

MEMORANDUM

To: The Honorable Carrie M. Austin
Chairman, Committee on the Budget and Government Operations

From: David J. Reynolds
Commissioner

CC: Samantha Fields
Mayor's Office of Legislative Counsel and Government Affairs

Date: October 28, 2016

Re: Request for Information from Annual Appropriation Committee Hearing

ID#: 38-01

The attached information is in response to questions posed at our department's hearing on October 25, 2016 to discuss the proposed 2017 budget.

Alderman Arena asked for the Public Art Work installation policy.

Please see the attached guidelines.

As always, please let me know if you have any further questions.

Guidelines for the Chicago Public Art Program

1. General

The Chicago Department of Cultural Affairs and Special Events (“DCASE”) is dedicated to preserving and expanding the City’s acclaimed public art collection. As part of this function, DCASE administers the Public Art Program, and encourages artists to consider participation in the Program. The Program assures that 1.33% of the construction budget for construction or major renovation of a City-owned or City-financed building or structure, or for certain outdoor improvements, is used to acquire and install permanent art at that building, structure or improvement. These buildings include public libraries, police stations, fire houses, senior centers and others.

DCASE is also responsible for maintaining the hundreds of artworks already installed as part of the Program, as well as for determining whether to accept proposed donations of artwork and where to install donated works and how best to display them.

These Guidelines are intended to describe how the Program operates, especially in relationship to interested artists and the communities in which Public Art projects will be located. Because the nature, configuration and use of buildings and improvements are so varied, these guidelines should not be read as rigid, legal standards.

2. Notice to artists; opportunity to participate.

The Program staff of DCASE is responsible for identifying construction projects that are eligible for the Program. The Program staff is also responsible for notifying artists of upcoming projects. This is done in the following ways:

- Specific projects will be announced on the DCASE web site (egov.cityofchicago.org; click on “Departments,” then on “Cultural Affairs”), as well as on the site of Chicago Artists Resource (www.chicagoartistsresource.org).
- The Program staff will notify the arts community of upcoming projects, through any or all of the following: arts organizations, art galleries, art schools, art centers or museums.
- The Program staff will also announce upcoming projects through appropriate arts-oriented and other media.
- The Program staff will send email announcements of upcoming projects to arts organizations and artists who request inclusion in an email list.

3. An artist’s inclusion in the Public Art registry.

The Program staff also maintains a registry of artists who have applied to the Public Art Program Artist Registry. As will be seen in section 4(d) below, inclusion in the registry presents potential advantages for an artist.

The Program staff accepts submissions for the registry via mail or delivery during regular business hours (Monday through Friday, from 9:00 a.m. to 5:00 p.m.) The Program offices are located on the 4th floor of the Chicago Cultural Center, 78 East Washington Street, Chicago IL 60602. Because of space limitations, the preferred method of submission is digital images (jpeg or pdf) of work, recorded on CD. The CD may also include the artist’s biography, curriculum vitae, or other personal information. An artist may deliver his/her CD in person, by mail or by messenger. Included as part of the registration process is the signing of a waiver/release of liability. The waiver/release will assure a frank and honest discussion of the artist’s submission by protecting the City of Chicago, its employees and officers, and their respective consultants (community interests, other members of the arts community, etc.) from claims for damage to reputation, etc., because of comments made in the evaluation of submissions.

An artist may withdraw his/her CD from the registry at any time, either permanently or for as long or short a period as the artist determines. An artist may

withdraw by directing that his/her materials be returned or destroyed; in either event, the direction must be in writing, and will not be acted on until verified.

An artist may also update his/her registry materials, by substituting or adding images. Because of space limitations, we ask that an artist who wishes to add to his/her registry information withdraw the current CD or slides and submit a substitute CD.

4. How work is selected for a Public Art project.

The Program is intended to be both project-specific and community-based. Once an eligible project has been identified, the Program staff takes the following steps:

- (a) If the budget available for the project is no more than \$10,000 (including the artist's fee, cost of fabrication and cost of installation), the project will usually be awarded as a direct commission, rather than through a competitive process as described below. All the consultation with the affected community and government agencies will still take place.
- (b) The Program staff will study the project to learn the intended timetable of the construction work, as well as its scope, purpose and configuration, in an attempt to determine which types of artwork will be suitable for the location, as well as size limitations. This is not pre-judging of any specific artwork, but an attempt to avoid placing a type of artwork in a setting where the artwork, by its nature, may be in danger (examples include: paintings exposed to direct sunlight or weather; artwork with moving parts exposed to weather). The Program staff may, but is not required to, consult with knowledgeable persons about the suitability of any type of artwork for the specific site.
- (c) The staff will notify the local community of the opportunity for placement of public art. This part of the process begins with the local alderman, who is the community's elected representative. The alderman will be asked to help identify community institutions and organizations (such as historical societies, churches, chambers of commerce, block clubs, etc.), as well as local residents who may be interested (neighborhood historians, people known to be interested in the arts, etc.). The Program staff will also attempt to identify local institutions, organizations and individuals who may be interested. In the rest of these Guidelines, all these individuals and other entities will be referred to as "community interests."
- (d) After identifying these community interests, the Program staff will convene a first public forum. This forum will include representatives of the Program staff, representatives of other City of Chicago departments and other governmental units (e.g., CTA, Chicago Park District, and Chicago Public Schools) that may be involved in or affected by the work, and anyone else who wishes to attend. Notice of the forum (including date, time, location and purpose) will be posted on the City of Chicago website (egov.cityofchicago.org/publicart/) and sent to the local alderman, and to

the identified community interests. At this first forum, the Program staff and other government representatives will provide the community interests with information about the upcoming project (its location, purpose, general configuration, and anticipated schedule). Equally important, we want the community interests to inform the Program staff about the community – its history, its local culture(s), its identifying characteristics, concerns and interests. The forum will be held either in the affected community or at the Chicago Cultural Center.

- (e) After the first forum, the Program staff will review the community input and begin notifying artists as described in Section 2, above. The staff will also research the registry to see whether any artist in the registry might be suitable, or has done work in a category that may be especially suitable for the specific location.

The Program staff will notify such artists (a minimum of three) of the opportunity to participate in the Program. The notice given to artists will describe: the public construction/renovation work; the site; the intended use of the finished building, structure or improvement; the approximate area available for installation of artwork; the anticipated schedule of the construction/renovation work; the deadline for submissions; and any other information the Program staff feels necessary to provide proper notice of opportunity for participation. The submitting artist, at his/her option, may also provide an explanation of the submitted work, its relation to Chicago, its relation to the intended neighborhood, or other information the artist believes will aid the Program staff in making an informed decision.

- (f) If necessary, the Program staff may organize one or more additional community forums for the presentation of additional information, to discuss changes in the construction/renovation work, to respond to community input, and generally to clarify issues relating to the selection of artwork. These additional forums, if any, will be organized in the same manner as the first forum (see paragraph 4(d), above).
- (g) Following the community forum(s) and research, the Program staff will invite artists to enter into contract with the City of Chicago to supply artwork proposals. Invited artists who are not in the registry will be asked to sign a waiver/release of liability, as described in part 3 above. All invited artists may be asked to provide any other information the Program staff needs to make an informed decision on artwork.
- (h) Next, the Program staff will evaluate the submissions. The staff may, but is not required to, consult knowledgeable people in the arts community, both in Chicago and elsewhere, about how any submission relates to the intended site and the artistic merit of the submission; and about any other aspect of the project. After evaluating all the submissions, the Program staff may have further discussions with community interests in attempting to reduce the number of submissions to a group of finalists. The Program staff may, but is not required to, conduct one or more additional forums (in the manner described in paragraph 4(c)) for purposes of expediting consultation with community interests.

- (i) The Program staff must also convene a final forum (in the manner described in paragraph 4(c)) before a final selection of an artist or artwork. At the final forum, the Program staff will present one or more finalists for discussion of the artwork(s) and for community response and feedback.
- (j) The Program staff may have to negotiate changes in a submitted work based on community feedback and concerns, finances, space limitations, time, or some other aspect of the submission and the project.
- (k) After conclusion of the final public forum, the Program staff will make a recommendation to the Commissioner of Cultural Affairs and Special Events. The Commissioner or her/his designee will make the final selection. The Program staff will notify all submitters of the final selection.

In developing a list of finalists and making a final recommendation, the Program staff will take into consideration the following factors:

- the size, shape, location, configuration and use of the building or site of the project;
- the appropriateness of formal and stylistic elements as well as materials for the project;
- the possible thematic congruity between the artists preferred body of work and the project;
- the skill, reputation, and demonstrated ability of the artist;
- community ties between the artist and the project, where appropriate;
- the economic feasibility of utilizing the artist for the project.

5. Responsibilities of artists.

An artist who wishes to participate in the Public Art program must:

- respond to notices in a timely and complete manner;
- be available for follow-up communications with Program staff;
- be able to explain his/her submitted work;
- develop and adhere to a project budget;
- perform within the schedule of a project;
- sign necessary documents in a timely manner;

- deal responsibly with the Program staff, his/her suppliers, fabricators and installers.

During the course of evaluations, an artist may be asked about any of these factors, and to further demonstrate his/her ability to meet the above requirements.

If an artwork proposal commissioned through the Public Art Program is rejected, the artist must reclaim the model within 90 days after first contacted to do so by the Program

staff, or the model will become City of Chicago property and will be subject to destruction.

6. Conservation and maintenance of the Public Art Collection.

Since inception of the Percent for Art Program in 1978, hundreds of sculptures, murals, paintings, prints, stained glass, and photographs have been donated, commissioned or purchased for the City of Chicago's Public Art Collection. Some of these artworks are installed outdoors; others are placed in semi-enclosed settings and others in indoor public spaces. Artwork can be affected by exposure to light (natural and artificial), wind, air-borne dust, temperature and humidity changes, vibration, precipitation and other conditions. On occasion, an artwork may also suffer physical damage as a result of accident or vandalism. Without long-term maintenance, the artworks risk serious degradation as the collection ages.

The Public Art Program has a limited, annual conservation budget that is used to maintain, preserve and protect the collection. Program staff monitors the condition of artworks and encourages representatives of City departments and other participating public agencies, as well as the general public, to advise DCASE of damaged, degraded or at-risk artworks. Upon receiving information of any such work, one or more staff members will conduct an assessment of the work to determine the extent of damage, degradation or risk; effective measures to repair, restore or protect the work; cost of such measures; and the possible effect of delaying those measures. The staff will then review available resources to see how to address the most serious problems first and then recommend appropriate action to the Commissioner or her/his designee.

The overall policy of DCASE is to preserve as much of the public art collection as possible in the current locations of the various works. Barring extreme cases, this typically means repairing and restoring as many works as available resources allow. The general order of priorities of works receiving repair or restoration is as follows:

1. Works that have suffered serious damage;
2. Works that have suffered serious degradation;
3. Works that have suffered minor damage;
4. Works that have suffered minor degradation;
5. Works at risk of degradation.

But these priorities cannot be followed in every instance. Some repair and restoration measures may exceed the then available budget; in some cases, restorative or repair measures may require a highly specialized conservator or technician, who is currently unavailable. Some works may be beyond repair. Some works, because of their condition, may constitute a danger to the public who use the public facility for its intended purpose. In these instances, DCASE reserves the right to remove the artwork from its public setting until it can be restored properly and reinstalled.

7. Donated works of art.

On occasion, a generous person seeks to donate one or more works of art to the City. Understandably, a donor wants his/her generosity to be acknowledged by a public display of the donated work(s). Unfortunately, this cannot always be done to the donor's satisfaction. Due to the wide variety of City facilities and art works, the installation of works, not commissioned through the City's Percent for Art Program, is handled on a case by case basis by the Department of Fleet and Facility Management (2FM), DCASE, and the Department located at the proposed site.

Responsible ownership of art requires a commitment of resources to conserve and protect it. Because DCASE is not involved in the planning of these donations, and must deal realistically with limited resources, it is the department's policy to accept donations of art only if: the work has artistic merit; the work augments, rather than disrupts, the overall City collection; a suitable location is available for the donated work(s); and the donor has arranged for costs of installation of the donated work(s) and conservation for up to ten years.

The task of identifying suitable locations falls to the Public Art Program staff. In doing this, the members of the staff take into consideration the durability of the materials used by the artist; the nature, size and configuration of the work(s); and the sizes, configurations, intended uses and risk factors of various available locations. The Program staff will notify the Commissioner of any suitable locations identified in this process, pending further approval(s) of affected agencies.

8. Seasonal and thematic displays of art throughout the City.

Occasionally, DCASE will present a temporary or seasonal display of artworks centered on one type of object (such as "Cows on Parade") or centered on a theme. These programs are arranged in cooperation with other affected City agencies. No general policy or procedures can be announced concerning such programs because the City, the visual arts, public interests and tastes are constantly evolving. Such matters as traffic patterns, construction activity, development and redevelopment of neighborhoods, artistic techniques and materials, artistic visions, and ideas of current interest can all affect a seasonal or thematic exhibit, and all these changeable factors must be considered simultaneously. When and if such a temporary or seasonal display is planned, DCASE will announce the central object or theme, the extent and duration, how artists might participate, and other relevant factors.

9. Exhibits in the Chicago Cultural Center and Millennium Park.

Within the Chicago Cultural Center and in Millennium Park, DCASE will continue to seek out and present interesting artists, art forms and themes for presentation to the public, with the intention of increasing public awareness of and interest in the arts. The Public Art Program staff identifies possible themes, categories of work and artists for these displays through research, interaction with their counterparts in other jurisdictions, and communication with the local arts community. Suggestions from interested persons are also considered.