



## **ARLINGTON COUNTY, VIRGINIA PUBLIC ART POLICY**

Art enhances Arlington's identity as a community that values creative and diverse expressions. It builds our sense of civic pride, and enriches the quality of our lives. Public art fulfills these purposes in a myriad of ways: by improving our experience of public spaces through excellent and harmonious design; by sensitively preserving or highlighting vistas; by introducing surprising and enlivening elements into otherwise ordinary spaces; and by engaging us with insightful interpretations of our community's activities, aspirations, and history. In sum, public art has the capacity to humanize our urban and suburban environments. In recognition of the importance of integrating public art into the daily lives of the residents of Arlington County, Virginia ("Arlington"), the County Board of Arlington County ("County Board") supports a strong public art program. To this end the County Board hereby establishes the Arlington County Public Art Policy ("Policy") with the following goals in mind:

- to create exciting, appealing, and harmonious public spaces by integrating art into architecture, urban design and the planning of infrastructure at the earliest design stage;
- to celebrate our community's heritage, ethnicity, commonality and civic pride by stimulating collaboration and understanding between artists and Arlington's diverse community;
- to enhance Arlington's image locally, regionally and nationally by insuring the creation of the highest quality public art;
- to foster the public's understanding and enjoyment of public art;
- to promote artists to live and to work in Arlington and to participate in public presentations of their art in the County; and,
- to encourage federal, state and private support for Arlington's public art program.

Through this Policy and the Public Art Program Guidelines ("Guidelines") the County Board seeks to have the Arlington County government ("County") provide opportunities for creating exciting and attractive public spaces that are used and enjoyed by Arlington's residents, workers and visitors.

1. PUBLIC ART COVERED BY THIS POLICY

Public art, as defined by this policy, encompasses the broadest definition of visual art including the imaginative use and interplay of all artistic disciplines. Public art governed by this policy shall be art that is visually or physically accessible to the public, and that is acquired by County funds, donated to the County, or provided by a private entity as a community benefit as required by special exception and approved by the County Board. **Public art that is neither paid for with public funds nor created through a special exception benefit, condition or approval by the County Board, is not governed by this Policy.**

2. GUIDELINES

The County Board authorizes the Arlington Commission for the Arts ("Commission") and staff to develop detailed guidelines outlining all aspects involved with the implementation of this policy including the processes used to: develop an inventory of existing and approved public art; develop and update the Public Art Master Plan; review and recommend a process for the selection, placement and implementation of specific public art projects; and, review and recommend Special Exception Projects. These guidelines will be developed by the Commission and appropriate County staff and approved by the County Manager and County Attorney.

3. PUBLIC ART SITES

Sites for public art covered by this Policy are prominent locations in Arlington which are identified as suitable for public art projects and are physically and/or visually accessible to and by the public. Public art projects covered by this policy for which public money is utilized may be located on either public or private property. For a public art project to be located on private property, the owner must grant the County an easement for access, with a grant of all ancillary rights that the County deems necessary in order to implement the public art project according to this policy. Identification of a piece of property as a public art site shall not relieve the property owner from complying with all applicable County laws and regulations.

4. SITE SELECTION

The process used to select public art sites is dependent upon the type of project executed.

A. County Initiated Projects

Working with the Commission, the County will develop a Public Art Master Plan ("Plan"). The Plan will identify appropriate and significant sites for the location of public art. The Commission will oversee a comprehensive community planning process to develop this Plan. The Commission shall ensure that the process of preparing the Plan and any subsequent modifications provides ample and appropriate opportunities for public input into site identification. The Plan must complement and supplement the County's various other planning documents guiding the growth and development of Arlington, such as, but not limited to, the Open Space Master Plan, General Land Use Plan, Sector Plans, Area Revitalization

Plans and Master Transportation Plan. The initial Plan shall be submitted to the County Board by the Commission for the County Board's review and approval on or before July 1, 2002. The Plan will be reviewed and updated every five years, commencing with fiscal year 2007. The Plan may also be revised at such other times as a proposal for inclusion of a project on a site not identified in the Plan is received by the County, if the County finds such proposal to be consistent with laws and regulations and the County's general policies on public art. In general, County Initiated Projects will be located on sites identified in the Public Art Master Plan.

The Commission, working with County staff, will identify the highest priority projects described in the Plan and recommend those projects for implementation as funding allows. As much as possible, these projects should correspond with new construction or renovation projects planned by the County for that year.

B. Special Exception Projects

A site for the inclusion of public art amenities in conjunction with a special exception development project (as permitted by the zoning ordinance) may be identified. The Public Art Master Plan will provide guidelines for this siting process. The County may negotiate for the inclusion of the art amenity as part of the site plan process. If public art is a component of the site plan, then the Commission's Public Art Committee shall review the public art proposal during or subsequent to the public review process and may make recommendations to the County Board concerning the appropriateness of the public art proposal as part of the site plan.

C. Community Initiated Projects

As currently exists through other County funding sources, an Arlington community group or neighborhood association may propose a public art project for a site that may or may not be on the Public Art Master Plan and apply for County funds to implement the project.

5. ELIGIBLE PUBLIC ART PROJECTS

A. Public Art Projects may include:

- the commissioning of permanent works designed for specific public sites in Arlington;
- the loan, purchase or donation of art works deemed appropriate for public sites;
- artists contracted to work as integral members of architectural, infrastructure, and urban design teams; and
- installations, artist-in-residence programs, and other short-term projects or planning activities that result in the creation of temporary or permanent public art.

B. Two types of Public Art Projects are possible:

1. County Initiated Projects

The Commission may propose one or more public art projects for sites identified in the Public Art Master Plan. The Public Art Committee, working with appropriate County staff, will identify the highest priority projects.

2. Special Exception Projects

In conjunction with Arlington's site plan review process, the County may

negotiate for the inclusion of public art as a component of the site plan approval for a specific development.

6. COMMUNITY INVOLVEMENT

Each public art project created through this policy shall include an outreach program that will encourage community involvement in the implementation of the project as well as periodically inform and educate citizens about the specific project.

7. ARTIST SELECTION

Methods used for artist selection may include open competition, invitational competition, or direct selection but shall comply with all laws, regulations, and County policies governing purchasing. Community involvement in the development of any Public Art Project is crucial and shall be part of the selection process. For Public Art Projects attached to private or public construction, the artist selection and approval process must be integrated into the overall project timeline so as not to cause delays.

8. ART OWNERSHIP AND COPYRIGHT

In general, for County Initiated and Community Initiated permanent works of public art the County shall own the physical work and copyrights shall be retained by the artist, with reproduction rights allowed the County for appropriate promotional and educational purposes. Legal title and copyrights in any work of public art funded in whole or in part by direct County funding and/or the Public Art Fund, or donations or loans of public art which are accepted by the County, shall be spelled out in a mutually agreeable contract between the County and the artist and the owner. Ownership of art obtained through special exception projects will be negotiated on a case by case basis.

9. FUNDING

A. Direct County Funding

The annual CIP budget submitted by the County Manager to the County Board will include a provision for an amount that is no more than 1/2% of the County CIP budget from the areas of Local Parks and Recreation, Transportation, Community Conservation, and Government facilities. Funds appropriated will be utilized to support approved County Initiated projects pursuant to the Public Art Master Plan. Through the CIP budget review process, the County Board will determine the actual funding level for public art projects each year. Funding may be allocated from either the pay-as-you-go budget or bonds or both.

When the public art project is part of a new construction or renovation, the funding should be appropriated in the same funding cycle as the construction.

B. Other Funding Sources

1. Government, Foundations, Corporations and Other Contributions  
The County will be active in applying for non-County public and private funds to support public art projects as appropriate. Individuals, businesses and organizations will also be encouraged to make contributions to the County for public art projects.
2. Special Exception Projects  
Contributions for public art received in conjunction with a special exception project may include funding for a specific art project in a proposed development, funds for a project included in the Public Art Master Plan, or a contribution to support the County's public art program. Using the Public Art Master Plan as a guide, the County may negotiate for any of these contributions in conjunction with the site plan approval process, as agreed to by the developer and the County.

- C. Public Art Fund  
All funds for public art received by the County from any source other than the Capital Improvement Program of the County shall be deposited in a public art Trust and Agency account established by the County ("Public Art Fund"). The Public Art Fund may be used to support County Initiated Projects, as approved by the County Board. The Public Art Fund shall be administered by the Department of Parks, Recreation, and Community Resources.

## 10. PROGRAM ADMINISTRATION

- A. Program and Collection Management  
The Department of Parks, Recreation and Community Resources is responsible for the administration of the County's public art policy and the management of the County's public art inventory.
- B. Project Implementation Costs  
All costs of the public art program's operating budget will be budgeted in conjunction with the total cost of the annual program and allocated from the annual appropriation. The costs may include: staffing, project consultant fees, administrative costs, programming costs, project implementation costs and maintenance expenses.

## 11. MAINTENANCE

The County shall be responsible for the maintenance of County Initiated projects created through this policy. All permanent public art projects must have a plan that projects both staff time and funding needed to properly maintain the work. Funds for the maintenance of County Initiated Projects will be allocated as a portion of the public art program's operating budget. Maintenance of public art in special exception projects will be negotiated on a case by case basis. Maintenance of public art donated to the County will be negotiated with the donor.

## 12. ACCESSIONING / DEACCESSIONING OF PUBLIC ART

Gift acceptance and placement of public art should be in accordance with historic use or the Public Art Master Plan and should be in keeping with the County's general public art goals. The quality, scale, and character of the gift should be appropriate to the particular setting. Donations of works that require the County to pay installation, framing, restoration, or repair are not encouraged. The County will evaluate such expenditures at the time the gift is considered. Works of art requiring high or excessive maintenance may be declined. All donations of art must be reviewed by the Commission and approved by the County Board.

In accordance with the provisions of the Guidelines, the County shall deaccession and dispose of works of art in its collection only when it finds such action to be in the public interest or as a means of improving the quality of the collection or public safety. Works of public art may be relocated or removed if a gift or commissioned piece becomes a hazard or liability or if the approved terms of acceptance are not fulfilled. Works of public art sited on private property as special exception projects that becomes redeveloped will be conserved if possible or replaced by new art work of comparable value at the developer's expense. Works of art that meet the definition for public art covered by this Policy but came into existence prior to the adoption of the Policy will be subject to this same deaccessioning procedure.

Approved by the Arlington County Board  
September 9, 2000

Definitions:

Public Art

Original or limited multiple edition works of art that are accessible to the public and which may possess functional as well as aesthetic qualities (see Work of Art for further clarification.)

Special Exception Projects

The County's Zoning Ordinance distinguishes between uses permitted "by right" and uses allowed by "special exception". Site plan approval and use permits are two forms of special exception that require a public review process and include specific conditions of approval imposed by the County Board.

Work of Art

All forms of art conceived in any discipline or medium.