

RESOLUTION NO. 090-17

At a regular meeting of the Board of County Commissioners of Johnson County, Kansas conducted on Thursday, November 2, 2017, there came before the Board for consideration the adoption of amendments to the Public Art Program, originally created by Resolution No. 121-06.

The Board, upon a motion duly made, seconded, and carried adopted the following Resolution, to-wit:

**RESOLUTION ADOPTING THE
AMENDED COUNTY PUBLIC ART PROGRAM**

WHEREAS, the Board of County Commissioners is the governing body for Johnson County Government and has the authority to administer the business of county government, including the acquisition and construction of capital buildings used for the operation of County Government; and

WHEREAS, pursuant to Resolution No. 121-06, the Board of County Commissioners established the Johnson County Public Art Program, providing for funding for public art as a component of capital building projects and creating a Public Art Commission to oversee the program; and

WHEREAS, the Public Art Program has been used for numerous capital building projects for Johnson County Government and is now under consideration for additional major projects; and

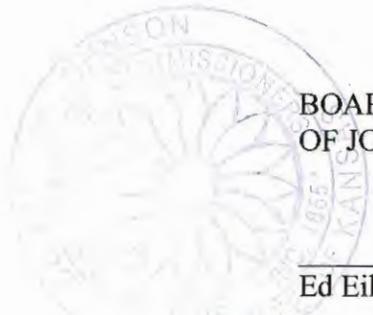
WHEREAS, public improvements and buildings used for the operation of county business are community facilities which do reflect a visual image of the community, and the Public Art Program provides a meaningful method to add value and community interest in the arts and visual image of public buildings; and

WHEREAS, the Board now deems it advisable to amend the Public Art Program to more directly reflect the policy of the Board for current capital building projects.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Johnson County, Kansas that the Johnson County Public Art Program, as adopted by Resolution No. 121-06 shall be and hereby is amended and that the attached policies and provisions, entitled Amended Johnson County Public Art Program, shall be and hereby are adopted, effective November 12, 2017, and, as adopted, the Amended Johnson County Public Arts Program shall be implemented by and through the Facilities Department of the County.

BE IT FURTHER RESOLVED by the Board that the Public Art Program, as hereby amended, shall supersede the Program adopted by Resolution No. 121-06, that the Trust Fund established under Resolution No. 121-06 shall be and hereby is dissolved, and that public art projects now completed or under way, to the extent feasible, shall be governed by the provisions of the Public Art Program as amended.

Resolution No. 090-17 adopted this 12th day of November, 2017.



BOARD OF COUNTY COMMISSIONERS
OF JOHNSON COUNTY, KANSAS

Handwritten signature of Ed Eilert in blue ink.

Ed Eilert, Chairman

ATTEST:

Handwritten signature of Linda W. Barnes in blue ink.
Deputy County Clerk

APPROVED AS TO FORM:

Handwritten signature of Don Jarrett in blue ink.
Don Jarrett
Chief Counsel

Handwritten "Approved" in blue ink with an arrow pointing to the right, and a blue "FILED" stamp.

NOV 02 2017

DEPUTY COUNTY CLERK
JOHNSON COUNTY KANSAS

JOHNSON COUNTY PUBLIC ART PROGRAM – Amended November 2, 2017

I. PURPOSE

The purpose of the Public Art Program is to recognize that works of art are public improvements and should be a prominent part of Johnson County's profile. The program is intended to provide a mechanism for the commissioning, accessioning, and financing of major works of art by the County Government in conjunction with its public improvement projects.

II. POLICY STATEMENT

It is the policy of Johnson County Government that each major capital building project undertaken by the County through its departments or agencies, unless otherwise provided by official action of the Board, shall include funding for one or more works of art that may enhance appreciation of the building or promote art works throughout the community.

It is further the policy of Johnson County Government that funding in an amount equal to one percent (1%) of the total, original authorized project cost, but not exceeding \$500,000 for one project, shall be included in the overall project authorization for the capital building project and shall be credited to the project account to be used for financing the costs of approved art works related to that project, or when appropriate, incorporated into another project

It is the policy of Johnson County Government to include and encourage the active involvement of the community in setting high standards and guidelines for achieving scale and excellence in public art projects conducted by the County and in participating in the selection and siting of art works for the County.

It is further the policy of Johnson County Government to manage public moneys to ensure that public improvement projects are constructed and operated in a cost effective manner and, whenever feasible, to solicit and utilize contributions, grants and other funding sources for public improvements, including works of art.

III. APPLICATION

The Public Art Program is intended to and shall apply to all major capital building projects undertaken and/or funded, in whole or in part, by the County, its departments or agencies, or by the Johnson County Public Building Commission that have an original authorized project cost of \$7,500,000.00 or more and that involve the acquisition or construction of a new building or the reconstruction or renovation of a newly acquired building. The project scope and authorized cost shall include the costs of any equipment, furnishings, and other fixtures which are acquired and installed as a part of the building project. However, capital improvement project, for the purposes of this Program, shall not include wastewater, storm water or roadway projects nor those projects which involve primarily the purchase of equipment, machinery, personal or real property, furnishings, goods, vehicles or other tangibles but do not involve a major capital construction component, and shall not include capital projects which involve only the purchase of services, preliminary studies, and professional consulting.

IV. PROGRAM ELEMENTS

A. Works of Art and Art Projects

The Public Art Program covers only those works of art or art projects which are specifically commissioned or acquired by the County as Public Art and which are created or provided by an identified artist in response to the commission or request for acquisition. Public art may be permanent, fixed, temporary or portable, may be an integral part of a building, facility, or structure, and may be integrated with the work of other design professionals. It includes but is not limited to:

- Sculpture, which may be made of any material or combination of materials; may be free standing, wall-supported or suspended, kinetic, electronic or mechanical;
- Murals or paintings, which may be made of any material or variety of materials with or without collage; may be made with traditional or non-traditional materials and means;
- Earthworks, neon, glass, organic materials (i.e., fiber, clay, wood, etc.), mosaics, photographs, prints, calligraphy, audio and video media, film, CD-ROM, DVD, and holographic or computer generated technologies.

“Public Art”, whether a work of art or an art project, under the Program is intended to be a major artistic activity and will almost always include the selection and use of an artist. The size of the work or project is expected to have a minimum cost that exceeds \$75,000.

B. Interrelated Project Features

Public art is intended to supplement the visual elements of public building projects. While coordination is important between a public art project and the visual elements of a public building, the “public art” is separate and distinct from those important project elements. Architectural design features, decorative building art, landscaping, and similar project elements are considered as a part of the public building project itself and would not ordinarily qualify as “public art” under the Program.

C. Program Funding

Funding for the Public Art Program will be generated through all available funding sources, including contributions, grants, and county financing for its capital building projects. The generated Public Art Program funds, including County funding, will be set aside in the specific capital project.

County funding shall be provided in the following manner:

1. For each capital building project, that costs more than \$1,000,000.00, funding in an amount equal to at least 1% of the total project cost, but not to exceed \$500,000 for one project, shall be credited to the specific capital project account, to be accumulated for use in securing the acquisition and installation of public art as a part of that capital building project.
2. Funds from other available sources as authorized by the Board, including private contributions, grant receipts, or uncommitted capital projects funds, may be made available for and credited to the capital building project account.

D. Use of Program Funds

1. Project Designation. The Public Art funds derived from any specific capital building project through the percentage allocation shall be expended for works of art located at that project unless the Board of County Commissioners or the Public Building Commission determines, at the time of project approval, that the project is not an appropriate improvement for the placement of art. In that case, no funding shall be credited for use for public art within that capital building project account and all funds in the project account shall be used for the capital building project itself.

2. Expenditures. County Funds designated for "public art" shall be used for the purpose of selecting, securing and installing art in public places and may, when authorized, be used for the payment of the costs of administration for the program, including costs of community participation, artist selection processes, community outreach or publicity, project documentation, education and similar administrative or processing costs. Funds committed to the Public Art Program shall be expended in accordance with the guidelines, policies and procedures of the County and any requirements associated with the source of funds.

3. Gift Fund. Whenever the County receives gifts, donations, grants or other contributions of monies or art objects for the Public Art Program from any source and under conditions acceptable to the County, then the Board of County Commissioners shall establish a gift fund and such grants, donations, gifts or other contributions shall be credited to such gift fund and used as directed by the Board for the benefit of the Public Art Program.

E. Administration

1. County Management. The Public Arts Program shall be administered by the Facilities Department under the supervision of the County Manager. The Facilities Director, or his designee, shall be responsible for the oversight of the Program and shall be the responsible management official for the approval of all expenditures authorized by the Board from the public art funding.

2. Artistic Consultant. The County shall retain, either by employment or independent contract, the services of an artistic consultant, who shall be responsible for advising the County on issues arising under the Program and for providing oversight of the artist selection process.

3. Costs and Expenses. Costs and expenses for administration of the Public Art Program, including costs for community participation, artist selection processes, artist candidate fees and reimbursed expenses, community outreach and publicity, project documentation, education and other related costs, may be paid (1) as a part of the ordinary project administration costs for the related public building project, or (2) from budgeted funds of the Facilities Department. Maintenance of Public Art will be managed and funded through the Facilities Department or respective Agency operating budget.

F. Public Art Commission.

1. Purpose. There shall be and hereby is created the Public Art Commission for Johnson County Government. The purpose of which is to serve as a link between the Board of County Commissioners and the citizens of Johnson County.

2. Responsibilities. The Public Art Commission (PAC) shall serve as an advisory commission to the Board and shall be responsible for administering the county's public art program, including the selection processes for artists and art works to be commissioned or acquired under the Program and making recommendations to the Board of County Commissioners for final selection action.

3. Membership and Appointment. The Public Art Commission shall consist of at least seven (7) but no more than nine (9) members to be appointed by the Board of County Commissioners. One member shall be appointed by each district commissioner including the Chairman. The Director of the Facilities Department or his designee shall serve as a member, and one member shall be appointed by the Board as nominated by the Arts Council of Johnson County, if the Council so chooses. Members shall be appointed for terms of three years, with the terms staggered so that the terms of not more than three members expire in any given year.

4. Duties. The Public Art Commission is responsible for advising the Board of County Commissioners on policies and procedures that promote, encourage and increase support for public art, and on general issues pertaining to the Public Art Program as follows:

- a. Recommending program policy and general oversight for the Public Art Program;
- b. Recommending guidelines, policies and procedures for the selection, implementation and conservation of public art;
- c. Establishing policies and procedures under which the Public Art Program and PAC operate;
- d. Recommending to the Board of County Commissioners, and the County Manager, an annual public art work plan with proposed sites for the future placement of works of art on county property and a proposed budget;
- e. Working with the County Facilities Department and County departments and agencies directly responsible for the capital projects to ensure that all departments are working together for the betterment of the Public Art Program;
- f. Designating appropriate Artist Selection Panels (ASP) for each public art project;
- g. Advancing recommendations from the artist selection process to the Board of County Commissioners for their acceptance or rejection;
- h. Reviewing and recommending proposed gifts of art, as well as loans and long term exhibitions of art on County-owned property, as requested by the County or any of its agencies; and
- i. Reviewing and recommending accessioning and de-accessioning of publicly-owned artworks, as requested by the County or any of its agencies.

5. Conflicts of Interests. Any member of the Public Art Commission, or a member's immediate family or business associates, having a direct conflict of interest, or the appearance of a conflict of interest, whether financial or otherwise, in any particular project brought before the membership shall disclose such conflict prior to the start of discussions and said member shall refrain from participating in discussions or voting regarding such project.

G. Art Selection Process

1. General. The artist selection process shall be an open and competitive process and one that allows for the selection of the artist to be based on the artist's talent and creativity, and a willingness to work with input from the community and the design team.

2. Artist Selection Panel. Project specific Artist Selection Panels (ASPs) will be seated for each project where an artist will be engaged to fulfill the percent for art program requirements. ASPs will be composed of volunteers and organized to review and rank artists' applications, to interview artists, and to recommend artists for involvement in these projects to the Public Art Commission.

A selected ASP will typically be composed of the following voting members:

- (a) one representative from the County's primary project consultant (Architect, Engineer, Contractor or Landscape Architect);
- (b) one representative from the population who will be working at the site when completed, if appropriate;
- (c) one member from the community at large who resides in the vicinity of the project;
- (d) two community members with visual arts expertise;
- (e) at least one arts professional; and
- (f) The County project manager.

Members of the Public Art Commission are not eligible to serve on Artist Selection Panels.

An ASP convenes only as long as the selection process for one project continues. The ASP is not convened to select artists for multiple projects; a separate ASP is organized for each project, though individual ASP members may serve on more than one ASP.

3. Board of County Commissioners Approval. All art work must receive approval by a majority vote of the Board of County Commissioners following a positive recommendation from the Public Art Commission.

H. Ownership. All art objects acquired pursuant to this Resolution shall be acquired in the name of Johnson County, Kansas, or the appropriate agency, and title shall vest in the County or said agency.

V. COLLECTION PRACTICES

A. Establishing the Collection

The Facilities Department, in consultation with the Arts Council of Johnson County, and when formed, the Public Art Commission, shall inventory the existing works of art owned by the County or its departments or agencies and shall identify which of those works should be included within a "public art" collection for the County. The list of recommendations shall be presented to the Board of County Commissioners for review and approval. Upon approval of the listing, such works of art shall be the public art collection of the County, which thereafter shall be managed and maintained consistent with policies and procedures of the Board,

including procedures for accessioning new works to the collection and de-accessioning works from the collection. All works of art and/or art projects acquired or commissioned under the Public Art Program shall automatically be accessioned to the collection.

B. Accessioning of Art Work

1. Donations. At the request of the Board of County Commissioners or one of its agencies, the Public Art Commission will advise the County on proposed donations of artwork or money that is designated for the creation of a piece of art intended for public display. All donations must conform with existing policies and plans of the County or the County department involved. Bequests for commissioning a work of art will be considered according to the gifts and donations guidelines.

2. Acquisitions. Acquisition of art works using County funds or processed under the Public Art Program shall be considered for accessioning unless the Public Art Commission recommends that the work not be included in the collection and that recommendation is approved by the Board.

3. Conditions. Works of art, whether proposed for acquisition or donation, which are subject to any form of restriction or condition for its use, display, ownership, or preservation will not be accepted for accessioning unless expressly approved by unanimous decision of the Board, and the Board reserves the right to reject any art work that has such conditions or restrictions.

C. De-Accessioning Of Art Work

1. Criteria. The Public Art Commission shall develop criteria for consideration in de-accessioning a work of art from the County collection. At the request of the County Commissioners or one of the County agencies, the Public Art Commission will advise the appropriate entity on de-accessioning or withdrawing an artwork from the public art collection. De-accessioning will be considered only after a careful and impartial evaluation of the artwork within the context of the collection as a whole.

2. De-accessioning Procedure. Unless otherwise requested, the PAC will appoint a De-accessioning Subcommittee consisting of no more than five art professionals/experts, including 4 members of the PAC and an art conservator or curator. The subcommittee will report its findings to the PAC, which in turn will make recommendations to the Board and/or the appropriate County agency.

3. Disposal. Any work of art which is de-accessioned from the collection shall be disposed of in a manner consistent with County policies and procedures; provided, however, when possible, the artist of the work shall be notified, and the artist's interests shall be considered as a factor in the disposal.