

**POLICY 7-I  
PUBLIC ART POLICY**

**1. PURPOSE AND VALUE OF PUBLIC ART**

1.01 The City of Hopkins recognizes the value that the arts play in a vibrant community and supports public art programs and activities that meet the following objectives:

- To provide meaningful aesthetic and cultural experiences for Hopkins residents, business owners and employees, and visitors, adding to the vibrancy of the community
- To attract new residents and new visitors, including but not limited to cultural tourists
- To showcase and/or collect artwork that demonstrates the creativity and innovation practiced in the arts, stimulates discussion and exchange of ideas, honors the history and heritage of Hopkins, and/or reflects the character and diversity of Hopkins

**2. PURPOSE OF THIS POLICY**

2.01 The objectives of this policy are to:

- Provide uniform procedures for the review and acceptance of gifts and loans of works of art for the City of Hopkins
- Provide policies and procedures relating to the commissioning of artwork, purchase of artwork from ArtStreet or other instances of the City of Hopkins initiating the acquisition of works of art
- Maintain high artistic standards in works of art displayed in public areas of the City of Hopkins
- Advise the appropriate staff with the responsibilities to administer public art initiatives
- Advise on the planning for the placement, maintenance, and funding of works of art on City property
- Define guidelines for the retention and possible deaccession of public artworks
- Facilitate appropriate recognition of artists and donors of works of art to the City of Hopkins
- Direct the use of monetary donations including art dedication payments

### **3. DEFINITIONS**

3.01 For the purposes of this policy, Public Art is defined as permanent, fixed, temporary, or portable artistic expressions. This may include elements integral to a public site or building indoors or outdoors; landscape elements designed as part of an architectural design; objects and amenities used in a public site that are designed by a professional artist such as but not limited to benches, lighting, tree surrounds, railings, architectural ornament, etc.; or original works of fine art by artists not associated with any building project. Examples of the latter include: sculpture (free-standing, wall-supported, suspended, kinetic, electronic, mechanical, etc.); murals; paintings; collage; earthworks; neon; glass; fiber; mosaics; clay; wood; photographs; prints; literary arts; calligraphy; film; holographic images; video; computer projections; drawings; or any hybrids/mixed media. Civic undertakings such as historical markers, memorials and monuments may fall under these guidelines if created by a professional artist. Time-based artworks such as musical performances, theater, dance created by a professional artist or team may also fall under these guidelines. For the purposes of these guidelines, the following shall be excluded from the definition of Work of Art: mass produced objects, fountains, playground constructions, landscape elements and park amenities that are of standard design and not designed by a professional artist. Also excluded from this policy are directional or functional elements such as signage, maps and graphics that are not designed by professional artists.

### **4. HOPKINS PUBLIC ART ADVISORY COMMITTEE**

4.01 The City of Hopkins' public art program shall be advised by a Committee made up of representatives of the Planning, Public Works, and Hopkins Center for the Arts staff, community volunteers, business owners, and artists. The Committee shall be responsible for providing the community voice for the public art programs and projects undertaken by the City of Hopkins including planning, grant writing, communication, acquiring public art, and maintenance of such artworks. The Committee shall meet as needed to achieve the goals of the Public Art program as determined by the Hopkins City Council.

4.02 The Committee shall be composed of seven members comprised of:

- Two practicing artists and/or art professionals (minimum)
- Two Hopkins business owners and/or residents (minimum)
- One staff representative each from Public Works, Economic Development, and Hopkins Art Center

4.03 Volunteers shall serve staggered three-year terms. A volunteer may serve up to three consecutive terms, excluding the staff representatives. Volunteers shall be appointed to the Committee by the City Council. Staff representatives from Economic Development and Hopkins Art Center shall serve as staff liaisons to the Committee.

4.04 The Committee may also assemble smaller ad-hoc subcommittees for specific public

art projects. These subcommittees may include other stakeholders and non-committee members as appropriate.

- 4.05 Every committee member has a responsibility to act ethically in serving the City of Hopkins and its public art program. This includes but is not limited to: (1) obedience to the law, (2) loyalty to the program and faithfulness to its mission, (3) confidentiality, (4) respect for others, and (5) disclosure of potential conflicts of interest.
- 4.06 No Committee member will use their position, or the knowledge gained therefrom, in such a manner that a conflict between the interest of the Hopkins public art program or this Committee and their personal interests arises. If a Committee member has a significant financial or professional interest in a proposed transaction with the program, or has an active contract with the City, or is involved in any stage of negotiations for a City contract or is applying to show a work of art in the public art program, they must make full disclosure to the Committee of such interest. Any Committee member who is aware of a potential conflict of interest shall not participate in any discussion or vote related to the potential conflict of interest.

## **5. ACQUISITION OF ARTWORK**

- 5.01 The City of Hopkins may acquire artwork through its own initiatives (ArtStreet, commissioning of work, etc.) or through the donation of artwork. Artwork purchased by the City of Hopkins should demonstrate community support including but not limited to being the result of a People’s Choice or Children’s Choice award for Hopkins ArtStreet, or commissioned artwork resulting from community input. The following sections detail the procedures and policies for the donation of artwork.

## **6. DONATION OF ARTWORK**

### **6.01 Procedures for Making a Donation**

- Any person, group of people or organization may request the City to accept a donation of artwork. The potential Donor should review the Donor’s Guidelines for Works of Art and sample application form on the City website and will be given to anyone interested in donating artwork to the City. Durability, longevity, and required maintenance will be primary metrics when considering donations.

### **6.02 Acceptance Process**

The purpose of this process is to ensure an equitable system for accepting or rejecting proposed donations of artwork, to ensure that a high level of artistry is consistently achieved, and to work with donors and artists to ensure that artwork meets maintenance standards and is placed appropriately. The process is:

1. A designated staff representative of the City meets with the potential donor to discuss the gift and review the Donor’s Guidelines for Works of Art. Donor then completes the application form.

2. The application is referred to the Public Art Advisory Committee for review. The committee may choose to meet with the donor to clarify any issues. The Committee may also meet with business owners, neighborhood associations, or other interested parties as potential sites are considered. The Committee then makes a recommendation to the City Council as to whether or not they feel the donation should be accepted. This recommendation should include site placement and a maintenance plan as well as information on the work of art.
3. The City Council may accept the gift, deny the gift, or ask the Committee for further review. If an artwork is accepted, the City Council makes a resolution to accept the donation. If the donor holds a title to the work, that title should be conveyed to the City of Hopkins. If such a title does not exist, the donor should provide a signed letter clearly stating the work of art is their ownership and is being given to the City in perpetuity and that the donor relinquishes all control over the artwork.
4. The Committee and designated staff schedule the installation of the artwork, ensure the donor is recognized for the gift at the installation site, and send a letter of thanks to the donor on behalf of the City. The Committee is responsible for advising on the maintenance plan for the artwork, and if it should arise, determining if an artwork should be moved, repaired or deaccessioned.

#### 6.03 Selection Criteria

The assessment of artwork can be a rather subjective endeavor. The Committee should adhere to the following basic criteria to make the process as fair as possible and to ensure a quality public art program:

- High aesthetic level (evidence of the artist’s mastery of the medium; impact on the viewer; contributes to a diverse and high-quality collection of artwork)
- Appropriateness to the site (size, theme, historical or cultural significance, etc.)
- Impact, positive or negative, on property use and on adjacent property owners
- Practical maintenance burden (time, materials, cost)
- Safety to passersby, children, the disabled, and the environment (including but not limited to projections, materials, noise, light, and odor)
- Undue susceptibility to vandalism or theft
- In no instance should the work depict subjects that are trademarked or commercially licensed
- The donor has clear title/ownership of the work donated

## 7. COMMISSIONING OR PURCHASING OF ARTWORK

7.01 The most common way in which the City of Hopkins purchases artwork is through the project, ArtStreet. Each year, the Committee has the option, but not the obligation, of purchasing one or more pieces of art from the current round. The Committee will decide if any pieces in the current round are deemed appropriate for purchase. Results of the People’s Choice and Children’s Choice voting shall be an important factor in making this determination. The basic criteria listed above shall also be employed.

- 7.02 The pricing of the artwork in relationship to the purchase fund is another key factor. If the Committee decides to purchase a piece, a Hopkins staff person will handle the transaction. In some cases, a third party may contribute to the purchase and will be recognized at the site of installation and sent an acknowledgement.
- 7.03 There may be an instance when the City of Hopkins wishes to commission an artwork for a specific site or purpose. In most such cases, a request for proposals or request for qualifications will be disseminated to public artists. These will be reviewed by the Committee and staff and shared with the City Council.

## **8. IDENTIFICATION OF ARTWORK**

- 8.01 Unless a donor asks to remain anonymous, individuals or groups will be recognized for their donation of public art through a small plaque near the donated work. Likewise, unless the donor prefers to be anonymous, in all cases the artist of the work will be recognized on the plaque along with the year in which the artwork was completed and the medium. All design and text of this plaque must be approved by the Hopkins Public Art Advisory Committee. If an artwork is for sale, such as through the ArtStreet initiative, this will be communicated through a brochure, the City’s website, and through QR codes on the piece if available.

## **9. INSTALLATION AND MAINTENANCE OF ARTWORK**

- 9.01 The City of Hopkins is responsible for installing and maintaining all pedestals, concrete pads and securing mechanisms to be used for public art. The installation of the actual artwork shall be arranged on a case-by-case basis but in general it will be handled as follows. Any exceptions must be reviewed and approved by the Hopkins Public Art Advisory Committee.
- 9.02 In the case where public artwork is coming directly from an artist, that artist and staff are responsible for overseeing the installation of the work by the City of Hopkins and holds all liability for loss or damage during transport and installation of the work. In the case of a short-term loan by an Artist (ex. ArtStreet), the artist is responsible for any repairs or maintenance required during the term of the loan. In addition, the artist is responsible for delivering the artwork properly prepared for installation per project guidelines or agreement (ex. steel mounting plate secured to artwork).
- 9.03 When public art is coming from a third-party donor, the donor is responsible for the transport of the artwork to its installation site and assumes all liability for loss or damage during transport. The City of Hopkins is responsible for installation of artwork and maintenance thereafter.
- 9.04 Artwork that does not conform to the specifications detailed in the program or project guidelines will not be installed unless otherwise approved by the Hopkins Public Works Department representative. At the discretion of the Hopkins Public Art Advisory Committee, plans for installations of art may be sent to the City’s Inspection

Department for a review of safety and security (i.e. very tall artwork). The Public Art Advisory Committee is responsible for advising on a maintenance plan and schedule for all public art in Hopkins and seeing that proper maintenance and repairs are carried out.

- 9.05 The City of Hopkins will maintain insurance on public art other than short-term loans or temporary works. It may arise that very costly artworks may require an insurance rider. This will be determined by the City Finance Director.
- 9.06 All public art that is owned by the City of Hopkins will be installed on public property. Temporary installations, such as through ArtStreet and the mural program, may occur on private property if agreed to in writing by the owner of the property on which the art is installed.
- 9.07 Ten percent of commissions collected from the sale of Hopkins ArtStreet work will be deposited in a Public Art maintenance fund. An art dedication payment is not a requirement associated with any City approval for a development project but shall be accepted as a donation to the City's Public Art Program. It is the responsibility of the donor to provide directions as to how the proceeds are to be used in accordance with all City policies. If there is not a public art project associated with the development for which the fee was donated, that fee will be applied to the Public Art Maintenance Fund, unless otherwise directed by the City Council.

## **10. RETENTION, RELOCATION, AND DEACCESSION OF ARTWORK**

10.01 All artwork has a life span. The City of Hopkins is cognizant that a policy must be in a place to deal with artwork reaching the end of its life span or in which artwork has become irrelevant or no longer useful in serving the public art goals of the City. The City of Hopkins retains the right to relocate or permanently remove an artwork from public display for any reason, at the sole discretion of the City. The City may do so for reasons such as increased hazard to public health and safety, unsightly or deteriorated conditions of the artwork, the need to access and maintain public facilities, in the interest of improving the quality of the collection, etc. In general, if such donations do not apply, artwork will be retained in the public art collection so long as:

- The artwork continues to be relevant and useful for the purposes and activities of the City, it is not redundant or a duplicate that no longer has value as part of the collection as a whole
- An appropriate site for public display is available
- A public safety problem is not created by the project and no adverse environmental effects are created
- The authenticity, attribution or genuineness of the work is not determined to be false or fraudulent
- Its condition remains good and represents no more than natural and proper aging of the work
- The artwork withstands exposure to the natural elements and/or public use

- The artwork can be properly and cost-effectively stored, maintained, preserved and/or used
- The item is located in an area where jurisdiction will not be transferred to another entity or made inaccessible to the public

10.02 If an artwork is to be deaccessioned, the artist shall be contacted (if possible) and have the option of reacquiring title and possession of the artwork upon permanent removal by the City.

10.03 Donated items will be deaccessioned only at the direction of the City Council, which shall consider the recommendations of the Hopkins Public Art Advisory Committee, City staff, and public comment. The City will contact the donor and artist (if known) and will determine the method and manner of deaccessioning with preference given to public sale. Deaccessioned items may be disposed of by means of public sale; private sale; exchange for another work; gifting to a tax-exempt public institution; recycling or destruction. Destruction may be considered the viable alternative where the physical condition of the work is severely deteriorated or will be irreparably damaged by deinstallation.