

PORT OF SEATTLE
ART PROGRAM POLICY AND GUIDELINES
Revised Version, June 13, 2008

INTRODUCTION

The Port of Seattle (POS) has been an active proponent of public art since the late 1960s. It became the first public agency in the region to establish a civic collection. The Port has acquired and incorporated into its projects, high-quality, contemporary art, for the enjoyment of its customers, visitors, and local citizens. Over the past four decades, the Port's art program has flourished, and it continues to achieve critical acclaim with its diverse and innovative art pieces.

PORT OF SEATTLE ART POLICY

The art policy of the Port of Seattle is to provide a strong presence of visual artworks that are either integrated into the architecture and grounds of Port facilities, the Port collection, or are separate, stand-alone pieces. Artwork selected will be reflective of the high standards and artistic excellence of the existing collection. An emphasis for all artworks should be for contemporary work that engages and reflects the Northwest culture and environment as experienced by diverse cultures. Artwork should generally be displayed in public areas. The Port of Seattle has a commitment to artistic excellence as a core value of its public art collection. It is the intent of the Port to continue contributing to the cultural and artistic legacy of the region.

Art acquisition is to be accomplished by commissioning original work, purchasing existing pieces, or through donation. Selected artwork for any Port facilities will be appropriate for each project.

In providing the opportunity for people to encounter art in Port venues, the Port's purpose is to enrich the lives of citizens who live in the surrounding communities and travelers to the greater Seattle area, to give voice to talented artists, and to support public art.

This policy and guidelines document will be reviewed by the Art Oversight Committee and approved by the POS Commission every five years.

ART FUNDING

SOURCE OF FUNDING

Funding for the POS art program will be derived from capital projects approved by the Port Commission. One-half of one percent for art (0.005) of the design and construction cost for capital projects will be allocated for art. This calculation does not include the soft project costs. The total cost of the capital project must exceed \$200,000 to be eligible for the art allocation.

EXCLUSIONS:

- Aviation division projects excluded from the one-half of one percent art program allocations are airfield paving and associated airfield components, fuel hydrant systems, baggage systems in the bagwell (but not in public bag claim areas), infrastructure systems in non-public areas, and underground utilities.

- Exclusions to the art funding in the Seaport and Real Estate divisions are under review and will be presented to the Commission for approval as amendments to the policy and guidelines when they have been determined.

USE OF FUNDS

The project art budgets will be approved as separate line item calculations when the project budget for design and construction is approved by the Commission. All art projects will be tracked on a budget-versus-actual-costs basis.

The funds for an art project should be used on the project which generated those funds whenever possible. Savings resulting from an art component within a larger art project should fund additional art within that project. If there are art project funds remaining from the one-half of one percent allocation after completion of the project, those funds will be transferred to the Art Pool to be used for future art projects.

On occasion, unforeseen opportunities requiring an immediate response will arise within existing projects. When this occurs, the Art Program Manager may recommend to the Art Oversight Committee (AOC) that additional funds be appropriated from the Art Pool to supplement the existing art project budget.

Acquisitions separate from capital projects will be presented to the POS Commission for budget approval on a case-by-case basis as provided by the Art Oversight Committee review procedure.

ART POOL

Some capital projects that otherwise qualify for art allocations are not good candidates for art to be incorporated in that project, or the project does not have sufficient funds to acquire and install a viable art element. In either case, the one-half of one percent art allocation will be calculated as previously described and then transferred to the Art Pool Capital Improvement Project (CIP).

The Commission will be informed when a transfer of funds to or from an Art Pool CIP is made.

Each of the Port's operating divisions (Airport, Seaport and Real Estate) will keep separate Art Pools. There will not be transfers and/or exchanges between the Division Art Pool CIPs unless approved by the Commission.

ORGANIZATIONAL STRUCTURE

PORT OF SEATTLE COMMISSION

The Port of Seattle Commission sets art policy and provides overall guidance for the Port's art program.

In addition, the POS Commission will:

- Approve the Art Program Policy and Guidelines and any revisions or amendments.
- Select a Commissioner to sit on the Art Oversight Committee.
- Ratify the external appointments to the Art Oversight Committee.

- Approve the art budget as a separate line item calculation when the project budgets for design and construction are approved by the Commission.
- Receive art briefings during project architectural updates or separately as needed, based on guidance from the Commission member who sits on the Art Oversight Committee and provides feedback from the committee to the other Commissioners.
- Receive information about the Art Program in the annual budget review with the Commission, which will include the Art Pool and any additional information available for upcoming projects.
- Be informed when a transfer of funds is made to or from the Art Pool.

ART OVERSIGHT COMMITTEE (AOC)

The purpose of the AOC committee is to provide guidance, leadership, and support to the POS in its policy to obtain and incorporate into Port projects high-quality, contemporary art that engages and reflects the Northwest culture and environment as experienced by diverse cultures. The AOC will provide consistent oversight and policy guidance to the art program at all Port-owned facilities while individual project specific art panels will make recommendations for selecting artists for commissioned work and/or purchasing art.

AOC MEMBERSHIP:

The AOC is to be comprised of up to eight members, five appointed by the Port Commission and three appointed by the Chief Executive Officer.

- *Appointments to AOC by the Port Commission:*
 1. Port Commission President (or a Commissioner appointed by the Commission President).
 2. Representative of the regional visual arts community.
 3. Visual artist.
 4. Visual art curator.
 5. Architect familiar with the Port's design vision and standards.
- *Appointments to AOC by the Chief Executive Officer:*
 1. Seaport Managing Director or designee.
 2. Real Estate Managing Director or designee.
 3. Airport Managing Director or designee.

AOC TERM:

External members on the AOC will serve one 3-year term. They are eligible for re-appointment for a second 3-year term. Only two members can be rotated off the committee in any one year. The AOC will offer the Port Commission recommendations for membership on the committee. Names of individuals who meet the identified criteria will be sent to the AOC for review before being submitted to the POS Commission for appointment.

EXTERNAL AOC MEMBERSHIP PROCEDURES:

Persons wishing to be considered for AOC membership:

- May submit a Letter of Interest and resume to the Port;
- May be nominated by citizens of the region; or
- May be nominated by current and past members of the AOC.

The Port will, as needed, post notices of open AOC positions with submission requirements in local media, appropriate electronic outlets, and on the Port's webpage.

Current AOC members will review applications, conduct interviews with applicants as necessary and forward recommendations to the POS Commission.

AOC MEETINGS:

AOC members will meet quarterly or as needed in support of the Port art program. The members of the AOC will appoint one member to be the Chair, on a yearly basis, and that person will chair all meetings of the AOC.

Art Oversight Committee administration will be provided by the Aviation Art Program Manager.

AOC RESPONSIBILITIES:

The Art Oversight Committee will:

- Review policies and procedures related to the Port's art program and art collection, including re-siting, accessioning, and de-accessioning.
- Review and confirm the method for hiring artists for Port art projects that may include open competitions, limited competitions, direct selection, pre-approved rosters, or design team artists.
- Suggest and confirm panelists to serve on artist selection panels.
- Review and confirm the recommendations of various project-specific artist selection panels for selected artists.
- Review and confirm the aesthetic elements of all art project concepts and designs. The AOC chairperson will inform the Commission in writing of this confirmation.
- Resolve aesthetic disputes involving project artists and consultants.
- Attend Port Commission meetings to discuss AOC policy and recommendations as necessary.
- Review and confirm the acceptance or refusal of any and all gifts of art.
- Review and confirm the acquisition or deaccession of art.
- Document that specific projects comply with all the provisions of these guidelines.

AOC COMPENSATION:

AOC members will be paid an honorarium for their services and travel expenses. Compensation will be \$150.00 per meeting, plus reasonable travel expenses. Port employees, commissioners, and paid consultants/project personnel will not be paid an honorarium.

ART SELECTION PANELS:

The Art Program Manager will recommend candidates for the Art Selection Panels. These candidates will then be confirmed by the AOC. Art Selection Panels are a group of individuals, including artists, art and design professionals, port representatives, and non-artist citizen representatives, convened to select artists, art works and art-related services for specific capital projects. These panels base their selections on POS established art policy and guidelines and in accordance with the POS policy to acquire high-quality, contemporary art that engages and reflects the Northwest culture and environment as experienced by diverse cultures.

RESPONSIBILITIES:

Art Selection Panel will:

- Review and examine applications, portfolios, and/or proposals submitted by artist applicants.
- Recommend artists to be commissioned to create artwork or select an existing work to be purchased, based on the established criteria, subject to confirmation by the AOC.
- Provide a report to the AOC documenting the reasons for its selections.

COMPOSITION:

The Art Selection Panel will be composed of five voting members. Two of the panelists will be art and/or design professionals. Two of the panelists will be Port representatives and one of the panelists may be members of the community neighboring the capital project. Port representatives may include staff from various departments. Due to the potential for a conflict of interest, commercial gallery owners and employees, art consultants, and artists' agents may not serve as panelists.

ADVISORS TO THE PANEL:

The panel will be assisted by the project team who serve as non-voting advisors. Project team members include the Project Architect, the Project Manager, and Art Program Manager. The Chair of the AOC (or a designated AOC member) may participate as a non-voting member in each Art Selection Panel.

OBSERVERS:

The Port may ask at its discretion that community members be invited to attend Artist Selections panel meetings as non-voting members of the Art Selection Panel.

VOTING:

Each voting member on the panel will have one vote. Advisors and observers to the panel may participate freely in the discussion and debate, but are not allowed to vote.

MEETINGS:

During the evaluation of application materials, the Art Selection Panel will meet as often as necessary. The art selection panel meetings will be chaired by the Art Program Manager and may be facilitated by a public art consultant.

COMPENSATION:

Voting panelists will be paid an honorarium for their services and travel expenses. Compensation will be \$300 per selection panel meeting plus reasonable food, travel, and lodging expenses. Port employees, commissioners, AOC members, and paid consultants/project personnel will not be paid an honorarium.

PANEL RECOMMENDATIONS:

The recommendation of the art selection panel will be presented to the Art Oversight Committee for final approval. A report, documenting the selection panel deliberations, will accompany the recommendation. All panel recommendations will be presented to the AOC for confirmation prior to any and all public information releases.

PROJECT TEAM:

When an art project is identified, the Project Manager and the Art Program Manager will develop a proposed plan for acquisition, integration or commissioning of the art. Consistent with the project's authorized budget, the Art Program Manager may choose to utilize the in-house services of the art

program staff or obtain the services of an external art consultant to develop an art plan and/or manage the artist selection process. In either case, a project team comprised of the Project Manager, Project Architect, Art Program Manager, and art consultant (if any) will be formed to serve as “advisors” to the art selection panel(s) and the preliminary art plan, which will include the art selection panelist recommendation and the proposed artist selection methodology. This recommendation and methodology will then be submitted to the AOC for confirmation.

ARTIST SELECTION

The AOC will require that artist and artwork selection processes and procedures be conducted through open and accessible standards that meet and exceed all State of Washington Arts Commission standards and requirements. The budget for artist selection is included in the art budget allocated for each project. The entire art budget for the project is shown as a separate line item in the overall project budget when a project is submitted to the Commission for authorization of both design and construction.

SELECTION PROCESSES

OPEN COMPETITION:

The art selection panel may solicit through public advertisement requests for artists’ slides, resumes, and letters of interest. The panel will review submittals and recommend an artist or artists who meets the published requirements.

INVITATIONAL OR LIMITED COMPETITION:

The art selection panel may invite a limited number of artists to submit applications or prepare proposals. From this limited pool, the art selection panel may recommend an artist or artists based upon established criteria that are relevant and unique to each project.

DIRECT SELECTION:

The Art Oversight Committee may recommend a specific artist who will be invited to submit a proposal for a specific project for their review. Upon acceptance of the proposal the artist is commissioned for the project. *It is the policy of the POS AOC to employ the Direct Selection process only under rare and unusual circumstances. It should be used with caution to avoid favoritism or the appearance of favoritism or lack of transparency and accountability. It may be used when time is of the essence or when it is the only way to secure an art project for a specific site. Direct selections will be made through the use of Artist Rosters which will have been updated within the last three years.*

ARTIST ROSTERS:

Some projects require specialized skills, experience, or technical abilities; therefore, the AOC may recommend that an artist(s) be chosen from established, juried rosters maintained by the King County Public Art Program, Seattle Arts Commission, Washington State Arts Commission, or from a roster developed by the Port of Seattle. This roster will be updated every three years.

ARTISTS ON DESIGN TEAMS:

The AOC may recommend that an artist be selected as a consultant on construction or project work in which the creation, documentation, and construction of the project is collaboratively developed with the Port’s project managers and staff, design team, and the community, with the goal of improving the aesthetics of the entire project.

ARTIST ON PLANNING TEAMS:

The AOC may recommend that artists be selected to assist in the evaluation of options, strategies, limitations, and opportunities for art and aesthetic design in capital projects before the scope, quality, schedule, and budget are fixed.

CONFLICT OF INTEREST:

The following individuals may not apply for artwork commissions: Employees of the Port of Seattle, the project architect and/or other project personnel, Port of Seattle Commissioners, members of the art selection panel, members of the Art Oversight Committee, and the immediate family members and business partners of all of the above.

ACCEPTANCE OF ARTWORK INTO THE COLLECTION

ACQUISITIONS:

Artwork commissioned or purchased for inclusion in the Port’s art collection is overseen by the AOC. Decisions will be made formally through an established review procedure. Artwork acquired by other means will not be included in the collection. All artwork selected will be reflective of the high standards and artistic excellence of the existing collection

The budget for any artwork to be purchased or commissioned must be approved by the POS Commission.

ACCESSIONING ARTWORK:

Accessioning is a formal procedure whereby artwork is accepted by the Port and a permanent archival file and database record is created to document the artwork disposition, terms of its creation, original cost, and artist’s statement and intent. Accessioning artwork into the Port’s art collection implies the application of professional standards of care, display, and maintenance of the artwork.

Artworks will be accessioned into the Port of Seattle art collection only upon completion of all facets of the commissioning or purchasing contract.

An accessioning document signed by the artist, transfers all ownership rights for the completed artwork to the Port of Seattle and clearly defines the rights and responsibilities of all parties. This document will finalize every acquisition.

GIFTS

Acquisitions in the form of gifts will be reviewed and accessioned in accordance with the policy on gifts. The AOC will review and recommend to the POS Commission acceptance or refusal of any and all gifts of art. If the Port Commission accepts the artwork as a gift, the parties donating the artworks to the Port will be responsible for all site preparations, transportation of the artwork to the site, all installation costs of the artwork, as well as pro-rated long-term maintenance costs associated with the donated work of art. Under some circumstances, the POS may agree to cover costs associated with the donation.

The donor must provide a current appraisal to POS as part of the acquisition. The POS will not provide an appraisal to the donor.

STEWARDSHIP AND MAINTENANCE

The POS art program has an obligation to assure the safety and preservation of its artworks. The Port will reasonably ensure that the artwork is properly maintained and protected taking into account the recommendations of the Artist as stated in the maintenance criteria provided by the Artist and through regular condition surveys and conservation activity. The POS does not loan artwork from its collection.

The Port is responsible for the integrity of artwork in terms of record keeping, provenance, including display and/or loan of artworks and images, visual documentation and use of said documentation to represent the original artwork and the POS public art collection.

Appraisals will be completed, as needed, to maintain current insurance valuations for the individual artworks.

Maintenance of the Port's artwork is an expense item and is not funded from capital projects or the Art Pool.

The Port art staff is responsible for the management of the POS art collection. This management includes following the established procedures for maintenance, repairs, restoration, and collection files. These procedures are found in the Standard Operating Procedures for Art, which are maintained by the POS art staff.

RESITING ARTWORKS

The Port reserves the right to relocate works of art which are not created for a specific site, are not integral to the design or construction of a building, or are portable works of art, without the written permission of the artist.

SITE SPECIFIC ART

In the case of artworks which are specifically created for a site or which are integral to the design or construction of a building, the Port will not alter, modify, or change the artwork without reaching agreement with the Artist regarding the proposed change, alteration, or modification. In the event that the Artist and the Port are unable to reach agreement regarding relocation, alteration, or modification of the artwork, the following terms and conditions will apply:

- The request for removal or alteration will first be submitted to and considered by the Art Oversight Committee for a written opinion regarding the proposal.
- In the event the Artist or the Port disagrees with the decision of the Art Oversight Committee, they may appeal it to the Port Commission in writing.
- The Port Commission may review the decision made by the Art Oversight Committee. The decision of the Port Commission will be final.

Where an artwork must be relocated to accommodate construction or other Port projects or needs, the Port reserves the right to resite or remove the artwork.

In the event the POS decides to re-site or remove a work of art, the Artist will have the first right of refusal to purchase his/her artwork (at current market value), providing it stands alone and is not integrated into a larger piece.

If an alteration, modification, or relocation should occur without the Artist's written permission, the work will no longer be represented as the work of the Artist, if the artist should make such a request in writing.

AVIATION ROTATING EXHIBIT PROGRAM

The Airport provides locations for the exhibit of artwork and artifacts for the public in public places. The exhibits will promote art, other cultural appreciation, or local tourism and trade. In general the exhibits will be curated by a gallery, museum, or by individual or a group of artists or collectors. All exhibit proposals will be submitted to the Art Program Manager for approval and coordination with the Exhibit Review Committee.

CRITERIA FOR ROTATING EXHIBITS

- The exhibit must be suitable for viewing in a public space.
- The exhibit should be reflective of the history, culture, or trade of the Northwest region. Exhibits may also reflect the mission of the Port as an international or domestic gateway to trade, travel and tourism. The POS is also focusing on being a national and regional environmental steward and a leader in public social responsibility.
- Exhibitor must be willing to curate and install the exhibit, usually at their own cost.
- Exhibitor must be willing to sign the exhibitor's agreement and provide insurance as required.

In general, no commercial activity will be associated with the exhibit. Appropriately displayed sponsorship may be added to the exhibit upon approval of the Exhibit Review Committee.

REMOVAL OF ARTWORK FROM THE COLLECTION

DEACCESSIONING

Deaccessioning is the process by which artwork is withdrawn from public exhibition through sale, storage, loan, or disposal. Deaccessioning standards will be applied after careful evaluation, and not solely because of changes in fashion and taste. Deaccessioning is a formal process. The artwork disposition, including the terms of the deaccession, will be recorded in the archival file and database. The AOC chairperson will notify the POS Commission and outline the reasons for deaccessioning any piece of artwork.

The POS Commission must approve any requests for deaccessioning before they are final.

The Port Commission must approve the sale of any Port-owned artwork. Proceeds from the sale of any piece of art from the Port's collection will remain in the art program.

PROCEDURE FOR DEACCESSIONING ARTWORK:

The Art Oversight Committee will review the recommendations for deaccessioning artwork and determine the action to be taken.

The process will be conducted in the following manner:

- Artists whose work is being considered for deaccession will be notified using the current address provided by the artist.

- The artist may attend the AOC meeting(s) where the deaccessioning and/or disposition recommendations will be considered and acted upon.

All artworks under consideration for deaccession will be accompanied by a report prepared by the Art Program Manager that includes:

- Reasons for the suggested deaccession.
- Acquisition method, cost, and current market value.
- Documentation of correspondence or negotiation with the artist.
- Photo documentation of the artwork or site conditions (if applicable).
- Contract restrictions, if any.
- Options for storage or disposition of the work.
- Recommended action.

The AOC may also request additional information from art conservators, curators, or other arts professional or include these professionals in its deliberations and consideration of a deaccession recommendation.

CRITERIA FOR DEACCESSIONING:

An artwork may be considered for deaccession due to one or more of the following conditions:

- The artwork has been damaged to the extent that repair is impractical or unfeasible, or the cost of repair or renovation is excessive in relation to the current appraised value of the work.
- The artwork must be relocated to accommodate construction or other Port projects or needs and the value of removing and relocating the artwork greatly exceeds the current appraised value of the artwork.
- The artwork is no longer appropriate for the site because of changes in the use, character, or design of the site.
- The artwork endangers public safety.
- The artwork requires excessive maintenance or has faults of design or workmanship.
- The artwork is of inferior quality relative to the quality of other works in the collection, or is incompatible with the rest of the collection.
- The security and condition of the artwork cannot be reasonably guaranteed in the present site.
- There is not a suitable site for the artwork.
- The artwork has been stolen.
- The Port wishes to replace the artwork with a work of more significance or appropriateness by the same artist.
- The artwork was purchased as a semi-permanent acquisition and the Port's predetermined period of obligation is terminated.