

**ADMINISTRATIVE CODE**  
**BOARD OF COUNTY COMMISSIONERS**

**CATEGORY:**

Administration

**CODE NUMBER:**

AC-1-6

**TITLE:**

Administrative Procedures  
**Art in Public Places Program**

**ADOPTED-.**

3/27/85

**AMENDED:**

**ORIGINATING DEPARTMENT:**

Public Works

**PURPOSE/SCOPE:**

To implement procedures for the Art in Public Places Program.

**POLICY/PROCEDURE:**

**I. Goals of the Program**

The goals of the program shall be the placement of art in public places owned or operated by Lee County, including, but not limited to, buildings, parks, and open spaces for the development of a receptive climate for the fine arts, to enrich culturally and benefit the citizens of Lee County in their daily lives and to serve a public purpose; and to make known to the public that a fund exists for individuals and companies who wish to donate money for the acquisition, placement, and management of art in public places.

**II. General Policies**

1. The (each) Division (of Lee County Government) is responsible for the possible inclusion of not more than one and one-half percent (1-1/2%) for the acquisition, construction, and renovation of all public places eligible under Ordinance 83-21. The Office of Management and Budget, during its project review, will ensure the inclusion of such amounts for every qualifying project.

2. All appropriation's for the purchase of art under Ordinance 83-21 and donations of funds shall be placed in the Art in Public Places Fund to be used for acquiring, commissioning, maintaining, and insuring Works of art for public places, and for administrative expenses incidental to 'the implementation of this program. Bond funds shall be appropriated and accounted for in the Bond Capital Projects Accounts..
3. The (each) division (of Lee County Government), will ensure that Ordinance 83-21 is discussed with all architectural/engineering firms that have been ranked for consideration for the project design work pursuant to the selection procedures set forth by the County. All contracts for architectural design or renovation of County facilities shall contain a reference to Ordinance 83-21 setting forth the responsibility of the architect/engineer to the County regarding the selection of artists, and the commissioning and acceptance of works of art.
4. The Art in Public Places Board shall function in an advisory capacity to the Board of County Commissioners on the selection, commissioning, purchasing and acquisition of works of art for 'County facilities.'
5. The APPB shall develop a contract with the artist which shall be submitted for approval 'by the legal staff' of the County, and subsequently by the Board of County Commissioners.'
6. The advice and assistance rendered by the architect to: artist shall be considered part of the architect's basic fee and may not be billed separately.
7. Total funding of a work of art, its placement, and maintenance, by an individual will allow the individual final approval after acceptance' by the APPB and the County Commissioners' approval.

### III Program Coordination

The Art in Public Places Board shall select representatives to:

1. Perform administrative work in coordinating the Lee County Art in Public Places Program with the using division.
2. Act as a resource manager for using divisions in the art acquisition process;
3. Regularly inspect, the collection to determine any maintenance needs and report to the Art in Public Places Board.

IV. General Procedures - Art in Public Places Board (APPB)

1. During the **initial** stages of project development, the using division informs the Art in Public Places Board (**APPB**) and provides for appropriate funding.
2. The APPB **meets** with the project architect and the representative of the using division each of whom has one vote., Further reference to the APPB will be **interpreted** to include the project architect and the representative of **the** using division.
  - a. Architect presents plans **for** the project and suggests areas for placement of art.
  - b. **The** budget for the project is discussed as to distribution.
  - c. In cases when the APPB wishes -to acquire works of art that necessitate site preparation, the selection process. should **occur during** the design phase of the building. The acquisition of works requiring little or no site preparation can be delayed until the building nears completion.
3. As **soon**, as the project has **been** defined, the **APPB** shall advertise the project in specific **terms** including materials, size or scope, and deadlines for **reviewing** applications for the project..
4. Each- artist (applicant) will be required to submit a written presentation for review by the APPB including **past work** and proposed design for site; guidelines for presentations to be on a project-by-project basis.
5. **The** APPB **meets** to review the presentations and has the following options:
  - a. Requests may be **made** to review presentations more than once.
  - b. Short listing may take place and a group of finalists at a later **date**.
  - c. Requests, may be made to re-advertise the. project if **the** APPB feels that submissions received are not suitable.
6. once **an artist or** art work has been selected, the APPB shall develop a contract with the artist **which** shall be submitted for approval by the legal staff of the County, and subsequently by the Board of County Commissioners.
7. The APPB presents a **contract** and the approved design **to** the Board of County Commissioners for approval.

8. With the approval of the Board of County Commissioners, the APPB shall direct the artist to proceed.
9. The APPB or its representative shall be responsible for periodically checking on progress of the project to see that the contract and the approved design are fulfilled.
10. The artist is paid according to the fee schedule established in the contract.
11. At completion of the contract project, the APPB meets at the site to give final approval. The Board has the following options:
  - a. The APPB may vote its approval.
  - b. The APPB may ask that changes be made.
  - c. When approval is given on the completion of the contracted project, the APPB shall recommend to the Board of County Commissioners that final payment is made.
12. Regarding Donated Art:
  - a. Before any work of the art shall be Considered by the APPB, monies<sup>+</sup> for its placement, maintenance and insurance, as well as its temporary storage, must be available in the Fund or County Division budget.
  - b. If funds are available, the APPB can then consider whether that particular donated piece of art meets with its approval for placement in a specific public place.
  - c. If the criteria of (a) and (b) above are met, the project is then submitted to the Board of County Commissioners for approval of the project and the required funds.
  - d. If the criteria of (a), (b) and (c) are met, the work of art can be accepted and placed where designated.
  - e. Monies for the storage, maintenance and insurance of a specific donated piece of art must first enter the Art in Public Places Fund. The monies will be held in escrow in that fund, and can be returned if the piece or pieces of art are not accepted.

**V. Organizational Procedures**

1. Each member of the APPB is expected to attend all meetings. Failure to attend three (3) consecutive meetings without the prior approval of the Chairman shall be a basis for removal from the Arts in Public Places Board.
2. A quorum shall consist of at least four members, three of which must be appointed members of the Board.
3. Notification of absences must be given at least 24 hours in advance in regard to quorum.
4. Roberts Rules of Order shall govern the proceedings of all meetings unless the rules are suspended by a majority vote of the quorum.
5. The APPB shall be responsible for promptly notifying the Board of County Commissioners, or its designee, of the resignation or vacancy of any of its members.
6. The Chairman and Vice-Chairman shall be elected by a majority of the members of the APPB for terms of a period of up to one year, with elections to be held in September of each year.
7. The Chairman shall consider absences by Board members from three consecutive meetings grounds for recommending the removal of the member from the Board, unless excused by the Chairman of the APPB.
8. The APPB shall follow such other rules of procedure; setting of meetings, and other administrative procedures as provided in the Lee County Administrative Code, or as further requested by the Board of County Commissioners or County Administrator: A majority vote of the Board shall be required for approval of any recommendations made to the Board of County Commissioners.
9. All meetings of the APPB shall be public meetings and all records shall be public records. The APPB shall keep minutes of its meetings, including determinations and recommendations. Notice of all APPB meetings shall be posted at least one week in advance.
10. The proceedings of each meeting shall be recorded and these records maintained. These records shall become the Official Records of the APPB. These records shall be provided to the Board of County Commissioners or its designee, and to the public, upon request.