

SECTION I: INTRODUCTION, POLICY AND PURPOSE

A: Introduction

The Town of Jackson (“Town”) may, from time to time, decide to install permanent Monuments, as defined herein, on Town of Jackson property to commemorate persons or events of note, or to otherwise convey the Town’s position on various topics (“referred to as “Government Speech”). By placing Monuments on Town property, the Town intends only to engage in Government Speech and does not intend to open a public forum for free speech activity.

B: Policy

The policy of the Town is to have a fair and transparent process to add appropriate new Monuments to the Town and to preserve and retain the character and quality of existing Monuments (“Policy”).

C: Purpose

The purpose of this Policy is to establish criteria and guidelines for the consideration and installation of Monuments on Town property deemed by the Town to be appropriate to serve as the site for a Monument and to preserve, relocate and retain existing Monuments. In doing so, the Town recognizes the following considerations:

- Monuments provide meaningful and educational connection to the Town’s history and future.
- The Town has limited funds to maintain Monuments.
- The number of locations appropriate for Monuments is limited.
- Maintaining open space that is accessible and welcoming to all people is a shared community value.
- Installing new Monuments and redesigning existing Monuments can profoundly impact the community’s social, natural and built environment.
- Based on the foregoing, it is important that the placement of Monuments be limited to circumstances of the highest community-wide importance, both to maintain the significance of such Monuments and to minimize conflicts with the active and variable use of public spaces.

Notwithstanding the foregoing, the Town may decide, in its sole discretion, to reject a Monument Proposal, as defined in Section II, and/or may determine the appropriate site for any Monuments.

D: Donations and Private Funding

The Town is a municipal corporation and can receive private donations to support various programs and services. The Town and its public art program encourage donations of art that include the cost of acquisition, installation, short- and long-term maintenance, insurance and other associated costs.

The Town, in its sole discretion, may accept donated Monuments as a form of Government Speech, if the Monument meets:

1. The criteria outlined in this Policy; and
2. The additional criteria outlined in the Town of Jackson Public Art Guidelines, included herein as Appendix B.

The Town reserves the right to reject any donation even if it meets the criteria described in this Policy and/or the Town of Jackson Public Art Guidelines.

Once the Town accepts a Monument on Town property, the title transfers to the Town and the Town reserves the right to relocate, remove and control all aspects of the Monument in perpetuity.

A Monument donation to the Town requires and will only be accepted if:

1. The donor pays for all necessary plans, documents and fees for code reviews and permit issuances, including but not limited to environmental, electrical, building, fire, and structural codes;
2. The donor pays for all costs associated with creating a Scope of Work, as defined in Appendix A, the project management, review, design, fabrication, installation and the short- and long-term Monument Maintenance and Conservation Plan costs, as defined in Section II; and
3. The donor demonstrates his/her ability to fund these costs.

At its discretion the Town Council may share in the cost of a Monument, however the donor must demonstrate its ability to fund its Monument exclusive of any public funds provided in accordance with this Section.

SECTION II: DEFINITIONS

Conservation Plan – a plan created by a qualified conservator with expertise and training in caring for fine art, outlining the maintenance for the lifespan of the installation, to include, at minimum, cleaning, repair, insurance, cost of Town staff time to perform these tasks and the hiring outside experts.

Lead Department – the Town of Jackson department so designated by the Town Manager upon a Monument Proposal submission.

Maintenance – for the purpose of this Policy, Maintenance is the act of preserving an original Monument’s purpose, character, condition, materials, and design in its original location. Maintenance may or may not be in accordance with a Conservation Plan, depending on whether such a plan was created for the Monument being maintained.

Monument - a statue, marker, or other similar permanent installation to express Government Speech, the design, scale, materials, and technical specifications of which are approved by the Town and which is installed by the Town on Town property. Monuments may be in various forms including statues, tributes, fountains, memorials, or gardens among others.

Monument Proposal – a submission from a member of the public or group requesting the installation of a new Monument (whether prefabricated or not), the relocation of an existing Monument within the Town or from without the Town, or the redesign, as that term is defined herein, of an existing Monument within the Town.

Park Amenity – park improvements that contribute to the traditional use of park land, including but not limited to benches, play structures, picnic tables/shelters, sport facilities, trails, small plaques, and the like.

Public Art – for the purpose of this Policy, works of art acquired through the Public Art Program or existing works of art owned by the Town.

Public Art Coordinator – is the Public Art Coordinator as set forth in the Public Art Guidelines.

Public Art Task Force – a recommending body appointed by the Town Council to review public art projects in the Town of Jackson and write the annual public art plan.

Town of Jackson Public Art Guidelines – the Town of Jackson guidelines of process and procedure for commissioning public art in the Town of Jackson.

Town Square – for the purpose of this Policy, the Town Square is the portion of George Washington Memorial Park bound by the log-rail fence surrounding the Park.

Redesign – for the purposes of this Policy, Redesign is the process of re-envisioning a Monument in its existing location with a new design and aesthetic changes that include but are not limited to scale, materials, character, and/or concept. The Redesign of an existing Monument triggers the Review Process set forth in Section V.

Selection Panel – a group comprised of the members of the Public Art Task Force, the Monument donor, the Lead Department Director or his/her designee, and any technical experts deemed necessary by the Project Manager.

Temporary Public Art Installations – a work of art that is temporarily placed on public property for a duration of two (2) consecutive years or less.

SECTION III: GOVERNMENT SPEECH ON MONUMENTS

The Town may install or accept Monuments on Town property as a form of Government Speech as Town recognition of significant events or people or to provide educational information from the Town on topics approved by the Town. This includes:

1. Recognition of individuals or groups who made a substantial impact on the Town or Teton County, Wyoming;
2. The Town's position on topics of interest to the community, as determined by the Town Council;
3. The history of the Town of Jackson, the state of Wyoming or the United States of America;

4. Historical or cultural influences on the Town or the Greater Yellowstone Ecosystem;
5. Native flora, fauna and wildlife of Jackson, Wyoming and/or of the Greater Yellowstone Ecosystem;
6. Local innovation or creativity that has contributed to Town's growth and prosperity; and/or
7. The Town's core goals, as determined by the Town Council.

The Town shall not place Monuments on Town property which promote, favor or oppose religion or an individual religion nor which would appear to a reasonable person that the Town is promoting, favoring, or opposing religion or an individual religion.

SECTION IV: ADMINISTRATION

1. The Town Manager may approve or deny Monument Proposals and may enact administrative guidelines and procedures to implement this Policy, including without limitation, designation of locations deemed suitable for and those inappropriate for Monuments.
2. The Town Manager shall designate the Lead Department for each Monument Proposal at the time of submittal.
3. The Lead Department Director shall coordinate with the Public Art Coordinator with regard to any Monument that is Public Art.

SECTION V: REVIEW PROCESS

1. **Town Manager.** The Town Manager, or his or her designee, initially screens Monument Proposals to ensure:
 - a. Feasibility with respect to the Town's ability to direct staff resources, time and any other necessary Town resources to the Monument Proposal;
 - b. Appropriateness of the proposed site with respect to its social, historical and cultural context vis-à-vis the Monument Proposal; and
 - c. Representation of the Town's community values and sensitivity to the community at large.If the Monument Proposal complies with these criteria, the Town Manager will advance the Proposal for further review to the Lead Department. If the Monument Proposal does not comply with these criteria, the Town Manager will not advance it for further review.
2. **Lead Department Director.** The Lead Department Director, or his/her designee, reviews the Proposal for:
 - a. Suitability of the site relative to existing and planned architectural, natural and landscape features;
 - b. Generation of positive and negative environmental impact(s);
 - c. Safety for public interaction and creation of security issues;
 - d. Diminishment of the site's current and anticipated programmed and spontaneous activities;

- e. If applicable, compliance with the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*, as amended; and
- f. Overall impact on the staff, equipment and budget resources of the Lead Department.

The Lead Department Director drafts and sends a report to the Public Art Task Force setting forth his/her conclusions with regard to each criterion and including any other relevant factors to or impacts on the Lead Department from the Monument Proposal.

3. **Public Art Task Force.** The Public Art Task Force reviews the proposed Monument to ensure:
- a. It meets or exceeds the Town of Jackson Public Art Guidelines;
 - b. If memorializing an event, the event took place at least ten (10) years ago;
 - c. There is geographic justification for locating the particular Monument at the particular site;
 - d. The design fits with local character, materials use, and is appropriately scaled to the site and location overall;
 - e. It contributes to the aesthetic quality of the site by adding to identity and ambiance;
 - f. It is structurally sound, requires little maintenance, and is inherently resistant to theft, vandalism, and weathering; and
 - g. If applicable, it is appropriate in scale, mass, design and context with existing artwork within the proposed site vicinity.

The Public Art Coordinator collates the review and report from the Town Manager and Lead Department, respectively, combines them with the Public Art Task Force’s review of the criterion herein and provides an advisory recommendation to the Town Manager for approval, denial, or resubmission of the Monument Proposal with recommended changes.

4. **Town Council.** The Town Manager, with the assistance of the Public Art Coordinator, prepares and presents a staff report on the Monument Proposal to the Town Council. The Town Council approves, denies, or requests resubmission of the Monument Proposal with recommended changes based on the Approval Criteria set forth in Section VI. The Town Council approval allows the Monument Proposal to enter the public process outlined in Appendix A of this Policy, wherein Town Council and the public have further review opportunities. Such approval does not authorize construction or installation of the Monument on Town property and does not authorize the expenditure of public funds for the Monument being proposed.

SECTION VI: MONUMENT APPROVAL CRITERIA

No Monument Proposal may proceed to proposal development, design, fabrication, or installation, as set forth in Appendix A, without Town Council approval. Such determination is within the sole discretion of the Town Council, and the Town Council may deny a Monument Proposal even if it determines in its sole discretion that the Monument Proposal meets the following criteria.

In order to approve a Monument Proposal, the Town Council must determine the Proposal complies with each of the following criteria:

1. The Monument Proposal meets or exceeds the Town of Jackson Public Art Guidelines.
2. The Monument Proposal represents broad community values.
3. If memorializing an event, the event took place at least ten (10) years before the Monument Proposal submittal and is significant enough to merit honor by a permanent Monument.
4. There is geographic justification for locating the particular Monument at the particular site.
5. The proposed site is appropriate with respect to its social, historical and cultural context.
6. If there is a donor, the donor funds all project costs as set forth in Section I.D of this Policy.
7. The Monument Proposal enhances the site without unreasonably diminishing the site's current offering of programmed and spontaneous activities.
8. If any, the change in use of the site by the Monument Proposal is appropriate and contemplated as part of the Lead Department's long-range plan.
9. The Monument Proposal contributes to the aesthetic quality of the site by adding to identity and ambiance.
10. The Monument Proposal is appropriate in scale, mass, design and context vis-à-vis existing and planned architectural, natural landscape features, and, if applicable, vis-à-vis existing artwork within the proposed site vicinity.

SECTION VII: FINAL DECISION AND APPEAL

1. **Final Decision:** The final decision to approve or deny a Monument Proposal is wholly within the discretion of the Town Council and no individual or organization has any right to make any improvement or place any items on Town property, regardless of whether a Proposal meets the Approval Criteria set forth in Section VI.
2. **Appeal:** There is no appeal from the Town Council's final decision.

SECTION VIII: EXCLUSIONS AND LIMITATIONS

1. The following are excluded from this Policy:
 - a. Park Amenities as defined herein;
 - b. Temporary Installations as defined herein;
 - c. The Aspen Hill Cemetery; and
 - d. Temporary holiday displays falling within the Town of Jackson Holiday Display Policy.
2. The following limitations apply to this Policy:
 - a. The Town will not accept or consider Monument Proposals for new Monuments in the George Washington Memorial Park.
 - b. The Town will accept Monument Proposals to redesign an existing Monument in the George Washington Memorial Park.

APPENDIX A

TOWN OF JACKSON ADMINISTRATIVE PROCESS AND PUBLIC REVIEW OF TOWN COUNCIL APPROVED MONUMENT PROPOSALS

1. **Donor and Lead Department Director Meeting:** The donor and Lead Department Director discuss, at minimum, the following preliminary matters:
 - a. The Monument design concept;
 - b. The anticipated Town permits (including electrical, building, etc.) required by the Monument Proposal and the Town of Jackson Land Development Regulations applicable to the Monument Proposal;
 - c. The anticipated community benefits of and concerns about the location and preliminary design;
 - d. The Section VI Approval Criteria of the Town of Jackson Monument Policy;
 - e. The components of the Section 3 Scope of Work of this Appendix;
The components of the Section 2 Budget of this Appendix; and
 - f. A community engagement plan.

2. **Budget:** The project budget must detail the donor's plan to fund the:
 - a. Scope of Work;
 - b. Community engagement plan;
 - c. Artist fees;
 - d. Specialized consultant and professional fees (including but not limited to, the architect, historian, landscape architect, engineer(s), fabricator(s), and conservator);
 - e. Insurance;
 - f. Long-term maintenance; and
 - g. Cost of a Project Manager, who is either:
 - i. A professional project manager with public art and construction management experience sufficient to oversee the particular project; or
 - ii. The Public Art Coordinator.

3. **Scope of Work:**
 - a. The Scope of Work must include:
 - i. Project Description – the artist job description;
 - ii. Art Goals/Criteria – the predetermined objectives of the project;
 - iii. Location Description – the rationale for the project site and its defined size and massing limitations;
 - iv. Budget – the funds available for concept development, final design, fabrication, and installation;
 - v. Eligibility – what artists can apply and the minimum qualifications;
 - vi. Materials – specification of media, style and size;

- vii. Application Requirements – images of prior works, resume, letter of interest, and three (3) references;
 - viii. Artist Selection Process – definition, timeline, and expectations;
 - ix. Disclosures – legal and contractual information; and
 - x. Project Timeline – a list of key milestones, specifically including the deadline to submit Request for Qualifications, the site visits, and the deadlines for concept development, final design, technical review, project fabrication, final inspection, staging, and project installation.
 - b. The Project Manager develops and issues the Scope of Work.
- 4. Artist Selection:**
- a. The Project Manager reviews responses to the Scope of Work and presents the responses to the Selection Panel.
 - b. The Selection Panel selects the artist by majority vote.
- 5. Concept Development and Design Review:**
- a. The artist designs the Monument based on the parameters of the Scope of Work.
 - b. The artist provides the following materials to facilitate the conceptual design review process:
 - i. A three-dimensional model of the Monument or a complete drawing of the two-dimensional Monument and photographs that demonstrate the relationship of the Monument to the surrounding architecture and/or site;
 - ii. A site plan that shows the proposed location of the Monument, a photograph of the proposed installation site and the surrounding environment; and
 - iii. Material samples for the Monument and relevant construction materials.
 - c. The Project Manager organizes and hosts, at minimum, two (2) community engagement events to present the conceptual design and solicit input from the community.
 - d. The artist refines the design based on the community input and, in cooperation with the Project Manager, presents it to the Selection Panel for review.
 - e. The Selection Panel provides a recommendation for Town Council approval, denial, or request for resubmission of the Monument design with recommended changes.
- 6. Final Design Development and Technical Review:**
- a. The artist incorporates recommendations from Town Council into a final design.
 - b. The necessary Town permits are obtained.
 - c. The necessary contract(s) between the artist(s), engineer(s), architect and any other necessary professionals are finalized.
 - d. The conservator’s plan accounting for the Monument’s lifetime costs is finalized.
 - e. A Memorandum of Understanding between the Town and the donor is finalized.
 - f. The technical aspects of the installation are finalized and include the:
 - i. Materials used, including construction specifications;
 - ii. Fabrication methods;

- iii. Stamped engineering and construction drawings;
 - iv. Utility connections and electrical permits;
 - v. Installation plans;
 - vi. Landscape architecture; and
 - vii. Lighting.
- g. The artist integrates the site design, materials, structural details, and fabrication and installation details into a final design.
 - h. The Town Manager, in coordination with the Project Manager, presents the Monument final design and these associated finalized documents to Town Council for final approval.
 - i. After Town Council's final approval, no changes may be made to the Monument during production or installation.

7. **Appeal:** There is no appeal from the Town Council's final decision.

APPENDIX B
TOWN OF JACKSON PUBLIC ART GUIDELINES

(separate pages follow)



The Town of Jackson: Public Art Guidelines

Approved and adopted by the Town of Jackson in public hearing on November 19, 2012

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1) Overview

What is Public Art?

Public art is art for everyone because it exists in public space. It is sculpture, installations, murals; manhole covers, paving patterns, and creative lighting. Public art is woven into a community's fabric providing vitality and creativity in all aspects of life. Street furniture, building facades, bus stops, way finding signage, gates, fountains, play equipment, engravings, carvings, bas-reliefs, public performances, creative interventions and many more constitute public art.

Why Public Art?

Art in public spaces is free and reaches a broad audience. It is intended to connect deeply and meaningfully with the public. When public art is seamlessly integrated into gateways, parks and municipal buildings it enhances how a place looks and feels. Public art at its best is compelling, beautifully crafted, transformational and accessible. All of these benefits afforded by public art elevate the visibility of art in our community.

History of Public Art in Jackson

Public art is present in Jackson, and can be seen in many public and private locations. It is diverse and represents a wide variety of styles and approaches. The Town Square is exemplary of the power of public art, with the iconic Elk Antler Arches. The removal of these icons would cause disruption to the identity of Jackson. It is their integration within the larger urban scheme that provides the community space with character and charm.

Over the years, as different artist types have settled in Jackson Hole they have initiated a variety of approaches to creating art in public places. From John Simm's austere buffalo sculpture on the Village Road, to Ben Roth's polished stingrays flying above the Rec Center pool, artists have taken it upon themselves to create art for the public to enjoy.

Cultural Infrastructure

Jackson is home to over 60 art galleries, the National Museum of Wildlife Art, the Center for the Arts, the Jackson Hole Music Festival, the annual Fall Arts Festival and Art Association Art Fairs, the Western Design Conference and numerous Art Auctions. The vast majority of these fine establishments and events showcase high quality artwork inside buildings and cultural spaces, while a small number exhibit artwork outside. There is clearly a missing piece to Jackson's cultural infrastructure: Public art.

Comprehensive Plan

The Teton County/Town of Jackson Comprehensive Plan includes the following language in support of public art to promote Jackson as a cultural destination and enhance pedestrian space:

Managed Growth

Policy 3.2.e: Promote quality public spaces in Complete Neighborhoods. Public spaces are the building blocks of vital Complete Neighborhoods. The Town will promote public spaces and civic facilities that are interesting, memorable, and reinforce the desired sense of community within Complete Neighborhoods. Integrating fine arts professionals in the design of projects will be encouraged in order to create unique and visually engaging public spaces—including sidewalks and walkways, parks, outdoor squares, landscaped areas and public art.

The Comprehensive Plan includes a strategy write a public art plan for the community.

Strategy 3.2.S.7: *Coordinate with a public art task force to write a public art plan for the community.*

2) Impact: Enrich our community through public exposure to the arts.

These Public Art Guidelines have been prepared to assist the Town in the creation of inspiring public space designed to enhance the quality of the pedestrian experience. These Guidelines will increase public access to the art of our time and enhance the meaning of public space by encouraging projects that demonstrate a connection to our cultural and environmental heritage.

Public art animates public and private spaces, rejuvenates structures and streetscapes, improves local business viability and public safety, and brings diverse people together to celebrate our unique environment and cultural heritage.

The Town supports Creative Placemaking efforts to involve partners from public, private, nonprofit, and community sectors to strategically shape the physical and social character of our community around arts and cultural activities.

Principles

- Art may be integral to all Town construction projects, as either stand-alone art works or integrated into the fabric of the built environment in building facades and lobbies, gateways and parks, streets and sidewalks, and all visible public utilities.
- Public art should be expected to integrate into the overall design of the larger civic context in which it is placed. It should be inextricable and never an afterthought.
- The permanent public art found in the Town of Jackson should be diverse, illuminating the character, community, geography, history and environment found in the region. The goal is to connect deeply and meaningfully with the public audience.
- The Town of Jackson is committed to energy efficiency, environmental sensitivity, and sustainability. These values will be integral in Calls for Artists, and the resulting artwork.
- Encourage new private development to support the development of the Town of Jackson as cultural destinations.
- Partner with artists, galleries, and arts organizations to leverage their knowledge and resources when opportunities exist.
- Provide opportunities for local artists.
- Support performing arts and public art events.
- Commission public art that celebrates our unique environment and cultural heritage.
- Increase everyday access to the arts.
- Support artist-driven public art installations, events and performances.
- Enhance pedestrian spaces with the addition of public art.
- Offer public art education for creative professionals, emerging artists and youth.
- Increase resident and visitor knowledge of the art of our time.
- Increase the visibility of and opportunities for our creative workforce.

3) Administration of Public Art

This section outlines the various aspects of administering the Public Art Plan as it relates exclusively to Town and private-developer projects. Jackson Hole Public Art (JHPA) is a 501(c)(3) organization that will also undertake privately funded projects that further the mission of the Public Art Program.

Currently the Director of JHPA has administered projects as a paid consultant for the Town. Under these Public Art Guidelines, the Town of Jackson may appoint a Public Art Coordinator (the Coordinator) to administer Town of Jackson public art projects. JHPA has played a special role with regard to public art in the community and its current director led the creation of these Guidelines. As such, special consideration may be given to the Director of JHPA in the Town Council's appointment of the Public Art Coordinator.

Administrative Costs

The Town is intends to cover administrative costs on a project-by project basis based on the funding mechanisms described in these guidelines. This is broken down into: 1% committed to the artwork, while the remaining .5% is to be split between program administration, education and maintenance of the collection, and will be retained in a separate account.

To maintain a program of the highest quality, the Town may consider a permanent funding source in order to support the role of the Public Art Coordinator.

Duties of the Town of Jackson Public Art Coordinator

The Public Art Coordinator will operate under contract with the Town of Jackson under the powers and duties provided in this chapter, and/or in such contract. The duties of the Public Art Coordinator under these Guidelines are to:

- Organize and chair all Public Art Task Force meetings.
- Review all municipal government projects under consideration by the Town of Jackson with the Public Art Task Force (PAT).
- On behalf of the PAT, the Public Art Coordinator submits recommendations for projects to include in the Annual Art in Public Places Plan (AAPP) to the elected officials for review/approval.
- Work with the Client Agency and the PAT to develop project guidelines, criteria and budget for each project, and facilitate inter-agency communication and interaction throughout the life of the project.
- Identify and secure possible funding partners where appropriate.
- Draft Calls for Artists for projects, to be revised and approved by the Selection Panel, Client Agency, and PAT.
- Disseminate the Call for Artists through media outlets, local galleries, online public opportunity lists and various social media sites and outlets.
- Respond to questions and inquiries from artists as they pertain to the Call for Artists.
- Review and order applicant materials for projects and prepare materials for Selection Panel presentation.
- Schedule Selection Panel meeting dates.
- Chair Selection Panel meetings; record Selection Panel votes and Panelist comments and maintain Selection Panel score sheets.
- Assist Client Agency (staff) in preparation of staff reports for public meetings.
- Solicit reviews, comments and/or approvals for proposed works of art from the Client Agency, Town departments and the PAT as necessary regarding safety, feasibility and maintenance issues.
- Review and act on Selection Panel recommendations and submit the decision to the Public Art Task Force, for ultimate approval by the Mayor and Town Council..
- Work with the Client Agency and project team to coordinate the roles and responsibilities of design professionals, artist, and general contractor relative to each public art project.
- Work with the Town Attorney on proposed terms of artist contracts for each public art project.
- Negotiate and administer contracts for artists upon review and approval by Town Attorney.

- Provide project management services as necessary throughout all phases of each public art project and provide periodic reports to the Public Art Task Force.
- Encourage community involvement by convening and facilitating public meetings relative to each public art project.
- Conduct strategic planning for public art projects, locations, and serve as the administrator of the Public Art Guidelines.
- Serve as a liaison between the the PAT and local, state, and federal government departments.
- Maintain the Public Art Collection in collaboration with appropriate Town departments.
- Identify annual maintenance schedule and funding sources for maintenance as part of annual Public Art Plan.
- Develop public education of the Public Art Collection.
- Prepare annual report of projects completed under the previous fiscal year.

Public Art Task Force (PAT): The PAT shall have the powers and duties provided in this chapter.

Members and Terms: The PAT may be comprised of up to (seven) 7 volunteer members appointed by the Mayor, who may seek advice and consent of the Town Council. The PAT shall include at least one (1) senior level Town staff, one (1) one board member of Jackson Hole Public Art, and (1) arts curator. Although no specific experience requirements shall be necessary as a prerequisite for other members, special consideration shall be given to culture representatives, artists, planners, architects and/or business owners. Members will serve three-year terms, which will be staggered as set forth below Membership shall strive to represent a diverse cross section of the visual arts field and the general community. Citizens interested in becoming a PAT member may submit a letter of interest to the Mayor. The Public Art Coordinator will chair the PAT meetings.

The original appointees shall be appointed: Two for one year, two for two years and three for three years; thereafter all terms will be for three years. Any member who is absent from four (4) or more meetings in a one-year period without being excused, shall be considered no longer active and the position vacant. A new member shall be appointed to fill any vacancy.

Duties of the Public Art Task Force (PAT):

- Establish and approve parameters for each new public art project including artist selection process and selection criteria, project budget and a list of prospective Selection Panel members.
- Appoint a member of the PAT to serve as a member on selection panel appointed by the Committee.
- As needed, request that the Town Design Review Committee review proposals for artwork that may have architectural or urban design implications and make recommendations and comments to the PAT.
- Review all capital improvement projects under consideration by the Town of Jackson with the Public Art Coordinator and identify which projects are suitable for inclusion in the Annual Public Art Plan based on the guidelines listed in Section 4. These recommendations will be presented to the Town Council in a public workshop.

- Make an annual recommendation for maintenance of the Public Art Collection.
- Advise new Federal and State building projects outside the jurisdiction of the Town on the Public Art Program and how to work with the program.
- Reference its guide and policies for commissioning artwork.
- Participate in an annual review of the Public Art Coordinator.
- Review annual report prepared by the Public Art Coordinator.

Client Agency

- As required by the Annual Public Art Plan, allocate a suggested 1.5% of the gross estimated construction cost for eligible capital improvement projects per Section 4 **or** allocate project funds to be pooled into a fund for public art to support a public art project that better meets the goals of these Public Art Guidelines.
- Meet with the Public Art Coordinator to discuss the appropriate public art process as soon as the project architect is selected.
- Provide the following information regarding eligible capital construction projects:
 - Verify to the Public Art Coordinator the total project budget allocated for public art;
 - Facility location and function;
 - Amount of construction appropriation, supported by a line item budget
 - Agency representative;
 - Project designer/architect/engineer;
 - Project timeline; and
 - Funding source.
- Include the allocation for public art in the gross estimated construction budget.
- Include the cost of design services related to the coordination and implementation of the Public Art Program in the total construction budget.
- Incorporate language into the project designer's contract scope of services that describe the designer's responsibilities in relation to public art in the project.
- Direct the project designer to work with the vision of the program as described in these Guidelines.
- Assign a representative of the Client Agency to attend all meetings relative to the public art project.
- Provide the Public Art Coordinator with complete and accurate schedule information to allow the artwork design to be planned for and integrated into project documents.
- Ensure that any work relative to the public art project that is to be performed by the General Contractor is integrated into the contract bid documents; and provide the Public Art Coordinator with a copy of a draft bid documents pertaining to the artwork for review, comment and approval prior to their being issued.
- Credit the Town of Jackson and the artist in all media releases, announcements or any public document or release concerning the project.
- Include and acknowledge the PAT and project artist in project dedication.

Duties of Town of Jackson Departments:

Town Administrator: Deliver information on the Capital Improvements Plan, funding available in pool, attend quarterly meetings or assign a designee.

Mayor and Town Council: Review, reject and/or approve the recommendations made by the Public Art Coordinator and Public Art Task Force for projects to be included in the Annual Public Art Plan.

Planning Department: Notify the Public Art Coordinator of development taking place within the Public Art overlay map, specifically, gateways, parks, town as heart, resort district, school district, private developments with significant public space.

Public Works: Maintenance is overseen by the Public Art Coordinator and performed by a qualified arts conservator or, when directed by the Town Council, maintenance will be implemented by the Public Works Department. The Annual Art In Public Places Plan will include a recommended maintenance schedule and budget to be approved by the Town Council such that every approved public art project has adequate funds for future maintenance. Maintenance funds not used in one year will roll over to the next fiscal year.

Town Building Official and/or Town Engineer: Review public art construction documents and installation details to verify and ensure public safety.

Town Attorney: Prepare and reviews all public art contracts supplied in draft form by the Public Art Coordinator.

Finance Director: Oversee funds used for public art.

4) Funding for Public Art

Public Funding Overview

Public Funding for Public Art will come from voluntary allocations of up to, but not to exceed 1.5% of the Capital Improvement Budget for projects identified during the creation of the Annual Art in Public Places Plan (AAPP). However, the Town Council may approve allocations exceeding 1.5% on a case-by-base basis. Capital Improvement Projects that do not meet the guidelines for the inclusion of public art and voluntary allocations from private developers can be pooled together. Enterprise funds associated with [CIP](#) projects may not be used for public art funding.

Establishing long-term funding mechanisms for the public art program should be addressed.

Annual Art in Public Places Plan (the AAPP)

Annually, the Coordinator of the Public Art program and the Public Art Task Force will develop and bring to the elected officials for review a Public Art Plan, which will include a list of recommended public art projects, a suggested budget and schedule to perform maintenance on the existing collection and any updates needed to the online collection.

During the first quarter of the fiscal year, the Town Council will review the public art projects identified in the Annual Art in Public Spaces Plan (the AAPP). **The Town Council is not required to approve all or any of the public art projects recommended in the Annual Art in Public Places Plan (the AAPP).** The Town Council may modify a public art project prior to approving it, may ask the Public Art Coordinator to develop modifications for consideration, or may ask the Public Art Coordinator to review and comment on possible modifications.

The Public Art Coordinator and the PAT may recommend projects for the Town Council to consider supporting with pooled funds such as public art projects not tied to Capital Improvement projects, curatorial programs like updating the website; special events and community arts infrastructure support.

The Public Art Coordinator will receive, at least one annual and at the most quarterly, financial statements from the Town regarding availability of pooled funds and will meet at least once annually and at the most quarterly, with the Town Manager or his/her designee to collect information necessary for the creation of the AAPP. The Public Art Coordinator may meet semi-annually with Town Departments that may have interest in public art who are not represented on the Public Art Task Force.

Annual Art in Public Places Plan Review Guidelines

Projects with significant public space will take priority such as: gathering spaces; parks; trails; bus stops and gateway locations. In addition, projects that meet these criteria will likely be recommended to include public art:

- Public benefit as determined by access to the artwork, whereby the public has the opportunity to view/interact with the artwork to the greatest extent possible.
- Greatest opportunity for artist involvement early in the process.
- Emphasis on public art projects that advance economic development opportunities.
- Encourage an emphasis on place making (i.e. the creation of squares, plazas, parks, streets, and that will attract people), where appropriate, recognize that there will be a need to expand the scope of a project to accomplish a broader goal.
- Contributes to Town as Heart.
- Builds civic pride.
- Adds functionality to the project.
- Enhances pedestrian experience in parks, gateways and public transit.
- Adds character to complete neighborhoods and complete streets.
- Gives identity to unique districts like the Center for the Arts, the School District and Resort Districts.
- Supports sustainability and education about our environment.

In determining the AAPP the Coordinator and the PAT are responsible for the following:

- Review the Capital Improvements Plan with the Town Manager or his/her designee and the Town Finance Director.
- Assess possible and/or proposed municipal capital projects that would benefit from the inclusion of an artist in their design.
- Be responsible for the broad inclusion of multiple constituencies in the definition of all public art projects.
- Solicit ideas and opinions from the broader community regarding possible project sites, project budgets, and project definition.
- Identify funds to supplement the public art budget to achieve maximum effect.
- For capital projects: determine whether the artist(s) should join a larger design team, create an independent work of art, provide design-only services, or provide any other recommended contribution.
- Determine if an existing work of art may be restored or conserved for a proposed site (see Section 9 De-Accession).
- Identify supplemental sources of funding that could contribute to the public art projects recommended in the AAPP, including grants, private donations and in-kind services.

Identify Capital Improvement Projects

All Capital Improvement Projects will be evaluated on a case-by-case basis during the development of the **AAPP** to determine if the arts budget will have sufficient impact for the given project. If certain Capital Improvement Projects do not meet the guidelines for the inclusion of public art, 1% of their budget may be contributed to support future projects with larger impact or conduct maintenance on existing or future projects.

A voluntary 1.5% of eligible Capital Improvement Projects

It is suggested that up to but not exceeding 1.5% of Capital Improvement projects will be allocated for the commission and installation of public art. The full 1% will be allocated for procurement of the Art and the remaining .5% divided between Administration, Maintenance, temporary installations, events and community infrastructure for the arts.

Eligible Capital Improvement Projects: Any local government project, whether new construction or renovation, that will be accessed by, or be highly visible to the public, including:

- Construction or remodeling of buildings and structures such as Town offices, administration buildings, fire and police stations, airport terminals, and the recreation center.

- Construction, renovations or expansions to parks, playgrounds, swimming pools, pathways, trails and playing fields.
- Construction or expansion of utilities such as electric substations, water plants and above ground reservoirs, and wastewater treatment plants.
- Construction or renovations to bus shelters, parking structures and lots, and road intersections.
- Construction or renovations to maintenance facilities for public works and utilities, recycling centers and transfer stations.

Eligible Capital Improvement Project Costs Include:

- Cost of architectural design and/or engineering of construction project.
- New construction of a building or of additional space or renovation.
- Any reconstruction or renovation of a building or part of a building equal to or exceeding in cost of \$50,000.

Ineligible costs include:

- Administration, fees and permits, building demolition, relocation of tenants, contingency funds, land or building acquisition, off-site costs, environmental testing or indirect costs (such as interest during construction), advertising and legal fees.
- Any projects or project cost components specifically excluded by Town Council.

Ineligible Capital Improvement Projects:

Projects not visible to the public are not subject to voluntary percent for art consideration. Such projects include below grade construction, rehabilitation of equipment, ordinary maintenance, and sewers.

Where a Capital Improvement Project has a scope of work that includes eligible and ineligible items, for example, remodeling and ordinary maintenance, the art budget amount shall be calculated on the eligible portion of the project.

Projects Not tied to Capital Improvement Projects

As part of the AAPP the PAT and Public Art Coordinator will make recommendations to the Town to consider projects beneficial to the community that are not part of a Capital Improvement Project budget. (Examples may include: enhancements to the parking garages, existing pedestrian spaces or historical markers). These projects will be considered only if the pooled funds are available to provide sufficient resources.

Pooling of Funds (POF)

It should be noted that every public art project both large and small takes significant staff resources to accomplish and maintain. Therefore, the flexibility to pool public

art funds will ultimately reduce administrative costs, while creating higher impact projects.

Public Art Funds may be used to:

- Commission Public Art.
- Improve the aesthetic quality of public spaces and structures.
- Contribute to local heritage.
- Stimulate arts-related economic activity.
- Commission permanent artwork as identified by the AAPP.
- Commission temporary and performance art in public places.
- Maintain the existing public art collection.
- Support nonprofit arts groups and facilities that offer public benefits and increase cultural tourism (Center for the Arts).
- Support business incubators and economic development for the arts.
- Support the administration costs of the Public Art Coordinator.

Private Funding Overview

Throughout the country, private developers are discovering that including artwork can enhance the overall quality of a project and give it a unique character, not achievable in other ways. Public art can stimulate private developments that are unique and contribute in a positive way to establishing a regional sense of place. Public art and cultural facilities in private development can heighten the image and the value of a project and its income producing potential. Tenants like artwork and the identity it gives a building.

In the Town of Jackson, the Public Art Coordinator will serve as a source of information for private developers to utilize public art in new development projects.

Public art in private developments, especially in the Town, meets the goals of the Comprehensive plan by “promoting public spaces and civic facilities that are interesting, memorable, and reinforce the desired sense of community.”

Public Art in Lieu of Landscaping – Land Development Regulation Amendment

Amount: Value of landscaping traded for Public art.

Eligible Projects: This offers private development projects required to meet a landscaping requirement an option to pay for public art enhancements in lieu of landscaping requirements.

Insurance and Maintenance of public art is the responsibility of the property owner.

Exemptions: Reproductions of original works of art; decorative, ornamental or functional elements designed by the architect or consultants engaged by the architect; elements generally considered to be components of a landscape architectural design except where designed by an artist; art objects which are mass-produced of standard design, such as playground equipment or fountains; directional

or other functional elements such as super graphics, signs, color coding, maps, unless designed by an artist.

Donations and Supplemental Sources of Funding

If supplemental sources of funding are used for public art projects, including grants, private donations, land, and in-kind services, Jackson Hole Public Art will identify the private interests or other restrictions associated with such funding and review the development of the public art projects for which the funding is used to ensure compliance with donor intent and other restrictions.

5) Commissioning

Selection Process and Criteria

This section is meant to serve as a guideline for the commission of artwork for eligible projects. It is a fluid document and is subject to change. It is not legally binding.

Selection Process

Call for Artists

Upon the identification of a specific project, criteria for the artwork and the location of such art shall be determined by the Public Art Coordinator in collaboration with the client agency to create the Call to Artists. Consideration of the appropriate media (sculpture, landscape design, painting, etc.) should be developed along with recommended criteria (environmental, historical, western, contemporary, etc.) for the artwork (*criteria is further defined in 2.6.2*). This might be very specific or left open for the artist to develop ideas. In some cases it may prove helpful to define a number of sites to specifically integrate artwork within the scope of a project. Once this phase is completed, a Call for Artists is drafted by the Public Art Coordinator and approved by the Public Art Task Force. Revisions may be proposed by the selection panel (see below) in the case that the Call for Artists does not represent the project in its entirety.

Selection Panel

The selection panel will consist of arts professionals and enthusiasts, neighborhood residents of the proposed site, general community members, Town administrator, project stakeholders (e.g., Public Works Department members), etc. The makeup of the panel will strive to include individuals with a background or interest in visual art, design and the built environment. The panel will be assembled by the Public Art Task Force and shall seek to create a diverse representation of the project. The findings of the selection panel will be reviewed by the Public Art Task Force before they are brought to the elected bodies.

RFP/RFQ/Invitational

Three different methods may be used in a Call for Artists: Requests for Proposals (RFP's), Request for Qualifications (RFQ's) and Invitational process (submit proposal or be interviewed). The best practice in the field of public art favors RFQ's due to the time and effort involved in developing a RFP without compensation for the artists' efforts. An RFQ allows for a real interaction between the commissioned artist and the client agency, wherein concepts can be presented in sketch form and can go through a normal and productive design development cycle. This approach yields artwork far more integrated and sensitive to the site, context and goals of the public art project.

Request for Proposal (RFP) – A RFP will specify the information and format the artist must follow to submit his or her proposal. Generally, background information (resume, slides of prior work, newspaper articles, etc.) is requested along with concept sketches and a written description of the project. In addition to artist's fees, material costs, construction and installation costs, insurance and documentation costs may need to be accounted for. If artists are selected nationally there may be airfare and hotel costs. Three to five finalists are selected, and are expected to further develop the idea presented initially. An honorarium for finalist proposals is required, ranging from \$500-\$2,000.

Request for Qualifications (RFQ) – A RFQ is issued to select a short list of (3-5) artists to develop proposals. Typical requirements of a RFQ include; a resume, letter of interest, slides of previous work and references. Artists are not asked to develop any specific concept or sketch in their initial response to the RFQ. A short list of artists is selected and an honorarium is paid (\$500- \$2000) to cover the research and concept development for finalist proposals. Artists have the chance to ask question of the selection panel, project architects and associated individuals or agencies to further enhance their knowledge of the particular project. Open communication during the finalist proposal development phase is paramount to provide finalist artists the maximum amount of information for their proposal.

Invitational – In some cases, rather than reviewing a large number of proposals as a result of issuing a RFP or RFQ, a smaller number of artists can be invited to submit proposals. These artists can be located through a variety of means including review websites, contacting local arts organizations, speaking with local arts professionals and/or contacting national organizations with existing artist registries. This approach reduces the office work and time needed to review, organize and select finalist artists from large pools of applicants.

Advertising the Call for Artists

Once a Call for Artists has been finalized by the Public Art Task Force, it will be advertised in a variety of online, print, and social media sites. The scale of the project and the Public Art Task Force's recommendations will determine the breadth of advertising. Some projects will seek to involve local artists, while others may be more appropriate for nationally recognized public artists.

Local media outlets to disseminate a Call for Artists:

- The Gallery Association
- Art Association - Splash Publication
- Non-Profit and Chamber of Commerce ListServ's
- Jackson Hole News and Guide
- Jackson Hole Weekly
- www.JHUnderground.com
- www.thesnaz.com
- Teton Artlab
- Cultural Non-profit email lists
- Any others deemed necessary by the Public Art Coordinator

Public Art Lists to post Calls for Artists:

- CAFÉ (WESTAF)
- www.4culture.org/publicart/calls/default.asp
- http://phoenix.gov/maillist/milestone/subscrbe.html
- http://www.lvartscommission.com/contact/
- www.callforentry.org
- www.urbanartsinstitute.org
- www.publicartreview.org
- www.sculpture.org
- www.artopportunitiesmonthly.com
- http://artdeadline.com
- www.artsoportunities.org
- www.theartlist.com
- Any others deemed necessary by the Public Art Coordinator

Artwork/Artist Selection Criteria

These criteria are the minimum standards on which the selection panel shall base its selection of artists or artwork in response to the Call for Artists. Additional criteria may be established by the Public Art Committee in response to a project's particular requirements and context.

Artwork Criteria

1. Aesthetics- The selection panel shall seek artwork of the highest quality in terms of timelessness of its vision, design and integrity. Commissioned and acquired artwork will strive for the highest quality to complement Jackson's built and natural environment.
2. Context- The selection panel shall, in its deliberations, give due consideration to the appropriateness of the proposed project in terms of scale, materials, content and design with respect to its immediate and general, social and physical context.
3. Public Safety- Artwork shall be evaluated to ensure that it does not present a hazard to public safety.

4. Maintenance- Due consideration shall be given to structural and surface soundness, and to inherent resistance to theft, vandalism, weathering, and excessive maintenance or repair costs.

5. Electrical and Mechanical Considerations- All electrical, mechanical and engineering components must be stamped by a licensed engineer. Upon completion, a sealed as-built drawing may be required from the Building Official.

6. Public access- Will the public have free access to the artwork? The selection panel should consider the visibility and accessibility of artwork for people with disabilities, and ensure the artwork accessible to everyone.

7. Diversity- The Public Art Selection Panel shall actively seek diversity in style, scale, media and numbers of artists represented. A wide range of expressions from metaphorical, allegorical and narrative work will be encouraged in addition to artwork which is stunning in material, form, color, pattern and context.

8. Reproductions- The following non-artistic items do not qualify in the selection of artwork: Reproductions of original works of art; decorative, ornamental, or functional elements which are designed by the architect or consultants engaged by the architect as opposed to an artist commissioned for this purpose; those elements generally considered to be components of a landscape architectural design except when elements are designed by the selected project artist and are an integral part of the project artwork; "art objects" which are mass-produced of standard design; directional or other functional elements such as super-graphics, signs, color coding, or maps.

Public art should avoid:

- Sharp edges, points, projections, or pinch-points which may cut, puncture or cause injury by impact, catch passing pedestrian clothing or entrapment of limbs.
- Overhead parts which present a hazard to pedestrian traffic. Artwork should follow minimum sign height requirements in areas where pedestrian traffic is likely.
- Trip hazards and slippery surfaces if set into sidewalks or flooring.
- Unsafe climbing opportunities for children/adults.
- Obstruction of any traffic control device.
- Cynical, pornographic, and otherwise obscene artwork that is not appropriate for public display.

Artist Selection Criteria

1. Eligibility- Public art projects are open to any professional artist whose residency meets the guidelines set forth in the RFP/RFQ. Members of the project consultant's firm or anyone employed thereby, members of the selection panel, or employees of the Town of Jackson shall be excluded from consideration.

2. CV/Resume- Artists will be selected on the basis of their qualifications as demonstrated by their past work. Preference will be given to artists that have demonstrated the ability to respond to a project's parameters including; site, context, materials, fabrication, and installation of completed work.

3. Context- Artists shall be selected on the basis of the appropriateness of their proposal to the particular project and its probability of successful completion, as indicated by the merit of their past work. Artists commissioned for site-specific projects must be able to clearly articulate their given approach to creating work within the context of a project.

4. Design Team- In the case of the design team approach, whereby an artist is commissioned in the conceptual design of a construction project, an artist's willingness to fully participate in a collaborative process will be considered criteria for selection. Additional criteria for selecting artists for design teams shall include but not be limited to the following:

- Proven ability to work effectively in collaborative situations
- Experience in architectural or landscape-based projects
- Experience working with design professionals and integrating artistic concepts into construction documents

5. Equal Opportunity- Selection of an artist will be made without regard to race, gender, religion, sexual orientation, and people with disabilities.

6) Maintenance

The Public Art Coordinator will make recommendations for investment in maintenance of the public art collection based on professional evaluation of the state of the artworks.

The Town will own all works of art created or acquired with Public Art Funds. Every public art project funded with public art funds will reserve a sufficient amount for long-term maintenance and conservation of the work(s) of art as determined by the artist's maintenance plan. All artists selected in the commissioning process will be required to submit a detailed maintenance plan.

Artists selected to create and provide permanent and temporary works of art will specify the maintenance that will be required for the work of art and submit a maintenance schedule as part of their contract with the Town.

The contract should provide that the artist(s) will be responsible for the first full year of project (after installation of the artwork), including all corrections and/or repairs of the work(s) of art.

If the work of art is a gift of a pre-existing work of art, the donor will include a documentation of all maintenance work done to date and a schedule of future maintenance. The Town may request maintenance funding with the donation of the artwork.

The Public Art Coordinator will advise the Town in the AAPP:

- When the services of a professional conservator are required to evaluate the status of the public collection.

- The Town will, in consultation with PAT and the Public Art Coordinator, decide any and all remedies necessary to restore the works to their desired condition.

Should maintenance or conservation be necessary, the Town will:

- Follow the recommendations and instructions of the professional conservator.
- Inform the Public Art Coordinator of these recommendations in writing.
- Consult the artist(s) or the estate of the artist prior to executing these recommendations of allocating any monies accrued to the Public Arts for this purpose.

7) Education & Community Outreach

Public education is a cornerstone of any successful public art program. Jackson Hole Public Art will act as the Town’s partner in providing education about the permanent Public Art Collection and any temporary displays of art.

No funds for education shall come from the 1.5% of Capital Improvement Projects. Jackson Hole Public Art will support education with private funding and grant writing when necessary.

Jackson Hole Public Art is developing:

- Website with images and information on all publicly and privately owned art located on or adjacent to public space (pending Town of Jackson approval).
- Self guided tours using digital imaging technology (Philadelphia’s Museum without walls).
- “Art Adds Value” brochure for private developers.

In the future Jackson Hole Public Art seeks to develop:

- Database of artists and fabricators working in the region (Town, County and Local Communities).
- Conduct professional development programs for local artists.
- Invite experienced artists and creative professionals with significant public art experience to provide education, offer technical assistance and creative solutions to the problems and challenges most frequently encountered in commissioning public art.

The Public Art Coordinator is available to make presentations for professional groups such as the American Institute of Architects (AIA), Downtown Business Association and the Rotary Club.

8) Public Art Donations

Parties interested in making donations of art to the Town of Jackson are to contact the office of the Mayor and/or the Public Art Coordinator, who will facilitate the consideration of the requested donation. Works are accepted based on a review by a

specifically convened selection panel and/or the Design Review Committee and/or Public Art Task Force who will consider the quality, condition, content, future maintenance requirements, site appropriateness, public safety and relevance of the work to the collection. Any public artwork proposed for donation to the Town of Jackson or for installation on public property must meet the standards for public art established in these Public Art Guidelines. The Town (may) require(s) a maintenance endowment. Donations are considered a tax-write off and are subject to review by the Town Attorney.

No work of art may be accepted as part of the public art collection if the donation violates any statutes, or regulations of Town policy on the acceptance of gifts.

Procedures for Donating Works of Art

For each proposed gift of art, the donor must contact the Jackson Hole Public Art and/or the Town and provide a Gift of Art Disclosure Form see Appendix D. This Form must be accompanied by photos, slides, video(s) or other viable representations of the work, documentation of ownership (provenance through bill of sale, title, deed, etc.) and declared value. The Form must also be accompanied by information concerning the care and maintenance of the work of art.

Upon receipt of a Gift of Art Disclosure Form, the Coordinator will review the gift with a specially appointed selection panel, the PAT and/or the Design Review Committee. The panel will consist of: the Public Art Coordinator to act as chair, an appropriate community representative, an appropriate Town representative, and appropriate artist(s) dependent upon the scope of the proposed gift.

The panel will review the Gift of Art Disclosure Form and may further request to see and inspect the actual artwork and/or documents pertaining to the work of art. Upon finalizing its review and based on the review criteria below, the panel will make a recommendation to Town regarding acceptance or rejection of the work of art.

Selection Panel Criteria for Gifts

The following criteria will be used by the selection panel when considering a proposed gift of a work of art.

- 1. Originality of artwork.** The work of art must be one-of-a-kind or part of any original series. Reproductions of original works of art are not considered eligible for acceptance.
- 2. Restrictions from the donor.** Any restrictions that will have to be honored by the Town must be clearly identified.
- 3. Appropriateness of a proposed or chosen site for the artwork.** Materials, theme and scale of the work of art will be evaluated relative to any site identified by the donor or relative to a site identified by the Town.
- 4. Artistic Excellence.** The proposed gift of art must contribute an aesthetic benefit to the Town's art collection.
- 5. Technical feasibility.** The practical ability for the proposed works of art to be sited, and/or installed. Careful consideration will be made concerning the current condition of any artwork whereby works of art requiring considerable and/or

immediate maintenance or conservation will only be accepted in rare cases. The installation detail must be provided by the donor and approved by a structural engineer. The costs associated with engineering review will be borne by the donor.

6. Relationship to the collection as a whole. The commission is committed to developing a diverse art collection. The proposed gift will be evaluated based upon its enhancement and its diversity with that of the overall art collection of the Town.

7. Vandalism and safety. The artwork cannot be prone to pose a safety hazard to the general public and will not be prone to vandalism. Requirements placed upon the donor, to rectify such, may be made by the Panel.

8. Maintenance and preservation. The Donor shall include, as part of the Panel overview, a technical and maintenance record including a plan for routine expense estimates. Further, the Donor must indicate if there is any unusual maintenance costs associated with the artwork.

9. Timeline. The commission will determine if the proposed timeline is acceptable.

10. Shipping: The donor shall pay for shipping and handling and the hiring of a professional installer. Public Works may provide in-kind support if directed by the Town Council.

11. Naming: The Town will approve with donor as part of the agreement any donor recognition on the title plaque.

9) De-Accession

Deaccessioning is a procedure for the withdrawal of an artwork from public collection. De-accessioning may be addressed by referring to the de-accessioning policy or by specifically addressing the issue directly in the contract. De-accessioning public art must consider the federal regulations set forth in the Visual Artists Rights Act of 1990.

Overview:

Works of art are being accepted by and for the Town of Jackson through donations, gifts and Jackson Hole Public Art.

Policy:

Permanent works of art commissioned and/or acquired as a consequence of the Public Art Guidelines should not be deaccessioned before the tenth anniversary of installation or acquisition, except in the case of portable works of art or special circumstances whereby an art piece has been damaged beyond reasonable repair. In determining whether a work of art should be deaccessioned, the Public Art Coordinator will ascertain public sentiment. Further, a Subcommittee will consider deaccessioning of an artwork only after a careful and impartial evaluation of the artwork has been completed. All findings of the Subcommittee shall be presented to the Town along with a recommendation for implementation. The Public Art Coordinator will, in addition, contact the artist, if possible, or the estate of the artist prior to making a formal recommendation to the Town.

Eligible Artworks:

All Artwork owned by the Town of Jackson are eligible. All legal documents relating to a donated art work will be consulted prior to commencing the deaccessioning process.

Deaccessioning Procedure:

A Deaccessioning Subcommittee of the Public Art Task Force will be formed, which will include no more than five (5) professional/experts including three (3) members of the Task Force, an art conservator or curator, and a Town representative. The Public Art Task Force will periodically review the entire public art collection, or when circumstances necessitate a subcommittee will be convened to review a specific artwork. The Public Art Task Force will be responsible for recommending artwork for deaccessioning consideration.

Criteria for Deaccessioning:

The Public Art Program may consider the deaccessioning of artwork based upon one or more of the following:

- The artwork is damaged or has deteriorated beyond practical repair or repairs exceed the value of the work.
- The artwork is not, or is only rarely on display due to lack of a suitable site.
- The artwork cannot be relocated or would not be appropriate for relocation.
- The artwork cannot be reasonably secured.
- The artwork has received sustained and overwhelming public objection over a five-year period.
- The artwork required repeated and excessive maintenance.
- The artwork has identified substantial faults of design or workmanship.
- The artwork site would warrant a more significant artwork by the same artist.
- The artwork has been deemed to be substantially incompatible or inferior to the Town collection.
- The artwork endangers public safety.
- The artwork is impacted negatively from site/location alterations.
- The artwork is destroyed.
- The artwork is found to be inauthentic.

Sequence of Action:

A Subcommittee appointed by Public Art Task Force and approved by elected officials determines that an artwork meets one of the above criteria. The Subcommittee may request additional information from the artist, curators, appraisers, or other professionals prior to making a recommendation to the Town.

The Public Art Coordinator will prepare a report that includes:

- A legal review of all documentation related to the artwork, by the Town Attorney.
- Any recommendation(s) from the appropriate Town staff in ownership of the artwork.
- Completion of all deaccessioning worksheets.
- The Public Art Task Force deaccessioning documentation, including, method of removal.
- The PAT will review the staff report at one of its regularly scheduled meetings.
- The PAT recommendation will be sent to the Town for consideration at a regularly scheduled meeting.

Upon the Town confirmation of the recommendation,

The public art coordinator shall determine:

- If the artwork may be sold or exchanged.
- If the sale of artwork is within the compliance of all State and Local.
- The all relevant Laws and policies governing personal property are upheld.
- An Artist, or the estate of the Artist, shall be given first option to purchase or exchange the artwork(s).
- That the method of sale may be through auction, direct bidding by individuals (open or closed bids), or gallery consignment resale.
- That an artwork exchange may be executed through a public or private museum, institution, artist, or gallery, provided that such exchange is of comparable value.
- No artwork shall be sold or traded to members or Town staff or the Public Art Program consistent with the Public Art Program conflict of interest policy.
- Net proceeds from artwork sold shall be placed in the account of the Public Art Fund for future art work projects. Any preexisting contractual agreement regarding resale, between the Artist, and the Artist’s estate, shall be honored. Further, any proceeds from artwork sold, which were originally created or purchased with funds that carried restrictions (i.e., bond funds for street, sewer, or public building) shall be utilized in any future artwork by the Town of Jackson in the same manner and consideration as when the funds were initially utilized.

Destruction of artwork deteriorated or damaged beyond reasonable repair and/or deemed to be of negligible value.

If the PAT is unable to dispose of the artwork in a manner outlined above, the PAT may recommend to the Town another method of disposition or donation to a non-profit organization.

10) *Implementation of the Public Art Guidelines*

For this plan to be successfully implemented, there needs to be a clear and accountable strategy in the immediate two years. These years are critical to seizing the energy and funding generated by Jackson Hole Public Art and building the foundation for this plan to integrate into the Town offices and the community it serves. Indicators are listed below as a checklist of tasks needed to make the plan work.

Implementation Strategy

The goal of the implementation strategy is to plan ahead, identifying measurable goals and milestones to put the public art plan into effect.

2012 Strategy

Town Duties:

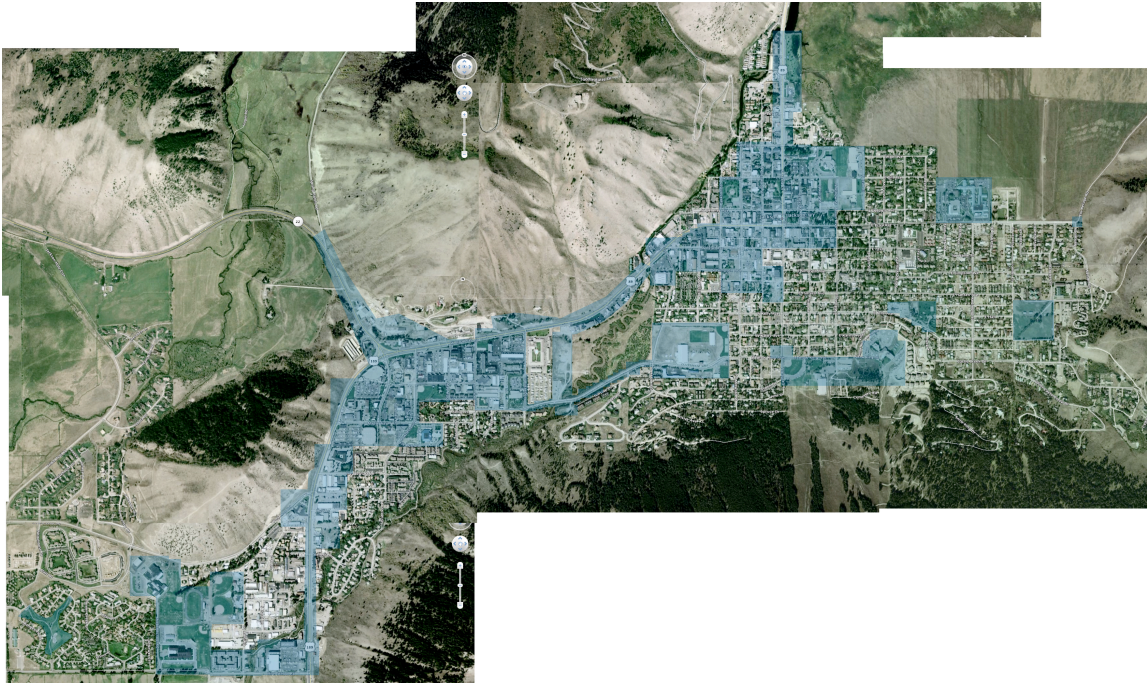
- Adopt “Strategy 3.2.S.7: Coordinate with a public art task force to write a public art plan for the community”, from the Comprehensive Plan as **a year**

- one work program priority**, because the Jackson Hole Public Art program exists and is currently funded to provide this service.
- Approve and implement the process of the 2012 Annual Art in Public Places Plan (the AAPP).
 - Approve the Pooling of Funds as a strategy to develop a responsible and sustainable program.
 - Town establish and appoint members to the Public Art Task Force.
 - Adopt the Public Art Policies and Guidelines of this Plan in a Town of Jackson or Joint Resolution.

The Director of Jackson Hole Public Art continues work on the following:

- Revise and release the Public Art Guidelines with input from the Town planning departments, senior staff and elected officials.
- Offer a workshop on arts and culture planning, economic impact and recent innovations in Public Art Programs.
- Administer pilot projects.
- Identify and advocate for public art in upcoming private development projects.
- Provide education for the public, elected officials, and stakeholder groups about public art and the public art plan.
- Focus on potential projects with the strongest impact.
- Administer the public art process for projects adopted through the Annual Art in Public Places plan.
- Design and print a Public Art Brochure for the planning departments to give to private developers.

Appendix A- Public Art Overlay Map



Public Art Overlay Map

Summary: This concept is similar to the Historic District overlay (if a building is slated for demolition, this triggers a review mechanism for the Historical Society to assess the historical significance of the building. The review process lasts for 60 days.) In a similar manner, a public art overlay map will provide a mechanism that will alert the PAC of new private developments proposed within the overlay map. The project can then be reviewed by the PAT to determine if advocacy for public art will be appropriate given the location, size of the project, and developer.

Policy: A public art overlay map will provide an internal review mechanism to alert the PAT of new developments. It will be the duty of the Public Art Coordinator to make an initial review of the project to determine if advocacy will be necessary for the new development to consider public art. The review mechanism will be triggered during the 'Sufficiency Review by Town Departments' in the final development review process.

Appendix B - Sample Artist Contract

- A. Contract Terms**
- B. Title and Ownership**
- C. Reproduction Rights/Copyright**
- D. Warranties/Risk of Loss**
- E. Fabrication and Installation**
- F. Maintenance**
- G. Risk Management**
- H. Documentation**
- I. De-accession**
- J. Signage**
- K. Contract Enforcement**

L. Termination or Cancellation of Contract

M. Project Delays

N. Contingency Fees

A contract is the formal agreement between the Town of Jackson and the artist that outlines what is required and expected of each party. Contracts include all the information necessary for a clear understanding between the artist and the Town of Jackson. The contract will detail the commission amount, the artist's expected payment date, the party responsible for payment, and the procedure by which the artist's designs and maquettes will be reviewed and approved. Schedules for fabrication, transportation, and installation of the artwork and the responsibility of the Town of Jackson in maintaining the completed work will also be detailed. Although there will be a standard contract, flexibility within its structure will address the particulars of each project.

In cases where artists are not familiar with contracts or binding agreements, the Public Art Coordinator will take time to walk the artist through the process ensuring that the requirements and expectations are clear, especially with regard to budgets and timetables. Any questions on contract issues will be clarified with Town administrator.

A. Contract Terms

The following items will detail the necessary structure of an artist contract with the Town of Jackson.

B. Title and Ownership

The artist retains all rights and interest in the artwork except for rights of ownership and possession, which are passed to the Town of Jackson upon final acceptance. The artist warrants that the artwork is his/her sole and original creation, and does not infringe upon any copyright or trademark. If the commissioned artwork is one of a multiple edition, the warranty will be modified to state this fact.

C. Reproduction Rights/Copyright

The artist retains all rights under the Copyright Act of 1976. However, the artist agrees not to make an exact duplicate or permit others to do so, except by written permission of the Town of Jackson; the artist also grants the Town of Jackson the irrevocable license to make two-dimensional reproductions for promotional purposes. In turn, the Town of Jackson agrees to give the artist the appropriate credit on all such promotional pieces. The credit will include

the copyright symbol, the name of the artist, the title of the piece, and the date of completion.

D. Warranties/Risk of Loss

The artist warrants that:

1. The artwork is made of quality materials;
2. The artwork is free of defects; and
3. The artwork will remain in good condition for 10 years under normal conditions with routine maintenance.

Additionally, the artist will remedy at his/her own expense any defect that occurs during the first year after installation. Finally the artist warrants that the artwork will not contain any physical characteristics, which would pose a hazard to public safety.

E. Fabrication and Installation

Because no two public art projects are exactly the same, the fabrication and installation stipulations required of artists in their contracts will be fairly general in nature. In terms of fabrication, the contract will stipulate reasonable durability and protection of materials. The Town of Jackson Call for Artists may outline material preferences for maintenance. Artists will supervise fabrication to assure quality-control warranties of the contract. Fabrication requirements will include, at minimum, that:

1. Artworks are free from defect;
2. Artworks be made of high-quality materials;
3. Craftsmanship be of high quality; and
4. The artist, the Town of Jackson and members of the selection panel will review the fabrication of the work while in progress.

Installation responsibilities between the artist, the Town of Jackson and the specific commissioning agency will be detailed in contracts. For installation, the artist's methods will be approved by the commissioning agency and, if necessary, a state-licensed engineer (particularly when artists are responsible for paying for the installation). The permanence of the installation will be the issue of that approval, and specific requirements will be imposed, such as the

use of safety hardware for hanging a suspended artwork. In addition, the following points will be considered:

1. The artist will approve site preparation before installation begins;
2. Artwork is to be installed when it is in no danger of being damaged by on-site construction work;
3. Standards and requirements set forth by the commissioning agency for installation should be adhered to; and
4. The artist is responsible for loss or damage to artwork prior to its installation on Town property.

F. Maintenance

The artist will submit maintenance requirements, guidelines, and costs for the artwork to the Town of Jackson, developed in conjunction and cooperation with the commissioning agency. In turn, the Town of Jackson will maintain the artwork and make decisions regarding repairs and restoration based on the maintenance guidelines submitted, and in consultation with the artist when necessary (as per the Visual Artists Rights Act of 1990). The Town of Jackson agrees that it will not intentionally destroy, damage, alter or modify the artwork, and that the artist will be informed, and will consent to any alteration of the artwork prior to repair work commences.

G. Risk management

The artist shall provide and maintain policies of comprehensive general liability insurance in specified amounts to be determined by the Town of Jackson, covering the period from which the art is being installed until the final acceptance by the Town of Jackson. The Town of Jackson and the architect will be named as the insured on all insurance policies.

Assignment of the insurance responsibility prior to, during, and after installation is clarified in contracts.

The following points should be considered:

1. To reduce the Town of Jackson's liability, fabrication will be done off-site whenever possible;
2. The engineer who signs off on the artist's drawing must verify that the final artwork has been built to specifications, by inspecting the artwork after installation;
3. The artist is responsible for providing general liability insurance when the artwork is in transit, being delivered, and being installed; and

4. The artist is responsible for any damage to the artwork until installation on Town of Jackson property.

H. Documentation

The artist must submit a detailed description of the project with approved designs and drawing to the Town of Jackson upon completion of the work. The artist is responsible for providing photo documentation, and should include these costs in the budget for the project.

I. De-Accession

De-accessioning may be addressed by referring to the de-accessioning policy or by specifically addressing the issue directly in the contract. De-accessioning public art must consider the federal regulations set forth in the Visual Artists Rights Act of 1990.

J. Signage

The Town of Jackson will prepare and install a plaque at the site that identifies the artist, the title of artwork, copyright symbol, date of completion, size of the work, and medium.

K. Contract Enforcement

Performance requirements identify whether or not artists are in compliance with the stipulation of the contract. There must be set guidelines if an artist is late, over budget, or completes the project ahead of schedule. These requirements may be tied to budget allocations. When the artist is under contract with the architect, the architect is responsible for the enforcement of that contract.

L. Termination or Cancellation of Contract

The agreement terminates if the underlying construction project is canceled. The Town of Jackson may also terminate the agreement if the artist willfully or negligently fails to fulfill any of the covenants, agreements, or stipulations of the agreement in a timely manner. If the artist is not able to produce an acceptable design in a timely manner, the body with which the artist has contracted (the architect or the Town of Jackson) has the right to terminate the contract by giving written notice to the artist of its intent. The artist shall have thirty (30) days to cure the default by producing an acceptable design. If the artist defaults, all finished and unfinished drawings, sketches,

photographs, models, and maquettes of the work shall become the property of the Town of Jackson in payment for damages caused to the Town of Jackson by the default on the part of the artist.

The Town of Jackson must pay the artist for any work completed up to the point of termination as stipulated by the payment schedule. The remaining monies revert back to the Town of Jackson to finance the completion of the artwork when feasible. the Town of Jackson may withhold a reasonable amount of payment to the artist until the exact amount of any damages is determined.

Should an artist's contract be terminated by the Town of Jackson due to negligence or noncompliance on the part of the artist, the Town of Jackson has the right to consider that artist ineligible for any future art projects funded by the Town of Jackson.

M. Project Delays

If the artwork is ready on time, but the construction project is late, the commissioning agency should pay all maintenance and storage costs for the artwork until it can be safely installed. When an artist completes a work before the completion date agreed upon in the contract, the artist will be responsible for storage charges. Should the construction project be completed on schedule, but, due to conditions beyond reasonable control, the artist is late producing the finished artwork, it will not be considered a breach of contract, and the Town of Jackson will grant a reasonable extension of time to the artist. If the Town of Jackson incurs costs associated with such a delay, the contingency fee (see below) will be used to cover these charges.

N. Contingency Fee

Ten percent of the total art project budget will be set aside as a contingency fee to cover unforeseen and unavoidable expenses associated with the artist's completion of the project. If the contingency fee is not adequate to cover such costs, a renegotiation of the budget terms of the contract and/or an option to terminate the contract can be considered. If the contingency fee is not used, it can be either added to the artist's design fee, or set aside for emergency conservation of the artwork, or split between the two.

Appendix C - About Jackson Hole Public Art

Jackson Hole Public Art, a 501(c)(3) organization, aims to become Jackson Hole's leading presenter of public artist driven projects, new commissions, exhibitions and events in public spaces. We are committed to working with community developers, both private and public to ensure the integration of art into Capital Improvement Projects. We are dedicated to supporting our creative community by ensuring arts and culture is an integral part of our community's long-term vision and planning. By

placing artworks outside the traditional context of museums and galleries the Public Art Initiative provides a unique experience and access for the public to discover the art of our time.

MISSION

The Jackson Hole Public Art facilitates partnerships and provides education for the integration of art into any environment.

GOALS

- Build infrastructure to support integration of public art in public and private capital improvement projects.
- Administer public art in capital improvement projects.
- Host museum-quality exhibition of art in public space.
- Provide opportunities for youth and emerging artists.
- Provide education about and maintenance for the public art collection.
- Cultivate creative vitality and economic development through creative placemaking.

Public Art Board Members

Gibson – PMB 316 Box 30000, Jackson, Wyoming 83002, 503-780-3256
Former Board Member Portland Regional Arts Council, Professional Artist
pamelagibson2@mac.com

Eric Logan – P.O. Box 97, Kelly, Wyoming 83011, 307-733-4000
Carney Logan Burke Architects
Town of Jackson Design Review Committee
elogan@clbarchitects.com

Susan Thulin – P.O. Box 3217, Jackson, Wyoming, 83001, 307-690-6266
Campus Director Central Wyoming College, Professional Artist
sthulin@cwcc.edu

Phillip A. Coosaia, Market President, Private Bank Director, US Bank
Jackson, Wyoming
Office: 307-732-9891
Cell: 307-690-7165

Cathryn L. Brodie, P.C., Levy Coleman Brodie LLP, Attorneys at Law
PO Box 7372, 1110 Maple Way, 2nd Floor, Jackson, Wyoming 83002
Phone: 307.733.7057
Fax: 307.733.7142
Cell: 307.690.2070

Katy Niner – Freelance arts writer, former arts editor Jackson Hole News and Guide
415-710-7329
katyniner@gmail.com

Christian Burch – Teacher at Jackson Hole Community School, Author, Artist
christianb28@hotmail.com
307-690-3132

Current Task Force Volunteers

Darin Martins, Bronwyn Minton, Meg Whitmer, Meg Daly, Alissa Davies.

OBJECTIVES

- Infuse public spaces with art that celebrates our unique environment and cultural heritage.
- Increase cultural tourism by providing artist-driven public art installations, events and performances.
- Increase economic impact of the arts by developing programs that support our creative professionals, emerging artists and youth.
- Increase resident and visitor knowledge of the art of our time
- Increase the visibility of and opportunities for our creative workforce.

PROJECTS AND PROGRAMS

Jackson Hole Public Art’s ongoing programs encompass three categories: (1) Building Public Art Program Infrastructure, including working with elected officials to develop voluntary funding sources and policies to support the voluntary integration of public art in CIPs (2) administration support for new developments wishing to include public art (3) assist in the development of community-based public art projects with social and educational messages (4) facilitate the public art component of major events and installations that increase cultural tourism by providing a unique artistic experience in a public setting.

Appendix D - Gift of Art Disclosure Form

A Gift of Art Disclosure Form, signed by the donor, the Director of the Public Art Program, and the Town Administrator, will be required. A copy should be given to all interested parties, and the original should be retained by the Town Clerk.

GIFT OF ART DISCLOSURE FORM

TOWN OF JACKSON

1. Please describe the work of art being proposed for donation. Attach photographic and other documentation relevant to its value or merit. If available, please also attach any biographical information relating to the artist, or any published material relevant to the artwork.

Artist:

Title:

Medium:

Dimensions: (height x width x depth, weight):

Year Created:

Overall description:

History of object (provenance, certificate of authenticity, bill of receipt):

How did you/your organization acquire the artwork?

Estimated value:

Source:

Condition: Excellent _____ Good _____ Fair _____ Poor _____

GIFT OF ART DISCLOSURE FORM page 2

2. Installation requirements (method of attachment, lighting, estimated cost, etc.):

3. Maintenance requirements:

4. Maintenance history, include names of conservators and copies of information about the work performed on this piece:

5. Are you/your organization willing/able to provide the funding necessary to install, light, and identify the artwork? (Please describe the work and estimate costs involved)

6. If you are proposing that the work of art be installed in a specific location, please describe why you feel that site is appropriate for the proposed donation.

7. Does the artwork acknowledge a person(s), place, or event that warrants broad and enduring public recognition?

8. Describe specifically any restrictions or stipulations you wish to place on this gift:

9. Would you be willing to include with your donation funding for maintenance? (Donations would be used for general maintenance of the public art collection).

10. Is there an existing plaque that accompanies the artwork? If not, suggested wording for identification plaque:

11. Additional information:

GIFT OF ART DISCLOSURE FORM page 3

Donor profile

Name of individual or organization donating proposed artwork (if an organization, please also state the contact person's name):

Address:

Phone:

Fax:

Email:

Description of group/organization:

Reason for donating artwork:

Tax Implications, if any:

Person completing this form:

Telephone:

Date form completed:

List of documented materials:

Signature of Donor

Date

Printed name of Donor

Received by:

Signature of Town of Jackson Administrator

Date

Printed name of Town of Jackson Administrator

GIFT OF ART DISCLOSURE FORM page 4

APPRAISAL REQUIRED

ATTACHE HERE

Appendix E - Glossary

Annual Art in Public Places Plan (AAPP): An annual plan prepared by the Public Art Taskforce (PAT) and the Public Art Coordinator identifying public art installations to be implemented for the upcoming year.

Call for Artists: A request for artist proposals for a specific public art projects identified in the AAPP, typically issued through an RFQ, RFP, or an artist invitational.

Capital Improvements Plan: An annual plan adopted by the Town of Jackson in conjunction with the Town's annual budget. The Capital Improvement Plan contains a list of individual Capital Improvement Projects to implemented within a given fiscal year.

Capital Improvement Project: An individual project contained within the Town of Jackson's Capital Improvements Plan, which may or may not include a public art component as described in these Public Art Guidelines.

Client Agency: The Town Department designated by the Town Council as the lead agency for the implementation of a certain public art project.

Creative Placemaking: Involves partners from public, private, nonprofit, and community sectors to strategically shape the physical and social character of our community around arts and cultural activities.

Public Art Task Force (PAT): A group of individuals appointed by Town to work with the Public Art Coordinator to create the annual art in public places plan.

Public Art Coordinator: An individual appointed by the Town Council to oversee the implementation of these Public Art Guidelines and the implementation of the AAPP. The Public Art Coordinator may be the Director of Jackson Hole Public Art, a 501(c)(3) nonprofit organization, or any person deemed qualified by the Town Council.

Selection Panel: A group of individuals appointed for the purpose of reviewing bids in response to a Call for Artists. The Town Council may appoint the Selection Panel or delegate appointment to the Public Art Taskforce.