

**City of Norfolk
Public Art Policies and Procedures**

Ordinance – Norfolk Arts Commission

Sec. 2-460. Norfolk Arts Commission; Composition and appointment of members.

The commission consists of fifteen (15) members. The members shall be citizens of the city who shall be appointed by the council. The membership shall be selected to include persons having particular interest or association with any or all of the following specific areas:

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|-----------------|---|
| (1) Dance | (7) Member of the Planning Commission or Architectural Review Board |
| (2) Letters | (8) Building architect |
| (3) Music | (9) Landscape architect |
| (4) Theatre | (10) Six (6) citizens at large |
| (5) Visual arts | |
| (6) Education | |

Sec. 2-460.1. Terms of members; filling of vacancies.

All members shall be appointed for up to two (2) terms of three (3) years. Any vacancy on the commission shall be filled by the council for the unexpired term.

Sec. 2-460.2. Chairpersons; meetings; quorum.

The commission shall elect a chairperson and a vice chair from its membership, who shall serve at the pleasure of the membership. The commission normally shall hold regular meetings once a month and keep a written record of its proceedings, which shall be a public record. A quorum shall consist of eight (8) members. No act of the commission shall be valid unless authorized by a majority of the quorum.

Sec. 2-460.3. Powers and duties.

(a) The commission shall act in an advisory capacity to promote the further development and awareness of public art, artistic and cultural programs in the city and to provide a coordinated method of city support of cultural organizations and programs.

(b) The commission shall review and evaluate requests for city funds for artistic and cultural purposes and make recommendations regarding such requests as part of the normal city budgeting process and make recommendations to be acted on by the city manager concerning commissioning and purchasing works of public art with appropriated city funds for public art, except for those decisions concerning the placement of works of art within the City's Historic districts which must follow the procedural provisions of the City's Zoning Ordinance, as amended.

Mission/Vision

The Norfolk Arts Commission

- connects people
- provide opportunities for individuals and communities to engage in rich, diverse arts and cultural experiences
- fosters creativity
- builds a strong sense of place
- increases overall well-being and quality of life
- creates a rich, diverse environment that reflects, celebrates, and welcomes all to experience the arts and humanities
- brings people together through the arts

- is a community resource that is the hub of arts and cultural communication for the City
- strive to unite, energize, prompt dialogue, and inspire the unique character of Norfolk
- give voice to our community

Goals

The goals of Norfolk Arts are to:

- Build a diverse collection of public artworks
- Support non-profit arts and culture organizations serving the citizens of Norfolk
- Reflect the diversity of culture, heritage, and expressions of Norfolk and Virginia in the organizations and artists we fund and in the artwork we acquire
- Equitably fund organizations and hire artists
- Encourage access in and participation of all citizens in the arts and culture and in the processes of acquiring and commissioning public artwork
- Encourage the role of art in enhancing economic development and cultural tourism
- Increase, expand, and diversify funding sources
- Increase public awareness and appreciation of arts and culture
- Document, preserve, restore and/or repair all public artwork acquired through this process or formally adopted by the Commission

Norfolk Arts Commission

The Norfolk Art Commission provides support and encouragement to arts and culture in the City. It develops policies, and procedures necessary to carry out arts and culture programs. The Commission is responsible for establishing evaluation criteria for funding grant applications, artist selection, and carrying out review processes. No member of the Commission shall potentially or in actuality realize any financial gain from any programs, projects, or grants.

Officers and Elections

- After the end of the terms of the current co-chairs, vice-chair, and secretary, the Commission will present a slate of candidates for a chairperson and a Vice Chairperson in accordance with the **Sec. 2-460.2. in the ordinance above.** Officers will serve a term of one (1) year for no more than two (2) consecutive terms.
- Chairperson will preside at all meetings and shall designate committees and appoint members to committees
- A Vice Chair will preside at meetings in the absence of the Chairperson.
- A nominating committee of at least 3 people will be appointed. No one on the nominating committee can potentially be on the slate of officers.
- At the regular meeting in June of each year, the Commission will vote to approve the slate of officers. Vacancies will be filled at the next meeting after the occurrence of such for the balance of a term.

Administration

The City of Norfolk Arts Program is administered by staff of Norfolk Arts. Staff is responsible for carrying out the policies and procedures to administer the programs.

Funding: Two City funds are associated with Norfolk Arts

- **Grant funding** is allocated annually from the General Operating Budget, then distributed through the Economic Development Authority support to arts and culture organizations serving citizens of Norfolk. These funds must be distributed in the fiscal year in which they were appropriated.
- **Public arts funds** are designated from the City annual Capital Improvement Budget (CIP) to commission or purchase permanent public artworks. Unexpended CIP funds will be carried over automatically. A portion of these funds may also be expended for the maintenance or conservation costs of artworks.
- **The Mermaid Fund is a** Corporate Quasi-Endowed Donor-Advised Fund held by the Hampton Roads Community Foundation. This fund was originally established by the “Mermaids on Parade” events. It is to be used for emergency funding above and beyond the normal funding available from the Arts Commission. The 20-year agreement with the Foundation was established in April 2015. After 2035, it becomes a permanent field of interest fund of the Foundation. It must maintain a minimum balance of \$50,000. Anyone can donate into the fund. In FY 20, in response to the pandemic, the Commission distributed \$43,639 to 20 organizations in the city, using an equitable formula. The Commission’s policy is to not send applications or solicitations to request this funding, but to grant money out as it sees fit.
- **Other funding** may be identified or solicited from other public sector agencies, foundations, or granting bodies, and private businesses, organizations, or individuals and deposited and expended through the policies of the Arts Commission.

Procedures for Reviewing and Recommending Grant Funds

Grant Applications

- Grant applications are developed or refined every year
- Non-profit 501 (c) 3 organizations who do not receive city line-item funding are eligible to apply
- Organizations must have all applicable admission taxes paid through the previous December
- Organizations can apply for a general operating or a project grant but not both
- The Commission may solicit applications based on other specific goals or as funding becomes available
- Detailed guidelines are published every year

Application Deadlines: The Commission follows Purchasing rules for the receipt of grants.

Grant Review

- Staff analyzes and summarizes each application.
- The applications may be reviewed by community experts not on the Commission, by subcommittees, or another procedure approved by the Commission
- ~~Commissioners review and score grants~~
- Discussion and final funding recommendations are made by the entire Commission
- Final grant awards are announced after the City Operating Budget is approved by City Council
- Contracts with selected organizations for the required services are signed by the respective organizations' representatives and the Commission's Chair

Grant Performance

- Grant awardees must contact Norfolk Arts Staff to discuss major changes to grant programming
- Grant recipients are encouraged, but not required, to provide complimentary tickets and/or site visits to Commission members

Final Paperwork

- Grant recipients must submit final reports showing how the funds were spent
- Additional data such as attendance figures, diversity of artists and audience members, direct return of money to the City, and other information is required

Procedures for Selection and Acquisition of Artwork

Project Initiation

- The Commission develops and recommends a proposed public art plan of project sites/themes and funding
- Criteria to identify suitable public art projects are based on the goals of the Commission

Project Planning Committee

- For each public art project, a Project Planning Committee is established. Members will include:
 - (at least one) Arts Commission liaison(s),
 - user department representative(s)
 - the project architect and/or landscape architect, a representative from the site design team
 - an artist
 - a representative from the Planning Department
 - a minimum of two community representatives

Prospectus Development and Distribution

- The Project Planning Committee develops project criteria including
 - site
 - media
 - theme
 - scale

- other appropriate parameters
- The prospectus is forwarded to the
 - Public Art Commission for review and
 - to Management,
 - Legal, and
 - Purchasing Departments.

Selection of Artist, Curator, Organization and/or Artworks

Methods used for artist selection may include

- open competition
- The Project Planning Committee recommends the finalists and/or artist based on evaluation of materials submitted
- The Arts Commission recommends the selected artist to the City Manager
- A contract for the required services of the artist is developed by the City

Process for Creating the Artwork

- The initial design for the artwork is reviewed and approved by the Art Planning Committee, the Arts Commission and then recommended to the City Manager for final approval
- If the artwork is not approved and the artist is unwilling or incapable of making appropriate revisions, another artist may be selected
- An artist may create the work of art independently or with subcontractors

Procedures for Selecting Gallery Submissions and Other Opportunities

- Norfolk Arts follows a fair and open Request for Proposal process to select exhibitions for the Offsite Gallery and for all other art opportunities.
- Staff reserves the right to curate exhibitions and/or artworks for the Gallery

Donations of Funds and/or Adoption of Works of Art

- The Program and the Commission may seek private or public donations of funds or works of art or other services including in-kind services or items necessary for the development of a project.
- The Arts Commission is responsible for reviewing all proposed gifts and recommendation to the City Council.

Procedures for Accepting Funds or Adopting Works of Art

- The donor submits detailed written description of the artwork, all information pertaining to the artist, and a warranty of originality of the artwork to Norfolk Arts.
- Commission reviews and makes recommendation of final acceptance or refusal of any gift.

Criteria for Accepting Artwork Donations

- Quality of work: high artistic standards
- Compatible with the character of the community
- Aligned with vision for the City's public art collection
- Financial consideration: source of funding for installation, maintaining, and conserving donated artwork. Donor may be asked to financially support future maintenance

- Liability: susceptibility of the artwork to damage and vandalism, potential danger to the public and special insurance requirements
- Appropriateness to the site, scale, and historical and ecological impact
- User Department approval
- All funds or works of art will be presented to the City Council for formal adoption and receipt

Memorials and Monuments

- A 'memorial and/or monument' is an object or the enhancement, modification or highlighting of an existing city property, tree, or landscape feature, designed, and established specifically in memory of an individual, association, anniversary, or event.
- For existing memorials, the Commission and public art staff can offer resources for maintenance review and assessment, and advice on reviewing and interpreting available records of construction, siting and local, state, and federal artists' rights and act as advisor.
- The creation and/or donation of Memorials and Monuments is **not** the purview of the Arts Commission.
- The Commission should serve as advisors regarding the process of new memorial design, creation, site placement and maintenance to ensure artistic excellence and aesthetic integrity and to preserve the cultural context of public displays in the City.
- The Commission may choose as part of the yearly work plan to create a monument or memorial through this process with the 1% capital funds.

Maintenance and Conservation

- The City is responsible for the maintenance of all City initiated projects created through this policy and those adopted into the collection by the Arts Commission
- All permanent public art projects must have a plan to properly maintain the work
 - Within the terms of the Artist's contract, the Artist shall guarantee and repair artworks against all defects of material or workmanship for a period of two years following installation
 - The Artist shall provide Norfolk Arts with drawings of the installation and detailed instructions regarding routine maintenance of the artwork
 - The Artist shall have the opportunity to comment on and participate in, all repairs and restoration which are made during their lifetime
- The condition of artwork will be assessed on an ongoing basis
- Norfolk Arts develops conservation procedures, including budget estimates and timeline
- Funds for the maintenance of the artwork will be allocated as a portion of public art CIP budget

Deaccession of Artwork

- The City will seek to ensure the integrity of the artist, their artwork, the site, and the public for which it was created, in accordance with the artist's intention. However, the City will reserve the right to relocate a piece of art if public necessity warrants such relocation.

- Works of Art that are considered for removal from the City Art Collection will undergo the same degree of careful review as a decision to commission a work of art. Recommendations to the Commission to deaccession artwork will take into consideration but not be restricted to:
 - Concerns that the condition or security of the artwork cannot be reasonably guaranteed
 - Excessive maintenance or defaults in design or workmanship that cause repair or remedy is impractical or unfeasible
 - Endangerment of the public safety
 - Significant changes in the use, character, or design of the site which affect the integrity of the work
 - Replacement of artwork for something more appropriate by the same artist(s).

Procedures for Deaccession of Artwork

- The Public Art Commission shall review the circumstances surrounding the proposed deaccessioned artwork.
- No artworks shall be removed within ten years of acquisition unless there are extenuating circumstances.
- If the Arts Commission chooses to replace, remove, or sell an artwork, living artists shall have the right of first buy-back, as specified in their contract.
- A recommendation to deaccession or relocate a work of art will require a written report with the reasons, condition report, and current appraised value.