

**RESOLUTION NO. 3081**

**A RESOLUTION OF THE CITY OF WILSONVILLE APPROVING THE CITY OF WILSONVILLE PUBLIC ART POLICY AND GUIDELINES.**

WHEREAS, on November 16, 2020, the Wilsonville City Council (“Council”) approved Resolution No. 2857 which adopted the Arts, Culture, and Heritage Strategy (the “Strategy”); and

WHEREAS, the Strategy includes the recommendation that the “City forms an Arts and Culture Commission and provides support staffing resource as well as the recommendation to “Develop a long-term, sustainable public art program,”; and

WHEREAS, on December 20, 2021, the Council approved Resolution No. 2941 to create the Arts, Culture, and Heritage Commission; and

WHEREAS, A Public Art Program Policy is necessary to provide goals, standards, procedures and best practices for an established and legitimate public art program; and

WHEREAS, on September 20, 2023 the Arts, Culture, and Heritage Commission of the City of Wilsonville recommended the Council approve the Public Art Program Policy attached hereto as **Exhibit A**.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

- Section 1. Findings. The Council adopts the above-stated recitals and the staff report accompanying this policy as if fully set forth herein
- Section 2. The Council hereby approves the proposed Public Art Program Policy attached hereto and incorporated by reference herein as **Exhibit A**.
- Section 3. Effective Date. This Resolution is effective beginning November 7, 2023.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 6<sup>th</sup> day of November, 2023, and filed with the Wilsonville City Recorder this date.

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JULIE FITZGERALD, MAYOR

ATTEST:

DocuSigned by:  
*Kimberly Veliz*  
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Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Linville	Yes
Councilor Berry	Yes
Councilor Dunwell	Yes

EXHIBIT:

A. Public Art Policy and Guidelines

# City of Wilsonville

## Public Art Policy and Guidelines

### I. PURPOSE

Cities gain significant cultural, social, and economic value through public art. Public art is a distinguishing part of our shared history and our evolving culture. It reflects and reveals our society, adds meaning to our cities and uniqueness to our communities. Public art humanizes the built environment and invigorates public spaces. It provides an intersection between past, present and future, between disciplines, and between ideas. Public art is freely accessible.

The purpose of the City of Wilsonville's (the City's) Public Art Program is to promote the acquisition, construction, installation, restoration and maintenance of a public art collection in Wilsonville (respectively, the Public Art Program and the Public Art Collection). The City's Public Art Program is a collaborative endeavor between the City, its community, and artists. The Public Art Collection may include both artworks that are owned by the City and artworks that are leased by the City; references to the "Permanent Public Art Collection" in this policy document (this Policy) are to only artworks that are owned by the City.

This Policy identifies goals, standards, procedures and best practices for the Public Art Program. This Policy must be followed by City staff; the Arts, Culture & Heritage Commission (ACHC); any subcommittee of the ACHC; and all other applicable governing bodies of the City, including, but not limited to, the City Council.

### II. HISTORY OF THE PUBLIC ART PROGRAM

The City Council approved [Resolution No. 2857](#), adopting the Arts, Culture & Heritage Strategy in November 2020, which includes:

- Recommendation #6, "Develop a long-term, sustainable public art program," and,
- Recommendation #4, "City forms an Arts and Culture Commission and provides support staffing resource."

The City Council formed the ACHC in December 2021 via [Resolution No. 2941](#), which began meeting in April 2022, and hired an Arts and Culture staff person in November 2022 to propel the recommendations within the Arts, Culture, and Heritage Strategy forward.

The majority of the City's current Public Art Collection was obtained by the nonprofit organization, Wilsonville Citizens for Public Art in the 2000's.

### III. KEY OUTCOMES AND GOALS

**The City’s Mission is:** “To protect and enhance Wilsonville’s livability by providing quality service to ensure a safe, attractive, economically vital community while preserving our natural environment and heritage.”

**The ACHC’s Mission is:** “To enhance the Wilsonville community by supporting, advocating and advising on matters relating to advancing arts, culture & heritage. We strongly believe residents’ lives are enriched and enhanced through a thriving arts and culture environment.”

The City’s Public Art Program supports these missions by developing projects and programs that:

- Celebrate the community;
- Tell and preserve stories that are unique to the City’s community (e.g., stories about its history, heritage, culture, landscape, and natural environment);
- Create opportunities for the public to experience and appreciate art outside of traditional settings;
- Foster appreciation of arts, culture, heritage, and the natural environment among the public;
- Foster creativity and freedom of expression among the public;
- Inspire a deeper connection to place, civic pride and a strong sense of community identity among the public;
- Encourage the community to experience art, value art spaces, appreciate diversity and participate in the creative process;
- Increase accessibility and visibility of the arts throughout the community;
- Showcase artwork that intrigues, attracts visitors and broadens the community’s experience; and,
- Support creativity by inviting artists to create new, site-specific work, unique to Wilsonville with varied opportunities for a diverse range of artists, mediums and styles.

#### **IV. PUBLIC ART DEFINED**

Public Art is defined as original works of art, created by artists that are accessible to the public. Public Art may be placed on land within public view or that is accessible to the public, or in public places such as on City property (e.g., City-owned parks or on the interior or exterior of a City-owned facility). Public Art may be permanent or temporary, fixed or portable, an integral part of a building, facility, park or structure, or integrated with the work of other design professionals and artists.

Public Art includes, but is not limited to:

- Paintings of all mediums, including permanently affixed works such as murals;
- Sculpture, which may be made of any material or combination of materials, free-standing, wall-supported, suspended, kinetic, electronic, or mechanical, and which may include sound or performance;

- Other visual mediums, including, but not limited to, prints, drawings, stained glass, calligraphy, mosaics, photography, film, video, ceramics, fiber or textiles;
- Artwork made of a wide range of materials, including, but not limited to organic natural materials (e.g., clay, wood, or rocks);
- Functional artwork that possesses practical or functional qualities as well as aesthetic ones;
- Temporary artwork or installations (e.g., 'pop up'); and,
- Performance art (e.g., dance, music, theater, and poetry reading).

The following items are not considered Public Art:

- Directional elements such as super graphics, signage or color-coding, except where these elements are an integral part of the original artwork;
- Art objects that are mass-produced from a standard design (e.g., reproductions of original artworks, playground equipment, commercially produced fountains, flags, or banners); and,
- Services or utilities necessary to operate or maintain an artwork (e.g., water supplied to a water fountain).

## **V. FUNDING**

The City's Budget Committee and City Council may consider annual budget allocations to support the City's Public Art Program. Various funding sources (e.g., grants, percent for art ordinance) may be researched and pursued as recommended by the ACHC and directed by the City Council.

The Public Art Program may receive funding from the capital projects process to support art projects that may accompany major capital projects or park development.

## **VI. MANAGEMENT**

### **A. City Departments**

The Public Art Program is managed and administered by the City's Parks and Recreation Department. The City's Parks and Recreation Department may seek input and collaboration from other City departments, as necessary.

With respect to the Public Art Program, City staff duties include, but are not limited to, the following:

- Manage the Public Art Program and facilitate communication among Public Art Program stakeholders (e.g., City departments, the ACHC, artists, and cultural organizations);
- Identify Public Art Program project opportunities and coordinate development of Public Art Program project opportunities identified by the ACHC;

- Implement and manage projects that are a part of the Public Art Program, which includes, but is not limited to:
  - Maintaining and updating all forms and templates related to the Public Art Program, including the Donation/Loan Proposal Form used for in kind donations of artwork;
  - Create and monitor project timelines;
  - Presenting project updates to the ACHC;
  - Administering the artist selection process;
  - Working with the City’s Legal Department to manage the contracting process with artists and other Public Art Program participants; and
  - Coordinating community engagement and publicity of Public Art Program projects;
- Oversee, maintain and manage any funds remitted to the City’s Parks and Recreation Department in connection with the Public Art Program (e.g., the proceeds from the sale of an artwork in the Public Art Collection) in accordance with this Policy; and,
- Oversee, maintain and manage the Public Art Collection.

**B. Consultants**

The City may retain the services of one or more consultants to advise City staff on issues arising under the Public Art Program or to oversee an aspect of the Public Art Program, subject to the oversight of City staff.

**C. The ACHC**

The ACHC serves as an advisory board to the City Council, City departments, and staff that manage the Public Art Program. The ACHC is subject to its [Bylaws, which were ratified by City Council pursuant to Resolution No. 2941](#). The ACHC will regularly review the Public Art Policy and Guidelines and make recommendations to City Council for updates and changes as necessary.

**1. Public Art Subcommittee**

The ACHC may form a Public Art Subcommittee, appoint members of the Public Art Subcommittee, and may delegate its limited authority to the Public Art Subcommittee. Once a Public Art Subcommittee is formed duties may include:

- Making recommendations to the ACHC regarding the Public Art Program (e.g., potential new members of the Public Art Subcommittee, potential sites for future placement of Public Art, assessing existing collection, steps of artist selection process, etc.);

Public Art Subcommittee members will consist of members of the ACHC.

**2. Restriction on Direct Financial Benefit for ACHC Members and Affiliates**

If a person serves on the ACHC, that person, their relative(s) and/or any of their businesses (as those terms are defined in ORS 244.020) is not eligible to receive any direct financial benefit from the City's Public Art Program during their tenure on the ACHC. This restriction extends for a period of one year following the end of their service on the ACHC, and indefinitely for projects that were developed or acted upon during their tenure on the ACHC.

## **VII. ACQUISITION OF PUBLIC ART**

The City may acquire artwork for the Public Art Collection in four ways, by: commissioning artwork, purchasing existing artwork, leasing artwork, or accepting a donation of existing artwork.

### **A. Commission of Artwork**

The ACHC may recommend to the City Council or City staff a public artist selection process under this section, subject to compliance with the restrictions in this Policy, any applicable laws, and oversight by City staff.

#### **1. Procurement Processes**

City staff are responsible for selecting and undertaking the appropriate procurement process, and ensuring the City's compliance with state and local public contracting laws at all phases of a project:

- Public Improvements. A "Public Improvement" is a project for construction, reconstruction, or major renovation on real property by or for the City (ORS 279A.010(1)(cc)). Generally, artwork will not meet the definition of Public Improvement, but in the event it does, the City will follow state and local public contracting laws and regulations for the selection of the successful bid, including, but not limited to ORS 279C.300 *et seq.* and OAR Chapter 137-049.
- Large Projects That Are Not Public Improvements. A project that is estimated to cost more than small procurement threshold stated in ORS 279B.065 ("Small Procurement") and that is not a "Public Improvement" must be conducted using a request for qualification (RFQ) process in accordance with applicable law and established City processes.

For those artists that are selected as finalists through the RFQ process, the City will provide a request for proposals (RFP), whereby finalists may be asked to develop a preliminary proposal which will be evaluated by a Panel. The City may elect, in its sole and absolute discretion, to remit a small payment to artists who are selected to participate in a RFP process and submit a proposal to the City.

- Small Projects That Are Not Public Improvements. With respect to a project that is is a Small Procurement and that is not a "Public Improvement," including temporary art, City

staff may elect to issue a less complex “call for art” application. A call for art application process should be utilized when working with youth artists. A work of art is considered “temporary” if it is accessible to the public for two (2) years or less.

## **2. Artist Selection Panels**

Each artist that participates in the Public Art Program must be selected and approved by an artist selection panel (a Panel, each member being a Panelist). Each Panel must also approve each project proposal submitted by each selected artist.

### **a. Panel Appointment**

The ACHC must designate each Panel, which may be the ACHC itself or the Public Art Subcommittee. The ACHC may appoint non-voting advisors to a Panel, as it deems necessary or beneficial (e.g., site users, public art specialists, City staff).

### **b. Disclosure of Conflict of Interest**

Any member of a Panel is subject to Oregon Ethics Laws concerning conflicts of interest (e.g., ORS Chapter 244).

## **3. Panel Administration**

City staff facilitate and administer Panel activities.

Prior to a Panel’s first meeting, and for each particular project, City staff must:

- Pre-screen applicants to verify that each applicant presented to the Panel meets any minimum qualifications that have been established by City staff;
- Develop goals and specifications that apply to a project;
- Determine which procurement process is appropriate for a particular project; and,
- Send each Panelist a project description along with written instructions outlining the selection process, decisions that must be made by the Panel, his or her duties and responsibilities in this selection process, potential issues or concerns that may affect artist selection, and recommended interview questions.

All project proposals must be reviewed by the Community Development Department to ensure all permitting, construction, building, public safety, and other regulatory issues have been addressed and, where applicable, mitigated prior to final selection of an artist.

## **4. Artist Roster**

City staff may maintain a list of pre-qualified artists, which should be updated periodically. This list should include established and emerging artists; and, local, regional and national artists. Further, this list should include any known information regarding each artist’s medium, and fee



range. Local Arts non-profit organizations and City's with Public Art Programs often maintain rosters which may be used as a resource by City staff to develop this list.

## **5. Evaluation Criteria**

Panelists must consider the following characteristics to evaluate artists and project proposals from artists:

- Satisfaction of acceptance criteria outlined in Section VII.D;
- Artistic excellence and quality;
- Ability to respond to the specific contextual issues and considerations of a particular project, site location, its community and users;
- Ability to successfully manage all aspects of the project including budgets, committees, sub-contractors, installers, fabricators and other construction and administrative logistics;
- Credentials including experience, past clients, training and critical or other professional recognition;
- Connection between the proposed project and the City's community or region;
- Willingness and experience working with input from the community and various stakeholders; and,
- Ability to contribute to both the diversity of artwork (temporary or permanent, style, scale, media) and artists (local and non-local, ethnic heritage, gender, etc.) represented in the Public Art Collection.

If an artist presents a project proposal, Panelists must also consider the following factors:

- The proposed materials, their characteristics (e.g., aesthetics, durability, ease of maintenance, susceptibility to theft or vandalism), and their appropriateness for the project;
- The proposed method of installation;
- The safety of the proposed artwork; and,
- The proposed budget and cost of the project.

## **6. Ineligibility and Eligibility Criteria**

Artists are not eligible for consideration if they are currently engaged in a Public Art Program project, nor are artists be eligible to receive more than one commission in connection with the Public Art Program in a three-year period. This criterion is designed to foster a broad and diverse Public Art Collection.

City staff may establish other ineligibility or eligibility criteria.

## **7. Approval by Panel**

Panel decisions are made by a vote of a simple majority of Panelists.

The Panel may impose conditions of approval regarding deadlines or timelines, necessary permits, or any other details deemed significant by the Panel.

Panelists may elect to not recommend any artist for a project, in which case City staff may recommend another artist selection process or an alternative process to the ACHC.

## **8. Approval by the ACHC**

The ACHC must approve the selection of an artist to participate in the Public Art Program. If the Panel did not consist of the entire ACHC, the Panel must forward its recommendation to the ACHC for approval. If the ACHC disagrees with the Panel's recommendation, it must direct City staff to reconvene the Panel and designate a representative to present specific concerns to the Panel for its consideration.

## **9. Approval by City Council**

In accordance with Wilsonville City Code Section 2.313(1)(a), if the cost of a proposed Public Art project is expected to exceed \$100,000, the City Council must approve the contract for the procurement of the artwork.

### **B. Purchase of Artwork**

Before purchasing an artwork for the Public Art Collection, City staff must establish that the artwork meets at least one of the following criteria:

- The proposed artwork relates to a program, building or event in the City;
- The proposed location for the artwork is unique and none of the existing artworks in the Public Art Collection are appropriate for the proposed location; or
- More than 50% of the cost of the proposed artwork is being funded through grants and or donations.

Before the ACHC conducts its review of a proposed purchase of artwork, City staff must compile a packet that includes the following materials:

- Information about the artwork proposed to be purchased, including, but not limited to, photographs, slides, renderings, descriptions of size, weight, medium, year of creation, maintenance requirements;
- The artist's resume or other information about the artist's background; and,
- Documentation establishing the seller as the clear and unencumbered titleholder of the artwork.

The ACHC must consider a proposed purchase of artwork using the acceptance criteria outlined in Section VII.D before recommending approval of the City's purchase of an artwork.

### **C. Donations**

The ACHC must review all donation applications and may recommend acceptance or refusal of a donation. The ACHC may make recommendations regarding donated artwork (e.g., regarding siting, installation, maintenance, long-term conservation and funding requirements, and Deaccession) to City staff once artwork is accepted into the Public Art Collection, or on an ongoing basis.

### **1. Monetary Donation**

The ACHC must review all proposed monetary gifts and may recommend acceptance or refusal of a donation. The ACHC's review of a proposed monetary gift must include a review of a writing from the proposed donor that gives some information about the donor's background, and that states any stipulations regarding the use of proposed donation; further, the ACHC must consider any recommendations from City staff.

If there are stipulations on the use of the funds, City staff must provide a recommendation to the ACHC after reviewing for feasibility and appropriateness.

### **2. In-Kind Donation**

Before the ACHC conducts its review of an in-kind donation (i.e., a donation of artwork), City staff must compile an application packet that includes the following materials:

- A Donation/Loan Proposal Form;
- Information about the artwork being offered for donation, including, but not limited to, photographs, slides, renderings, descriptions of size, weight, medium, year of creation, maintenance requirements;
- The artist's resume or other information about the artist's background; and,
- Documentation establishing the donor as the clear and unencumbered titleholder of the artwork.

The ACHC must consider a proposed artwork to acquire by using the acceptance criteria outlined in Section VII.D before recommending the City acquire an artwork.

The City may accept donated artwork without a valuation for tax purposes. City staff must clearly communicate to the donor that the City disclaims responsibility for establishing the value of the donated artwork.

### **3. Gifts of State**

The City, through its Mayor, City Council or various agencies, periodically receives gifts of artwork from official representatives of other cities, states and governmental agencies. City staff must refer all such "gifts of state" to the ACHC for its recommendations.

## **D. Acceptance Criteria Applicable to All Public Art Program Artworks**

The ACHC must review any proposed commission, lease, purchase, or donation of artwork for artistic merit, site appropriateness, potential liability, safety, cost of installation, cost of maintenance and any seller or donor stipulations to approve or deny the gift. An artwork may not be accepted into the Public Art Collection if the following criteria are not satisfied, which must be determined and documented by the ACHC, in consultation with City staff, prior to accession:

- The artwork must be an original and unique work, or a limited edition artwork;
- The artwork may not be a duplicated copy or reproduction;
- If the authenticity of an artwork could reasonably be questioned, it must be authenticated by a reputable authority;
- There must be a budget allocation available for the acquisition and other associated costs (e.g., transportation, installation of the artwork, installation of a plaque or signage, and maintenance); and,
- The City must be able to adequately and safely display, and maintain and reasonably secure the artwork.

Factors affecting these considerations may include materials, construction, durability (long and short term, depending on the intended life of the artwork), maintenance requirements, repair costs, potential for theft or vandalism, public access, and safety.

## **VIII. LEGAL REQUIREMENTS**

### **A. Compliance with Law**

Regardless of how an artwork is accepted into the Public Art Collection, City staff must ensure compliance with all applicable federal, state, and local laws and regulations during all phases of the acquisition process, including, but not limited to:

- Oregon Revised Statutes Chapters 279A through C, regarding Public Contracting – Public Procurements, as applicable
- Oregon Revised Statutes Chapter 244, regarding Government Ethics
- Wilsonville City Code Sections 2.311 to 2.319, regarding Public Contracts
- Wilsonville City Code Chapter 3, regarding City Property
- Wilsonville City Code Chapter 9, regarding Structures (the City of Wilsonville Building Code)
- The Visual Artists Rights Act of 1990

City staff must work with the City Attorney to determine which laws are applicable to a particular project or process, and to develop a compliance strategy.

### **B. Artist Agreements**

Regardless of how an artwork is accepted into the Public Art Collection, before the City takes possession of the artwork, City staff must ensure that each artist who may have rights to the

artwork has signed a contract with the City that details the terms and conditions that apply to the parties' relationship, including, but not limited to:

- The City's requirements or any applicable specifications;
- Any City obligations (e.g., the City's agreement to display the artwork for a certain period of time);
- Any fee payable to the artist;
- Any deadlines applicable to the artist's work;
- If the seller or donor is the artist, a disclosure of the artist's designated heir(s) or legally recognized representative(s) (the Successors), an obligation for the artist to update the City of any changes to his or her Successors, and an acknowledgement that the City has no obligation to independently identify or locate the artist's Successors when the artwork is Deaccessioned; and
- The City's rights to Deaccession or decline to display the artwork.

Such contracts must clearly specify whether: (a) title to the artwork will be merely licensed or leased to the City on a temporary basis, and the artist will retain his or her rights under the Visual Artists Rights Act of 1990 (VARA), or (b) the City will take title to the artwork, and the artist will waive his or her rights under VARA. Any waiver of rights under VARA must be specific and explicit.

### **C. Transfer of Title**

City staff must consult with the City Attorney to determine whether it is necessary or beneficial for clear title to the artwork to be transferred to the City. If transfer of clear title is necessary or beneficial, as determined by City staff, City staff must ensure that before an artwork is accepted into the Public Art Collection, the City receives a signed bill of sale from the donor(s), owner(s) or artist(s) in a form that is approved by the City Attorney.

## **IX. MAINTENANCE**

### **A. Regular Maintenance**

The City recognizes that maintenance of artwork on a regular basis is essential to maintain its integrity and condition. City staff must reasonably assure that all art work on public land is properly cleaned and protected, taking into account the recommendations of the artist as stated in the maintenance criteria provided by the artist during installation.

### **B. Restoration**

This section applies to only the Permanent Public Art Collection.

If an artwork requires major repair work, the City must give the original artist the opportunity to do the repair for a reasonable fee. If the City and the original artist disagree regarding what constitutes a reasonable fee, City staff may solicit bids for the repair from three other qualified sources. If the fee payable to the original artist can be renegotiated within the range of the three

other bids, the City may work with the original artist to complete the repair. If the original artist does not agree to a fee that is within the range of the other three bids, the City is not required to work with the original artist to complete the repair.

Minor repair work, or damage or vandalism to the base, plaque, frame, lighting or other elements of an artwork that are not considered to be a part of the actual artwork may be repaired as needed by City staff or contractors without consulting or collaborating with the original artist. The City may decide, in its sole discretion, if a repair is major or minor.

If Damage to an artwork constitutes a health or safety risk to the community, the City may remove the art or make emergency repairs as needed, in its sole discretion, without contacting or consulting with the original artist.

### **C. Funding for Maintenance and Restoration**

Maintenance and restoration of the Public Art Collection is funded by the Parks and Recreation Department as approved by Council as part of its annual budget process.

## **X. DEACCESSION**

Deaccession is the process of removing a work from the Public Art Collection. Deaccession is a sensitive matter and should be managed by clear criteria. The ACHC may recommend approval any decision to Deaccess an artwork in the Public Art Collection using the acceptance criteria outlined below.

This section applies to only the Permanent Public Art Collection.

### **A. Deaccession Criteria**

An artwork may be Deaccessioned only if at least two of the following criteria are satisfied:

- The condition or security of the artwork cannot be guaranteed, or the City cannot properly care for or store the artwork
- The artwork requires excessive maintenance
- The artwork has serious faults in design or workmanship
- The condition of the artwork requires restoration in excess of its monetary value, or is in such a deteriorated state that restoration would prove either unfeasible or would render the work essentially false
- The artwork is of poor quality or is judged to have little artistic merit, historic or cultural value
- The site for the artwork has become inappropriate, is no longer accessible to the public, is unsafe or is due to be demolished
- Significant changes to the use, character or design of the site require the re-evaluation of the relationship of the artwork to the site
- The work can be sold to finance, or can be traded for, a work of greater importance by the same artist

- There has been sustained and overwhelming public objection to the artwork
- A written request from the artist has been received to remove the work from public display

If artwork, damaged or otherwise, constitutes a health or safety risk to the community, the City may remove, Deaccession or relocate the artwork as needed, in the City staff's sole discretion, without contacting the artist.

## **B. Initiation**

Deaccession may be initiated by City staff, the City Council, the ACHC, the artist, or the artist's Successors. The initiating party must submit the Deaccession request to City staff overseeing the Public Art Program, and must include the following information:

- Any applicable Deaccession criteria (outlined above),
- Any additional reasons why the artwork should be Deaccessioned, and,
- An explanation of the initiating party's relationship to the artwork and stake in Deaccession.

A Deaccession request is first reviewed by City staff, who must make a reasonable effort to contact the artist, any Successors, and any other known parties with a vested interest in the artwork. City staff must work with the City Attorney to ensure that any Deaccession process complies with any applicable laws.

City staff must facilitate the ACHC's review and approval or disapproval of a Deaccession request.

## **C. Artist's Right of First Offer**

If the ACHC has approved the Deaccession of an artwork, when reasonably possible, City staff must provide the artist or his or her Successors (as applicable), the opportunity to purchase the artwork for fair market value (as determined by a qualified art appraiser that is selected by City staff). If the artwork is determined to be of negligible value, the artist or his or her Successors (as applicable), must be given the opportunity to claim the artwork at their own cost. The artist or his or her Successors must elect to exercise their right to purchase or claim an artwork under this section within a reasonable period of time, which may be determined by City staff in their sole discretion.

## **D. Deaccession**

If the artist or his or her Successors do not elect to purchase or claim an artwork within a reasonable time frame, the City, at its discretion, may use any of the following methods to Deaccess the Artwork:

- Sale through an art dealer or by auction
- Trade or exchange of for another artwork

- Donation of a Deaccessioned artwork to a non-profit organization, institution or agency
- Destruction

An artwork may be destroyed in only the following circumstances:

- The entire artwork has been damaged or has deteriorated;
- Most of the artwork has been damaged or has deteriorated, any remaining intact parts of the artwork are deemed to have negligible value, and the artist or his or her Successors are not willing to claim the remaining parts at the artist's own cost (or City staff is unable to contact the artist or his or her Successors to coordinate their claim of the remaining parts);
- Public safety considerations support destroying the artwork; or,
- The City determines that no other method of Deaccession is feasible or cost effective.

#### **E. Use of Proceeds**

Any revenue received from the sale of a Deaccessioned artwork must be remitted to the City's Parks and Recreation Department, and must be used to acquire new artworks or maintain artworks within the Public Art Collection.

### **XI. EDUCATION AND OUTREACH**

City staff or the ACHC may recommend that the City sponsor or provide events and activities designed to foster a greater understanding of art by the City's constituents, and build community ownership of and participation in the Public Art Collection. These events and activities may include the following: workshops; artist lectures; public art tours; cooperative programs with schools and community organizations; performances; temporary projects; and, the creation and distribution of promotional information, including press releases, public service announcements, and brochures.

### **XII. WILSONVILLE PUBLIC LIBRARY**

The Wilsonville Public Library (Library) has a robust collection of donated, loaned and commissioned artworks of various mediums. The Library may manage its art collection independent of the ACHC, which includes, but is not limited to, the following activities: managing art donations to the Library, maintaining the art gallery housed in the Library, and, Deaccessioning or re-siting works within the Library's collection. When applicable and reasonable, the Library must follow the policies and procedures outlined in this policy.

Should the Library wish to commission an artwork such as a mural or permanent sculpture, Library staff must work with City staff who oversee the Public Art Program to discuss potential opportunities for collaboration.