

**City of Southlake
Policies and Procedures**

Policy: Public Art Matching Funds Policy
Source: City Council/ Southlake Arts Council
Category: Public Art

I. Statement of Purpose

The Public Art Matching Funds Policy enables the City to leverage its public art funding to assist with the ongoing advancement of the Public Art Program by implementing recommendations of the Public Art Master Plan.

The purpose of this policy is to provide a process for considering requests by petitioning individuals, organizations, or private developments for Public Art Matching Funds projects. Eligible projects include public art at private developments and public art to be installed on public property. The following policy will become effective immediately upon approval of City Council.

Proposed Public Art Matching Funds projects will be considered on a project by project basis. The City will determine the percentage match up to 100%.

A. Strategic Alignment – This policy is linked to the City’s Strategy Map related to the Focus Areas of *Quality Development* and *Partnerships and Volunteerism*, and meets the Corporate Objectives to *Invest to Provide and Maintain High Quality Public Assets; Provide Attractive and Unique Spaces for the Enjoyment of Personal Interests; and to Promote Opportunities for Partnerships and Volunteer Involvement*.

II. Project Application Procedures

A. Anyone proposing a Public Art Matching Funds project should submit a proposal in writing to the staff liaison to the Southlake Arts Council by March 1st for consideration for the following fiscal year (October 1 – September 30). Other projects may be considered after March 1st as funding is available. A form for this purpose will be available through the Department of Community Services.

B. The proposal should include a complete and detailed description of the project and, to the extent applicable, pictures and/or detailed drawings, estimated budgets, location of the project, mechanism of funding the project, maintenance plan, any stipulations that might go along with the project, and a justification for the project.

C. The City Council, at its discretion, may grant variances to this policy.

III. Project Requirements

A. Artwork must be created by an artist.

B. Artwork should be visible to the public, considering urban design context and surrounding sightlines.

- C. Projects should be in locations where there is a high degree of public visibility, accessibility and use.
- D. Artwork should respond to recommendations in the Southlake Public Art Master Plan.
- E. Artwork can be integrated into architecture, landscape or streetscape.
- F. Artwork cannot be commercial expression.
- G. Indoor artwork does not qualify, unless installed in a public building.
- H. If artwork is one of a limited edition set, no other copy may be installed within a 50 mile geographical boundary of the proposed artwork site.

IV. Project Evaluation Criteria

Proposed projects will be considered on a project by project basis on the following criteria:

- A. Is the project consistent with the overall intent of the Public Art Master Plan?
- B. Is the project linked to the City's Strategy Map?
- C. Is the project linked to the Focus Areas and Objectives of the City's Strategy Map?
- D. Does the project benefit Southlake residents?
- E. Does the project have a useful life of at least (5) years?
- F. Does the project accelerate the completion of an identified Public Art Master Plan project?

The City of Southlake reserves the right to accept or reject any project submitted for approval. The petitioner will receive the City's decision in writing after the decision is made.

V. Project Approval Process

- A. The staff liaison to the Southlake Arts Council will review the proposed project for its consistency with the evaluation criteria listed in Section IV.
- B. If the staff liaison determines that the project is consistent with the evaluation criteria, he/she will place the proposal on an agenda for the Southlake Arts Council to consider recommending to the City Council.
- C. If the staff liaison determines that the project is not consistent with the evaluation

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criteria, he/she will inform the petitioning individual or organization in writing of the decision and the reasons for the finding. The petitioning individual or organization may appeal the staff liaison's decision not to consider the project. The Southlake Arts Council will make a recommendation as to whether the project should be considered.

- D. The Southlake Arts Council will consider the proposed project and make its recommendation to the City Council. The Southlake Arts Council consideration of the proposed project will be based on the extent to which the project is consistent with the evaluation criteria, the overall benefit of the project to Southlake residents, and the funding available for the project.
- E. Following the Southlake Arts Council's consideration of the proposed project, the staff liaison will place the proposed project and the corresponding matching funds request on an agenda for the City Council for final consideration. The decision of the City Council to approve the project and allocate matching funds will be made at its sole discretion and any decision will be final.
- F. The petitioner (individual or organization) reserves the right to withdraw the proposed project at any time during the approval process.

VI. Funding

- A. Private Developments: If approved, public funds will be allocated to the individual or organization upon completion of the project. Prior to payment, the individual or organization must complete required payment paperwork made available by the Finance Department.
- B. Public Property: The petitioner must complete any fundraising requirements, if necessary, and deliver their portion of the matching funds to the City before the City will purchase or install the project. The petitioner must deliver their portion of the matching funds to the City within six (6) months of the final approval date unless additional time is granted at the time of approval. If the petitioner fails to meet this requirement, the petitioner will be required to reapply for matching funds. All approved projects will be managed by the City, will become the property of the City once completed or received, and will be used at the sole discretion of the City.

VII. Ownership and Maintenance

- A. Ownership of all artworks incorporated into private developments shall be vested in the property owner who shall retain title of said artwork. As a condition of payment from the City, the property owner must agree by contract to maintain the artwork and prevent its removal from the property. The contract will be considered concurrently with the City Council's approval of the artwork project and allocation of matching funds. The contract will be recorded in the real property records of Tarrant County and shall be deemed a covenant that runs with the land and will be binding on all heirs, successors, assigns, grantees, vendors, trustees, representatives of the property owner and all others holding any interest in the future. After the artwork has been completed and the property is subsequently to be sold, the seller or buyer of

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the property, in lieu of honoring the obligations in the contract, may either: (1) transfer ownership of the artwork by donation to the City of Southlake to be maintained as a public artwork on public property; or (2) remove the artwork and reimburse the City for the matching funds value amount, not to exceed the current appraised value of the artwork. The artwork cannot be altered, modified, relocated or removed other than as provided herein without the prior recommendation of the Southlake Arts Council and approval of the Southlake City Council.

- B. All contracts described in this policy must be reviewed and approved by the City's legal counsel.
- C. In addition to any contractual obligations, property owners will be required to maintain the artwork in good condition in the approved location, as required by law or other applicable guidelines including but not limited to normal code enforcement rules, to ensure that proper maintenance is provided.
- D. The owner may request that the artwork be removed from the site due to hardship with the recommendation of the Southlake Arts Council and approval of the Southlake City Council. In addition, in the event there is a condition that occurs outside the reasonable control of the owner, such as an Act of God, then this provision may be implemented with the recommendation of the Southlake Arts Council and approval of the Southlake City Council.

VIII. Recognition of Matching Funds Projects

- A. A permanent plaque or equivalent must be designated in recognition of the project to include the name of the project, its contributor(s), date of the project, and reference that the project was completed with funding through the Public Art Matching Funds Program.

IX. Definitions

ARTIST: A practitioner in the visual arts generally recognized by critics and peers as a professional of serious intent and recognized ability who produces artworks. The members of the architectural, engineering, design, or landscaping firms retained for the design and construction of a development project covered by this definition shall not be considered Artists for the purposes of this definition.

ARTWORK: A work of visual art created by or under the direction of one or more artists including a painting, drawing, print, sculpture, photographic image, or multimedia work whether two- or three- dimensional existing in a single copy or in a limited edition of 50 or fewer copies that are consecutively numbered by the artists and bear the signature or other identifying mark of the artist.

GOOD CONDITION: Clean and free from damage.

PUBLIC ART: Works of art in any media that have been planned and executed with the specific intention of being sited or staged in the public domain.

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PUBLIC ART MASTER PLAN: The public art planning document endorsed by the Southlake Arts Council and adopted by the City Council as part of the City's comprehensive planning process.

PUBLIC ART POLICY: The public art policy as adopted by the City Council including any future additions, deletions, or revisions thereto.

PUBLIC ART PROJECT: A commission, acquisition, loan or donation of artwork to the City pursuant to this policy including the process by which such event is initiated, developed, evaluated, conducted, and completed.

QUALIFIED APPRAISER: A Qualified Appraiser is an individual who has earned an appraisal designation from a recognized professional appraiser organization or has otherwise met minimum educational and experience requirements set forth in regulations prescribed by the IRS. The minimum education and requirements are met if the appraiser has successfully completed college or professional level course work that is relevant to the property being valued; obtained at least two years of experience in the trade or business of buying, selling or valuing the type of property being valued; regularly performs appraisals for which the individual receives compensation; and meets such other requirements as may be prescribed by the IRS in regulations or other guidance.

SOUTHLAKE ARTS COUNCIL: An advisory board appointed by the City Council to make recommendations to the City Council concerning matters pertaining to public art and art activities including but not limited to visual arts, performing art programs, and art facilities.

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PUBLIC ART MATCHING FUNDS PROJECT APPLICATION

Project Name: _____

Project Location: _____

Contact Person: _____

Organization: _____

Mailing Address: _____

City: _____ State: _____ ZIP: _____

Phone: _____ Cell: _____ Email: _____

Additional Contact Person: _____ Phone: _____

Project Description: _____

Project Justification: _____

Proposed Start Date: _____ Proposed Completion Date: _____

Projected Cost: _____ Funds Requested: _____

Check One: Standard Match _____ OR In-Kind Match _____ %Match Proposed: _____

Please attach pictures and/or detailed drawings, a map detailing the location of the project, a maintenance plan, and any stipulations that might go along with the project.

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