



## Public Art Advisory Board Agenda

For more information go to [www.parkcity.org](http://www.parkcity.org)

**Date:** Monday, August 14, 2023

**Meeting Place:** Marsac Executive Conference Room, 445 Marsac Avenue, Park City, UT 84060

**Time:** 5:00 p.m. to 7:00 p.m.

**Electronic Participation:**

<https://zoom.us/join/86793650224?occurrence=1683586800000>

**Present:**

**Absent:**

**Minutes:** Stephanie Valdez, Administrative Analyst

**Next Meeting:** Next meeting is Monday, September 11, 2023

### **Topic 1: Call Meeting to Order (5:00 p.m.)**

Motion to Call Meeting to Order:

Meeting Called to Order at:

Announce board member attendance:

**Present:**

**Absent:**

### **Topic 2: Staff / Council / Board Communications (5:03 p.m.)**

Allocated Time: 10 minutes

Introduce New Board Members

Board Oath & Affidavit: Michelle / Jenny

Arts Council Update: Jocelyn

Summit County Public Art Board Update: Jenny/Jocelyn

Other important dates for City items: Jenny

2023 Meeting Dates:

September 11, October 16, November 13, December 11

### **Topic 3: Public Comment: Any Items Not on the Agenda (5:15 p.m.)**

Notes: Remind members of the public to sign in and state their full names.

### **Topic 4: Approve Minutes from the June meeting (5:20)**

Any Changes:

Motion to Approve Minutes:

### **Topic 5: Public Art Opportunity at 2024 Transit Stop Improvements (5:25 p.m.)**

Person: Gabriel Shields, Transportation Engineer

Purpose: Discuss updates regarding bus shelters

Allocated Time: 15 minutes

Product: Next steps from the Board/timeline updates

Action Requested:

- (1) Discuss the budget & review project updates.
- (2) Board Questions /Comments and Discussion
- (3) Open for Public Comment
- (4) Board final discussion and summary/direction.

### **Topic 6: Budget & Project Updates (5:40 p.m.)**

Person: Jenny Diersen, Staff Liaison

Purpose: Discuss PAAB Budget and Project Updates.

Allocated Time: 30 minutes

Product: Next steps from the Board.

Action Requested:

- (1) Discuss the budget & review project updates including:
  - Public Art Board Video Premier
  - Projects completed since the last meeting
  - EmPOWERment Installation
  - Budget Update
  - Hiring Art Project Manager
  - Percent for Arts Policy
  - Slate Nominations (September discussion)
- (2) Board Questions /Comments and Discussion
- (3) Open for Public Comment
- (4) Board final discussion and summary/direction.

Attachments: Refer to Budget, Project Updates, and [Strategic Plan](#)

### **Topic 7: Daly West Artwork Selection (6:15 p.m.)**

Person: Lara Carlton & Jenny Diersen

Purpose: Review artwork submissions and board vote on approval.

Allocated Time: 45 minutes

Action Requested: Formal vote on artwork for the Daly West project.

- (1) Board discussion regarding proposals.
- (2) Open for Public Comment
- (3) Final comments and board vote on a recommendation artwork.

Attachments: Refer to attachments. [RFP Link](#).

**Homework:** The board must complete the scoring sheet and evaluator conflict statement and return them to Jenny no later than Monday by noon. We will present averaged scores at the meeting.

The meeting is estimated to adjourn at 7:00 p.m.

# DRAFT MINUTES



**Public Art Advisory Board Draft Minutes**  
For more information go to [www.parkcity.org](http://www.parkcity.org)

**Date:** Monday, June 12, 2023

**Meeting Place:** Marsac Executive Conference Room, 445 Marsac Avenue, Park City, UT 84060

**Time:** 5:00 p.m. to 7:00 p.m.

**Electronic Participation:**

<https://zoom.us/join/86793650224?occurrence=1683586800000>

**Present:** Lara Carlton (virtual), Dave Nichols, Jennifer Gardner, Elsa Gary, Jess Griffiths, Joanne Askins, Jenny Diersen PAAB Liaison, Jocelyn Scudder, Pam Bingham (virtual)

**Absent:** Sam Osselaer

**Minutes:** Stephanie Valdez, Administrative Analyst

**Next Meeting:** Next meeting is Monday, June 12, 2023

**Topic 1: Call Meeting to Order (5:03 p.m.)**

Motion to Call Meeting to Order: Lara called the meeting to order at 5:03PM

Meeting Called to Order at: **5:03PM**

Announce board member attendance:

**Present:** Lara Carlton (virtual), Dave Nichols, Jennifer Gardner, Elsa Gary, Jess Griffiths, Joanne Askins, Jenny Diersen PAAB Liaison, Jocelyn Scudder, Pam Bingham (virtual)

**Absent:** Sam Osselaer

**Topic 2: Public Comment: Any Items Not on the Agenda (5:10 p.m.)**

Notes: Remind members of the public to sign in and state their full names.

No public comment was received.

**Topic 3: Staff / Council / Board Communications (5:10 p.m.)**

Allocated Time: 10 minutes

Arts Council Update: Jocelyn

Jocelyn's updates included the Latino Art's Festival this week June 16-18<sup>th</sup> at Canyon's Village. There is also several lead up programming that most are free, tomorrow June 13<sup>th</sup> Mountain Town Music will be performing for the Noches de Verano concert series at City Park that begins at 7pm; Sundance is offering an outdoor film around 9PM, documentary about competitive side of Mariachi. On Wednesday night there is screening at Jim Santy, Pelé: Birth of a Legend; Thursday night Summit Community Gardens will be having an outdoor dinner and live music, this event is ticketed.

Jocelyn added that the Summer Art Showcase in Oakley, July 14<sup>th</sup> and 15<sup>th</sup>, this is still open to for local artists and vendors to sign up. This event is located at the Oakley Red Barn.

44 Summit County Public Art Update: Jocelyn/Jenny  
45 Jocelyn states there was no meeting this month (June).  
46 Jocelyn did mention that a large sculpture will be installed at the Ledges Event Center in  
47 Coalville, there will be workshops for the community to be involved and be apart of.  
48 Jocelyn will give the board more updates as she receives more information.  
49 Finally, Jocelyn wanted to add that in collaboration with the Latino Arts Festival, and  
50 Latina Opera Singer with a pianist will be performing at the Transit center to encourage  
51 folks to take public transit.

52  
53 Dave shared that he was a representative of the PAAB to help select an artist for the  
54 Historic Preservation Award; The artist selected was Bridgette Minehold.

55  
56 Dave took his staff from his office on an art walking tour in Downtown Salt Lake City,  
57 there is about 15 pieces to check out in that three-block stretch on Broadway and  
58 South. Dave added to look at the Netcon installation, "Pages of Salt, the largest  
59 installation that SLC and has invested \$2.2 million.

60  
61 2023 Meeting Dates:  
62 July 10, August 14, September 11, October 16, November 13, December 11

63  
64 **Topic 4: Budget & Project Updates (5:20 p.m.)**

65 Person: Jenny Diersen, Staff Liaison

66 Purpose: Discuss PAAB Budget and Project Updates.

67 Allocated Time: 20 minutes

68 Product: Next steps from the Board.

69 Action Requested:

70 (1) Discuss the budget & review project updates including:

71 - Video (June/July)

72 Jenny had a meeting with Claire White, projected to begin video production is June 27<sup>th</sup>,  
73 there were several kids that were interested but using two actors. The release of the  
74 video is projected to be done late July, early August.

75 - Hiring Art Project Manager

76 Jenny is working on the job description for the Art Project Manager position.

77 - Daly West RFP

78 The RFP has come back from City Attorney Office's review and is ready to be  
79 published. The RFP was sent to Friends of Ski Mining to review and make any changes  
80 by the end of the day. Daly West RFP will be live tomorrow.

81 -Printer RFP for Utility Boxes

82 The RFP for the utility boxes is out and closes on July 7<sup>th</sup>. The review for the printing  
83 companies will be discussed at the next meeting.

84 - Percent for Arts Policy

85 Dave has conducted research on percent for arts policy. This gives an idea on what  
86 other communities are doing with the art percent policies, some communities have more  
87 than 1%. The language on the policies were interesting, stating "not less than 1%", it's  
88 not restricted and could be more dependent on the project. There is handful of

89 communities that charge an art development fee, depending what kind of project it is  
90 such as private development.

91 Dave suggested to clarify how funds are collected.

92 Jenny stated that more research and in-depth discussion on the Percent for Arts Policy  
93 and bring it back to Council.

94 (2) Board Questions /Comments and Discussion

95 Jennifer asked if Summit County has the 1% as a whole?

96 Jenny states that municipalities are not included, they have their own policies and  
97 requirements.

98 Dave added that for some communities like Los Angeles they break it down to building  
99 type and charge a cost per square foot.

100 Pam suggests relaying the policies change to Summit County to keep them informed.

101 Jocelyn stated that a few years ago that there was a joint meeting with Summit County  
102 Public Art Board and Park City Public Art Board. Jocelyn suggested to bring back the  
103 joint meeting, this can be an annual meeting. Jenny agreed, this can be arranged.

104  
105 Jocelyn added that there is an Arts and Culture Master Planning Project ABC (arts,  
106 beauty, culture) coming up and Jocelyn would like for the board to be involved. This  
107 strategic planning will be worked on within the next 18 months. Jocelyn will keep the  
108 board updated when more information comes out, this is in the early stages of  
109 development.

110  
111 Joanne asked Jocelyn is the Arts Council tied in with the Summit County Council.  
112 Jocelyn stated the Arts Council works similarly to how this board works, they are an  
113 advisory board as well; they give recommendations in which the County Manager and  
114 County Council also has final approval. Arts Council comes in like contractor; helps  
115 administer and manage projects.

116 (3) Open for Public Comment- none at this time

117 (4) Board final discussion and summary/direction.

118 Lara asked about next steps on Percent Arts Policy.

119 Jenny advises the board to review the board's art policy and review the research that  
120 Dave provided before going to Council.

121  
122 Dave asked about the postcards. Jenny stated that it has been sent out over a month  
123 ago. Jenny has extras if anyone has not received one.

124 Attachments: Refer to Budget, Project Updates, and [Strategic Plan](#)

125

## 126 **Topic 5: Utility Box Artwork Selection (5:30 p.m.)**

127 Person: Jenny Diersen

128 Purpose: Review artwork submissions and board vote on approval.

129 Allocated Time: 60 minutes

130 Action Requested: Take a formal vote on artwork for Utility Boxes.

131 (1) Board discussion and questions and review of proposed locations.

132 Jenny states there were 102 submissions for the Utility Box Artwork project and goes  
133 over the selection process and criteria with the board.

134 Sam asked if more than 40 pieces are liked, is it possible to have 45 pieces and have  
135 two art pieces on one utility box. That is up to the board if they want two artists on one  
136 utility box.

137 Lara adds to keep one art piece to one utility box and not mix and match to be efficient  
138 when selecting an artist/piece.

139 Jenny goes over the color-coded scoring sheet, advises to look at the artists that scored  
140 on the higher scores (light green or dark green).

141 Jess had a question in regards of local artists and the criteria; mentioned one of the  
142 artists, Chelsea Jones is not a local artist. Jenny answered that Chelsea Jones used to  
143 be a middle school teacher in the district but now has transferred districts; was a  
144 contributor to the community. Jenny also stated that what is considered local are the  
145 surrounding areas; Park City and Summit County but will consider artwork outside of  
146 this area.

147

148 Elsa had comments about the quilt submission, didn't believe that it was art that fit the  
149 criteria and seems out of place. Pam liked the quit and mentioned that Utah Museum of  
150 Fine Arts had an international exhibit of quilting; it's a craft art but thought graphically it  
151 would look neat on a box.

152 Lara agreed that the quilt would look neat on a box and the proposal was well  
153 composed, Jennifer agreed that her proposal was great and didn't bother Jennifer that it  
154 wasn't "Park City."

155 Lara added that not every art submission was submitted specifically for the utility boxes.  
156

157 Joanne wanted to talk about the Windmill submission and was going off the  
158 Sustainability-environment theme. Jenny stated that Councils' lenses have changed,  
159 their focus is on housing and transportation; Phase I was based on Sustainability-  
160 Environment and Phase II theme was natural environment, arts and culture, community  
161 and history that are reflective of Park City.

162 Pam added that the windmill submission's format, quality, and graphic was not strong  
163 but liked the idea.

164 Jess asked are there windmills in Park City?

165 Jenny answered that there are no windmills in Park City, but there are agreements with  
166 windmills and solar farms.

167

168 Jenny gave the option to pull up all the submissions and that the vote on the art pieces  
169 does not to be decided tonight. Pam suggested to decide tonight with the current board  
170 members; with new board members it will take time to bring them up to speed.

171 Jennifer stated to possibly focus on light blue and dark green scores, dark green being  
172 the high 13 score and light blue being lower 13 score.

173

174 Jenny wanted to clarify with the board on what two pieces the board wants to remove  
175 from the top scores, they include Birds of Park City and Leadership submission.

176 Lara voted to remove those two from the list.

177 Pam suggested to keep the Birds of Park City but remove the text.

178 Lara states that the Birds of Park City appears to look like digital art. Jenny answered  
179 that within the school system digital art is becoming a popular form of art.

180 The Board will come back to Birds of Park City to discuss.  
181  
182 The High Five-Leadership submission is possibly a custom artwork piece, it appears to  
183 be promotional.  
184 Lara mentioned she did score High Five high but after discussion, if they did pay for an  
185 illustrator, then she would vote this submission out.  
186 Jenny advises that if it is promotional piece, without the text it can be accepted.  
187 The Leadership High Five has been voted out.  
188  
189 Jenny asks the board about Chelsea Jones' submissions, Jess replied that he removes  
190 his objection after Jenny explained how Chelsea Jones relates to the community.  
191  
192 Jenny states from 31 and up on the scoring sheet, those will be accepted, except for  
193 Birds of Park City-it is in question and removing Leadership. The board would like to  
194 highlight the quilt art piece in case it will be replaced.  
195 Jenny is not scoring but agrees that quilting is unique, this will be placed in question-  
196 further discussion (dark green).  
197 Lara wants to add that the quilt is a different form of art and adds diversity.  
198  
199 Jenny brings up the art pieces that are in dark green from 32-42 to review.  
200 Pam would like to review Michelle Harris' submission and would like a clear  
201 understanding of how the art piece relates to the community.  
202 The board would like to highlight Ginny Cunningham proposal 3.  
203 Lara would like to push for the the quilt to be accepted. Jess likes the diversity that the  
204 quit adds.  
205 Jennifer would like to discuss Ginny Cunningham proposal 1, 2 ,3.  
206 Jenny states that Ginny 3 is in question whether to keep or not.  
207 Joanne states the proposal was more about herself than a proposal pertaining the  
208 theme of the RFP.  
209 Lara would be okay to remove Ginny 3.  
210 Pam suggests looking at Ginny 1 and 2 side by side, they are similar. Dave adds to  
211 keep Ginny 1 and 2, remove 3.  
212 Jenny asks the board if they want to keep Ginny's 1 and 2 proposals. The board  
213 decided to keep proposals 1 and 2 for now and if another piece that is liked after review,  
214 to possibly replace one of them.  
215 Lara states to respect the average scores, the scores show the art pieces that scored  
216 high and to accept that there were pieces that were liked but didn't make the top 42.  
217  
218 Jess has concerns of Rosa Cruz #30, she's a Puerto Rican artist and is known at Bear  
219 Lake. Jess' concern of accurate depiction of the Indigenous heritage in Park City, wants  
220 to ensure that the information is correct.  
221 Jocelyn gives advice and information that this can be cultural appropriation and doesn't  
222 represent their own culture.  
223 Lara votes to remove Rosa Cruz #30, Native American proposal  
224  
225 Jenny moves to the lighter blue section of the scores.

226 Lara liked Erin Donovan's Veggie Garden, the proposal was good as well.  
227  
228 Jess wants confirmation if Rosa Cruz "The Amazing Biodiversity" animals are  
229 indigenous to Park City, this one is still questionable. The animals need to be verified.  
230  
231 The Board voted in Erin Donovan's "PC Dogscape".  
232  
233 The Board moved and voted Stephanie Donovan "Gearing Up for Fun" to the light green  
234 (accepted).  
235 Jennifer gave information about fish in Summit County that relates to Michael Fischer's  
236 art piece "Fish". Summit county holds a blue ribbon in fly fishing and the bugs that are in  
237 Michael's art piece is great depiction of that.  
238 The Board moved and voted Michael Fischer's Fish to be accepted.  
239  
240 Jennifer wanted to comment on an entry that was scored high that scored low on the  
241 average scores, it was Libby Peterkort's "Patterns".  
242 Lara stated the Libby's Fossils entry was stronger and made the top scores.  
243  
244 Lara would like to bring Michelle Harris' proposal 1 back for discussion, Lara votes to  
245 keep it in, Jess and Dave vote to keep Michelle Harris' proposal 1; Pam votes Michelle's  
246 piece and proposes to remove Ginny's proposal 2 and find a replacement.  
247  
248 Lara votes to move Renee Mox Hall's "Daly Commute" in the top 40.  
249 Rosa Cruz's "Amazing Biodiversity" is up for discussion, it needs to be voted in or not.  
250  
251 The board reviews Anna Moore's three art pieces, in which they all averaged on the  
252 higher end of scoring.  
253  
254 Jenny summarizes that the Birds of Par City is alternate, Ginny Cunningham proposal 2  
255 and Rosa Cruz as an alternate as well.  
256  
257 Pam proposes to place Renee Mox Hall's Daly Commute as the alternate and place  
258 Rosa Cruz "Amazing Biodiversity" in the accepted category, if the animals can be  
259 confirmed indigenous to Park City. Lara and Joanne agree.  
260  
261 (2) Open for Public Comment- none at this time  
262 (3) Board vote on a recommendation artwork (up to 40 pieces).  
263 Lara motions to accept to the 40 pieces highlighted in light green for the Utility Box Art  
264 project, with the three alternates in dark green. Joanne second the motion. All in favor.  
265  
266 Jenny summarizes that the alternates are Birds of Park City with text removed Renee  
267 Mox Hall's Daly Commute and Ginny Cunningham proposal 2.  
268 Attachments: Refer to attachments. [RFP Link](#).  
269

# BUDGET & PROJECT UPDATES

**PAAB Budget Update August 2023**

Budget Item	Amount	Notes
General Funds (CIP, Unrestricted):	\$295,650.00	3 year allocation (2015, 2016, 2017 Cp0089-031450) Combined with previous 2014 CIP Balance (Cp0089-031450), FY 2020 \$100,000 Allocation, FY 2022 \$40,000 Allocation
Lower Park RDA, Restricted	\$37,749.00	3 year allocation (FY16, 17, 18) Cp0089-03345, includes remaining Library 1% as those funds are restricted to Lower Park RDA
<b>Total PAAB 'General Funds' Budget Balance</b>	<b>\$333,399.00</b>	
<b>1% Funding</b>		
No current 1% projects	\$0.00	
<b>Total 1% Funding</b>	<b>\$0.00</b>	
<b>Grant Funding</b>		
No current grants	\$0.00	
<b>Total Grant Funding</b>	<b>\$0.00</b>	
<b>Operational Funding</b>	<b>\$7,000.00</b>	
<b>Total Operational Funding</b>	<b>\$5,947.00</b>	
<b>Total Public Art Budget Balance</b>	<b>\$339,346.00</b>	Total Budget
<b>Expenditures</b>	<b>Cost</b>	<b>Notes</b>
Library Project ( July 2015) 1%	\$60,251.50	July 2015 (total 1% amount was \$68,000.00)
Quinn's Public Art (September 2015) CIP	\$85,622.00	September 2015
Maintenance DV Dr. Tunnel Repair (March 2016)	\$409.71	March 2016
PC MARC Project (October 2018)	\$6,468.00	\$6,468 has been released. This was a 1% allocation from PCMARC solar renovations.
China Bridge Mural Project (October 2018)	\$40,000.00	\$40,000 has been released - removed from General Funds above.
Maintenance Lucy Moosey (July 2018)	\$200.00	July 2018 - removed from Operational Funding. Estimated additional costs that will be removed to place Lucy are estimated at \$1,000.
Window Display - Olympic Legacy	\$17,000.00	Project Completed, funding removed from grant projects
Concrete Pad for Lucy Installation	\$2,000.00	Removed from Capital Funds
Maintenance Marsac Art Poles/Trees (July 2018)	\$426.00	June 2018 - removed from Operational Funding
Utility Box Project	\$22,665.63	\$3,600 has been released to artists and \$19,065.63 to the printing services contractor - removed from General Funds
Creekside Water Plant Public Art	\$26,500.00	\$19,000 from Public Art Capital Budget, \$6,500 from Water Dept
McPolin Tunnel Mural	\$10,000.00	\$10,000 has been released to artist and Removed from CIP funds above
Transit Center Tunnel	\$10,000.00	From Capital Budget
Utility Box Artwork Framing	\$3,000.00	Paid to frame works from Utility Box Artwork to display in City Hall
Maintenance Poision Creek Murals	\$2,800.00	removed from Operational funding above.
Chuck Landvatter, Mural Maintenance	\$500.00	removed vandalism from poison creek mural
Inventory	\$10,000.00	Project began, Minda to update funding released. Removed from General Fund.
Art District Fencing Artwork	\$2,400.00	from Capital Budget
Inventory Retainer	\$5,000.00	Paid \$850 based on current work so far.
Martinez Sculpture Site Prep	\$5,000.00	from Lower Park RDA funds.
Lucy the Moose Repairs	\$500.00	from Capital Budget
Utility Box Artwork and Printing	\$56,800.00	estimated - capital budget
Mural Repair	\$4,250.00	Ben & Chucks Murals. Graffiti sealer on Chuck's mural
Project Manager for Public Art	\$40,000.00	Estimated - hire project manager capital budget
Mural Repair	\$6,600.00	For mural & martinez sculpture repairs
Postcard Mailing	\$1,609.54	For mailing postcard
FOSMML Daly West Sculpture	\$60,000.00	Estimated cost of art work - capital budget
<b>Total Expenditures</b>	<b>\$480,002.38</b>	

## PAAB Project Updates 8/14/23

### **2023 PAAB Meeting Dates:**

September 11, October 16\*, November 13, December 11

Please continue to refer to the [PAAB's Mission, Vision and Goals](#).

Please also continue to refer to the [2023 Strategic Plan](#).

### **Maintenance and Repairs (this is a running list so when we do inventory, we can address)**

- Surroundings – We determined that the markings are not from kids drawing on the artwork, but from the cleaner's placing chairs against the work at night. We have contacted the cleaners and are working to look at methods to clean the work.
- Protective Coating for Murals – Looking into purchasing clear coat and estimated timing on painting murals.

### **Signage & Inventory:**

Working on sign installation plan for all artwork this summer. Met with Archivist and also worked to include Historic Preservation Collection on 2<sup>nd</sup> Floor of City Hall in the Public Art Map and signage. Updating 3 artworks into the Public Art Map.

### **Projects 2023:**

**Utility Box Project.** Anticipate artwork installation in September.

**Daly West Sculpture on Rail Trail.** Donated metal from Daly West Headframe. The budget is \$60,000. Will select a recommended project at the August meeting.

**Our Elks Donation** – Artwork has been installed.

**School of Fish** – Maintenance has been completed.

**Lucy the Moose** – Maintenance has been completed.

**Postcard and Video Outreach in Spring.** The postcards have been mailed out. I have a few left which I will bring to the meeting for distribution. The video will be revealed at Monday's meeting then shared with the public.

**Percent for Arts Policy.** Request board review research and be prepared for discussion at the September meeting.

**Need to determine the next steps for intersection art, bus shelters, and neighborhood art.**

## PERCENT FOR ART POLICY EXAMPLES

### Atlanta, GA

#### ARTICLE III. WORKS OF ART IN PUBLIC PLACES\*

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**\*Cross references:** Procurement of construction, architect, engineer and land surveying services, § 2-1266 et seq.

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#### **Sec. 46-76. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Construction project* means any capital project, including but not limited to those paid wholly or in part by the city with voter non-school general obligation bonds, annual general obligation non-school bonds, public grants except where prohibited, park improvement funds, revenue bonds and general funds, for the purpose of constructing or remodeling any building, decorative or commemorative structure, park, street, sidewalk, parking facility or utility or any portion thereof within the city.

*Eligible funds* means funds which pay for actual construction costs. This excludes funds which pay for engineering, architecture, acquisition, land acquisition and interest costs, as well as any incidental costs not associated with construction. Further, it refers only to that portion of public funds, which come from sources other than general obligation school bonds, private grants (except where expressly stated in the conditions of the grant itself) and assessment programs.

*Municipal art account* means the account within each eligible fund in which one and one-half percent of all eligible funds for construction projects are deposited each year, and of which 80 percent shall be expended on the selection, design and development of works of public art, and 20 percent reserved for maintenance of works of public art and **arts** administration by the bureau of cultural affairs (BCA). BCA shall be the administrator of all municipal **arts** accounts and have sole expenditure authority on said accounts.

*Municipal art plan* means an annual plan developed and administered by the bureau of cultural affairs for the aesthetic enhancement of all capital construction projects paid for by eligible funds in a particular year.

(Code 1977, § 10-4005; Ord. No. 2001-55, § 4, 7-24-01)

**Cross references:** Definitions generally, § 1-2.

**Sec. 46-77. Policy.**

A policy is established to direct the inclusion of works of art in the public works projects of the city and to place art on municipally owned or rented property. The city's public art master plan shall guide the development, administration and maintenance of public art in Atlanta.

(Code 1977, § 10-4004; Ord. No. 2001-55, § 3, 7-24-01)

**Sec. 46-78. Funds for works of art.**

All request for appropriations for construction projects from eligible funds as defined in section 46-76 shall include the encumbrance of an amount equal to one and one-half percent of the estimated cost of such projects for public works of art and shall be accompanied by contractual requirements authorizing the bureau of cultural affairs to expend such funds after the same have been deposited in a municipal **arts** account. When any such request for construction projects is approved, the appropriation for such construction projects shall be made and shall include an appropriation of funds for works of art, at the rate of one and one-half percent of project costs to be deposited into the municipal **arts** account as a line item in each fund. Money identified by each bureau, or agency for its public art percentage program shall be expended for payees as prescribed by the municipal **arts** plan, as provided in section 46-79(2).

(Code 1977, § 10-4006; Ord. No. 2001-55, § 5, 7-24-01)

**Sec. 46-79. Authority of bureau of cultural affairs.**

To carry out its responsibilities under this article, the bureau of cultural affairs shall:

- (1) Prepare for review by the mayor and council, a municipal **arts** plan which shall outline the expenditure of funds from the municipal **arts** account(s). Such plan shall include, but not be limited to, the method(s) of commissioning artists, specific locations and expenditures for specific works of art, and maintenance and administration of the public **arts** program;
- (2) Cause the municipal **arts** plan to be an integral part of the office's recommendations with regard to the city's comprehensive development plan and the capital improvement plan;
- (3) Bring to the attention of the city council any proposed work of art requiring extraordinary operation or maintenance expenses;
- (4) Recommend the placement of works of art consistent with section 46-81;
- (5) Make recommendations regarding artist(s) selections without regard to an individual's or the perception of an individual's race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, age, disability, or the use of a trained dog guide by a blind, deaf or otherwise physically disabled person;
- (6) Make recommendations to the council as to the amount of money required in advance to carry out contracted projects by artist(s); the amount advanced shall not exceed one-third of the total allocable to such artist(s) for the contracted work of art and shall be approved by the council and mayor prior to payment; and
- (7) Review prior to final payment all works in order to report on the conformity of the finished work with the approved plans or other document describing the work of art to be carried out.
- (8) Approve all expenditures from municipal **arts** accounts of which 80 percent shall be expended on the design, selection and development of works of public art, and 20 percent shall be expended on maintenance and administration of the public art program.
- (9) Develop procedures for implementation of the policy governing the acceptance of gifts of public art to the city and the policy governing the process for the de-accessioning of public art.

(10) Establish guidelines for and recommend the appointment of a public art advisory committee comprised of representatives from the business community, the **arts** community and the citizens of the city, to advise and assist the bureau of cultural affairs on matters regarding the implementation of public art policies for Atlanta.

(11) Review and approve all capital construction projects for compliance with the percent for art section of the Code of Ordinances, and determine if said percent for art funds shall be utilized on or about a specific project, or pooled with other funds for larger public **arts** projects located within the city, with the assistance of the public art advisory committee.

(Code 1977, § 10-4007; Ord. No. 2000-70, 12-12-00; Ord. No. 2001-55, § 6, 7-24-01)

#### **Sec. 46-80. Placement of art.**

Works of art selected and implemented pursuant to this article may be placed in, on or about any city construction project or other city-owned, city-leased or city-rented property. They may be attached or detached within or about such property and may be either temporary or permanent. Placement of works of art shall be authorized by the city council after a report of the mayor or the mayor's designee.

(Code 1977, § 10-4008)

#### **Sec. 46-81. Account and payments.**

There is established a special account within each eligible fund designated the "municipal **arts** account into which funds are appropriated as contemplated by section 46-78 and 46-79 hereof shall be deposited. Each disbursement from such account(s) or from other appropriations for works of **arts** shall be approved by the bureau of cultural affairs, as authorized by the city council. Twenty percent of each municipal **arts** account shall be reserved for the administration and maintenance of works of public art by the bureau of cultural affairs.

(Code 1977, § 10-4009; Ord. No. 2001-55, § 7, 7-24-01)

#### **Sec. 46-82. Waiver of article.**

This article may be waived by resolution adopted by the city council and approved by the mayor when the construction project covered under this article is not appropriated for works of art.

## **Charlotte, NC**

### **ARTICLE IX. PUBLIC ART PROGRAM**

#### **Sec. 15-231. Title.**

This article will be known and may be cited as the Charlotte public art program.

(Ord. No. 2308, § 1(15-211), 5-27-2003)

#### **Sec. 15-232. Purpose and intent.**

The city accepts responsibility for expanding the opportunity for its citizens to experience art in public places. The city also recognizes that the inclusion of public art in appropriate capital improvements projects will promote the cultural heritage and artistic development of the city, enhance the city's character and identity, contribute to economic development and tourism, add warmth, dignity, beauty and accessibility to public spaces, and expand the experience and participation of citizens with visual **arts**. A policy is therefore established to direct that funding for the inclusion of works of art in certain capital improvement projects constructed by the city be allocated through this public art program that supercedes and replaces the joint public art program previously operated by the Charlotte-Mecklenburg Public Art Commission that had been established through resolutions duly adopted by the city and the county.

(Ord. No. 2308, § 1(15-212), 5-27-2003)

#### **Sec. 15-233. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Artist* means any professional practitioner in the **arts**, generally recognized by critics and peers as a professional in the field as evidenced by his/her education, experience and artwork production.

*Artwork* means original works, produced by an artist pursuant to this article and approved by the public art commission, in a variety of media. Artwork may be permanent, temporary, or functional, may stand alone or be integrated into the architecture or landscaping and should encompass the broadest range of expression, media and materials. Artwork shall not include reproductions of original works of art.

ASC means the **Arts** and Science Council -- Charlotte/Mecklenburg, Inc., or its affiliated designee approved by the city, which assists in the administration of the public art program described in this article in accordance with an annual contract with the city and the public art commission.

*Capital improvement program* means the city's program for advance planning of capital development.

*Capital improvement project* means any capital project paid for wholly or in part by the city for the construction or substantial renovation of any building, facility or open space to which the public is generally invited, including projects in the business corridor program that are funded from the capital improvement program. For purposes of this article, a substantial renovation project is one that has been included in the capital improvement program.

*Construction costs* means the total amount appropriated for a capital improvement project (including funding from outside sources which permit the acquisition of artwork for the eligible project with such funds) less the actual costs of: (i) real property acquisition, (ii) demolition of existing structures, (iii) environmental remediation, (iv) equipment costs, (v) change orders to Eligible Projects, and (vi) legal, design and accounting fees.

*Eligible fund* means a source of funds for a capital improvement project from which city expenditures for public art are not prohibited as an object of expenditure.

*Eligible project* means any capital improvement project with the exception of (i) those projects that have statutory, contractual or other legal restrictions that prohibit expenditures for artwork from all portions of the project funds, and (ii) those art in transit projects that are governed by the guidelines established by the metropolitan transit commission for CATS' capital programs. The city council reserves the right to exclude certain projects from consideration as an eligible project or to limit the percentage of construction costs appropriated for artwork on an eligible project on a case-by-case basis.

*Public art account* means a specially designated account or accounts established by the city to fund the public art program as set forth in section 15-244.

*Public art allocation* means the amount of funds identified on a line item in the project budget for an eligible project that shall be allocated to the public art account for use in accordance with this article.

*Public art collection* means the entirety of artwork in city-owned places that have been acquired by the city through the public art program, and its predecessor program as a result of the public art resolutions of November 23, 1981, and May 10, 1993, which preceded the ordinance from which this article is derived.

*Public art commission* and *Commission* mean the Charlotte/Mecklenburg Public Art Commission described in section 15-234.

(Ord. No. 2308, § 1(15-213), 5-27-2003)

**Cross references:** Definitions generally, § 1-2.

**Sec. 15-234. Public art commission established; function.**

There is hereby established a commission to be known as the public art commission which shall have the powers and duties as set forth in this article in order to oversee and administer a public art program that will ensure the inclusion of artwork in appropriate capital improvement projects for the city to enhance the artistic and cultural development of the city. The public art commission also administers a public art program for the county pursuant to an ordinance duly adopted by the board of county commissioners on December 17, 2002. This reestablishment of the public art commission shall supercede and replace the Charlotte-Mecklenburg Public Art Commission previously established through resolutions duly adopted by the city and the county.

(Ord. No. 2308, § 1(15-214), 5-27-2003)

**Sec. 15-235. Composition; appointment of members.**

The public art commission shall be composed of no less than nine and no more than 12 members, three of which will be appointed by the city, three of which will be appointed by the board of county commissioners, and the

remainder of which will be appointed by the board of directors of the **arts** and science council. Two of the members appointed by the city shall be appointed by city council and the mayor shall appoint the other member. The members of the commission shall be appointed as follows:

TABLE INSET:

*City*  
*County*  
ASC

Visual **arts** or design professionals

3

Representatives of the business sector

1  
1

Representatives of the education field

1  
1

Representatives of the community

1  
1

(Ord. No. 2308, § 1(15-215), 5-27-2003)

**Sec. 15-236. Terms of members; removal, etc.**

(a) Members of the public art commission shall serve for three-year terms and may serve a maximum of two consecutive full terms, plus any partial term to which they may have been appointed. Member terms shall be appointed on a staggered basis so that no more than three of the minimum nine appointed seats become vacant at one time.

(b) Any member serving in a position for which the term has expired shall continue to serve until the member's successor in that position is appointed and qualified. Any vacancy in a position shall be filled for the unexpired term.

(c) Any member appointed by the city who fails to attend the requisite number of meetings as set out in the boards and commissions attendance policy adopted by the city council shall be automatically removed from the commission. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as provided in this section. The city clerk will notify the mayor and council if a city-appointed member is absent the requisite number of the meetings, and appointment will be made by the appointing authority to fill that vacancy.

(d) Current members of the previously established Charlotte-Mecklenburg Public Art Commission shall serve out their remaining term and upon the expiration of such term, replacement members shall be appointed by the same entity that appointed the retiring member according to the fields designated in section 15-235.

(Ord. No. 2308, § 1(15-216), 5-27-2003)

#### **Sec. 15-237. Compensation of members.**

Members of the public art commission shall serve without compensation from the city or any firm, trust, donation or legacy to or on behalf of the city, provided, however, that a member of the commission, or the firm, company or corporation with whom the member is associated, shall not be precluded from receiving compensation from the city under any contract for services rendered which have no relation to the member's duties as a member of the commission.

(Ord. No. 2308, § 1(15-217), 5-27-2003)

#### **Sec. 15-238. Chairman.**

The chairman of the public art commission shall be elected by a majority of the members of the commission and shall hold such office for one year or until a successor has been elected and qualified. The chairman may serve as a member of the board of directors of the **arts** and science council if so elected.

(Ord. No. 2308, § 1(15-218), 5-27-2003)

**arts**

**Sec. 15-239. Role of arts and science council.**

The **arts** and science council -- Charlotte/Mecklenburg, Inc., is a nonprofit organization that provides services and programs to the city pursuant to an annual agency contract. The public art commission shall utilize the services of the **arts** and science council to administer the public art program.

(Ord. No. 2308, § 1(15-219), 5-27-2003)

**Sec. 15-240. Administrative procedures.**

The public art commission in conjunction with the city's finance department and the **arts** and science council shall prepare guidelines and specifications for the administrative procedures that are necessary to accomplish the purposes set forth in this article.

(Ord. No. 2308, § 1(15-220), 5-27-2003)

**Sec. 15-241. Consultation with city officers and department staffs.**

City officers and staffs of city departments may consult and advise with the public art commission from time to time on matters coming within the scope of this article, and the commission may consult and advise with such city staffs and officers.

(Ord. No. 2308, § 1(15-221), 5-27-2003)

**Sec. 15-242. Solicitation of gifts of art and funds.**

The public art commission shall have the authority to solicit gifts of art on behalf of the city and to encourage public-spirited citizens to contribute funds, as well as permanent works of art, to the city and thereby help to beautify the city and the public buildings and grounds situated therein.

(Ord. No. 2308, § 1(15-222), 5-27-2003)

**Sec. 15-243. Powers and duties.**

(a) Subject to the provisions of this article, the public art commission shall be responsible for administering the city's public art program with the assistance of **arts** and science council, including the establishment of policies and guidelines, the designation of appropriate sites for artwork, the

determination of an art budget for eligible projects, the selection of artists and commissioning works of art, review of the design, execution and placement of artwork and the removal of artwork from the city collection.

(b) The public art commission, with the assistance of **arts** and science council, shall prepare an annual fiscal year work plan for approval by the city council which shall include at least the following: (i) a description of the artwork completed, obtained or commenced in the previous year; (ii) a description of the capital improvement projects designated for inclusion of public art in the upcoming year and of the funding source; (iii) a budget for the income and expenditures for such projects; and (iv) a general description of the public art plan for the upcoming year. The city council shall have final approval of the annual work plan and budget for the public art program. The annual work plan shall be contingent upon the availability of funds for capital projects.

(c) The public art commission shall work together with the city and the **arts** and science council to examine all artwork or a design or model of same which are proposed for permanent or longterm placement on city property or are to become the property of the city by purchase, gift or otherwise, except for those works to be placed in a museum or gallery, to determine an appropriate space for the placement of such artwork. In any case in which the city and the commission cannot agree on the location of placement of such works, the city's determination shall be final.

(d) Prior to moving or removing any artwork placed in, on or about city property pursuant to the public art program, the city shall submit such proposed change to the public art commission for a report and recommendation about a new space for the artwork or alternatives to moving it. In any case in which the city and the commission cannot agree on issues related to the relocation or removal of the artwork, the city's determination shall be final. The commission shall not be required to make recommendations regarding the temporary placement of artwork on city property.

(e) To encourage broad community participation in the public art program and to ensure artwork of the highest quality, the public art commission may solicit the participation of community representatives and professionals in the visual **arts** and design fields as part of the artist and art work selection process for particular public art projects in accordance with the size and complexity of the projects. These advisors may assist the commission in the selection of artists, project oversight and other related purposes, but shall have no vote on matters coming before the public art commission.

(f) During the design phase of the artwork, the public art commission shall advise the appropriate city departments through the city manager concerning the maintenance requirements of every artwork, recommend to the responsible department the type, frequency and extent of maintenance required to preserve the quality and value of every artwork, and inspect such maintenance work for the guidance of the city departments concerned. It is the responsibility of the site manager or appropriate department head to provide for the maintenance of artwork in their routine site maintenance program. Any proposed artwork which is determined by the commission or demonstrated by an appropriate city department head to require extraordinary operations or maintenance expense shall be reviewed with the city manager and approved by city council prior to proceeding with the fabrication and construction of the artwork.

(Ord. No. 2308, § 1(15-223), 5-27-2003)

**Sec. 15-244. Funds for public artwork.**

(a) All allocations of funds for eligible projects shall include an amount equal to one percent of the projected construction costs at the time the project is included in the city's capital improvement program to be used for the selection, acquisition, commissioning and display of artwork. No allocation shall be made for eligible projects with an estimated expenditure of less than the threshold amount for which formal bidding procedures are required pursuant to G.S. 143-129. If the source of funding, applicable law governing any particular eligible project or the expenditure of such funds precludes art as a permissible expenditure, the amount of funds so restricted shall be excluded from the construction costs in determining the amount to be allocated as provided in this section.

(b) The city's finance director shall establish a special fund designated the public art account into which funds appropriated as set out in subsection (a) of this section (the public art allocations) or derived from gifts or donations to the city for public art shall be deposited. For the budget year that the city council appropriates funding for the eligible project and that the eligible project is instituted, the public art allocations shall be deposited into the public art account in accordance with procedures established by the city's finance director.

(c) Monies collected in the public art account shall be budgeted and expended in the same manner as other city revenues and used for projects commissioned pursuant to this article. Each disbursement from such account or from other appropriations for artwork shall be recommended by the public art commission and authorized in accordance with applicable law and accounting principles governing expenditures from the city's budget. Separate

accounts shall be established whenever funds are required to be used at a designated capital improvement project.

(d) From the effective date of this section, applications for capital improvement projects to granting authorities shall include amounts for artwork as specified in this section, insofar as permissible by the granting authority.

(Ord. No. 2308, § 1(15-224), 5-27-2003)

**Sec. 15-245. Uses of funds.**

Funds allocated in accordance with this article may be used for the selection, acquisition, purchase, commissioning, fabrication, placement, installation, exhibition or display of artwork. To the extent practical, artist selection should be concurrent with selection of the architect or designer to ensure integration of the artwork into the project architecture. If a particular eligible project is deemed inappropriate for the placement of artwork by the public art commission or by city council, if not otherwise prohibited by law, the funds appropriated for artwork may be used at other more appropriate public sites.

(Ord. No. 2308, § 1(15-225), 5-27-2003)

**Sec. 15-246. Public art acquisition.**

Disbursement of funds from the public art account to pay for artwork acquired pursuant to this article shall be made in accordance with procedures established by the city's finance director, but shall at least include the submission from the public art commission of an accurate and complete invoice resulting from a contract with an artist. The invoice for such artwork may include a commission fee of 15 percent of the cost of the artwork for services rendered in connection with the acquisition and installation of the artwork.

(Ord. No. 2308, § 1(15-226), 5-27-2003)

**Sec. 15-247. Ownership of artwork.**

All artwork acquired pursuant to this article shall be acquired in the name of the city and title shall vest in the city.

(Ord. No. 2308, § 1(15-227), 5-27-2003)

## **Sec. 15-248. Decriminalization.**

A violation of this article shall not constitute an infraction or misdemeanor punishable under G.S.

## **King County, WA**

### **Chapter 4.40**

### **FINANCING ART IN COUNTY CONSTRUCTION PROJECTS**

#### **Sections:**

4.40.005 Definitions.

4.40.015 Funding, appropriations, opportunities for pooling funds and use of funds.

4.40.025 Inclusion of public art requirements in grants to other agencies.

4.40.110 General obligation bond proceeds.

4.40.120 Harborview Medical Center capital reserves.

#### **4.40.005 Definitions.**

Words in this chapter have their ordinary and usual meanings except those defined in this

section, which have, in addition, the following meanings. If there is conflict, the specific definitions in this

section shall presumptively, but not conclusively, prevail.

A. "Acquisition" or "county force acquisition" means the purchase of parcels of land, existing

buildings, and structures, and costs incurred by the county for the appraisals or negotiations in

connection with such a purchase.

B. "Arts and cultural development fund" means the special revenue fund established in K.C.C.

4.08.190 to receive and transfer to the cultural development authority a variety of revenues including, but

not limited to, public art revenues.

C. "Client department" means the county department, division or office responsible for

construction or custodial management of a facility or capital improvement project after construction is complete.

D. "County force" means work or services performed by county employees.

E. "Cultural development authority" or "authority" means the cultural development authority of

King County established under K.C.C. chapter 2.49.

F. "Equipment and furnishings" means any equipment or furnishings that are portable and of

standard manufacture. "Equipment" does not mean items that are custom designed or that create a new

use for the facility, whether portable or affixed.

G. "Public art fund" means the fund established in K.C.C. 4.08.185.

H. "Public art program" means the county program administered and

implemented by the cultural development authority that includes the works and thinking of artists in the planning, design and construction of facilities, buildings, infrastructure and public spaces to enhance the physical environment, mitigate the impacts of county construction projects, and enrich the lives of county residents through increased opportunities to interact with art. (Ord. 14482 § 57, 2002).

**4.40.015 Funding, appropriations, opportunities for pooling funds and use of funds.**

A. All capital improvement projects that are publicly accessible and visible, or for which there is a

need for mitigation, shall contribute to the county's public art program.

1. The amount of the annual appropriation for public art shall be equal to one percent of the

eligible project costs of those capital improvement projects that meet the criteria of public visibility and accessibility or need for mitigation. For the purposes of calculation, eligible project categories shall include capital improvement program projects for new construction, reconstruction or remodeling of buildings, parks and trails, commemorative structures, pedestrian and vehicular bridges, surface water management projects, wastewater treatment projects, transit facility construction projects and solid waste transfer stations.

2. The following project categories shall be considered ineligible and may be excluded from the public art program calculation base: roads; airport runways; sewers; and solid waste landfills. This ineligibility shall not preclude a client department, in cooperation with the cultural development authority, from proposing a public art project for a road, airport runway, sewer or solid waste landfill project that presents an opportunity for the inclusion of public art.

(King County 6-2004)

**FINANCING ART IN COUNTY CONSTRUCTION PROJECTS 4.40.015**

3. At a minimum, the amount budgeted for public art in a capital improvement project shall be

equal to one percent of the following project elements: conceptual design, design, contracted design, preliminary engineering, construction, contingency, county force design and project administration and construction engineering. Costs associated with the predesign phase of the county's capital planning projects meeting the above criteria and anticipated to result in construction, shall be included in the calculation for public art.

4. The following project elements may be excluded from the budget calculation for public art:

acquisition equipment and furnishings; and county force acquisition. Asbestos

abatement may also be excluded from the budget calculation for art when the costs for asbestos abatement have been calculated and a line item budgeted for asbestos abatement as been established within the project budget.

5. In all cases, where a capital improvement project has a scope of work that includes both eligible and ineligible project elements and eligible and ineligible project categories, the budget for public art shall be calculated, at a minimum, in the eligible portions of the project.

B. At the time a capital improvement project is proposed, the client department shall calculate and include a budgeted line item for public art in each eligible project described in this section. The executive's budget representative shall confirm the calculations with the cultural development authority and include the agreed-upon appropriations for public art in the executive's proposed budget. The amounts budgeted for public art in particular projects may be adjusted to reflect council changes to the county capital improvement program budget or supplemental budgets. The appropriation for public art shall be transferred to the arts and cultural development fund and from there to the cultural development authority as soon as the appropriation is made for the capital improvement project, and as soon as funds are available.

C. The source of the funds shall not affect the calculation for public art for a capital improvement project unless the conditions under which the revenue is made available prevent its use for artistic purposes. In this case, the revenue shall be excluded from the eligible project costs on which the one percent calculation for art is based.

D. A policy is hereby established to direct the pooling of all public art program revenues on a departmental basis. Interest generated by public art revenues shall not be pooled on a departmental basis. However, interest from all revenues shall be pooled collectively and used for the purposes established in this section.

Pooling affords the opportunity to look at the needs of the county as a whole and use the public art revenues only in those projects that may have the greatest impact on communities or offer the best opportunities for artist involvement. Pooling on a departmental basis affords the opportunity for the cultural development authority and client departments to work collaboratively on projects that reflect the missions and goals of individual departments and to ensure that public art projects are adequately funded. It is not the

executive's or council's intent that every capital improvement project which contributes to the public art fund revenues shall include a public art project. The decision regarding capital improvement projects that will include a public art project shall be determined jointly by the cultural development authority and the client department according to the procedures and criteria in this section and K.C.C. 2.46.150.

E. Revenues shall support the following uses:

1. The selection, acquisition and display of works of art, that may be an integral part of the project or placed in, on or about the project or other public space;
2. Artist fees, design, planning and predesign service contracts and commissions;
3. Expenses for technical assistance provided by either architects or engineers, or both, and to artists in order to design, document or certify the artwork;
4. Repair and maintenance of public artworks accessioned into the county's public art collection to the extent permissible under generally accepted accounting principles, grants, contracts and law;
5. Public art program administrative expenses relating to acquiring, developing or maintaining public art to the extent permissible under generally accepted accounting principles, grants, contracts and law;
6. Participation by citizens or costs of communicating with and receiving input from citizens, working with professional artists, introduction of public art to children, and education of the public about the county's rich cultural and artistic heritage;
7. Documentation and public education material for the public art program;
8. Liability insurance for artists; and
9. Pilot projects approved by the cultural development authority. (Ord. 14482 § 58, 2002: Ord. 12089 § 9, 1995. Formerly K.C.C. 2.46.070).

(King County 6-2004)

#### 4.40.025 - 4.40.120 REVENUE AND FINANCIAL REGULATIONS

##### **4.40.025 Inclusion of public art requirements in grants to other agencies.**

Funds that are distributed by the county to another agency for eligible capital improvement project with an estimated construction budget of two hundred fifty thousand dollars or more shall include a requirement for inclusion of public art. The public art shall be identified by the receiving agency and evaluated by the cultural development authority during the planning process to assure compliance by the receiving agency. (Ord. 14482 § 59, 2002: Ord. 12089 § 12, 1995. Formerly K.C.C. 2.46.100).

**4.40.110 General obligation bond proceeds.** In the case of any county

construction project that meets the eligibility criteria for public art established in K.C.C. 4.40.015 that involves the use of general obligation bond proceeds, the resolution, resolutions, ordinance or ordinances submitted to the voters or the council shall include an allocation for public art equal to one percent of the eligible project cost. Bond revenues for public art shall be transferred to the cultural development authority as described in K.C.C. 4.40.015 to the extent consistent with arbitrage requirements and other legal restrictions. Bond revenues for public art not transferred to the cultural development authority shall be accounted for separately within the public art fund and managed according to K.C.C. chapter 2.46. (Ord. 14482 § 61, 2002: Ord. 12989 § 15, 1995: Ord. 9538 § 4, 1990: Ord. 9134 § 12, 1989: Ord. 6111 § 8, 1982).

**4.40.120 Harborview Medical Center capital reserves.** For any public art funds which involve the use of Harborview Medical Center's capital reserves (Fund 396), amounts for works of art described in this chapter shall be used for art projects at Harborview Medical Center. These funds shall be accounted for separately by the cultural development authority if necessary to comply with this requirement. (Ord. 14482 § 62, 2002: Ord. 12089 § 16, 1995: Ord. 9538 § 5, 1990: Ord. 9134 § 13, 1989).

## **Los Angeles, CA**

### **91.107.4.6. Arts Development Fee.**

**91.107.4.6.1. Arts Fee.** The owner of a development project for a commercial or industrial building shall be required to pay an arts fee in accordance with the requirements of this section.

**91.107.4.6.2. Fee Amount.** The Department of Building and Safety shall collect an arts fee in the following amount:

1. **Office or research and development.** For an office or research and development building, the arts fee shall be \$1.57 per square foot.
2. **Retail.** All retail establishments shall pay an arts fee of \$1.31 per square foot.
3. **Manufacturing.** For a manufacturing building, the arts fee shall be \$0.51 per square foot.
4. **Warehouse.** For a warehouse building, the arts fee shall be \$0.39 per square foot.

5. **Hotel.** For a hotel building, the arts fee shall be \$0.52 per square foot.

In no event shall the required arts fee exceed either \$1.57 per gross square foot of any structure authorized by the permit or one percent of the valuation of the project designated on the permit, whichever is lower, as determined by the Department of Building and Safety. Where there are combined uses within a development project or portion thereof, the arts fee shall be the sum of the fee requirements of the various uses listed above. The Cultural Affairs Department shall revise the arts fee annually by an amount equal to the Consumer Price Index for Los Angeles as published by the United States Department of Labor. The revised amount shall be submitted to Council for adoption by ordinance.

**91.107.4.6.3. Time of Collection.** Except as provided in Section 91.107.4.6, the Department of Building and Safety shall collect an arts fee before issuance of a building permit for commercial and industrial buildings required by this code.

**91.107.4.6.4. EXCEPTIONS:** The arts fee required by Section 91.107.4.6 shall not be assessed for the following projects or portions thereof:

1. Any project for which the total value of all construction or work for which the permit is issued is \$500,000 or less.
2. The repair, renovation or rehabilitation of a building or structure that does not alter the size or occupancy load of the building.
3. The repair, renovation or rehabilitation of a building or structure for the installation of fire sprinklers pursuant to Division 9.
4. The repair, renovation or rehabilitation of a building or structure that has been made to comply with Division 88 (Earthquake Hazard Reduction in Existing Buildings) subsequent to a citation of noncompliance with Division 88.
5. The repair, renovation or rehabilitation of a building or structure for any handicapped facilities pursuant to this code.
6. All residential buildings or portion thereof. This exception does not include hotels.

**91.107.4.6.5. Use of Arts Fees Acquired Pursuant to Section 91.107.4.6.** Any arts fee collected by the Department of Building and Safety shall be deposited in the Arts Development Fee Trust Fund. Any fee paid into this fund may be used only for the purpose of providing cultural and artistic facilities, services and community amenities which will be available to the development project and its future employees. Any cultural and artistic facilities, services and community amenities provided shall comply with the principles and standards set forth in the Cultural Master Plan when adopted.

At or about the time of collection of any fee imposed by this section, the Cultural Affairs Department shall identify the use to which the arts fee is to be put, and if the use is financing public facilities, the facilities shall be identified.

**91.107.4.6.6. Projects Covered by Ordinance 164,243. (Ord. No. 173,300, Eff. 6/30/00, Oper. 7/1/00.)** In 1988, the City enacted Ordinance 164,243 which states in part:

“This ordinance is an interim measure while the City of Los Angeles is giving consideration to the enactment of an Arts Development Fee Ordinance. The owners of a development project shall be obligated to pay an Arts Development Fee if such fee is adopted in the future by the city. The fee will not exceed one percent (1%) of the total value of work and construction authorized by the building permit issued to a development project. This fee would be used to provide adequate cultural and artistic facilities, services and community amenities for the project.”

By enacting Section 91.107.4.6 (previously Section 91.0304(b)(11)), the City has adopted the Arts Development Fee referred to by Ordinance 164,243. Accordingly, an arts fee shall be paid to the City of Los Angeles by owners of development projects which received building permits between and including January 15, 1989, and the effective date of this section. This arts fee described in this section shall be paid within 60 days of receipt of a request for payment of an arts fee. All exceptions listed in Section 91.107.4.6.4 shall apply to owners of development projects subject to Ordinance 164,243.

The Office of Finance shall bill and collect the Arts Development Fee owed by those persons to whom notice was given pursuant to this paragraph for the period January 15, 1989, through May 7, 1991. The amount due shall be paid in full within 60 days of the billing date unless an agreement to pay in installments pursuant to this paragraph is approved by the Office of Finance. Persons indebted to the City of Los Angeles for Arts Development Fees may, upon approval by the Office of Finance, enter into an agreement with the City of Los Angeles to pay such fees in installments over a period not to exceed one year. The Office of Finance shall collect a service fee of \$10.00 on each monthly installment to recover the cost to the city of processing installment payments. The Cultural Affairs Department is hereby authorized to negotiate and accept payment in kind for the Arts Development Fee owed by those persons to whom notice was given pursuant to this paragraph for the period January 15, 1989, through May 7, 1991. The Cultural Affairs Department shall provide notice to the Office of Finance of the name of the person on whose account such in kind payment was accepted, and whether the in kind payment constitutes payment in full or only a specified portion of the Arts Development Fee owed.

The Office of Finance is authorized to record payment in full, without further notification to the person billed, for cash or in kind Arts Development Fee payments received that are within \$3.00 of the amount owed.

**91.107.4.7. Affordable Housing Mitigation Fee Notice.** Before issuance of a building permit for any project or structure, the Department of Building and Safety shall affix to the permit an Affordable Housing Mitigation Fee Notice to read as follows:

**Affordable Housing Mitigation Fee Notice:** The City of Los Angeles is considering the enactment of an Affordable Housing Mitigation Fee Ordinance. The owner of the project designated in this permit shall be obligated to comply with an Affordable Housing Mitigation Fee Ordinance, if such an ordinance is adopted in the future by the city. In no event shall the required fee exceed either \$5.00 per square foot of the structure(s) authorized by the permit or 3.5 percent of the valuation of the project designated on the permit, as determined by the Department of Building and Safety, whichever is lower. This fee shall be used to mitigate any affordable housing needs created by the project.

**91.107.4.6.6. Projects Covered by Ordinance 164,243. (Ord. No. 173,300, Eff. 6/30/00, Oper. 7/1/00.)** In 1988, the City enacted Ordinance 164,243 which states in part:

“This ordinance is an interim measure while the City of Los Angeles is giving consideration to the enactment of an Arts Development Fee Ordinance. The owners of a development project shall be obligated to pay an Arts Development Fee if such fee is adopted in the future by the city. The fee will not exceed one percent (1%) of the total value of work and construction authorized by the building permit issued to a development project. This fee would be used to provide adequate cultural and artistic facilities, services and community amenities for the project.”

By enacting Section 91.107.4.6 (previously Section 91.0304(b)(11)), the City has adopted the Arts Development Fee referred to by Ordinance 164,243. Accordingly, an arts fee shall be paid to the City of Los Angeles by owners of development projects which received building permits between and including January 15, 1989, and the effective date of this section. This arts fee described in this section shall be paid within 60 days of receipt of a request for payment of an arts fee. All exceptions listed in Section 91.107.4.6.4 shall apply to owners of development projects subject to Ordinance 164,243.

The Office of Finance shall bill and collect the Arts Development Fee owed by those persons to whom notice was given pursuant to this paragraph for the period January 15, 1989, through May 7, 1991. The amount due shall be paid in full within 60 days of the billing date unless an agreement to pay in installments pursuant to this paragraph is approved by the Office of Finance. Persons indebted to the City of Los Angeles for Arts Development Fees may, upon approval by the Office of Finance, enter into an agreement with the City of Los Angeles to pay such fees in installments over a period not to exceed one year. The Office of Finance shall collect a service fee of \$10.00 on each

monthly installment to recover the cost to the city of processing installment payments. The Cultural Affairs Department is hereby authorized to negotiate and accept payment in kind for the Arts Development Fee owed by those persons to whom notice was given pursuant to this paragraph for the period January 15, 1989, through May 7, 1991. The Cultural Affairs Department shall provide notice to the Office of Finance of the name of the person on whose account such in kind payment was accepted, and whether the in kind payment constitutes payment in full or only a specified portion of the Arts Development Fee owed.

The Office of Finance is authorized to record payment in full, without further notification to the person billed, for cash or in kind Arts Development Fee payments received that are within \$3.00 of the a

## **Oklahoma City**

### **ARTSARTS**

### **ARTICLE VII. ARTS COMMISSION AND THE ARTS**

#### **DIVISION 1. GENERALLY**

#### **§ 38-487. Purposes.**

The Council hereby declares that the artists, performers and various artistic and cultural institutions of the City enhance the public welfare by providing education, recreation, entertainment and culture to the citizens of the City. The Council therefore declares that the purposes of this article are as follows:

- (1) to provide a continuing source of advice concerning artistic, cultural or aesthetic matters to insure that the City will be an attractive and culturally enriched City.
- (2) to promote and encourage programs to further the development of and public awareness and interest in the City in connection with the artistic and cultural development of the City.
- (3) to provide advice to the Council concerning works of art to be placed on municipal property.
- (4) to provide advice and assistance to the City in connection with other artistic and cultural activities.

(Ord. No. 15652, § 1(7A-2), 1-3-80; Code 1980, § 38-487)

**§ 38-488. Policy for works of art; budgeting of public funds; selection and placement; definitions.**

The policy for budgeting of public funds for works of art and for the selection and placement of works of art upon property owned or leased by the City shall be as follows:

- (1) Not less than one percent of the total cost of any new buildings or major revisions to existing buildings to be constructed or erected on property owned or leased by the City utilizing public funds may be budgeted for works of art.
- (2) Works of art which are to be incorporated as integral parts of the structural or landscape design of a building or structure shall appear as separate items in the bid specifications for the proposed construction or erection of the public improvements in question which shall comply with Subsection (1) above.
- (3) Except as provided in Subsection (2) above, the funds for works of art as provided for by Subsection (1) above may be set aside at the time of the award of the contract for the construction or erection of the public improvements in question.
- (4) All funds appropriated pursuant to the provisions of this section shall be placed in a separate account to be established by the City Treasurer and such funds shall be used exclusively for the purchase of works of art.
- (5) All works of art to be incorporated into the building, structure or grounds, or to be purchased with funds set aside pursuant to the provisions of this section, shall be reviewed, selected and recommended by the **Arts** Commission, with the final approval for such purchases to be given by the Council pursuant to Subsection 38-499(2) of this chapter.
- (6) Works of art purchased with funds set aside pursuant to the provisions of this section may be placed upon any property owned or leased by the City, with the placement of such works of art to be made upon the recommendation of the **Arts** Commission and the final approval of the Council.
- (7) For the purposes of this section, the following terms shall have the meanings indicated:

- a. *Building* means any structure.
  
- b. *Structure* means anything which is constructed or erected, the use of which requires permanent location on the ground or which is attached to something having a permanent location on the ground.
  
- c. *Works of art* includes by way of illustration and not of limitation: paintings and photographs; mural decorations; stained glass; statues; bas-reliefs or other sculptures; extraordinary landscaping or environmental works, including monuments, fountains, arches or other unusual architectural treatments.

(Code 1980, § 38-488; Ord. No. 18674, § 1, 1-20-87)

§§ 38-489--38-494. Reserved.

**ARTS**  
**DIVISION 2. ARTS COMMISSION\***

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\***Cross references:** Boards and commissions generally, § 2-681 et seq.

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**§ 38-495. Created.**

There is hereby created the **Arts** Commission.

(Ord. No. 15650, § 7A-3, 1-3-80; Code 1980, § 38-495; Ord. No. 20021, § 2, 8-24-93)

**§ 38-496. Status.**

The **Arts** Commission shall be a part of the Division of Public Affairs.

(Code 1980, § 38-496)

**Charter references:** Division of Public Affairs, Art. IV, §§ 5, 6.

**§ 38-497. Members.**

(a) The **Arts** Commission shall be composed of 15 members, who shall be appointed by the Mayor with the approval of the Council. The **Arts** Commission shall have the following composition, with at least 3/4 of the members being residents of the City:

(1) five members at large.

(2) One member shall represent the **Arts** Council of Oklahoma City.

(3) One member shall represent the Oklahoma City Convention and Visitor's Commission.

(4) One member shall represent the Allied **Arts** Foundation.

(5) Three members shall be professional artists, performers and/or architects.

(6) Four members shall be from other **arts** and cultural organizations not specifically referenced herein.

(b) All members of the **Arts** Commission shall serve without compensation. The term of each member shall be three years or until a successor takes office. The term will expire on September 1 in the year in which the term would normally expire. All members shall serve three-year terms after the current term expires or until a successor takes office.

(c) Any incumbent member of the **Arts** Commission shall be eligible for reappointment at the end of his term of office. A member appointed to fill a vacancy shall serve the remainder of the unexpired term. Any member of the **Arts** Commission may be removed from office for neglect of duty or malfeasance. Removal shall be effected by a majority vote of the Council.

(d) All members shall serve without compensation.

(Ord. No. 15652, §§ 7A-3--7A-5, 1-3-80; Ord. No. 15704, § 1, 2-19-80; Code 1980, § 38-497; Ord. No. 19281, § 1, 9-12-89; Ord. No. 20021, § 2, 8-24-93)

**Charter references:** Appointment of members to boards, commissions, etc., in Division of Public Affairs, Art. IV, § 6.

**§ 38-498. Officers.**

The **Arts** Commission shall select one of its members as chairman, another as vice-chairman and another as secretary. The chairman, vice-chairman and secretary shall receive no salary for their services.

(Ord. No. 15652, § 7A-4, 1-3-80; Ord. No. 15704, § 1, 2-19-80; Code 1980, § 38-498; Ord. No. 20021, § 2, 8-24-93)

**§ 38-499. Functions.**

Unless otherwise specified in this Code, the duties of the **Arts** Commission shall be as follows:

- (1) to make regular assessments of the conditions and needs of the City concerning the **arts**;
- (2) to advise the Council concerning works of art to be placed on municipal property;
- (3) to make recommendations to the Council concerning grants from Federal and State agencies, private groups and individuals, and, when so directed by the Council, oversee **arts** and cultural projects and programs;
- (4) to increase public awareness of the value of our **arts** and cultural resources by developing and participating in public information programs;
- (5) to advise and assist the Council in connection with such other **arts** and cultural matters as may be referred to it by the Council;
- (6) to encourage greater **arts** and cultural involvement by departments of the City and to better utilize private **arts** and cultural agencies for services to citizens;

(7) to keep minutes and records of all meetings and proceedings, including voting records, attendance records, resolutions, findings of fact and decisions; and

(8) to perform any other functions imposed by this article or otherwise specified by the Council; and

(9) to advise the Council concerning the promotion of coordination among units of government in their projects and programs which involve the **arts** and cultural matters.

(Ord. No. 15652, § 7A-7, 1-3-80; Code 1980, § 38-500; Ord.No. 20021, § 2, 8-24-93)

§§ 38-500--38-510. Reserved.

### **Philadelphia, PA**

#### **§16-103. Aesthetic Ornamentation of City Structures. [4]**

(1) *Definition.*

(a) *Fine Arts.* Sculpture, monuments, bas reliefs, mosaics, frescoes, stained glass, murals and fountains which either contain sculpture, or are designed to enhance adjacent accompanying sculpture.

(2) *Expenditures for Fine Arts.* An amount not to exceed one per cent of the total dollar amount of any construction contract for a building, bridge and its approaches, arch, gate or other structure or fixture to be paid for either wholly or in part by the City, shall be devoted to the Fine Arts; provided, that the Art Commission certifies in writing that said ornamentation is fitting and appropriate to the function and location of the structure.

### **Phoenix, AZ**

#### **ARTICLE XXII. PERCENT FOR ART FUNDING\***

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\***Editor's note:** Ord. No. G-4547, § 2, adopted October 15, 2003, effective November 14, 2003, amended the title of Ch. 2, Article XXII to read as hereinabove set out. Formerly, said title read as **Arts** Funding.

**Cross references:** Phoenix Office of **Arts** and Culture and Phoenix **Arts** and Culture Commission, § 2-191 et seq.

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**Sec. 2-700. Percent for art funding.**

A. Under the provisions of Section 2-194(B) the Phoenix **Arts** and Culture Commission shall, as part of the annual budgetary process of the City, recommend to the City Manager and City Council, for inclusion in the capital budget pursuant to the Charter, an amount not to exceed one percent of the total capital improvement cost for each eligible capital improvement program, determined on a departmental program basis, to be expended upon art or art services under the provisions of this article and the annual art plan. If the recommended funding for an art project will extend over two or more fiscal years, the total amount expended on such art project over such two or more fiscal years shall not exceed one percent of the total capital improvement cost for the capital improvement program to which the art project is related. The amount of recommended funding up to one percent will be developed in conjunction with the department involved and the Budget and Research Department. For the purposes of the foregoing capital improvement cost determination, land acquisition, personal property and computer costs shall be excluded from the capital improvement cost base.

B. The annual public art project plan shall include art project expenditures proposed for the ensuing fiscal year and projections for art project expenditures for the ensuing five fiscal years and shall be submitted prior to May 1 of each year. The Mayor and City Council will review these plans in a policy session. City Council may amend and approve the final plans to increase or decrease the amount of money allocated for art projects.

C. Capital improvement program projects eligible for percent for art funding shall be those projects in which the inclusion of an art project is a legally permissible expenditure under the laws regulating the expenditure of funds for such capital improvement program projects, and which are identified by the Commission as appropriate for an art project. To the extent legally permissible, percent for art funds within a capital improvement program may be pooled on a departmental basis into one or more art projects.

D. Each budget item request shall be accompanied by a general description of the type and nature of art project to be included in such expenditures from the amounts to be appropriated for the capital improvement program projects to which such art project is related. If an art project is not expected to be completed during the fiscal year to which the budget applies, the budget item request shall describe the portion or phase of the art project to be completed during the fiscal year.

E. Upon approval by the City Council as part of the budget process of an appropriation for an art project, such appropriation shall be established within an appropriate account maintained by the Finance Department, Division of Accounts, and designated for the percent for art program. Such appropriations may be expended as normal appropriations are expended, upon the recommendation of the **Arts** and Culture Commission and City Manager and approval by the City Council in accordance with normal City budget and expenditure procedures, for the acquisition, design and construction of art projects. The City Auditor shall periodically review expenditures made in connection with the percent for art program to ensure compliance with all applicable laws, bond and other debt obligations and covenants, and City administrative procedures.

F. The Budget and Research Department, in consultation with the **Arts** and Culture Administrator and affected City departments, shall allocate funds in the City budget for the preservation of art projects purchased with percent for art funds.

G. Costs incurred by the inclusion of an art project in a specific capital improvement project, including, but not limited to, engineering fees, concrete bases and wiring shall be included in the percent for art budget for that specific capital improvement project.

(Ord. No. G-2953, § 3; Ord. No. G-3537, § 5; Ord. No. G-4547, § 2, passed 10-15-2003, eff. 11-14-2003)

### **Sec. 2-701. Placement of percent for art projects.**

Each art project recommended by the **Arts** and Culture Commission and approved by City Council for implementation pursuant to the provision of this Article and any amendment thereto shall be placed at a site which relates substantially to the purpose of the bond, enterprise or other fund from which the percent for art funds are derived. Such art projects may be attached or detached within or about such site, and may be either temporary or permanent. Placement of an art project shall be recommended to the City Council by the **Arts** and Culture Commission, in the annual public art project plan after consultation with the appropriate City department responsible for the funding of the capital improvement project or projects to which the art project is related. The department responsible for the funding of the capital improvement project or projects shall make appropriate space available for the placement of the related art projects. Art projects will be placed in full public view on City owned property unless an exemption is approved by City Council.

(Ord. No. G-2953, § 3; Ord. No. G-3537, § 6; Ord. No. G-4547, § 1, passed 10-15-2003, eff. 11-14-2003)

**Portland, OR**

**5.74.040 Public Art Trust Fund. ([Printable Version](#))**

The Regional Arts and Cultural Council shall maintain a special fund called the Public Art Trust Fund into which monetary contributions for Public Art shall be deposited.

**A.** 1.33 percent of the Total Costs of Improvement Projects shall be dedicated to Public Art and shall be deposited into the Public Art Trust Fund by the City official or employee acting on behalf of the Participating Bureau.

**1.** One percent of the Total Costs of Improvement Projects shall be used by the Regional Arts and Cultural Council for costs associated with Public Art including, but not limited to the acquisition, siting, maintenance and Deaccessioning of Public Art.

**2.** .33 percent of the Total Costs of Improvement Projects shall be used by the Regional Arts and Cultural Council for costs associated with Public Art, including, but not limited to costs of selection, administration, community education and registration of Public Art.

**B.** Monetary contributions shall be deposited in separate accounts within the Public Art Trust Fund if separate accounting is requested by the Participating Bureau or required by law.

**San José, CA**

Title 22 CONVENTION, CULTURAL AND VISITOR SERVICES

Chapter 22.08 ART IN PUBLIC PLACES

**Chapter 22.08  
ART IN PUBLIC PLACES**

**Sections:**

**22.08.005 Purpose.**

**22.08.010 Funds for works of art in public places.**

**22.08.020 Exclusions from and additions to the art in public places program.**

**22.08.030 Approval.**

**22.08.040 Other public agencies.**

**22.08.005 Purpose.**

The city of San José and the redevelopment agency of the city of San José desire to expand the public's experience with works of art and to improve the design of public places by encouraging the involvement of artists on design teams for certain capital projects. The purpose of this chapter is to ensure that not less than two percent of the cost of certain municipal capital improvement projects funded in whole or in part by either the city of San José or the redevelopment agency or both is set aside for the acquisition of works of art to be displayed in or about public places within the city. The procedures and guidelines for implementation of this chapter shall be as set forth in the respective resolutions of the city council and agency board.

(Ords. 21832, 24265, 24663.)

**22.08.010 Funds for works of art in public places.**

A. The city council and the redevelopment agency board shall provide in their respective annual capital improvement budgets for amounts of not less than two percent of the total amount budgeted for each "eligible construction project" to be set aside and identified as sources of funds to be appropriated and expended for acquisition of works of art in accordance with the provisions of this title. Appropriations for purposes of acquiring works of art in order to carry out the provisions of this title shall be made in accordance with law and the budgeting procedures of the city and the redevelopment agency.

B. Appropriations for works of art may be expended to acquire works of art for any public place if the terms of a contract, federal or state grant, law, or regulation do not limit or restrict the funds so appropriated to use for a specific "eligible construction project." Appropriations for works of art shall only be expended for acquisition of works of art to be located on the premises of a specific "eligible construction project" if the terms of a contract, federal or state grant, law, or regulation do limit or restrict the use of funds to a specific "eligible construction project" only.

C. Subject to applicable law, appropriations and expenditures for works of art may include, but are not limited to, the costs and expenses incurred in the process of selecting, installing, and maintaining works of art in public places.

D. The city manager or the city council, as appropriate, shall approve the acquisition of works of art to be funded under the city's capital improvement budget. The redevelopment agency executive director or the redevelopment agency board, as appropriate, shall approve the acquisition of works of art to be funded through the redevelopment agency's capital improvement budget.

(Ords. 21832, 23247, 24265.)

**22.08.020 Exclusions from and additions to the art in public places program.**

A. The city manager and the redevelopment agency executive director in conjunction with the submission of the annual capital budgets of the city and redevelopment agency, respectively, and subject to the provisions of any applicable law, each may:

1. Determine that certain proposed capital improvement projects not be deemed "eligible construction projects" for purposes of this title if the anticipated public visibility and/or public traffic usage of the capital improvement project is too minimal to warrant expenditures of funds for works of art; or

2. Designate funds to be added to the art in public places program, which funds may be utilized to place works of art in existing public places which do not otherwise qualify as "eligible construction projects."

B. In conjunction with submission of the city's and redevelopment agency's proposed annual capital improvement budget to the city council, and to the redevelopment agency board, respectively, the city manager and the redevelopment agency executive director shall notify the arts commission of: (i) those proposed capital improvement projects in said budgets which are not designated "eligible construction projects" for purposes of this title due to low anticipated public visibility and/or public traffic usage; (ii) those capital improvement projects which are designated "eligible construction projects" in said budgets; and (iii) any proposed discretionary funds added to the art in public places program.

C. The following provisions shall apply to the calculation of the not less than two percent to be expended for works of art pursuant to this title only in those circumstances in which the city or the redevelopment agency receives funds from persons, firms, organizations or other agencies which are restricted as to the use of said funds for expenditures for works of art, or which said funds are otherwise restricted by law or regulation:

1. If the terms of a contract, federal or state grant, law, or regulation prohibit or restrict the use of funds in connection with an "eligible construction project" for expenditures upon works of art, then the not less than two percent to be budgeted, appropriated and expended for purposes consistent with this

title shall be calculated so as to exclude from the total cost of said project any funds which are so prohibited or restricted.

2. If the terms of a contract, federal or state grant, law, or regulation provide that any additional expenditure by the city or the redevelopment agency on works of art for an otherwise “eligible construction project” shall affect the amount of funds received by the city or redevelopment agency for said project, then the cost of said project may be excluded in its entirety from the calculations of the not less than two percent to be budgeted, appropriated and expended for works of art pursuant to this title.

(Ords. 21832, 23247, 24265.)

#### **22.08.030 Approval.**

Contracts for acquisition of works of art or for other purposes authorized by this title, which are in an amount of one hundred thousand dollars or less, may be approved by the city manager or redevelopment executive director, as appropriate. Contracts for acquisition of works of art or for other purposes authorized by this title, which are in an amount exceeding one hundred thousand dollars, shall be submitted for approval to the city council or redevelopment agency board, as appropriate.

(Ords. 21832, 24265, 26386.)

#### **22.08.040 Other public agencies.**

If the city or redevelopment agency enters into an agreement with another public agency, whereby city or agency funds are transferred to such agency for the purpose of performing a capital improvement project which would otherwise be deemed an “eligible construction project” under this title, such agreement shall provide, whenever it is lawful or appropriate to do so, that the recipient agency or its successor in interest shall take appropriate measures to insure that not less than two percent of the city or agency funds so transferred are expended for acquisition of works of art.

(Ords. 21832, 23247, 24265.)

### **Tampa, FL**

## **ARTICLE I. IN GENERAL**

### **Sec. 4-1. Intent.**

The intent of this chapter is to establish a policy for the city, in keeping with the vitality for which it is nationally recognized, and in order to enhance its aesthetic environment, to encourage private developers/owners of commercial properties to commission a piece of art for each new development

or mall or structure or, in lieu thereof, to donate monies to the city for public art. The private developers/owners should be inspired to invest time, effort and money into the art displayed on their sites, recognizing that the art not only will become integral, lasting components of the cityscape but will be of intrinsic value to their developments. Further, the city, desiring to expand public experience and exposure to culture through various art forms and to enhance the appearance of public facilities and improve the environment of the city on behalf of its citizens, intends to provide for the incorporation of visual art in the design and construction of public facilities within the city.

(Code 1971, § 55-1; Ord. No. 8860-A, § 1, 4-18-85; Ord. No. 2000-227, § 2, 8-31-00)

#### **Sec. 4-2. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commercial structure* means any building or structure, all or part of which is to be used as an auditorium, private convention center, professional or commercial office, bank, private library (other than school), manufacturing plant, factory, assembly plant, processing plant, mill, warehouse, shopping mall, store, shop, market, hotel, storage building, freight depot, and private automobile parking structure which is not connected to or incorporated in other structures.

(1) "Commercial structure" shall include that developmental project which involves more than one (1) phase of construction.

(2) "Phase" shall mean that portion of a developmental project which represents a completed portion of the entire commercial structure.

*Construction costs* means the total value of the construction of, or reconstruction work on, commercial structures as determined by the chief building inspector in issuing a building permit for the construction or reconstruction. Relative to a municipal construction project, construction costs shall include architectural and engineering fees, site work and contingency allowances. It does not include land acquisition or subsequent changes to the construction contract. All construction costs shall be calculated as of the date the contract is executed.

*Municipal construction project* means any project to be paid for wholly or in part by the city, regardless of the source of the monies, to construct, remodel or reconstruct any public buildings, decorative or commemorative structures, parking facilities and parks, or any portion of any of such buildings, structures, facilities or parks, belonging to the city within its geographical boundaries as they now exist or shall exist in the future.

*Reconstruction* means alterations or repairs made to a commercial or municipal structure within any twelve-month period, which alterations or repairs exceed fifty (50) percent of the value of the existing structure, so that such structure is required to conform to the requirements for new buildings pursuant to chapter 5 of this Code.

*Works of art or artworks* means tangible creations by artists exhibiting the highest quality of skill and aesthetic principles, including but not limited to paintings, sculptures, stained glass, statues, bas reliefs, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, tapestries, photographs, drawings, monuments and fountains.

(Code 1971, § 55-2; Ord. No. 8860-A, § 1, 4-18-85; Ord. No. 89-07, § 1(55-2), 1-5-89)

**Cross references:** Definitions and rules of construction generally, § 1-2.

#### **Sec. 4-3. Public art fund.**

(a) There is hereby created a public art fund which shall be a separate account set up by the city to receive monies appropriated for the public art program and shall consist of the following:

(1) One (1) percent of the construction cost of a municipal building project as bid, contracted and accepted by the city. Unexpended monies in this fund may be used for works of art at existing public properties and facilities as deemed appropriate by the public art committee as established in this chapter.

(2) All funds donated to the city by private developers/owners or by others.

(3) Other funds allocated by the city through the budgetary process.

(b) The public art fund shall be used solely for the selection, commissioning, acquisition, installation, maintenance, administration and insurance of the works of art or in relation thereto; and such funds shall be administered by the mayor.

(Ord. No. 89-07, § 2(55-3), 1-5-89; Ord. No. 2000-227, § 3, 8-31-00)

**Cross references:** Finance generally, § 2-231 et seq.

#### **Sec. 4-4. Appropriations of funds.**

(a) All appropriations for municipal construction projects shall include an amount of not less than one (1) percent of the construction cost of a municipal building project as bid, contracted and accepted by the city, but not to exceed the sum of two hundred thousand dollars (\$200,000.00) for any single municipal building project; provided that the public art committee may recommend to the mayor an increased expenditure for those projects of exceptional size or unique function, however, in no event shall the appropriation exceed one (1) percent.

(b) The public art committee shall recommend to the mayor the amount of monies to be allocated for selection, commissioning, acquisition and installation of individual works of art to be incorporated as a part of the municipal construction project for which the monies were appropriated.

(c) Monies appropriated pursuant to this section as part of one (1) such project but not spent in connection with the project may be utilized to supplement other appropriations for the acquisition of works of art or to place works of art in, on or near either city facilities which have already been constructed or city properties.

(Code 1971, § 55-4; Ord. No. 8860-A, § 1, 4-18-85; Ord. No. 89-07, § 3(55-4), 1-5-89; Ord. No. 2000-227, § 4, 8-31-00)

**Cross references:** Finance generally, § 2-231 et seq.

#### **Sec. 4-5. Commercial construction participation.**

(a) Any private developer/owner who applies to the city for building permits to construct or reconstruct a commercial structure shall be encouraged to commit one (1) percent of construction or reconstruction costs up to but not

limited to the sum of two hundred thousand dollars (\$200,000.00) to the provision of fine art in conjunction with such commercial structure.

(b) Those private developers/owners constructing commercial structures, to be accomplished in phases, need contribute only one (1) percent of construction or reconstruction costs up to but not limited to two hundred thousand dollars (\$200,000.00) for the entire phased project.

(c) If the private developer/owner constructing or reconstructing a commercial structure does not wish to have fine art in conjunction therewith, he may donate to the city an amount equal to the percentage of the construction cost of the commercial structure as a charitable donation.

(d) Each building permit issued by the city to any such private developer/owner will include data relative to the private developer/owner participating in the public art program in the city.

(e) Any building permit for construction or reconstruction of a commercial structure shall be reported to the public art committee.

(Ord. No. 89-07, § 8(55-11), 1-5-89; Ord. No. 2000-227, § 5, 8-31-00)

#### **Sec. 4-6. Ownership and maintenance.**

(a) Ownership of all works of art acquired by the city shall be vested in the city which shall obtain title to each work of art.

(b) Artists, as a part of any contractual agreement with the city for the provision of a work of art, shall be required to submit to the public arts committee a "Maintenance and Inventory Sheet," including annual cost projections, which details the maintenance and ongoing care of the artwork.

# DALY WEST ARTWORK SELECTION

## **RFP EVALUATOR CONFLICT OF INTEREST/CONFIDENTIALITY STATEMENT**

Your willingness to participate as an RFP evaluation committee member is an integral part of the procurement process. To assure the integrity of the RFP process, all RFP evaluation committee members, including any paid consultants, are required to complete the RFP Conflict of Interest/Confidentiality Statement. The following policies are applicable to this process:

**Conflict of Interest.** A conflict of interest or the appearance of a conflict of interest may occur if you are directly or indirectly involved with an organization that has submitted a proposal for evaluation. Prior to reviewing any proposals, you must inform Park City Municipal Corporation (PCMC) of any potential conflicts of interest. If you become aware of any potential conflict of interest as you review a proposal, you must immediately notify PCMC. You may be disqualified as an RFP evaluation committee member if you conduct yourself in a way that could create the appearance of bias or unfair advantage with or on behalf of any competitive proposer, potential proposer, agent, subcontractor, or other business entity, whether through direct association with contract representatives, indirect associations, through recreational activities or otherwise.

**Confidentiality.** The competitive procurement process and the obligations imposed by Utah state law requires that PCMC ensures that the competitive process operates in a fair and equitable manner. As an RFP evaluation committee member, you may have access to information not generally available to the public and are charged with special professional and ethical responsibilities. All documents and information pertaining to the RFP responses are considered to be confidential information. This information may include information about proposers that is to be used only during the evaluation process, and for discussion only with fellow RFP evaluation committee members. You shall not communicate the committee's deliberations, evaluation, scoring, or status of any proposal or business entity at any time prior to, during, or after the procurement process. You shall not use such information obtained as an RFP evaluation committee member for either personal benefit, pecuniary or otherwise, or copy and/or disseminate any portion of any proposal at any time prior to, during, or after the procurement process.

## **RFP EVALUATOR CONFLICT OF INTEREST/CONFIDENTIALITY STATEMENT**

I, \_\_\_\_\_, as a member of the Public Art Advisory Board and RFP evaluation committee for Park City Municipal Corporation (PCMC) (Daly West Artwork) represent as follows:

1. I, to the best of my knowledge, do not have a conflict of interest with currently responding vendors or contractors in which the potential exists for my personal financial interests, or for the personal financial interests of a family member, to influence, or have the appearance of influencing my judgment in the execution of my evaluation committee duties and responsibilities.
2. I, to the best of my knowledge, do not participate in social activities with currently responding vendors or contractors that: (a) will interfere with the proper performance of my duties; (b) will lead to disqualification of me from the procurement process; or (c) would appear to a reasonable person to undermine my independence, integrity, or impartiality.
3. I have not received any compensation from any employee, consultant, or anyone working for any vendor or contractor currently responding to a solicitation.
4. I will not participate in any discussions or decisions relating to this RFP, if I have any type of personal relationship, favoritism, or bias that would appear to a reasonable person to influence my independence in performing my assigned evaluation committee duties and responsibilities, or prevent me from fairly and objectively evaluating a proposal.
5. I will conduct the evaluation in a manner that ensures a fair and competitive process and avoids the appearance of impropriety.
6. I understand that all information contained in the proposals and information regarding the evaluation process is protected and cannot be released or discussed in any manner with other offerors or individuals not involved in the evaluation process. I agree that I will not discuss or share any information provided in the proposals or interviews with anyone other than the selection committee members and PCMC representatives prior to the completion of the evaluation and selection process and I will not discuss or disseminate the deliberations of the selection committee, the basis for the selection, or any information identified as protected.

**I have read this document and understand my obligations as explained herein. I further understand that I must immediately advise PCMC, in writing, if a conflict currently exists or arises during my term of service as an RFP evaluation committee member.**

Evaluator Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Evaluation Criteria and Basis for Award

### **Request for Proposals Daly West Headframe Artwork**

#### **Section III. Content of Proposal and Evaluation Criteria and Basis for Award**

- A. Initially, a review of each proposal will be completed by Special Events, Engineering to ensure compliance with the terms, conditions, and requirements of the RFP. Any proposals that fail to meet all the Minimum Qualifications listed in Section III of the RFP may be deemed non-responsive.

Each selection committee member shall use the evaluation criteria and percentage weights below to establish their own ranking of the Respondents. The committee shall then use these individual rankings to establish an aggregate ranking of all the acceptable proposals.

1. General and Specialized Experience – (30%)
  - a. Respondent's ability, capacity, and skill to perform or provide the required services, listed in Section IV of the RFP.
  - b. Respondent's demonstrated ability with respect to quality, authenticity (artwork shall be original and not identical or reproduced), availability, and adaptability of the supplies and contractual services.
  - c. Respondent's organizational and financial history.
2. Past Performance and Experience of Proposed Personnel - (20%)
  - a. Respondent's references and examples of past projects.
  - b. Respondent can achieve the timeline as noted in the RFP.
  - c. Respondent's Process and method to complete the project. This includes that the artwork shall be safe, accessible, and durable as pertains to Park City's year-round climate. Lighting and Sight preparations should be considered.
3. Plan of Operation/Performance - (50%)
  - a. Quality of Respondent's operation/performance operation/performance plan, creativity including their concept through vision, thoughts, ideas, feelings, and use of materials and other areas.

## Evaluation Criteria and Basis for Award

Artwork may be innovative or imaginative and should have the ability to transcend traditional ideas or techniques, create new meaningful interpretations and inspire community and our imagination.

- b. Respondent's plan to contribute to City's defined goals, in particular community engagement, environmental sustainability (including constructing the sculpture from repurposed materials), and mining legacy surrounding the project.

### B. INTERVIEWS

The City reserves the right to conduct interviews with the highest-ranked Respondent(s). Interview requirements will be provided to those Respondent(s) selected for further consideration. Respondents are reminded that the selection committee shall look at the reasonableness of all aspects of the proposal and shall, in the selection committee's sole judgment, choose the Respondent with the best overall proposal.

### Selection Committee - Daly West Headframe

Rating of 0 to 5. 0 as lowest and 5 as highest (.5 increments are acceptable)

Name of Committee Member:

		Beatlebrox / Gallagher		Burney M Ross		Casey Staley		JD Trejo Maya	
		Score	Percentage	Score	Percentage	Score	Percentage	Score	Percentage
<b>General and Specialized Experience</b>	30%		0		0		0		0
<b>Past Performance and Experience of Proposed Personnel</b>	20%		0		0		0		0
<b>Plan of Operation/Performance</b>	50%		0		0		0		0
<b>TOTAL SCORE</b>		0	0	0	0	0	0	0	0

**Notes**

**Scoring Explanations**

- 5 Couldn't imagine a better response
- 4 Excellent, insightful response
- 3 Adequate response, no special insights
- 2 Inadequate response
- 1 Totally inadequate response
- 0 No response provided

**BEATLEBROX /  
GALLAGHER**

# The Daly West Archway—Park City’s Mining Heritage

A Proposal by Sculptor-at-Large Zafod Beatlebrox & Steel Artist Kelly Gallagher

*Sculptural Artwork Created from Remnants of the Daly West Headframe*

## Proposal Summary

Park City’s Zafod Beatlebrox and Kelly Gallagher propose to install an archway over the Rail Trail at the project location near Bonanza Drive, constructed from selected sections of the steel structures from the Daly West Headframe. The structure will serve as the walls of a metal artist’s gallery for the creation of 2D and 3D sculptures of historic, and even iconic, images. The west side of the archway, facing the Bonanza Drive entrance to the Rail Trail, will depict Park City’s historic mining industry, providing a thematic gateway. The east side will also depict the intersection of Park City’s mining and skiing history. An inviting archway feature includes a bench encircling each cement foundation pier.

As a partnership, Zafod and Kelly have the technical and organizational means to complete this project. Zafod Beatlebrox has created large art works which have received both local and national renown. His extensive studio will provide the footprint and equipment needed to fabricate the archway before transporting finished pieces to the Rail Trail entrance for final installation. Kelly Gallagher has successfully managed large projects during her engineering career, in addition to her work as a steel artist creating small-to-medium sized creations.

We look forward to working with Park City Municipal Corporation and seeking input from the Friends of Ski Mountain Mining History in the design, fabrication, and installation of our large-scale artwork—the *Daly West Archway*.

## Details

The archway will span 22 feet across the Rail Trail according to our measurements, and will have a 12-foot vertical clearance. The archway will be constructed from the Z-riveted sections of the Daly West headframe. The posts of the archway will be anchored by J-Bolts set in concrete piers. We anticipate that a 36-inch diameter pier will be adequate and currently plan a frost depth footing into the ground plus 18” above ground. A required setback from the existing asphalt trail will be maintained. The footings design diameter and depth will be verified by engineering.

We plan to cast core samples into the upper 18” of the concrete foundation piers. We will also construct a circular steel bench on each pier to protect the core samples from weather and provide seating for trail users. The benches will conform to setback requirements.

The vertical components will use the “highly mangled” I-beam structure, supplemented by other short sections if needed to maintain the 12’ vertical clearance for the archway overhead structure. If more strength is needed, we will add more Z-sections to the posts.

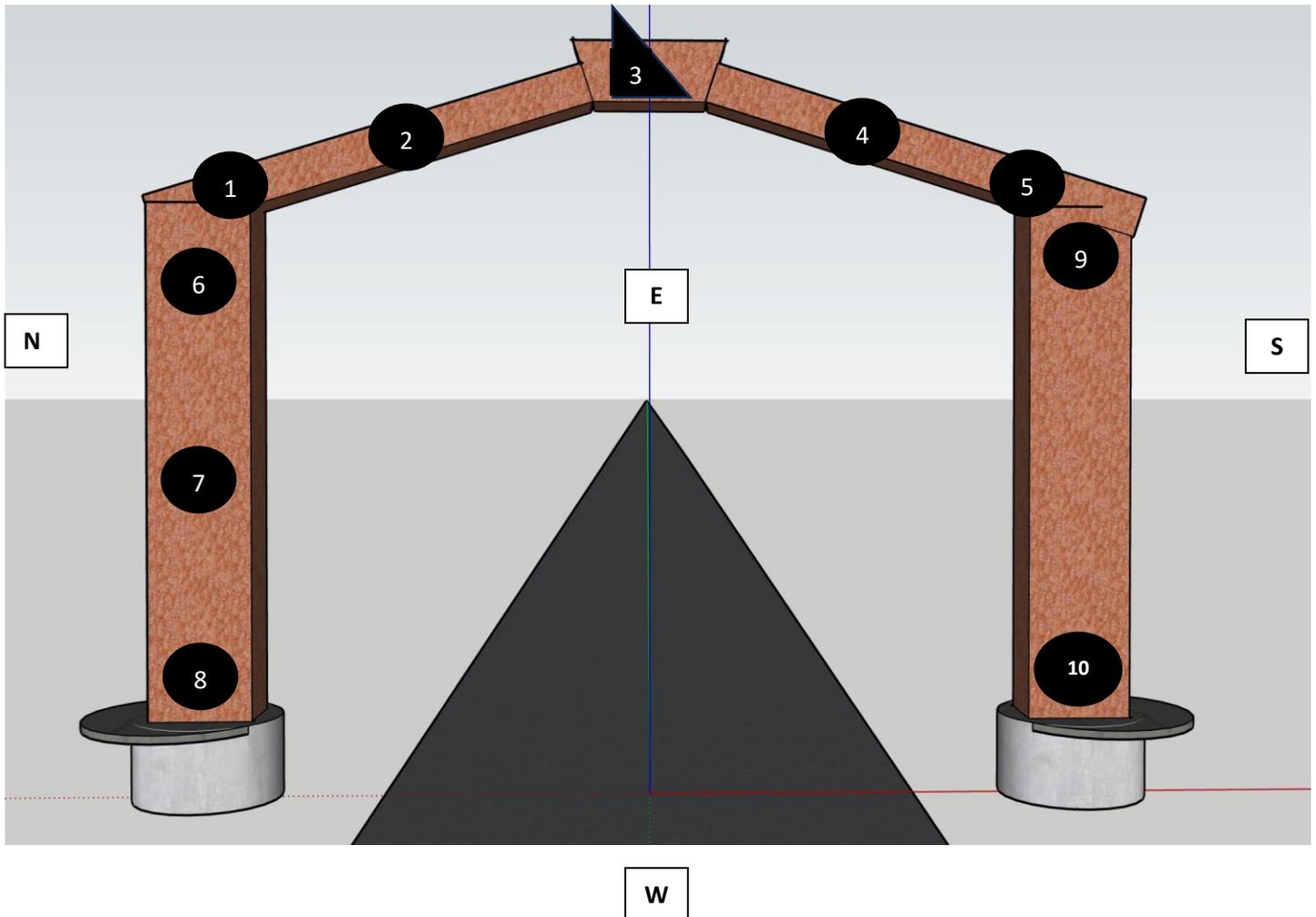
The overhead horizontal section will be welded from the existing straight sections of the Z-riveted Daly West structural pieces to maintain a pleasing look. Additional strengthening will be provided to assure longevity of the archway per engineering. We envision the addition supports to be placed at the top of the archway out of sight of the viewer.

The east and west sides of the archway will include small scale depictions crafted from various metals. They will tell the story about miners’ work, family life, entertainment and mining dangers with a focus on the Daly West. They will depict mines, buildings and historic events that were hallmarks of Park City’s early, middle, and late mining era. There will be a significant depiction of how the mining infrastructure supported the successful emergence of the skiing industry. The materials may include mild steel to depict structures and machinery, and stainless steel to depict snow, and finishes/coatings will be selected to minimize maintenance. Several metal plaques will provide trail users with historical story telling about our depictions.

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*West Side of the Arch Facing Bonanza Drive from the Rail Trail*

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**Key to Assigned Numbers**

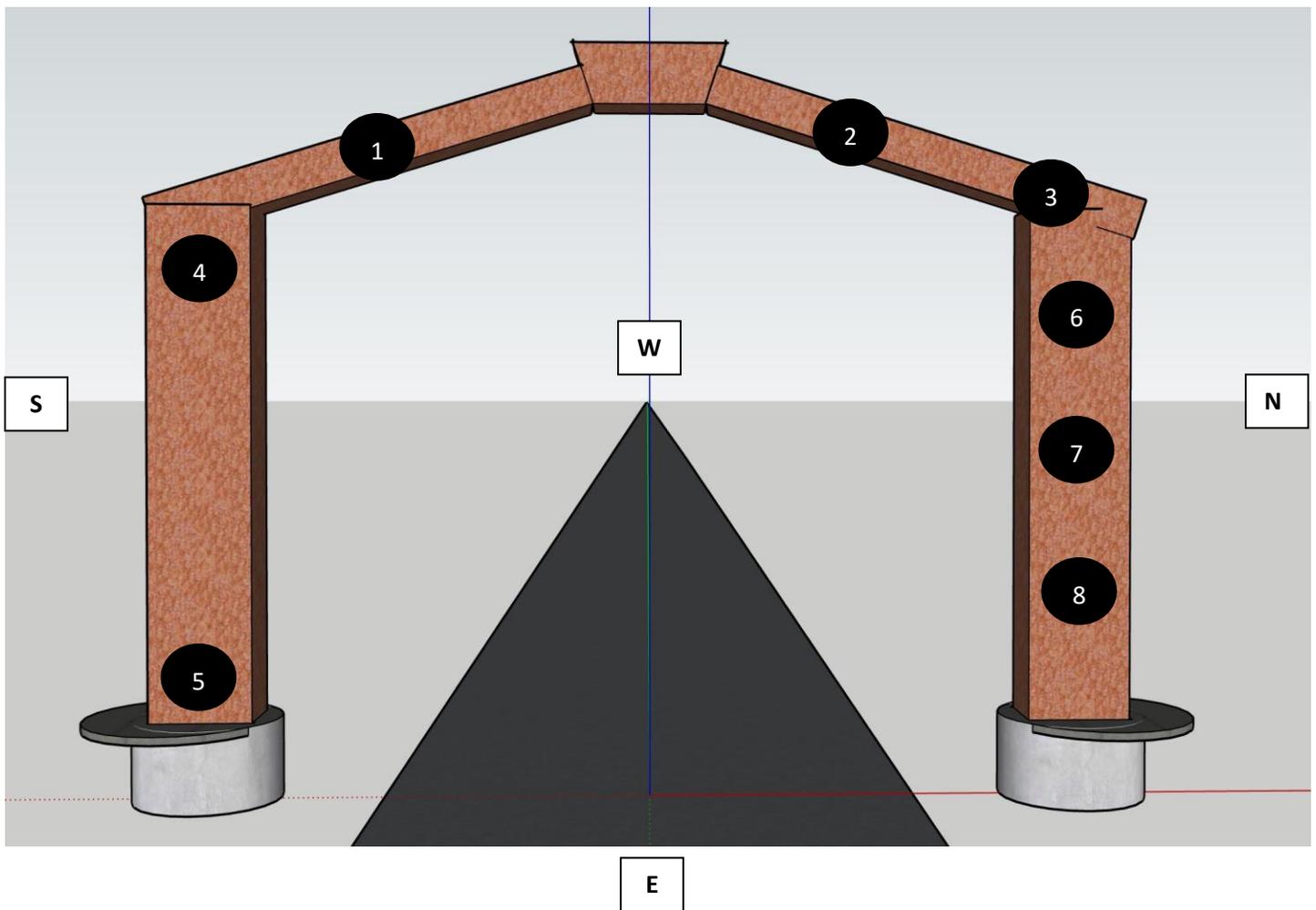
1. Daly West Mine Explosion, using special metals for effect, including miners and ejected rocks in the air
2. Miners' shacks depicting miners' home and family life
3. Daly West Headframe—a dominant feature of the arch and Park City's mining heritage
4. Aerial Tramway—showing one way to transport ore
5. Silver King Ore loading station which was next to the Railroad station on Main Street—the plaque narrative will explain multiple methods of ore transportation including aerial tramway
6. Miners Hospital
7. The Star Hotel
8. Miner standing in entrance shaft to typical mine
9. There is a hole in south post that will show a skier heading to the slopes on the other side from the "Mine Ride"
10. A cutaway of a hoist in a mining shaft which leads on the other side of the archway to a ski slope, depicting how the mining infrastructure transitioned to skiing infrastructure. Hoist bell on side for interactive element.

Note: Labels are indications of positioning and storytelling and not to final scale.

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*East Side of the Arch Facing the Rail Trail*

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**Key to Assigned Numbers**

1. Mule pulling ore cars at mine
2. A Union Pacific train with cars with skiers and ore (mature mining era)
3. The train station originally on Main Street
4. South Post - Skiers going down slope with one skier emerging from the west side of the Archway
5. Saloon at the bottom of the ski slope
6. The Dewey Theatre
7. The Silver Wheel Theater
8. The Egyptian Theater

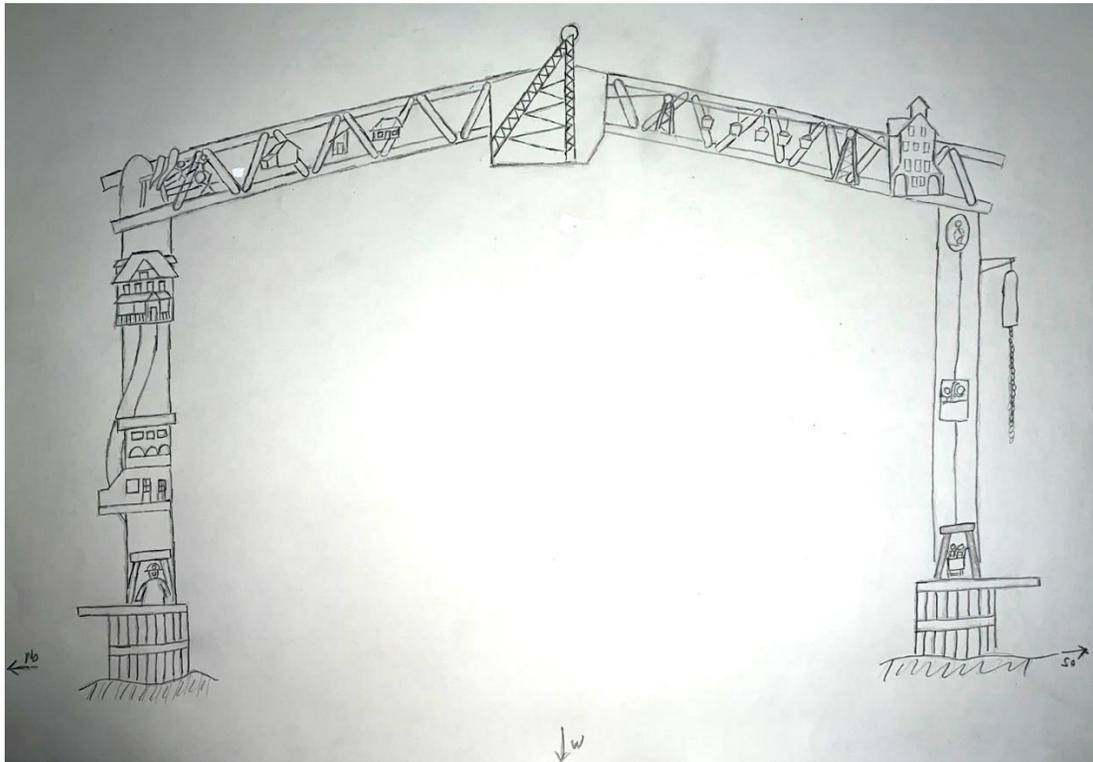
Note: Labels are indications of positioning and storytelling and not to final scale

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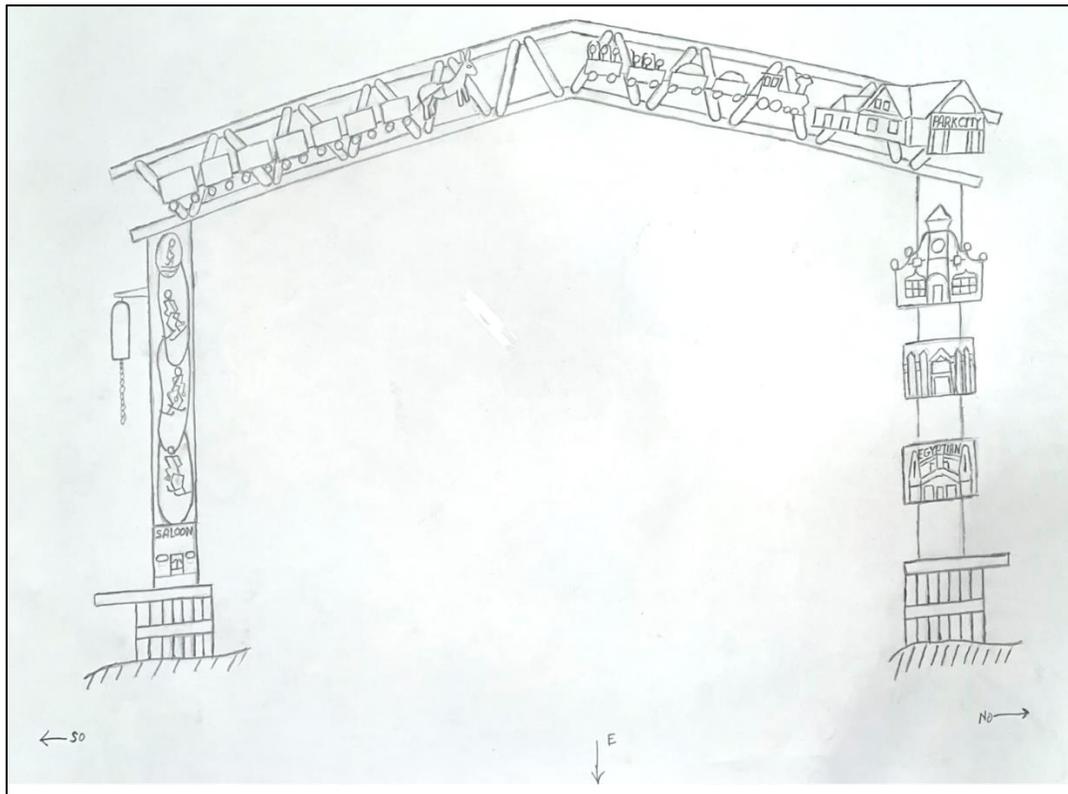
Artist's Rendering of West and East Sides of Archway

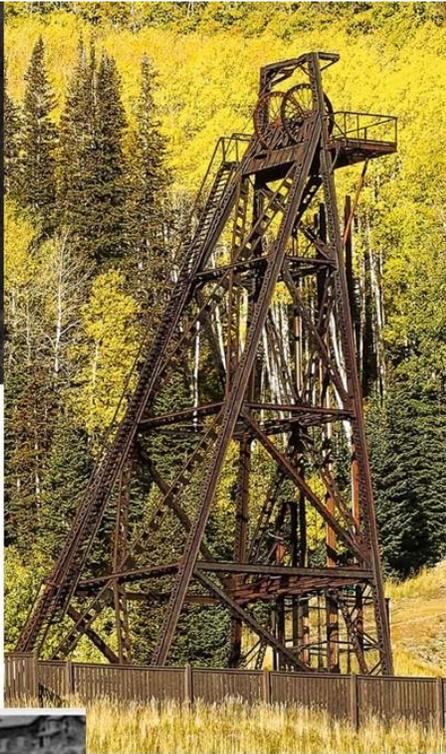
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West Side of Archway - Note Daly West Headframe top center



East Side of Archway





Examples of historical photos that will inform our small scale metal sculpture depictions on each side of the Daly West Archway on the Rail Trail



# Zafod Beatlebrox – Sculptor-at-Large



The Pilot Fish. Featured in Forbes Magazine naming of the greatest Burning Man Art Cars of past & present  
 Dimensions: 38' long x 12' wide x 16' high  
 Commissioned by Dr. Harry Adelson, Park City

FORBES > LIFESTYLE > TRAVEL

EDITORS' PICK

## Burning Man 2022: Inside The Outrageous Mutant Vehicles Of The Future

Jim Dobson Senior Contributor @

Searching the world for the most amazing People, Places and Things

Follow



The Frog Prince in the Park City July 4th Parade  
 Dimensions: 14' long x 20' high x 10' wide  
 This float won People's Choice in 2023

Dare to Swim Upstream with Style  
 Part of Salt Lake's Flying Objects Public Art project  
 Located on opposite the Broadway Center Theater  
 Dimensions: 9' high x 12' wide on a pole 13' high





Red Shoes Chase Away the Blues  
Tribute to Arlene Loble, the First City Manager of Park City who loved to wear red high heels. Located in front of City Hall, Dimensions: 15' long x 9' high



Running on Solar  
Made from rusted steel and leftover car parts  
Located at Jenkstar Ranch, Green River, Utah  
Dimensions: 5' high x 4' wide



Menorah commissioned by the Park City  
Film Series  
Dimensions: 5' high x 4' wide  
Located in Temple Har Shalom, Park City

## Artist's Statement and References

I am no stranger to large projects. The Pilot Fish, which is 40-feet long and 13-feet high, was fabricated on the chassis of '94 S10 Blazer two months before Dr. Adelson needed to take it to Burning Man. I custom-made the trailer that supports the fish's body, and the self-articulating tail at the end. The Salt Lake flying object, which is a 9-foot-high fish dressed to enhance the theater district on Broadway, is made of mild steel coated with airplane paint. The Frog Prince Art Car is built from a '74 Dodge motor home that was in terrible condition. I removed the body and created the whimsical art car depicting the fairy tale. This art car can transport 30 people. I see things differently. I am a master welder. I am a master mechanic. I am a pioneer of 43 acres of land in Brown's Canyon where I have a workshop, heavy equipment including a backhoe, a plasma cutter, five welders – in other words, all the fabrication equipment needed for this project. Website: [amazingfunctionalart.com](http://amazingfunctionalart.com)

Katy Wang, Park City Film Series. Menorah (503) 866-8444 (435) 615-8291

Dr. Harry Adelson, The Pilot Fish [harry@docereclinics.com](mailto:harry@docereclinics.com) [chezhenry68@gmail.com](mailto:chezhenry68@gmail.com) (801) 694-7429

Sally Cousins Elliott, [sallycousinselliott@gmail.com](mailto:sallycousinselliott@gmail.com) (435) 640-3759

Day Christensen, Salt Lake City Arts Council, [day@digis.net](mailto:day@digis.net)

# Kelly Gallagher - Steel Artist

Some examples of recent art with details pertinent to this project are shared here. To see the full body of Kelly's steel art, please see <https://mtnmetalart.com>.



Fireplace surround with pine tree branch decoration, fabricated to client requirements, installed 2021

Residential fence art installation depicting the Grand Teton range, with a rusted metal finish, installed 2021



"Dreams of Summer" depicting snow and a river of polished steel, cabin, people, animals and pine trees using 3D fabrication to provide depth.

Silver Trout sculpture finished with polished steel, sold 2023.



## Kelly Gallagher - Artist Statement

Kelly Gallagher has been the owner Mountain Metal Arts, LLC since 2018, designing and fabricating steel art in the Park City area. Her art includes items that can be shown/sold in art shows or galleries, and commissioned work that includes functional items for homes – both interior and exterior. Her pieces are fashioned by hand including all details. Kelly is also an engineer with over 39 years of experience in Aerospace manufacturing and project management, which will be useful in executing this Project.

### References:

For Delivered Commissioned Art:

- Barbara Smith Holmen, 435-962-0281, [bsmithholmen@aol.com](mailto:bsmithholmen@aol.com)
- Joseph Villeareal-Fry, 801-897-4130, [joeyslc@msn.com](mailto:joeyslc@msn.com)

For Project Management:

- Robert Murdock, VP and GM of Aerovac Composites One, 435-359-3439, [Robert.murdock@aerovac.com](mailto:Robert.murdock@aerovac.com)

# Project Budget

Project Budget

\$ 60,000

Item	Description	Cost Estimate
Insurance & permits	Conservative. City will waive building permit costs	\$ 10,000
Structural Engineering Contract: Epic Engineering	Stamped Dwgs for foundation, structure & connections	\$ 3,000
Structural Steel	Combining sections, strengthening pieces	\$ 2,722
Non-Structural Steel	All the art to hang on the structure, double it	\$ 1,743
Specialty Metals	Stainless steel, brass, copper	\$ 500
Welding Consumables	Gas, rod, etc.	\$ 1,000
Excavation*	Dig, backfill, spread locally	\$ 2,500
Footings/Concrete/Structure**	36" dia, 5' length sunk 3.5' in ground and 18" above grade, rebar	\$ 3,000
Commemorative Plaques	Bronze or laser cut stainless steel, various sizes & qties	\$ 1,000
Dirt Capping, tamping	8 yds maximum assumed (6" cap)	\$ 212
Seed - Remediation	Not assuming any additional watering, so natural seed only, sprinkle with hay. City provides seed	\$ 25
Moving steel from mine bench to studio	Assumes PC loads truck	\$ 300
Finishings, Coatings	For new structural steel and detailed art structures	\$ 1,000
Management Reserve	10%	\$ 6,000
Artist Fees		\$ 23,555
<b>Rentals</b>		
trackhoe twice - digging and backfill	See contractor estimate above	\$ -
scaffolding rental, 1 week	Diamond Rental, 2 stacks for 12' high bench	\$ 400
Telehandler, 1 week	Diamond Rental, PC: 8,000 lb with delivery/pickup	\$ 2,166
Generator, 1 week	Diamond Rental, 25kw	\$ 877
Barricades	Assumes PC barricades available	\$ -

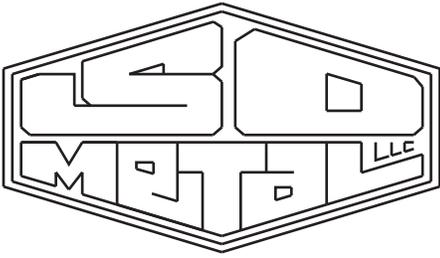
- \* Assumes Park City Municipality will remove the ladder golf game
- \*\* Assumes the concrete mix truck can cross the sidewalk to pour on site

# Project Timeline

	September	October	November	December	January	February	March	April	May	June
Contract Execution (Wk of 9/4/23)	◆									
Transfer Steel to Studio	■									
Complete Structural Design	■									
Complete Stamped Eng. Drawings		■								
Park City Permit Process		■								
Install Footings (dig holes, install rebar, sonotubes, core samples, pour)		■								
Complete structural detail fabrication			■	■	■	■	■			
Dry fit structural components							■	■		
Complete art structure fabrication and finishing			■	■	■	■	■	■		
Affix art structure to vertical and archway structures							■	■	■	
Disassemble the structure									■	
Move structure to Rail Trail (depends on weather)									■	
Erect structure, complete installation									■	■
Final review with Park City Municipal (6/7/24)*										◆

\* Note - The RFP contains 2 dates, we will comply with either date but would prefer 6/30/24

**BURNEY M ROSS**



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76296 Industrial Park Way, Oakridge, OR 97463 (317) 645-6960

31 July 2023

## Daly West Headframe Sculpture RFP for Park City Municipal Corporation

### Artists' Statement:

We are honored to present our proposal for your consideration for the Daly West Headframe Art Project. Our team is Joe Mross of Archive Designs, and Matt Burney of SO Metal, LLC—both based near Eugene, OR. Together, we bring 30+ years in business, over 20,000 ft<sup>2</sup> of metal fabrication space, and a shared, deep passion for the rusty, riveted, and reclaimed as a sculptural medium.

From Joe: Although we incorporate techniques, materials, and forms rooted in the past, we seek to give each original design a timelessness that will outlive period or style and continue to contribute to the composition of the space that it inhabits. Combining design and craft, our studio produces work that is poetic and rational, industrial and organic, archaic and contemporary

From Matt: Reclaimed metal is a deep and rich artistic medium. It is abundant, durable, rich with character, and ultimately recyclable. It carries our industrial legacy forward, melded with artistic perspective. Using historic materials gives a piece context in time and place. Public art is all about transforming spaces into places, and storytelling is part of that process—referencing the past through re-use of materials speaks to our current conversations about sustainability and allows us to reflect on eras of incredible craftsmanship.

Public art is a team effort and we are prepared to work together to achieve your vision for a destination-worthy installation.

### Recent Experience:

In the last 3 years, our studios combined have provided design and/or fabrication on nearly \$1 million of public art projects (see CVs)—on time and on budget. Furthermore, we aim to demonstrate that our personal artwork shows our particular passion for upcycling AND riveted metalwork. We are licensed, bonded and insured. We have dedicated many years and resources to accumulating both the skills and specialized tooling and equipment for proper rivet work and safe handling of larger scale projects.

### References:

Kate Ali, Public Art Coordinator, City of Eugene, OR, 818-517-6717, [KAli@eugene-or.gov](mailto:KAli@eugene-or.gov)

Pete Goldlust, Public Artist, 323-204-1992, [petegoldlust@gmail.com](mailto:petegoldlust@gmail.com)

Katie Hazard, Associate Director of Art Management, Burning Man Project, 415-865-3800 x143, [katie.hazard@burningman.org](mailto:katie.hazard@burningman.org)

Ryan Garrett, Owner of LeafHouse Scientific, 541-240-9431, [ryanwilliamgarrett@gmail.com](mailto:ryanwilliamgarrett@gmail.com)

Joseph Mross

MAIL: P.O. Box 2669, Eugene, OR 97402

STUDIO LOCATION: 28362 Bodenhamer Rd. Eugene, OR 97402

541-607-6581 | [jmross@archivedesigns.com](mailto:jmross@archivedesigns.com)

[archivedesigns.com](http://archivedesigns.com) | [www.instagram.com/archivedesigns](http://www.instagram.com/archivedesigns)

## Education

**ArchiCAD University**, 2005 Europe Summer School Workshop, Nottingham University, England

**BA Fine & Applied Arts** (focus on metalsmithing & printmaking), **Spanish**, 1993, University of Oregon

## Professional

**Archive Designs**, 1997-present: Founder, Designer, Artist, Eugene, Oregon

- Main products are architectural metalwork & sculpture
- Specializing in patina finishes and traditional/historic styles and techniques
- Global client list of architects

**Mross General Contractor**, 1989-2000: Residential Designer, Craftsman, Eugene, OR

**Ambiance Art Crewmember** (established Kopper Shoppe), 2014-present, Oregon Country Fair, Veneta, OR

## Art in Public Places

		Project Budget
2023	<b>Gurramu</b> , (awaiting installation), with Matt Burney, for The Flying Lark, Grants Pass, Oregon	\$125,000
2021	<b>D.R.A.GO 19</b> , with Jeff Shauger, commissioned by BRING! Recycling, Eugene, Oregon	\$80,000
2014	<b>Lost Nomads of Vulcania</b> , Honorarium Grant Recipient: Burning Man, Black Rock City, NV	\$75,000
2014	<b>Trilat Relic II</b> "Sculpture on the Blue", Breckenridge Public Art Commission, Breckenridge, CO	\$43,000
2010	<b>Trilat Relic I</b> , City of Keizer, OR	\$13,400
2001	<b>Ornamental Gate</b> , Massey Memorial Garden, Coos Bay Hospital, Coos Bay, OR	\$5000

## Selected Shows and Installations

2022 **Eugene Ballet Company**, *Taming of the Shrew*, steampunk set design and props, Eugene OR

2017 **Oregon Eclipse Festival**, *Lost Nomads of Vulcania* installation, Big Summit Prairie, OR

2014 **Burning Man**, *Lost Nomads of Vulcania* installation, Black Rock City, NV

2014 **New Zone Gallery**: group exhibition, co-curator and exhibitor

2013 **Burning Man**: open group exhibition, Black Rock City, NV

2013 **High Desert Museum, Praegitzer Gallery**: group exhibition, Bend, OR

2012 **Burning Man**: open group exhibition, Black Rock City, NV

2011 **Burning Man**: open group exhibition, Black Rock City, NV

## Notable Private Commissions

**Hearst Family**, private collection

**Lodge At Torrey Pines**, San Diego, California

**Liuzhou Daily Newspaper**, Liuzhou, China

**LZTV**, Liuzhou, China

**Pasadena Heritage Society**, Pasadena, CA

**Matthew S. Burney**

76296 Industrial Park Way, Oakridge OR 97463

317.645.6960 matt@sometalfab.com

## Education

**BSE in Mechanical Engineering and Materials Science**, 2006, Duke University, Durham, North Carolina

## Professional Practice

**So Metal, LLC**, 2015-Present, Founder, Oakridge, Oregon

- Creative metal fabrication, specializing in public art and bespoke architectural elements.
- Focused on creative solutions in design, bridging the gap between artist and engineer
- Licensed, bonded, insured Oregon Contractor, CCB# 216240
- Current Member, Oregon Arts Commission, Roster of Public Artists
- 16,000 ft<sup>2</sup> studio dedicated exclusively to metal art fabrication

**Marc Adams School of Woodworking**, Welding and Fabrication Instructor, 2018-Present, Franklin, Indiana

## Art in Public Places

		Total Budget
2023	<b>Gurramu</b> , Collaboration with Joseph Mross for The Flying Lark, Grants Pass, Oregon	\$125,000
2022	<b>Sculptural Armature</b> , American Museum of Natural History, Gilder Center, New York, NY	\$78,000
2021	<b>Rest Note</b> , Musical Bench Public Art Collection, Tualatin Valley Creates, Beaverton, Oregon	\$15,000
2020	<b>Bubble Bench 2.0</b> , (upcycled), Loveland Museum of Arts and Culture, Loveland, Colorado	\$15,000
2019	<b>Upcycled Sculptural Bike Racks</b> , Eugene Toolbox Project, Eugene, OR	\$2500
2018	<b>Noah Dewitt Memorial Sculptural Bike Racks</b> , New Frontier Market, Eugene OR	\$5000
	<b>Architectural Fence and Gates</b> , First Christian Church, Eugene OR	\$45,000
2017	<b>Upcycled Bicycle Entry Arch</b> , Hop Valley Brewing Co, Eugene, OR	\$6000

## Contracted Public Art Fabrication for Other Artists

		Total Budget
	<b>City of Flagstaff</b> , Pulliam Airport, Flagstaff Arizona, for Goldlust/Germond, installed April 2023	\$134,000
	<b>City of Phoenix</b> , Valley Metro Rail, Phoenix, Arizona, for Pete Goldlust, installed March 2023	\$250,000
	<b>University of Nebraska-Kearney</b> , Early Childhood Education Center, for Goldlust/Germond, 2022	\$34,000
	<b>City of Eugene</b> , Echo Hollow Pool, Eugene, Oregon for Goldlust/Germond, 2022	\$88,000
	<b>City of Eugene</b> , Campbell Community Center, Eugene, Oregon for Goldlust/Germond, 2021	\$66,000
	<b>City of Redmond</b> , Redmond Pool, Redmond, Washington, for Pete Goldlust, 2021	\$45,000
	<b>Washington DC</b> , Kimball Elementary School, for Pete Goldlust, 2021	\$50,000
	<b>City of Eugene</b> , BRIDGE Exhibition, Eugene, Oregon, <i>Free Your Soles</i> for Darryl Evans, 2019	\$5000
	<b>Allworth Veterans Home</b> , Oregon Percent for Art Commission, Lebanon, OR for Lee Imonen 2018	\$220,000

## Shows and Installations

2020 Members Show, Maude Kerns Art Center, Eugene, Oregon

2019 First Friday Art Walk featured artist (May), Upcycled Tools Bench, Lane Arts Council, Eugene, OR

Art and the Vineyard, Maude Kerns Art Center, Eugene, OR

Studio Without Walls, ArtCity Eugene, Eugene, OR

BEAM, interactive light-based art show,(installation), ArtCity Eugene, Eugene, OR

Light Up Downtown (installation), Eugene, OR

2018 Art and the Vineyard, Maude Kerns Art Center, Eugene, OR

Studio Without Walls, ArtCity, Eugene, OR

Recycled Art Festival, Vancouver, WA

## Art Projects by Joe and/or Matt Featuring Found Objects



**Gurramu**, 2023, by Joe Mross and Matt Burney

**Dims:** 15'x9'x11'

**Mat'ls:** forged steel, granite, bronze, glass

**Budget:** \$125,000

**Commission:** The Flying Lark, Grants Pass, Oregon

**Description:** Homage to the power of the horse, the world's largest chess knight is constructed of over 100 forged steel plates, 2000 hot-forged rivets, and 2 tons of black granite. Custom bronze portholes give a glimpse into the interior to view construction details and additional wonders. Some of the steel and stone used in the piece are reclaimed from the community of Grants Pass. Waiting for final installation.



**Lost Nomads of Vulcania**, 2014, by Joe Mross

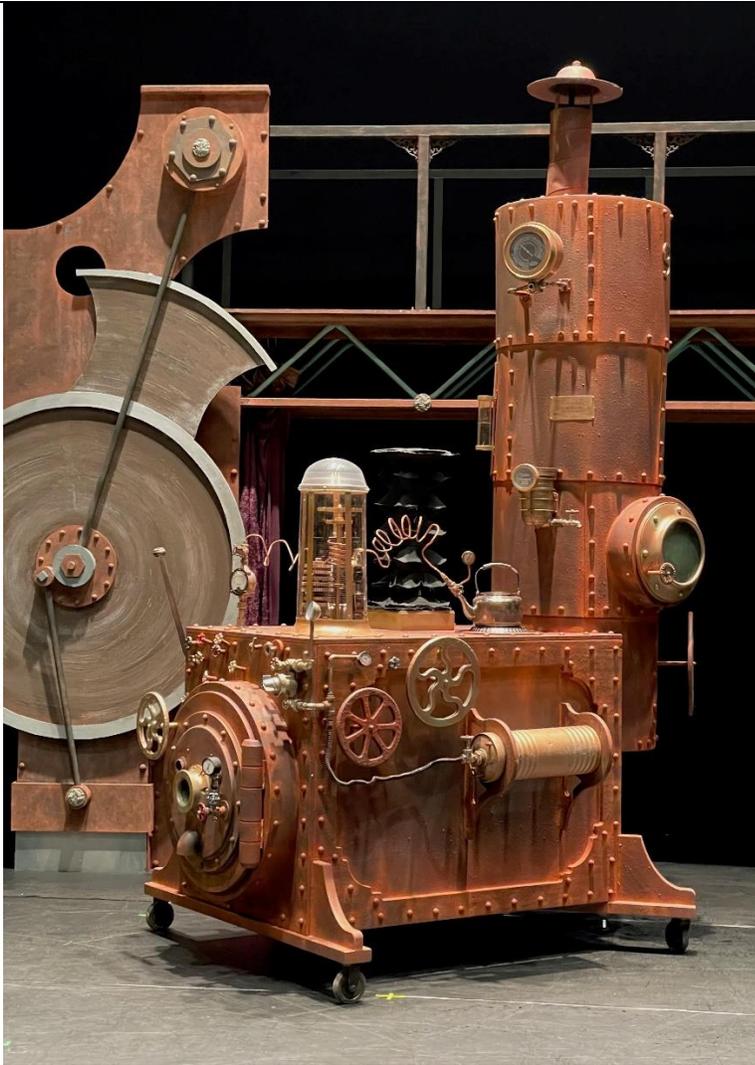
**Dims:** 21'x16'x10'

**Mat'ls:** found objects, reclaimed steel, wood

**Budget:** \$75,000

**Commission:** Burningman Art Honorarium Grant Recipient

**Description:** A "mysterious relic built by the last surviving members of Capt. Nemo's crew." Widely published & featured in MindBodyGreen's "30 Amazing Photos That Will Make You Wish You Were At Burning Man 2014", this design earned a grant from Burning Man. Built from scratch in 4 months, it weighs 7200 lbs. Many found objects and reclaimed metal and wood went into this piece.



**Aether Steam Discombobulator Indifference Engine, 2022, by Joe Mross**

**Dims:** 11'x7'x5'

**Mat'ls:** found objects, wood

**Budget:** \$50,000 (whole project)

**Commission:** Eugene Ballet Company

**Description:** One of many parts of an elaborate set design for a steampunk-inspired production of Shakespeare's *The Taming of the Shrew*, this piece played a prominent role in numerous scenes.



**D.R.A.G.O.-19, 2020, by Joe Mross and Jeff Shauger**

**Dims:** 15'x20'x20'

**Mat.'ls:** found objects, welded steel

**Budget:** \$120,000

**Commission:** BRING Sculpture Garden, Eugene, Oregon

**Description:** Like a crashed alien meteorite in 3 sections, D.R.A.GO-19 (Drossian Resource Ark/Glenwood Object) sculpture incorporates many mysterious interactive and kinetic elements, linking the future with the past and forging a connection through upcycling from local industry and architecture. Includes several tons of metal sourced from the ashes of Historic Civic Stadium.



**Bubble Bench, 2018, by Matt Burney**

**Dims:** 8'x'8'x8'

**Mat.'ls:** reclaimed steel, reclaimed mahogany

**Budget:** \$12,000

**Commission:** private collection

**Description:** Bubble Bench was built entirely from reclaimed steel plate burnouts from a local fabrication shop and mahogany reclaimed from a broken down moving truck. Welded into a sphere, the bubbles cast wonderful shadows, and the mahogany provides a cool and comfortable place to sit. Shown at Recycled Arts Festival, 2018.



**Welcome Cyclists, 2016, by Matt Burney**

**Dims:** 12'x12'x2'

**Mat.'ls:** reclaimed steel, upcycled bike parts

**Budget:** \$6,000

**Commission:** Hop Valley Brewing

**Description:** Welcome Cyclists was commissioned to create a clear and inviting space for cyclists to park at the local brewery. %100 recycled materials.

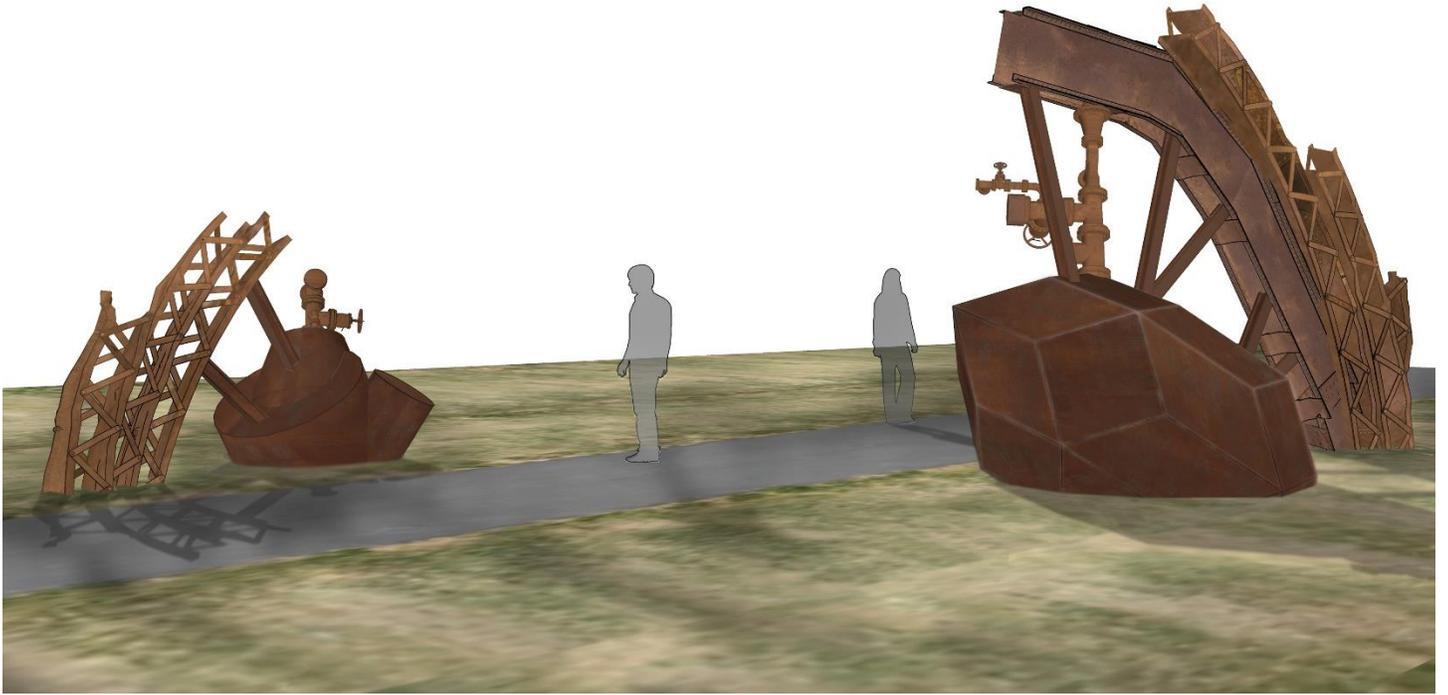
## Conceptual Renderings of Proposed Sculpture for Park City



Figure 1: Perspective from West, looking East. Mangled beams arch along the trail, supported by railroad rail and industrial piping and valves.



Figure 2: Aerial view. Steel hollow-forms serve as pour-forms for reinforced concrete to support the structure.



*Figure 3: Side view, looking South.*



*Figure 4: Side view, looking North.*

**Concept Proposal:**

With this sculpture, we aim to create an inviting entrance to the Union Pacific Rail Trail. Using beams from the old Daly-West headframe and railroad rail to suggest the form of a spoked wheel which speaks to the gigantic pulleys at the top of the headframe as well as bicycle wheels. Found industrial objects reference the massive Cornish pumping system and other Steam Era infrastructure that can be seen around Park City and the rail yards of the American West. Hollow, abstract forms made from reclaimed steel plate serve as hubs of the “wheel” and speak to the ores and rock formations found in the area. The rich textures and colors of the raw iron blend well with the natural landscape and pay tribute to Earth’s most abundant element.

The mangled beams withstood massive forces when the headframe fell. Considering they are mostly intact is a testament to their strength. Their current form is crucial to celebrating their past, which is highlighted in their hot-riveted joinery. We will use that same style of joinery in the project (when possible) to pay homage to the era which lives on through our railroad and mining legacy. Arranging the beams at angles helps to form the segments of the “wheel” and imply motion in the piece.

**Fabrication method:**

The hollow-forms will accept reinforced concrete on-site to provide structure and counterweight to support the piece and minimize excavation costs. They will also contain engineered brackets to tie into the railroad rail, which will support the beams via bolted or riveted connections—avoiding the challenges of welding the old metal to modern structural requirements. In essence, the rails provide the main structural support of the piece, and the hollow-forms will hide that necessary connection while providing a pour form for the concrete of the foundation.

Fabrication would be done in-house at SO Metal, LLC. We have the trucks and trailers to transport the materials and completed sculpture. We have completed numerous projects larger in scope and budget in the last year.

For this collaboration with Park City, we would plan to hire locally for engineering (McMullin Eng.), site-work and installation processes (Rock Designz), which would return a significant investment to the community, streamline permitting, and instill a sense of local pride, teamwork, and recognition in the completed piece. We understand that a proposal is the beginning of a conversation and the design may need modification to meet certain requirements.

### **Construction Schedule:**

- September 4: Sign contract and pick up materials in Park City
- Mid-September: Finalize design and obtain necessary structural calculations / stamped drawings / permits, begin fabrication
- Fabrication: 6-8 weeks
- Late October: Ideal installation of completed piece.
- Late Spring 2024: While we believe a fall delivery to be possible, our experience dictates that we need to budget more time for unforeseen delays (contract review, additional engineering, weather, technical problem-solving, illness, etc.) Install is more likely to be first weather-dependent opportunity in 2024.

### **Maintenance and Cleaning Plan:**

Judging by the excellent condition of the materials after more than a century of deferred maintenance, we propose a simple maintenance plan. Initially, we will treat the exposed metal with boiled linseed oil, which penetrates into joints and protects from corrosion. This can be re-applied every 2-5 years, depending on witnessing active corrosion. A yearly spray-down with water, and cobweb/ dust sweep will be sufficient. We advise against applying sidewalk ice-melting chemicals near the sculpture.

### **Budget (Total \$60,000):**

- Artist(s) fee (proposal, research, design, management costs, insurance, etc): \$12,000
- Utah PE stamped drawing set: \$4000
- Additional fabrication materials (railroad rail, steel plate, rivets, rebar, etc): \$4800
- Fabrication labor: \$20,000
- Site prep and installation costs: \$6000
- Re-seeding / planting costs: \$500
- Trucking/transport: \$6200
- Photography and documentation: \$500
- Contingency: \$6000

**CASEY STALEY**

# Casey Staley's Daly West Headframe proposal



## Casey Staley's Daly West Headframe proposal

I believe in brevity as I know you all have a lot of responsibilities and obligations; I have kept my proposal brief to convey the idea and not water it down with flourishes. This project personally means a lot to me from my personal experiences and family history with mining. Please find the proposal content below.

**Bio:** A brief history of me if not applicable skip to the next paragraph. I grew up in Coalville, graduated from North Summit. I went to college and graduated from Utah State University in business and entrepreneurship, but Art has always been a passion of mine. I grew up in the mountains of Park City weather it was skiing, mountain biking and the alpine slide. I was always amazed at the mining equipment remains you would see on the runs in the summer and the remaining buildings of the various mines. I even went on the Silver Mine Adventure and museum when it was in operation, this left a lasting impression on my mind. After the Silver Mine adventure, I went home, and we talked about it as a family, and we read stories of my great grandfather working in the Silver King mine as a Cage(elevator) operator and as an air hoist operator, he then went to work in the Coalville coal mines and learned that my grandfather was born in the miners' hospital in Park City. Fabrication projects such as this are my passion as I love upcycling anything I can get my hands on.

The last 3 years I have been professionally working in the medical manufacturing industry as a quality engineer and creating art in my free time. My preferred art mediums are blacksmithing (including welding), copper smithing and stained glass. My large-scale artwork is limited as my artistic projects are usually smaller that can be displayed in homes. I have assembled/created multiple large scale industrial storage and layed out manufacturing areas, I cannot provide images as they were for an employer with confidentiality rights. I have worked construction and fabrication and my experience are suited for this project.

I always have a project creating and fabricating new pieces of art usually for friends and family members, large scale artwork is usually not something I pursue as there aren't very many opportunities that catch my attention and passion. The following are some of my recent projects that I can share

- Dead pine trees (beetle kill) from the Uinta mountains to make head and footboard for beds.
- Repurposing an antique industrial car jack to create office furniture.
- Found antique furniture where I repaired and refinished it.
- Residential pergolas/gazebos
- Copper roses and flowers

Thank you for your consideration and making this opportunity available.

## Casey Staley's Daly West Headframe proposal

**Experience and References:** I created and sold a business that took remnant granite from countertop fabricators, processed the remnants into art pieces, tiles usable during construction of homes, offices and laser engraved awards, candy boards and art pieces.

I have always been drawn to use material that I can upcycle mainly because as a child I could use the left-over items, and no one cared.

In short and all honesty this would be a first large scale art piece that would be on public display. With that being said I have built multiple gazebos and pergolas of various designs, sizes and materials all for residential uses.

### Reference 1

Shane Leavitt

Former co worker

Phone 1-435-760-3584

E-mail: shaneleavitt@gmail.com

### Reference 2

Glenden Bytheway

Coworker

Phone: 435-770-8410

E-mail: glendenbytheway@gmail.com

### Reference 3

Cody Staley

Relative and assistant of other projects

Phone: 435-640-3893

E-mail: codstaley@gmail.com

## Casey Staley's Daly West Headframe proposal

**Proposal:** To put it simply I am proposing a double-sided bench with a pergola style structure made from the remains of the Daly West Headframe with additional steel. This will be referenced as the platform.

The inspiration for my design has come from a few various sources. I have read accounts of miners walking into the cage (elevator) and the walls of the elevator are type of chain-link fence and it was a small space. The platform will not be a huge structure, it will be for 2 people to sit next to each other. My design is to mimic the feel of the elevator that was used to lower miners into the mines from the headframe. I will incorporate as many pieces as possible of the Headframe. My design will incorporate chain-link type steel to recreate the feel of the elevator walls that were present and used when the Daly mine was operating. This chain-link design will also match the current design that is currently onsite as show in Image 1 below with the red arrow.

Some of the beams and pieces on beams will be cut or modified in my proposal. My design is based on the pictures that were in the request packet as I missed the pre-request meeting. My design may not be 100% accurate. This accuracy will not be available until the headframe pieces are seen.

The platform will be set on a concrete pads set into the ground to give the structure stability around the platform will be slag rock again to give the impression of what miners were walking on. The platform will be oriented so the benches face east west so that recreators that are using the rail trail will be able to sit and watch the sunrise or the sunset.

Additional motifs that hint at mining and the pacific railroad will be added such as pickaxe armrests, train track as functional support of the structure and on the bench seat structure.

This main inspiration and purpose of my design is to give whoever sits on the platform a sense of what it must've been like to be in a mining elevator while still being a unique and functional piece of the community.

Please see attached drawings for my proposal design.



Image 1

## Casey Staley's Daly West Headframe proposal

### Budget:

This budget is the best that I have been able to produce based on the cost that I can source. This is a general budget as costs in this environment are always changing and adjustment may be needed. The full budget will be used as this project has various unknowns such as the actual state of the steel and permitting.

Item	Cost
Transportation	1,000
Permit and engineered approved drawings	3,000
Workshop cost with expediting timeline <ul style="list-style-type: none"><li>• Design</li><li>• Fabrication</li><li>• Additional Steel</li><li>• Sourcing items for construction</li></ul>	53,000
Cement Pillars and Slag surfacing	3,000

### Timeline:

This timeline is the best that I am able to forecast. There are always unforeseen items in every project. But based that I have just finished a project and I have the capacity to start this one. I can put priority on this project and expedite it to meet the timeline of Oct. 30<sup>th</sup>. This is not a guarantee as timelines always seem to be changing and it is a tight timeline.

Item	Forecasted timeline
Pick up items and transport to workshop.	Sept.4
Complete 1 <sup>st</sup> side	Sept. 22
Complete 2 <sup>nd</sup> Side	Oct 6
Complete bench	Oct. 20
Prep site	Oct 23
Install	Oct 30th

### Maintenance:

Because of my blacksmithing background I can treat the metal to not longer rust or need additional care. But there may be weed encroachment around the platform and may need to be dealt with.

ADDITIONAL

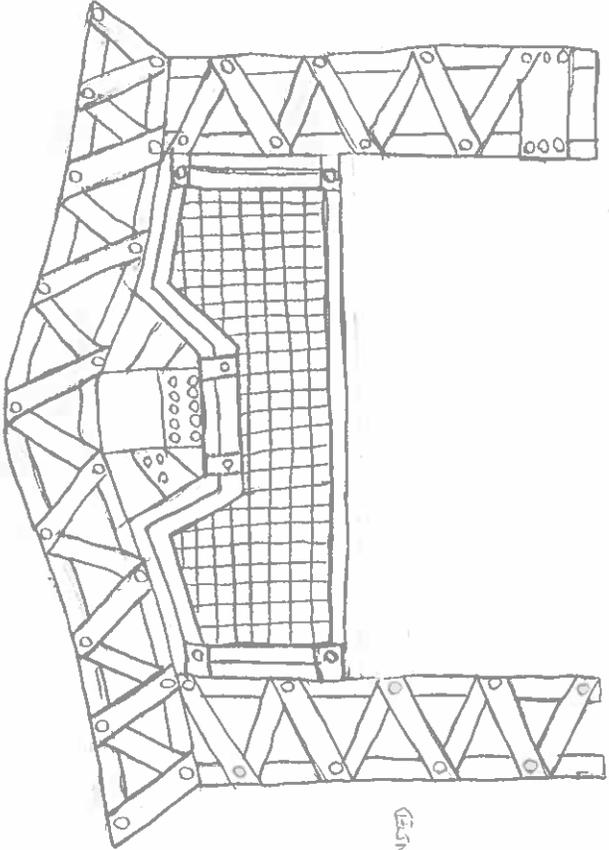
- TRAIN TRAIL
- SCREEN DEGRADATIVE
- SCREEN SEATING
- D

CONFIDENTIAL  
08-1-23

19 FOOT  
HIGHLY MANGLED

7 FOOT Z-BRACKET  
SLIGHTLY MANGLED

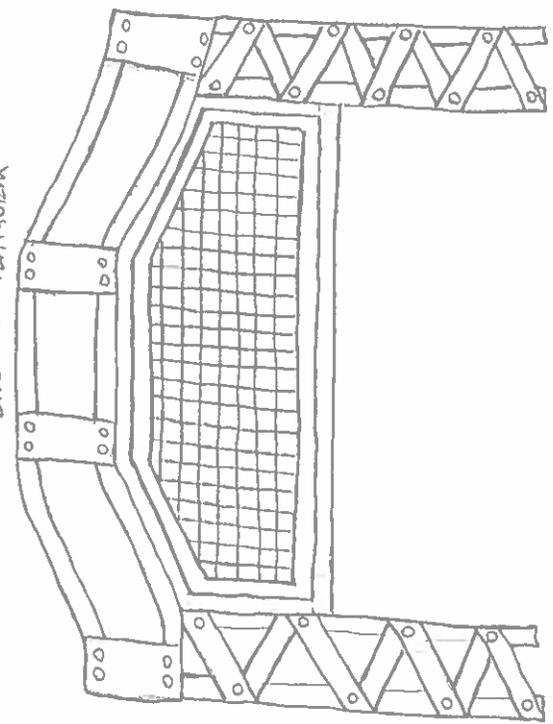
FRONT OF PLATFORM



6 FOOT Z-BRACKET

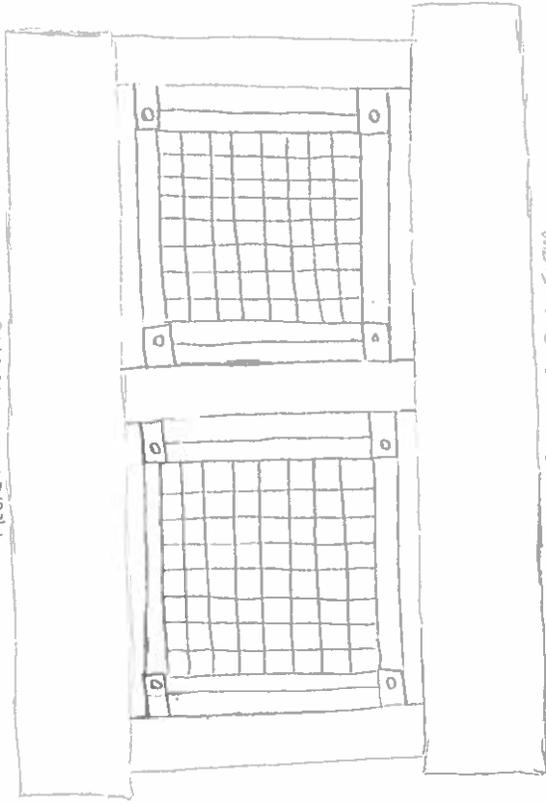
2 X 6 FOOT FROM 174 SECTION

BACK OF PLATFORM



Top of Platform

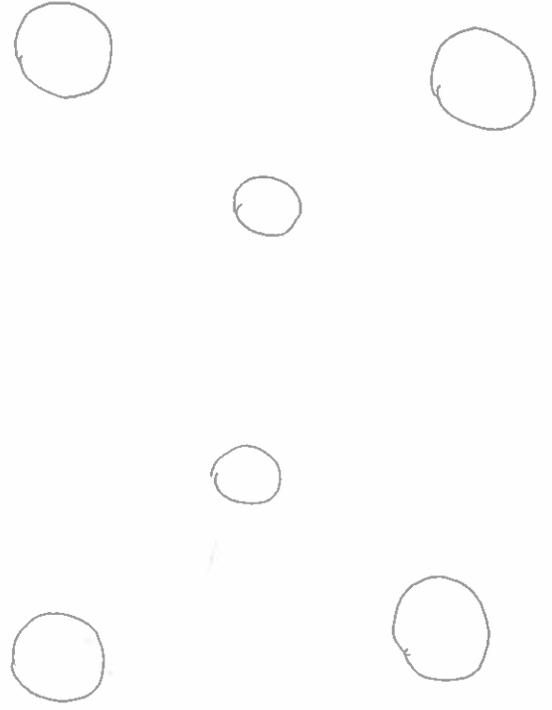
FRONT OF PLATFORM



BACK OF PLATFORM

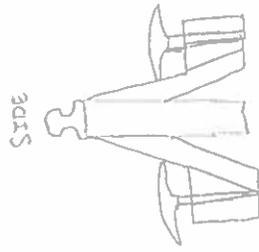
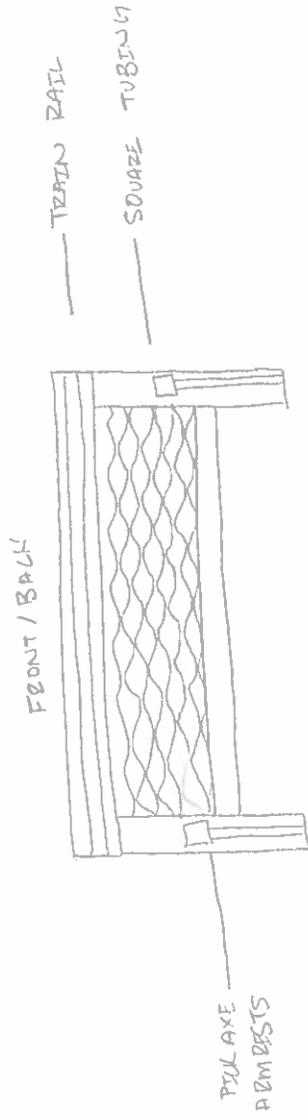
CONSULTANT  
OPS 8-1-23

PILLAR CEMENT PLACEMENT



BENCH OF PLATFORM

CONSULTANT  
DES 8-1-23



**JD TREJO MAYA**

- **Contact info** as follows:

Artist name: José D. Trejo-Maya

Mailing address, city, state and zip code: 3834 Monterey Ave. Apt. #110 Baldwin Park, CA 91706

Cell phone number: 626-367-7756

Email: [jdtrejomaya@gmail.com](mailto:jdtrejomaya@gmail.com)

Website: <https://mozaikphilanthropy.org/ecosystemx/>

- **Statement of interest:** Transparencies in Time:

The present visual art exhibition/installation proposal is both an interactive and multidisciplinary. It's a multiphase comprehensive exposé on Mesoamerican lore and more specifically on a pre-Columbian notion of time. Here, there would be three simultaneous and concurrent installations that center on concrete poetry. All three will utilize plastic transparency films. In the 1<sup>st</sup> will be as titled above. While the second installation is called Cyclones in the DNA2: Double Helix/Haiku Transparencies in [Space] Time. In the 3rd, gallery and/or installation that will be titled Dream Images: Transparencies Pyramid Shifts: 3D public sculpture. I am interested in this opportunity to let contemporary society at large know that poetry is alive, and that the oral tradition still lives, though it's thought that this ancient culture is dead. In synthesis this can be both an exhibition in a gallery and/or an installation of sculptures made with the two primary elements; plastic transparency films and acrylic/plexiglass to form shapes, for these will be embedded within. Installation #1 will be two hollow cylinders on whose inside surface will be placed the transparencies. In the 2<sup>nd</sup> installation I have not made models yet, but the gist is to use the same transparencies to make the shape of the X and Y chromosomes of the DNA double helix. In installation #3 the idea would be just a plexiglass screen just as Installation #2 that is approximately 8 ft by 7 ft and in this case, transparencies will be placed in the shape of a pyramid. My work is rooted in the original peoples and/or 1st nations so it's original by default, therefore my visual art speaks for itself. In this instance I am interested in this opportunity to utilize the Daly West headframes too bring forth the theme of remnants into a more expansive and innovative field of public art outdoor sculptures that are permanent and long-lasting just as steel. In the end the sculpture(s) are a mirror and/or a mosaic of ideas in hologram given that they're transparent both tangibly and/or symbolically given that the visual art is paradoxically ephemeral in an aesthetic sense, given as a pre-requisite the audience must have the ability to "read" beforehand...

- **Current resume** or CV:

**Exhibitions:**

<i>Black Creek Arts Council; Glitz and Kitsch</i>	Uixticihuatl, Transparent thoughts	November 11 <sup>th</sup> to December 31 <sup>st</sup> 2022
<i>Arts Council of Fayetteville Cumberland County, NC</i>	_Still Here, Still Native Oxomoco	Oct 21 <sup>st</sup> 2022 to Winter
<i>Pelham Art Center: Art Boutique NY</i>	Words lacerate, yei, Uixticihuatl, Transparent thoughts, Oxomoco, Tonatiuh, So this was weaved	December 2022 to January 2023
<i>Faces &amp; Facades Exhibitions; AHArts, NJ</i>	Words lacerate, Uixticihuatl, Transparent thoughts, Oxomoco, Tonatiuh	Nov. 19 <sup>th</sup> to Dec. 24 <sup>th</sup> 2022
<i>The New Art Center, MA Artwork New Art Store</i>	Words lacerate, Uixticihuatl, Transparent thoughts, Oxomoco, Tonatiuh, et. Al.	Winter 2022
<i>Under \$500 MAP</i>	Transparent thoughts/yei ozomatli	Winter 2022
<i>Cista Arts: A Moment in Time (UK)</i>	Transparencies in Time: Transparent thoughts, Uixticihuatl, Words lacerate, Oxomoco, Tonatiuh	January 2023 online
<i>2023 SYRCL's Wild &amp; Scenic Film Festival</i>	Words lacerate, Oxomoco, Transparent thoughts	February 15 <sup>th</sup> to March 15 <sup>th</sup> 2023
<i>Project Anywhere 2023 (AUS)</i>	Transparencies in Time:	Virtual exhibition
<i>2023 Academy Center of the Arts Annual National Juried Art Exhibition</i>	Oxomoco	April 7 <sup>th</sup> to May 4 <sup>th</sup> 2023
<i>934 Gallery Invisible Threads</i>	Transparencies in Time: Desert Sands & Death Throws	April 2023

<i>Layers from Within@Walters</i>	Transparencies in Time: Desert Sands & Death Throws	February 2024
<i>BLOOM! Gallery Aferro</i>	Words lacerate, Uixticihuatl, Transparent thoughts, Oxomoco & Tonatiuh	May 2023

#### Fiscal Sponsor

<i>Institute For Education, Research, and Scholarship</i>	Fiscal Sponsor: Professor Newton Lee for Opportunity Fund Grant in Charlotte Arts & Culture	2023-2024
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#### Grants

<i>Center for Cultural Innovation</i>	Grant/California Relief Fund for Artists and Cultural Practitioners	September 29th 2020
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#### Public Art

<i>Public Art/ Sculpture Kirkland, WA</i>	Transparencies in Time: Sculpture	October 2022 to October 2023
<i>Public Art/Sculpture Bellevue, WA</i>	Transparencies in Time: Sculpture	September 2023

#### Scholarships

<i>Hudson Valley Writers Center</i>	Poetry Workshop: The Poem Under the Poem	October 24 <sup>th</sup> 2021
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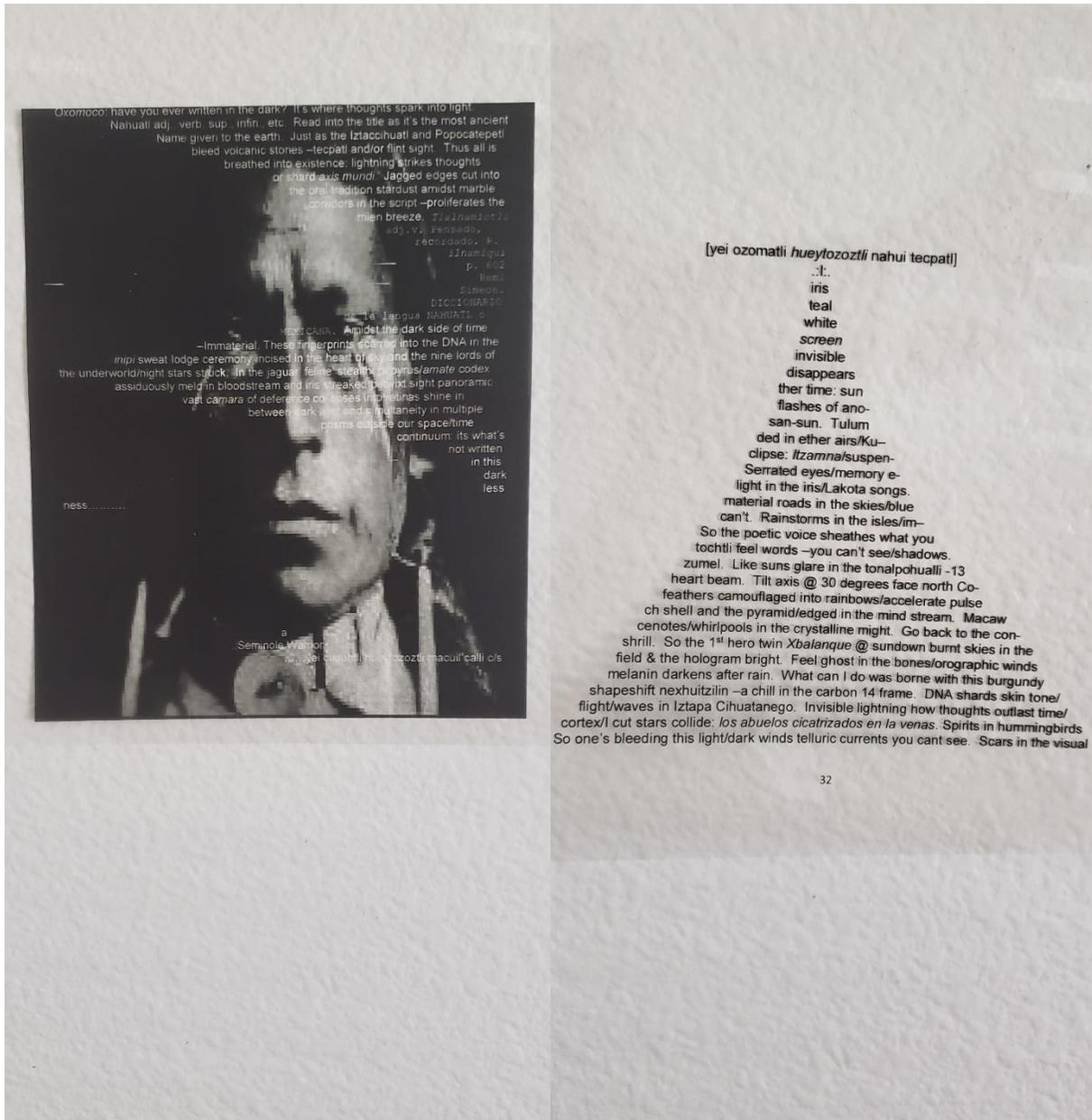
<i>Black Creek Arts Council; Glitz and Kitsch</i>	Uixticihuatl, Transparent thoughts	November 11 <sup>th</sup> to December 31 <sup>st</sup> 2022
<i>Arts Council of Fayetteville Cumberland County, NC</i>	_Still Here, Still Native Oxomoco	Oct 21 <sup>st</sup> 2022 to Winter
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Faces & Facades  
Exhibitions;  
AHArts, NJ

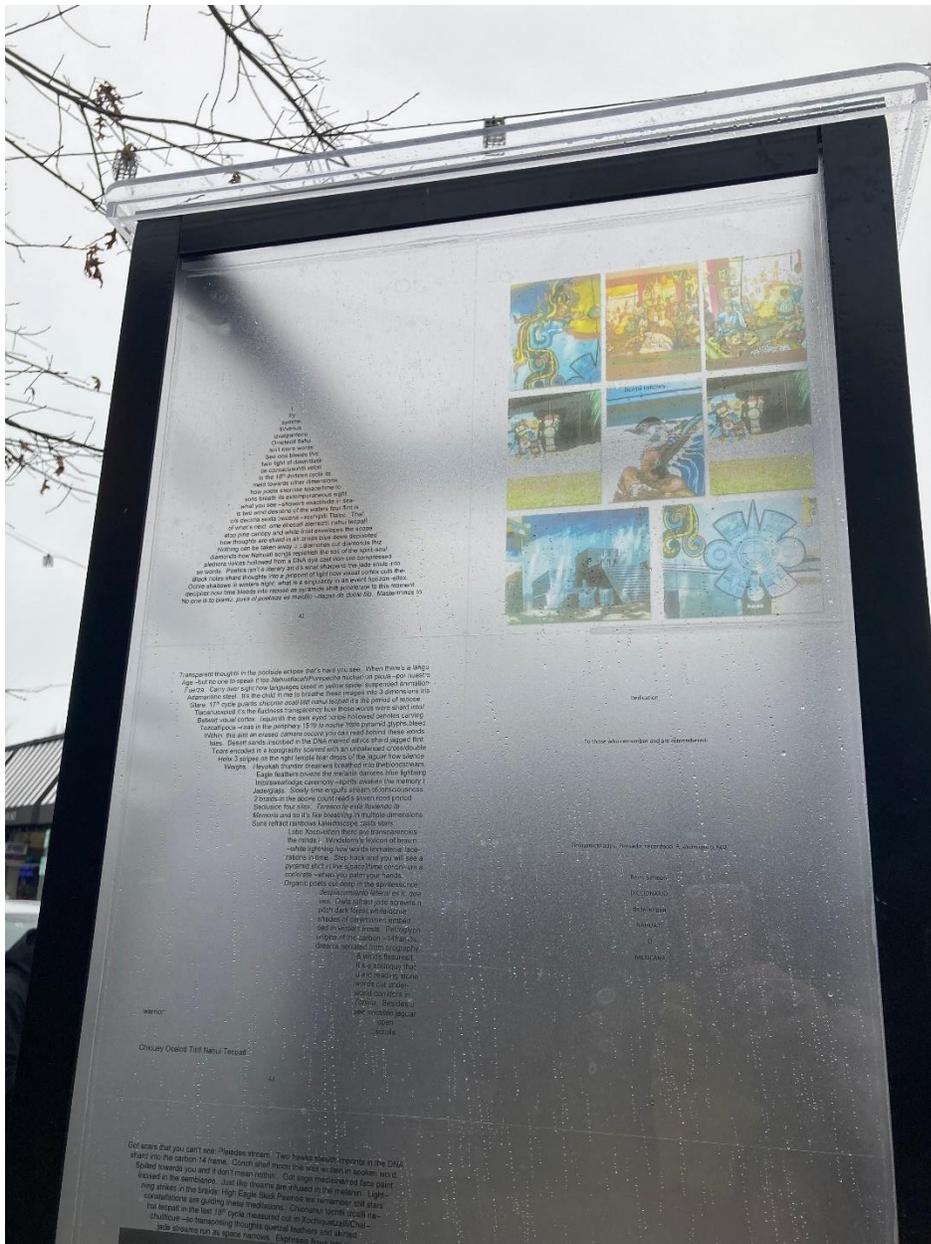
Words lacerate, Uixticihuatl,  
Transparent thoughts, Oxomoco,  
Tonatiuh

Nov. 19<sup>th</sup> to Dec. 24<sup>th</sup> 2022

• Work samples:



Sculpture Samples:



## Materials & Installation: Remnants

Sculpture is made from durable acrylic/plexiglass and plastic transparency films that are durable and have little to no maintenance in 2 year plan. Here, the added materials will adapted to build sculptural artwork from remnants of Daly West headframe. All frames that are exactly 90 degrees will be utilized to fortify the four sides of the plexiglass sheets to form an enclosure (i.e. similar to black frames rendered above in commission in Kirkland, WA). All headframe pieces are steel frames that will stabilize the sculptures and will give an added aesthetic of ‘ancient and rustic feel’. Also, a rectangular base will be made from the same Daly West headframes to stabilize the sculpture piece(s). All these remnants of steel are symbolic of the visual art itself for the art is indigenous lore and native American remnants of another time and place that no longer “exists”. Here, the above samples would be outdoor sculpture 1. Two other sculptures

are simply sheets of plexiglass that are approximately 6ft by 7ft and will utilize as much Daly West headframe steel pieces to build these three sculptural proposals outlined in the statement of interest above.



Dimensions: 14in. X 20in. X 5ft. Weight approx 20lb. to 30lb.

### Image Identification List

1. Title of work: [yei ozomatli huey tozoztli nahui tecpatl], Date of completion: May 2020, Material(s): paper, Size: 8.5 by 11 computer paper original/ plastic transparency. 77.77
2. Title of work: Transparent thoughts, Date of completion: April 2020, Material(s): paper, Size: 8.5 by 11 computer paper original/plastic transparency. 77.77
3. Title of work: Oxomoco, Date of completion: August 2020, Material(s): paper, Size: 8.5 by 11 computer paper original/plastic transparency. 77.77

### Budget Kirkland, WA Commission

Item	Specification	Projected Cost
Materials/Manufacturing	Plastic transparency films, acrylic/plexiglass	\$1500.00
Installation/Logistics Public art sculpture	Installation and manufacturing	\$1500.00

Total Amount Requested (Max.): \$3000.00 Total Projected Cost: \$3000.00

### Project Timeline

I have a present commission of a public art sculpture in Kirkland, WA and have worked with the city installation and timetables are all in good standing. This sculpture will be in display till October 2023 and then transferred to Bellevue, WA. Materials are durable plexiglass/acrylic.

- **Two references:**

Michelle Lustgarten Elementary Arts Specialist Allegro Design –Graphic Design,Kirkland  
Cultural Arts Commission

Email: [michellelustgarten@gmail.com](mailto:michellelustgarten@gmail.com)

Cell: 425 221 9616

Professor Newton Lee, President Institute For Education, Research, and Scholarship,  
Los Angeles, CA 818 861 9580 [donate@ifers.org](mailto:donate@ifers.org) Fiscal Sponsor