

## **Bellingham Arts Commission (BAC) Policies and Procedures**

### **I. Authority**

Bellingham Municipal Code Chapter 2.36 regulates the BAC Section 2.36.010(C) authorizes the BAC to establish policies and procedures governing the transaction of its business. BMC Section 4.92 regulates the One Percent for the Art Program, including BAC review process for eligible projects. The BAC is an advisory board to the Mayor, who has the authority to make the final decision on projects within the purview of the BAC.

### **II. Date, time and place of regular meetings**

Meetings shall be held, as needed, at 6:00 p.m. on the first Tuesday of every month in the Mayor's Board Room or City Council Chambers of City Hall in Bellingham, Washington. No meeting will be held if there are no proposals to review. The Commission may, with notice being publicized one week in advance, hold a special meeting at a different time or location.

All BAC meetings shall be open to the public. The meeting notice shall comply with the Washington Open Public Meetings Act, to the extent proceedings of the BAC are governed by such Act. Sub-committee meetings may be scheduled between regular meetings if necessary or if requested by the department

### **III. Term of Office and Election of Officers**

- 1) The term of office is four years and members shall generally serve no more than two consecutive terms, however a member may serve additional terms at the discretion of the Mayor.
- 2) The officers of the BAC shall consist of the Chair and Vice-Chair. The BAC shall elect these officers annually by a majority vote.
- 3) Nomination of Chair and Vice-Chair shall be made by the BAC at their regular December meeting. The election shall follow immediately. The nominee receiving the majority vote of those present shall be declared elected. Officers shall serve for one year.
- 4) The Chair shall preside at all meetings and may call special meetings when necessary. The Chair shall have all the powers and duties normally conferred by parliamentary usage on such officers. In the absence of the Chair, the Vice-Chair is authorized to perform and carry out the duties and obligations of the Chair. In the absence of both, the members present may elect a Chair *pro tempore* to serve for the duration of the meeting.

#### **IV. Sub-committees**

- 1) The BAC has the authority to create sub-committees on an as-needed basis to perform BAC responsibilities.

#### **V. Procedure for Maintaining Minutes and Records**

- 1) Written records of public meetings shall be kept and such records shall be public.
- 2) Recommendations of the BAC require the affirmative vote of at least a majority of the members present, provided there is a quorum at the time the decision is made. Motions shall be documented in the minutes.
- 3) A quorum consists of a majority of the BAC.
- 4) The BAC's recommendation will be sent within 15 days of the meeting to the project proponent, the Mayor, City Council, and City Departments, Boards and Commissions with jurisdiction, as applicable.

#### **VI. BAC Review Process**

The following procedures shall be utilized for both citizen initiated proposals, City initiated proposals and capital improvement projects subject to BMC 4.92, percent for art program. Proposals shall be presented by a City project manager from the initiating department, or by the department which oversees the BAC.

- 1) Approach/Scoping - Meeting For Capital Improvement Projects Only - Required with the BAC prior to the conceptual design review meeting to identify methods for selecting and integrating artwork into the project ([see attached flow chart for review of capital improvement projects](#)).
- 2) Conceptual Design Review – A notice requesting an item to be placed on the agenda for the next meeting shall be submitted to the PCDD no later than 10 days prior to the meeting date. The project manager or proponent may request additional conceptual reviews prior to final approval. Materials to be submitted shall include:
  - a) BAC agenda request form;
  - b) Conceptual drawings or photos;
  - c) For capital improvement projects written or visual response to specific BAC comments from the scoping meeting;
  - d) Site plan showing the proposed location of the project; and
  - e) Any additional information the project manager or proponent believes will aid the BAC in their review and recommendation.

The BAC will provide a written recommendation to the Mayor within 15 days following the meeting.

3) Final Design Approval – A meeting shall be requested by the project manager or proponent at such time as sufficient design and/or detailed information is available for the BAC to make an informed recommendation of approval. Materials to be submitted shall include:

- a) BAC agenda request form;
- b) Final drawings, including a site plan showing the location of the project;
- c) Prior direction provided by the BAC;
- d) Any additional information requested by the BAC during the conceptual design review;
- e) Verification of review by other Boards or Commissions which have jurisdiction (Must be provided prior to BAC review); and
- f) Any additional information the project manager or proponent believes will aid the BAC in their review and final recommendation.

Please note! The project manager is responsible for providing BAC with other board or commission recommendations prior to BAC review. The project manager shall not seek other board and commission review on artwork after BAC has completed their recommendations.

All recommendations for artwork shall be forwarded to the Mayor by BAC staff.

The Mayor will send the project manager or proponent a letter approving or denying the project within 15 days following the meeting.

## **VII: Methods for Commission or Selection of Artwork**

**Methods for commission or selection of artwork includes, but is not limited to the following:**

- Open Competition: Soliciting submittals by artists, digital images, resume and letters of interest through public advertisement. This is typically referred to as a Call for Art.
- Invitational or Limited Competition: Inviting a number of artists to submit applications or prepare proposals to be evaluated against established criteria unique to each project.
- Artists Rosters: Recommending that an artist (s) be chosen from established, juried rosters with specialized skills, experience or technical abilities for the project.
- Direct Selection: Recommending a specific artist who will be invited to submit a proposal for a specific site. Upon acceptance of the proposal the artist is

commissioned for the project. Direct selection is to be employed rarely and with caution, when time is of the essence and when the only way to secure an art project for a specific site through expedited process.

- **Artist on Consultant Team:** The City hires an artist to participate on the Consultant Team. Typical members of a consultant team include architects and engineers. Selection is typically done through a Request for Qualifications process. The Artist works with the team to develop proposals to create artwork themselves or identify opportunities for others. The Artist may design a component to be constructed by others.
- **Consultant Team Lead:** The architect, landscape architect or designer integrates artwork into the project. For example, an architect may design unique treatments for project elements, such as decorative railings, special paving or planting designs, or stain glass windows.

A jury may be formed to review and select public artwork.

Artwork, including donated artwork, shall be selected based upon the following criteria:

- a) Is of high quality;
  - b) Has an identified location for installation;
  - c) Is appropriate in size, scale, material, form and style for the social and physical environment in which it is to be placed;
  - d) Is durable and resistant to vandalism;
  - e) Is maintainable at a reasonable cost;
  - f) Is reasonably able to be installed; and
  - g) Complies with other criteria as established by the BAC.
- 2) The jury shall have the option of making no selection if there is insufficient merit or information, and the BAC may initiate a new selection process.

### **VIII. Placement of Artwork**

The BAC shall identify and prioritize locations within the City for the placement of artwork using the following criteria:

- a) Maximizes visibility and public benefit;
- b) Integrates with formal City plans;
- c) Is secure and the artwork may be maintained; and
- d) Integrates and coordinates with the type, scale and scope of proposed or potential adjacent projects.

## **IX. Donations**

Generally, donations of artwork shall not be accepted unless sufficient funds are available to pay for installation, framing or base, display needs, and an identification plaque. Required documents for the donation include a release form from the donor, written acknowledgement of acceptance from the Mayor, and a completed Deed of Gift transferring title to City.

## **X. Maintenance of Artwork**

1. Artists shall provide maintenance criteria at the time of project acceptance.
2. The City will maintain records on each piece of public artwork, including ownership, contractual matters, maintenance requirements, schedules and records of work performed, artist information, photographic documentation and other records that may exist. The initiating department is responsible for preparing these records and transferring them to the Museum.
3. The City will have the budgetary responsibility for maintenance of public artwork.
4. The BAC shall be responsible for conducting inspections of public artwork and providing maintenance recommendations to the Mayor.
5. The BAC is responsible for the preparation of descriptive information, guides and brochures on public artwork

## **XI. Removal, Relocation or Deaccessioning of Public Artwork**

- 1) The recommendation to remove, relocate, or deaccession artwork shall be made by a majority vote of the BAC and approved by the Mayor. This does not include pieces of artwork included in a temporary exhibition. The decision to remove, relocate or deaccession a piece of public art may include, but not be limited to, one of the following reasons:
  - a) The artwork has been requested by another agency or by the artist;
  - b) The condition and security of the artwork cannot be reasonably assured;
  - c) The artwork endangers public safety;
  - d) The artwork is damaged, and repair or conservation is not practical or feasible;
  - e) A suitable site for display is no longer available (change in use, character, or design which effects the integrity of the artwork);
  - f) The artwork has received significant adverse public opinion continuously for five (5) or more years; or
  - g) The department which displays the artwork requests that it be removed.
- 2) The recommendation to remove, relocate or deaccession shall be accompanied by a staff report including, as available,:

- a) The reasons for the suggested removal, relocation, or deaccession;
  - b) The original acquisition method and cost;
  - c) A copy of the original artists' contract;
  - d) Documentation of correspondence or attempted correspondence with the artist;
  - e) Photo documentation of the condition of the artwork; and
  - f) The recommended handling of the artwork (removal, relocation or deaccession).
- 3) Upon decision to remove the public artwork, the artwork shall be handled by one of the following methods (in order of preference), unless otherwise specified in the artist's contract with the City:
- a) Relocate the artwork to another appropriate location;
  - b) Remove and place the artwork in storage with intent of finding a new site. If the artwork is not re-sited within five (5) years, it shall be sent to surplus;
  - c) Sale, trade or gift. In the event the artwork is sold, the proceeds shall generally be used to further promote the goals of the BAC;
  - d) Destruction, if the object cannot be repaired or conserved, or if it presents a danger to life or property.