

**GUIDELINES OF THE
ANN ARBOR PUBLIC ART COMMISSION
CITY OF ANN ARBOR, MICHIGAN**

The following guidelines and procedures govern the implementation of percent for the art projects funded through the City of Ann Arbor Public Art Ordinance, Chapter 24 of Title of the Ann Arbor City Code. The acquisition of art with other funds that may be donated to the City of Ann Arbor for the purposes of acquiring public art, and the acceptance of works of art offered as gifts to the City of Ann Arbor.

I. Public Art Ordinance

The City of Ann Arbor has enacted a Public Art Ordinance, which provides, in part, for a capital percentage of capital project costs to be used for public art, either as part of the project or at a different location using pooled funds. The Public Art Ordinance provides for the Ann Arbor Public Art Commission (AAPAC) to be responsible for oversight of implementation of public art projects funded through the Public Art Ordinance.

II. Donations of Funds and Gifts of Works of Art

The Public Art Ordinance also provides for AAPAC to be responsible for the oversight of implementation of public art projects funded through donations, and to be responsible for oversight of the process and decisions relating to gifts of works of art to the City.

III. Identification of Public Art Funds

As used in these guidelines:

- “Public Art Funds” means all funds that are used for public art, whether those funds are a percentage of a project used for public art as part of a capital project, funds pooled from a percentage of various capital projects that did not use the funds for public art as part of these projects, or funds donated to the City for public art.
- “Project Percent for Art Funds” means funds that are a percentage of a project budget that are used for public art as part of that project.
- “Pooled Percent for Art Funds” means funds pooled from the public art percentages of various capital projects that did not use the funds for public art as part of those projects.
- “Donated Public Art Funds” means funds that have been donated to the City for public art purposes.

IV. Use of Funds

Public Art Funds will be used to:

- Improve the aesthetic quality of public spaces and structures.
- Provide for cultural and recreational opportunities.
- Contribute to local heritage

- Stimulate economic activity
- Promote the general welfare of the community.

V. Responsibilities of the Ann Arbor Public Art Commission

A. General Responsibilities:

AAPAC is responsible for identification and recommendation of all public art projects funded through Public Art Funds. AAPAC is responsible for:

- Recommending the process by which artists should be selected for public art projects.
- Recommending approaches for the solicitation of qualifications from artists.
- Reviewing the qualifications and recommending the artists to be selected for public art projects.
- Recommending the acceptance or rejection of works of art created for the City or offered as gifts, whether temporary or permanent.
- Facilitating public outreach and education about selected artists and public art.
- Design review
- Collection management
- Aesthetic oversight of public art projects and proposals.

B. Annual Public Art Plan

Annually, AAPAC will develop and bring to the City Council for review and approval a Public Art Plan, which will include a list of recommended public art projects. AAPAC will develop the Public Art Plan and its recommendations, by doing the following.

- Review the Capital Improvements Plan (CIP) with the City Administrator or his/her designee and the City's accounting staff.
- Assess resources that are or will be available in the several Public Art funds
- Assess possible and/or proposed municipal capital projects and criteria that would benefit from the inclusion of an artist in their design.
- Emphasize public art projects that also advance economic development opportunities.
- Encourage an emphasis on place making (i.e. the creation of squares, plazas, parks, streets, and waterfronts that will attract people), where appropriate, recognize that there will be a need to expand the scope of a project to accomplish a broader goal.
- Be responsible for the broad inclusion of multiple constituencies in the definition of all public art projects.
- Solicit ideas and opinions from the broader Ann Arbor community regarding possible project sites, project budgets, and project definition.
- Identify funds to supplement the public art budget to achieve maximum effect.

- For capital projects: determine whether the artist(s) should join a larger design team, create an independent work of art, provide design-only services, or provide any other recommended contribution.
- Determine if an existing work of art may be restored or conserved for a proposed site.
- Identify supplemental sources of funding that could contribute to the public art projects recommended in the Annual Public Art Plan, including grants, private donations, land, and in-kind services.

During the first quarter of the City’s fiscal year, the City Council will review and approve public art projects identified in the Annual Public Art Plan presented by AAPAC. The City Council is not required to approve all or any of the public art projects recommended in the Annual Public Art Plan. The City Council may modify a public art project prior to approving it, may ask AAPAC to develop modifications for consideration by City Council, or may ask AAPAC to review and comment on possible modifications.

AAPAC will receive quarterly financial statements from the City of Ann Arbor and will meet quarterly with the City Administrator or his/her designee to collect information necessary for the creation of the Annual Public Art Plan. AAPAC will meet semi-annually with City Departments that may have interest in public art.

C. Donations and Supplemental Sources of Funding

If supplemental sources of funding are used for public art projects, including grants, private donations, land, and in-kind services, AAPAC will identify the private interests or other restrictions associated with such funding and review the development of the public art projects for which the funding is used to ensure compliance with donor intent and other restrictions.

D. Community Outreach and Education

In addition to community outreach and inclusion in the development of the Annual Public Art Plan, AAPAC will:

- Convene appropriate organizations and individuals to help facilitate its decision-making process with regard to artist selection.
- Bring together other individuals and organizations that should be involved in public art discussions, including public and private interests that could beneficially advance a public art project whether in a capacity to financially contribute to the budget of the project’s implementation, in a pedagogical capacity, through outreach, or a result of in-kind services and/or support.
- Promote open forums to maintain open dialogue with the community.

VI. Administration of Projects

A. AAPAC General Responsibilities:

AAPAC will:

- Be integral to decisions made about a public art project.
- Serve as the final authority on the organization and assembly of artist selection panels.
- Serve as the final authority to make recommendations to the City Council for the approval and acceptance of all artists and works of art selected for public art projects
- Decide the most appropriate means through which to identify and select artists for different public art projects in cooperation with the City staff.
- Include arts and peer professionals (art historians, curators, artists, arts administrators, critics, architects, designers, landscape architects and other individuals with a professional understanding of and experience with the visual arts) in decisions related to all aspects of public art planning and design.
- Invite and include a liaison from the City Council and a member of the staff of the City Administrator or his/her designee when developing recommendations for the definition and siting of public art projects, searching for and recommending the selection of artist(s) and/or artist teams, and reviewing projects as they progress.
- Invite and include a liaison from the City Council and the City Administrator or his/her designee when searching for and recommending the selection of artist(s) and /or artist teams, and reviewing projects as they progress.
- Maintain a commitment to engage the public at major thresholds in the development of each public art project implemented through the Percent for the Art Ordinance.
- Make recommendations to and coordinate with the City with regard to press announcements about the progress of the project and the artist commissioned for the work.
- Make recommendations as to and take the lead in the organization and assembly of artist selection panels.
- Make recommendations as to the selection of artists for public art projects.
- Develop the scope of work for each public art project in cooperation with City staff.

B. Artist Solicitation and Selection

Project Development Task Force

Once a percent for art project has been identified and approved by the City Council for funding, AAPAC will create a subcommittee that will serve as a Project Development Task Force. The subcommittee will be created in the manner provided for in Section 1:238 of Chapter 8 of the Ann Arbor City Code and its members will have the powers provided for in Section 1:238.

A Project Development Task Force may be established for a single project or for multiple projects. The Project Development Task Force will include:

- Members of AAPAC.
- At the discretion of the City Administrator or his/her designee, one or more representatives of the City Services Area(s) or Unit(s) that occupies or will occupy the site or that is responsible for the site or the functions that take place on the site.
- One or more individuals or representatives of organizations with a professional interest in the proposed project.
- Design professionals.
- Artists.
- City Council liaison.
- City Administrator or designee (non-voting)

The Project Development Task Force, as a subcommittee of AAPAC and subject to approval by AAPAC will:

- Define the public art goals of the project.
- Develop evaluation factors for the selection of each public art piece or artist(s).
- Discuss the most appropriate method through which to solicit and identify artists for the project, consistent with City contracting requirements and procedures.
- Recommend the selection of the artists to AAPAC.

Selection Panels

The composition of selection panels is a critical factor in the success of the artist selection process. It is important for a selection panel to reflect a high level of artistic and aesthetic experience and accomplishment as well as the history, views, and opinions of the project site, whether it be users of the facility or residents living near a highly visible project site. The panel should include diverse members who are familiar with or have a stake in the project site, artists who are knowledgeable about public art, and others whose perspectives can add further dimension to the deliberations. Art and design professionals should represent a majority of the members of the selection panel. It is also critical to ensure strong representation of art professionals familiar with contemporary art and public art who have the ability to comment on the qualifications and appropriateness of the artists under consideration

The selection of an artist for a public art project requires both curatorial expertise and sound judgment regarding the ability to sustain positive and open interactions between artist, agency, constituent interests, and the public. Arts professionals, who have knowledge of the visual arts and/or design (public art administrators, artists, architects, landscape architects, art historians, museum and exhibition curators, art critics, educators) and who

understand the challenges of public art, actively participate in the selection process of artists and/or artist teams. Arts professionals should therefore be invited to be an integral part of each phase of the public art project identification from conceptual design through fabrication and installation, including: artist selection, design reviews, and interim approvals of project deliverables.

Compensation of panel members varies by project. Serving on a selection panel requires an investment of time and professional input. Selection panel members should be compensated accordingly.

AAPAC will also consider the relationship and distinction between voting and non-voting or advisory members. Advisors who bring technical expertise, such as engineers, risk managers, and technology specialists, along with those responsible for operations and additional community members can all contribute important perspectives for voting panels to consider. If there are nonvoting members, their responsibilities must be clearly articulated and communicated to them so that they understand their limited role in the process.

Selection Panel Procedures

The selection panel will be given an orientation prior to the presentation of artists' materials to allow the panel members to better understand better the project requirements, potential, and parameters, as well as the criteria upon which the selection should be based.

Staff serves as nonvoting facilitators for the selection process and provides input and guidance to the selection panel.

A selection panel will review all applications and select the finalists.

After interviewing the finalist(s) / finalist(s) teams, the selection panel will recommend an artist to be awarded the project.

The selection panel will make recommendations to AAPAC.

Article V of the By-laws of AAPAC states the conflict of interest policy for AAPAC. Selection panel members shall comply with Article V of the By-laws of AAPAC.

Selection Panel Criteria

The selection panel evaluates proposals using the following criteria:

- Quality of presentation and artistic merit

- Technical abilities
- Strength of past artworks
- Proven ability to work effectively with a community
- Proven ability to work effectively as a team member within an architectural context.
- Experience working in public settings
- Experience fabricating and installing permanent artwork.
- Demonstration of a commitment to reflecting the diversity and cultural richness of the city.
- Input from artist(s) references
- Proposals should be suitable for the site.

Selection Methods and Process

Published announcements (electronic, print, and/or web-based) will inform artists of the project and the criteria and procedures for selection, including the necessary submission requirements. The procedures that may be used will include but not be limited to:

Request for Qualifications (RFQ)

If an artist is selected based on request for qualifications (RFQ), artists responding to the RFQ will send in their qualifications, examples of past completed artwork and a resume. The selection panel will meet to review the applications and will then invite the applicants determined to be most qualified to interview with the panel. . After the interviews, the selection panel will announce to AAPAC the artists selected to respond to a request for proposals.

AAPAC's Task Force or selection panel or jury will review the RFQ's and select a limited number of artists to submit detailed proposals. The Task Force will recommend the amount of an honorarium to give those artist(s)/artist team(s) to develop their detailed proposal. No artist/artist team will be asked to spend time to develop a detailed proposal for a project without compensation.

Proposals typically will be required to include a drawing(s) or other image(s) and or a model, a written description of the artwork, a budget, and a timeline for completion.

The selection panel will meet to review the proposals. The selection panel will recommend its selection to AAPAC, AAPAC will vote on the recommendation, and will forward its recommendation to the City Council for the final vote.

The information sent to the City Council will include information about the selection process, including information about the other artists who qualified to submit proposals, the proposals they submitted and the reason(s) why AAPAC is making the recommendation.

Request for Proposals (RFP)

If an artist is selected based on request for proposal (RFP), artists responding to the RFP will send in examples of past completed work, a resume, and a proposal for the specific project. Proposals typically include: drawing(s), images or a model, a written description of the artwork, a budget, and a timeline for completion.

AAPAC's Task Force or selection panel or jury will review the proposals and select a limited number of artists to submit detailed proposals. The Task Force will recommend the amount of an honorarium to give those artist(s)/artist team(s) to develop their detailed proposal. No artist/artist team will be asked to spend time to develop a detailed proposal for a project without compensation.

The selection panel will meet to review the proposals. The selection panel will recommend its selection to AAPAC, AAPAC will vote on the recommendation and will forward its recommendation to the City Council for the final vote.

The information sent to the City Council will include information about the selection process, including information about the other artists who qualified to submit detailed proposals, the proposals they submitted and the reason(s) why AAPAC is making the recommendation.

Limited Call/Invitational:

Artists identified by AAPAC's Task Force are invited to respond to an RFQ and/or to an RFP for a particular site or public art project. If the RFP includes a request for a detailed proposal, the Taskforce will recommend the amount of an honorarium to give an artist/artist team to develop a detailed proposal.

The artist(s) who accept the invitation will submit detailed proposals. Including drawing images or a model, a written description of the artwork, a budget, and a timeline for completion. The selection panel recommends its final selection to AAPAC, AAPAC votes on the recommendation, and then the selection goes to the City Council for the final vote.

Direct Selection

Hiring an artist or purchasing an existing work of art is recommended as a curatorial choice by a selection panel, program staff, or a public art consultant. A Direct Selection may be needed when there is a single clear choice or sole source in terms of the artistic solution for a project.

It may also be appropriate when there is a time constraint or an extremely limited project budget. An artist selected by direct selections enters into a contract with the city agency to develop a more specific proposal. AAPAC will forward the recommendation to the City Council for final decision. AAPAC will also inform City Council why the direct panel method was chosen.

Receipt of Gift

A work of art that already exists may be accepted as a gift for a specific site. The work of art may be received from the artist, his/her estate, a gallery or a collector. Proposed gifts to the City of works of art for placement in public places, or of funds for the acquisition of works of art for placement in public places will be reviewed by AAPAC, will be reviewed in acceptance with the AAPAC Gift Review Policy and AAPAC will forward the recommendation to the City Council in accordance with the City's procedures for acceptance of gifts (see Section VIII of this document).

C. Phases of Review and Approval

The City of Ann Arbor will enter into contracts for services to be provided by artists, artist teams and others in accordance with the applicable purchasing and contract approval procedures and processes of the City.

During the public art project phases listed below, AAPAC and assigned City staff will play the following role:

Conceptual Design/Schematic Design Phase

The Project Development Task Force, a subcommittee of AAPAC, will maintain oversight responsibility as requested by AAPAC. The City will not approve any work done during this phase of the project development, until it has received a recommendation from AAPAC to approve or not approve the work.

Design Development/Construction Documents Phase

The City will not approve any work done during this phase of project development until it has received a recommendation from AAPAC to approve or not approve the work.

Fabrication/Construction/Installation Phase

AAPAC will identify a person to serve as AAPAC's art project manager for the art piece of a project. AAPAC's art project manager will observe and review the fabrication, construction and installation of the art piece. City staff will inform AAPAC, through its art project manager, of any deviations or other changes at the project site from what was known when the art project was initially approved, including and not limited to site preparation, location, changes to the project that could impact the art as proposed and approved, and any necessary project corrections and/or remedy that minimizes the work of the artist(s) at the project site.

Completion/Celebration Phase

AAPAC will recommend to the City Administrator the most appropriate ways to celebrate the completion of the project.

VII. Maintenance and Conservation

The City of Ann Arbor will own all works of art created or acquired with Public Art Funds. Every public art project funded with Public Art Funds will reserve (10%) of the proposed budget for long term maintenance and conservation of the work(s) of art unless a different amount is required for a particular work of art.

Artists selected to create and provide permanent and temporary works of art will specify the maintenance that will be required for the work of art and submit a maintenance schedule as part of their contract with the City of Ann Arbor. If the work of art is a gift of a pre-existing work of art, the donor will be asked to specify, if possible, the maintenance that will be required for the work of art and to submit a maintenance schedule. If known the contract should provide that the artist(s) will be responsible for the first full year of project, including all corrections and/or repairs of the work(s) of art.

If the work of art is a gift of pre-existing work of art, the City and the donor will determine the maintenance responsibilities of the City and the donor during the period of time ending one year after the date the work is successfully installed.

For all, the City will be responsible for the maintenance of the work of art and follow up with the specifications and schedule, submitted by the artist/donor.

AAPAC will advise the City Council in the annual Public Art Plan:

- When the services of a professional conservator are required to evaluate the status of the public collection.
- The City will, in consultation with AAPAC, decide any and all remedies necessary to restore the works to their desired condition.

Should maintenance or conservation be necessary, the City will:

- Follow the recommendations and instructions of the professional conservator.
- Inform AAPAC of these recommendations in writing.
- Consult the artist(s) or the estate of the artist prior to executing these recommendations of allocating any monies accrued to the Public Arts for this purpose.

VIII. Gifts

The City of Ann Arbor is the owner of a growing collection of art for the benefit of Ann Arbor residents and visitors. These works of art are available to the public through permanent and temporary display, exhibition and installation in public spaces. The Ann Arbor Public Art Commission (AAPAC) will consider the donation of works of art offered to the City. For this purpose, AAPAC will review proposed gifts to the City of works of art and recommend to the City Council whether to accept, accept with conditions or reject the offer according to the procedures and guidelines outlined below. The gift of a work of art should not conflict with the goals of the Public Art Ordinance (Chapter 24 of the Ann Arbor City Code) as written or amended. No work of art may be accepted as part of the public art collection if the donation violates any statutes, regulations or City of Ann Arbor policy on the acceptance of gifts.

Procedures for Donating works of Art

For each proposed gift of art, the donor must contact the staff of AAPAC and provide a Gift of Art Disclosure Form. This Form must be accompanied by photos, slides, video(s) or other viable representations of the work, documentation of ownership (provenance through bill of sale, title, deed, etc.) and value. The Form must also be accompanied by information concerning the care and maintenance of the work of art.

Upon receipt of a Gift of Art Disclosure Form, AAPAC will establish a Gift Committee as a subcommittee of AAPAC. The Committee will consist of a minimum of four (4) AAPAC members including: a member of the Committee who will act as chair, an appropriate community representative, an appropriate City representative, an appropriate artist dependent upon the scope of the proposed gift. Members of the Gift Committee will serve two (2) year terms.

The Gift Committee will review the Gift of Art Disclosure Form and may further request to see and inspect the actual artwork and/or documents pertaining to the work of art. Upon finalizing its review and based on the review criteria below, the Gift Committee will make a recommendation to AAPAC regarding acceptance or rejection of the work of art.

AAPAC will review the recommendation of the Gift Committee. The Commission may request additional information or materials about the work and/or may request to see the work of art.

AAPAC will then make its recommendation to the City Council for the acceptance, with conditions or rejection of the work of art. AAPAC's recommendation will include visual representation of the work, a proposed site, and information concerning the care and maintenance of the work of art.

Selection Panel Criteria for Gifts

The following criteria will be used by the Gift Committee, and AAPAC when considering a proposed gift of a work of art.

1. Originality of artwork. The work of art must be one-of-a-kind or part of any original series. Reproductions of original works of art are not considered eligible for acceptance.

2. Restrictions from the donor. Any restrictions that will have to be honored by the City must be clearly identified.

3. Appropriateness of a proposed or chosen site for the artwork. Materials, theme and scale of the work of art will be evaluated relative to any site identified by the donor or relative to a site identified by the City.

4. Artistic Excellence. The proposed gift of art must contribute an aesthetic benefit to the City's art collection and the City of Ann Arbor.

5. Technical feasibility. The practical ability for the proposed works of art to be sited, fabricated, and/or installed. Careful consideration will be made concerning the current condition of any artwork whereby works of art requiring considerable and/or immediate maintenance or conservation will only be accepted in rare cases.

6. Relationship to the collection as a whole. The commission is committed to developing a diverse art collection. The proposed gift will be evaluated based upon its enhancement and its diversity with that of the overall art collection of the City.

7. Vandalism and safety. The artwork can not be prone to pose a safety hazard to the general public and will not be prone to vandalism. Requirements placed upon the donor, to rectify such, may be made by the Commission.

8. Maintenance and preservation. The Donor shall include, as part of the Commission overview, a technical and maintenance record including a plan for routine expense estimates. Further, the Donor must indicate if there is any

unusual maintenance costs associated with the artwork.

9. Timeline. The commission will determine if the proposed timeline is acceptable.

10. Community initiated or community created artworks. Artworks proposed by a community group must demonstrate that the surrounding community has been involved and consulted in the preliminary process.

11. Durability. Expected lifetime of the artwork will be taken into account.

12. Budget. The costs of managing the project, including framing, conserving, preparing a site, deliver, installation, signage/recognition, or any other cost must be disclosed by the donor. The Commission will review such, with any other viable cost and determine the accuracy and acceptability of the proposed artwork.

13. Technical specifications. The Commission must review the actual work, if available, or in the case of a proposed artwork, scale drawings and/or model(s) consisting of site plan and elevation with the follow considerations:

- Text verbally describing the artwork
- Surrounding site condition, if applicable
- Dimensions
- Materials and finishes
- Color(s)
- Technical requirements: electrical, plumbing, carpentry, structural
- Fabrication and installation methods
- Pedestrian and vehicle considerations
- Engineering overview

14. Community Participation: Community response concerning a proposed artwork may be solicited and considered by the Commission when appropriate.

Terms of Acceptance

1. Ownership: Artwork that is accepted by the City of Ann Arbor, through the AAPAC guidelines becomes the property of the City of Ann Arbor and therefore subject to the decision by the Commission and/or other appropriate governmental bodies for its display, storage, relocation, and/or future disposition. The City of Ann Arbor will assume responsibility for its long-term care and insurance costs.

2. Safety: The artwork must meet all safety standards of the City.

3. Term of Exhibition and Durability: The term of exhibition will be determined by the Commission, with that of any appropriate governing body of the City, when

applicable. Whenever artwork is not displayed it will be properly stored with vandalism, conservation, and insurance concerns reviewed.

IX. Deaccessioning Policy

Overview:

Works of art are being accepted by and for the City of Ann Arbor through donations, gifts, and the Percent of Art Program, through the Ann Arbor Public Art Commission (AAPAC).

Policy:

Deaccessioning is a procedure for the withdrawal of an artwork from public collection. Permanent works of art commissioned and/or acquired as a consequence of the Public Art Ordinance will not be deaccessioned before the tenth anniversary of installation or acquisition, except in the case of portable works of art or special circumstances whereby an art piece has been damaged beyond reasonable repair.

In determining whether a work of art should be deaccessioned, AAPAC will ascertain public sentiment. Further, an AAPAC Subcommittee will consider deaccessioning of an art work only after a careful and impartial evaluation of the art work has been completed.

All findings of the Subcommittee shall be presented to the City Council along with a recommendation for implementation. AAPAC will, in addition, contact the artist, if possible, or the estate of the artist prior to making a formal recommendation to the City Council.

Eligible Artworks:

All Artwork owned by the City of Ann Arbor is eligible. All legal documents relating to a donated art work will be consulted prior to commencing the deaccessioning process.

Deaccessioning Procedure:

A Deaccessioning Subcommittee of the AAPAC will be formed, which will include no more than five (5) professional/experts including three (3) members of the AAPAC, an art conservator or curator, and City representative.

The Subcommittee will periodically review the entire Ann Arbor art collection, or when circumstances necessitate the Subcommittee to review a specific art work.

AAPAC will be responsible for recommending artwork for deaccessioning consideration.

Criteria for Deaccessioning:

AAPAC may consider the deaccessioning of artwork based upon one or more of the following:

- The artwork is damaged or has deteriorated beyond practical repair.
- The artwork is not, or is only rarely on display due to lack of a suitable site.
- The artwork can not be relocated or would not be appropriate for relocation.
- The artwork cannot be reasonable secured.
- The artwork has received substantial and sustained public objection.
- The artwork required excessive maintenance.
- The artwork has identified substantial faults of design or workmanship.
- The artwork site would warrant a more significant artwork by the same artist.
- The artwork has been deemed to be substantially incompatible or inferior to the City's collection.
- The artwork endangers public safety.
- The artwork is impacted negatively from site/location alterations.
- The artwork is destroyed.

Sequence of Action:

A Subcommittee appointed by AAPAC determines that an artwork meets one of the above criteria. The Subcommittee may request additional information from the artist, curators, appraisers, or other professionals prior to making a recommendation to the Commission.

1. The AAPAC staff will prepare a report that includes:

- A legal review of all documentation related to the art work, by the City Attorney.
- Any recommendation(s) from the appropriate City staff.
- Completion of all deaccessioning worksheets.
- AAPAC deaccessioning recommendation, including, method of removal.
- AAPAC will review the staff report at one of its regularly scheduled meetings.
- An AAPAC recommendation, upon commission vote, will be sent to the City Council for consideration at a regularly scheduled meeting.

2. Upon the City Council confirmation of the recommendation, AAPAC shall:

- A. Artwork may be sold or exchanged.

- Any sale of artwork shall be within the compliance of all State and Local laws and policies governing personal property.
- An Artist, or the estate of the Artist, shall be given first option to purchase or exchange the artwork(s).
- Method of sale may be through auction, direct bidding by individuals (open or closed bids), or gallery consignment resale.
- An artwork exchange may be executed through a public or private museum, institution, artist, or gallery, provided that such exchange is of comparable value.
- No artwork shall be sold or traded to members or staff of the AAPAC, or City staff, consistent with the AAPAC conflict of interest policy.
- Net proceeds from art work sold shall be placed in the account of the AAPAC Percent for Art Program for future art work projects. Any pre-existing contractual agreement regarding resale, between the Artist, and the Artist's estate, shall be honored. Further, any proceeds from artwork sold which were originally created or purchased with funds that carried restrictions (i.e., bond funds for street, sewer, or public building) shall be utilized in any future art work by AAPAC in the same manner and consideration as when the funds were initially utilized.

B. Artwork deteriorated or damaged beyond reasonable repair and/or deemed to be of negligible value shall be destroyed.

C. If AAPAC is unable to dispose of the artwork in a manner outlined above AAPAC may recommend to the City Council another method of disposition or donation to a non-profit organization.

Approved by the Ann Arbor Public Art Commission: March 9, 2010

Approved by City Council _____, 2010