

CITY OF
BALTIMORE
PUBLIC ART
GUIDELINES

2012

(Last revision: October 2011)

Public Art enhances the cityscape, quality of life and artistic and creative climate in Baltimore. It supports our city's artists and promotes an awareness of the visual arts in the public environment. BOPA enforces the One Percent for Art Ordinance, which administers the expenditure of public funds for fine arts additions to public projects.

**1% -for-
Public-Art**

**CITY OF BALTIMORE
PUBLIC ART GUIDELINES
TABLE OF CONTENTS**

I. Purpose & Intent	4
a. Purpose	4
b. Intent	4
II. Definitions	4
III. Public Art Commission	5
a. Definition	5
b. Appointment	5
c. Composition	5
d. Officers	5
e. Meetings	5
f. Responsibilities	5
IV. Commission Staff, Baltimore Office of Promotion & the Arts	6
a. Staff Descriptions	6
b. Responsibilities	6
V. City Agency Liaisons	7
a. Definition	8
b. Responsibilities	8
VI. Artwork and Artist Selection Panels	8
a. Definition	8
b. Composition	8
c. Responsibilities	8
d. Voting	8
e. Advisors to the ASP	8
f. Qualifications and Eligibility	8
g. Meetings	8
VII. Guidelines for Selecting Artwork and Artists	9
a. Summary of Artist/Artwork Selection Process	9
b. Artist/ Artwork Selection Methods	9
VIII. Selection Criteria for Artists & Artwork	10
a. General Criteria	10
b. Gift Proposals	12
IX. Conflict of Interest	12
a. BOPA Staff	12
b. PAC Members & PAC Sub-Committees	12
X. Placement of Artwork	12
a. Process	12

b. Factors	12
c. Credit/Recognition	13
XI. Funding of the 1%-for-Public-Art Ordinance	13
a. Sources of funds	13
b. Allocation of Funds	13
c. Related Costs	13
XII. Maintenance, Conservation and Ownership	14
a. Maintenance	14
b. Conservation	14
c. Ownership	14
XIII. Resiting and De-accessioning	14
a. Policies	14
b. VARA Provisions	15
c. Right of Refusal	15
XIV. Review and Amendment	15
XV. Appendices	16
a. Ordinance	
b. Gifts of Public Art Policy	

I. Purpose and Intent (refer to *City of Baltimore Ordinance 07-489, Appendix 1.1*)

- a. Purpose: the City of Baltimore, named the “Monumental City” over 175 years ago, wishes to expand public experience with visual art by creating a public artwork program that encourages the direct commission of artwork for municipally supported projects; and engages the individual and collective imagination of artists who create artwork for public places.
- b. Intent:
 - i. The Public Artwork program encompass the broadest possible range and variety of expression, media, and materials; and
 - ii. Selections of Artists and Artwork reflect a standard of excellence and the cultural and ethnic diversity of the City.

II. Definitions

- a. Artwork Allocation: the amount required by ordinance#07-489 to be allocated to Artwork.
- b. Artwork: means works of art that are produced by professional visual artists; and affixed to, made a functional part of, or sited in, on, or near a public work.
- c. Bid: means a response to an invitation to bid; or a request for proposals.
- d. Commission: refers to the Public Art Commission (PAC).
- e. Commission Staff: Public art staff working under the Baltimore Office of Promotion and The Arts (e.g. Public Art Administrator, Public Art Specialist, Visual Art Specialist, etc.).
- f. Construction Costs: means, except as otherwise provided, the total appropriation for a construction project.
- g. Construction Project: means, except as otherwise provided, any capital improvement project that involves construction, reconstruction, or renovation of all or part of any publicly-owned property in the City, including any building, parking facility, park, utility, bridge, street, highway, footway, bikeway, or other structure or public work.
- h. Eligible Funds: any funds that are available for construction costs and are not precluded by restrictions on the source of funding for the project, including limitations on the use of city bond funds, state or federal grants or loans, or donations, from being used for artwork.
- i. Maintenance of Artwork: means the maintenance, preservation and conservation of, including curatorial services for, artwork owned by the City, whether created under the

1%-for-Public-Art or otherwise obtained.

III. Public Art Commission (PAC)

- a. Definition: The Baltimore City Public Art Commission serves as a citizen review board who is charged with administering the City's 1%-for-Public Art Program in accordance with Baltimore City Ordinance 07-489: 1% for Public Art, as well as reviewing permanent gifts of public art to Baltimore. The Public Art Commission is both an advisory and decision making body. In its advisory capacity, the Public Art Commission works with Commission Staff and each of the designated City Agency Liaisons and may make recommendations to City Agencies regarding options for their upcoming 1%-for-Public Art projects. In its decision making capacity the Commission in consultation with the appropriate City Agency Liaison selects the artist and approves the proposals for 1%-for-Public Art works commissioned by the City, and approves gifts of Public Art to the City and their locations.
- b. Appointment: the PAC shall consist of nine (9) members appointed as follows: eight (8) appointed by the Mayor and approved by the City Council under Article IV, Section 6 of the City Charter. The additional one (1) member will be appointed by the President of the City Council. Members are appointed to the Mayoral Term of four (4) years and can be reappointed to serve up to two (2) consecutive terms.
- c. Composition: All members of the PAC must be qualified credentialed professionals appointed by the Mayor as follows: One (1) must be a professional visual artist; One (1) must be a curator or art historian from an established Baltimore Arts or Educational Institution; One (1) must be a licensed architect; and Four (4) must be persons chosen from related disciplines, such as landscape architects, design professionals, urban planners, conservators, art educators, art administrators, and citizens interested in civic improvement. All members must reside or work in the City.
- d. Officers: The Mayor shall appoint the Commission Chairperson. The Commission shall elect a Vice-Chair on an annual basis and other such officers as it may deem necessary.
- e. Meetings: The PAC shall hold regular meetings on a monthly basis, at a minimum. All Commission Hearings shall be public meetings subject to the provisions of The Open Meetings Act. It shall be the duty of each member to attend all meetings. When a member is absent from one-half or more of all meetings held during the year, or misses three consecutive regular meetings without acceptable justification to the Commission, the Commission shall recommend to the Mayor that the member's resignation be requested.
- f. Responsibilities. The PAC will:
 - i. Recommend written regulations to include, but not be limited to, criteria and processes for selection of artists per individual projects or an overall pre-qualified artist pool.

- ii. In consultation with Commission Staff and Department Agencies, review and approve a site for the installation of artwork, project scope, timeline, and budget.
- iii. Review, select, approve, and engage an appropriate artist or artist team to eligible capital improvement projects through the Pre-Qualified Artist Pool, RFQ, or RFP Process.
- iv. Commission artwork; review all phases of a project with Commission Staff, City Agency Liaisons & selected Artist, including but not limited to conceptual design phase, development of construction documents, fabrication, delivery, and installation.
- v. Review the inventory of public art, including assessing the status of maintenance, and preparing recommendations as to locations, relocation, and Deaccessioning of public art.
- vi. Make recommendations regarding works of art proposed to be acquired or donated to the City of Baltimore, as gifts, for placement on municipally owned property.
- vii. Make recommendations to the City on the acquisition of works of art to include in the Public Art Collection from funding sources other than the Capital Improvements Program for City-owned facilities.
- viii. Recommend educational and promotional outreach opportunities to further enrich and market the Baltimore Public Art Program.
- ix. Review and approve recommendations made by Commission Staff for project Artist Selection Panel members.
- x. Recommend and assign a minimum of two PAC members to serve as Artist Selection Panel members.

IV. Commission Staff, Baltimore Office of Promotion and the Arts

a. Staff Descriptions

- i. **Public Art Administrator:** the Public Art Administrator is a full-time, regular position. The position is responsible for developing an inventory of current projects and working with the other members of the Public Art Team to manage those projects.
- ii. **Public Art Specialist:** is a full-time, regular position. The position is a member of the Public Art Program team and is primarily responsible for management of Public Art Projects.

iii. Support Staff: project support as assigned

b. Responsibilities. Commission Staff will:

- i. Manage the public art program and facilitate communication among the City Agency Liaisons and the Public Art Commission.
- ii. Administer the Public Art Fund
- iii. Identify public art project opportunities
- iv. Consult and work with City Agency Liaisons to discuss potential capital construction projects
- v. Initiate and coordinate each public art project so that its process is compatible with any related project timeline
- vi. Present project briefings to the Commission
- vii. Administer the artist recruitment and selection process
 1. Receive and compile total amount of project submissions for the Artist Selection Panel.
 2. Communicate, gather feedback, and explain guidelines for the %-for-Art program and artist selection process to the corresponding project communities.
 3. Review and recommend Artist Selection Panel members and seek approval from PAC.
 4. Communicate and present Artist Selection Panel findings and scores to the PAC during commission meetings for final review and approval.
- viii. Present a project timeline to the Public Art Commission for update and review
- ix. Facilitate community meetings
- x. Establish a service agreement or contract with commissioned artist(s)
- xi. Coordinate publicity, promotion, and marketing of public art projects
- xii. Direct the public relations and general education of the public art program

- xiii. Maintain Collections Management, Public Art Inventory, Public Art Fund, and Public Art Maintenance Databases

v. City Agency Liaisons

- a. Definition: Each of the following agencies shall designate an Agency Liaison to the Commission:
 - i. Baltimore Development Corporation
 - ii. Parking Authority
 - iii. Planning Department
 - iv. Public Works Department
 - v. Recreation and Parks Department
 - vi. Transportation Department
- b. Responsibility: Each Agency Liaison shall meet periodically with the Commission staff to review the Agency's ongoing and proposed construction projects.

vi. Artwork & Artist Selection Panels (ASP)

- a. Definition: A group of individuals, including artists, art and design professionals and non-artist citizen representatives established by the Public Art Commission (PAC) to recommend artists to provide works or services.
- b. Composition: Three (3) to nine (9) voting members, depending on the size and complexity of the project. The majority of panelists shall be art and design professionals, with NO LESS than two (2) Public Art Commissioners.
- c. Responsibilities: The ASP shall:
 - i. Review and examine total amount of submissions or proposals by artist applicants.
 - ii. Recommend three (3) to seven (7) semi-finalist artists to be commissioned to create artwork based on established criteria subject to final review and confirmation by the PAC.
 - iii. Provide to the PAC a report on the reasons for its selection(s), addressing the Commission.
- a. Voting: Each panelist shall have one vote. Project advisors to the panel, such as project design team members, may not vote but should advise and provide feedback to the artist selection panel. Observers shall not vote nor participate in the

deliberations or discussions.

- i. In the event the ASP is unable to arrive at a consensus in a reasonable period of time, Public Art Staff shall call for a vote and the majority vote shall rule.
 - ii. The ASP has the option to make no selection if, in its opinion, there is insufficient merit in the entries.
- d. Advisors to the ASP. Whenever possible, each ASP will be assisted by non-voting advisors including, but not limited to, the project architect, the project manager and other representatives from the client department, the design team, the PAC, and the community.
- e. Qualifications and Eligibility. For each project, the Commission Staff will make a recommendation to the PAC on qualifying individuals to serve as panel members.
- i. It is the intent that an ASP be appointed for each project and a minimum of two (2) Public Art Commission members serve on the panel.
 - ii. At the discretion of the PAC, an ASP may be asked to serve on more than one artist(s) selection process or project.
 - iii. The City is committed to participation by multicultural and ethnic artists in public art. Therefore, the PAC will ensure that juries and commissioned artists reflect the ethnic diversity of the population of the City and given project community.
- f. Meetings. During the evaluation of application materials, the ASP shall meet as often as necessary.
- i. Panelists shall not discuss any application or panel deliberation with any project applicant unless asked to do so by the Public Art Administrator, and these requests shall occur only after the panel recommendations have been acted on by the PAC.

VII. Guidelines for Selecting Artwork and Artists.

- a. Summary of Artist/Artwork Selection Process
 - i. Introduction: Once the site and concept of a commissioned artwork project is approved, the PAC will establish an Artist/Artwork Selection Panel (ASP) for each project. The ASP will make a recommendation for artist/artwork selection to the PAC. The PAC will review the recommendation according to review criteria and will accept, accept with conditions, or not accept the recommendation of the ASP. In case the recommendation is not accepted, the PAC will work with the ASP to resolve issues concerning the recommendation.
 1. The PAC appoints an ASP for the project to coordinate the selection process.

2. The ASP makes a recommendation to the PAC regarding the selection of an artist or artwork.
3. Upon acceptance of the ASP's recommendation, the PAC and Public Art Staff will manage the project through installation.

b. Artist/Artwork Selection Methods

- i. Introduction: there are several methods for selecting art and artists: Open Competition, Limited or Invitational Competitions, and Pre-Qualified Artists List. The method of selecting artists for individual projects shall be determined by the Commission Staff, in consultation with the PAC, in accordance with adopted public art program guidelines. Any of the following methods may be used, depending upon the requirements of a particular project, which may include but are not limited to: budget, timeline, geographic location, and scope of work.
 1. Open Competition: an open competition is a call for artists for a specific project in which artists are asked to submit evidence of their past work through a Request for Qualifications (RFQ) or Request for Proposal (RFP) process. Any artist may submit credentials, subject to any limitations established by the PAC. Call for entries for open competition will be sufficiently detailed to permit artists to determine whether their work is appropriate for the project under consideration.
 2. Limited or Invitational Competition: A limited number of artists shall be invited by the PAC to submit credentials for a specific project in which artists are asked to submit evidence of their past work through a Request for Qualifications (RFQ) or Request for Proposal (RFP) process. Artists shall be invited based on their past work, demonstrated ability and compatibility with the project to successfully respond to the conditions posed by the particular project.
 3. Mixed Process: a mixed process may include any combination of the above approaches.
 4. Pre-Qualified Artist List: The PAC will establish a pre-qualified list of artists for city projects. The list will be updated every two (2) years and will allow submission of both emerging and established professional artists. Artists interested in being considered for City projects under the Baltimore Public Art Program will have to respond to the bi-annual Call to Artists and submit their qualifications every two (2) years. The PAC will review all applications submitted and approve the list upon confirmation with all commission members. Artists will not be eligible for more than two projects at any given time.

VIII. Selection Criteria for Artists and Artwork

- a. General Criteria: Projects undertaken by artists or acquisitions of artwork whether by commission, purchase, gift, or other means should further the purpose and goals of the Baltimore 1%-for-Public-Art Program. The PAC will determine the appropriate recruitment strategy to establish a pool of artists for each project. The following criteria will be applied when selecting artists, considering acquisitions or siting work:
 - i. Artistic Merit: the inherent quality and excellence of a proposed artwork together with the strength of the artist's concept and design capabilities are the program's highest priorities.
 - ii. Context: Artwork must be compatible in scale, material, form, and content with its surroundings. When serving a functional purpose, artworks may establish focal points; modify, enhance, or define specific spaces; establish identity or address specific issues of civic design. Consideration should also be given to the architectural, historical, geographical and social/cultural context of the site or community, as well as the way people may interact with the artwork.
 - iii. Relevant Experience: Experience and professional record of the artist(s) should provide convincing evidence of ability to successfully complete the project as proposed. Particularly on collaborative or design team projects artists should demonstrate ability to:
 1. Communicate effectively and elicit the ideas of team members;
 2. Exhibit flexibility and problem-solving skills;
 3. Work with architectural drawings and construction documents;
 4. Engage community representatives in a project.
 - iv. Permanence/Maintenance: Due consideration will be given to the structural and surface soundness, operational costs and inherent resistance to theft, vandalism, weathering, and excessive maintenance.
 - v. Technical Feasibility: an Artist must exhibit a successful track record of construction and installation of artwork or show that an appropriate professional has examined the proposed artwork and confirmed feasibility of construction and installation.
 - vi. Budget: An Artist's proposal should provide a budget adequate to cover all costs for the design, fabrication, insurance, transportation, storage, maintenance costs and installation of the proposed artwork, plus reasonable unforeseen circumstances. Artists should have a history of completing projects within budget.

- vii. Diversity: Artwork will be sought from artists of diverse ethnic and cultural identities and from local, regional, national, and international artists. The PAC encourages applications from artists working in both established and experimental art forms.
 - viii. Fabrication and Installation Schedules: The artist proposal should include a project timeline that incorporates design review, fabrication, delivery, and installation in accordance with project schedule. The artist should have a history of completing projects on time.
 - ix. The PAC and/or PAC Sub-Committees may recommend rejection of all submissions, if none are considered satisfactory, and a new pool of artists may be established.
- b. Gift Proposals: *(Refer to Gifts of Public Art Policy, Appendix 1.2)*

IX. Conflict of Interest

- a. BOPA Staff: Employees of the Baltimore Office of Promotion & the Arts (BOPA) are ineligible for public art commissions or projects as long as they are employed by BOPA.
- b. PAC Members & PAC Sub-Committees
 - i. Members of the PAC or a member of a PAC sub-committee having a financial interest in the outcome of any policy, decision, or determination before the PAC or PAC Sub-committee on which the member serves shall, as soon as possible after such interest becomes apparent, disclose to each of the other members voting on the matter and the nature of the financial interest in the issue, and such member shall be disqualified from participation in any debate, or vote.

X. Placement of Artwork

- a. Process. When public art funds are generated and identified as eligible funds, Commission Staff, PAC, and Department Liaisons will meet to determine the use and application of such funds according to the established Memorandum of Understanding (MOU) with said agency.
- b. Factors. In determining a site for artwork commissioned, purchased, or donated the PAC will consider the following:
 - i. Visibility and civic prominence
 - ii. Public accessibility to proposed artwork for all individuals, including facility users, surrounding community members and those with special needs.
 - iii. Public safety and liability issues

- iv. Vehicular and pedestrian traffic patterns.
 - v. Relationship to architectural and natural features, landscape design, environmental impact and concerns, and future plans for the area.
 - vi. Social context and other uses of the artwork or space
 - vii. Existing artwork within the proposed site vicinity
- c. Credit/Recognition. Appropriate recognition and publicity of the artwork will be the dual responsibility of the City Agency having oversight responsibility and Commission Staff.

xi. Funding of the 1%-for-Public-Art Ordinance

- a. Sources of funds: Eligible Funds or any funds that are available for construction costs and are not precluded by restrictions on the source of funding for the project, including limitations on the use of City bond funds, State, or Federal Grants or loans, or donations, from being used for Artwork.
 - i. At least 1% of all eligible funds for a construction project shall be allocated for
 - 1. Artwork for that project; or
 - 2. Other public art uses as authorized by the Public Art Ordinance
 - ii. Construction Project:
 - 1. Inclusions: construction costs include demolition costs and equipment costs.
 - 2. Exclusions: construction costs do not include real property acquisition costs; soil remediation costs; or architectural or engineering fees.
 - 3. Any Capital Improvement Project that:
 - a. Involves the construction, reconstruction, or renovation of all or part of any publicly-owned property in the City, including any building, parking facility, park, utility, bridge, street, highway, footway, bikeway, or other structure or public work;
 - b. Exceeds \$100,000 in construction costs;
 - c. Is required by law to be publicly bid; and
 - d. Is paid for wholly or in part by the City
- b. Allocation of Funds: On the award of a contract for the project, the contracting agency shall notify the Department of Finance that the aggregate amount of the artwork

allocation, as determined under Section 21-18(B) of the Public Art Ordinance, shall be transferred as it becomes available to a capital account to be used for purposes as specified in a City Agency's Memorandum of Understanding.

- c. Related Costs. The uses to which eligible funds may be used include, but are not restricted to:
 - i. The selection, acquisition, commissioning, fabrication, placement, installation, display, and maintenance of artwork;
 - ii. The development of design concepts and models;
 - iii. Artist design services;
 - iv. Administrative services for staffing the commission and its programs;
 - v. Other professional services;
 - vi. Publications and other educational activities;
 - vii. Dedications, plaques, and labels; and
 - viii. Support for the Commission's other functions and duties

XII. Maintenance, Conservation and Ownership

- a. Maintenance. The City, PAC, BOPA, and said Agency recognize that maintenance of the Artwork on a regular basis is essential to the integrity of the Artwork. The City, PAC, BOPA, and said Agency shall reasonably assure that the Artwork is properly maintained and protected in accordance with the requirements of a given Contract. Contracts will require the Artist or Artist Team to represent and warrant the artwork for a period of five (5) years after the final acceptance of the Artwork, with periodic required maintenance, by the City and/or BOPA. The Artist shall, at the request of BOPA and said Agency, and at no cost to BOPA or said Agency, cure reasonably and promptly the breach of any such warranty which is repairable by the Artist. Contract will in addition require the Artist, or Artist Team, to provide a maintenance manual.
- b. Conservation. The PAC will establish policies and procedures to evaluate the public art collection on a regular basis for purposes of conservation and assessment of the collection's future.
- c. Ownership. The Artist retains all rights under The Copyright Act of 1976, 17 U.S.C. 101 et seq., and other rights in and to the Artwork, except ownership and possession and except as such rights are limited by a said Contract. Because its final form is unique, the Artist shall not make any 3-dimensional replication of the final Artwork, nor shall the Artist grant permission to others to do so except with written permission of BOPA. The Artist will grant to BOPA and the City of Baltimore and its successors an irrevocable license to make 2-dimensional reproductions of the Artwork for non-commercial purposes, including but not limited to reproductions used in advertising,

brochures, media publicity, and catalogues or other similar publications.

XIII. Resiting and De-accessioning

- a. Policies. Resiting or De-accessioning of Artwork will occur if one or more of the following conditions exist during the life of the Artwork:
 - i. The Artwork is damaged where repair is impractical or costs exceed the value of the Artwork
 - ii. The Artwork has faults that require repeated and excessive maintenance
 - iii. The Artwork endangers public safety; and/or
 - iv. Significant public protest has continued unabated over a period of more than five years and a public hearing has not led to a solution.
- b. VARA provisions regarding BOPA's notification of the Artist ninety (90) days prior to the removal of the Artwork will be followed. All salvage costs to remove the Artwork from the site shall be the responsibility of the City.
- c. The Artist shall have first right of refusal to accept the Artwork back. If accepted, the Artist must make arrangements to remove the Artwork within thirty (30) days of commitment to accept the Artwork.

XIV. Review and Amendment

- a. These guidelines are subject to periodic review and revision by the PAC.

**PUBLIC ART
GUIDELINES-
APPENDICES**

2012

(Last revision: October 2011)

Public Art enhances the cityscape, quality of life and artistic and creative climate in Baltimore. It supports our city's artists and promotes an awareness of the visual arts in the public environment. BOPA enforces the One Percent for Art Ordinance, which administers the expenditure of public funds for fine arts additions to public projects.

**1% -for-
Public-Art**

CITY OF BALTIMORE
ORDINANCE **07 - 489**
Council Bill 07-0596

Introduced by: The Council President
At the request of: The Administration (Baltimore Office of Promotion and the Arts)
Introduced and read first time: February 26, 2007
Assigned to: Judiciary and Legislative Investigations Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: July 16, 2007

AN ORDINANCE CONCERNING

1% for Public Art

1
2 **FOR the purpose of establishing a Public Art Commission; providing for its composition,**
3 **functions, powers, and duties; requiring the allocation of certain construction-project funds to**
4 **be used for artwork; defining certain terms; abolishing the Civic Design Commission; and**
5 **generally relating to public construction projects.**

6 **BY repealing**

7 Article 5 - Finance, Property, and Procurement
8 Section(s) 21-1 through 21-8, inclusive, and the subtitle
9 "Subtitle 21. Ornamentation on Municipal Projects"
10 Baltimore City Code
11 (Edition 2000)

12 **BY adding**

13 Article 5 - Finance, Property, and Procurement
14 Section(s) 21-1 through 21-31, inclusive, to be under the new subtitle
15 "Subtitle 21. Public Art"
16 Baltimore City Code
17 (Edition 2000)

18 **BY repealing**

19 Article 8 - Ethics
20 Section(s) 7-8(5)
21 Baltimore City Code

22 **BY renumbering**

23 Article 8 - Ethics
24 Section(s) 7-8(35) to be Section 7-8(36)
25 Baltimore City Code

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

Council Bill 07-0596

1 By adding

2 Article 8 - Ethics
3 Section(s) 7-8(35)
4 Baltimore City Code

5 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the**
6 **following provisions of the City Code are repealed:**

7 Article 5 - Finance, Property, and Procurement
8 Section(s) 21-1 through 21-8, inclusive, and the subtitle
9 "Subtitle 21. Ornamentation on Municipal Projects"
10 Baltimore City Code
11 (Edition 2000)

12 **SECTION 2. AND BE IT FURTHER ORDAINED, That the Laws of Baltimore City read as**
13 **follows:**

14 **Baltimore City Code**

15 **Article 5. Finance, Property, and Procurement**

16 **SUBTITLE 21. PUBLIC ART**

17 ***PART I. GENERAL PROVISIONS***

18 **§ 21-1. FINDINGS; PURPOSE.**

19 **(A) FINDINGS.**

20 PUBLIC ART HAS ENABLED PEOPLE IN ALL SOCIETIES TO UNDERSTAND BETTER THEIR
21 COMMUNITIES AND INDIVIDUAL LIVES.

22 **(B) PURPOSE.**

23 THE CITY OF BALTIMORE, NAMED THE "MONUMENTAL CITY" OVER 175 YEARS AGO,
24 WISHES TO EXPAND PUBLIC EXPERIENCE WITH VISUAL ART BY CREATING A PUBLIC
25 ARTWORK PROGRAM THAT:

26 (1) ENCOURAGES THE DIRECT COMMISSION OF ARTWORK FOR MUNICIPALLY
27 SUPPORTED PROJECTS; AND

28 (2) ENGAGES THE INDIVIDUAL AND COLLECTIVE IMAGINATION OF ARTISTS WHO
29 CREATE ARTWORK FOR PUBLIC PLACES.

30 **(C) INTENT.**

31 **TO THAT END, IT IS INTENDED THAT:**

Council Bill 07-0596

1 (1) THE PUBLIC ARTWORK PROGRAM ENCOMPASS THE BROADEST POSSIBLE RANGE
2 AND VARIETY OF EXPRESSION, MEDIA, AND MATERIALS; AND

3 (2) SELECTIONS OF ARTISTS AND ARTWORK REFLECT A STANDARD OF EXCELLENCE
4 AND THE CULTURAL AND ETHNIC DIVERSITY OF THE CITY.

5 **§ 21-2. DEFINITIONS.**

6 (A) *IN GENERAL.*

7 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

8 (B) *ARTWORK ALLOCATION.*

9 "ARTWORK ALLOCATION" MEANS THE AMOUNT REQUIRED BY § 21-16 OF THIS SUBTITLE
10 TO BE ALLOCATED TO ARTWORK.

11 (C) *ARTWORK.*

12 "ARTWORK" MEANS WORKS OF ART THAT ARE:

13 (1) PRODUCED BY PROFESSIONAL VISUAL ARTISTS; AND

14 (2) AFFIXED TO, MADE A FUNCTIONAL PART OF, OR SITED IN, ON, OR NEAR A PUBLIC
15 WORK.

16 (D) *BID.*

17 "BID" MEANS A RESPONSE TO:

18 (1) AN INVITATION TO BID; OR

19 (2) A REQUEST FOR PROPOSALS.

20 (E) *COMMISSION.*

21 "COMMISSION" MEANS THE PUBLIC ART COMMISSION .

22 (F) *CONSTRUCTION COSTS.*

23 (1) *GENERAL.*

24 "CONSTRUCTION COSTS" MEANS, EXCEPT AS OTHERWISE PROVIDED IN THIS
25 SUBSECTION, THE TOTAL APPROPRIATION FOR A CONSTRUCTION PROJECT.

Council Bill 07-0596

1 (2) *INCLUSIONS.*

2 “CONSTRUCTION COSTS” INCLUDES:

3 (I) DEMOLITION COSTS; AND

4 (II) EQUIPMENT COSTS.

5 (3) *EXCLUSIONS.*

6 “CONSTRUCTION COSTS” DOES NOT INCLUDE:

7 (I) REAL PROPERTY ACQUISITION COSTS;

8 (II) SOIL REMEDIATION COSTS; OR

9 (III) ARCHITECTURAL OR ENGINEERING FEES.

10 (G) *CONSTRUCTION PROJECT; PROJECT.*

11 “CONSTRUCTION PROJECT” OR “PROJECT” MEANS, EXCEPT AS OTHERWISE PROVIDED IN
12 THIS SUBSECTION, ANY CAPITAL IMPROVEMENT PROJECT THAT:

13 (1) INVOLVES THE CONSTRUCTION, RECONSTRUCTION, OR RENOVATION OF ALL OR
14 PART OF ANY PUBLICLY-OWNED PROPERTY IN THE CITY, INCLUDING ANY
15 BUILDING, PARKING FACILITY, PARK, UTILITY, BRIDGE, STREET, HIGHWAY,
16 FOOTWAY, BIKEWAY, OR OTHER STRUCTURE OR PUBLIC WORK;

17 (2) EXCEEDS \$100,000 IN ~~ELIGIBLE~~ CONSTRUCTION COSTS;

18 (3) IS REQUIRED BY LAW TO BE PUBLICLY BID; AND

19 (4) IS TO BE PAID FOR WHOLLY OR IN PART BY THE CITY.

20 (H) *ELIGIBLE FUNDS.*

21 “ELIGIBLE FUNDS” MEANS ANY FUNDS THAT ARE AVAILABLE FOR CONSTRUCTION COSTS
22 AND ARE NOT PRECLUDED BY RESTRICTIONS ON THE SOURCE OF FUNDING FOR THE
23 PROJECT, INCLUDING LIMITATIONS ON THE USE OF CITY BOND FUNDS, STATE OR FEDERAL
24 GRANTS OR LOANS, OR DONATIONS, FROM BEING USED FOR ARTWORK.

25 (I) ~~(H)~~ *INCLUDES; INCLUDING.*

26 “INCLUDES” OR “INCLUDING” MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF
27 LIMITATION.

Council Bill 07-0596

1 **§ 21-8. COMPENSATION AND EXPENSES; STAFF.**

2 (A) *COMPENSATION; EXPENSES.*

3 THE MEMBERS OF THE COMMISSION:

- 4 (1) RECEIVE NO COMPENSATION FOR THEIR SERVICE ON THE COMMISSION; BUT
5 (2) ARE ENTITLED TO REIMBURSEMENT FOR NECESSARY AND PROPER EXPENSES
6 INCURRED IN PERFORMING THEIR DUTIES ON THE COMMISSION.

7 (B) *STAFF.*

8 THE COMMISSION AND ITS PROGRAMS SHALL BE STAFFED BY THE BALTIMORE OFFICE OF
9 PROMOTION & THE ARTS.

10 **§ 21-9. GENERAL FUNCTIONS AND DUTIES.**

11 THE COMMISSION SHALL:

- 12 (1) ADMINISTER THE PUBLIC ARTWORK PROGRAM ESTABLISHED BY THIS SUBTITLE;
13 (2) GENERALLY PROMOTE AND ENCOURAGE PUBLIC ART IN THE CITY OF BALTIMORE; AND
14 (3) WORK COOPERATIVELY WITH STATE AND FEDERAL OFFICES TO ENCOURAGE PUBLIC
15 ART.

16 **§ 21-10. RULES AND REGULATIONS.**

17 (A) *COMMISSION TO ADOPT.*

18 THE COMMISSION SHALL ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE.

19 (B) *REQUIRED COVERAGE.*

20 THE COMMISSION'S RULES AND REGULATIONS SHALL INCLUDE PROCEDURES AND
21 GUIDELINES FOR:

- 22 (1) DETERMINING WHETHER AND TO WHAT EXTENT ARTWORK IS APPROPRIATE FOR A
23 PARTICULAR CONSTRUCTION PROJECT;,
24 (2) SELECTING ARTISTS AND ARTWORK FOR A PARTICULAR PROJECT;
25 (3) SUBMITTING ARTWORK PROPOSALS TO THE COMMISSION FOR APPROVAL; AND
26 (4) ALLOCATING ELIGIBLE FUNDS FOR:

Council Bill 07-0596

- 1 (I) THE CREATION OF NEW ARTWORK;
2 (II) THE MAINTENANCE OF EXISTING ARTWORK; AND
3 (III) THE PERFORMANCE OF THE COMMISSION'S OTHER FUNCTIONS AND DUTIES
4 UNDER THIS SUBTITLE.

5 (C) *FILING WITH LEGISLATIVE REFERENCE.*

6 A COPY OF ALL RULES AND REGULATIONS MUST BE FILED WITH THE DEPARTMENT OF
7 LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

8 **§ 21-11. AGENCY LIAISONS.**

9 (A) *DESIGNATION.*

10 EACH OF THE FOLLOWING AGENCIES SHALL DESIGNATE AN AGENCY LIAISON TO THE
11 COMMISSION:

12 (1) BALTIMORE DEVELOPMENT CORPORATION.

13 (2) PARKING AUTHORITY.

14 (3) PLANNING DEPARTMENT.

15 (4) PUBLIC WORKS DEPARTMENT.

16 (5) RECREATION AND PARKS DEPARTMENT.

17 (6) TRANSPORTATION DEPARTMENT.

18 (B) *PERIODIC REVIEW.*

19 EACH AGENCY LIAISON SHALL MEET PERIODICALLY WITH THE COMMISSION STAFF TO
20 REVIEW THE AGENCY'S ONGOING AND PROPOSED ~~CAPITAL~~ CONSTRUCTION PROJECTS.

21 **§§ 21-12 to 21-15. {RESERVED}**

22 ***PART III. ARTWORK ALLOCATION***

23 **§ 21-16. AMOUNT REQUIRED.**

24 (A) ~~"ELIGIBLE FUNDS" DEFINED.~~

25 ~~IN THIS SECTION, "ELIGIBLE FUNDS" MEANS ANY FUNDS AVAILABLE FOR CONSTRUCTION~~
26 ~~COSTS AND NOT PRECLUDED FROM BEING USED FOR ARTWORK.~~

Council Bill 07-0596

1 (A) ~~(B)~~ *MINIMUM ALLOCATION – GENERAL.*

2 EXCEPT AS PROVIDED IN SUBSECTION ~~(C)~~ (B) OF THIS SECTION, AT LEAST 1% OF ALL
3 ELIGIBLE FUNDS FOR A CONSTRUCTION PROJECT SHALL BE ALLOCATED FOR:

4 (1) ARTWORK FOR THAT PROJECT; OR

5 (2) OTHER PUBLIC ART USES AS AUTHORIZED BY THIS SUBTITLE.

6 (B) ~~(C)~~ *MINIMUM ALLOCATION – WATER AND WASTEWATER UTILITY WORK.*

7 FOR WATER OR WASTEWATER UTILITY PROJECTS, THE COMMISSION SHALL DETERMINE, ON
8 A CASE-BY-CASE BASIS AFTER CONSULTATION WITH THE DEPARTMENT OF PUBLIC WORKS,
9 WHETHER AND TO WHAT EXTENT ELIGIBLE FUNDS FOR THAT PROJECT MAY BE ALLOCATED
10 FOR ARTWORK OR OTHER PUBLIC ART USES. IF THE COMMISSION AND THE DEPARTMENT
11 OF PUBLIC WORKS DISAGREE AS TO WHETHER OR TO WHAT EXTENT ELIGIBLE FUNDS MAY
12 BE ALLOCATED, THE DIRECTOR OF PUBLIC WORKS MAKES THE FINAL DECISION.

13 **§ 21-17. GRANT AND OTHER FUNDING REQUESTS.**

14 IN APPLYING FOR GRANTS OR OTHER FUNDING FOR A CONSTRUCTION PROJECT, A CITY
15 AGENCY SHALL REQUEST THAT:

16 (1) TO THE FULLEST EXTENT PRACTICABLE, THE GRANT OR OTHER FUNDING BE IN THE
17 FORM OF "ELIGIBLE FUNDS", ~~AS THAT TERM IS DEFINED IN § 21-16 OF THIS SUBTITLE;~~
18 AND

19 (2) THE GRANT OR OTHER FUNDING INCLUDE AN ADDITIONAL 1% OF THOSE ELIGIBLE
20 FUNDS FOR ARTWORK.

21 **§ 21-18. PRELIMINARY DETERMINATIONS.**

22 (A) *CONSULTATION WITH AGENCY.*

23 (1) EACH CITY AGENCY SHALL CONSULT WITH THE COMMISSION ON THE APPLICATION OF
24 THIS SUBTITLE TO ANY CONSTRUCTION PROJECT BEING PROPOSED BY THAT AGENCY.

25 (2) THIS CONSULTATION SHALL OCCUR:

26 (I) AS EARLY AS POSSIBLE IN THE DESIGN STAGE; AND

27 (II) IN ANY EVENT, BEFORE THE PROJECT IS ADVERTISED FOR BID.

Council Bill 07-0596

1 (B) *DETERMINATION.*

2 BASED ON THE CONSULTATION, THE COMMISSION SHALL DETERMINE WITHIN 90 DAYS:

3 (1) THE AGGREGATE AMOUNT OF THE ARTWORK ALLOCATION REQUIRED BY § 21-16
4 OF THIS SUBTITLE; AND

5 (2) AT LEAST PRELIMINARILY, THE EXTENT TO WHICH ALL OR PART OF THAT
6 AGGREGATE AMOUNT CAN AND SHOULD BE USED FOR:

7 (I) ARTWORK FOR THAT PROJECT; OR

8 (II) OTHER PUBLIC ART USES AS AUTHORIZED BY THIS SUBTITLE.

9 **§ 21-19. INCORPORATION INTO CONTRACT SPECIFICATIONS.**

10 THE CONTRACT SPECIFICATIONS IN THE INVITATION TO BID OR REQUEST FOR PROPOSALS
11 SHALL INCORPORATE:

12 (1) THE REQUIREMENTS OF THIS SUBTITLE; AND

13 (2) THE COMMISSION'S DETERMINATIONS UNDER § 21-18(B)(1) AND (2) OF THIS SUBTITLE.

14 **§ 21-20. ALLOCATION OF FUNDS.**

15 ON THE AWARD OF A CONTRACT FOR THE PROJECT, THE CONTRACTING AGENCY SHALL NOTIFY
16 THE DEPARTMENT OF FINANCE THAT THE AGGREGATE AMOUNT OF THE ARTWORK
17 ALLOCATION, AS DETERMINED UNDER § 21-18(B) OF THIS SUBTITLE, SHALL BE TRANSFERRED
18 AS IT BECOME AVAILABLE TO A CAPITAL ACCOUNT TO BE USED FOR PURPOSES OF THIS
19 SUBTITLE.

20 **§§ 21-21 TO 21-25. {RESERVED}**

21 ***PART IV. ARTWORK FOR PROJECT***

22 **§ 21-26. SCOPE OF PART.**

23 THIS PART IV APPLIES TO THE EXTENT THAT SOME OR ALL OF AN ARTWORK ALLOCATION IS
24 USED FOR ARTWORK FOR THE PROJECT THAT GENERATED THE ALLOCATION.

25 **§ 21-27. PREPARATION OF PROPOSAL.**

26 (A) *ARTIST AND SITE SELECTION.*

27 (1) AS SOON AS PRACTICABLE, THE COMMISSION SHALL CONSULT WITH THE
28 CONTRACTING AGENCY ABOUT ARTIST AND SITE SELECTION.

Council Bill 07-0596

1 (2) THE COMMISSION THEN SHALL:

2 (I) IDENTIFY, APPROVE, AND ENGAGE AN APPROPRIATE ARTIST OR ARTISTS
3 THROUGH AN RFQ OR RFP PROCESS; AND

4 (II) DETERMINE AN APPROPRIATE SITE FOR THE ARTWORK.

5 (B) *PROPOSAL.*

6 THE ARTIST SHALL PREPARE A PROPOSAL AND SUBMIT IT TO THE COMMISSION FOR ITS
7 REVIEW AND APPROVAL.

8 **§ 21-28. COMMISSION REVIEW AND ACTION.**

9 (A) *COMMISSION TO REVIEW.*

10 THE COMMISSION SHALL REVIEW THE PROPOSAL IN AN OPEN SESSION AT WHICH THE
11 PUBLIC IS INVITED TO ATTEND AND COMMENT.

12 (B) *COMMISSION ACTION.*

13 THE COMMISSION MAY:

14 (1) PRELIMINARILY APPROVE THE PROPOSAL, SUBJECT TO MODIFICATIONS;

15 (2) FINALLY APPROVE THE PROPOSAL AS SUBMITTED OR AS LATER MODIFIED;

16 (3) DISAPPROVE THE PROPOSAL, WITH OR WITHOUT PREJUDICE TO SUBMIT A NEW
17 PROPOSAL; OR

18 (4) TAKE ANY OTHER ACTION IT CONSIDERS NECESSARY OR APPROPRIATE UNDER THE
19 CIRCUMSTANCES.

20 **§ 21-29. DISPOSITION OF ARTWORK ALLOCATION.**

21 (A) *APPROVED PROPOSAL.*

22 (1) ON APPROVAL OF AN ARTWORK PROPOSAL, THE COMMISSION SHALL AUTHORIZE
23 PAYMENTS TO THE ARTIST FOR THE COST FOR THE ARTWORK, AND TO PROVIDE OTHER
24 NECESSARY SERVICES, AS APPROVED AND CONTRACTED FOR BY THE COMMISSION.

25 (2) THE BALANCE, IF ANY, OF THE ARTWORK ALLOCATION FROM THAT PROJECT SHALL BE
26 RETAINED FOR OTHER PUBLIC ART USES AS AUTHORIZED BY THIS SUBTITLE.

Council Bill 07-0596

1 (6) PUBLICATIONS AND OTHER EDUCATIONAL ACTIVITIES;

2 (7) DEDICATIONS, PLAQUES, AND LABELS; AND

3 (8) SUPPORT FOR THE COMMISSION'S OTHER FUNCTIONS AND DUTIES UNDER THIS
4 SUBTITLE.

5 **Article 8. Ethics**

6 **Subtitle 7. Financial Disclosure**

7 **§ 7-8. Persons required to file – Agency officials and staff.**

8 Except as provided in § 7-10 {"Person filing with State"} of this subtitle, the following
9 officials and employees must file the financial disclosure statements required by this subtitle:

10 (5) [*Civic Design Commission.*] {RESERVED}

11 [(i) Members of Commission.

12 [(ii) Director.]

13 (35) *PUBLIC ART COMMISSION.*

14 (i) MEMBERS OF COMMISSION.

15 (ii) DIRECTOR.

16 (36) [(35)] *Public Works Department.*

17 (i) Director of Public Works.

18 (ii) Deputy Director of Public Works.

19 (iii) All Bureau Heads, Division Chiefs, and Assistant Division Chiefs.

20 (iv) All General Superintendents.

21 (v) All inspectors.

22 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance applies to any construction
23 projects for which an invitation to bid or a request for proposals is issued on or after the effective
24 date of this Ordinance.

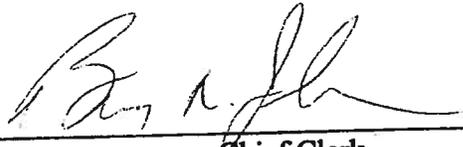
Council Bill 07-0596

1 SECTION 4. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance
2 are not law and may not be considered to have been enacted as a part of this or any prior
3 Ordinance.

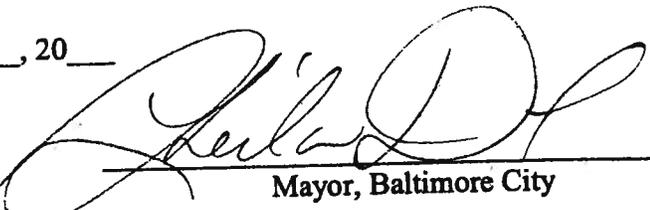
4 SECTION 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th
5 day after the date it is enacted.

Certified as duly passed this AUG 13 2007 day of _____, 20____

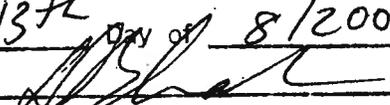

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this AUG 13 2007 day of _____, 20____


Chief Clerk

Approved this AUG 14 2007 day of _____, 20____


Mayor, Baltimore City

Approved For Form and Legal Sufficiency
This 13th day of 8/2007


Assistant Solicitor

A TRUE COPY
Edward J. Gallagher
Director of Finance

GIFTS OF PUBLIC ART

On occasion a generous benefactor will propose a gift of public art to the City of Baltimore. While the City is highly appreciative of donations of artwork, it is not always able to accept these gifts and the responsibilities associated with owning an artwork. Conscientious ownership of public art requires a commitment to complete regular maintenance of the work and grounds that surround the piece, as well as a commitment to conserve and protect it.

In addition, the City, the Public Art Commission and The Baltimore Office of Promotion & The Arts must cope realistically with the economic and administrative obligations inherent in responsible ownership of an artwork. Therefore, donated artworks can only be accepted if the donor has agreed to cover the entire costs of installation, including (but not limited to) any alterations to the landscape or area around the artwork that are needed to allow the artwork to appear aesthetically appropriate in its chosen location and any architectural or engineering services required for safe installation. The donor must also sign the Conservation & Maintenance Agreement that requires a commitment from the donor to cover conservation expenses for at least 10 years.

When contemplating the donation of public artwork to the City that has not been created, the Commission requires that the potential donor consult the Commission prior to the choice of the artist or artwork. The purpose of this consultation is to introduce the potential gift and donor to the Commission and provide the donor with guidance in both the choice of the artists and the location of the proposed artwork. This consultation will be coordinated by the Commission staff.

The Commission reserves the right to reject any commissioned work of art submitted for approval without prior consultation and approval of the Commission.

The Public Art Commission must consider the following when reviewing a proposed gift of artwork:

- Whether the artwork appropriately fits into and adds value to the City's public art collection,
- Will the City have a suitable location for the work,
- And, does the artwork require a reasonable or excessive amount of maintenance and conservation?

STEPS FOR PRESENTATION TO THE COMMISSION

1. Prospective donors should begin by contacting the Public Art Coordinator at the Baltimore Office of Promotion & The Arts (410-752-8632), who is charged with staffing the Commission, to prepare for and schedule the consultation and presentation to the Public Art Commission. As the Commission schedule is often full, the donor should be in contact with the staff as early as possible to allow enough time to prepare for the presentation and to allow for the process of site selection to begin.

2. Commission staff will give general guidelines to assist the donor with preparation to the Commission. The donor should keep in mind that the goal for the presentation is to provide enough materials to allow the Commission to get a strong sense of what the actual artwork will look like, information on the medium employed in the work, installation requirements, knowledge of the artist's vision for the work and a short explanation as to why the donor wishes to donate the work to the City.
3. All presentations must be made by the donor or donor's representative and must include the following:
 - At least three electronic images from various perspectives (in a Powerpoint presentation or in jpeg format) of the proposed donation; if the artwork already exists, images that view the artwork from every angle should be prepared; if the artwork is in the planning stages, as complete a representation as possible should be prepared, along with several other examples of the artist's work.
 - If the materials used in the work are unique, a sample of that material should also be included in the presentation along with any appropriate material specifications. Commission staff should be consulted to advise if this is necessary.
 - Information on the methods of fabrication and how the artwork will be installed.
 - The artwork's maintenance and conservation needs.
 - A history of the artwork and artist, along with any other pertinent information.
 - A brief statement explaining why the donor wants to contribute this generous gift of artwork to the City.

OUTCOME OF PRESENTATION/VOTING

The Commission may vote immediately following the presentation and discussion or in an upcoming meeting pending resolution of outstanding questions. The review process will generally have one of the following outcomes:

Outcome 1. The Commission may vote immediately following the presentation to accept the proposed artwork. In this instance, the Commission may provide additional input on the possible site for the artwork. The Commission staff then works with the donor, artist, affected City agency and community, and other installation professionals to see the project through to completion.

Outcome 2. The Commission may vote immediately following the presentation to accept the proposed artwork with certain conditions (these conditions may vary from artwork to artwork). If the donor and City agree to the conditions, the Commission staff then works with the donor, artist, affected City agency and community, and other installation professionals to see the project through to completion.

Outcome 3. The Commission may postpone voting until an upcoming meeting. The Commission may then ask the donor to prepare additional information on the artwork, artist, materials, installation procedures, etc.; may seek additional input from outside professionals or the community; or may want to conduct further research and discussion.

Outcome 4. After the initial presentation to the Commission or after additional information on an artwork has been provided to the Commission in subsequent meetings, The Commission may also choose to not approve a proposed gift. If the artwork is not approved, a donor may resubmit the proposed gift during the next Commission term; these terms correspond with each Mayoral term.

SITE SELECTION

Because of the coordination necessary between various City agencies and communities involved in artwork placement, the task of identifying possible suitable locations for the donated artwork is the responsibility of the Commission Staff. When recommending a location, members of the Commission staff should take into consideration any input from the Public Art Commission and the donor or artist, any risk factors associated with various locations, the durability of the materials used in the artwork, the artist's vision for the work, the community impact of artwork placement, the impacted City Agencies, and any other site or logistic challenges. The Commission Staff will present these options to the Public Art Commission who will make the final decision on site location.

The Baltimore Public Art Commission agrees on the following Artist Selection Process:

I. Summary of Artwork Selection Process

- i. Introduction: Once the site and concept of a commissioned artwork project is approved, the PAC will establish an Artist/Artwork Selection Panel (ASP) for each project. The ASP will make a recommendation for artist/artwork selection to the PAC. The PAC will review the recommendation according to review criteria and will accept, accept with conditions, or not accept the recommendation of the ASP. In case the recommendation is not accepted, the PAC will work with the ASP to resolve issues concerning the recommendation.
 1. The PAC appoints an ASP for the project to coordinate the selection process.
 2. The ASP makes a recommendation to the PAC regarding the selection of an artist or artwork.
 3. Upon acceptance of the ASP's recommendation, the PAC and Public Art Staff will manage the project through installation.

II. Public Art Staff Responsibilities

- a. Definition: Baltimore Office of Promotion and The Arts Public Art Staff members
- b. Responsibilities. The Public Art staff shall:
 - i. Receive and compile total amount of project submissions for the Artist Selection Panel
 - ii. Communicate, gather feedback, and explain guidelines for the %-for-Art program and artist selection process to the corresponding project communities
 - iii. Review and recommend Artist Selection Panel members and seek approval from PAC
 - iv. Communicate and present Artist Selection Panel findings and scores to the PAC during commission meetings for final review and approval
 - v. Present a project timeline to the Public Art Commission for update and review

III. Artist Selection Panel (ASP) Responsibilities

- a. Definition: A group of individuals, including artists, art and design professionals and non-artist citizen representatives established by the Public Art Commission (PAC) to recommend artists to provide works or services.

- b. Composition: Three (3) to nine (9) voting members, depending on the size and complexity of the project. The majority of panelists shall be art and design professionals, with NO LESS than two (2) Public Art Commissioners.
- c. Responsibilities. The ASP shall:
 - i. Review and examine total amount of submissions or proposals by artist applicants.
 - ii. Recommend three (3) to seven (7) semi-finalist artists to be commissioned to create artwork based on established criteria subject to final review and confirmation by the PAC.
 - iii. Provide to the PAC a report on the reasons for its selection(s), addressing the Commission
- d. Voting. Each panelist shall have one vote. Project advisors to the panel, such as project design team members, may not vote but should advise and provide feedback to the artist selection panel. Observers shall not vote nor participate in the deliberations or discussions.
 - i. In the event the ASP is unable to arrive at a consensus in a reasonable period of time, Public Art Staff shall call for a vote and the majority vote shall rule.
 - ii. The ASP has the option to make no selection if, in its opinion, there is insufficient merit in the entries.
- e. Qualifications and Eligibility. For each project, the Public Art Staff will make a recommendation to the PAC on qualifying individuals to serve as panel members.
 - i. It is the intent that an ASP be appointed for each project and a minimum of two (2) Public Art Commission members serve on the panel.
 - ii. At the discretion of the PAC, an ASP may be asked to serve on more than one artist(s) selection process or project.
 - iii. The City is committed to participation by multicultural and ethnic artists in public art. Therefore, the PAC will ensure that juries and commissioned artists reflect the ethnic diversity of the population of the City and given project community.