PUBLIC ART IN OUR COMMUNITIES

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Public art is important to communities for a variety of reasons. The most common reasons used to support public art programs and percent for art programs in particular are:

- Placemaking or community-building
- Graffiti and vandalism abatement
- Increase tourism revenue

The public art goals may be included as part of a master planning process, redevelopment projects, or a result of community-based efforts. Public art may be commissioned by local, state, or federal public art programs as stand-alone projects or as part of development projects. Public art commissioned in conjunction with development projects are frequently done so pursuant to percent for art programs.

1. What are Percent for Art Programs?

Over 700 federal, state, and local public art programs exist in the United States. More than half of them run **percent for art programs**, obligating public and/or private development to spend a percentage of construction budgets on commissioning art available to the public. While the percentages vary from .5% to 2%, the most programs require 1% of development budgets go to public art. This results in hundreds of projects and the expenditure of millions of dollars spent every year on public art commissions and purchases.

a. Public Art in Public Development

The National Association of State Arts Agencies maintains a list of all states that have public art programs. You can find this information at https://nasaa-arts.org/nasaa_research/state-percent-art-programs/

b. Public Art in Private Development

A database containing information about PAPD policies and ordinances can be found on the ArtConverge website at https://artconverge.com/

2. What are the Accepted Best Practices?

Currently-accepted best practices for commissions can provide the basis for consistency in policies and contracts. These were adopted last year by the Public Art Network (PAN) Council for the Americans for the Arts and can be found at https://www.americansforthearts.org/sites/default/files/pdf/2016/by_program/networks_and_councils/pan/tools/Best%20PracticesFINAL6.2016.pdf

3. Commissioning Public Art

Commissioning public art requires a great deal of care and oversight. The process may be managed by the local arts agency, a separate nonprofit entity, or in the case of private development projects, an independent art consultant.

Agreements for the commissioning of public art works vary in content and structure, but some of the more important elements and considerations are:

a. Scope:
   a. Design (community engagement)
   b. Fabrication (choice of materials and project management)
   c. Delivery/Installation (coordination and liability for installing)
   d. Care
      i. Maintenance (costs and process)
      ii. Conservation and/or Relocation (costs and possible VARA issues)
      iii. Deaccession (process and possible VARA or State issues)

b. Budget
   a. Artist fee (best practices)
   b. Contingencies
   c. Costs

c. Liability
   a. Insurance requirements during design and fabrication (lack of E&O for artists)
   b. Installation considerations (site preparation)
   c. Post-installation considerations (unforeseen problems and responsibilities)

d. Intellectual Property
   a. Ownership (best practices)
   b. Licenses (what does the community actually need?)
   c. Waivers (VARA and state equivalents versus contractual obligations)

4. Concerns and Considerations

Many commissioning bodies are understandably concerned about the burdens of administering a public art program over time.

- How do we guard against future liability?
- What happens when unanticipated plans or events require that changes be made to existing public art projects or installations?
- What happens when changing community tastes and opinions demand reassessment of existing public art works?

These are all issues that need to be fully discussed and considered when crafting public art programs and community engagement policies. Language should be crafted addressing these concerns and establishing respectful processes and procedures for coping when issues arise.