

MEMORANDUM

TO: Arts and Culture Commission
FROM: Maria Olson, Assistant Planner
DATE: March 10, 2015
RE: Arts and Culture Commission Meeting

The first meeting of the Arts and Culture Commission will be held on Wednesday, March 18, at 4:00 p.m. in the Fercho Conference Room, at the Downtown Public Library. If you are not able to attend, please contact staff at 241-1474 or planning@cityoffargo.com. Thank you.

**ARTS AND CULTURE COMMISSION
Wednesday, March 18, 2015 4:00 p.m.
Fercho Conference Room
AGENDA**

1. Call to Order and Introductions
2. Election of Chair and Vice Chair
3. Discussion and Approval of Commission By-Laws
4. First Year Workplan Discussion
5. Adjournment

People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 241-1474 or TDD at 241-8258. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

City of Fargo
Arts and Culture Commission

| Commissioner | Term Ending |
|--|--------------------|
| David Bertolini (NDSU Architecture and Taskforce Member) | 01/01/16 |
| Michael Olsen (The Arts Partnership Board/Musician and Taskforce Member) | 01/01/16 |
| Deb Williams (Neighborhood Representative) | 01/01/16 |
| Colleen Sheehy (Plains Art Museum and Taskforce Member) | 01/01/17 |
| Dayna Del Val (The Arts Partnership and Taskforce Member) | 01/01/17 |
| Arlette Preston (At Large Member and Taskforce Member) | 01/01/17 |
| Chelsea Thorson (Artist) | 01/01/18 |
| Jessica Jung (NDSU Theatre Professor) | 01/01/18 |
| Vacant | 01/01/18 |

**ARTS AND CULTURE COMMISSION
BY-LAWS
CITY OF FARGO
(ADOPTED [REDACTED])**

I. NAME

The Arts and Culture Commission for the City of Fargo, North Dakota, hereinafter referred to as the "Commission," does hereby adopt these by-laws that shall govern its internal operations.

II. PURPOSE

Pursuant to Ordinance No. 4948 (2014), the purpose of this Commission is to ensure that public art continues to be a valuable part of Fargo; to provide a process of review and recommendation to the city commission of the commissioning and placement of public art by the city; and to ensure that city owned public art is properly displayed and maintained in a manner that it is accessible to the general public. The commission may fulfill this purpose by means of the Power and Duties outlined within the aforementioned ordinance.

III. MEMBERSHIP

The Arts and Culture Commission (hereinafter referred to as "the Commission") shall be composed of those individuals who have been duly appointed thereto by the Board of City Commissioners.

The Chairperson shall generally preside and conduct all Commission meetings, and with the advice and consent of other members, **may appoint sub-committees from Commission members to perform specific duties.**

The Vice Chairperson - In the event of the absence, disability, resignation or conflict of interest of the Chairperson, the Vice-Chairperson shall exercise all the powers and duties of said Chairperson, performing this function, the Vice Chairperson shall automatically become Commission Chairperson and the position of Vice Chairperson shall be deemed vacant and the Commission may elect from its own members a successor Vice Chairperson to fill this vacancy at its next meeting.

The Commission shall consist of nine (9) members to be appointed for three (3) year terms by the Mayor and subject to confirmation by the City Commission. Vacancies shall be filled in the same manner as other appointments to the Board. All members of the Commission shall serve without compensation.

IV. MEETINGS

Quorum - A quorum shall consist of the majority of the existing and qualified members of the Commission.

Annual Meeting - At the regular annual meeting on the third Wednesday of January of each year, the Board shall elect a Chairperson and Vice-Chairperson for the ensuing year.

Regular Meetings - The Board shall meet on the third Wednesday of each month at 4:00 o'clock p.m. If the regular meeting date falls on a holiday when the City governing offices are generally closed, the meeting will be held on the regular meeting day and time of the succeeding week.

Special Meetings - The Chair or three Commissioners may from time to time call special meetings of the Commission with not less than twenty-four hours notice to Commission members.

Meeting Location - All regular meetings of the Board shall be held in the City Commission Room unless otherwise published or distributed in the public notice for the public hearing.

Order of Business - The items of business to be considered at any regular or special meeting shall be specified on the notice of such meetings, which shall be the meeting agenda and which shall be transmitted to each member not later than five days immediately preceding the meeting date. Items of business at any meeting will be considered by the Commission in the order in which they appear on the meeting agenda and, except in the cases of emergency or mistake, no items shall be added thereto after said written agenda is transmitted to Commission members.

Records - The Board shall keep a record of its resolutions, transactions, findings, and determinations; and, such record shall be a public record.

V. VOTING

All Commission members, including the Chairperson and Vice-Chairperson, shall be entitled to one equal vote at any meeting. There shall be no voting by proxy. Dissenting votes or abstentions on any matter presented to the Commission shall be clearly expressed orally or in writing when voting is in process.

The Commissioner declaring a conflict of interest concerning a matter before the Commission shall declare such a conflict at the time the matter is introduced for consideration and shall not vote nor participate in the discussion concerning the matter. The Commissioner declaring the conflict may remove oneself from the table and participate in the discussion as a member of the public.

All matters presented for Commission consideration requiring affirmative action shall be decided by the majority vote of those present at the meeting.

VI. ETHICS/CONDUCT

The Commission follows the ethics, conduct, and gift policy of the City of Fargo on boards and commissions and the Federal Grants Ethics policy of the City of Fargo boards and commissions.

VII. OTHER PROCEDURES

All operating procedures not specifically provided for herein shall generally be governed by "Robert's Rules of Order" which is hereby incorporated for purposes of reference. In the event any provision of "Robert's Rules of Order" are inconsistent herewith, these By-Laws shall govern.

IX. CONTROL OF LAW

The procedures and operations of the Commission shall be governed by applicable ordinances of the City of Fargo, North Dakota, law of the State of North Dakota, and applicable laws of the United States of America; and any provisions herein inconsistent or in conflict with such laws or ordinances shall be deemed void.

X. AMENDMENT AND REPEAL

Except when in conflict with state statutes, these By-Laws may be amended or repealed from time to time by the affirmative vote of a majority of the appointed Commission members at a regular or special meeting. Said By-Laws may be made inoperative regarding any particular subject matter by the affirmative vote of a majority of Commission members.

XXXXX

Chairperson, Arts and Culture Commission

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FIRST YEAR WORKPLAN PROPOSAL

About the Plan:

On an annual basis, the Arts and Culture Commission will develop a Public Art Workplan in order to guide the commission's activities and use of available funds. This first year workplan should concentrate on the development of the foundational elements of the program, namely public art policy and a public art master plan. Future year's work plans will then take on a more traditional form in which focus is paid to particular public art projects and expected budget needs.

This staff recommendation for a first year work plan is followed by an overview of the considerations which led to this recommendation. ***It should be noted that staff's recommendation is based primarily on a review of the praxis involved with developing a public art program. This does not take into account the social climate, vision, or economic environment of our community. It is asked that the commission provide revisions to the staff recommendation in order to accommodate these and other relevant factors.***

OVERVIEW OF WORKPLAN CONSIDERATIONS

The following information provides an explanation of staff's recommendation for the First Year Workplan. It is also intended to provide a clear understanding of the Commission's role within the city and outline some of activities which may stem from the powers and duties of the Commission.

WHAT DOES THE ARTS AND CULTURE COMMISSION DO?

The list below is pulled directly from the ordinance establishing the Arts and Culture Commission. These are the powers and duties conferred upon the Commission:

- ❖ Managing and facilitating new public art commissions or works of art gifted to the city.
- ❖ Managing available funds and engaging in active pursuit of public art grants and other relevant funding opportunities.
- ❖ Reporting to city commission annually the status of donations, monies received and expended, and the purpose of all expenditures.
- ❖ Guiding the development of a public art master plan and maintaining said master plan.
- ❖ Identifying opportunities for public art within current and future capital improvement projects.
- ❖ Managing a public art collection.
- ❖ Promoting public art through education.
- ❖ Employing qualified city staff to support the activities of the council.
- ❖ To make recommendations to the board of city commissioners for any additional ordinances or administrative procedures required to implement the stated purpose and intent of this section.
- ❖ To accept such gifts or grants as may be appropriate for fulfilling the purposes of this ordinance.
- ❖ Maintain public art as needed.
- ❖ Perform any other functions which may be assigned or delegated to it by the board of city commissioners.

These powers and duties are explained in greater detail within the following pages, and have been set up as the framework for the first year Public Art Work Plan. The powers and duties not applicable to the work plan have been excluded. Projected time-lines are included in order to help the commission determine what can be accomplished within the first year.

Managing and facilitating new public art commissions or works of art gifted to the city.

Commissions: When deemed appropriate, the Arts and Culture Commission may commission a work of art to be located or performed on public property. Prior to commissioning, a policy and process for individual project review and approval should be developed.

The commissioning policy and process may be developed within a public art master plan or it can be developed prior to. The timeline to the right outlines the general process for commissioning a work of art. It should be expected that the commission process will take 9-11 months from initiation to fabrication.

Gifts: In addition to commissions, the City may also be offered a work of art as a gift from a private individual or foundation. Before accepting the artwork, the commission should develop review and approval criteria in order to determine if the artwork aligns with the City's vision and will be a benefit to the community. The City should also consider if it is willing to accept the installation and maintenance responsibilities associated with the artwork.

Considerations: Funding sources should be secured and maintenance policies should be in place prior to commissioning artwork.

Items on loan to the city for display should also be reviewed and approved prior to installation.

Policies and processes for commissioning artwork should be ready to go as soon as possible in order to be available when opportunities arise within new construction projects.

Commissioning Timeline

9-11 Months to Fabrication

Recommended As A First Year Workplan Item

- Draft policies and procedures for acquisitions and items on loan.

Managing available funds and engaging in active pursuit of public art grants and other relevant funding opportunities.

Available Funding: The City of Fargo annual budget currently includes funding in the form of a Social Service and Arts Fund. About \$100,000 every year goes to funding the arts within our community. The Arts and Culture Commission should provide recommendations to the Fargo City Commission on how this funding will be designated each year in the future.

Public Art Grants: Although there are multiple agencies throughout the nation which provide grants to local organizations for the support of public art projects, the process for most grant projects from initial application to completion, is typically two years. In addition, due to the time intensive nature of most grant applications, careful consideration and planning should occur prior to initiating any grant proposals.

The following foundations provide grant funds to local organizations:

Art Place- <http://www.artplaceamerica.org/grants/>

National Endowment for the Arts- <http://arts.gov/grants>

National Endowment for the Humanities-<http://www.neh.gov/grants>

Knight Foundation- <http://www.knightfoundation.org/apply/>

Andy Warhol Foundation for the Visual Arts- <http://www.warholfoundation.org/grant/overview.html>

Irwin Andrew Porter Foundation- <http://www.iapfoundation.org/apply/lookfor>

State Historical Society of North Dakota <http://history.nd.gov/>

Other Funding Opportunities: In the future, the commission may be interested in pursuing alternate funding sources, such as a percent for art ordinance, local fundraising, legacy funds, or funding via public-private partnerships.

Recommend to Pursue as a Supplement to other First Year Workplan Items

- Determine existing and future funding sources
- Assign and pursue grant and funding opportunities as they apply to proposed workplan items.

Guiding the development of a public art master plan and maintaining said master plan.

Public Art Master Plan: A primary focus of the Arts and Culture Commission, as recommended by the Public Art Taskforce, is to initiate the development of a public art master plan.

Public art master plans range in content depending on the city and the type of existing programs available. In general though, these plans can be used to define policies, processes, and funding sources, as well as to outline overarching program goals.

A quality public art master plan may take one to two years to complete, which could put many policy discussions on hold until completion, depending on the topics covered. It may be helpful to outline which activities the commission would like to get started on prior to the completion of the master plan, such as commissioning artwork or accessioning existing works into a collection. Policies for these activities may need to be developed prior to the completion of the master plan.

Considerations: The creation of a master plan will likely require the aid of a professional consultant. The expected budget of a public art master plan prepared by a consultant should be between \$30,000-\$90,000.

Upcoming Deadlines for Grant Opportunities to Fund a Master Plan:

ART WORKS Grants

Art Works grants are offered through the National Endowment for the Arts and are match grants that generally range between \$10,000 to \$100,000. The NEA has a history of awarding Art Works grants for the creation of public art master plans.

Submission Deadline: July 23rd, 2015

Earliest Start Date: June 1, 2016

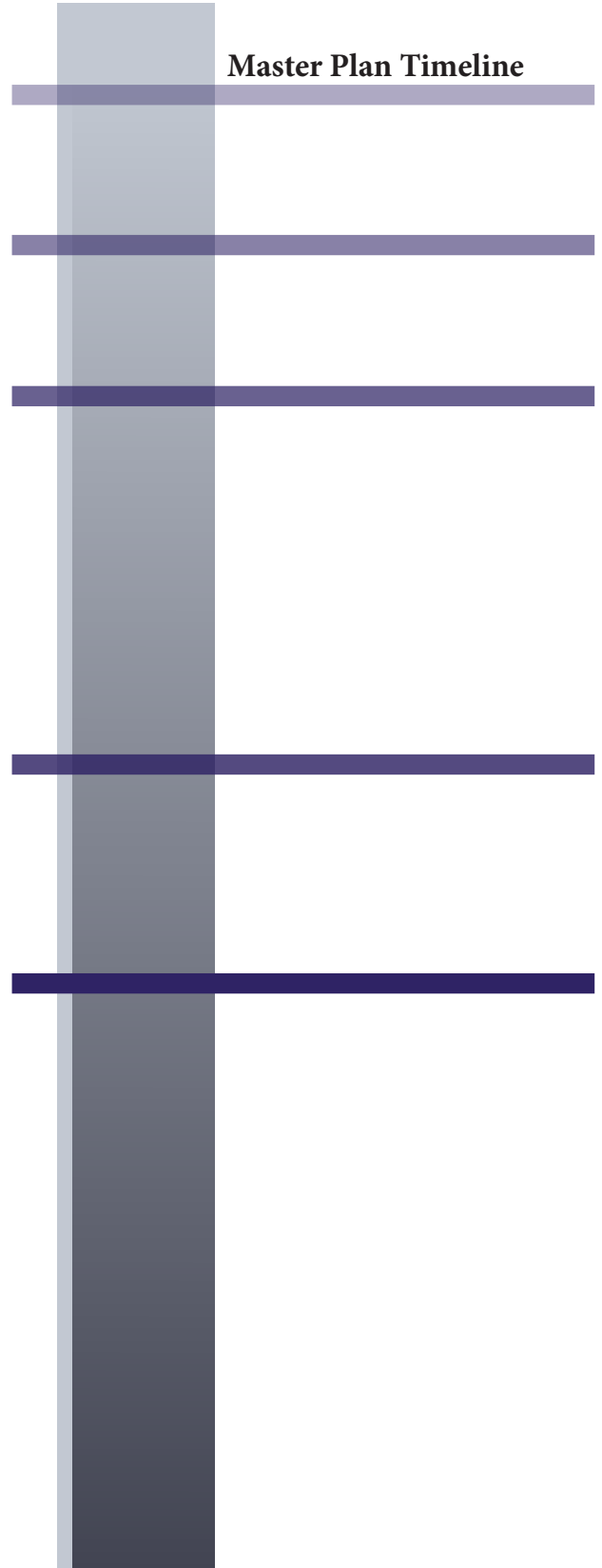
OUR TOWN Grants

The NEA also offers Our Town Grants, which focus on creative placemaking strategies. These are also match grants which range from \$25,000 to \$200,000. However, the submission deadline for 2015 is in December, which would give an earliest possible start date of October 2016.

Recommended As A First Year Workplan Item

- Initiate creation of a public art master plan.

Master Plan Timeline



15-25 Months to Completion

Identifying opportunities for public art within current and future capital improvement projects.

Keeping an Eye on the Future: One of the keys to a successful incorporation of public art into capital improvement projects is the initiation of the public art process at the onset of the planning and design phase. This helps to ensure that adequate funding is set aside, that the artist and other members of the design team are working together, and that art elements are integrated directly into the construction process. Whether the artwork takes the form of hand painted tiles, forged steel gates, or hand cast sculpted bricks, these elements require careful planning and coordination in order to fit in to a fast paced construction process.

Throughout this first year, planning staff should stay up to date with future capital improvement projects and garner recommendations from the Arts and Culture Commission for the inclusion of public art within these projects.

Considerations: Due to the complexity of integrating art directly into the design and construction process of a capital improvement project, it is recommended that the Arts and Culture Commission keep an eye on future capital improvement projects, but refrain from initiating any commissions for these projects within the first year. The amount of time required for project management within capital improvement projects renders them prohibitive until the necessary groundwork of policies and processes are laid out.

Recommended As A First Year Workplan Item

- Monitor future capital improvement projects and identify possible public art opportunities.

Managing a public art collection.

Public Art Collection: An essential element to any public art program is the ability to keep reliable records of all art owned by the city. Accessioning artwork into a collection in which these detailed records are kept is a vital step for proper maintenance and conservation, as well as for any future public education projects.

Currently the City of Fargo does not appear to have a comprehensive record of all the artwork which it owns. It should be expected that a significant amount of time will be required in order to identify all artwork owned by the city and to track down the necessary information about the artwork and artists.

The timeline to the right provides an estimated completion date for an initial art documentation project. Overall it should be expected that a project of this size will take one to two years to complete.

Considerations: Steps for acquiring and accessioning should be included within a public art policy. The project may be primarily staff driven, with only annual reports and special considerations being brought to the Arts and Culture Commission. It may also be useful to see if an intern could participate in the process.

Multiple programs are also available throughout the nation which offer free online catalogs for public art collections. These programs could be utilized as a way to give the public greater access to the collection.

Recommended As A First Year Workplan Item

- Identify and create record of all art owned by the City.

Documentation Timeline



16-22 Months to Completion

Promoting public art through education.

Public Art as Education: Public art can be a form of education not only for the general public, but it can also become part of a plan to educate and build capacity within the local artist community. Programs have been developed across the county, such as the Cary, NC Public Art Mentorship Program, which builds professional capacity among emerging artists through hands on experience and training with professional artists. Other communities such as Boise, ID, have created “Artist’s Guides” which offer practical instructions and information on how to work with the City’s public art program.

As Fargo’s public art program develops, a plan for education should be integrated into the program. This plan should include education opportunities for the general public as well as for local artists. Public-private partnerships should also be developed in order to utilize the education programs offered by existing art agencies.

Considerations: Education opportunities for the public can be developed in conjunction with the documentation of a public art collection. This may include public access to information about art owned by the City, such as artist’s statements or biographies installed next to a work of art or an online public art database. Additional opportunities for exposure are also available through Fargo’s Facebook or Twitter page or the City’s quarterly residential mailings.

Recommended As A Future Workplan Item

To make recommendations to the board of city commissioners for any additional ordinances or administrative procedures required to implement the stated purpose and intent of this section.

Public Vs. Private Development

Public Art Incentives for Private Developments: Although it is important to ensure that public art is a part of the civic environment through its incorporation into public ways and places, it is also important to note that the majority of property and new development within the city is privately owned. The incorporation of public art into private developments could create a large impact on the community as a whole. In addition, artists may be able to create with more freedom and less policy when working with a single developer rather than working within a public process.

Public art can be incorporated into private developments in multiple ways. Many cities have included requirements for public art via zoning ordinances, redevelopment policies, or have offered incentives to developers who incorporate public art into their development plans. For example, the City of Omaha, NE, requires that all projects within the mixed use zoning district include an open space with either a water feature or work of art incorporated into the space. This is an example of how public art is incorporated into private developments through zoning requirements.

Considerations: Drafting and implementing new laws can take a considerable amount of time, especially if those new laws affect the land development process. Creating public art-based recommendations which affect the way property is developed could be the task of a sub-committee comprised of both commission members and area stakeholders.

Recommended As A Future Workplan Item

 City of Fargo Owned Property
 Non City of Fargo Property

Maintain public art as needed.

Plan to Maintain: Once the city acquires a work of art and calls it “their own”, a responsibility is assumed, whether intentionally or unintentionally. This responsibility includes the care and maintenance of the work of art. Ideally, in order to properly facilitate the care and management of art owned by the city, a conservation plan would be established when the work was acquired. This plan would outline necessary steps for the care and maintenance of the work, it would identify conservators within the area who would be able to provide maintenance, and a funding source for the required maintenance would be identified.

Considerations: All public art owned by the City should be documented and accessioned in conjunction with the establishment of a maintenance plan.

Ideally, at some point in time a professional conservator should be hired in order to review the collection and provide recommendations for the care and maintenance of works within the collection.

A standard maintenance and conservation worksheet should be drafted for all new artwork. This worksheet can be filled out by the artists or lenders prior to the City accepting responsibility for the work.

Recommended As A First Year Workplan Item

- Create policies and procedures for maintenance and accessioning.