

Albany County Wyoming Public Art Regulatory Framework

Chapter 1. Introduction and General Policies

Section 1. Introduction

The Albany County Planning and Zoning Commission and Board of County Commissioners wish to encourage the appropriate development and placement of public art within Albany County. This Regulatory Framework is intended to facilitate accomplishing this goal.

Section 2. General Considerations

This document proposes a process to handle the various elements associated with the acquisition and management of public art. The actual Art Plan arising from this Art Framework should be developed to meet the specific needs and interests of Albany County citizens and approved by the Board of County Commissioners. Appropriate art visible to the public is also encouraged on private property. It is not the intent of this Regulatory Framework to control or regulate the placement and management of such art on private property.

Section 3. Public Art Projects on or in Albany County Controlled Property

Art is to be integrated into the design or modification of County-owned or County-controlled public property as required by the Board of County Commissioners or applicable state statute.

An Albany County Public Art Advisory Committee shall be established to provide guidance to the Board of County Commissioners.

Section 4. Grant Opportunities

Grants for public art are sometimes available from state, federal and private sources. Albany County staff are encouraged to find such funding streams.

Section 5. Donations of Art

Various entities such as corporations, foundations and individuals may be interested in donating public artwork. Donations of public art and their placement in or on property owned or controlled by Albany County shall be subject to approval by the Public Art Advisory Committee and the Board of County Commissioners. In addition, any art proposed for donation shall conform to the Public Art Donation Policy as further delineated in the following pages.

Section 6. Design Development and Review

The point of contact for all public art projects shall be the Albany County Planning Director.

All public art projects shall be under the project management direction of the requisite County staff or their contracted representative. The project manager shall coordinate all activities between parties involved in the project.

The development of the conceptual and final design for any public art project will depend upon the complexity of the project. Specific project requirements will be defined in the contract documents governing the responsibilities of the involved parties.

Chapter 2. Specific Requirements for Acquiring Public Art in Albany County

Section 1. Committee Charge

The Albany County Board of County Commissioners' Public Art Advisory Committee is hereby charged with: 1) evaluation and providing a recommendation on proposals for the placement of art—permanent or temporary—in public areas of the County, including outdoor public areas and interior public spaces (prominent public areas, lobbies, atria, entrances, and principal assembly areas); and 2) working with the County Physical Plant staff.

The Public Art Advisory Committee shall serve in an advisory capacity to the Board of County Commissioners. In offering input, the Public Art Advisory Committee shall strive to provide recommendations by unanimous consent wherever reasonably possible. In the event unanimous consent is not achievable, recommendations will be determined by a majority vote of a minimum quorum of **five** Public Art Advisory Committee members.

Section 2. Public Art Advisory Committee Mission

The Board of County Commissioners Public Art Advisory Committee shall seek to enrich the cultural and intellectual life of the County's citizens and visitors.

Section 3. Definition of Public Art

The Public Art Advisory Committee is guided by the following definition of public art: art objects placed in a shared, publicly accessible space.

- A. Categories of public art may include functional, expressive, or installation art that is donated, commissioned, or otherwise acquired.
- B. Art media may include, but is not limited to: sculptures, painting, murals, photography, drawings, prints, mixed media, electronic media, gardens, and fountains. Suitable materials may include, but are not limited to: stone, clay, fiber, textiles, wood, metal, plastic, or other material.
- C. Contemporary public art can also include temporary projects, such as projections, music, or performance, as well as dynamic work that is integrated into design.

Section 4. Definition of Additional Property and Facilities (Defined Property) under the Review of the Public Art Advisory Committee

In addition to public art, the Public Art Advisory Committee shall provide recommendations regarding the placement of donated trees, benches, monuments, tables, and other similar structures.

Section 5. Composition of the Public Art Advisory Committee and Term of Appointments

- A. Upon written application, members of the Public Art Advisory Committee, who are not employed by the County, are appointed by the Board of County Commissioners for three year staggered terms and serve at the discretion of the Board of County Commissioners.
- B. The Committee shall be comprised of the following members:
 - 1. 5 – Albany County citizens appointed by the Board of County Commissioners
 - 2. Citizens qualified to be on this committee include, but are not limited to: those with a demonstrated interest in public art, including art administrators, artists, artisans, engineers, architects, teachers, etc.
- C. Final selection and approval of a public art project shall be by the Board of County Commissioners.
- D. The selection of an artist or artists for an approved public project shall be made by the Board of County Commissioners with input from the Albany County Public Art Advisory Committee.

Section 6. Authority of the Public Art Advisory Committee

The Public Art Advisory Committee advises the Board of County Commissioners on matters relating to the selection, location, cost, financing, and installation of art in the public spaces of the County. All final decisions regarding the disposition of public art rest with the Board of County Commissioners.

Section 7. Public Art Advisory Committee Duties

- A. Maintain an inventory of the acquired works of public art and maintains copies of acquisitions, deeds of gift, or loan forms;
- B. Identify sites at the County where art or defined property may be appropriately and safely installed, consistent with the mission and criteria adopted by the Public Art Advisory Committee;
- C. Guide staff, donors, members of the public, and artists who seek to install works of public art or defined property;
- D. Seek input and communicate with the stakeholders regarding the acquisition and placement of public art or defined property;
- E. Engage artists and facilities managers to ensure that the installation of art is appropriate, safe, and feasible (installation and maintenance), that every effort is made to prevent vandalism or theft, and that every effort is made to retain the integrity of the artwork;
- F. May require artists, donors, or sponsors to engage stakeholders to discuss any proposed

installation (both its physical nature and its content) with the County and community, or other stakeholders;

- G. Make recommendations to the Board of County Commissioners to accept or deny a proposed public art or defined property installation;
- H. Encourage the inclusion of public art (interior and exterior locations) in major renovations or new construction of County buildings; and
- I. Ensure that the proper signage is attributed to works of public art or defined property.

Section 8. Types of Proposals Considered

The following definitions apply to proposals that require review by the Public Art Advisory Committee and recommendation to the Board of County Commissioners.

A. Duration of Installations

1. Permanent installations: Installations of public art or defined property that are the permanent property of the County and are intended to be installed for an extended period of time or in perpetuity;
2. Limited-term installations: Public art or defined property that may or may not be the property of the County and is installed for a specified period of time;
3. Methods of Selection/Acquisition: The following types of acquisitions are to be made in consultation with the Public Art Advisory Committee:
 - a. Donation: A work of public art or defined property is donated to the County upon recommendation by the Public Art Advisory Committee and action by the Board of County Commissioners;
 - b. Direct selection: An individual artist is chosen by the Board of County Commissioners upon recommendation by the Public Art Advisory Committee, and a work is either purchased or commissioned. The Public Art Advisory Committee may also direct a separate, ad hoc, Public Art Advisory Committee, appointed with the approval of the Board of County Commissioners, to oversee the selection of an individual artist;
4. Open competition: The Public Art Advisory Committee, or a separate committee, appointed with the approval of the Board of County Commissioners, may hold a competition or issue requests for proposals for a commission. Competitions or commissions may include citizens or external artists and final selection will be by the Public Art Advisory Committee.
5. Acquisitions: Acquisitions of public art or defined property may be made by donation or purchase.

a. *Donations:*

- i Donations may be made by the artist or donor(s), including, but not limited to: an individual, family, organization or corporation;
- ii Donor(s) may approach any units of the County, but all offers of works of public art or defined property must be acted upon by the Public Art Advisory Committee and are subject to approval by the Board of County Commissioners;
- iii The County representative in contact with the donor must discuss any potential gift with the Public Art Advisory Committee. Preliminary review by the Public Art Advisory Committee will address the appropriateness of the work of art and its artistic merit for the County, including content, size, material, condition, site suitability and installation and maintenance costs. This review shall be based on documented conversations or a written proposal; however, the Public Art Advisory Committee must act on all proposals and forward its recommendations to the Board of County Commissioners;
- iv Donations of public art that commemorate living people will not be accepted. At least 10 years must pass before an artwork is made to commemorate an event, death of a person, etc.
- v Based on a recommendation from the Public Art Advisory Committee, the Board of County Commissioners may designate a representative of the County to discuss an offer of artwork in detail. Factors to consider before approval include: appropriateness, integrity of design and condition, proposed installation site, installation and maintenance costs, and signage or other identification of the title of the work. Additionally, a formal ceremony where the County accepts an art donation may be considered. A determination of the responsible party, i.e., the office responsible for the installation, insurance, and maintenance of the work of art will be made.
- vi Based on the results of discussions, the Public Art Advisory Committee may call for open meetings with specified parties to further discuss the acquisition.

b. *Purchases:*

- i The Board of County Commissioners may propose purchasing works of art or defined property for interior and exterior public spaces. The representative from the Board of County Commissioners should discuss any potential purchase with the Public Art Advisory Committee. Preliminary review will address the appropriateness of the work of art for the County, including content, size, material, condition, site suitability, and installation and maintenance costs. This review may be based on conversations or a written proposal, but the Public Art Advisory Committee must act on all proposals and

forward the results to the Board of County Commissioners.

- ii Purchases must follow established County purchasing and acquisition policies.
6. Limited-term Installations, including Art or Defined Property on Loan: In the event the artwork or defined property is intended to be a temporary display, special attention shall be made to the timeline, financing, and any disturbances during construction or removal of the property. Arrangements for disposal or removal shall be concluded in advance of the loan and its implementation.

Section 9. Selection Processes for Purchases of New Works or Extant Works

- A. Determination of Selection Public Art Advisory Committee: The Public Art Advisory Committee may, at its discretion, serve as the Selection Committee or appoint one in its place. The appointed Selection Committee shall make its recommendations to the Public Art Advisory Committee.
- B. Determination of Selection Process.
 - 1. Direct purchase from living or deceased artist. A living artist submits the following to the purchasing group: an appropriate number of images of works; a proposal sheet containing information on the artist's name, address, title of work, dimensions, medium, price, current location, and installation instructions; resume; artist statement; and references from similar projects regarding the creation and installation of public art. If the artist is deceased, the purchasing group works with the artist's estate or representative to present an appropriate number of images of the artist's work, a biographical sketch and resume, and information on the current location, cost of the work and installation instructions to the Public Art Advisory Committee.
 - 2. Open competition. Purchasers provide scope, description, budget, and schedule to the Selection Committee. Artists submit the following to the Selection Committee in response to a Call for Artwork: a resume and list of works, images of their works of art, a statement of conceptual approach to the project/artist's statement, and a reference from a similar project regarding the creation and installation of public art.
 - 3. Limited competition. Purchasers provide scope, description, budget, and schedule. The Selection Committee may invite a limited number of selected artists to compete. Invited artists must submit the following: a resume and list of works, images of their works of art, a statement of conceptual approach to the project or artist's statement, and a reference from a similar project regarding the creation and installation of public art.
- C. Selection Procedure. Within sixty (60) days, the Selection Committee reviews all proposals and selects a minimum of 3 finalists. Finalists are compensated for creating specific proposals which

are presented in person in open forums. The Selection Committee selects their proposal and submits it to the Public Art Advisory Committee. After recommendation by the Public Art Advisory Committee, the Board of County Commissioners makes the final selection.

D. Criteria for Selection.

All public art or defined property shall be judged by the following criteria:

1. Artistic Merit Considerations.
 - a. Enhances the physical and aesthetic environment of the County;
 - b. Instills a sense of quality in the civic spaces of the County;
 - c. Enriches the cultural and intellectual life of the County;
 - d. Inspires contemplation, reflection, and dialogue;
 - e. Preserves and acknowledges history, heritage and culture; and
 - f. Fosters County identity and enhances and balances existing works of art.
2. County Physical Plant Considerations.
 - a. Location and artwork or defined property avoids life, safety, or health risks.
 - b. Demonstration of the suitability of the location for the installation of necessary infrastructure including:
 - i Construction drawings detailing installation from a licensed engineer or architect;
 - ii Power, plumbing, or other utility requirements;
 - iii Names, qualifications, and insurance coverage of contractor installing artwork;
 - iv For donations, written commitment that the donor will cover all costs associated with installing the artwork;
 - v Budget detailing the cost of installation.

E. Ongoing maintenance requirements shall include:

1. A maintenance plan prepared by a conservator who has demonstrated expertise in conservation of similar artworks;
2. Written permission from the artist or artist's estate allowing Albany County to hire a qualified conservator to conserve the artwork when necessary; and
3. Proof of maintenance funds and account and trustee details for the funds.

F. Work of art is consistent with the Albany County Comprehensive Plan with respect to existing areas, landscaping, buildings, and view shed.

G. Constituent Input.

1. Citizens;
2. Staff, and administrators;
3. Donors and
4. Community and policy makers.

H. Financing.

1. Identified source of funds for acquisition or loans;
2. Identified source of funds for installation;
3. Identified source of funds for maintenance; and
4. Identified source of funds for removal (if temporary installation or required in accordance with deaccession policy).

I. Considerations Related to Individual Artists.

1. Regional, national or international accomplishments (i.e., professional artist who has garnered curatorial recognition, gallery representation, or other recognition in the field);
2. Proven record of public art commissions/installations.

J. Disclaimer. Albany County maintains the right to remove or perform work in the vicinity of public art per the original agreement but shall reserve the right to remove, reinstall, store, move, or dispose of the object at the discretion of the County and after discussion with the artist and his/her estate. The County is obligated to retain the artwork in its original form and not alter, change, or otherwise reconfigure the work.

Chapter 3. Requirements for Deaccessioning

Section 1. Deaccessioning

Deaccessioning is to officially remove an item from the listed holdings of a collection in accordance with stated policy.

Section 2. Policy

- A. Deaccessioning shall be considered only after the term of the agreement has elapsed for permanent works, except under special circumstances determined by the Board of County Commissioners. These special circumstances can include a work that has been damaged beyond repair, the planned modification or destruction of a site where the work is located, or if the work has proved to be, or in the view of the Board of County Commissioners may become, a public safety hazard.
- B. Deaccessioning will be considered after a careful and impartial evaluation of the work by the Public Art Advisory Committee within the context of the County's collection and any special circumstances at the site of the work.
- C. The Board of County Commissioners will consider the recommendation of the Public Art Advisory Committee. The final decision will rest with the Board of County Commissioners on whether an artwork is to be deaccessioned.
- D. Once the Board of County Commissioners has decided to begin the process to deaccession a work, the Planning Director or other staff designated by the Planning Director will make all reasonable efforts to notify any living artist, or the estate of any deceased artist, whose artwork is being considered for deaccessioning.

Section 3. Eligible Works

All artwork owned by Albany County, whether acquired through donations, gifts, or any other method, is eligible for deaccession. In the case of donations and gifts, all legal documents involving the donation will be reviewed prior to beginning the deaccessioning process.

Section 4. Deaccessioning Procedure

The Planning Director or other designated staff person is responsible for recommending artworks for deaccessioning. They will follow the deaccessioning process with the Public Art Advisory Committee. The Public Art Advisory Committee will evaluate and make recommendations on all deaccessioning requests to the Board of County Commissioners.

Section 5. Criteria for Deaccessioning

The Public Art Advisory Committee may consider the deaccessioning of an artwork for one or more of the following reasons:

- A. The site in which an artwork is currently located is planned for destruction, other modification or change in use of the facility that demands that the artwork be relocated, and said artwork cannot be feasibly reinstalled at another location.
- B. The artwork is not, or is only rarely, on display because of lack of a suitable site.
- C. The condition or security of the artwork cannot be reasonably guaranteed.
- D. The artwork has been damaged or has deteriorated and repair is impractical or unfeasible.
- E. The artwork endangers public safety.
- F. The artwork requires excessive maintenance or has faults in design or workmanship.
- G. In the case of site specific art, the artwork is destroyed or its impact is negated by altering its relationship to the site.
- H. The artwork has been determined to be significantly incompatible within the context of the Albany County collection.
- I. There has been sustained and overwhelming public objection to the artwork during the term of the agreement.

Section 6. Methods of Deaccessioning

- A. The following methods of deaccessioning are available to the Board of County Commissioners under this policy.
 - 1. Return to the original artist, estate, heirs or assigns.
 - 2. Sale or Exchange subject to the terms and conditions of the original agreement.
 - 3. Sale shall be in compliance with state and local laws and policies governing sale of property.
 - 4. Sale may be through auction, gallery resale, or direct bidding by individuals, in compliance with all law and policies governing surplus property.
 - 5. Exchange may be through artist, gallery, museum, or other institutions for one or more artwork(s) of comparable value by the same artist.
 - 6. No works of art shall be sold or traded to members of the Public Art Advisory Committee, Board of County Commissioners, or Albany County employees. Proceeds from the sale of the artwork will be returned to the Albany County to be used to conserve or maintain works in the Albany County collection, or to purchase or commission works for the Albany County collection.

- B. Destruction of artwork: In the case of site-specific artwork or artwork that has no value due to significant damage, destruction of the artwork may be considered.
- C. If Albany County is unable to dispose of the artwork in a manner outlined above, the Public Art Advisory Committee will make a recommendation for an alternative method, which may include the donation of the artwork to a non-profit organization or government agency.

Section 7. Sequence of Action

- A. The Public Art Advisory Committee evaluates the Albany County staff’s recommendation for deaccessioning artwork based on the criteria for deaccessioning. The Public Art Advisory Committee may seek additional information regarding the work from artists, art galleries, curators, appraisers, or other professionals prior to making a recommendation to the Board of County Commissioners.
- B. The Albany County staff will work with the Public Art Advisory Committee to prepare a Deaccessioning Report which will include the following:
 - 1. Full and complete details about the artwork including, but not limited to: the history of how it became a part of Albany County’s collection, its present physical condition, and its physical condition at the time of installation.
 - 2. Information about the artist of the artwork, its current market value, and community sentiment about the artwork historically to the present.
 - 3. The opinion of the Albany County Attorney on any restrictions which may apply to this specific artwork or site that would prevent it from being deaccessioned.
 - 4. Recommendation from the Public Art Advisory Committee for a deaccessioning method.