



**GUIDELINES**  
**PUBLIC ART PROGRAM**  
**CIP/MAYOR-S OFFICE**  
**CITY OF ALBUQUERQUE**

**The Albuquerque Public Art Program is dedicated to inspiring the human spirit throughout our community.**

**Built on the foundation of two City Ordinances, the Public Art Program provides the public with arts and cultural information and services, and Works of Art which result from common goals developed by City government and the community - reflecting the diverse spectrum of beliefs, cultural heritage and traditions, and artistic expressions in Albuquerque.**

**I. The Ordinance Establishing the Public Art Program**

**A. Title:** The Art in Municipal Places Ordinance, often referred to as the "1% for Art Ordinance", Chapter 10, Article 5, Revised Ordinances of Albuquerque, 2000.

**B. Purpose:** The Ordinance was introduced and approved by the Albuquerque City Council in 1978. The purpose is to "promote and encourage private and public programs to further the development and public awareness of and interest in, the fine and performing arts and cultural properties; to increase employment opportunities in the arts; and, to encourage the integration of art into the architecture of municipal structures." Projects in the Capital Program shall include an amount for works of art equal to one percent of the total construction cost of the project. Nothing contained in the Ordinance shall preclude funding the acquisition of art for municipal property in other ways.

**C. Definitions:** The following definitions are derived from different sources and are referenced as follows: (Ordinance), (Guidelines), etc. The source appears at the end of the reference.

1. "Board" shall mean the Albuquerque Arts Board. (Ordinance)
2. "Mayor" means the Mayor of the City of Albuquerque or his designated representative. (Ordinance)
3. **A**City Council**@** means the elected City Council members, of the Albuquerque City Council. (Guidelines)
4. "Capital Improvements Program" means all capital projects of the City. (Ordinance). "CIP" [also] refers to the Capital Implementation Program Division, Mayor's Office. CIP is responsible for administering the Public Art Program. (Guidelines)
5. "General Bond Purpose" means each separate question or purpose submitted to the voters in a General Obligation Bond election or any purpose for which a bond ordinance authorizing revenue bonds is approved. (Guidelines)
6. **A**One Percent For Art**@** means one percent of the amount of funds for each bond purpose shall be set aside for the acquisition of Works of Art and administration of the Program. (Guidelines)
7. "Work of Art " means any work of visual art, including but not limited to, a drawing, painting, mural, fresco, sculpture, mosaic, photograph, work of calligraphy, work of graphic art (including an etching), works in clay, textile, fiber, wood, metal, plastic, glass, and like materials, or mixed media (including a collage, assemblage, or any combination of the foregoing art media). For projects which involve no structure, "Work of Art" may include a combination of landscaping and landscape design (including some natural and manufactured materials such as rock, fountains, reflecting pools, sculpture, screens, benches, and other types of street furniture). Except as provided herein, the term "Work of Art" does not include environmental landscaping or ephemeral arts such as dance, voice, music or poetry unless expressed in a manner defined above. (Ordinance)
8. **A**Public Art Program**@** means the Program, the entity and the activities including the Arts Board and City staff, which develop and implement the purpose and goals of the Art in Municipal Places Ordinance, following city policies and procedures. (Guidelines)
9. **A**Public Art Collection**@** means the entirety of Works of Art in municipal places which have been acquired by the City of Albuquerque through the Public Art Program. (Guidelines)

10. "Guidelines" is the term used to describe these regulations adopted by the Board and approved by the Mayor which establish procedures necessary to carry out the purpose of the Ordinance. These guidelines shall include but not be limited to criteria for the selection of artists and art works, maintenance of a file of interested artists, payment practices, procedures for artistic competitions, and requirements for the maintenance of art works. (Ordinance) These guidelines shall delineate the goals of the Public Art Program. (Guidelines)

11. "Prospectus" is the term used to describe "what is wanted in a particular Work of Art"; in relation to public purchasing processes, it is equivalent to "a request for proposals." A Prospectus usually includes elements such as the site, the desired medium for the artwork and it may include a theme or other desired qualities which may help artists in responding to the range of needs affecting a public art project. A Prospectus shall be developed for every project, including donations, acquisitions of existing Works of Art, or direct selections of artists. (Guidelines)

12. "Residence" refers to the location of the artist's home and/or studio; in many cases, the Prospectus may require identification of the Artist's community, county or state of residence. This is generally demonstrated through the mailing address and/or other documentation that verifies that an artist has maintained "residence" in a particular locality, usually for a period of one year prior to consideration for a public art project. In particular cases, with Native American artists, tribal enrollment may be substituted for domicile with regard to establishing "residence". (Guidelines)

13. "City Facility" for the purposes of the Public Art Program refers to publicly-accessible facilities owned and operated by the City of Albuquerque; this may include buildings, parks, public spaces or public works which are physically or visually accessible to the general public. (Guidelines)

14. "Publicly Owned" Property refers to facilities or grounds which are not the property of the City of Albuquerque but on which City of Albuquerque public art projects may be sited; these include joint use facilities of the City of Albuquerque and facilities of other public entities such as the Albuquerque Public Schools, the State of New Mexico, etc.; or, private facilities or properties once necessary public easements have been obtained. (Guidelines)

15. "User Department" refers to any City department, division or program with capital projects, or for which public art projects are being considered. (Guidelines)

16. Adoption refers to Works of Art which are already in the public realm, owned either by the public or private sector, but which would benefit from being cared for, supported and promoted through becoming part of the Public Art Collection. (Guidelines)

17. Notice of Acceptance is the written notification to the Artist that a Project is complete and that the Work of Art has been accepted by the City. (Guidelines)

## **II. Goals for The Public Art Program**

In developing the Public Art Collection of the City of Albuquerque, the Albuquerque Arts Board and the Administration of the City have established these goals to guide the Board, staff of the Public Art Program and the City:

- \* The Public Art Collection will reflect the diverse spectrum of beliefs, cultural heritage and traditions, and artistic expressions of Albuquerque and New Mexico.
- \* The Public Art Collection will include Works of Art representing a broad variety of media and styles and support community interests to have an aesthetically built environment.
- \* The Public Art Program will endeavor to provide opportunities for artists of all racial, ethnic and cultural backgrounds, artists with disabilities, and artists of all other diverse groups.
- \* The Program will identify and pursue additional sources of funds and donations of Works of Art to the City of Albuquerque.
- \* The Program will develop public art projects which enhance the urban environment of public spaces as well as the visual design form and content of the city; which enhance a particular community; and, which may enhance the tourist and economic potential of Albuquerque and particular sites within the community.
- \* The Program, will pursue opportunities to inform the public regarding public art including possibilities for public participation in all phases of the public art process.
- \* The Program will promote the visual arts of Albuquerque and New Mexico and, inform and work to increase understanding within the community about the purposes and meaning of the Works of Art in the Collection.

- \* The Program will document, maintain and conserve Works of Art in the Collection, regardless of the source of acquisition.

### **III. The Albuquerque Arts Board**

**A. Purpose:** The Arts Board is responsible in broad terms, for making recommendations to the Mayor regarding acquisition of works of art for City facilities and regarding programs and facilities which further development of the visual arts. The Arts Board is also responsible for establishment of regulations or guidelines which are necessary to carry out the purposes of the Ordinance.

**B. Membership:** Established by the ordinance and governed by the Albuquerque City Charter regulations covering all citizen advisory Boards and Commission, the Arts Board consists of eleven members, all of whom shall reside in the City of Albuquerque, one representative from each of the nine Council districts and two at-large members. When a vacancy occurs, the respective City Councilor identifies two individuals whose names are forwarded to the Mayor for selection of one candidate whose name is then returned for City Council approval. At-large candidates shall be identified by City Council and then follow the same process. Each member is appointed to a three year term which may be renewed once. The terms are staggered. Board members generally represent all fields of the visual arts and include knowledgeable lay persons.

**IV. Administration:** The City of Albuquerque's Public Art Program is administered by staff of the City's Capital Implementation Program. Staff is responsible for carrying out the guidelines and City administrative procedures in order to accomplish the recommendations of the Arts Board which are approved by the Mayor. The Sunport Art Program, although it is administered by staff of the City's Aviation Department, shall conform to the Public Art Program Guidelines, standards and procedures for acquisition of art. The Albuquerque Arts Board shall review recommendations regarding the Sunport Art Collection as well as acquisitions of works of art for other city-owned facilities.

### **V. Program Funding Sources**

**A. G. O. Bond Funds - (1% for Art Funds):** The funds that provide the basic source for projects of the City's Public Art Program are those referred to as the 1% for Art Funds. This refers to the set aside of 1% of the costs for capital projects funded by voter-approved General Obligation Bonds. The 1% funds are to be used for the acquisition and installation of artworks for a facility of the same department as specified by the bond purpose. No more than twenty percent and no less than fifteen percent of the total amount for works of art may be expended for the administrative costs of the program.

**B. Revenue Bond Funds:** Another major funding source for City construction and, therefore, for public art acquisitions is revenue bond funds. These funds may include the 1% Art provision if the bond ordinance authorizing revenue bonds or other appropriate authority permits the applicability of the 1% for Art set aside. In compliance with the Art in Municipal Places Ordinance, funding for acquisition of art at the Sunport shall be equal to one percent of bond funded capital budgets for the airport.

**C. Urban Enhancement Trust Funds:** The intent of The Urban Enhancement Trust Fund of the City of Albuquerque is to enhance and enrich the appearance and culture of the city. The interest earned on the Trust is utilized to finance the design, implementation and construction of urban enhancement projects which will enhance the beauty of common use areas of the city or which will enrich the city's cultural life. The Fund is guided through a separate citizens' committee which may recommend projects for funding to city officials for approval. Capital projects may be developed which include acquisition of Works of Art or aesthetic enhancement of public buildings or public spaces, or conservation and restoration of cultural assets, planned and managed in collaboration with the Public Art Program.

**D. Other Funds - Public Sector or Private Sector:** Participating funds for public art projects may be identified or solicited from other public sector agencies, foundations and granting bodies, businesses, organizations or individuals.

1. The Program may seek private donations of funds or Works of Art or publicly awarded funds or other services including in-kind services or items necessary for the development of the Program.
2. The Board shall recommend or deny approval of projects to the Mayor on the appropriateness of any contributions.
3. Donation of funds and/or Works of Art are subject to the same administrative procedures and criteria, including User Department approval, as projects generated from City public funds.

## **VI. Procedures for Selection and Acquisition of Works of Art**

**A. Initiation of Public Art Projects:** Concepts for public art projects may be initiated and brought to the Board for consideration by the following entities: the Mayor, the City Council, a User Department representative, a neighborhood group or other community organization, a private donor, an Arts Board member, or CIP/Public Art staff. Preliminary meetings may be held to determine possibilities regarding the theme, the site, appropriate artists or a particular artist, the Project Planning Committee and other related matters.

**B. Public Art Plans:** The Program may develop a comprehensive plan to establish particular parameters, themes or objectives in relation to a particular Project or series of Projects. A Plan may be developed in response to other City projects, such as capital construction projects, historic zoning plans, or cultural enhancement endeavors. Plans shall be reviewed and approved by the Arts Board and other appropriate administration officials. Examples of previously adopted Plans are as follow: El Camino Real/Road of Life Heritage Drive Plan, Interstate Corridors Enhancement (ICE)Plan, the Murals Plan, the Art Plan for the Convention Center, and the Master Plan for Art at the Albuquerque International Sunport.

**C. Establishment of the Project Planning Committee**

1. A Project Planning Committee, a sub-committee of the Arts Board, shall be convened for every Project. Each Planning Committee, in most circumstances, shall include an Arts Board liaison(s) (may be a former Arts Board member) and a User Department representative(s). When feasible, the remaining members of a Planning Committee shall include one or more of each of the following: an artist and/or arts professional, a design consultant, a member of the facility users or constituent community, and, in particular for Works of Art at sites out-of-doors, one or more representatives of the neighborhood or community. In an effort to maintain balance, for projects which involve multiple, official user representatives, the same number of community representatives shall be invited to participate. Ideally there shall be a total of from five to eleven members.

2. The Project Planning Committee shall act to carry out the Project creation of the Prospectus, selection of the Artist(s) or Work of Art, planning regarding the site, to the Dedication of the Work of Art, subject to the approval of the Arts Board and the administration.

3. The Project Planning Committee may act to select the artist or Work of Art, they may designate a curator or other organization to assist, and/or they may establish a Project Jury Panel. In unusual circumstances, i.e. donations, unique funding sources, or design team projects, variations in the composition of the Planning Committee may be permitted. Determination of which process is to be used and which additional individuals are to be involved, if any, shall be approved by the Board.

4. A Planning Committee shall generally conduct business by discussions in order to arrive at a consensus among the members and to ensure mutual understanding and respect in response to a variety of aesthetic values. All Committee members should be involved in the final decisions regarding the Prospectus, the selection of an Artist(s) or Work of Art, the approval of a proposal, determination of site issues, or any other

committee business. If the committee is unable to achieve a consensus, any committee action shall be decided by a simple majority vote.

**D. Development of the Prospectus**

1. The Planning Committee shall develop project criteria such as site, theme, media, scale, method of artist or Work of Art selection, residency of eligible artists, determination of the selection process and other appropriate parameters. The Prospectus is forwarded to the Arts Board as a recommendation.
2. Public Art Program staff shall draft the Prospectus according to the Project Planning Committee's recommendations. Every Prospectus shall include information about safety, durability and longevity of materials, and standard Guideline information regarding artist eligibility (VI. G. 2, 3, & 4).
3. The Arts Board approves, amends or rejects the Prospectus. If the recommendations in the Prospectus are amended or rejected by the Arts Board, the Planning Committee will be contacted and may address the concerns and resubmit the Project Prospectus to the Arts Board.
4. Upon approval by the Arts Board, the Prospectus is forwarded to the User Department Director, the CIP Official, any other appropriate administration officials, and to the Mayor as a recommendation, for final approval.
5. If the Prospectus is not approved by the Mayor, the concerns will be resubmitted to the Board to determine whether to cancel the project or to resubmit the Prospectus to the Planning Committee for revision. The revised Prospectus would be resubmitted to the Board and then to the Mayor as a recommendation for final approval.

**E. Distribution of the Prospectus**

1. Notice of all projects, either a synopsis of or an actual copy of the Prospectus, will be provided to the New Mexico Arts newsletter, other local, regional and national arts media and posted on the City's Web Page, for all open competitions.
2. Public Service Announcements will be issued to newspapers, arts publications, radio and television media for all open competitions.



3. The Prospectus may be distributed to artists who have been identified as appropriate for the project, based on the determination of the Project Planning Committee in terms of the Method for Selection of an Artist(s).

**F. Methods for Selection of An Artist (s), Artworks, Curator, and/or**

**Organization:** The methods of selection described in these Guidelines may be used to select an artist or artists, a curator, an organization and/or specific artworks. Curators or organizations may be used to assist the Arts Board in acquiring appropriate artist services or Works of Art.

1. Open Competition - This is an open call for artists to compete for a commission or purchase for a Work of Art. There are no restrictions other than the residency requirement, or the media, or style defined by the Prospectus, or the standard criteria for selection of artists.
2. Open/Invitational- This is an open call for artists that includes the possibility that certain, appropriate artists may receive invitations to compete. From this group, an artist(s) would be selected.
3. Invitational - This is an invitation to certain, identified, appropriate artists to submit materials for consideration on a Project. From this group, an artist(s) would be selected.
4. Direct Selection - This is the direct identification of a specific artist (or artists such as a team) who has been identified by the Project Planning Committee as being capable of providing the requirements of the Project as defined in the Prospectus. With Direct Selection the artist is providing sole source services. Direct Selection may also be utilized in the acquisition of an existing, specific, Work of Art(s).
5. Selection of A Curator, or Organization, or Project Jury Panel - For certain Projects, the Planning Committee may identify other entities or individuals to assist in development of the Project. Program staff, working with the Arts Board liaison, would make all necessary arrangements.

**G. Criteria for Selection of Artists, or Artworks**

1. Selection may be based on evaluation of any or all of the following elements: slides, photographs, resumes, narrative or visual proposals, interviews, maquettes, or other appropriate materials. These materials may be submitted at one or more phases of the Project for review by the Planning Committee.

2. If an artist has a current, open contract with the City, the artist is not eligible to apply for a new Project until the Notice of Acceptance has been issued. This clause may be waived at the discretion of the Arts Board.
3. Employees of the City of Albuquerque are not eligible to receive City of Albuquerque funds for Works of Art.
4. Non-Discrimination Clause: The Public Art Program shall not discriminate against any artists on the basis of race, color, religion, national origin or ancestry, disability, age, gender, Vietnam Era or disabled veteran status, sexual orientation or medical condition.
5. Proposals for Works of Art that include subject matter such as the apparent representation of violence, inappropriate nudity, denigration of individuals or cultures, or desecration of significant cultural symbols, will be reviewed for their appropriateness for public display.
6. The Arts Board shall not approve the selection of any Artist or Work of Art which has not been developed according to the procedures described in these Guidelines.

#### **H. The Process of Creating the Work of Art**

1. A contract for the required services of the Artist(s) shall be developed by the Program staff. This may be a commission to create a design for a Work of Art, a commission to create a Work of Art or a purchase contract to acquire an existing Work of Art, or other contractual means appropriate to the project.
2. If the initial design, created under contract, for the Work of Art is not acceptable, the Artist shall have two additional opportunities to satisfy the Project Planning Committee, the User Department, the Arts Board, the City Administration and other client agencies. If not approved, another artist may be selected.
3. Preliminary designs, shall be reviewed by the city, prior to fabrication, for safety concerns, structural or engineering requirements, durability, longevity, routine maintenance and conservation of all materials and components.
4. An Artist may create/fabricate a selected Work of Art independently, collaboratively, or with subcontractors and may install the Work at the site, or may create the Work on site.

5. The Program may acquire a selected design from an Artist and execute the Work of Art under a separate contract with a consultant or contractor other than the Artist.
6. The Program may acquire a Work of Art by an Artist who is deceased.

## **VII. Collection Maintenance and Conservation.**

A. The Public Art Program shall have responsibility to document, maintain, conserve and when appropriate, restore Works of Art in the Albuquerque Public Art Collection. Stewardship of the Collection is a significant mandate of the Albuquerque Arts Board. When the Notice of Acceptance is issued and ownership of the Work of Art is transferred to the City, the Public Art Program shall protect the value, integrity and authenticity of the Work of Art, and shall comply with the Visual Artists Rights Act of 1990, Title 17, United States Code, as amended.

B. Maintenance and conservation are to be carried out by qualified Program consultants, who may also review proposals by Artists. During planning for a public art project, maintenance issues will be identified and addressed regarding the use of materials, fabrication techniques, structural engineering, foundation and site design, and any other considerations related to longevity and durability. The conservation effort includes condition assessment reports of every Work of Art in the Collection, integrated with the Program data base and updated periodically.

C. Deaccession of a Work of Art - Deaccession is the complete removal of a Work of Art from the Collection and from public display. A Work of Art may require deaccessioning for the following reasons:

1. Destruction, either by deterioration, vandalism, or accident, to such an extent that repairs or restoration are impractical or unfeasible.
2. On-going maintenance has become impossible or is prohibitively expensive.
3. Required changes by the City, at the site, will destroy the integrity of the Work because of its relationship to the site.

- D. The procedures to deaccession a Work of Art will entail the following:
1. Assessment by the Program Maintenance and Conservation consultants, working with appropriate City staff , and if possible the Artist, to identify the problems and determine possible solutions.
  2. Review by the Arts Board with a recommendation as to the action to be taken and subsequent approval by appropriate administration officials.
  3. Prior to the deaccessioning of a Work of Art, appropriate public notification will be made.

**VIII. Effective Date and Filing.**

These Public Art Program Guidelines shall become effective on \_\_\_\_\_ and shall be filed in the office of the City Clerk.

**RECOMMENDED:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
Maria Elena Alvarez, Chairperson, Albuquerque Arts Board

**ADOPTED:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
Lawrence Rael, Chief Administrative Officer

**ATTEST:**  
Margie Baca Archuleta, City Clerk