





HISTORIC PRESERVATION

- Eligible properties for survey in 10 years
- Historic Preservation Ordinance - Draft

Properties Eligible for Survey in 10 Years

Common practices for historic surveys is to revisit the survey in 10 years. By revisiting the survey in 10 years, a new collection of buildings is eligible to be reviewed and documented for city and/or state record. The properties on the following list are properties that are eligible for survey in 2035.

Address	Construction Date
782 N Mesa St	1986
766 N Mesa St	1982
527 N Main St	1982
535 N Main St	1982
623 N Main St	1985
639 N Main St	1979
670 N Main St	1978
683 N Main St	1980
706 N Main	1977
706 Archibald St	1976
526 N William Brooks Ave	1978

Address	Construction Date
679 N William Brooks Ave	1981
601 2nd Ave	1985
23228 2nd Ave	1980
788 E B St	1985
865 E B St	1976
540 N Cesar Chavez St	1977
566 N Cesar Chavez St	1977
578 N Cesar Chavez St	1977
630 N Cesar Chavez St	1982
679 N Cesar Chavez St	1979
717 N Cesar Chavez St	1982

Address	Construction Date
755 N Cesar Chavez St	1982
758 N Cesar Chavez St	1979
764 N Cesar Chavez St	1976
845 N Cesar Chavez St	1984
562 N 4th Ave	1976
568 N 4th Ave	1979
640 N 4th Ave	1978
740 N 4th Ave	1984
822 N 4th Ave	1980
828 N 4th Ave	1982
890 E D St	1979

San Luis, Arizona Historic Preservation Ordinance – Draft

The following pages are a draft of a potential Historic Preservation Ordinance to be adopted into the San Luis City Code. This is a sample, inspired by preservation ordinances from neighboring cities, and should not be copied directly from this document. When it comes time for the City of San Luis to adopt a Historic Preservation Ordinance of their own, code writers should work with a legal professional to ensure that the code is enforceable yet legible for all who read it.

Chapter 18.105 Historic Preservation

Sec.18.105.001. Purpose and Intent

1. The purpose of this chapter is to protect significant properties, districts, and sites that represent important aspects of San Luis’s historic, archaeological, and cultural heritage; to enhance the character of the City of San Luis by:
 - a. Taking such properties and sites into account during development; and
 - b. To assist owners in the preservation and restoration of their properties.

The intent of this chapter is to balance the rights of property owners and the value to the community of these significant properties and sites. The designation of any property or district shall not inhibit uses as permitted by the Zoning and Development Code, as adopted and amended by the City Council.

2. The City may establish districts of historical importance and regulations applicable to buildings, structures, and land within individual districts. A historic preservation district is a special zoning district that includes regulations that modify regulations in another zoning district with which the overlay district is combined. The purpose of these regulations is to protect historic properties in the district from demolition or inappropriate alterations.
3. The City may designate properties and sites as landmarks, conservation districts, and heritage sites, as defined in this ordinance, to promote the purposes of historic preservation.
4. The inclusion of a specific regulation or reference to City Code in this chapter does not imply the exclusion of any other applicable law.

Sec.18.105.002. Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words not defined shall be given their normal, ordinary meaning.

Alteration: the aesthetic, architectural, mechanical, or structural change to the exterior of any significant part of a building.

Building: any structure used to shelter human activity.

Certificate of Appropriateness: a document that certifies proposed work on a historic property is appropriate for the building and the historic district, and that the work does not negatively impact the character or history of the building or historic district. A certificate of appropriateness is attained by appearing before a design review board or historic district committee prior to obtaining building permits.

Certified Local Government (CLG): a Certified Local Government is a municipality that has joined a program that ensures commitment to advancing historic preservation initiatives set forth by the State Historic Preservation Office and the National Park Service. Certified governments are then eligible for competitive grants to complete historic preservation projects.

Contributing Property: a property within a historic district that retains historic significance and integrity and contributes to the period of significance and history of the

district.

Demolition: the act or process of destroying or removing a portion or the entirety of a building or structure.

Designated Property: a property that has been identified as a landmark, historic property, or contributing property in a historic district.

Distinctive Character: distinguishing architectural and aesthetic features that are indicative of a historic district or high style of architecture.

Historic District: an area with a group of buildings designated as being historically significant and retaining integrity to a certain period of significance.

Historic Eligibility: when a building or site retains enough historical significance and retains enough integrity to be designated or nominated to a historic registry, such as the National Register of Historic Places or a local historic register.

Historic Preservation Commission: a group appointed by City Council to identify, approve, and designate historic structures and sites. A Historic Preservation Commission is usually also in charge of reviewing properties that require a Certificate of Appropriateness for rehabilitation, renovation, and larger scale maintenance projects on properties within a historic district.

Historic Property: a property, structure, site, building, landscape, or district identified as historically significant with sufficient integrity.

Integrity: The ability of a property to convey its historic significance through the seven aspects of integrity. The seven aspects of integrity are location, design, setting, materials, workmanship, feeling, and association.

National Register of Historic Places: the country's official list of pre-historic and historic properties, buildings, structures, sites, landscapes, and districts worthy of preservation. The National Register of Historic Places (NRHP) was established by the Historic Sites Act of 1935 and was later expanded upon by the National Historic Preservation Act in 1966. Buildings on the the NRHP need to meet the criteria of evaluation by retaining enough historic integrity to convey its historic significance and by encompassing significance in at least one of four categories:

- Criteria A: A property must be associated with one or more events important in the defined historic context.
- Criteria B: A property must be associated with a person significant to America's past.
- Criteria C: A property must display distinctive characteristics in its architecture or construction, be that related to artistic value or being the work of a master.
- Criteria D: A property must have information that contributes to the understanding of human history or pre-history.

Non-Contributing: an individual property within a historic district that does not share the distinctive characteristics of the neighborhood and/or was built outside the period of significance.

Non-Income Producing: a property, such as a single-family dwelling or institutional property, that does not generate income in the form of rent, profit through retail or food and beverage services, or any other way that the owner of the building benefits financially.

Significance: having historic, architectural, or aesthetic qualities deemed important to a culture or region that leads to designation on historic registers.

Sec.18.105.003. Historic Preservation Commission

1. Historic Preservation Commission

- a. Establishment. The San Luis Historic Preservation Commission is hereby established. The commission shall act in an advisory capacity to the City Council in all matters concerning historic preservation. The commission shall make recommendations to City Council regarding designation of landmarks, historic properties, and historic districts. Other actions of the Historic Preservation Commission, as set forth below, shall be subject to the City Council.
- b. Members. The Commission shall consist of seven (7) members who are residents of the City at large, appointed by the Mayor with the approval of City Council.
 - i. Four of seven seats shall be city residents, drawn from one of the following disciplines: architecture, archaeology, architecture history, historic preservation,

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- historic preservation law, history, landscape architecture, or other related field; and
- ii. The remaining three seats shall be City residents with a demonstrated interest in, or knowledge of historic preservation.
- c. A regular complete term for members shall be three years. Members may be reappointed but shall serve no more than 2 regular, complete consecutive terms. The terms of the commissioners shall be staggered so that no more than 2 positions are open for appointment at any one time, unless there is an unexpected vacancy.
- d. The commission shall elect a chairperson and vice-chairperson from among its regular members.
- e. Whenever a member is unable to attend a Commission meeting or must recuse themselves from voting due to a conflict of interest, that member must give timely notice to the Chair of the Commission.
- f. Four members shall constitute a quorum of the commission. The vote of four members shall be necessary for any of the commission's actions for it to be a valid decision.
- g. The Historic Preservation Commission must conduct a minimum of four regular meetings in a calendar year and may call special meetings at the discretion of the Commission chair, or when four or more members request a meeting. The minutes of a meeting's proceedings must be kept and filed in the offices of the City Clerk and the Economic Development Commission as part of public record. These meeting minutes must contain members present, records of examination, and votes of each member.
- h. The Commission shall adopt rules of procedure for the performance of its duties in congress with the provisions in this chapter.
- i. Commission duties and activities include the following:
 - i. Review applications for designations of landmarks, historic properties, and historic districts based on the criteria specified in the following sections. These reviews are to provide recommendations to the Economic Development Commission for designation.
 - ii. Classify properties as historically eligible.
 - iii. Review and determine action on applications for proposed alterations, new construction, demolition, or removal of landmarks, historic properties, or properties within a historic district, based on the criteria specified in the following sections.
 - iv. Make recommendations to City Council on ways to use available local, state, and federal funds to promote the preservation of properties and districts within the City.
 - v. Make recommendations to City Council and the Planning and Zoning Commission regarding changes to the Zoning Code that promote preservation in the City.
 - vi. Coordinate the writing of documents to promote preservation in the City, such as design guidelines, and cooperate with property owners regarding these documents.
 - vii. Initiate and conduct surveys of properties, structures, and districts in the City to determine the potential for designation.
 - viii. Develop and participate in public engagement to increase public awareness and education regarding historic preservation in the City.
 - ix. Provide encouragement and technical guidance on designations and historic preservation best practices to property owners.

Sec.18.105.004. Procedure to Establish Historic Preservation Districts

1. A district seeking to obtain landmark designation must meet the following criteria:
 - a. The district contains a substantial concentration of properties, buildings, or structures which individually meet the criteria of the Arizona or National Register of Historic Places that contribute to the overall distinctive character of the area and are united historically or visually by physical development.
2. Application. An owner or authorized designee shall file an application to designate a landmark as directed by the Historic Preservation Commission. The application must include the following:
 - a. Written description of the area that documents the character and historical significance of the district that justifies designation;
 - b. Photographs documenting the structure in its current state and any relevant historic photographs;
 - c. Map identifying the contributing and non-contributing structures within the proposed district as well as the boundary lines of the proposed district; and
 - d. Petition signed by a 60% majority of the owners of the contributing properties within the proposed district.

3. Public Hearing

- a. The Historic Preservation Commission will place the request on the agenda for the next available Historic Preservation Commission meeting for public hearing.
- b. At public hearing, the Historic Preservation Commission shall review the application and, based on the applicable criteria, will make a recommendation to the Economic Development Commission.
- c. After the Economic Development Commission (EDC) reviews the recommendation from the Historic Preservation Commission, the EDC will make a recommendation to City Council for adoption.

4. Notification of Public Hearing

- a. The Historic Preservation Commission must provide notice of the public hearing a minimum of 14 days prior to the date of meeting. The notice must include the name of the applicant, the property address, the date, time and place of the hearing, and a summary of the request.
- b. The EDC must erect notice, visible from the public right of way in clear, legible writing, indicating the date, time, and place of the hearing a minimum of 14 days prior to the date of the hearing.

Sec.18.105.005. Procedure to Designate a Historic Property

1. A building or site seeking to obtain landmark designation must meet the following criteria:

- a. It meets the criteria for listing on the Arizona or National Register of Historic Places
- b. It has exceptional significance and expresses distinctive character to the region, such as:
 - i. The building or site is at least 50 years old;
 - ii. Has distinctive characteristics significant to a style of design, design philosophy, or the work of a master;
 - iii. Is reflective of the City's and/or region's cultural, social, political, or economic past; or
 - iv. Is associated with a person or significant event in local, state, or national history.
- c. If significance has been achieved within the last 50 years, it can be considered eligible if it's a crucial and integral component of a historic district or demonstrates exceptional individual importance. Once the building or site becomes 50 years old it will automatically be designated as a historic property.

2. Application. An owner or authorized designee shall file an application to designate a landmark as directed by the Historic Preservation Commission. The application must include the following:

- a. Written description of the property that also documents character and significance of the building or site that justifies designation pertinent to the criteria listed above;
- b. Photographs documenting the structure in its current state and any relevant historic photographs; and
- c. Map showing the location of the proposed historic property.

3. Public Hearing

- a. The Historic Preservation Commission will place the request on the agenda for the next available Historic Preservation Commission meeting for public hearing.
- b. At public hearing, the Historic Preservation Commission shall review the application and, based on the applicable criteria, will make a recommendation to the Economic Development Commission.
- c. After the Economic Development Commission (EDC) reviews the recommendation from the Historic Preservation Commission, the EDC will make a recommendation to City Council for adoption.

4. Notification of Public Hearing

- a. The Historic Preservation Commission must provide notice of the public hearing a minimum of 14 days prior to the date of meeting. The notice must include the name of the applicant, the property address, the date, time and place of the hearing, and a summary of the request.
- b. The EDC must erect notice, visible from the public right of way in clear, legible writing, indicating the date, time, and place of the hearing a minimum of 14 days prior to the date of the hearing.

Sec.18.105.006. Historic Property Register

1. The San Luis Historic Property Register is hereby established for the purpose of listing the landmarks, historic properties, and historic districts in the City of San Luis. This register, as may be amended every so often, shall serve as the official record of such designations and shall be maintained by the Historic Preservation Commission and available for public reference with the Planning & Zoning Commission and the City Clerk.
2. The register shall consist of all designated historic sites, structures, buildings, objects, and districts.
3. The register shall include sites, structures, buildings, objects, and districts that are eligible as Historic Preservation Districts, heritage sites, and landmarks.
4. The register may include historic resources that no longer physically exist.
5. Supplemental to the Historic Property Register shall be the lists of properties classified as historic eligible and archaeologically sensitive.
6. These lists of designated, eligible, and archaeologically sensitive properties, as may be amended every so often, shall be maintained by the Historic Preservation Commission and available for public reference with the Planning & Zoning Commission and the City Clerk.

Sec.18.105.007. Demolition and Removal

1. Application. An applicant requesting the demolition or removal of the entirety or portion of a contributing property within a historic district must submit an application to the Historic Preservation Commission. The application must
 - a. Demonstrate that the contributing property has lost its historic significance or value through circumstances beyond the control of the owner;
 - b. Demonstrate that the contributing property presents an inherent danger to the public health, safety and welfare of the community due to structural damage that occurred beyond the control of the owner;
 - c. Demonstrate that the loss of the contributing property would not negatively impact the integrity of the historic district; or
 - d. Demonstrate that the owner faces economic hardship.
2. Recommendation. Within 10 days of the receipt of the application, the Historic Preservation Commission will issue demolition or removal approval if the application sufficiently meets the criteria as listed above.
3. The Historic Preservation Commission must provide structural analysis and reports from a state licensed architect or engineer to support the application. The Historic Preservation Commission may obtain independent reports from a state licensed architect or engineer, as resources allow, to determine the condition and safety of the property.
4. If demolition or removal approval is denied by the Historic Preservation Commission, the application will be held for the period of one year from the date of denial. During this time, the Historic Preservation Commission may contact the property owner to determine if rehabilitation is feasible for the property and/or propose any available assistance to make the property safe and usable. After one year, if no solution can be determined, the applicant may reapply for demolition or removal approval.
5. Appeal. The applicant or any person of interest may appeal the decision within 14 days of the date of approval or denial.

Sec.18.105.008. Appeal

1. The applicant for approval of a proposed alteration, demolition or removal, new construction, designation or classification of a historically eligible property, or the Economic Development Director, Planning & Zoning Director, or anyone from City Council, may appeal the decision of the Historic Preservation Commission to the City Council by filing a written notice of appeal and paying any necessary fees, as determined by the City Clerk within 14 days of the date of the Commission's decision.
2. Notice of appeal and the date set for its review by the City Council shall be published at least seven (7) days before the review meeting at which the appeal will be heard.
3. The City Clerk shall set the date for public hearing of the appeal within 30 days of the filing of the appeal.

Sec.18.105.009. Incentives

It is the intent of the City to make ownership of a landmark, historic property or property within a historic district as beneficial as possible. In addition to the intangible benefits of owning a property recognized as an important community resource, the Historic Preservation Commission may, when applicable and possible, provide owners with the following:

1. Assistance in locating potential sources of financial assistance and tax credits;
2. Assistance in preparing grant applications and potential third party sponsorship;
3. Technical information and referrals;
4. Assistance in locating buyers or sellers;
5. Assistance in formulation and operation of a neighborhood association; and
6. Assistance in obtaining other benefits as may become available through the City or other sources.

Sec.18.105.010. Violations

1. Any person who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any of the provisions in this section shall be subject to the penalties set forth in this chapter.
2. Any person who constructs, alters, neglects, demolishes or removes a designated property or portion thereof in violation of the provisions in this chapter may be required to restore the property to its appearance prior to the violation.
3. Enforcement of this section shall be the responsibility of the City Manager or designee.
4. Violations of this section shall be punishable as set forth by this Code.





PUBLIC ART

- Public Art Policy - Draft

San Luis, Arizona Public Art Policy – Draft

The following pages are a draft of a potential Public Art Policy to be adopted by City Council. This policy represents national best practices for the care, selection, and commissioning of public art. Prior to formally adopting any policy, the City of San Luis should consult the City Attorney’s office to ensure that processes and policies are in alignment with municipal code and local laws and regulations.

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Introduction

The purpose of this policy is to establish a program for public art in the City of San Luis, Arizona. This policy establishes guidelines to ensure a consistent decision-making process related to the acceptance, placement, display, and long-term maintenance of public art funded in-full or in-part by the City, and/or public installed on City-owned, City-leased, or City-managed property. This policy shall have no effect upon the zoning ordinance or any regulation promulgated by the City. The following elements have been considered in developing a public art policy for the City:

- A. Develop a dynamic, high quality collection of public artworks for the City and its residents
- B. Involve artists of diverse backgrounds
- C. Provide opportunities for artists to advance their art practice through temporary and permanent public artwork opportunities
- D. Enhance economic development and cultural tourism
- E. Foster an understanding of public art and encourage public dialogue

The Policy includes the following sections: Roles & Responsibilities; Collection Management; Public Art Program Update; Use of Funds; Public Art Acquisition; Mural Guidelines. Collectively the Policy administers the Public Art Plan and regulates Public Art.

Definitions

For these policies, the following terms, phrases, words, and their derivation shall have the meaning given herein:

Accession, when used herein, shall mean a procedure for the acceptance of artwork into the Public Art Collection.

Artist, when used herein, shall mean an individual generally recognized by critics and peers as a professional practitioner of the visual, performing, or literary arts, as judged by the quality of that professional practitioner's body of work, educational background, experience, public performances, past public commissions, sale of works, exhibition record, publications, and/or production of artwork. The members of the architectural, engineering, design or landscaping firms retained for the design and construction of a development project covered by these policies shall not be considered artists for the purposes of these policies.

City, when used herein, shall mean the City of San Luis, Arizona.

Creative amenity, when used herein, shall mean non-standardized enhancements made to public space.

Commissioned Public Art, when used herein, shall mean permanent or temporary public art that is either solicited by the City (such as through a Request for Proposals or Call for Artists) as part of a City Commission-approved public art program or project or planned as part of another City project (such as a development) and is paid for in whole or in part by City funds or City-obtained grant funding. Commissioned Public Art is artwork whose existence or creation was requested and/or funded by the San Luis Public Art Program.

Deaccession, when used herein, shall mean a procedure for the withdrawal of artwork from the collection and the determination of its future disposition.

Donation or Gift, when used herein, shall mean any of the following: monetary (cash) contribution; endowment; personal property; real property; financial securities; equipment; in-kind goods or services; or any other asset the City accepts and for which the donor has received no goods or services in return, other than private acknowledgement of the donation or gift, if desired by the donor, notation of the gift on a City maintained record, which shall not be publicized but which is a public record, and the placement of a small plaque on the donated item, if desired by the donor. The terms "donations" and "gift" shall be synonymous in the context of this policy.

Donor, when used herein, shall mean an individual, group, organization, or other legal entity that proposes or provides a donation or gift to the City

Historic or civic objects, when used herein, shall mean an object that is historically or civically significant.

Lender, when used herein, shall mean an individual, group, organization, or other legal entity that proposes or provides a loan of artwork to the City

Life Spans

- Temporary: 0-2 years
- Short term: 2-10 years
- Medium term 10-25 years
- Long term 25+ years

Loaned Public Art, when used herein, shall mean temporary public art that is loaned to the City by a third party for display on public property for an agreed upon period.

Mural, when used herein, means a singular work of Public Art hand-painted, hand-tiled, or digitally printed (with property owner approval) on a building, structure, fence, or other object within public view. Its primary intent is to be artistic in nature, rather than purely information, creative signage and commercial signage. The work shall not contain text, graphics, or symbols which specifically advertise or promote a business, product, or service; and shall not promote a specific political party or candidate.

Public Art Collection or Collection, when used herein, shall mean art objects owned by the City of San Luis, Arizona, its agencies and authorities. Permanent Public Art must be located in a public place with public visibility, accessibility, and impact and shall have a permanence comparable to associated capital projects.

Public Art Coordinator or Coordinator, when used herein, shall mean the Public Art Program Coordinator as determined by the City of San Luis.

Public Art Program, when used herein, shall mean the Public Art Program of the City of San Luis, Arizona. The Public Art Program intends to promote private and public programs to further the development and public awareness of, and interest in, the visual arts and fine crafts and encourage the integration of art into the architecture of municipal structures and commercial development projects in the City

San Luis Arts Committee, or Board, when used herein, shall mean a Board advising on matters pertaining to the City of San Luis's Public Art Collection when the City is funding the creation or acquisition of new artwork in public spaces. The Board is committed to promoting awareness, access, and appreciation of public art for the City of San Luis. The Board also provides recommendations for public art placement in the City of San Luis and facilitates administrative duties required for the Public Art Program.

Public Art, when used herein, shall mean any of the following:

- sculpture, statues or monuments in any material or combination of materials;
- painting;
- murals;
- graphic arts including printmaking and drawing;
- photography;
- crafts in clay, fiber and textiles, wood, metal, plastics, glass and other materials;
- mixed-media, any combination of forms or media, including collage;
- performing arts;
- functional art such as street furniture, as defined by the San Luis Public Art Program;
- environmental art consisting of landforms and artistic landscape composition, or artwork created from natural (non-man made) materials.

The term "Public Art" does **not** include:

- reproductions by mechanical or other means of original works of art, except for limited editions, controlled by the artist, of original prints, cast sculptures, photographs or other works of art;
- decorative, ornamental, or functional elements which are designed by a building architect or consultants engaged by the architect which are a traditional and typical element of architectural functionality or code standards;
- elements generally considered to be conventional components of a landscape architectural functionality or code standards including, but not limited to, plant materials, pools, paths, benches, receptacles, fixtures and planters;
- "Art objects" which are mass produced or of a standard design, such as playground sculpture or fountains, except pieces of historical significance to San Luis;
- directional or other functional elements, such as supergraphics, signage, color coding and maps, except where sculptural pieces are used to define gateways in San Luis;

- electrical, water or mechanical service for activation of the work;
- exhibitions and educational programs related to the work;
- and art that displays slogans, logos, mascots or commercial advertising.

Public Art Policy or Policy, when used herein, shall mean the policies recommended by the City Manager and approved by the City Commission for the administration of the Public Art Plan.

Public Art Plan or Plan, when used herein shall mean the Public Art Plan of the City of San Luis, Arizona that pertains to public art and culture, as it exists or may be amended. The Plan shall provide a process for the systematic selection and acquisition of pieces of artwork and locations of art to be included in public spaces.

Public space, when used herein, shall mean any area or property (public or private) which is accessible or visible to the general public a minimum of 8 hours per business day.

Publicly-owned land, when used herein, shall mean any land open to the public and managed by either 1) the City of San Luis, Arizona; or 2) a public entity that has a shared use agreement with the City of San Luis, Arizona.

Public Art Program Update, when used herein, shall mean an annual document that outlines projects that are in-progress and will be initiated in coming fiscal years.

Purchased Public Art, when used herein, shall mean permanent or temporary public art that is either solicited by the City (such as through a Request for Proposals or Call for Artists) as part of a City Commission-approved public art program or project or planned as part of another City project (such as a development) and is paid for in whole or in part by City funds or City-obtained grant funding. Purchased Public Art is artwork that existed prior to its purchase by the San Luis Public Art Program.

Relocation, when used herein, shall mean a procedure for the movement of an artwork from one location to another.

Roles and Responsibilities

The Department of Planning administers the City of San Luis's Public Art Program, and may require partnership among several City Departments, including, without limitation, Parks, Recreation and Community Resources; Power, Public Works, and Stormwater; and Development. Day-to-day responsibilities for the program will ultimately reside with the Public Art Coordinator, and are outlined below in the Public Art Policy. The Public Art Coordinator may be a City staff member or an outside consultant, and has an oversight role for all of the public art projects executed within the City. The Public Art Coordinator will collaborate with City staff or outside contractors to execute projects.

San Luis Mayor & City Commission

As the community's elected officials, the Mayor and City Commission members are ultimately responsible for the outcomes of the Public Art Program.

San Luis Arts Committee

The San Luis Arts Committee advises on matters pertaining to the City of San Luis's Public Art Collection and related programming, wherein the City is funding the creation or acquisition of new artwork in public space, as defined above. The San Luis Arts Committee serves as a recommending body to the City Commission. The Public Art Coordinator will oversee the San Luis Arts Committee, organize meetings, and prepare agenda items for review. The Board's general responsibilities include:

1. Promote the City's public art to residents and visitors.
2. Propose public art projects for the City to consider.
3. Recommend sites for public art projects.
4. Review and make recommendations on city-commissioned or purchased artwork, donations, or loan submissions.
5. Review and make recommendations for artwork relocation or removal.
6. Provide input on public art policies and procedures.
7. Develop an annual Public Art Program Update, in consultation with the Mayor, City staff, and/or consultants that outlines what projects will be initiated in the coming fiscal year.
8. Develop a regular Public Art Plan, in consultation with the Mayor, City staff, and/or consultants that outlines what projects will be initiated in coming fiscal years.

Membership may be terminated by either the Mayor or member at any time. The Mayor will appoint a member of City Commission liaison to preside over the San Luis Arts Committee as a non-voting member for a term not to exceed their current political term term.

The following qualifications should be considered when appointing the members of the Board.

1. One or more artists;
2. One or more arts professionals;
3. One or more members of local arts organizations;
4. One community member with an interest in the arts; and
5. One design professional.

While serving on the San Luis Arts Committee, no member may participate in a discussion, decision, or recommendation on any matter affecting a person, entity, or property in which that member has an interest, including situations where the member is reasonably likely to receive a direct or indirect economic effect or consequence. Any member with a conflict of interest relating to any public art proposals, submissions, or inquiries will declare such a conflict and recuse themselves from any discussion on the subject including discussions outside of scheduled meetings. Any member serving on the Board is ineligible for a public art project by the City of San Luis during their membership and for an entire year following the termination of their service.

Public Art Coordinator

The Public Art Coordinator serves as a central point of contact and plays a key role in the administration of the City's Public Art Program. This staff and/or consultant position will collaborate with various City departments to ensure the processes outlined in the Public Art Policy are carried out efficiently and appropriately. Their responsibilities encompass various aspects of public art processes, including planning, collaboration, artist selection, project management, and art acquisition.

The City Manager will determine appropriate staffing structure to oversee citywide public art activities and manage the Public Art Program. Additional staff resources or outside consultants may be required to assist in implementing projects, particularly those of a larger scale. Responsibilities shall include, but are not limited to:

1. Work with various departments to develop potential projects for inclusion in the Public Art Program Update.
2. Coordination with other city planning efforts.
3. Present the Public Art Program Update as part of the City's regular budget process to the City Commission.
4. Coordinate and manage the Board and its monthly meetings.
5. Coordinate with Board to ascertain advice on any matter pertaining to public art, including:
 - a. preparing and presenting the Public Art Program Update to the Board and City Commission;
 - b. artist selection juries and process;
 - c. purchase of artworks;
 - d. commission and placement of artworks; and
 - e. public art programming;
6. Coordinate the hiring of an outside consultant or agency to administer public art projects as needed.
7. Ensure various city departments are following the City's Public Art Policy.
8. Develop and maintain an inventory and documentation of the City's collection of public art.
9. Assist with periodically surveying public art to determine if works require maintenance or other attention.

City Staff

City staff members, particularly department heads, should look for opportunities to include public art throughout the city, particularly in locations identified as priorities in this plan. City Staff should also coordinate with the Public Art Coordinator for inclusion of projects within the Program Update and report.

Collection Management

The City of San Luis acquires artworks by purchase, commission, and donation. Processes for these acquisitions are dictated by the Acquisition and Donation sections found in this section. Artwork acquired through these processes are considered to have been accessioned into the City's Public Art Collection. They must be cared for in accordance with the policies and Procedure for Maintenance and the Collection Management policies. Artwork in the City's possession that were acquired outside of or before these policies may not be accessioned pieces of the Public Art Collection and thus may not be subject to the Collection Management policies. The Collection Management policies are intended to maintain the value of the City's Public Art Collection and guard against the arbitrary disposal of any of its pieces.

Objectives

- Maintain a Collection management program that results in a high-quality, city-owned Collection;
- Eliminate artwork that is unsafe, not repairable, or no longer meets the needs of the City of San Luis;
- Care for loaned artworks with the same standards and policies extended to the City's Public Art Collection;
- Respect the creative rights of artists; and
- Support an efficient workload for staff.

Donations

Requests to donate artwork to the City may be considered on a case-by-case basis, where the City has established in advance, and publicized, a need, project, or location in which an art donation may be included. Requests for consideration shall be made to the Public Art Coordinator. The City has no obligation to accept a proposed Donation.

Donation Requirements

The City will consider donations on the following basis:

- The donation contributes to and enhances the City's Collection;
- The donation meets a high standard of quality and is appropriate and meaningful to the community;
- The donation follows required City procedures, including the submission of a Donation Proposal and a Maintenance Plan. Donation Proposal requirements are included in these policies. The requirements for the Maintenance Plan can be found in Procedure for Maintenance policies below;
- The donation proposal includes a plan to fund and deliver ongoing operations and maintenance – or the resolution accepting the public art must identify how maintenance will be funded; and
- The donation proposal is reviewed and endorsed by the Board and approved by the City of San Luis.

The City will not accept a donation of artwork until all funds for development, fabrication, siting, and installation have been secured. The City will consider the following types of donation proposals for artworks for City-owned property:

- An already completed artwork; or
- A commissioned artwork by a specific artist or artists to be created especially for City-owned property.

Donation Proposal Procedures and Review Process

Formal requests to donate artwork to the City of San Luis are made to the Public Art Coordinator.

1. The donor shall complete an Art Donation Agreement Application (donor form) and submit the form to the Public Art Coordinator.
2. Following a positive initial review by a City employee designated by the City Manager, the City will contact the San Luis Arts Committee, which will evaluate the donation request to determine the appropriateness of the donation as measured by approval criteria and provide a written recommendation to the City Commission.
3. The City will then determine whether to accept the donation.
4. The City will notify the donor in writing, identifying final conditions if approval is granted.

Ownership

Once the City accepts a gift, the City shall be the sole owner of the donated item and will have the right, in its sole and absolute discretion, to deaccession any donated item without providing notice to or obtaining the donor's consent.

Criteria for Evaluation

Elements will include, but will not be limited to, the following:

1. **City-owned Property** – Donated public artwork must be suitable for public display on City-owned or City-managed property, and will be publicly accessible;
2. **Relevance and Site Context** – Works of art must be appropriate for the proposed location and its surroundings and/or complement the architecture, topography, history, and social dynamic of the location in which it is placed;
3. **Artist and Artwork Quality** – The artist demonstrates the ability and potential to execute the proposed artwork based on previous artistic achievement and experience. Duplication of work will also be considered. The artwork must enhance the City's Collection;
4. **Physical Durability** – The artwork will be assessed for long term durability against theft, vandalism, and weather;
5. **Public Safety and Liability** – The artwork will be assessed for any public safety concerns, as well as for any potential liabilities for the City;
6. **Sustainability** – Consideration will be given to the environmental impact and sustainability of the proposed artwork, including its operations and maintenance requirements/costs; and
7. **Legal** – Proposed terms of donation, legal title, copyright authenticity, artist's right to reproduce, liability, and other issues as deemed appropriate will be considered.
8. **Originality** - Works of art should be an original design unless it is decided that the work will enhance and complement the character of the surrounding area.
9. **Compliance with Sign Code** - Proposed artwork should feature no copy, lettering, symbols, or any references directly promoting any product, business, or service unless such images are discreet and do not detract from the artwork. Sponsor and artist names may be incorporated in murals but should be discreet and not exceed 5% of the design.
10. **Supporting Costs** - The City's preference is for donors and loaners to provide financial support for public art projects. Donations and loans are an important tool for growing the public arts in San Luis and they foster civic pride by providing people and businesses the opportunity to shape the public environment. Projects should identify sponsorship. All requests for use of City funds for production, siting, installation or ongoing operations and maintenance of the work must be approved by City Commission.
11. **Installation and Maintenance** - Any applicant for public art should present a reasonable plan to install and remove (or preserve) the work. The maintenance plan agreed upon between the artist, business owner, and/or property owner should adequately make arrangements to preserve and, if necessary, restore the quality of work during its exhibition. Elements of a thorough maintenance plan would include:
 - i. Lifespan of artwork and prognosis of durability in consideration of that lifespan.
 - ii. Routine cleaning protocols, methods, cleaning agents, and frequency.
 - iii. Itemization of long-range considerations and care, highlighting maintenance and the anticipated need for periodic conservation treatment or repairs.
 - iv. Specifications of materials used in fabrication.
 - v. Guarantee against failures of workmanship over an agreed upon period of time.
 - vi. Assignment of manufacturers or fabricators warranties to the owner of the artwork.

Memorial Gifts

Memorial gifts will have an additional review process, which will include, but will not be limited to, the following:

1. Timeframe – The person or historical event memorialized must be deemed significant enough to merit such an honor. If the artwork portrays a person in their likeness, the person so honored will have been deceased for a minimum of five years before consideration. The City reserves the right to remove memorials at any time should the City deem it necessary;
2. Community Value and Timelessness – The art selected represents broad community values and timeless qualities that will be meaningful to future generations; and
3. Location – The location under consideration is an appropriate setting for the memorial; generally, there should be some specific geographic justification for the memorial being located within a particular site.

Acceptance and Accession of the Artwork

City staff should refer to City of San Luis Purchasing Policy, prior to finalizing the accession process, as proposed donations may require City Commission acceptance.

If the proposal is accepted by the City of San Luis, a formal agreement will be negotiated outlining the responsibilities of each party (the City, the sponsor(s), the artist, and outside contractors, where applicable).

The agreement will address project funding, insurance, siting, installation, operations and maintenance, project supervision, vandalism, the right of removal or transfer, public safety, and other issues as necessary.

The City of San Luis will be the owner of the artwork and reserves the right to remove or alter the work to ensure public safety or because of any other City concerns. The City upholds copyright law and the Visual Artists Rights Act of 1990 (17 U.S.C. § 106A). Any changes will be made in consultation with the artist and sponsor(s) when possible, or notification will be provided.

The completed and installed artwork will be accessioned and added to the City's inventory list and master database with all accompanying documentation.

Removal, Relocation, or Deaccession of the Artwork

In accepting a donation of artwork, the City of San Luis will not be bound by any agreement with the donor that restricts the City's ability to act in the best interest of the City of San Luis. Nothing in the acceptance of a donation of artwork shall prevent the City from approving subsequent removal, relocation, or deaccessioning of such donations if it serves the City's best interest to do so. The City will deaccession and dispose of works of art in its Collection in accordance with the Collection Management policies.

Art on Loan or Temporary Display on City-owned Property

Art on loan, or art on temporary display on City-owned property, must meet the Donation Requirements above, follow the Donation Proposal Procedures 1-11 above, and be reviewed through the Donation Proposal Review Process. Art on loan or art on temporary display on City-owned property must not be accessioned or added to the City's inventory list and master database. The City shall determine whether an expenditure of City funds, either a direct outlay of City funds or the use of City sources and materials, is associated with or required by acceptance of the loan prior to acceptance. The City may accept loaned public art from organizations and residents outside of the city.

All incoming loans should be documented and monitored in accordance with the same detailed procedures the government objects in San Luis's Public Art Collection. Loans must be documented by written loan agreements between the lender and the City, which should be signed by the lender prior to delivery and/or installation of the work to the City.

Upon City approval of a loaned artwork, the lender must sign an Art Loan Agreement with the City. The agreement should include:

- Term of Loans
 - Loan agreements shall be for a minimum of six months and a maximum of two years, with a provision for up to one year extension with written approval from the lender and the City. When determining the duration of a loan and its duration for display, Lenders and the City should consider an object's material conditions, display location, and display context.
 - At the end of the term of loan, the lender will be granted up to six additional weeks for the removal of the artwork from the site on which it resides.
- Costs
 - The lender will be responsible for all costs associated with the loaned artwork, including but not limited to costs of transportation, installation, maintenance, removal, and repair (if needed).
 - The City will provide site maintenance as well as assistance with installation and removal, under the supervision of the lender or lender's representative. The City shall not be held responsible for any damage to the artwork while it is on loan.
- Installation
 - Artwork must be installed in accordance with requirements from City staff.
- Insurance
 - The City will not assume responsibility for damage or theft of artwork that is on display in accordance with this policy.
 - The lender will acknowledge that a risk of damage, loss, vandalism, or theft is inherent in a public display.
 - The lender must furnish satisfactory evidence of liability insurance by submitting a Certificate of Insurance, Additional Insured Endorsement listing the City, and Waiver of Subrogation. With approval from City Administration, the liability insurance requirement can be waived if the lender signed an Art Loan Release of Liability form.
- Maintenance
 - A representative of the Planning Department, the Maintenance Division of the Public Works Department, and the San Luis Arts Committee will make periodic inspections of the work of art after acceptance by the City Commission. Inspections shall be made at intervals deemed appropriate by the Planning Director or their assignee. The need for maintenance or repairs of the Loaned Public Art may be reported by the staff of any City department or office, the Board, members of the Board, and citizens.
 - The Loaned Public Art and surrounding site shall be kept in a clean and orderly condition and in accordance with Collection Management policies and the terms and conditions of the agreement, if one exists, between the lender and the City.
 - The lender or his or her designated representative will be utilized to make recommendations regarding the care and maintenance of the work of art when deemed appropriate by the City. A visual arts specialist or art conservator should be consulted if the artist or designated representative is not available to advise on the necessary care requirements.
 - The Planning Department shall be responsible for carrying out the lender's advice on such care requirements and for determining such requirements when the artist/donor is unavailable.
 - Prior to accepting the Loaned Public Art, the lender will provide the City with a condition inspection report.
 - Vandalism or other damage to the Loaned Public Art shall be reported to the San Luis Police Department and/or the Planning Department.
 - The lender shall pay the cost of maintaining the Loaned Public Art, unless otherwise provided in the written agreement between the lender and the City.
- Removal
 - Lenders are required to remove Loaned Public Art by the agreed termination date. The City does not accept responsibility for Loaned Public Art not removed within the designated time frame. Any piece of art that is not removed by the deadline shall be treated as abandoned property
 - Loaned Public Art may be removed from City property in accordance with the Deaccession section of this policy.

Maintenance

The City of San Luis will administer the maintenance of the City's Collection with advice from the Public Art Coordinator and other outside partners through yearly evaluation and planning for the care of the existing Collection.

This section addresses:

- Accessioning and inventorying the City's Collection of public art;
- Conducting a biennial Survey and Condition Assessments of all work in the Collection;
- Preparing a biennial Public Art Maintenance Plan; and
- Overseeing routine maintenance and special conservation treatment of the City's Collection.

Every five years, the City of San Luis will assess the condition of all public art with a qualified professional conservator and develop a prioritized list of works in need of conservation or maintenance. This list will be the basis of the biennial Public Art Maintenance Plan.

Under this plan, trained contractors may carry out routine maintenance. For work in need of a higher level of maintenance, specialized care, or conservation treatment, the Program will utilize the maintenance funds available held in the General Fund.

Maintenance Guidelines for Acquiring New Works

Maintenance Plan

As described in the Acquisition policy, all acquired artworks must have a maintenance plan developed.

Utilization of the Maintenance Plan

The Maintenance Plan will be used to:

- Advise the Board, appropriate City staff, and others who must review and approve design proposals or accept or decline donated artwork;
- Troubleshoot the production of construction drawings, the fabrication of the artwork, and the preparation of the site;
- Follow-up on the artist's recommendations; and
- Refer to during the post-fabrication/installation inspection to prepare a final report and a punch-list to complete the project.

The City of San Luis, professional conservators, and artists will strive to address the recommendations in the Maintenance Plan without unduly interfering with the aesthetic intent of the proposed public art.

Post Fabrication/Installation Inspection

The Post-Fabrication/Installation Inspection conducted by City staff will be based upon and follow-up on the Maintenance Plan that was developed during the design phase. It will include the following:

- Ensure that recommendations made in the Maintenance Plan and during fabrication were followed;
- Confirm that the artwork is executed as proposed and agreed upon;
- Confirm that there are no missing or incomplete elements;
- Establish that materials quality and stability are acceptable;
- Establish that fabrication quality and stability are acceptable;
- Confirm that installation is stable and secure;
- Confirm that stainless steel is fully and properly "passivated";

- Confirm that, if required, protective coatings have been applied;
- Ensure that warranties for electronic and other media are submitted as necessary;
- Identify any remaining vulnerabilities;
- Confirm no new damage resulting from installation process;
- Ensure that the maintenance and operations plan is accurate; amend as needed; and
- Confirm that the plaque/public notice meets program policies and is properly installed.

Deaccession

Removal from Public Display

Requests to deaccession artwork to the City may be considered on a case-by-case basis. Requests for consideration shall be made through the Public Art Coordinator to the Board, based on the deaccession criteria below.

If the artwork is removed from public display, and the removal is not an emergency removal, then the City of San Luis may consider the following options for deaccession:

- Relocation: If the Board recommends that an artwork must be removed from its original site, and if its condition is such that it can be re-installed, the Board will attempt to identify another appropriate site. If the artwork was designed for a specific site, the Board will attempt to relocate the work to a new site consistent with the artist's intention. If possible, the artist's assistance will be requested to help make this determination. The City may, as necessary or appropriate, transfer City-owned public art from one public site to another, transfer public art to storage, or make a temporary loan of public art to another agency or organization.
- Store artwork until a new site has been identified or the City decides to deaccession the artwork.
- Sell or trade the artwork after deaccession.

If an artwork's Agreement specifies terms of deaccession, then the City shall dispose of the work accordingly. Once deaccessioned from the City's collection, a work may not be installed on City property.

Provision for Emergency Removal

In the event that the structural integrity or condition of an artwork is such that the artwork presents an imminent threat to public safety, the City Manager may authorize immediate removal without the artist's consent, and have the artwork placed in temporary storage. If the Artist's agreement with the City has not been waived under the Visual Artists Rights Act of 1990 (17 U.S.C. § 106A), then the City must notify the artist of this action within 30 days. The City will then consider options for repair, reinstallation, maintenance provisions or deaccessioning. The City is not obligated to repair, reinstall, and/or replace temporary artworks (including but not limited to utility box wraps, murals, etc.) that have been removed either as a result of the Provision for Emergency Removal, or due to inadvertent damage or destruction.

In the event that the artwork cannot be removed without being altered, modified, or destroyed, and if the Artist's agreement with the City has not been waived under the Visual Artists Rights Act of 1990 (17 U.S.C. § 106A), the City must attempt to gain written permission before proceeding. In the event that this cannot be accomplished before action is required in order to protect the public health and safety, the City shall proceed according to the advice of the City Attorney.

Criteria for Deaccession

The following may be grounds for the City to deaccession public art from City-owned or controlled property, for one or more of the following reasons:

1. An artwork is not, or is only rarely, on display because of lack of a suitable site.
2. The condition or security of the artwork cannot be reasonably guaranteed
3. The artwork has been damaged or has deteriorated and repair is impractical or unfeasible.
4. The physical structure of the artwork endangers public safety.
5. The public art was stolen from its location and cannot be retrieved.

6. In the case of site specific artwork, the artwork's integrity or relationship to the site is altered because of significant changes in the use, character, or design of the site
7. The artwork has been determined to be incompatible within the context of the collection.
8. The City of San Luis wishes to replace the artwork with work of more significance by the same artist.
9. Maintenance costs are higher than anticipated
10. Faults of design or workmanship make repair or remedy impractical or unfeasible.
11. The City of San Luis has approved necessary site alterations
12. Written request from the artist or donor.
13. Significant, adverse public reaction has continued unabated over an extended period of time.
14. The artwork has become publicly associated with racism, sexism, homophobia, xenophobia, acts of assault or violence, or other offensive themes.
15. The City Commission has determined that it is in the best interest of the City to remove the public art.

Integrity of Artworks

The San Luis Public Art Program will seek to ensure the ongoing integrity of the artwork and the sites for which they were created, to the greatest extent feasible, in accordance with the artist's original intentions, and consistent with the rights afforded by the Visual Artists Rights Act of 1990 (17 U.S.C. § 106A).

Access to Artworks

The City will seek to assure continuing access to artworks by the public. However, the City may limit availability due to circumstances such as funding, public safety, display space, and deaccession processes.

Life Spans

An artwork's life span is either the amount of time its materiality will allow it to be displayed (either for artwork safety or artwork integrity reasons), or the object's display period, as determined by a contract between the City and the artist, whichever is shorter. Life spans assigned to the work during the commissioning process will be considered as part of requests for deaccession or removal. For artworks that have not been assigned a life span, the Public Art Coordinator may engage experts to assist in assigning the artwork a life span, based on the life expectancy of the artwork's materials and fabrication methods, and/or the programming priorities of the Board.

- Temporary: 0 - 2 years
- Short Term: 3 -10 years
- Medium-Term 11 - 25 years
- Long-Term 26+ years

[Application Process](#)

Preliminary Request

Permanent artworks must be in place for at least five years before deaccession or relocation requests will be considered unless matters of public safety necessitate the removal. Deaccession or relocation requests may be submitted by the public.

Deaccession and Removal Form

Applicants will be required to submit a written request to City staff, or the appropriate representative for consideration of deaccession or removal of artwork.

Review Process

In consultation with the Board, the Public Art Coordinator will review requests and decide on either deaccession or relocation.

Public Meeting

The City may hold a public meeting to gather community feedback on a proposed deaccession or removal, unless the removal is an emergency. The City may also decide to hold additional public meetings or gather community input through other methods. The City may seek additional information regarding the work from the artists, galleries, curators, appraisers, or other professionals before making a recommendation.

Artist Involvement

If deaccession or removal is recommended, the artist (if available) will be contacted and invited to provide input to the City. The artist's contract and other agreements or pertinent documents will be reviewed and sent to the City Attorney's Office for final approval.

Recommendation

The Public Art Coordinator will prepare a report and consult with the City Attorney, as necessary. City staff's recommendation may include dismissing the request and/or modifying, relocating, selling, donating, disposing, or storing the artwork.

The Public Art Coordinator will provide all relevant correspondence including, but not limited to:

1. Artist's Name, biographical information, samples of past artwork, and resume.
2. A written description and images of the Artwork.
3. Artist's Statement about the Artwork named in Deaccession or Relocation Request (if possible)
4. A description of the selection process and all related costs that was implemented at the time the Artwork was selected.
5. A formal appraisal of the Artwork (if possible)
6. Information regarding the origin, history, and past ownership of the Artwork
7. Information about the condition of the Artwork and the estimated cost of its conservation.
8. Information and images of the Artwork's site
9. Any information gained from the public meeting held about the deaccession and removal of the work.
10. Feedback from the City Department responsible for operating and maintaining the Artwork.
11. Detailed budget for all aspects of conservation, maintenance, repair, installation, operation, insurance, storage, and City Staff support.
12. The Artist's contract with the City.

City staff can recommend one or more of the following methods for an artwork's deaccession:

1. Sale or Exchange - sale shall comply with the Arizona of Arizona and City of San Luis laws and policies governing the sale of municipal property.
 - a. Artist, or estate of the artist, will be given the first option to purchase or exchange the artwork(s).
 - b. Sale may be through auction, gallery resale, direct bidding by individuals, or other forms of sale in compliance with the Arizona of Arizona and City of San Luis law and policies governing surplus property.
 - c. Exchange may be through an artist, gallery, museum or other institution for one or more artwork(s) of comparable value by the same artist.
 - d. No works of art shall be traded or given to Board members or City of San Luis staff.
 - e. Proceeds from the sale of artwork shall be placed in an San Luis account designated for public art purposes. Any pre-existing contractual agreements between the artist and the City regarding resale shall be honored. An exception to these provisions may be required if the artwork was originally purchased with funds that carried with them some restriction, for example, bond funds for street and sidewalk improvements, in which case the proceeds shall be placed in an account designated for art allowed under similar restriction(s).

2. Destruction of Artwork – if artwork is deteriorated or damaged beyond repair or deemed of negligible value.
3. If the City of San Luis is unable to dispose of the artwork in the manner outlined above, the Public Art Coordinator may recommend the donation of the artwork to a non-profit organization or another method.

Costs

If deaccession or relocation accommodates the applicant's interests or project, they may be required to cover the deaccession or relocation at no cost to the City.

Conflict Of Interest

No works of art shall be given or otherwise transferred publicly or privately to officers, directors, or employees or staff of the City of San Luis or their immediate families or representatives of the City of San Luis.

Compliance With Applicable Policies And Regulations

Deaccession and relocation of artwork will be done in a manner that complies with all other applicable City of San Luis, State of Arizona, and federal procedures, policies, and regulations.

Existing Public Art Pieces At Time Of Policy Adoption

Existing public art pieces on City-owned property should be evaluated using the accession criteria to ensure that it is appropriate for the City to continue owning and maintaining the artwork. If it does not meet the accession criteria, then the piece will not be accessioned into the San Luis Public Art Collection.

Public Art Program Update

What is the Public Art Program Update?

The Public Art Program Update is a document that outlines in-process projects, and projects will be initiated in the coming fiscal year(s). The Program Update is one of the most crucial elements of the Public Art Program. It creates a roadmap and allows for the input of community members, elected officials, and others who care deeply about public art in San Luis.

The Public Art Coordinator will develop the Update in consultation with staff and the Board and submit it as part of the budget for review and approval.

The following steps will be taken to develop the Public Art Program Update:

1. Work with City Departments to determine the availability of funds for the upcoming year(s).
2. Identify projects to be paid for by identified funding, including acquisition and maintenance.
3. Develop a draft Public Art Program Update that will include locations, goals, and budgets for public art projects and programs for staff review.
4. Present the Update as part of the City budget approval.
5. Integrate feedback from City Commission to determine the final Program Update.
6. Report on the use of funds collected to support the Public Art Program to and increase the amount of art in the City that is available to the public.

Use of Funds

Funding for the San Luis Public Art Program may come from:

- the General Fund;
- the City's Capital Improvement Fund;
- grants and/or contributions from private entities;
- other public agencies;
- philanthropic sources; or
- through other sources as deemed appropriate by the City.

Appropriate Uses of Funds

The public art funds may be spent for:

- Calls for Entry, RFQ's/RFP's, concept designs, maquettes, juror stipends, and other costs related to competitions and commissions
- Artist fees including travel stipends and expenses related to travel;
- Artwork fabrication and installation;
- Site preparation and cleanup;
- Acquisition of existing works of art;
- Relocation of existing or commissioned works of art;
- Required permits and insurance during the fabrication and installation of the artwork;
- Informational/promotional materials and public events directly related to the artwork;
- Required equipment needed for installation;
- Artwork appraisal;
- Staffing and services of a Public Art Consultant;
- Curators and contracted services.

Uses of Funds for Murals

The installation of a mural may necessitate additional expenses beyond the artist fee and materials. Additional fundable expenses include but are not limited to:

- Artist(s) fees for design and execution of murals.
- Rental or purchase of painting equipment or the purchase of painting supplies.
- Preparation of the mural surface including repairs and priming.
- Rental of barricades and other equipment required of street or alley closures.
- Lighting and electrical equipment.
- Other expenses that are pre-approved by the City Manager and the City of San Luis.

Inappropriate Uses of Funds

The public art funds may not be spent for:

- Mass-produced work, with the exception of limited editions controlled by the artist.
- Professional graphics, unless designed or executed by an artist or used in the development of collateral material.
- Decorative, ornamental or functional elements that are designed by a project's architect or other designer.
- Routine maintenance, conservation, repair, or restoration, exceeding more than 10% of the annual budget.
- Purchase of existing works of art outside of the selection process.

Public Art Acquisition

These policies establish the practices for acquiring artworks. The procedure creates a thorough and transparent process for acquiring artwork and favors open-ended selection processes to ensure artistic excellence in the City's Collection.

Selecting the artist is one of the most critical steps in commissioning public art. An open, equitable, competitive process that inspires the artist and engages the community can be an enriching experience and lead to more creative and exciting public art. The Public Art Coordinator will work with the Board to determine the appropriate method for commissioning new artwork for each Public Art Program project.

Goals of the Selection Process

- To satisfy the goals of the project site through an appropriate artist selection.
- To further the mission and goals of the Public Art Program.
- To select an artist or artists whose existing public artworks or past collaborative design efforts have demonstrated a level of quality and integrity.
- To identify an approach to public art suitable to the goals and demands of the particular project.
- To select an artist or artists who will best respond to the distinctive characteristics of the site and the community it serves.
- To select an artist or artists who can work successfully as members of an overall project design team.
- To ensure that the selection process represents and considers the interests of all parties concerned, including the public.
- To ensure, on average, the demographics of the artists and selection committees are reflective of San Luis's population, on average.

Purchasing Procedures

City staff should refer to the City of San Luis Purchasing Policy, prior to confirming an acquisition method and finalizing the acquisition process. Pursuant to City of San Luis Purchasing Policy, if the purchase of an existing artwork, or the award of a contract for a newly commissioned artwork exceeds \$25,000.01, then the Board must recommend the artwork for purchase to City staff to present to the City Commission for approval of the contract.

Any bid or proposal opportunities for goods, services, or both, shall be posted on the Arizona Procurement Registry in accordance with State law. Arizona Public Works contracts shall be posted subject to Chapter 91 of Title 36 of the O.C.G.A.

Artist Selection Methods for Acquiring Existing Artwork

Competitions

In competitions, the City may put out an open call to artists for a possible inclusion in an exhibition at a predetermined site. The competition, which may or may not take the form of a temporary exhibit may feature existing artworks. Each selected artist may receive a stipend and the City may purchase one or more pieces of artwork at the conclusion of the exhibit to be placed in public locations around San Luis.

Direct Selection

On occasion, artists may be recommended directly by the Artist Selection Committee. Direct selection may be useful on projects where an urgent timeline, low budget, or where precise project requirements exist. This list of artists could come from a pre-qualified list.

Direct Purchase

Some projects require the purchase of a specific artwork due to the exacting nature of the project or a minimal project timeline. In this case, the work must be "one-of-a-kind" and not mass-produced or off the shelf. This list of artists could come from a pre-qualified list.

Artist Selection Methods for Commissioning New Artwork

Open Competition

In an Open Competition, any artist may submit their qualifications or proposal, subject to any requirements established by the Artist Selection Committee. The Requests for Qualifications (RFQs) or Requests for Proposals (RFPs) should be sufficiently detailed to permit artists to determine whether their art is appropriate for consideration. Open Competition allows for the broadest range of possibilities for a site and brings in new, otherwise unknown, and emerging artists.

Limited or Invitational Competition

In a Limited Competition or Invitational, several pre-selected artists are invited by the Artist Selection Committee to submit their qualifications and/or proposals. This method may be appropriate when the City is looking for a small group of experienced artists, a limited time frame, or if the project requirements are so specialized that only a limited number of already identified artists would be eligible. This list of artists could come from a pre-qualified list.

Direct Selection

On occasion, artists may be recommended by the Artist Selection Committee. Direct selection may be useful on projects where an urgent timeline, low budget, or where precise project requirements exist. This list of artists could come from a pre-qualified list.

Direct Purchase

Some projects require the purchase of a specific artwork due to the exacting nature of the project or a minimal project timeline. In this case, the work must be “one-of-a-kind” and not mass-produced or off the shelf. This list of artists could come from a pre-qualified list.

Artist Services Procurement

Design Team Member

In some instances, the City may use a targeted process to select an artist as part of a larger project design team. Language would be added to the project Request for Qualifications/Request for Proposals specifying that all teams responding to the RFQ/RFP must include a professional artist from a pre-qualified list as described in the section below. Given the nature of the project, a design team responding to an RFQ/RFP may be asked to identify an artist as part of the team based upon criteria established by the City in the RFQ/RFP. In this case, the Public Art Coordinator will represent the Program as part of the selection committee for the design team.

Pre-Qualified Artist Lists

The City may decide to develop a pre-qualified pool of artists from which it can choose artists for Limited Competition, Direct Selection, and Direct Purchase. This pool would be developed based on a comprehensive review of artist qualifications. This list could be updated annually or bi-annually, depending on the frequency of new projects.

Artist Selection Process for Artwork Acquisition (Existing Artwork and Newly-Commissioned Art)

Once an Artist Selection method is determined, a selection process will be established. A jury of recognized experts will make recommendations for selected artists to create site-specific artwork or will make recommendations for artwork chosen to be exhibited.

If the budget for a single piece of artwork is \$25,000.01 or more, a selection panel must be formed. If the budget for a single piece of artwork is less than \$25,000.00, the Board will act as the selection committee.

Purpose and Responsibilities

The artist selection process will interpret and review the artist's proposals based on the selection criteria.

The goals of the selection process are as follows:

- To satisfy the goals of a specific project or site through an appropriate artist selection.
- To further the mission and goals of the Public Art Program.
- To select an artist or artists whose existing public artworks or past collaborative design efforts have demonstrated a level of quality and integrity.
- To identify an approach to public art suitable to the goals and demands of the particular project.
- To select an artist or artists who will best respond to the distinctive characteristics of the site and the community it serves.
- To select an artist or artists who can work successfully as members of an overall project design team.
- To ensure that the selection process represents and considers the interests of all parties concerned, including the public, the arts community, and the City department(s) involved.

Artist Selection Committee

Membership of Selection Committees

Membership will be recommended by the Public Art Coordinator. The members of the selection panel (panelists) will be representative of the community demographic and will consist of at least five (5) but no more than nine (9) members from the list below:

- Members of the San Luis Arts Committee
- Artist or arts administrator;
- Design professionals
- City of San Luis project manager who may appoint the project architect or project landscape architect in their stead; and
- A member of the project steering committee if one has been appointed
- Community or neighborhood representative

Artist Selection Committee Conflict of Interest

Artist Selection Committee members will declare any conflicts of interest for all projects and artwork under consideration at the beginning of their meetings. A conflict of interest exists if a committee member, an organization the committee member is associated with as a staff or board member, or a committee member's family member can gain financially from the project under consideration by the Artist Selection Committee. In order to promote public confidence in this process, a committee member may also declare a conflict if they think there may be a perception that they have a conflict. If a committee member has a conflict, he/she must not participate in the Artist Selection Committee's discussion or decision regarding the project. They must also refrain from discussion about the project and from influencing fellow committee members.

Procedures

During an artist selection process, Artist Selection Committee members will not submit applications for the placement of their own artwork and/or projects. City Staff and Board can invite artists to participate but must refrain from giving advice to applicants or answering their questions and direct such questions to the Public Art Coordinator during the selection process. The Board must solicit public comment for all pieces of public art commissioned or purchased for over \$25,000.01. An opportunity for public comment must be given before a formal vote. A formal vote recommending the selection to the City of San Luis City Commission must be recorded in keeping with the City of San Luis public record requirements.

Project Implementation Process for Site- Specific Artworks

Upon the decision of the Artist Selection Committee, and with the assistance of the City Attorney's Office, the Public Art Coordinator will prepare a contract that includes the scope of work, fee, schedule, and relevant terms and conditions to be approved by the City and artist.

The City will follow the process for contracting required by law. For some projects, the contract with the artist may be phased to include two scopes of work with separate pay schedules and deliverables. The first phase would include all design documentation, including final design, stamped engineering drawings, installation details, and a revised fabrication budget and timeline. The second phase would include all costs related to fabrication and installation.

The Public Art Coordinator will ensure all documents are signed and insurance coverage secured before issuing a notice to proceed and will be responsible for coordinating the artist's work to ensure the successful integration of the artwork into the project. The Public Art Coordinator will organize a meeting with all integral staff to review roles, responsibilities, and schedules.

If specified in the contract, the artist will develop design development drawings for review and approval from the City before fabrication. The Public Art Coordinator will schedule meetings with the appropriate offices to review and approve the plans.

If the artist proposes any significant design changes, the Public Art Coordinator will secure the recommendation for approval from the Board and the appropriate departments of the City before approving said changes in writing, per the terms and conditions of the contract.

If the parties are unable to reach mutually beneficial contract terms, then the contract process will be terminated.

The Public Art Coordinator will be responsible for overseeing the installation of the artwork. The Public Art Coordinator will ensure that all the necessary requirements have been completed before interim and final invoice payments to the artist.

Maintenance Plan

Understanding maintenance and care of public art begins before an artwork is created. During the design phase or when a donation is initiated, the City, artist, or sponsor will review and analyze their design proposal and advise on maintenance and operations of the artwork. It is best practice and highly recommended that an art conservator is contracted to give a report on the proposed artwork.

On behalf of the City, the artist, sponsor, or the appropriate party will submit a Maintenance Plan to the City of San Luis, who will review and then catalog any tasks associated with maintenance of the artwork.

The Maintenance Plan will enable the City to:

- Evaluate the quality and sustainability of the proposed or existing public artwork;
- Establish maintenance requirements, assign schedules, and identify potential costs; and
- Determine if the City of San Luis should accept or decline the design proposal and/or public artwork.

To produce the Maintenance Plan, the artist should examine and render an opinion on the following:

- Durability;
- Type and integrity of materials;
- Construction/fabrication technique;
- Internal supports, anchoring and joining, and footings;
- Landscaping;
- Vulnerable and delicate elements;
- Drainage of artwork;
- Potentially dangerous elements;
- Security;
- Location;
- Environment;
- Whether the design encourages/discourages interaction; and
- Effects of skateboarding, graffiti, and any other potentially damaging activities.

The Maintenance Plan will include:

- A record of the artist's intentions for the artwork;
- Recommendations to mitigate potential problems discovered during the examination;
- Notes about how the artist would like the artwork to age;
- An itemization of long-range considerations and care, highlighting maintenance and the anticipated needs for periodic conservation treatment or repairs; and
- Identification of the lifespan of the artwork and a prognosis of its durability in consideration of that lifespan.

The artwork may also be identified as site-integrated, or part of the site and/or the architecture, as appropriate and will fall into the long-term lifespan category above.

Mural Guidelines

Introduction

Murals are a relatively quick and highly impactful way to bring public art into the built environment. Murals provide an opportunity for visual artists to show their talent and creativity while also contributing to a community's landscape and identity.

Publicly-Owned Murals

Publicly-owned murals may occur on publicly-owned buildings or on privately-owned buildings where the property owner agrees to a mural easement allowing for the creation and maintenance of a publicly-owned mural on private property for a specific period of time.

The San Luis Arts Committee assists City Staff with coordinating the creation and completion of publicly-owned murals. This assistance includes but is not limited to:

- Identifying potential mural sites.
- Issuing and administering the Request for Qualifications (RFQ) for mural artists.
- Coordinating a selection process for RFQ reviews and artist recommendations.
- Acting as a selection panel if the budget is under the \$25,000 project threshold.
- Making recommendations for the selection panel members if the budget is over the \$25,000.01 threshold.

Mural Design Considerations

Murals in the City of San Luis are encouraged to be varied in both content and design. A wide variety of murals will ensure a vibrant visual experience for residents and visitors alike. Some murals may celebrate the history of San Luis while others may be palettes for vibrant artistic expression, inject whimsy into the built environment, or showcase the artists' wildest dreams - the opportunities are endless.

In addition to the Considerations and Evaluation Criteria for Public Art set forth herein, the following additional review criteria are applicable to Murals.

1. The content of a mural is protected under the laws of free speech.
2. The mural must comply with Arizona obscenity laws and cannot depict sexual conduct or sexually explicit nudity, nor advertise any activity illegal under the laws of Arizona or the United States.

While not relating to content, some design considerations should be made in order to ensure a successful project.

Design Considerations:

1. Scale - Who will be the intended viewer or audience? A mural intended for pedestrians may be of a different scale than one intended for automobile drivers or cyclists along a bike trail.
2. Accessibility - Are there opportunities to engage those who are visually impaired or otherwise not able to view the mural?
3. Maintenance - What are the long term maintenance implications of the design? Is it easily repairable?
4. Longevity - What is the expected life span of the mural? Is it intended to be a short or long term installation?
5. Experiential Elements - Is there a potential for additional elements that could be added to enhance the experience of the viewer such as virtual (VR) or augmented (AR) reality elements, audio elements either on site or online, instagram or social media interactions or other opportunities?

Mural Easements

In order to create additional mural opportunities within San Luis, these policies encourage property owners to enter into easement agreements with the City that allow for public funds to be expended for murals on private property. Though there may be positive benefits for a property owner as a result of the creation of a publicly-owned mural on their building, there must be no direct correlation between the content of the mural and the property or any business housed in the property.

In order for the City to implement a publicly-owned mural on a privately-owned building the building owner must sign an easement created by the City of San Luis which states that the owner will not paint over, destroy, cover, or alter the mural for the duration of the agreement. Agreements typically last for a minimum of 5 years but may be shorter or longer depending on the project. As part of easement negotiations, the City should also consider negotiating with the property owner for nightly illumination of the mural for the lifetime of the easement.

RFQ Artist Selection

A selection panel should be formed using the policies in the acquisition section of the policy in order to select artists. The following criteria should be utilized as the minimum criteria for the selection of artists for all mural projects. Additional project specific criteria may be added in addition to the baseline criteria.

- Experience with similar mural projects, examples of past projects, including at least ten (10) color images of one or more completed mural projects – and three supporting professional references.
- Willingness to work with City Staff to develop and refine the mural design.
- Timely response to the RFQ, which shall include but not be limited to a requirement that at least ten (10) color renderings/designs of the proposed mural, a written description of the mural, and photographs of the proposed site and physical surroundings be submitted to the Public Art Coordinator
- Innovative and unique artistic vision, including technique, composition of visual art elements, use of line, color, form, and texture.
- Realistic project budget and timeline.
- Willingness to enter into a contractual agreement with the City of San Luis.
- Liability/Workers compensation/automobile insurance.
- Agreement to allow images of the completed mural to be placed on the City of San Luis website.

Mural Implementation

Upon selection, the artist will work with the City of San Luis to create a design, secure permits, as appropriate, such as street or alley closures. Below is a general overview:

- City Commission will review and give final approval for the artist selection and mural design.
- City Staff will monitor the creation and completion of the mural.
- The Artist will create the artwork in a timely fashion. If more time is needed, the artist must notify the City so that any applicable permits may be extended.
- The creation of the mural must include materials that are long-lasting (at least five (5) years unless agreed to beforehand), graffiti and UV resistant, or include an anti-graffiti and UV resistant coating.

- The artist must notify the City when the mural is completed.
- When the mural is completed, a mural dedication event will be organized.

Private Murals on Private Property

The City of San Luis encourages the installation of private murals on private property in order to support artists and enhance the visual environment in San Luis. Private property owners are encouraged to voluntarily follow the policies set forth in this document as applicable and are also encouraged to consult with the Public Art Coordinator with regard to any questions or concerns as they develop and implement private murals. If any privately-owned and/or privately-commissioned mural on private property has been proposed for City acquisition into the Public Art Collection, then the mural in question must be reviewed for acquisition according to the procedures set forth in the “Acquisition” chapter of this Public Art Guidelines document. Privately-owned and/or privately-commissioned murals on private property are not automatically accessioned into the Public Art Collection of the City of San Luis.

End of Policy



