal Moon Bench*. Sited inside the Jetport are four smaller sculptures. They are *Eagle*, by Cabot Lyford, *Cod*, by Steve Lindsay, *Balance*, by Roy Patterson, and *Shorebird*, by Edwin Gamble. City Council accepted these gifts in July 2013. A reception for the Hamill family was held at the Jetport in December 2013.

#### **Beach Pea (Jesse Salisbury)**



BEACH PEA by Jesse Salisbury *granite*

**Tidal Moon Bench (Jesse Salisbury)**



SCULPTED BENCH by Jesse Salisbury *granite*

**Beach Pea Bench (Jesse Salisbury)**

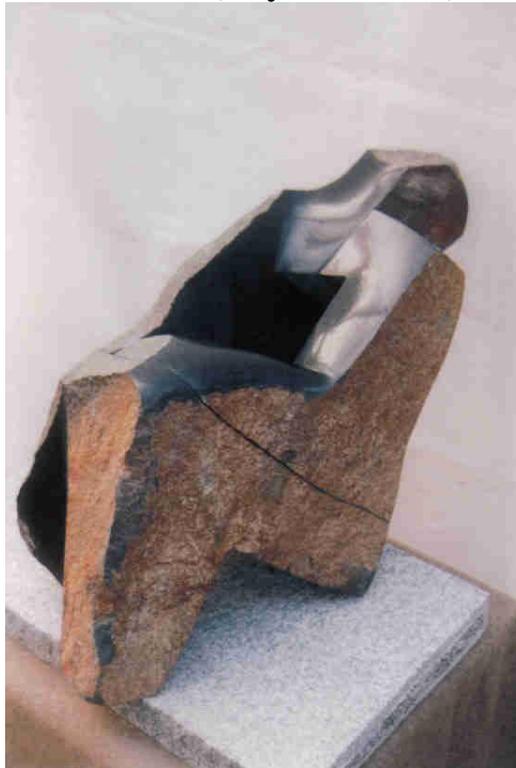


**Cod (Steve Lindsay)**



COD by Steve Lindsay *granite*

**Balance (Roy Patterson)**



## **Eagle (Cabot Lyford)**



EAGLE by Cabot Lyford wood, granite

### Long term loan of *A Spirit of Its Own* at Portland International Jetport

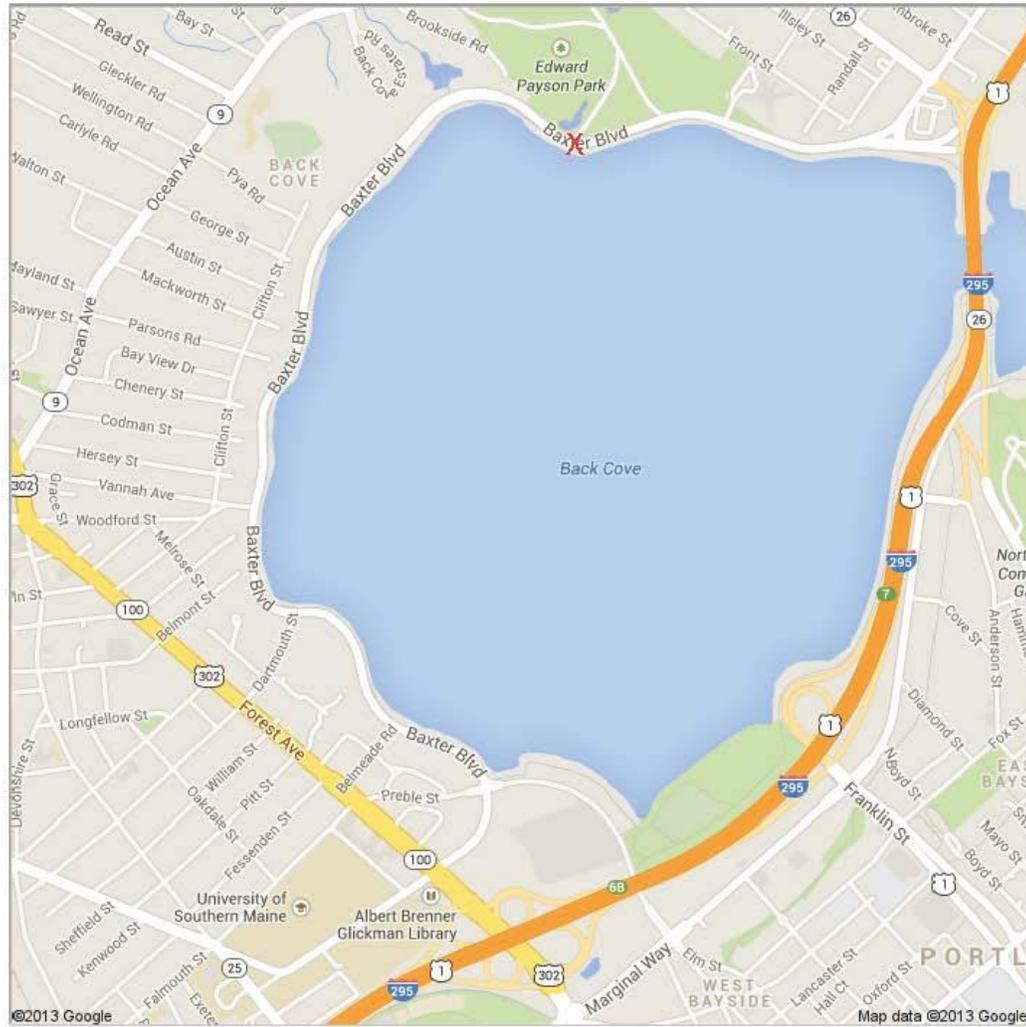
In August 2013 the sculpture *A Spirit of its Own*, by Jay Sawyer was loaned on a long-term basis to the Portland International Jetport by the Davistown Museum because of the sculpture's connection to aviation history. The sculpture is expected to be installed along the entrance roadway in Spring 2014. While it is not a permanent gift to the Jetport it will be considered a part of the PPAC collection because of its relative permanence.

### Relocation of *Cloud Couch* by Vivian Beer

*Cloud Couch* by Vivian Beer has been sited in Winslow Park nearby Beer's other sculpture, *Rustle Diptych II* since their installation in 2008. Because of the lack of accessibility to the general walking public the PPAC has decided to relocate the sculptural bench to a site about half way around Baxter Boulevard. The site is on the water side of the Boulevard, across from the exit road from Payson Park. The artist, the Historic Preservation Committee and the Parks Commission have all approved the move. Pending approval by the Council, achieved by accepting this Annual Report, relocation will take place by Public Works in Spring 2014. \$5,000 has been budgeted for the relocation expenses.



Proposed location for Cloud Couch



## V. PROPOSED BUDGET FOR FISCAL YEAR 2014

The City allocates .05% of the annual Capital Improvement Project (CIP) budget for the restoration or acquisition of permanent public art. The carry-over balance from the previous fiscal years, FY 08 through FY13, was \$173,763.. The allocation for Fiscal Year 2014 is \$74,000.00. The total available balance is \$247, 763.

Remaining Expenditures for FY13:

### A. Encumbered

- a. Conservation and Maintenance  
\$5,000.00

### B. Invoiced

- a. Installation of Public Art Signage (04.03.13)  
\$2,850.00
- b. Community Art: East End Community School Dragon Sculpture (05.11.13)  
\$5,000.00

Programmed FY13 Expenditures: \$12,850.

For Fiscal Year 2014, the PPAC proposes the following list of expenditures:

### A. Programmed

- a. Conservation and Maintenance  
\$5,000.00
- b. Installation of eight Bernard Langlais sculptures  
\$30,000
- b. Relocation of Cloud Couch from Winslow Park to Baxter Boulevard  
\$5,000
- c. One community art project, as yet unnamed.  
\$5,000
- d. Contingency and reserve fund  
\$10,000

Total Programmed FY14:

**\$55,000.00**

**Remaining Available Funds for FY14:**

**\$179,913**

The Committee is currently reserving CIP funds for a large commission within the coming five years. This may be associated with the developments at Congress Square, which has figured prominently in our considerations going forward. We will be engaged with the planning process for Congress Square to assess the role of public art in this space.

## **VII. APPENDIX**

- A. Site Subcommittee Rubric
- B. Updated Temporary Art Guidelines (attached)
- C. Community Art Guidelines Draft (attached)

## A. Site Subcommittee Rubric

SITE SELECTION DATA ANALYSIS	SITE LOCATION
<b>NATURAL DETERMINANTS</b>	<div style="border-bottom: 1px dashed black; height: 15px; width: 100%;"></div> <div style="border-bottom: 1px dashed black; height: 15px; width: 100%;"></div>
<b>WIND FOR ART</b>	<b>COMMENTS*</b>
<b>SUN/ SHADE FOR ART</b>	
<b>SLOPE/ ELEVATION CHANGE FOR ART</b>	
<b>EXIST. PLANT MATERIAL FOR ART</b>	

\* COMMENTS SHOULD DESCRIBE THE +/- AFFECTS OF THE DETERMINANTS ON THE POTENTIAL ART SITE

**PUBLIC ART SITE LOCATION**

**SITE LOCATION**

**SITE SELECTION DATA ANALYSIS**      **CULTURAL FACTORS/ MANMADE**

**POSITIVE OR NEGATIVE ATTRIBUTES**

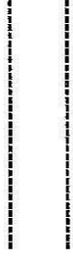
**COMMENTS\***

LAND USE	
SITE SIZE	
LINKAGES/ ACCESS/ PED. CIRC.	
AUTO TRAFFIC/ PUBLIC TRANSIT	
UTILITIES/ LIGHTING	
EXIST. BLDGS. [ HISTORIC ]	
OTHER HISTORIC FACTORS	

\* COMMENTS SHOULD DESCRIBE THE AFFECT OF THE ATTRIBUTES ON EACH VIEWPOINT

**PUBLIC ART SITE LOCATION**

**SITE LOCATION**



- A - SCREENED VIEW
- B - OPEN VISTA
- C - ENCLOSED OR FRAMED

**SITE SELECTION  
DATA ANALYSIS**

**VISUAL PERCEPTION OF SITE  
AESTHETIC FACTORS & AMENITIES**

VIEW POINT LOOKING TOWARD	COMMENTS FROM VIEW POINTS *
N	
S	
E	
W	

\* NOTE: 'VIEW POINTS' REFERS TO THE MOST OFTEN USED VIEWING AREA FOR A POTENTIAL ART SITE

# CITY OF PORTLAND, MAINE

## PUBLIC ART COMMITTEE

### Guidelines for Temporary Public Art

The City of Portland recognizes the role of public art in contributing to the life of the City and the well-being of its citizens. By engaging with the surrounding environment, public art enriches the spirit, values, and poetry of place. Temporary public art adds to the range and impact of public art, providing a changing array of outdoor installations all year around. The Portland Public Art Committee (PPAC) is the umbrella organization for the Temporary Public Art Guidelines. The guidelines are intended to inform applicants of the process.

A proposal to display a work of art temporarily on City owned property must be approved by a temporary art review panel established pursuant to these guidelines. Only artists who are 18 years or older shall be eligible to apply. An applicant must adhere to the following application, installation, and removal process. The review panel has the authority to approve applications, approve applications subject to conditions, and to reject applications. An installation permit will be issued by the Department of Public Services (DPS) following approval of an application by the review panel.

#### Eligibility

For the purpose of these guidelines temporary public art is defined as physical structures or combinations of material that may be installed for a maximum of one year, and that can be removed without lasting damage to the existing site. **A request for an extension of up to one additional year may be considered, although a request for extension may not be considered at certain sites.**

The appropriateness of subject matter and quality of workmanship are of utmost importance. Works will only be approved if they are suitable for display to the general public and for the particular site. Works shall not be displayed for commercial purposes, and shall not be advertised for sale while on public display. Credit for sponsorship of the temporary installment may be recognized on approved signage. Artists 18 years and older may apply. Artists must demonstrate capacity to execute, install and remove proposed pieces.

#### Site Selection

The City of Portland's public spaces include historic landscapes, pocket parks, open spaces, and trails which vary in dimensions, natural elements, and historic character. The placement of temporary art should respect and enhance the organic character of the site, and must not result in either physical or aesthetic damage to the landscape. In proposing sites for temporary public art, applicants should consider the following:

- Public spaces that are considered suitable for temporary public art projects are identified on the attached map. Additional public sites may also be considered;
- If more than one site is appropriate for a particular installation, it should be identified in the application;
- Final approval of an installation is contingent upon the appropriateness of the proposed site , including adequate visibility;
- Artwork shall not interfere with active use of open space by the public;
- Cemeteries will not be considered as sites for temporary art installations; and
- Certain sites may be subject to additional restrictions as determined by the review committee.

[Insert link to map here](#)

### **Review Panel**

A review panel shall include, but need not be limited to:

- One City staff designee from the Department of Public Services (DPS);
- One designee from the Portland Public Art Committee;
- The City of Portland’s Urban Designer or staff designee from the Department of Planning and Urban Development
- A designated artist.

For a given site, the review panel may include additional designees. Additional designees will be included when the proposed site involves the following conditions:

- For proposals involving an historic site, the panel will include a designee from the Historic Preservation Board;
- For proposals involving a site with an established “friends” organization, or equivalent, the review panel will include a designee from that organization;
- Additional stakeholders or interested parties may be invited to provide input during the review process.

### **Application Process**

Applicants should submit a complete application not less than three months prior to the intended date of installation. (See “Application Criteria” listed on page X). Incomplete applications will not be accepted.

1. A meeting with the applicant may be requested by the review panel prior to approval or denial.
2. Approval/denial notification will be sent to the email address provided on the application.
3. If the review panel requires further review, an additional meeting will be scheduled with the artist at the panel's next monthly meeting. Revisions requested by the review panel must be made in order to receive final approval and an installation permit.
4. The proposed contractual agreement with the Department of Public Services will be emailed to the applicant with the notification of approval of the installation.
5. Following receipt of the approval email, each applicant must submit a signed contractual agreement in the form provided with the approval email, signage information, proof of insurance, an endorsement page, at least five digital images of existing site conditions, and a security deposit in the amount required in the approval email.

Applicants should feel free to contact DPS staff with questions concerning their applications.

### **Contractual Agreement**

The contractual agreement will be emailed to applicant with notification of approval.

### **Proof of Insurance & Endorsement Page**

Proof of liability insurance and an endorsement page naming the City of Portland as an additional insured with general liability coverage of at least \$400,000 for bodily injury or death is required. The Certificate of Insurance must state the name of the artist, the site of installation, and duration of agreement. Insurance coverage must extend from installation through artwork removal and site restoration. If an extension is approved, the liability insurance must also be extended. The certificate and endorsement page provided by the insurance company must be emailed in PDF digital format to the Department of Public Services (DPS).\*

### **Security Deposit**

A security deposit will be required and must be submitted in cash, check, or by credit card to DPS. The amount of the deposit will be based on the estimated cost to remove the installation and restore the site. Typical security deposits will range from \$100 to \$1000. The security deposit will be retained until the artwork is removed, site restoration has been approved, and all required documentation has been submitted. (See "Artwork Removal and Site Restoration Documentation" on page X.) Upon fulfillment of these requirements, the security deposit will be returned in full. In case it becomes necessary for the City to remove the artwork and/or restore the site, the City's costs will be deducted from the security deposit.\*

*\*The Portland Public Art Committee does not wish that these fiduciary requirements become a major impediment to otherwise worthy temporary art. Applicants for whom these requirements impose a genuine hardship are encouraged to complete the application process and submit a statement of need to the panel. Should the piece be otherwise acceptable, efforts will be made by PPAC to secure a small stipend to be used to defray the cost of insurance, deposit or other expenses associated with the project.*

### **Installation, Maintenance, & Removal Process**

1. Installation may begin upon receipt of the installation permit.
2. The artwork shall be installed in accordance with the approved timeline.
3. Artwork to be installed near trees shall be subject to approval by the City Arborist.
4. Site must be marked and DIG SAFE (1-888-344-7233) approval must be obtained for all post and foundation locations. The artist should keep in mind that DIG SAFE requires a four-day advance notice.
5. Digging holes or drilling is **not** permitted on hardscapes; digging on softscapes, and driving vehicles on grass or unauthorized areas, requires prior approval from DPS staff.
6. artist or artist's approved designee must maintain the artwork in the condition originally approved. The artist or approved designee must monitor the installation and take action to amend or remove the artwork if necessary within specified time frames.
7. Artist must provide required documentation to the Department of Public Services (DPS) within 30 days of removal and site restoration.

### **Signage**

Only official temporary public art signage is allowed on or near the artwork. Signage shall include the name of the artist, title of work, construction materials, and period of installation. A list of project sponsors and an optional summary description of the artwork may also be included. No commercial content or sales information may be included. A QR code, web link, or similar information for contacting the artist may be permitted. Attached is an example of required signage.

### **Required Maintenance & Unanticipated Repair or Removal**

Periodic inspections by the artist or the artist's designee are expected. Damage to the site or the artwork, including vandalism and graffiti, must be repaired or removed within 72 hours following notification by the City. If an installation becomes a safety hazard, it must be repaired, removed, or stabilized as soon as possible, but no more than 24 hours following notification by the City. If repairs are not made within the required time frames, the artist will be advised that the City will take appropriate action to repair and/or restore the site, and any costs incurred will be deducted from the security deposit. The City reserves the right to remove the artwork and will not be held financially responsible for site restoration or any damage to the artwork.

### **Scheduled Removal & Site Restoration**

A timeline for installation, removal, and site restoration must be submitted with each application. Duration from start of installation to complete site restoration may not exceed 12 months. Artwork removal and site restoration must take no more than 5 days to complete. The **liability insurance of \$400,000 must cover the period from artwork installation to site restoration.**

If the approved timeline is not adhered to, the City may carry out all unperformed actions. The artist will be informed if the City decides to take such action, and all associated costs will be deducted from the security deposit.

### **Artwork Documentation**

The artist must provide final documentation of the project to the DPS staff within 30 days of site restoration demonstrating adequate site restoration. The final project documentation may be used by the Portland Public Art Committee to promote art in public spaces, and to refine the temporary public art procedures process. The PPAC shall have the right to use and reproduce the final project documentation material. Final Project Documentation shall include:

- Two or more digital images of the condition of the site prior to installation;
- Two or more digital images of the installation process;
- At least five images of the artwork while on display;
- At least five images of the site after completion of site restoration;
- Written feedback pertaining to this project, i.e. impact of your piece, public feedback, suggestions for improvement of temporary public art process, etc. (suggested length: 250 words)

### **Application**

The application form is available online at [www...gov.org](http://www...gov.org). and includes the following:

- **Title of Work**
- **Artist Information**
- **Summary** - Physical description of artwork including dimensions, materials used in construction and installation. Description of site location and plan for any site disturbance during installation.
- **Technical Requirements** - Lighting, sound or technical needs associated with the project and how they will be procured. Impact, if any, project will have on pedestrian or vehicular traffic. (Any projects using sound must follow the city ordinances regarding volume. Please submit a recording for review with the application.) Additional city licenses may be required.
- **Maintenance and Safety** - Brief description of maintenance requirements. Public health, safety, and welfare liability issues, i.e., toxic materials, sharp edges, structural stability, security issues, and obstruction of site lines or issues related to pedestrian and vehicular traffic.
- **Schedule** – Timeline of installation, duration, and removal. Names and contact information for artist and parties responsible for installation, maintenance, security and removal of artwork.

- **Attachments:** resume, 10 images and slide list, structural sketches or maquettes of proposed piece on site, optional expanded summary (no more than one page).

**Email application in Microsoft Word Document (word.doc) form to the following address:**

**Ted  
Musgrave**  
[gov](mailto:TMV@portlandmaine.gov)  
**Department  
Portland Street  
Portland, ME 04101  
Phone: (207) 874-8826**

[TVM@portlandmaine.](mailto:TMV@portlandmaine.gov)  
**Public Services**  
**55**

**Application Checklist:**

- Completed application (in word document form)
- Resume, including experience relevant to public art
- Sketches or scale rendering of art work
- Map of proposed installation including positioning of artwork on site
- Images or maquette of art work
- Images of previous/related work (*Please limit images to a total of 10. Images should be no more than 5mg each. Please label images: Last name\_\_Firstname\_\_jpeg\_\_*)
- Optional expanded statement of intention (Limit one page)

**Public Art Guidelines  
Revised January 5, 2009**



City of Portland, Maine



Guidelines for the Public Art Ordinance



Volume 2, Number 1 - January, 2009

**City of Portland, Maine**

**Guidelines for the Public Art Ordinance**

Portland Public Art Committee

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**I. GUIDING PRINCIPLES FOR COMMISSIONING NEW ARTWORK**

**A. Introduction**

The Portland Public Art Committee (PPAC) commissions art work that engages with the surrounding environment to create, enrich, or reveal a sense of place, and to express the spirit, values, visions, and poetry of place that collectively define Portland.

All public art should make a positive contribution to the life of the city, and to the well being of its citizens. In keeping with this principle, artwork that is to be added to the collection should be created in active response to the character and history of the site and reflect the creative exchange between visual arts professionals and the community.

Public art should not be seen as a mere adornment of buildings or spaces; rather, the art should be seen as an amenity for diverse groups of citizens. The emphasis is on the people who use the facilities – on improvement as enrichment of public life. The goal of the Portland Public Art Program is to respond to the City’s diverse communities. Artworks that are added to the collection should be created in active response to the character and history of their particular places.

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Artists can make a profound contribution to public life. Whether they add extraordinary elements to the cityscape or more quietly improve upon public spaces in collaboration with architects and urban designers, the creative efforts of artists can heighten the quality of the common experience.

**B. Categories of Public Art**

Public art can be viewed as dividing into four categories, listed below. The boundaries between these categories are often blurred, and successful art works often bridge two or more of the descriptions.

1. Art Works of Remembrance

Art Works of Remembrance are used to commemorate a specific historical figure or event of public importance. Art works of remembrance can include figurative or abstract statues, monuments, memorials and historical markers.

2. Expressive Art Works

Expressive Art Works integrate objects into public spaces with the primary purpose of introducing a sense of artistic vitality, playfulness, spirit, delight, fantasy, joy, or wonder into the daily lives of citizens.

3. Functional Art Works

Functional Art Works aim to enliven the quality of our public realm while providing comfort and amenity. Functional Art Works create collaborations between visual arts professionals and architects/urban designers to add functional yet extraordinary elements to the cityscape. Examples of Functional Art Works can include streetscape furniture like benches, fountains, information kiosks, bus shelters or signage.

4. Community Art Works

Community Art Works aim to engage the City's diverse communities by creating collaborations between visual arts professionals and community members to achieve works of artistic excellence. Community Art Works creatively express the memory, values, traditions, customs or aspirations of community members, address significant neighborhood sites, and/or respond to the character and history of particular places. Community Art Works should stimulate curiosity and interest in a community's heritage, and promote a sense of membership and harmonious co-existence among various groups within a community.

**C. Priorities for Art**

Currently, the majority of the Portland Public Art Collection could be classified as Art Works of Remembrance. The Public Art Program will promote the principle of providing a more balanced

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variety of public art categories within the collection, and will concentrate on commissioning new art work that expands the range of the collection.

The Public Art Committee receives many proposals for public art projects but is able to fund and implement only a few. The following are general guidelines for the use of public art funds and the means by which projects are selected.

1. Highest priority will be given to the ongoing conservation and maintenance of the existing public art collection.
2. Consideration of proposals for memorials or works commemorating historical events that are brought forward by public officials or other organizations will be balanced with the committee's primary focus on projects that are site specific or "placemaking" in character or that are community based. Proponents of proposals will generally help provide funding.
3. Proposals from visual arts professionals or other individuals will be considered only in rare instances when proposals demonstrate a clear benefit to the city.
4. Temporary art cannot be funded under the Public Art Ordinance. In some cases it may be possible to facilitate the placement of work on city property if funding is provided.

**II. REVIEW CRITERIA FOR PROPOSED GIFTS OF ARTWORK**

**A. Introduction**

From time to time, the City of Portland receives offers from potential donors interested in contributing artwork to the City's Public Art Collection for placement on City property. These are generous and much appreciated gestures to the citizens of Portland, and they often represent substantial investments of time, resources, and effort on the part of donors.

Installing works of art in public spaces must be viewed as a partnership between the City and the potential donor/artist in conception, design and implementation. It is an honor for an artist's work to be included in the City of Portland's collection of public art. Many gifts of art are offered to the City, but only a few can be accepted. There are a limited number of public spaces in Portland, and the City is entrusted with deciding how these spaces are to be enhanced for the greatest good of the community.

The Portland Public Art Committee is charged with the responsibility of reviewing all artwork offered as gifts to the City. Depending on the proposed location for siting the artwork, other review committees may also need to render a subsequent recommendation.

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After reviewing a proposal of artwork, the Portland Public Art Committee makes a recommendation to the City Council to accept the gift or decline the gift. The artwork must be approved and accepted by the City Council before placement can occur. Nothing in these guidelines limits or modifies in any way the authority of the City Council to accept or reject gifts of public art.

The following criteria provide the City, the Portland Public Art Committee, and the potential donor a framework to assure a timely and responsive review process. The criteria will also assure the appropriateness of such donations. The Portland Public Art Committee will review potential gifts of art with regard to:

1. Appropriateness of the gift to the City's Public Art Collection as defined in the criteria for review ;
2. Quality of design, materials and construction of the proposed gift; and
3. Accessibility, public safety, site improvements, costs to the City, and maintenance requirements.
4. Compatibility with the current Public Art Plan.

**B. Summary of the Review Process**

1. The potential donor shall discuss the idea of donating artwork to the City's Public Art Collection with the Planning Office at the inception. A staff person from the Planning Office and a volunteer from the Public Art Committee will be designated to work with the potential donor throughout the review process.

2. Artist selection is a critical step. If the project is to be gifted to a site on City land, the Public Art Committee must be part of the selection of the artist and the project unless otherwise agreed to by the Public Art Committee. A list of potential artists and other resources shall be provided by the Public Art Committee.

3. The potential donor works with Planning staff and the Public Art Committee to review the appropriateness of a proposed gift to the Public Art Collection. This threshold issue of appropriateness should be addressed before the applicant invests inordinate amounts of time or money in designing a work or in preparing a detailed application.

4. Once the Portland Public Art Committee has rendered a decision regarding the appropriateness of the proposed gift, the potential donor will prepare additional application materials for review according to the *Criteria for Review* (see below). Planning staff will assist the potential donor to assure the completeness of the application.

5. The Portland Public Art Committee reviews a potential donor's application material according to the *Criteria for Review* (see below). To assure a timely review of a potential gift, the Public Art Committee will schedule a review of a project at its next regularly scheduled meeting, or as requested by the potential donor. Public comment will be taken at the time that the project is reviewed by the Public Art Committee.

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- a. If the proposed site of the artwork falls within the jurisdiction of another review body (e.g., the Friends of the Parks for park sites, or the Historic Preservation Committee for sites in an historic district), the Planning Office will assist the potential donor in scheduling a review by the other review bodies. After recommendations are received from other review bodies, if any, the Planning Office will forward the recommendations from those review bodies back to the Portland Public Art Committee for consideration.
  - b. If the application is determined to be complete at the time of its review, and once other appropriate review bodies, if any, have rendered a recommendation, then the Portland Public Art Committee will vote to make a recommendation to the City Council as to whether to accept or not accept a proposed gift. The recommendation of the Public Art Committee is then forwarded to the City Council for review and action. The submission to the City Council will include designs, plans and supporting documents reviewed by the Portland Public Art Committee, as well as the recommendation from the Portland Public Art Committee and recommendation(s) from other appropriate review bodies, if any.
5. Artists are required to collaborate with an art conservation expert to determine issues related to sustainability, to make maintenance recommendations, and to submit a maintenance report.

**C. Criteria for Review**

1. The potential donor will meet with the Public Art Committee to review the appropriateness of the gift. The proposed donation of artwork must be of appropriate theme, character, and design for public display, and must be consistent with the objectives of the Portland Public Art Collection. The Portland Public Art Committee will work with the proponents to develop concepts that respond sensitively to the objectives of the Public Art Collection, the proposed site and surrounding context. Appropriateness is a threshold issue. It is recommended that a proposed donor gain the consensus of the Public Art Committee that the proposed gift is appropriate before investing inordinate amounts of time or money in planning, designing or documenting a potential gift.
2. The proposed donation of artwork shall be of the highest quality design, materials, and construction. It shall be designed and fabricated for durability as well as for relatively low maintenance. It should retain its intended appearance, quality, durability and function for a minimum of twenty years.
3. The proposed donation of artwork shall be accessible to the general public.
4. The proposed donation of artwork shall not contain commercial advertising including logos, slogans and mascots.
5. The appropriate level of design documentation will be required at all stages of the review process. Proposed donors must follow the documentation outline as set forth in Guideline III, Requirements for Design Documentation for Review of an Art Project.

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6. The Portland Public Art Committee will work with the donor and/or the artist to integrate a Portland Public Art plaque into the site.
7. Any required commitment of public resources to the project must be thoroughly identified by the proponent, evaluated by the Portland Public Art Committee, understood and agreed upon prior to the acceptance of any donation. An itemized breakdown of all City contributions shall be required including estimates for all design time, labor, and ongoing maintenance.
8. All applicable considerations in Sections III *Guidelines for Selecting Artwork and Artists*, and Section IV *Requirements for Design Documentation and Project Records* shall apply.

**D. Glossary of Terms**

Amenity - Something that provides or increases comfort and convenience.

Applicant - The potential public art donor or donor's representative.

Appropriate - Suitable or fitting as determined by the review board responsible for particular aspects of site design and/or design quality.

Character - Distinguishing features or attributes.

Collaborative Art - Artwork generated from a group of designer/artists from different disciplines working together. Each discipline brings a different or new perspective to the design process. Often collaborative design teams consist of an artist, landscape architect and architect.

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.

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

Theme - The subject or message of an artistic work.

### **III. GUIDELINES FOR SELECTING ARTWORK AND ARTISTS**

#### **A. Introduction**

The Portland Public Art Committee presents an Annual Art Plan to the City Council for review and approval. The Annual Art Plan includes recommendations for acquisition or commission of artwork for the public art collection. Once the site and concept of an acquisition or commissioned artwork project is approved as part of the Annual Art Plan, the Public Art Committee will establish an Artist/Artwork Selection Panel for each project. The Artist/Artwork Selection Panel will make a recommendation for artist/artwork selection to the Public Art Committee. The Public Art Committee will review the recommendation according to the review criteria and will accept, accept with conditions, or not accept the recommendation of the Artist/Artwork Selection Panel. In case the recommendation is not accepted, the Public Art Committee will work with the Artist/Artwork Selection Panel to resolve issues concerning the recommendation.

#### **B. Summary of Artwork Selection Process**

1. A project is identified in the Public Art Committee's Annual Art Plan, and is approved by the City Council. The project may be the acquisition of artwork for a site, or the commissioning of an artwork for a site.
2. The Public Art Committee appoints an Artist/Artwork Selection Panel for the project to coordinate the selection process.
3. The Artist/Artwork Selection Panel makes a recommendation to the Public Art Committee regarding the selection of an artist or artwork.
4. Upon acceptance of the Artist/Artwork Selection Panel's recommendation, the Public Art Committee and planning staff will manage the project through installation.

#### **C. Artist/Artwork Selection Procedure**

1. Establishment of the Artists/Artwork Selection Panel
  - a. The Public Art Committee will establish a separate Artist/Artwork Selection Panel to select an artist/artwork for each public art project under consideration.
  - b. At a minimum, the Artist/Artwork Selection Panel consists of five voting members including two site, neighborhood or district representatives who have a vested interest in the project, two visual arts professionals, and a representative from the Portland Public Art Committee. The number of voting panelists and composition of the panel may be different depending upon the size and complexity of the project. Non-voting advisors, consisting of community, design, technical and City departmental representatives etc. as deemed appropriate by the Public Art Committee can participate on the panel. The Public Art Committee member will chair the Panel. If

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the project site is to be integrated with a newly constructed building, park landscape, or public plaza, the designer of the new construction, or designer's representative, shall be included in the Artist/Artwork Selection Panel.

- c. Community involvement is encouraged. All meetings of the Artist/Artwork Selection Panel are open to the public and are held on site or near to the site of the proposed artwork installation.
- d. Before the first meeting of the Artist/Artwork Selection Panel, the Public Art Committee shall issue written instructions to the Artist/Artwork Selection Panel detailing duties and responsibilities relating to the project and process. If consensus cannot be met regarding the selection of an artwork or artist, then a vote shall be taken with the majority carrying the decisions. The Artists/Artwork Selection Panel shall have the option of making no selection. The Artists/Artwork Selection Panel's decision will be recorded by the Artists/Artwork Selection Panel chairperson in the form of a written recommendation to the Public Art Committee for their formal vote of acceptance. Artists will receive notification of the results of the selection process after the Public Art Committee has taken final vote.

2. Artists/Artwork Selection Methods

The Public Art Committee will identify in the Annual Art Plan one of the three following methods or combination of methods in selecting a public art project:

- a. Direct Purchase: Artists who have finished work available for direct purchase for a public art project will be solicited to submit the following to the Artist/Artwork Selection Panel:
  - a1. A computer disk or slides with no more than five images each of four different pieces. If slides are provided, they shall be submitted in a clear plastic slide display sheet. Each slide should be numbered and marked with the artist's name and the title of the work.
  - a2. A proposal sheet with the artist's name including the following information on each piece: title of artwork, dimensions, medium, date produced, price, location, and other information the artist deems pertinent.
  - a3. Resume and references from previous similar projects.
- b. Open Competition: The project and request for qualifications shall be advertised through various media (local and/or national) and in the Maine Art Commission's Percent for Art Newsletter. Artists will be required to submit the following qualifications:
  - b1. Resume and work history
  - b2. Digital files or slides of previous work

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- b3. Conceptual approach statement (1 page max)
- b4. References from similar previous projects
- c. Invitations or Limited Competition
  - c1. A limited number of artists are chosen directly from the Maine Arts Commission's Artists Registry or some other source and are invited to prepare proposals in the same manner as the Open Competition method.
- 3. Artist/Artwork Selection Rules
  - a. The Artist/Artwork Selection Panel and/or the Public Art Committee may ask for additional information before selecting finalists. Artists selected as finalists are generally paid a design fee for submission of a final proposal, which may include a model, drawings, photographs or sample materials. Depending on the project budget, consideration may be given to advertising within a limited geographic area.
  - b. Conflicts of Interest: Public Art Committee members or Artist/Artwork Selection Panel members shall abstain from voting when they are associated with an artist or artwork under consideration for any percent for public art project if the relationship may compromise the objectivity of that process.
  - c. Return of Submission Materials: Entry materials will be returned to the artist only if the artist provides appropriate packaging, postage, and insurance. Non-selected artists will be informed of the final artist/artwork selected when entry materials are returned.
  - d. If two art pieces by two separate artists share one site, these pieces shall be considered in relation to each other when selecting the pieces for the site.
- 4. Artist Artwork Selection Criteria

The selection of Artists and/or Artwork for all percent for art projects will be based on the following criteria:

- a. Artwork
  - a1. Quality: The work should be of the highest standard with regard to workmanship, materials, assembly, content, location on the site, and appropriateness in theme and character as determined by the Public Art Committee.
  - a2. Elements of Design: The Artist/Artwork Selection Panel and the Public Art Committee will take into account the fact that, as differentiated from works in a

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museum context, art in public spaces may function as focal points, modifiers, definers of public spaces and/or creates identity within the public realm.

- a3. Style and Nature: Work of any style or nature which is appropriate for the public art collection and which is responsive in scale, material, form and content with their surroundings will be considered. Works may be participatory in nature.
- a4. Media: All forms allowed by ordinance may be considered.
- a5. Conservation: Due consideration shall be given to structural and surface soundness and to performance in terms of relative proof against theft, vandalism, weathering, or excessive maintenance or repair costs.
- a6. Project budget as specified in the Request for Proposals. This budget shall include at least the following items:

All costs related to the acquisition, fabrication and installation of the piece

Project Manager

Traffic Management and Police Detail

Street Closures

Structural Engineer

Conservation Evaluation

Landscape Architect

Plant Materials

Signage – temporary

Signage – permanent (in accordance with City specifications)

Fencing – temporary

Mitigation of any utility problems identified by Digsafe.

Contingency of 5% of total project cost.

Other issues that may be identified during planning, review and implementation.

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- b. Artists
  - b1. Cooperation: The demonstrated ability of the artist to work closely and cooperatively with the Committee, staff, and community.
  - b2. Communication: The artist must have the ability to clearly communicate concepts both visually and through clearly written materials. In addition the ability to develop specific drawings of the artwork placed at the site will be required. (See *Requirements for Design Documentation and Project Records*)
  - b3. Experience. The artist and project team is required to demonstrate the ability to create and execute a public art project within the timeframe and budget.
  - b4. Measurements. The artist is responsible for all measurements of the site, to be taken in the field. Failure to do so, or errors, shall be the responsibility of the artist, and be corrected at the artist's expense.
  - b5. References. The artist must provide at least three references of persons who can speak to the artist's demonstrated ability to implement art in the public realm.

**D. Glossary of Terms**

Public Art Project - An acquisition or commissioning of an artwork that has been identified in the Annual Art Plan for addition to the public art collection.

Visual Arts Professionals - Professionals chosen from the following categories: architect, artisan, artist, art educator, museum curator or director, art historian, art critic, art collector, or layperson who has demonstrated interest in and understanding of the visual arts.

**IV. REQUIREMENTS FOR DESIGN DOCUMENTATION AND PROJECT RECORDS**

**A. Introduction**

The Portland Public Art Committee must review all permanent public art installations, whether by acquisition through gift or purchase, or by commissioning of artwork, to insure that the artwork is of the highest quality in design, construction, materials and installation. Also, the Public Art Committee and staff are responsible for developing and maintaining permanent records regarding the public art collection. These Guidelines outline the requirements of documentation to be provided by an artist, his or her representative(s), and/or their collaborator(s) in order to insure a thorough review.

**B. Requirements of Documentation for Review, and Project Records**

1. The appropriate level of design documentation by the artist will be required at various stages of the design process. For projects requiring a significant amount of design development, structural/architectural detailing, or site work, the Public Art Committee shall require that the artist retain the assistance of a professional architect, landscape architect, and/or engineer. The following checklist for design documentation is intended to provide a thorough review process and provide sufficient records for the Public Art Committee's archives. The Public Art Committee will work with the project creators to determine the appropriate levels of documentation. All documentation submitted for review will become property of the City and will be included in the project records.
  - a. Conceptual Design:
    - a1. Concept drawing(s) at an appropriate scale
    - a2. Site context drawing(s) at 1" = 20' or other scale as appropriate
    - a3. Working model, perspective sketches, and section and/or elevation drawings as appropriate
  - b. Existing Conditions Site Survey for Location of Proposed Art:
    - b1. Proposed site or site alternatives
    - b2. Existing topography, context, vegetation
    - b3. Spatial and scale relationships
    - b4. Historic context
  - c. Design Development
    - c1. Response to context and historic character of the site
    - c2. Proposed grading, site work, and proposed restoration of same
    - c3. Proposed construction and site materials including details/amenities
    - c4. Proposed and/or required plaques: Commemorative, identifying, and/or interpretive
    - c5. Review of liability issues (public health, safety, welfare)
    - c6. Review of safety/security issues

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- c7. Review of ADA accessibility standards
  - d. Construction Drawings and Specifications:
    - d1. Construction drawings for all art objects, walls, paving, structural elements and/or objects to be built or installed on site
    - d2. Planting plan and plant list, and
    - d3. Lighting plan, and plans of electrical and mechanical elements
    - d4. Installation details, catalog cuts, and specifications for all additional amenities
    - d5. Written Specifications
  - e. Proposed Schedule (all elements to be coordinated with City staff)
    - e1. Design documentation and review schedule
    - e2. Fabrication and installation schedule
    - e3. Maintenance plan and schedule
  - f. Additional Documentation:
    - f1. Artist's statement and/or interpretative narrative regarding proposed public art project
    - f2. Artist's resume
    - f3. References
    - f4. Photographic documentation of process and/or product through and including final installation
  - g. Maintenance Report
2. In addition to the documentation listed above, the Public Art Committee shall maintain record files on each project that shall include, but not limited to, the following:
- a. Contract(s) with the artist(s) engaged in the project.
  - b. Record of the Committee hearing on the project.

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- c. Interdepartmental agreements relating to the siting and/or implementation of the project.
- d. Correspondence and memoranda relating to the project including media coverage.
- e. Record of all billing made in connection to the project.

**V. GUIDELINES FOR COMMUNITY ART WORKS**

**A. Introduction**

The Portland Public Art Committee allocates a portion of its budget for Community Art Works. The goal is to engage citizens and community groups in the creation of public art in local neighborhoods. This initiative aims to:

- Engage the City's diverse communities by creating collaborations between artists and community members to achieve works of artistic excellence;
- Creatively express the memory, values, traditions, customs or aspirations of community members;
- Address significant neighborhood sites, and/or respond to the character and history of particular places;
- Stimulate curiosity and interest in a community's heritage; and
- Promote a sense of membership and harmonious co-existence among various groups within a community.

**B. Project Types**

Community Art Works is a relatively new initiative of the Portland Public Art Committee. Many examples of community based public art can be found in other communities (Vancouver, British Columbia in particular has a well developed program). Perhaps the best example of a local project is the East Bayside Murals by Andrew Schoultz and Bayside youth (a case study is available).

**C. Eligibility**

Community Art Works grants are available to applicants that include a neighborhood-based not-for-profit partner which is able to legally and responsibly utilize grant funds. Such entities could include a local arts organization; neighborhood association; community center; community service group; or similar organization.

The organization must work in conjunction with a professional visual arts professional or group of visual arts professionals to create public art that is in compliance with the City's *Public Art Program Ordinance* and the *Portland Public Art Committee Guidelines*.

The Community Art Works funding may be used for artist fees; administrative costs; supplies and materials; technical requirements and rentals; and travel, housing and hospitality for artists.

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**D. Funding**

The Portland Public Art Committee allocates a portion of its annual budget to be used as matching funding for Community Art Works. All awards are contingent upon the availability of funds from the Portland Public Art Committee budget and are subject to approval by the City Council.

Grant applicants shall commit to a contribution of in-kind services or cash that is equal to, or greater than, the funding requested from the Portland Public Art Committee. Eligible in-kind contributions include, but are not necessarily limited to room rental, equipment, materials, donated services, volunteer participation, and staff costs. Applicants are encouraged to explore other sources of funds such as foundations and corporate resources.

**E. Application**

The attached application must be completed. In brief, applicants should address the following:

1. Describe the conceptual vision for the Community Art Works project;
2. Identify the potential neighborhood site(s) for the art work;
3. Explain what makes the potential site(s) important to the neighborhood;
4. Identify a non-profit organization that can receive funds on behalf of the project;
5. Provide the contact info and mission statements of the team members and project lead;
6. List the skills or background desired in an visual arts professional;
7. Describe the scope of the visual arts professional's role;
8. If there is an interest in engaging a particular visual arts professional or the application is coming from a visual arts professional, please provide a resume and slides of previous work. If a visual arts professional has not been selected, please list the qualifications desired.
9. Detail sources of additional matching funds (cash and/or in kind sources).
10. Timeline for completion of project.

**F. Requirements**

The requirements for Community Art Works projects are as follows:

1. Located on City lands with documented permission of the appropriate authority.
2. Designed to be permanent and last at least 20-25 years.
3. Accessible to the general public.
4. Accessible to people with disabilities, as required by law.
5. Safe and vandal-resistant.
6. Evaluated by the City's Public Art Conservator for future maintenance issues.
7. Demonstrated capacity to undertake and complete the project within one year.
8. Submitted under the auspices of a non-profit organization.
9. Applicants must include PPAC in all publicity related to the project.

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10. Demonstrated outreach to the community, City Councilors and other local government officials.

**G. Site Criteria**

The applicant should prepare an explanation of the following issues as they relate to the project:

1. Preferred site(s) and general reason for this selection;
2. Written permission of the appropriate public authority (PPAC will help to identify);
3. Public accessibility and any related potential safety issues;
4. Traffic patterns and interactions with the artwork;
5. Environmental impacts, if any;
6. Relationship of proposed artwork to existing or future development plans for the area, architectural features, natural features and urban and landscape design;
7. If located near a structure, describe the facility's function, and its users and surrounding community, as well as the interaction of the users with the proposed artwork; and
8. Relationship of the proposed artwork to existing art works in the vicinity.

**H. Restrictions**

Community Art Works funds may not be used for the following purposes:

1. Work that portrays school, team, corporate or organizational mascots.
2. Art that has singularly religious or sectarian purposes.
3. Work that is not accessible to the general public.
4. Expenses incurred before the starting date of the period covered in the grant request.
5. Capital improvements, facility construction, structural renovation, and restoration.
6. Purchase of equipment, property, library holdings or acquisitions.
7. Publications or recordings for commercial purposes.
8. Scholarships or other activities related to academic credit or degrees.
9. Activities intended primarily for fundraising.
10. Receptions, parties, or gallery openings.
11. Food, beverages, or other refreshments.
12. Prizes and awards.
13. The application of new artistic work to historic buildings or structures, unless approved by the state historic preservation office as being in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. For more information, contact the City of Portland, Historic Preservation Program, 207-874-8721.

**I. Application Process**

Applicants should initially contact the Portland Public Art Committee to discuss the proposed project. Staff will provide feedback on the conceptual idea and determine if the activity is eligible for funding. Guidelines and an application will be forwarded after this initial contact.

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Please contact the Portland Public Art Committee, attention of the Planning Division, City of Portland, 389 Congress Street, Portland, ME 04101, 207-874-8721.

Exact details of the proposed artwork do not need to be determined at the application stage. In fact, applicants are encouraged to refrain from specifying details of the artwork until a qualified visual arts professional is involved. The PPAC may provide input in choosing the visual arts professional.

Each application must clearly identify a lead organization or person. This lead entity will be asked to meet with the PPAC a minimum of two times.

At the first meeting, the application and conceptual project will be discussed. The PPAC will help to establish a final scope for the project's design.

The PPAC may recommend appropriate visual arts professionals. If the applicant has an interest in engaging a particular visual arts professional or the application is coming from an visual arts professional, a resume and slides of previous work should be submitted. The PPAC must approve the visual arts professional.

At the second meeting, the project lead will present an application which may include a draft design and budget as well as materials and specifications.

Unsuccessful applicants may request a meeting with the PPAC to discuss the project and opportunities for revision prior to the next funding cycle.

**J. Review Criteria**

The Portland Public Art Committee will review the final applications and recommend projects to the City Council for approval. The Committee will evaluate proposals for the following:

1. Artistic merit is evaluated by the quality of production, project innovation, and the intent of the proposed work for that site, in the context of its surroundings. If the visual arts professional is part of the application team, their training, experience and previous work are part of the evaluation.
2. Community process is evaluated by the level of community leadership, the cultural diversity of community participation, and evidence of support by community groups and individuals who may donate funds, materials and services. Projects are preferred that involve the community in "hands on" efforts.
3. The project site(s) for the art should be identified in the application, and the significance of these sites to the neighborhood or the larger community should be described, such as accessibility, prominence, cultural or historic significance, and proximity to other sites.
4. Focus, clarity and achievability.
5. Ability to produce a public project.
6. Realistic funding and implementation plans.
7. Maintenance requirements.

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**K. Contract, Deliverables, and Disbursement**

Alice: I have added this proposed section of the outline, using track changes. If you are comfortable drafting in track changes mode, please feel free to edit this version of the document to incorporate the language we discussed. I assume we are talking about the need to enter into an agreement about the use of funds for community artwork, the need to ensure that the funds are used primarily for the art itself, and that any other needed funds from other sources are in hand before City CIP Percent for Art funds are disbursed, and that the project will be completed in a time certain with a report back to the Public Art Committee on progress and completion. If you would prefer, you can draft the proposed additional language and send it back to me, and I will insert it into this document.

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**L. Timeframe and Deadlines**

Submissions should be delivered no later than 4:00pm on September 7th to the Portland Public Art Committee, attention of the Planning Division, City of Portland, 389 Congress Street, Portland, ME 04101, 207-874-8721.

Projects are expected to be completed within one year of funding approval. Some exceptions may be approved due to unforeseen circumstances. The dates below are guides and may change slightly from year to year given holidays and other conflicts. Please check with PPAC for dates.

- |     |                                  |   |
|-----|----------------------------------|---|
| 1.  | Conceptual Development           | May- August                               |
| 2.  | Deadline for Applications        | September 7                               |
| 3.  | Review of Applications           | September                                 |
| 4.  | City Council Vote on Annual Plan | December                                  |
| 5.  | Notice of Decision               | December 31                               |
| 6.  | Use of Funds May Begin           | December 31                               |
| 7.  | Fabrication and Installation     | January - December                        |
| 8.  | Midpoint Assessment Due          | June 30                                   |
| 9.  | Use of Funds Must Conclude       | December 31 (an exception may be granted) |
| 10. | Final Report Due                 | January 31                                |
| 11. | Evaluation of Project            | Completion of the project.                |

**M. Contact Information**

For any additional information, and to submit an application form, please contact the Portland Public Art Committee, attention of the Planning Division, City of Portland, 389 Congress Street, Portland, ME 04101, 207-874-8721.

**VI. MAINTENANCE POLICY**

**A. Introduction**

The City of Portland is responsible for the maintenance of permanently installed artworks within the City's collection. The Public Art Committee is charged by ordinance to "recommend to the

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City Council the expenditure of funds for the ... maintenance of public art," and to "oversee the maintenance, care and repair of the public art collection."

The following Guidelines shall apply to the Public Art Committee in the preparation of an Annual Art Plan with respect to recommendations for maintenance.

**B. Guidelines Regarding Allocations to and Implementation of Maintenance to Public Art**

1. The Public Arts Committee will develop an inventory of the public art collection, and periodically will work with a professional conservator to assess the condition of the collection. Based on this survey, the Committee will prepare a Public Art Maintenance Plan. The Committee will recommend to Council maintenance projects in an Annual Art Plan. Two levels of maintenance and their associated schedules will be identified within the Art Plan:

a. Major Restoration

Public Art Committee may recommend to the City Council an annual appropriation from the Public Art C.I.P. allocation for a determined dollar amount identified for specific project needs. These recommendations must meet the criteria for capital improvements as defined by the City of Portland, and must generally be repairs or maintenance, which will have a lifespan of twenty years or more. Proposed work must be in accordance with recommendations and specifications made by a professional art conservator with expertise appropriate for the project.

b. Minor Rehabilitation

Maintenance of this type that does not meet the criteria of a capital improvement shall be the responsibility of and administered by the Public Services Department as set forth by the Public Art Committee in the Public Art Maintenance Plan. The department having jurisdiction over the maintenance of particular projects/sites shall also be responsible for 1) keeping the Public Art Committee informed about any changes in the condition of the artwork, and 2) not altering the works of art or sites in any way without the prior approval of the Public Art Committee.

2. All maintenance and restoration work shall be reviewed and must be approved by the Public Art Committee prior to being initiated.

3. Visual arts professionals will be required to submit a comprehensive maintenance plan, schedule, and specifications prior to the final acceptance of a project, as per their contract.

**VII. RELOCATION OF PUBLIC ART**

**A. Introduction**

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These Guidelines recognize that over time there may be reasons to relocate artwork. The Public Art Committee shall review any proposed relocation of public art, and shall forward a recommendation to the Council for action. After receiving the recommendation from the Committee, the Council can vote to relocate artwork.

**B. Summary of Relocation Process**

1. A review for Consideration for Relocation may be implemented by direction of the Council, or by the Public Art Committee as part of the annual art plan.
2. The Public Art Committee will review the Consideration for Relocation according to the Guidelines.
3. The Public Art Committee will include a recommendation to Council regarding relocation as part of the next scheduled Annual Art Plan.
4. The Council, by majority vote, can order the relocation of the artwork.

**C. Relocation Policy and Procedure**

1. Eligible Artworks

Works eligible for consideration for relocation through this policy include all artwork in the official City of Portland Public Art Collection. These works include:

- a. Artworks purchased or commissioned through the Public Art Program.
- b. Gifts of artwork accepted by the City of Portland in accordance with the gift acceptance policies of the Public Art Committee.

2. Relocation Procedure

- a. The Committee may consider relocation of artwork for one or more of the following reasons:
  - a1. The current location of artwork limits public accessibility
  - a2. The condition or security of the artwork cannot be reasonably guaranteed in its present location.
  - a3. Significant changes in use, character or actual design of the site require a re-evaluation of the relationship of the artwork to the site.
  - a4. Re-development of a public space offers a location that may be a more appropriate site.

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- b. Sequence of action to relocation.
  - b1. The Public Art Committee determines that an artwork meets one or more of the criteria established above.
  - b2. The Public Art Committee shall inform the artist, if still alive, and the donor, if the artwork was a gift to the City, that the artwork is being reviewed for consideration of relocation.
  - b3. The Public Art Committee shall inform City Departments or Committees that have a vested interest in the relocation issue of the impending review. The Planning Office will coordinate reviews by other parties as appropriate. Examples of other departments or committees which may have vested interests and/or review authority may include, but is not limited to the Parks Department, the Department of Transportation and Waterfronts, the Friends of the Parks Committee, and the Historic Preservation Committee.
  - b4. The Public Art Committee holds a public hearing to consider a recommendation to the City Council to relocate a work of art. If the Public Art Committee then votes to recommend relocation of a work of art, that recommendation will be forwarded to the City Council in the annual Public Art Plan. Any relocation recommendation must also address all siting issues as outlined in the Guidelines for Design Documentation for Review of an Art Project.
  - b5. Acting on the Public Art Committee recommendation as included in the Annual Art Plan, the City Council holds a Public Hearing to consider relocation the artwork.

**VIII. DEACCESSIONING POLICY**

**A. Introduction**

Deaccessioning is the process of removing existing installations of artwork from the public collection. These Guidelines recognize that over time there may be reasons to deaccession artwork. Reasons for deaccessioning may include, but not be limited to, situations where artwork has been damaged beyond reasonable repair, where artwork is deemed inappropriate, or requires removal because of new developments in the direction of the public art collection. The Public Art Committee shall review any proposed deaccessioning of public art, and shall forward a recommendation to the Council for action. After receiving the recommendation from the Committee, the Council can vote to deaccession artwork.

**B. Summary of Deaccessioning Process**

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1. A review for Consideration for Deaccessioning may be implemented by direction of the Council, or by the Public Art Committee as part of the annual art plan.
2. The Public Art Committee will review the Consideration for Deaccessioning according to the Guidelines.
3. The Public Art Committee will forward a recommendation to Council regarding deaccessioning.
4. The Council, by majority vote, can order the deaccessioning of the artwork.

**C. Deaccessioning Policy and Procedure**

**1. Eligible Artworks**

Works eligible for consideration for deaccessioning through this policy include all artwork in the official City of Portland Public Art Collections. These works include:

- a. Artworks purchased or commissioned through the Percent for Art Program.
- b. Gifts of artwork accepted by the City of Portland in accordance with the gift acceptance policies of the Public Art Committee.
- c. All other artwork previously purchased by the City or received as a gift by the City.

**2. Deaccessioning Procedure**

- a. From time to time the Public Art Committee will review the Public Art Collection to determine those public art projects that might warrant deaccessioning.
- b. The Committee may consider deaccessioning of artwork for one or more of the following reasons:
  - b.1 The artwork has been determined to be of inferior quality relative to the quality of other works in the collection.
  - b.2 The artwork has been determined to be incompatible with the intent of the collection
  - b.3 The artwork has been damaged or has deteriorated to the point where restoration is impractical or unfeasible, or the cost of restoration is excessive in relation to the appraised value of the artwork.

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- b4. The artwork endangers public safety.
  - b5. Significant changes in the use, character or actual design of the site require a re-evaluation of the relationship of the artwork to the site.
  - b6. The work is not or is rarely on display.
  - b7. The artwork requires excessive maintenance or has faults of design or workmanship, and the city cannot properly maintain the artwork.
- c. Sequence of action to deaccession
- c1. The Public Art Committee determines that an artwork meets one or more of the criteria established above.
  - c2. The Public Art Committee shall inform the artist, if still alive, and the donor, if the artwork was a gift to the City, that the artwork is being reviewed for consideration of deaccessioning.
  - c3. The Public Art Committee holds a public hearing to consider a recommendation to the City Council to deaccession a work of art. If the Public Art Committee then votes to recommend deaccessioning of a work of art, that recommendation will be forwarded to the City Council in the annual Public Art Plan.
  - c4. Acting on the Public Art Committee recommendation, the City Council holds a Public Hearing to consider deaccessioning the artwork.
- d. If the City Council votes to deaccession a public artwork, the Public Art Committee shall consider the following courses of action, (in order of priority) to deaccession the identified artwork:
- d1. Sale or Trade
    - i. The first consideration shall be whether to sell or trade the art work.
    - ii. Regarding either sale or trade of artwork, the City shall offer the right of first refusal to the artist, if still alive, or the estate or family, and/or the original donor if the artwork was a gift to the City.

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- ii. Sale through auction, art gallery, or dealer resale, or direct bidding by individuals, in compliance with City law and policies governing surplus property.
  - iii. Trade through artist, gallery, museum, or other institution for one or more other artwork(s) of comparable value by the same artist.
  - iv. Funds from the sale of public art shall go to the Public Art Fund.
- d2. Gift to another governmental entity.
- d3. Destruction of the work if deteriorated or damaged beyond repair or if determined to have negligible value.