

**An Informed Grounded Theory Approach to Public Art Policy Evaluation:  
Causal Factors for Adaptive Capacity Analysis**

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“In public art, we don’t have a shared, overriding theology, ideology, or pedagogy. There are no standards, no universally accepted rights and wrongs.”

~ Jack Becker, Publisher, Public Art Review, 2011

As the quote above implies, public art program evaluation is a research field of emerging, scattered and unreliable theories and methodologies. Academics and practitioners alike have worked to develop evaluation models over the past decade, placing emphasis on evaluation of the public art *process* or the resulting individual public *artworks*. Still, no generalizable, standardized methodology has emerged from these efforts. Evidence-based public art program evaluation is plagued with problems of uniform definition, audience access, and intangible and lagged outcomes. This paper utilized an informed grounded theory methodological approach of evaluating only public art program *policies*, and the evolution of those policies over time, within a single case study: the Albuquerque Public Art Program. A causal model was created to evaluate the adaptability of public art policy over the long term. The model was informed by existing cultural policy theoretical frameworks and emerging adaptive policy analysis frameworks which examine the case study policy intent, structure and adaptive capacity for anticipated and unanticipated conditions. An Evaluability Assessment Tool was created based on the process used for this study to help standardize policy evaluations for other public art programs. The findings are that grounded theory for public art program policy evaluation explains policy longevity, adaptability and outcome-based works of art.

Because an informed grounded theory methodological approach was used, the format for this paper is altered slightly from standard academic formats in the study of Public Administration. While an initial review of research literature was undertaken as a means of orientation, the reader may appreciate knowing that theoretical references are integrated throughout the paper reflecting an informed grounded theory approach.

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## Introduction

### The Field of Public Art

For as long as civilizations have existed, humans have created art in the public realm. Whether communal cave paintings, Persian or Egyptian pyramids, or monolithic Greek statues, various forms of monarchical, aristocratic, ecclesiastic and civic leaderships have provided the means to produce the art and symbols that adorn our civic and ritual gathering places. Western notions of public patronage in the arts gained traction during the Renaissance. British and American governments codified what is termed the “percent for art” model within the last century (Selwood 1995), ensuring that public dollars are designated specifically for art acquisitions of various forms and styles, in and around local communities.

In 2013, government enabled public art programs are abundant in the United States<sup>1</sup> having proliferated at a rapid pace since the first programs were established in the mid-20<sup>th</sup> century<sup>2</sup>. Government-funded public art programs tend to have fairly significant budgets equaling between 0.5% and 2% of entire municipal and/or State capital outlay budgets, often resulting in millions of public dollars designated for art acquisition. Most public art programs easily boast collections of works of art that have been procured via open and transparent processes, with direct participation by the public. Most can also tout successful contractual management with artists, as well as the negotiation of additional uses for the intangible intellectual property rights of commissioned or acquired works of art. However, public art programs are still at risk of being de-funded or eliminated when

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<sup>1</sup> AFTA PAN reports that out of just under 1300 subscribers, around 600 are programs (confirmed by email from Liesel Fenner, PAN Manager, February 26, 2013).

<sup>2</sup> Philadelphia established the first government funded Percent for Art program in 1959.

an economic crisis hits government budgets<sup>3</sup>. Public art program administrators must continually prove the value of their programs to those elected officials and citizens who believe that the funds should be used for more critical benefits and services. This process of proof would greatly benefit from a standardized method of public art program evaluation.

Public art program evaluation is an area that has yet to be significantly impacted by a single standardized model, embraced by professional public art administrators. According to many of the sources reviewed, a single unified model is highly unlikely within the field (Lambert, 2006, AJA, 2007 and Becker, 2011). Approaches to public art evaluation waver between evaluating the artworks themselves, the process by which they were commissioned or acquired, and/or the public art program and its objectives. Resulting evaluations of art objects utilize numerous art criticism theories. Evaluations of the process are frequently based on participation and leadership. Analyses of the programs themselves are typically founded on ‘evidence-based outputs’ – none of which are standardized.

Evaluating a public art program purely from a policy perspective, over the course of a mature public art program’s lifespan, is a new approach. Of 600+ public art programs throughout the United States, approximately half are established by ordinance and follow somewhat similar processes for art procurement and collection management. It is possible that evaluating the adaptability of public art policy, e.g., ordinances, procurement guidelines and contractual management, can be the first step in creating a standardized, sector-wide evaluation tool.

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<sup>3</sup> During the writing of this paper, the City of Las Vegas, NV public art ordinance, established in 2003, was proposed to be repealed due to the uncertain economic environment of Las Vegas (Spillman, 2013).

Applying a causal evaluation process, by which adaptive patterns in the program policies are identified and explored, may help administrators undertake an in-house approach to public art program evaluation with meaningful, yet manageable and potentially comparable research and findings. Therefore, my research question takes three parts: First, can government supported public art programs be evaluated by analyzing the evolution of specific policies regarding distributive intent, governance, procurement, contractual and intellectual property management practices, using a causal model for adaptive policy analysis? Second, can such a program policy evaluation framework and causal model be applied normatively to mature public art programs? And third, can a policy analysis approach provide support for refining public art governance, procurement, contractual and intellectual property management practices, to further contribute to the field of public art program evaluation? The intent of this applied research project is to develop such an evaluation theory from a comprehensive case study of policy data, and determine the validity and feasibility of using such a model for other programs.

## **Methodology**

### **Informed Grounded Theory**

An Informed Grounded Theory (IGT) methodological approach was applied along with a comprehensive case study analysis in order to collect, code and causally analyze public art program policy data. The IGT approach was undertaken primarily within a theoretical framework of adaptive policy analysis (Swanson & Bhadwal, 2009). Cultural policy analysis provided the secondary theoretical framework employed. A causation model was empirically established to help define and track causation in policy

shifts over the lifespan of the case study program. While ‘pure’ grounded theory requires a “no preconceptions” approach to discovery of theory born out of data research, including postponement of review of related research literature (Glaser, 2012), this student researcher/professional practitioner is aware of no previous public art program policy evaluation that exists. Therefore, the *informed* GT approach was undertaken to compensate for the introduction of preconceptions (Thornberg, 2012). The IGT approach was utilized specifically to “generate theory that is grounded in the realities of the participant’s daily life experiences” (Elliot & Higgins, 2013) while trying to work within the traditional academic research conventions (Dunne, 2011) of Public Administration.

The study of public policy utilizes various methodological approaches and is a complex process for a complex subject matter (West, 2004 and Mark, Cooksy & Trochim, 2009). By nature it is a process of looking backward at original intent, implementation and outcomes. Case studies are therefore a familiar element of policy evaluation. However, as John E. Anderson explains (2003), in case study analysis there must be a balance between reliable empirical data that can support theories and, unbiased, intellectual causal analysis. Realistically, such data is often not statistically analyzable, leaving the case study approach open to interpretation and, therefore, criticism (Anderson, 2003). The ITG method of continual data gathering with literature review yielded richer and more complex data for analysis. Because the public art evaluation literature is so heavily skewed towards the analysis of public artworks and public art process, there was a necessary self-aware movement between project, program and policy analysis while uncovering data from the case study.

### **Literature Review as Orientation for Collecting, Coding and Analysis**

In order to first identify gaps in this researcher's body of knowledge in the areas of: 1) the limitations and failures of evidence-based public art program evaluation, 2) models of broader cultural policy evaluation, and 3) emergent methodologies for adaptive policy analysis, a systematic review of literature (Okoli, 2010) on each of those subjects was initiated prior to the collection of data. Additionally, a review of intellectual property policy, with direct relation to the field of public art, was pursued. Undertaking a comprehensive review of extant public art program evaluation confirmed that a model for public art program *policy evaluation* had not been created—or if it exists, it has not been made readily available through academic or practitioner resources<sup>4</sup>. That gap provided an opportunity for applied research<sup>5</sup>. The Informed Grounded Theory approach emerged naturally through the evaluation scoping exercise (Bitsch, 2005) leading to an understanding of causation in policy adaptability.

Cultural policy theory and research literature helped provide an understanding of standard research methodologies and how they are applied to the study area of arts and culture. The comprehensive literature review of such theories and methodologies performed and written by Susan Galloway (2009) for the cultural policy journal, *Cultural Trends*, explores the pros and cons of theory-based evaluation vs. evidence-based evaluation in the arts. This article proved one of the most formative for the purposes of narrowing the methodological approaches considered for this research.

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<sup>4</sup> A very limited number of academic studies on public art evaluation allude to “policy analysis”, but in actuality are still program or project analysis (Hunting, 2005, Lambert Ruley, 2006, Pollock & Paddison, 2010 and Pollock & Sharp, 2012).

<sup>5</sup> This bodes well for Dunne's comment, “it is commonly argued that grounded theory is an effective research strategy for topics which have been subject to relatively little research and about which there is a paucity of knowledge.” and “the obvious conundrum, ‘but how can this paucity of knowledge be ascertained unless an initial review of the literature is undertaken?’ ” (Dunne, 2011)

After completing the initial public art program evaluation literature review, an informed assumption was made that though public art program outputs (unique works of art) and their outcomes (intangible attitudes towards such artwork) are virtually impossible to measure, most public art program policies are very standardized and evaluable. To begin the process of evaluating public art program policy, a brief review of policy typology literature was undertaken to provide structure and hierarchy for prioritizing which policies of the case study to be reviewed. This assessment guided the foundational coding that informed the rest of the IGT process of data collection, review and coding. *Distributive, governance, institutional and regulatory policy* categories were established as the hierarchy of policy typologies for case study review (ordinance, bylaws, guidelines and contractual clauses, specifically those dealing with intellectual property rights). These typologies are described in more detail in the Policy Evaluation Literature section of this paper. Once the case study data collection and preliminary coding were underway, an expansion of the literature review process continued informing the refinement of theory development and data coding. Similarly, the causal model was expanded to reflect appropriate theoretical discoveries.

### **Causal Model and Evaluability Assessment**

A causal model and an evaluability assessment tool were developed utilizing an adaptive policy analysis method, tracking and analyzing internal, external, anticipated and unanticipated influences (Swanson & Bhadwal, 2009). Grounded theory methodology does not necessitate a hypothesis towards causation for the purpose of evaluation. However, the categorization of intervening or mediating variables on policy



adaptability became a necessary step for a grounded theory to be revealed (Glaser, 2012). For example, if external conditions change unexpectedly, such as a substantial, art-controversy-motivated change in national distributive arts policy, then local distributive art policy is likely to adapt to that sentiment as well. If internal conditions change, such as an anticipated wholesale change in municipal legislative or administrative bodies due to an election, then governance and institutional policy are likely to change. The causal model helped to structure, track and correlate such relationships as the data was reviewed and coded.

For this research, the dependent variables are the Ordinance, Bylaws, Guidelines and the intellectual property rights clause of public art contracts. The dependent variables are operationalized as the number of changes to each policy. The independent variables are the internal, external, anticipated and unanticipated factors that caused change to the policies. Therefore, if there was an internal or external factor, either anticipated or unanticipated, then the policy would likely change depending on the exact combination of internal/anticipated, internal/unanticipated, external/anticipated or external/unanticipated conditions.

An evaluability tool was formulated via the process of reviewing, coding and analyzing extensive policy data. This tool may help other administrators or researchers weigh the benefits of replicating a similar public art program policy evaluation. As previously mentioned, it is assumed that most public art program policies share similarities that can be so evaluated.<sup>6</sup> Access to historical versions of policies, and thus the ability to track and code the modifications over time in the manner conducted for this

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<sup>6</sup> According to the Public Art Network, out of approximately 600 entities listed in their public art program database, 350 are established by an ordinance (confirmed by e-mail February 2013).

case study research, may prove unfeasible for some programs, especially if good document management practices have not been employed. Nevertheless, the evaluability assessment tool was designed to simplify an initial assessment of public art program policy.

## **Policy Evaluation Literature**

### **What is Cultural Policy?**

Cultural policy is an extremely broad area of definition, study and implementation. “Cultural Policy is both a product and a process” says Caron Atlas in the on-line publication *Culture Counts: Strategies for a More Vibrant Cultural Life for New York City* (Atlas, 2001). Cultural policy theory frequently references the concept of “governmentality”—as theorized by Michel Foucault—in which modern government exercises a unique power by being directly involved in the management and regulation of people and resources, including the redistribution of capital resources towards specific goods or services, including arts and culture (McGuigan, 2004, and Mulcahy, 2006). Mulcahy summarizes cultural policy as “governmental strategies and activities that promote ‘the production, dissemination, marketing and consumption of the arts,’” (quoting Rentschler, 2002) wherein the arts encompass an extremely broad definition of creative expression including the fields of media and education. While Article I, Section 8, Clause 8 of the United States Constitution provides a foundation for American intellectual property rights, only within the past quarter century with the emergence of the creative/cultural industries has intellectual property been seriously recognized and analyzed as a form of cultural policy. Particular attention has been given to the subject of

copyright, by which economic and moral rights for artists are defined and regulated (Towse, 2002 and Howkins, 2009).

### **Cultural Policy Analysis and Evaluation**

Evaluation of government funding for the arts in general has produced several theoretical and methodological frameworks over the past several decades (Galloway, 2009 and Mulcahy, 2006). Influential theories were developed in the 19th Century, when prominent intellectuals including Alexis de Tocqueville and Henry Adams offered critiques of cultural policy as state glorification (Podhoretz, 2012 and Mulcahy, 2006). The evolution of cultural policy theory was subsequently, and greatly, influenced by the populist method of cultural democracy in the mid-20th Century. This approach has been the primary influence on the contemporary field of public art. Such program, project and policy analysis begins with the New Deal policies of the Great Depression era (Adams & Goldbard, 1986b), quickly followed by: the market-failure “cost disease” theory of the 1960’s (Baumol & Bowen, 1966), the elitist vs. populist debates of the 1970’s (Mulcahy & Swaim, 1982), pluralism (Adams & Goldbard, 1986a), multi-culturalism (McGuigan, 1996), the moralistic/culture wars’ ‘reactionary’ program and policy adjustments in the 1980’s (Lewis & Brooks, 2005 and Tepper, 2000) and the “cult of quality/excellence” of the 1990’s (Adams & Goldbard, 1986b and Standbridge, 2002).

The 21<sup>st</sup> century cultural policy arena abounds with even more specialized theoretical fields, including: cultural economics (Cowen, 2008, Flew, 2009 and Throsby, 2010), cultural and creative industries (Caves, 2000, Towse, 2002, Cunningham, 2004, Hesmondhalgh & Pratt, 2005, Hartley, 2005, Holden, 2007, and Potts, 2009 and 2011) contingent valuation (Noonan, 2004) and creative ecologies, specifically including

intellectual property (Howkins, 2009). The current cultural policy buzzword is “creative placemaking” (Markusen & Gadwa, 2010, Nicodemus, 2012, and Moss, 2012) which appears to have been borrowed from the title of one of the public art industry’s most comprehensive and influential books, *PlaceMakers. Creating Public Art that Tells You Where You Are* by R.L. Fleming and R. von Tscharnier (1987). This reference, tying cultural policy back specifically to public art, pinpoints the issue that has left public art administrators grappling with the field’s place within the cultural policy evaluation arena for several decades.

### **Public Art Evaluation**

The professional field of government-supported public art program administrators is a small and unique sector of public administration. The Americans for the Arts Public Art Network estimates there are approximately 350 public art programs enabled at the state, regional, county or municipal level with an average of 2.5 - 3 staff members per program within the United States. There may be, however, more than 300 non-governmental civic art programs that also manage public art programs. This extremely specialized field, of approximately 1600 professional public art administrators, longs for a standardized methodology for public art program evaluation that can be replicated and normalized to provide meaningful and comparative information at the local, state and national levels (Becker, 2011 and Fenner, 2012).

Much of the public art program evaluation literature revolves primarily around the following methods: a.) evaluating individual works of art from start to finish (ixia, 2009), though often from the perspective of the commissioning agency goals, rather than the

artist's intention (Phillips, 1994), b.) evidence-based evaluation of the public's response to an individual work of art (Senie, 2003), or c.) considering the quantitative value of an entire collection of public art based on appraised value or diversity of the collection, i.e. numbers and types of objects and artists who contributed to it (Lambert Ruley, 2006). Approaches such as these pose difficulties primarily because defining public art is so problematic (Phillips, 1994, Hein, 1996, Senie, 2003, Becker, 2004 and 2011, Doss, 2006, Cartiere & Willis, 2008, ixia, 2010, Neves, 2010, Gressel, 2012, and Hackemann, 2012).

Few resources recommend comprehensive program evaluation due to the intensive amount of resources required for observation of the public's engagement with public art, the gathering and processing of stakeholder feedback—stakeholders being the public at large—and the synthesis of enormous amounts of internal data on each artwork (Lambert Ruley, 2006). In 2007, the British consulting firm Annabel Jackson Associates provided the England Arts Council with a comprehensive literature review on public art evaluation that neatly captures mostly British and American efforts between 1995 and 2007 (AJA, 2007). AJA's summary succinctly list the primary challenges within all public art evaluation methodologies: public art is hard to define, audience access is restricted, and outcomes are intangible and lagged (AJA, 2007 and Usher & Strange, 2011). Despite these challenges, public art administrators still seek assistance with evaluation regularly<sup>7</sup>.

Some programs have issued public feedback surveys on the overall value of a public art program for advocacy purposes (Dallas, TX, Ann Arbor, MI and Albuquerque,

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<sup>7</sup> A survey of the PAN Listserve shows that in 2012, over 20 e-mail threads were on the subject matter of Public Art Program evaluation.

NM). A few programs have attempted to capture economic data on artists' expenditures on selected large scale projects with an eye towards tracking the money out into the broader non-arts community (State of New Mexico). Yet none of the proposed methodologies have gained traction in the field as a meaningful standardized model for program evaluation to determine whether public art policies are yielding the most accountable outcomes for the programs (McLaughlin & Jordan, 1999).

Currently much effort seems devoted to the evaluation of public art evaluation (Gressel, 2012). Practitioners and higher education students have assessed varied means of evaluation including audience surveys, social media analysis and other technology-based tools such as QR Codes and GPS based feedback applications (Asheville, NC). These sources have been utilized by municipalities to help determine the success of public art processes and/or the finished work of art (Arlington, VA). While this work is interesting and represents cross-disciplinary methodological approaches to evaluation of individual works of art, it has contributed very little to the field of public art program or policy evaluation.

### **Cultural Policy Analysis Case Studies**

Even more troublesome than pinning down the definitions of cultural policy and public art is trying to define cultural policy analysis. The study of actual cultural policies remains somewhat limited to theoretical analyses based on various approaches within siloed disciplines such as history, philosophy, aesthetics, anthropology and sociology (Stanbridge, 2002). While there are recommendations for “a more rigorous and analytically aware approach to [cultural policy] analysis,” (Gray, 2010) methodological

and theoretical approaches to cultural policy analysis are broadly varied (Carroll, 1987, Evans, 2000, Rushton 2002, Stanbridge, 2002 and Gray, 2011). Much of the cultural policy analysis is “linked to its perceived advocacy potential” and remains locked in the social impact framework that appears to be losing validity in both academic and practitioner circles (Scullion & Garcia, 2005, Pinnock, 2008 and Belfiore & Bennett, 2010). However, while the cultural policy theorists argue among themselves as to which disciplinary, or multi-disciplinary, approach is most effective (Wise, 2002, McGuigan, 2004, Belfiore, 2004 and 2009, Mulchay, 2006 and Gray, 2010), scarce are the references tying cultural policy analysis directly back to the field of public administration.

Using national British cultural policy as her case study, Eleonora Belfiore (2004) is one of the few cultural policy researchers who has intentionally linked cultural policy analysis with public administration—specifically with New Public Management principles and instrumental policy development. Instrumentalism in this case refers to cultural policies that are enacted to “attain goals in other than cultural areas...[such as] job and wealth creation, urban regeneration...community development and social cohesion” (2004). Belfiore goes on to describe the process of “policy attachment,” wherein cultural policies are joined up with other more politically important policy areas such as economic development, education or health. In each case, policy analysis becomes a “hard grounded” evidence-based audit evaluating performance outcomes. Evidence-based measuring of the arts has proved difficult and somewhat meaningless, hinting at the reasons for limited resources on cultural policy evaluation from the public administration perspective.

One example of an in-depth, specific cultural policy evaluation study is the article by Shim Bo-Seon (2006) on the historical and contextual analysis of the establishment of the National Endowment for the Arts. In his article, *Theoretical Strategies for the Analysis of Cultural Policy Formation: The Case of the NEA* (2006), Bo-Seon provides a policy analysis framework for the establishment of the NEA, arguably the most influential state-developed arts program in the United States. Bo-Seon's analysis of policy deals with policy formation, and evaluating internal (to the federal government) and external influences on the creation of the NEA. He theorizes that there are four primary approaches to establishing policy (Marxist, state-centered, organizational and cultural), and that when dealing with the arts on a federal level, state-centered and cultural approaches were used for establishing the NEA. State-centered approach to policy is meant that the state, "has [not only] the structural capacity to formulate the policy, [but also] defines the problems and prescribes the solutions" (Bo-Seon, 2006)<sup>8</sup>. The cultural approach to policy development theorizes that "the extent and mode of the state autonomy is conditioned by cultural systems outside the state. Hence, the policymaking process and the formation of the policy domain are hardly dictated by the state only" (Bo-Seon, 2006). In other words, policy formation involves both internal and external influences. Bo-Seon argues that a combination of the cultural and state-centered approaches to policy-making begat the NEA, its function and operational standards. This methodological analysis demonstrates how internal and external influences are causal factors on arts policy development and refinement.

Bo-Seon's article stops short of assessing policy longevity or adaptability. Nevertheless, as will be described later, there is value in understanding the historical

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<sup>8</sup> This perspective harkens back to Foucault's notion of "governmentality".



contexts of policy development (Swanson and Bhadwal, 2009). Bo-Seon's narrative on the history of the establishment of the National Endowment for the Arts contributes greatly to understanding and contextualizing national policy issues, which proved to be extremely influential at the local level in the case study of cultural policy.

The second cultural policy study reviewed was the article *Can Culture Explain Culture? The Influence of Cultural Change on Municipal Spending on Cultural Policies* by Aase Marthe J. Horrigmo (2012). This study examines the determinant effects of certain types of populations—in essence, the creative class—on municipal cultural policy in Norway. Though the study was uncovered very late in the IGT process of my research, it resonates well with the causal approach to policy analysis underpinning this project. Adaptability of policy was not the primary focus of the study. Rather, it focuses on internal and external influences on specific cultural policy. The study provides a clear categorization of the dependent and independent variables affecting policy, couched within the framework of “New Political Culture” theory, explaining “that changes in the political culture and the way people live their lives have an impact on policy outcomes” (Horrigmo, 2012). Horrigmo's conclusion speaks to the theory that local government cultural policy is most certainly influenced by external shifts in society (e.g. increased funding resulting in more arts programming by demand). Her study also indicates that core cultural policy established among municipalities is equally affected by internal political shifts.

### **Adaptive Policy Theory**

The study of adaptive policy is a relatively new area of policy analysis. According to authors Darren Swanson and Suruchi Bhadwal (2009), the term ‘adaptive policy’ emerged in the early 1990’s in reference to natural resource and environment management policy development in the United States. During the same era, political theorists in the Netherlands working in the field of socio-technology also used the term to describe efforts to create policies in a variety of disciplines that “respond to changes over time” and “are robust over a range of futures” (Swanson & Bhadwal, 2009). The primary approach to adaptive policy development and analysis is based on an understanding that much governmental work is being done with a sense of the global crisis of “an uncertain world.” While public art program management is not as critical as lowered worldwide food production due to climate change or the melting of polar icecaps, the economic effects of public art program elimination could be significant at the local level. As longtime public art critic Patricia Phillips notes: in the field of public art, “[w]hile all arts organizations are always at risk — vigilance, vision and perseverance are the name of the game...” (Phillips, 1994).

According to Swanson and Bhadwal (2009), adaptive capacity of policy deals as much with *anticipated* and *unanticipated* conditions that affect a program and its implementation, as it does with *internal* and *external* influences. The primary type of an adaptive policy is the “no-regrets policy” wherein the core policy continues to perform under a wide range of conditions without needing modification. The policy is designed from the beginning to hold up against most, if not all, anticipated conditions of implementation. Swanson and Bhadwal described seven additional principles for adaptive

policies: 1) integrating a forward-looking analysis of the policy environment by respecting the past, 2) multi-stakeholder deliberation, 3) automatic policy adjustment, 4) enabling self-organizing, 5) decentralized decision making, 6) promoting variation within policies, and 7) formal policy review and continuous learning.

In addition to the seven principles, Swanson and Bhadwal emphasize an understanding of the policy environment which is highly dynamic, unpredictable and uncertain itself. In their view, an unprepared policy in such a setting has a good chance of not achieving its objective, or worse, having unintended negative consequences. These principles and the causal influences applied to public art program policy are the theoretical foundation for the case study analysis. As will be described, these principles can have direct correlations to specific types of policies within a program.

### **Policy Typographies**

In order to begin the process of evaluating the adaptive capacity of public art program policy, research on types of policies existing within various levels of government and program management was required. Further, an investigation of how those types of policies might be structured to meet the adaptive policy criteria was also needed (Anderson, 2003).

Municipal percent-for-art programs typically operate based on four types of policies: distributive policy, enabled legislatively; governance policy; and institutional policy—also known as administrative rulemaking; and regulatory policy. Distributive policy, while primarily studied at the federal level, is defined as policy that seeks to “distribute a good or benefit to some portion of the population” in a cooperative and non-

competitive manner, that through a “universalistic” view provides “something for everyone” (Calavera, 2008). Distributive policy, established through legislative action, allocates money from one source to another. Though it does not necessarily provide a direct economic benefit, the policy is considered justifiable because political leaders who created the policy believed it would provide enough benefit for a broad base of constituents (Collie, 1988). Local enabling legislation, in most cases an *ordinance*, establishes a public art program and defines the amount of funds to be allocated toward art. Therefore, legislation enacted by municipal political actors creating an ordinance to establish a public art program, defining the source and use of funds for art acquisition, certainly falls within the distributive policy model.

Governance policy has two functions in the governmental realm: 1) to connect the public with government administration (primarily through appointed boards and commissions) and 2) to provide for the manageable and accountable authority of such appointed bodies (Carver, 2001). Governance policy, according to Carver, is born out of social contract theory, in that a public organization that engages in public enterprise has the obligation to act on behalf of the general public, the latter operating as owners of such enterprise. For the purposes of this paper, governance policy manifests in multiple forms within a public art program, but is qualified herein as the policy that governs only the public art advisory board. Taken directly from the distributive policy – the ordinance – the roles and duties of the appointed Arts Board include establishing a set of *bylaws* and *guidelines* for themselves and the program respectively. The bylaws for a public advisory board for a public art program are intended to govern the board itself and account for its sense of “self-organizing” for the purpose of “managing the public’s business.”

“The public board must interact with an executive function in a way most likely to ensure realization of the general will the board has painstakingly defined. Consequently, the measure of accountability for any public board is the *fulfillment* of public will – the product of two separate functions: first determining that will, then ensuring its execution.” (Carver, 2001)

Institutional policy and/or administrative rule making in public art programs affects a broad range of issues ranging from human resources management policy, which affects the makeup of program staff (or employee Codes of Conduct), to procurement methods, or to payment procedures for services rendered. Institutional policy and administrative rulemaking “[are] structured by procedures that are designed to ensure agency decisions are informed by the views of affected interests.” (West, 2004) According to West, institutional policy has the goal of creating responsive, procedural *and political* accountability as an extension of the legislative process.

The case study *guidelines* govern the process by which artworks are procured, including defining those who will be involved and how. This type of policy directly connects the public to the government and provides for stakeholder input throughout the process of procuring art. While some might claim that procurement policy could fall under the regulatory or legal policy framework, I argue that public art procurement policy development falls under institutional policy. Government decisions on what public art to acquire should most certainly be informed by the views of the public.

Regulatory policy that affects public art can also take on a variety of forms, both internal and external to the program and government. Requiring engineering design review for artwork structure safety, and insurance requirements for the artists are two examples of municipal regulatory policies of other departments or agencies that affect public art. The *intellectual property clause* of the public artwork contract, in which

ownership and control of copyright and moral rights are defined, is an example of an internal policy that is regulatory.

### **Intellectual Property Policy**

Intellectual property is an area of public art policy frequently discussed among practitioners—especially artists—as an indicator of a public art program’s “philosophy” (Rushton, 2001, Frey, 2003, Fleming, 2007, Hoffman, 2008, Keene, 2008, Boyle & O’Connor, 2010, Bock, 2011, and ixia, 2012). Because there is an additional special section of the United States copyright law dealing specifically with visual art in the public realm, the Visual Artists Rights Act of 1990 (VARA), this particular policy area is highly specialized. Intellectual property in the field of public art includes both the economic rights of reproduction and distribution as well as the moral rights of attribution and non-destruction or alteration (DuBoff, Burr & Murray, 2004). In the United States, both sets of rights were not always available to artists. The national public art controversy over the artwork entitled “Tilted Arc” in the 1980’s fostered the federal codification of moral rights that European artists enjoyed since the 19<sup>th</sup> century, also known as *droits moral* (DuBoff, Burr & Murray, 2004 and Zeimer, 2011). The codification of those rights became a regulatory policy requiring any art commissioning body, public or private, to adhere to the protection of artists’ moral rights.

When looking at public art policy and adaptability with regards to internal and external influences, the effects of “Tilted Arc” and VARA are inescapable and provide a solid grounding for marking time and national cultural shifts that affected public art policy nationwide (Jordan, 1978 and Senie, 2007). For the purposes of this policy

research study, the contractual intellectual property clauses related to copyrights and VARA were selected as the regulatory policy to be evaluated in the same manner as the distributive, governance and institutional policies to determine overall policy adaptability.

Therefore, in order to develop a grounded theory on causation for public art policy change and adaptability, the following policy categories and codes were established (those underlined were selected for review):

(L) Legislative Distributive Policy = Ordinance (Law, enabled legislatively)

(G) Governance Policy (over Board)  
Rules of Order Policy = Bylaws

(I) Institutional Policy  
Human Resources = Employee selection  
Advisory policy = Guidelines (Process and Art Procurement)  
Advisory sub-policy = (may be temporary/ad hoc)  
Administrative policy = payment, communications w/ vendors  
Procurement Policy = of non-art services

(R) Regulatory Policy  
Building/Construction codes = engineering review and compliance  
Legal policy = contractual management and intellectual property clauses

### **Methodological Application**

#### **Case Study Data Collection and Coding:**

The City of Albuquerque Public Art Program was established in 1978 and boasts just over 800 works of art in the municipal collection. Throughout 34 years of procuring hundreds of artworks, the City has maintained a relatively complete set of all advisory board meeting minutes, all ordinance revisions with accompanying commentary, and digital and hard copy project files for each work of art, noting the art selection

(procurement) process, financial data and executed contracts. The program has also aggressively collected “media files” including news stories, and internal and external promotional collateral materials for each work of art. Additionally, the Albuquerque program has compiled a detailed collection database with 42 fields per record of data on each work of art ranging from artists’ names and addresses to artwork categories, size, materials used and costs. This comprehensive collection of data is the primary source of data for this research project. The extensive trove of official documentation and information has been well organized and maintained throughout the decades and can be easily cross-referenced to flesh out policy adaptations and nuances throughout the program’s history.

Using the previously described, hierarchical categories of policies, I began by reviewing and documenting the changes in the Albuquerque Art in Municipal Places Ordinance, moving onto the bylaws, guidelines and intellectual property contract clauses. Original data capture of the policy changes amounting to complete transcriptions of every original policy document and transcription of every modification to the original policies over time was completed. Each clause of the original ordinance was entered into one field in a spreadsheet and all subsequent modifications were tracked, coding the removal and insertion of language at specific times in subsequent individual fields. Modifications of specific text in clauses of the various policies were color coded with [red bracketed text] representing text that was removed and green text representing the replacement text. In addition to the four primary policies, the Arts Board minutes from the first 5 years of the program (1978-1983) were reviewed capturing specific Board actions regarding the establishment of the bylaws and guidelines as the program developed. Meeting minutes



from throughout the remaining 29 years were consulted to fill in historical, contextual background information.

The policies were coded as: (D) distributive, (G) governance, (I) institutional and (R) regulatory. When changes in the policies were identified the causal factors affecting the change were coded as: (I) internal and (E) external, (A) anticipated, (U) unanticipated. Therefore every policy change had a three letter code indicating type of policy, and a combination of either of the four causal factor possibilities, such as: (D-IA), (D-EA), (D-IU) or (D-EU); (G-IA), (G-EA), (G-IU) and so on. When possible, the nature of the internal or external factor and the anticipated or unanticipated condition was described next to the policy change.

While scanning the minutes and project files, information not available in the program database such as project timeframes from start to finish, budget adjustments- especially cost overruns, and types of media coverage was noted. Similarly, names of Arts Board members were captured and laid out on a historical timeline reflecting their representative positions on the board, i.e. if they represented a specific city council district or if they were “members at large.” Data on the Arts Board membership also became valuable as a contextual background for specific changes to the policies.

### **Developing a Contextual Background for Analysis**

In keeping with Swanson and Bhadwal’s requirement to “respect history” (2009), Bo-Seon’s (2006) policy analysis of the National Endowment for the Arts relies heavily on deconstructing the history of the formation of the NEA to understand the intent of the policy based on how it was formulated and by whom. In an informed grounded theory

manner, and only partially influenced by the Bo-Seon article which was discovered late in the IGT process, the same technique of deconstruction of the historical context of the case study program contributed to the causal model for public art program policy analysis.

Sources were consulted to establish a history of the broader policy environment for the case study to help identify internal and external influences. Public art history articles, books and non-policy internal program documents provided the most useful sources to begin to piece together the actual causal factors of the policy changes in the case study data (Selwood, 1995, Wetenhall, 2004, Zembylas, 2004, Doss, 2006, Tepper, 2011) Key case study sources included the detailed minutes of the Albuquerque Arts Board meetings, project files which include vast amount of project management memos and reports, and the office copies of related book and materials, embellished with handwritten notes and marking from previous program staff.

One of the most seminal publications on public art policy, *Going Public: A field guide to developments in art in public places* (Cruikshank, Korza & Andrews, 1988) appears to have had a substantial impact on the program policies. Written in 1988 and published by the Arts Extension Service in collaboration with the Visual Arts Program of the National Endowment for the Arts, the field guide provides a detailed historical overview of the field up to its time and contains numerous program reviews and case studies. This book, edited by Pam Korza, was the result of the National Public Art Policy Project. The entire book is dedicated to policy development from writing funding policies (ordinances) to long term care and maintenance of works of art once

commissioned. Embedded are actual contracts, articles, essay reprints, and cataloguing and conservation forms.

The introduction of *Going Places* lays out several philosophical ideals as a foundational reference for the rest of the book. These ideals proved most applicable in the review of influences on the case study public art policies. Markings and notes were made throughout the book at specific telling passages, e.g., "... we are conscious of the fact that the vitality and diversity of public art in this country is, in part, dependent on a sense of experimentation, in both the artistic and administrative sense..." and "... public art today will not be the public art of the future..." (Korza, 1988, underlined by former staff).

### **Developing the Causal Model**

Causal modeling is a method for identifying and evaluating cause and effect relationships among variables. "The signature device of causal modeling is a causal diagram, which visualizes our ideas about the order of causation." (Hamilton, 2008). Developing the casual model and resulting diagram for this research project involved numerous steps. Preliminary exploration of the *basic* logic model with inputs, outputs and outcomes (McLaughlin and Jordan, 1999 and Chen, 2005) led to the *causal* logic model format of demonstrating "if/then" scenarios (Hamilton, 2008 and Pearl, 2010). Such scenarios represent more complex categories of inputs, outputs and outcomes.

As previously mentioned, the policies were operationalized as the dependant variables, responsive to internal and external conditions and, anticipated and unanticipated factors, in order to determine if the case study's core polices are adaptable.

The effects of such factors on policies can result in the policy being revised and more likely to meet the seven adaptive policy principles. For this causal model, the inputs are the different types of causal factors on the policies. The outputs are policies that have been due to internal, external, anticipated and unanticipated conditions and factors, or any combination thereof. The outcomes are the degree to which the changed policies become either more or less adaptive based on the seven principles of adaptive policy. The outcome of changed policy can be immediate, short to midterm or long range and the type of outcome can vary depending on the causal factor.

The causal diagram for this case study policy analysis was developed by hierarchically categorizing the types of policies reviewed in the case (Existent Policies – D, G, I, & R), identifying the different types of causal factors (I, E, A, & U) and finally considering the immediate, short to midterm and long range outcomes based on the seven principles of adaptability (1-7). The seven principles can have direct or indirect outcomes, with the ultimate outcome being that the core policy remains intact and functional – functioning to procure public art.

Causal Logic Model - Public Art Policy Adaptive Evaluation



Findings and Adaptability Analysis

Distributive Policy – The Ordinance

The core of the Albuquerque Art in Municipal Places Ordinance has remained intact for 34 years. The original ordinance, adopted in 1978, had 45 clauses: 6 dedicated to the purpose, 16 dedicated to the Arts Board and its powers and duties, 7 dedicated to the funding mechanism and 8 dedicated to procuring art. The remaining 8 clauses were perfunctory to ordinance writing, except one that amended the overarching procurement code to exclude works of art from competitive bids and one that repealed the establishment of the previous arts advisory committees.

The ordinance was first revised in 1983 to increase the number of Arts Board members from 7 to 9. This change was initiated by the Mayor to correspond to the recent increase in the number of City Council districts. Arts Board members back then were not appointed by their Councilor, but the sitting Mayor deemed the proportion of representatives on the Arts Board inadequate for the number of City Council districts. The Arts Board section of the ordinance was again changed 4 more times, in 2000, 2006, 2008 and 2012<sup>9</sup>, to address responsiveness – or lack of responsiveness – by both levels of municipal elected officials. In 2000, the board size was increased from 9 to 11 as a result of an override of a Mayoral veto to allow each City Councilor to weigh in on the appointment of Arts Board members from their districts, and to allow the mayor to have two at-large members. The 2006, 2008 and 2012 ordinance modifications were also limited to the Arts Board appointment section of the ordinance to: 1) “clarify the appointment process and allow for re-appointments” (O-2006-043 ROA, 2006) in a clearer, less convoluted manner, 2) require a response from the Mayor within 30 days to make an appointment (O-2008-008, ROA, 2008) and 3) to require a Councilor to respond within 60 days to make an appointment (O-2012-014, ROA, 2012).

In late 1991 and early 1992, however, the entire Art in Municipal Places ordinance underwent a complete review and refinement as the result of a City Council Resolution directing the Administration to “evaluate the current art in public places program” (R-377, 9<sup>th</sup> City Council, 1991). Nary was a clause left untouched.

Interestingly, however, the changes throughout the ordinance, as a result of the council mandated evaluation, were primarily to clean up old and outdated language and to clarify

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<sup>9</sup> In 2009, there was also an amendment to “replace inadvertently repealed language” to both the Arts Board and the Police Oversight Commission. No content revisions were made.

or expand the purpose and intent. But, there were a few substantive changes that cannot go unnoticed in terms of adaptiveness to external/unanticipated and external/anticipated conditions—those being the massive controversy over a local artwork, and the NEA public art handbook, *Going Public*, which presented an overview of best practices in the field 30 years after the Philadelphia percent for art program was created.

Earlier in 1991, the infamous “chevy on a stick” sculpture, officially known as “Cruising San Mateo” by artist Barbara Grygutis, embroiled the case-study program in a citywide controversy. A local radio personality who did not like the sculpture installation used his position on the air to generate awareness of the public artwork, the program and the program process it had been following for the previous decade. The controversy erupted in the late summer of 1990. By early spring 1991, the aforementioned City Council resolution calling for a complete program review was passed unanimously.

The City Council resolution included 11 specific questions for the administration to address in its report back to the City Council. The questions covered various issues, including: benefits of the public art process being more participatory, diversity of the collection including more locations, artists’ eligibility with regards to residency, and “defining the City’s philosophy” about public art. The question of “philosophy” alluded to the long term care of artworks.

As a result of the City Council mandated ordinance review, the policy was enhanced with clarifications and updating, but there was no substantial change to the original intent or purpose—the allocation of funds for art and an advisory board. Technical updates included replacing the name of the department responsible for providing staff to administer the program. All references to “the performing arts” were

eliminated as funding sources didn't allow for such funds to be used for the "ephemeral arts". Locations where art could be placed was expanded from only municipal property to include any publicly-owned property, taking advantage of the opportunity to combine 1% funds with other state or county 1% funds or other government or institutional entities such as UNM. Further, the Mayor was no longer able to decide the budget to start a project or dictate timelines, this likely being a response to the entire Capital Improvements system becoming a much more complex process managed by professional project managers.

Other changes to the ordinance directly reflect the influence of the field guide to public art, *Going Places*. The field guide was a comprehensive review of best practices in the areas of public art administration and preservation. Other city's programs and policies, such as Los Angeles, Miami, Phoenix and Seattle were introduced and discussed as models for public art programs that balanced the public interests with those of artist. Case studies illustrating contract negotiations, public involvement strategies and controversies were included. Half of the book is dedicated to the care and management policies of works of art after they are acquired by a public agency.

The most substantial change, most likely influenced by *Going Places*, regarded the amount of funds allocated for the "administrative costs of the program and to restore and conserve public works of art to protect public investment" (O-24, ROA, 1992). The amount increased from 10% to "up to 20% but not less than 15%". The addition of a set allocation for conservation of the public artworks was precedent-setting<sup>10</sup>. Mandating a 20% administrative program budget gave the program management the opportunity to

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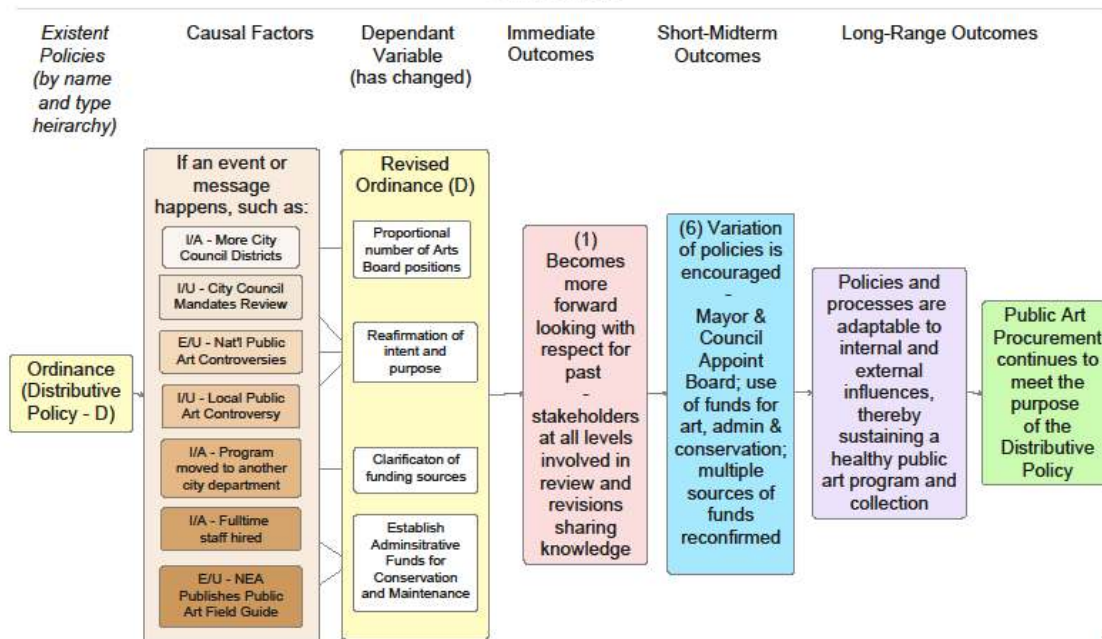
<sup>10</sup> Author's note: Public art program managers from around the country inquire about how to adopt such language into their ordinances on a regular basis.



provide better outreach, communications and stewardship of the already 10 year old public art collection.

The changes to the ordinance reflect a variety of conditions that can cause the changes. As illustrated on the causal diagram below, many types of internal and external conditions create anticipated or unanticipated events, but the effect on the core distributive policy remained minimal. The refinement and adjustment, however, reinforced the adaptive capacity of the policy over the long term by meeting the 1<sup>st</sup> and 6<sup>th</sup> adaptability principles, and were more forward looking with respect for the past and variation of policies.

**Causal Logic Model - Public Art Policy Adaptive Evaluation Ordinance**



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**Governance Policy – The Bylaws**

The first set of “By-Laws and Rules of Procedure” were developed in late 1979, and adopted in February of 1980. The early drafts show that they were drafted from boilerplate bylaws for other boards and commissions within Albuquerque municipal government at the time. There were six sections dealing first with definition of the Arts Board, membership, organizational structure, and the board duties. Two of the sections dealt with meeting dates, times and notification of meetings, as well as meeting procedures. As stated in the introductory paragraph, the original bylaws were to guide both board members *and employees*, even though all aspects of the document referred to board duties and actions. The section on meeting procedures would have been the only clause that would guide employees.

Since 1980, the bylaws have only been changed five times with the last revisions being adopted in late 2001. An edited version of the standing bylaws was created in approximately 2007, but that version was never adopted. Revision and adoption of bylaws requires the “promulgation of the Bylaws by the Mayor” and therefore triggers a “public hearing” at the board level. This step may explain why the edited version had not been formally adopted. It could also be due to the departure of the sitting Program Manager.

Formatting changes to the bylaws in the first revision included “chang[ing] the order of some of the paragraphs in [them] to bring them into conformance with proper parliamentary procedures.” (Meeting minutes, January 21, 1992, pg. 2) Indeed, the sections headings were re-titled as “Articles” and sections were reordered to mirror the format of the Ordinance. Substantive changes incorporated much more detail with regard

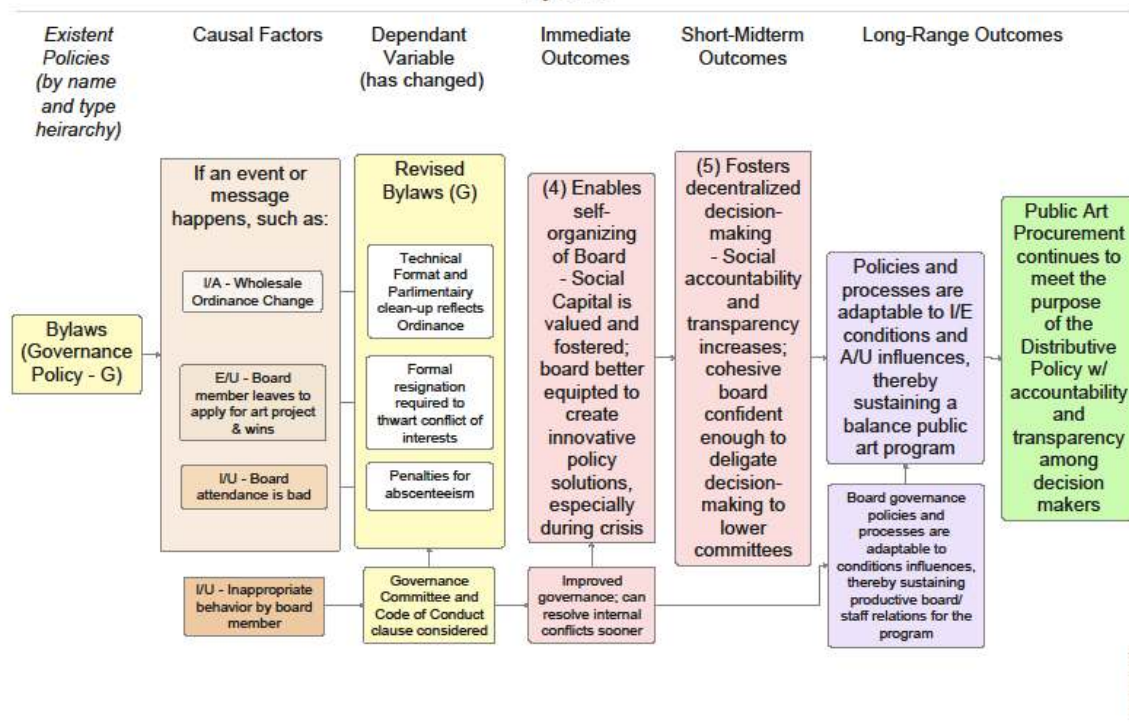
to the governance features of the bylaws, enabling better organizational structure of the board itself. During the 10-year period between the initial bylaws and the first revision, the city hired two fulltime program staff that carried out many of the administrative duties previously performed by the board Secretary and others. Therefore, certain board officer positions were eliminated.

Board attendance appears to have been a significant issue, as several revisions specifically to encourage or mandate board meeting attendance are evident. These various technical revisions are categorized as internal/anticipated factors that affected the bylaws. Upon the introduction of the Resolution to evaluate the entire Ordinance in mid-1991, the Department Director met with the Arts Board to explain that all of the program policies would be affected by the review of the ordinance.

One addition of note that was anticipated due to an external situation was the 'Resignations' section, wherein board members would henceforth be required to submit formal written letters of resignation to the Mayor copied to the Chairperson. Many years earlier, a board member left the board without formal notification. Being an artist, the former member promptly applied for a public art project which was being developed while he was serving on the board. Not only did the former board member apply, but his art proposal was selected for the commission. The following month a disgruntled artist applicant wrote a harsh letter to the Arts Board and presented it in person calling out the conflict of interest. Matters of conflict of interest while serving on the board were included in the original bylaws, but the issue of formal and documented resignations was not codified until almost 10 years later.

During the period of researching for this project, the bylaws have been again under review. Issues regarding the power of the Chairperson over committee assignments, codes of conduct for board members towards staff, the public and other board members, and communications with elected officials are on the table for consideration. An update to the bylaws has not been completed since 2001. A dedicated clause in the bylaws, addressing the procedure for amending the bylaws, states that it must be done at a meeting of the board and two-thirds majority must vote in favor, but there is no reference to when a review or revision should be undertaken.

Causal Logic Model - Public Art Policy Adaptive Evaluation  
Bylaws



Swanson and Bhadwal (2009) discuss that a balance is required between allowing for informal self-organizing and governance in decentralized decision-making. “Groups

develop a specific process of social interaction around common issues that, from a policymaking perspective, enables the group to identify and implement innovative solutions.” While the flexibility of self-organizing allows the critical “relationship between social networks and resilience,” there also needs to be “accountab[ility] downwards to local stakeholders most affected by their decisions” (Swanson & Bhadwal, 2009), especially when lower-level policy making authority has been delegated down to the board, and in some cases, the committee levels. A public art advisory board is the entity that meets regularly and is familiar with the means and methods of the public art program, while the art selection committees are ad hoc and report recommendations upwards to the full board. Therefore, a set of bylaws for a public art advisory board that establishes an accountable and transparent “linkage between different levels of government” through good self-governance and public participation, allows the board to be cohesive and able to respond to unexpected circumstances.

### **Institutional Policy – The Guidelines**

By far, the public art program policy that has changed the most radically is the City of Albuquerque Public Art Guidelines. While there have only been four revisions after the original set in 1979, the content and format have undergone extensive changes in those four revisions. The original guidelines at just under 3 hand-typed pages had only three sections: Artist Selection, Jury Selection and Responsibilities, and Selection Process Review. The most recent version runs to 22 pages<sup>11</sup> and includes a table of contents with nine specific sections. Each version appears to have a companion document summarizing the Art Selection Committee, formerly known as Jury Members, the procedures covered

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<sup>11</sup> Twenty-two words processed pages with 12 embedded images.

in the guidelines. These companion documents were not included in the policy review, unless there was specific policy related information not in the guidelines (for example the “General Information for Jury Members on 1% for Art Projects” sheet).

As with the bylaws, the City Council mandated ordinance review of 1991 triggered the first revision of the guidelines. The guidelines were completely rewritten and only brief references to the original clauses remained. The structure was similarly redesigned to reflect the structure of the ordinance and was expanded to eight sections, with many subsections under each main section. A set of definitions explaining public art policy related terms and a set of program goals were added. The most significant change was the process by which artists were selected for projects.

In the first guidelines, a committee reviewed the “artists slide registry,” searching for viable candidates to be invited to submit an idea for a public art site. In the second version, a detailed description of the development of a prospectus (call for artists’ proposals) and the role of the committee replaced the slide registry model – the latter becoming little more than a mailing list. Policy shifts effectively converted the registry into the mailing list used to let artists know about public art opportunities. This also meant that the initial decision to participate in a new project had been shifted away from jury invitation onto the artists. Additionally, more specifically defined roles between the Arts Board, the Committees, staff and the artist were reflected throughout the entire new document.

The third version of the guidelines included: minor additions of four new clauses in existing sections, the addition of two new goals, and the minor modification of four sections including changing the name of the department under which the program

resided. Clarification on the term “publicly owned” property allowed for municipal funds to be used on any type of governmentally owned property. Stricter limits were placed on artist eligibility if the artist was already under contract for a public art project with the City of Albuquerque. Cultural diversity and sensitivity were introduced as a goal, as were the protection and preservation “all public art in Albuquerque which is not privately owned or cared for.” This last addition appears to have a direct correlation to the administrative funding clause change from 10% to “no more than twenty percent and no less than fifteen percent” of the total amount available for art was made available for the administrative costs of the program.

The fourth revision of the guidelines took place in 2001, and once again started by changing the name of the department under which the program was housed. With numerous additions to the definitions section, and clarifications throughout, the major changes in this version pertained to the art selection process. Interestingly, three specific methods that had been eliminated out of the original guidelines were reintroduced. Those three methods for artist selection remained in tact throughout the evolution of the Ordinance. Why they were removed from the guidelines the first time remains a mystery. The Artist Slide Registry was removed completely due to technological advances in communication methods, i.e. e-mail, the internet and digital imagery. An entirely new section, with three clauses dealing with public art collection management, conservation and deaccession of artworks, was added.

As previously discussed, the adoption of the Visual Artists Rights Act of 1990 had a profound effect on public art programs. The intent was to assure that visual works of art and the reputations of artists resulting from those works would be protected as long

as feasibly possible. Nevertheless, the aging sculptures in public collections around the country were taxing sparse public art program resources. Removal of the art was often the only logical solution; hence, artwork deaccession policies and procedures were necessary for compliance with VARA. VARA allows for removal of art upon proper notification to the artist, and offers options ranging from repossession of the work by the artist to complete destruction, so that no element can exist in an altered, unapproved, context.

Another new clause added to the 2001 guidelines was a previously developed stand-alone statement referred to as the “Appropriate Public Art Statement.” The stand alone statement was integrated into the Artwork Criteria section, thereby formalizing it as program policy. This stand alone statement was drafted by the program manager in the late 1990’s, in response to a formal complaint about a proposed temporary work of art—a burned American flag—for display in a city owned gallery setting. The statement was clearly adapted from the final version of the federal policy legislated by Congress in 1989, at the height of the culture war controversies. In response to the NEA funding photographs by artists Andres Serrano and Robert Mapplethorpe, Senator Jesse Helms had proposed language tied to the appropriations bill for that fiscal year’s NEA funding. A modified version of Senator Helms’s language regarding art appropriate for public funding was “eventually legislated into existence in October 1989” (McGuigan, 2002) and provided the foundational language for the Albuquerque Appropriate Public Art policy:

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



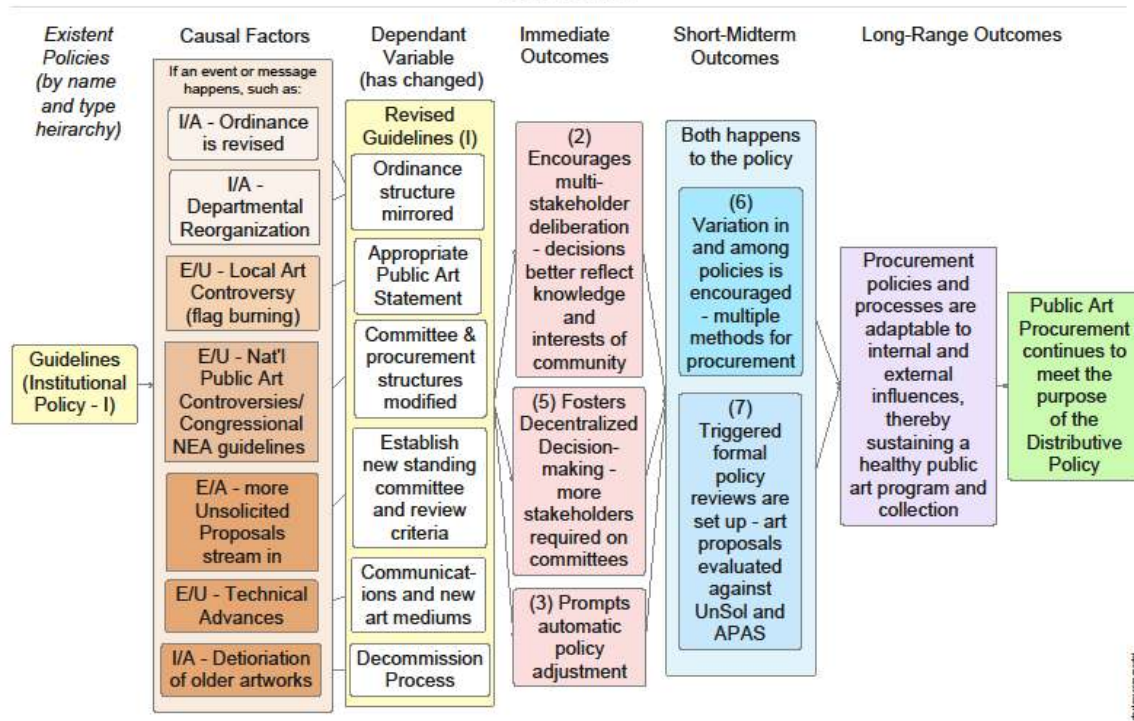
be reviewed for their appropriateness for public display. (Guidelines, 2001)

The fifth and most current version of the guidelines was modified in 2011. As with each previous version, the first change reflects the program residing under a different city department. After being located in the Planning Department, Mayor's Office and Department of Municipal Development, the program had come full circle back to Cultural Services, previously known as the Library and Cultural Affairs Department, under which it was originally founded. Emphasis on clarification of the roles and responsibilities of board, staff and committee members, along with the introduction of an entirely new (and previously adopted) Decommission Policy<sup>12</sup>, made up the bulk of the revisions. Another entirely new section was the establishment of a new standing Arts Board Committee and their responsibility to review "Unsolicited Proposals" for artwork. During the difficult economic climate of the last decade, the program received an unprecedented amount of proposals from artists to buy existing works as large and higher priced art was not moving in the retail art market. In order to address the deluge of requests to review and consider purchasing existing art, a joint board/staff process was created to assure that such acquisitions met the intent of the program's goals and collection needs.

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<sup>12</sup> The first stand-alone policy used the word "deaccession"; the incorporated version changed to "decommission".

**Causal Logic Model - Public Art Policy Adaptive Evaluation Guidelines**



**Regulatory Policy – Intellectual Property Clause**

The case study data on intellectual property is abundant. With over 700 contracts available for review, the analysis of individual copyright, and artwork modification or destruction clauses could appear overwhelming. In analyzing the public art database, the majority of the projects (approximately three-quarters) were commissioned after the enactment of the Visual Artist’s Rights Act in June 1990 rendering the majority of the intellectual property contractual clauses identical. In order to develop a grounded theory about the adaptability of the intellectual property policy of the case study program, a small sample (20) of the 700+ contracts was used. The public art project contracts

sampled were intentionally and carefully selected based on both the program history and historical evolution of artists' moral rights. Because New Mexico was one of a handful of states that adopted moral rights laws prior to the federal VARA<sup>13</sup>, evaluation of the policies was staggered in approximately 3-5 year intervals, with specific art projects in certain years selected. Among those public art contracts hand-selected were those with unique materials, locations, subject matter, artists with a high profile/stature in the field, and/or controversial art projects.

The intellectual property policy for public art is relatively straight forward as copyright is a federal law and local governments must abide by the highest level of law. However, while sweeping copyright reform took place just two years before the case study ordinance was enacted, the moral rights went unaddressed for several additional years, until states began to adopt such policies. Copyrights can be transferred, assigned or sold along with—or separate from—the final work of art. Moral rights are not transferable, and are tied exclusively to the artwork. Because an artist “injects some of his or her spirit into the art, ... the artist’s personality, as well as the integrity of the work, should be protected and preserved” (Lerner & Bresler, 2006). The disposition of an artwork directly affects the moral rights of the artist.

*Going Public* (1988), provides a snapshot of the pre-VARA years and the efforts leading up to the sweeping federal policy. Just three years before the Visual Artists Rights Act was passed, three states, California, New York and Massachusetts, had adopted moral rights laws protecting artists and their works of art from intentional destruction, or in some cases, non-malicious alteration of works of art (Failing, 2002). Senator Edward Kennedy of Massachusetts had introduced VARA, presumably based on

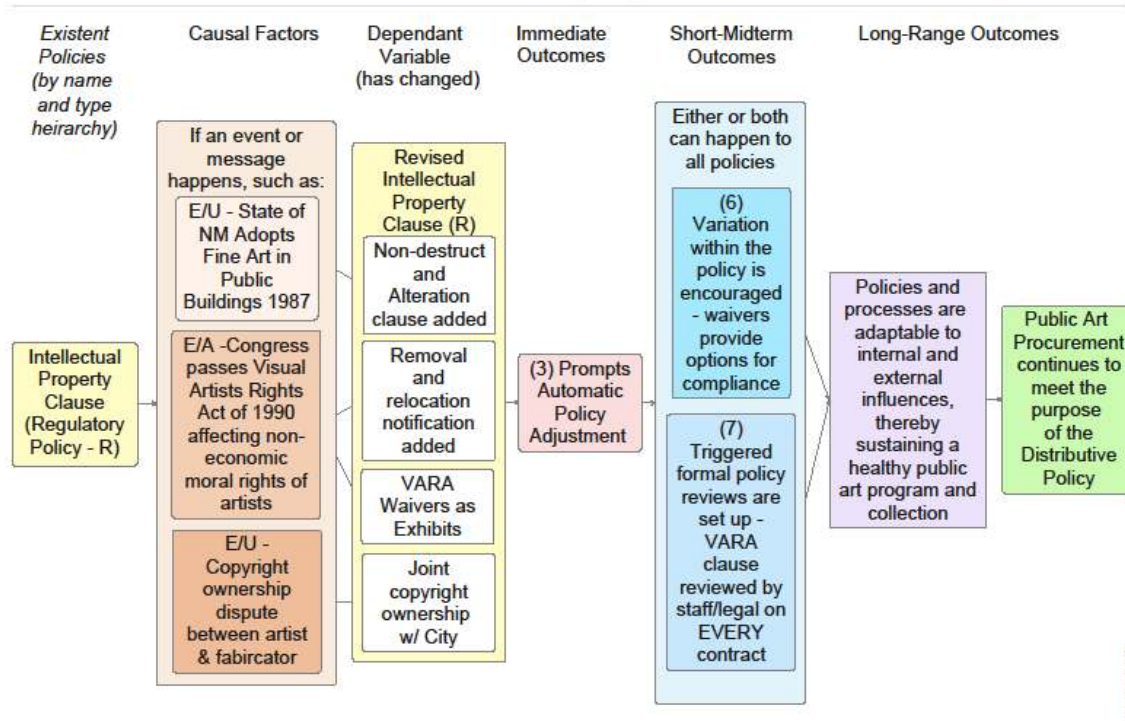
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<sup>13</sup> New Mexico's Act Relating to Fine Art in Public Buildings (1987)

his own state's policy, the same year *Going Public* was published. New Mexico adopted similar legislation in 1987. Therefore, the casual factor of the adoption of VARA emerged as an external/anticipated factor affecting intellectual property policy in the case study.

The earliest contract clauses for public art in the case study program are simple paragraphs that define the "instruments of service" in which the artist will retain all of the associated copyrights. Models, sketches, and drawings remained the tangible and intellectual property of the artist. The economic rights of reproduction of the artwork also remain with the artist except for the limited rights by the commissioning body to use photographic images of the artwork *as installed* for promotional and educational purposes. In early public art commission contracts, credit to the artist is about as close as the clause comes granting to moral rights. Within just a couple of years, the "Non-destruction/No Alteration" clause was introduced alongside the copyright clause. Between the late 1970's and mid 1980's, numerous accounts of sculptures and murals being relocated, altered or destroyed throughout the country were making their way through the national media and arts publications. Articles were being written about the states adopting non-destruction or alterations laws partly in response to high powered art collectors and museums doing what they wished with artworks they had acquired (Cruikshank, Korza & Andrews, 1988). This external condition clearly began to affect the case study policy as early as 1983.

Causal Logic Model - Public Art Policy Adaptive Evaluation  
Intellectual Property Clause



In 2000, an unanticipated copyright ownership and infringement struggle between members of a contracted public art project team (the artist and the fabricator) resulted in a mandatory joint copyright ownership for commissioned works of art between the artist and the City. The joint copyright ownership clause tightened up issues regarding subsequent use, reproduction of the artwork, and all related “instruments of service,” so that any form of reproduction must be approved in writing by the City, especially for commercial purposes. The joint ownership also allows the City to use municipal resources to fight infringement because the municipality has direct ownership, a scenario that would not be allowed under the State of New Mexico’s constitutional “anti-donation clause,” wherein public resources cannot be used for private benefit.

### **Adaptive Policy Analysis**

According to Swanson & Bhadwal (2009), policies with adaptive capacity can respond to *internal and external influences*, and *anticipated and unanticipated conditions*, in a manner that allows the program to continue in a healthy and supported manner. The ultimate adaptive policy is the “no-regrets policy,” wherein the core policy continues to perform under a wide range of conditions without needing substantial modification. The policy is designed from the beginning to hold up against most, if not all, anticipated conditions of implementation. In the case study public art program, the distributive policy enabled legislatively—the ordinance—is the “no-regrets policy.” Since 1978, the ordinance has been modified only five times, and only once with shallow, if substantive refinements and updates to the core distributive purpose. One might say that there are no regrets about having a percent-for-art ordinance, even though there might be regrets about how the advisory board was appointed. The core of the distributive policy, the allocation of funds to procure art, and the existence of an advisory board to make recommendations on subsequent policy and art, has been intact for 34 years. This demonstrates “policy robustness” per the Swanson & Bhadwal adaptive policy model.

The comprehensive changes to the ordinance in 1991-92 demonstrated the robustness of the original policy in the face of a dynamic municipal policy environment, and a changing political and evolving art world. On one hand, the core distributive intent was never modified. On the other hand, the multiple amendments rewording the Arts Board appointment process in the ordinance over a period of 34 years demonstrates the adaptability of the core policy to be more politically responsive and accountable over the long term. The fact that no other aspect of the core policy had been changed when

“opened up” by the legislative body four times to adjust the board appointment section speaks to the validity and robustness of the core policy. While the 1991 City Council mandated evaluation questions opened the door to many opportunities for the administration to nuzzle with the art selection and project management processes of the ordinance, the clarification revisions correctly left those details to be addressed in the lesser governance and institutional policies, the bylaws and guidelines.

The case study governance policies have been adjusted relative to minor internal/unanticipated factors. The most significant revision was the restructuring of the bylaws to reflect the revised ordinance. The board leadership structure, how committees are assigned, and the “Resignation” section are content changes most influenced by internal/anticipated factors. The pending ‘board code of conduct’ will likely be one of the more substantial changes to the bylaws.

As written, the bylaws do not allow for much variation within the governance policy. For accountability and transparency, governance of people and their actions should include numerous procedural options for addressing issues. Another weakness of the bylaws is the lack of a triggered formal review. To assure that the governance policy is relevant and supports the intent of the distributive policy scheduled formal reviews should be instituted. Variation and triggered formal review are two important principles for policy adaptability and the bylaws are lacking in both instances.

Guidelines for reviewing solicited and unsolicited art proposals, determining appropriateness of art in public spaces, and selecting, conserving, removing or destroying public art are important policies for the proper functioning of a government public art program. Guidelines for public art programs should provide procedural accountability

while being responsive to political and constituency interests—as in the legislative and executive bodies that allow the ordinance to continue to exist and be implemented, as well as the public who must live with the policy outcomes which, in this case, is public art.

Guidelines adjustments observed in the case study data demonstrate that every combination of internal/external, and anticipated/unanticipated, conditions can cause a policy adjustment. The revision of the ordinance coupled with internal departmental reorganizations cause structural and formatting revisions. Significant external conditions can substantially affect public art policy at the institutional level, such as: local and national public art controversies, changes in national best practices, advancements in the field as a whole, and both technological development in, and the failure of, art materials. Just as new media is made available for artist to use, materials employed in the early years of the program deteriorate, necessitating variation in policies.

Policy adjustments to the case study guidelines illustrate several of Swanson and Bhadwal’s adaptive capacity principles, except for, again, a major deficiency in principle #7, triggered formal policy review of the entire policy itself. The first guidelines required bi-annual public hearings “to review the artist selection process.” Meeting minutes or other program documents do not indicate that a public hearing was ever held after the initial guidelines were presented in a public forum and adopted in 1978. The bi-annual review clause was removed in the second version in 1991. Embedded lesser policies within the guidelines are triggers for review throughout the art selection and management processes, i.e. the Unsolicited Proposals, Appropriate Art and Decommission policies, but the entire set of guidelines does not contain a formal policy review clause. Informally,



when the ordinance changes or the Public Art Program moves to a different department, a guideline review would likely take place. Interestingly, this lack of formal triggered review is one area in which the regulatory policy of intellectual property does not suffer.

Every contract executed by municipal government receives a formal review by legal counsel. The intellectual property clause in the earliest public art contracts were simple and only addressed copyrights. As the moral rights debate ensued throughout the country, and states like New Mexico adopted their own laws, the higher state policy had to be implemented at the municipal level. The eventual adoption of moral rights at the federal level trumped the state policy, leaving the municipality with very standardized intellectual property contract clauses for almost 20 years.

The change in external conditions around artists' moral rights had clear, definable and immediate effects on the municipal intellectual property policy. New artworks were guaranteed to be free from modification or relocation, without following proper procedure. But, as older artworks began to deteriorate and experimental materials began to fail, public art program and legal staff utilized the waiver system as policy options for dealing with the anticipated long term effects of deterioration in artwork materials. This is a textbook example of automatic policy review contributing to policy adaptive capacity principle #6, variation in policy, and #7 triggered formal reviews.

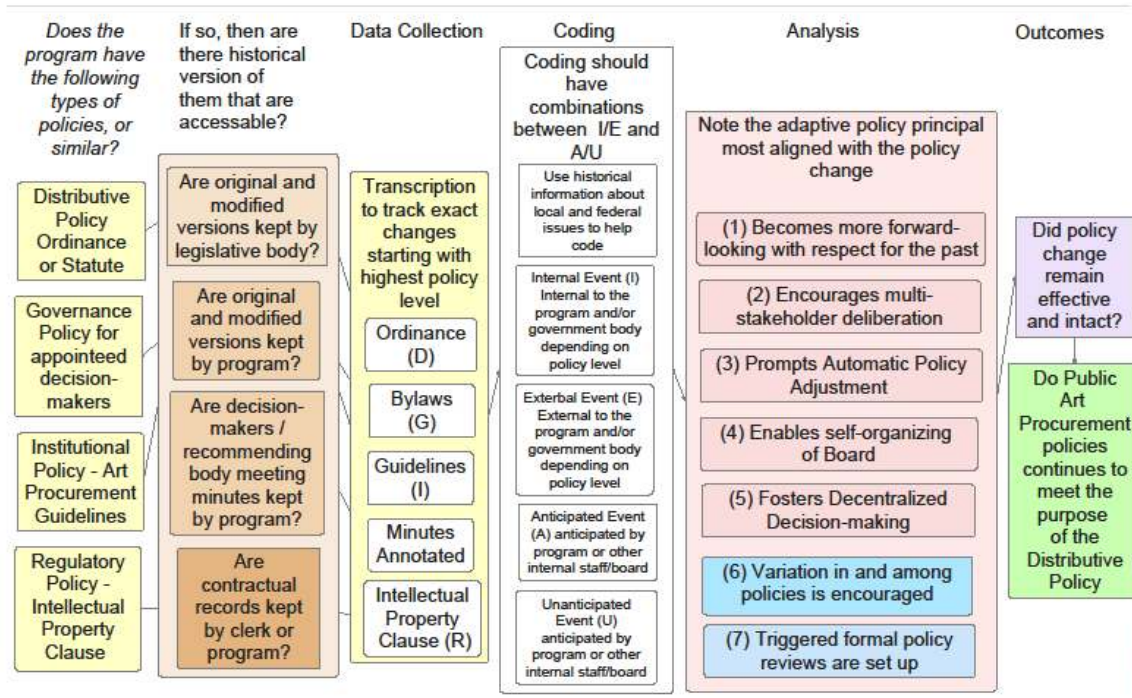
### **The Evaluability Assessment Tool**

It is well known that public art evaluation is difficult at the program and project (artwork) level. The intent of this applied research project was to pursue a new method for public art evaluation by evaluating only the policies. This process could be replicated

by many other mature public art programs that are enabled by ordinance or statute at the municipal or state level, assuming that they have similar distributive, governance, institutional and regulatory policy. If other public art programs replicated this evaluation process, their findings would provide important comparative data for further research. However, combing through 34 years of documentation of the case study program proved a formidable task. An undertaking such as this would require organized, reliable, historical information such as previous versions of all policies, meeting minutes of decision-makers at various levels and public art project materials, particularly contracts. The Evaluability Assessment Tool was developed out of this process to encourage similar policy analysis projects among public art administrators who value contributing to the evolving field of public art evaluation. The diagram below provides a snapshot of the steps and materials needed to replicate the adaptive policy analysis created in this study. The Evaluability Assessment Tool Overview, a narrative explaining evaluability criteria, is attached as Appendix I.

Minutes Annotated

### Evaluability Assessment Tool for Public Art Policy Adaptive Capacity Analysis



### Conclusion

Adaptive policy analysis is an emerging theoretical framework. The framework is based on policy adaptability to internal and external conditions coupled with anticipated and unanticipated causal factors. Applying this framework to the Albuquerque Public Art Program policies demonstrates how the seven principles of adaptive capacity (1. forward looking with respect for the past, 2. stakeholder deliberation, 3. automatic policy adjustment, 4. self-organizing, 5. decentralized decision-making, 6. variation in policies, and 7. triggered formal review) become operable over the course of time, strengthening the core policies. Based on the seven principles, the case study policies are robust, but

would most likely benefit from implementing a triggered formal review for the three policies out of four that do not have triggered formal review.

Using an Informed Grounded Theory approach to determine policy adaptive capacity proved to be an informative and defensible approach for public art program policy analysis. There were challenges to the data coding process, e.g., determining a defining line between ‘internal’ and ‘external’ in municipal government, or determining ‘who’ anticipated or may not have anticipated changes in internal and external conditions. Municipal government involves many actors and when conducting municipal business such as procuring public art, those boundaries can become quite blurred. A more strict application of endogenous and exogenous criteria to the case study data would likely improve the categorization and analysis of the myriad causal factors identified. Nonetheless, the causal logic models developed from the process yielded informative and replicable results. Further case studies using the adaptive policy evaluation model would provide valuable comparative data, especially if the model were applied to a public art program that had been eliminated, or is currently being considered for repeal.

### References

- Adams, D. a. A. G. (1986a). Basic Cultural Policy Concepts. Retrieved from <http://www.wgcd.org/policy/concepts.html>
- Adams, D. a. A. G. (1986b). Cultural Policy in US History. Retrieved from <http://www.wgcd.org/policy/US/USHistory.html>
- Anderson, J. E. (2003). *Public policymaking : an introduction / James E. Anderson*: Boston : Houghton Mifflin, c2003. 5th ed.
- AJA Associates, A.-A. J. (2007). EVALUATION OF PUBLIC ART: A LITERATURE REVIEW AND. Retrieved from <http://www.artscouncil.org.uk/media/uploads/yorkshireimages/2007AJAEvaluationofPublicArtLiteratureReviewPublicVersion.pdf>
- Albuquerque Arts Board (1992). *Minutes, January 21*.
- Atlas, C. (2001). *Cultural Policy: What Is It, Who Makes It, Why Does It Matter?* New York.
- Baumol, W. J., & Bowen, W. G. (1966). *Performing arts-the economic dilemma : a study of problems common to theater, opera, music, and dance*. Cambridge, Mass.,: The M.I.T. Press.
- Becker, J. (2004). Public Art: An Essential Component of Creating Communities. *Monograph*.
- Becker, J. (2011). The Gospel of Public Art. *Public Art Review*, 22(2), 11.
- Belfiore, E. (2004). Auditing culture. [Article]. *International Journal of Cultural Policy*, 10(2), 183-202.
- Belfiore, E. (2009). On bullshit in cultural policy practice and research: notes from the British case. [Article]. *International Journal of Cultural Policy*, 15(3), 343-359.
- Belfiore, E., & Bennett, O. (2010). Beyond the “Toolkit Approach”: Arts Impact Evaluation Research and the Realities of Cultural Policy-Making. [Article]. *Journal for Cultural Research*, 14(2), 121-142.
- Bitsch, V. (2005). Qualitative Research: A Grounded Theory Example and Evaluation Criteria. *JOURNAL OF AGRIBUSINESS*, 23(1), 75-92.
- Bo-Seon, S. (2006). THEORETICAL STRATEGIES FOR THE ANALYSIS OF CULTURAL POLICY FORMATION (THE CASE OF THE NEA). *DEVELOPMENT AND SOCIETY*, 61., 서울대학교 사회발전연구소

- Bock, E. M. (2011). Using Public Disclosure as the Vesting Point for Moral Rights under the Visual Artists Rights Act. *Michigan Law Review*, 110(1), 153-174.
- Boyle, M., Nazzaro, S., & O'Connor, D. (2010). Moral Rights Protection for the Visual Arts. *Journal of Cultural Economics*, 34(1), 27-44.
- Brown, B. a. M. R. (2000). Public Art Funding; Developing Percent-for-Art Programs. *Monograph*, (December 2000). Retrieved from [http://www.americansforthearts.org/pdf/networks/pan/brown\\_rubin\\_funding.pdf](http://www.americansforthearts.org/pdf/networks/pan/brown_rubin_funding.pdf)
- Calavera, M. (2008). The Role of Distributive Policy in Federal Government. 2012, from <http://voices.yahoo.com/the-role-distributive-policy-federal-government-2313570.html>
- Carroll, N. (1987). Can government funding of the arts be justified theoretically? [Article]. *Journal of Aesthetic Education*, 21, 21-35.
- Cartiere, C., & Willis, S. (2008). *The practice of public art*. New York: Routledge.
- Carver, J. (2001). A THEORY OF GOVERNING THE PUBLIC'S BUSINESS: Redesigning the jobs of boards, councils, and commissions. *Public Management Review*, Vol. 3(Iss. 1), 53-72.
- Caves, R. E. (2000). *Creative industries : contracts between art and commerce*. Cambridge, Mass.: Harvard University Press.
- Chen, H.-t. (2005). *Practical program evaluation : assessing and improving planning, implementation, and effectiveness*. Thousand Oaks, Calif.: Sage.
- City of Albuquerque Ordinances (1978 - 2012).
- Collie, M. P. (1988). The Legislature and Distributive Policy Making in Formal Perspective. [research-article]. *Legislative Studies Quarterly*(4), 427.
- Cowen, T. (2008). Why Everything Has Changed: The Recent Revolution in Cultural Economics. *Journal of Cultural Economics*, 32(4), 261-273.
- Cruikshank, J. L., Korza, P., & Andrews, R. (1988). *Going public : a field guide to developments in art in public places / written by Jeffrey L. Cruikshank and Pam Korza ; introductions by Richard Andrews and Kathy Halbreich ; editor, Pam Korza ; contributing editor, Richard Andrews*: Amherst, MA : Arts Extension Service, Division of Continuing Education, University of Massachusetts, 1988.
- Cunningham, S. (2004). The creative industries after cultural policy: a genealogy and some possible preferred futures. *International journal of cultural studies*, 7(1), 105-115.

- Doss, E. (2006). *Public Art Controversy: Cultural Expression and Civic Debate. Monograph.*
- DuBoff, L., Sherri Burr, and Michael D. Murray,. (2004). *Art Law Cases and Materials.* Buffalo, NY: S. Hein & Co., Inc.
- Dunne, C. (2011). The place of the literature review in grounded theory research. *INTERNATIONAL JOURNAL OF SOCIAL RESEARCH METHODOLOGY*, 14(2), 111-124.
- Elliot, N. a. A. H. (2013). Surviving Grounded Theory Research Method in an Academic World: Proposal Writing and Theoretical Frameworks | Grounded Theory. *Grounded Theory Review*, 11(2).
- Evans, G. (2000). Measure for Measure: Evaluating Performance and the Arts Organisation. [Article]. *Studies in Cultures, Organizations & Societies*, 6(2), 243-266.
- Failing, P. (2002). *ARTISTS MORAL RIGHTS IN THE UNITED STATES BEFORE VARA*. Paper presented at the The Committee on Intellectual Property of the College Art Association. Retrieved from <http://www.studiolo.org/CIP/VARA/Failing/Failing.htm>
- Farber, C. (2006). ADVANCING THE ARTS COMMUNITY IN NEW MEXICO THROUGH MORAL RIGHTS AND DROIT DE SUITE: THE INTERNATIONAL IMPETUS AND IMPLICATIONS OF PREEMPTION ANALYSIS. 36. Retrieved from [http://lawlibrary.unm.edu/nmlr/36/3/07\\_farber\\_advancing.pdf](http://lawlibrary.unm.edu/nmlr/36/3/07_farber_advancing.pdf)
- Fenner, L. (2012). Multiple Interpretations & Approaches to Public Art Evaluation. <http://blog.artsusa.org/2012/05/18/multiple-interpretations-approaches-to-public-art-evaluation/>
- Fine Art in Public Buildings Section 13-4B-3 - Fine art; alteration or destruction prohibited; injunctive relief; damages; exceptions. - New Mexico Statutes (1995).
- Fleming, R. L. (2007). *The art of placemaking : interpreting community through public art and urban design.* London ; New York: Merrell Pub. Ltd.
- Fleming, R. L. a. R. v. T. (1987). *PlaceMakers. Creating Public Art that Tells You Where You Are.*
- Flew, T. (2009). The Cultural Economy Moment? [New Directions Vol 2, Issue 1, 2009]. 2.

- Frey, B. S. (2003). *Arts & economics analysis & cultural policy* (2nd ed.). Berlin: Springer.
- Galloway, S. (2009). Theory-based evaluation and the social impact of the arts. [Article]. *Cultural Trends*, 18(2), 125-148.
- Glaser, B. G. (2012). Stop. Write! Writing Grounded Theory. *Grounded Theory Review; An international journal*, Volume 11(Issue 1).
- Gray, C. (2010). Analysing cultural policy: incorrigibly plural or ontologically incompatible? [Article]. *International Journal of Cultural Policy*, 16(2), 215-230.
- Gray, C., & Wingfield, M. (2011). Are governmental culture departments important? An empirical investigation. *INTERNATIONAL JOURNAL OF CULTURAL POLICY*, 17(5), 590-604.
- Gressel, K. (2012). Public Art and the Challenge of Evaluation. Retrieved September 16, 2012, 2012, from <http://createquity.com/2012/01/public-art-and-the-challenge-of-evaluation.html>
- H.R.2690 - Visual Artists Rights Act of 1990 - 101st Congress (1989-1990) (1990).
- Hackemann, R. (2012). *S t u c k B e t w e e n D i s c i p l i n e s – Notes on Public Art Discourse, 2012 | Art & Education*. Retrieved from <http://www.artandeducation.net/paper/s-t-u-c-k-b-e-t-w-e-e-n-d-i-s-c-i-p-l-i-n-e-s-notes-on-public-art-discourse-201/>
- Hamilton, L. (2008). Low-Tech Causal Modeling. Retrieved from <http://pubpages.unh.edu/~lch/causal2.pdf>
- Hartley, J. (2005). *Creative industries*. Malden, MA: Blackwell Pub.
- Hein, H. (1996). What is public art?: time, place, and meaning. [Article]. *The Journal of Aesthetics and Art Criticism*, 54, 1-7.
- Hesmondhalgh, D., & Pratt, A. C. (2005). Cultural industries and cultural policy. [Article]. *International Journal of Cultural Policy*, 11(1), 1-13.
- Hoffman, B. T. (2008). My Copyright, Your Copywrong: Artistic Collaboration and the Law. [Article]. *Public Art Review*, 19(2), 42-44.
- Holden, J. (2007). *Publicly-funded culture and the creative industries*. England: Arts Council England.
- Horrigmo, A. M. J. (2012a). Can Culture Explain Culture? The Influence of Cultural Change on Municipal Spending on Cultural Policies. *Urban Affairs Review*.



- Howkins, J. (2009). *The creative ecologies : where thinking is a proper job*. St Lucia, Qld.: University of Queensland Press.
- Hunting, D. (2005). Public Art Policy: Examining an Emerging Discipline. *Perspectives in Public Affairs, Vol. 2*.
- ixia. (2010). Public Art: A guide to Evaluation Available from <http://ixia-info.com/files/2010/04/public-art-a-guide-to-evaluationmarch10.pdf>
- ixia. (2012). Contracts and copyright - Works of Joint Authorship – Copyright Guidance. *Public Art Online Resources*. Retrieved from <http://www.publicartonline.org.uk/resources/practicaladvice/contracts/jointauthor.php>
- Jordan, S., & American Council of the Arts. (1987). *Public art, public controversy : the tilted arc on trial*. New York, NY: American Council of the Arts.
- Keene, J. (2008). The Great Wide Open: Can the Internet and open-source technology expand the limits of public art? [Article]. *Public Art Review, 19(2)*, 34-36.
- Knight, C. K. (2008). *Public art : theory, practice and populism*. Malden, MA: Blackwell.
- Lambert Ruley, S. (2006). *PUBLIC ART AND EVALUATION*. Goucher College, Baltimore, MD.
- Lerner, R. E. a. J. B. (2006). PLI: Treatises - All About Rights for Visual Artists (Vol. 1, pp. 275). Available from [http://www.pli.edu/Content/Treatise/All\\_About\\_Rights\\_for\\_Visual\\_Artists/\\_N-4lZ1z13i5t?ID=22354](http://www.pli.edu/Content/Treatise/All_About_Rights_for_Visual_Artists/_N-4lZ1z13i5t?ID=22354)
- Lewis, G. B., & Brooks, A. C. (2005). A Question of Morality: Artists' Values and Public Funding for the Arts. *Public Administration Review, 65(1)*, 8-17.
- Mark, M. M., Cooksy, L. J., & Trochim, W. M. K. (2009). Evaluation policy: An introduction and overview. [Article]. *New Directions for Evaluation(123)*, 3-11.
- Markusen, A. R., & Gadwa, A. (2010). Arts and culture in urban or regional planning: a review and research agenda. *Journal of planning education & research, 29(3)*, 379-391.
- McGuigan, J. (2002). *Culture and the Public Sphere*: Routledge.
- McGuigan, J. (2004). *Rethinking cultural policy [electronic resource] / Jim McGuigan*: Maidenhead : Open University, 2004.

- McLaughlin, J. A., & Jordan, G. B. (1999). Logic models: a tool for telling your programs performance story. [Article]. *Evaluation and Program Planning*, 22, 65-72.
- Moore, M. H. (1995). *Creating public value : strategic management in government*. Cambridge, Mass.: Harvard University Press.
- Moss, I. D. (2012). Creative Placemaking Has an Outcomes Problem. Retrieved from <http://createquity.com/2012/05/creative-placemaking-has-an-outcomes-problem.html>
- Mulcahy, K. V. (2006). Cultural Policy: Definitions and Theoretical Approaches. [Article]. *Journal of Arts Management, Law & Society*, 35(4), 319-330.
- Mulcahy, K. V., & Swaim, C. R. (1982). *Public policy and the arts*. Boulder, Colo.: Westview Press.
- Neves, P. S. (2010). *Urban Art- difficulties in its typification, and evaluation methods*. Paper presented at the 2010 CITTA 3rd Annual Conference on Planning Research Bringing City Form Back Into Planning. Retrieved from [http://www.academia.edu/1075695/Urban\\_Art-difficulties\\_in\\_its\\_typification\\_and\\_evaluation\\_methods](http://www.academia.edu/1075695/Urban_Art-difficulties_in_its_typification_and_evaluation_methods)
- Nicodemus, A. G. (2012). Creative Placemaking 2.0 | Grantmakers in the Arts. *GIA Reader, Vol. 23*(No. 2 (Summer 2012)). Retrieved from <http://www.giarts.org/article/creative-placemaking-20>
- Noonan, D. S. (2004). Valuing Arts and Culture: A Research Agenda for Contingent Valuation. [Article]. *Journal of Arts Management, Law & Society*, 34(3), 205-221.
- Okoli, C. a. K. S. (2010). A Guide to Conducting a Systematic Literature Review of. *Sprouts: Working Papers on Information* Retrieved 2/24/2013, from <http://sprouts.aisnet.org/10-26>
- Pearl, J. (2010). An Introduction to Causal Inference. *INTERNATIONAL JOURNAL OF BIOSTATISTICS*, 6(2).
- Phillips, P. C. (1994). Everybody's art: long-term supporters of temporary public art. [Article]. *organizations in the United States*, 5, 4-8.
- Pinnock, A. (2008). Two cultures: the use and non-use of hypotheses in cultural policy research. [Article]. *Cultural Trends*, 17(3), 139-146.
- Podhoretz. (2013). In H. College (Ed.) (January 2013 ed., Vol. 1). Hillsdale, MI.

- Pollock, V. L., & Paddison, R. (2010). Embedding Public Art: Practice, Policy and Problems. [Article]. *Journal of Urban Design*, 15(3), 335-356.
- Pollock, V. L., & Sharp, J. (2012). Real Participation or the Tyranny of Participatory Practice? Public Art and Community Involvement in the Regeneration of the Raploch, Scotland. *Urban Studies*, 49(14), 3063-3079.
- Potts, J. (2009). Why creative industries matter to economic evolution. [Article]. *Economics of Innovation & New Technology*, 18(7), 663-673.
- Potts, J. (2011). *Creative Industries and Economic Evolution: New Horizons in Institutional and Evolutionary Economics*, Cheltenham, U.K. and Northampton, Mass., Elgar.
- Rushton, M. (2001). The Law and Economics of Artists' Inalienable Rights. *Journal of Cultural Economics*, 25(4), 243-257.
- Rushton, M. (2002). POLITICAL OVERSIGHT OF ARTS COUNCILS: A COMPARISON OF CANADA AND THE UNITED STATES. [Article]. *International Journal of Cultural Policy*, 8(2), 153-165.
- Scriven, M. (2007). Key Evaluation Checklist. *Evaluation Checklist Project*. Retrieved from <http://www.wmich.edu/evalctr/checklists>
- Scullion, A., & García, B. (2005). WHAT IS CULTURAL POLICY RESEARCH? [Article]. *International Journal of Cultural Policy*, 11(2), 113-127.
- Selwood, S. (1995). *The benefits of public art : the polemics of permanent art in public places*: Policy Studies Institute.
- Senie, H. F. (2003). Responsible Criticism: Evaluating Public Art. *Sculpture*, Vol. 22(No. 10). Retrieved from <http://www.sculpture.org/documents/scmag03/dec03/senie/senie.shtml>
- Senie, H. F. (2007). The Controversy That Wouldn't Die: Tilted Arc and the Triumph of Spectacle. *Sculpture (Washington, D.C.)*, 26(7), 10.
- Spillman, B. (2013). Las Vegas public arts funding could get cut. *Las Vegas Review-Journal*. Retrieved from <http://www.lvrj.com/news/arts-funding-could-get-cut-193162591.html>
- Stanbridge, A. (2002). DETOUR OR DEAD-END? CONTEMPORARY CULTURAL THEORY AND THE SEARCH FOR NEW CULTURAL POLICY MODELS. [Article]. *International Journal of Cultural Policy*, 8(2), 121-134.

- Stinchcomb, J. B. (2001). Using Logic Modeling to Focus Evaluation Efforts: Translating Operational Theories into Practical Measures. [Article]. *Journal of Offender Rehabilitation*, 33(2), 47.
- Stone, G. (2005) *DRAFT Evaluability Checklist for Correctional Programmes (V.5.2)*, Retrieved from [http://groups.yahoo.com/social\\_enquiry\\_collaboration/files/Evaluability/](http://groups.yahoo.com/social_enquiry_collaboration/files/Evaluability/)
- Swanson, D., & Bhadwal, S. (2009). Creating Adaptive Policies: A Guide for Policy-making in an Uncertain World, *Creating Adaptive Policies: A Guide for Policy-making in an Uncertain World B2 - Creating Adaptive Policies: A Guide for Policy-making in an Uncertain World*: Sage/IDRC.
- Tepper, S. J. (2000). The Culture Wars: A Reassessment. 2012. Retrieved from <http://www.princeton.edu.libproxy.unm.edu/~artspol/occaspap/Tepper-The%20Culture%20Wars.pdf>
- Tepper, S. J. (2004). J. Mark Schuster: 2002, Informing Cultural Policy: The Research and Information Infrastructure. 28(1), 83-88. [http://www.bu.edu/artsadmin/news/symposium/schuster\\_paper.pdf](http://www.bu.edu/artsadmin/news/symposium/schuster_paper.pdf)
- Tepper, S. J. (2011). Not Here, Not Now, Not That! Protest Over Art and Culture in Americapp. 1 online resource (379 p.)).
- Thornberg, R. (2012). Informed Grounded Theory. *SCANDINAVIAN JOURNAL OF EDUCATIONAL RESEARCH*, 56(3), 243-259.
- Throsby, C. D. (2010). *The economics of cultural policy*. Cambridge ; New York ; New York: Cambridge University Press.
- Towse, R. e. (2002). *Copyright in the cultural industries*: Cheltenham, U.K. and Northampton, Mass.: Elgar; distributed by American International Distribution Corporation, Williston, Vt.
- Usher, D., & Strange, I. (2011). Evaluating public art in the North of England: Logic models, frameworks and emerging impact. *Local Economy*, 26(3), 203-213.
- West, W. F. (2004). Formal Procedures, Informal Processes, Accountability, and Responsiveness in Bureaucratic Policy Making: An Institutional Policy Analysis. [research-article]. *Public Administration Review*(1), 66.
- Wetenhall, J. (1993). A Brief History of Percent-for-Art in America. from <http://www.publicartreview.org/>
- Wise, P. (2002). CULTURAL POLICY AND MULTIPLICITIES. [Article]. *International Journal of Cultural Policy*, 8(2), 221-231.

Zarif, T. (2012). GROUNDED THEORY METHOD: AN OVERVIEW. [Article].  
*Interdisciplinary Journal of Contemporary Research in Business*, 4(5), 969-979.

Zembylas, T. (2004). Art and public conflict: Notes on the social negotiation of the concept of art. *JOURNAL OF ARTS MANAGEMENT LAW AND SOCIETY*, 34(2), 119-132.

Zemer, L. (2011). MORAL RIGHTS: LIMITED EDITION (Vol. 91, pp. 1519-1568):  
Boston University, School of Law.

Zuidervaart, L. (2011). *Art in Public: Politics, Economics, and a Democratic Culture*:  
Cambridge and New York: Cambridge University Press.

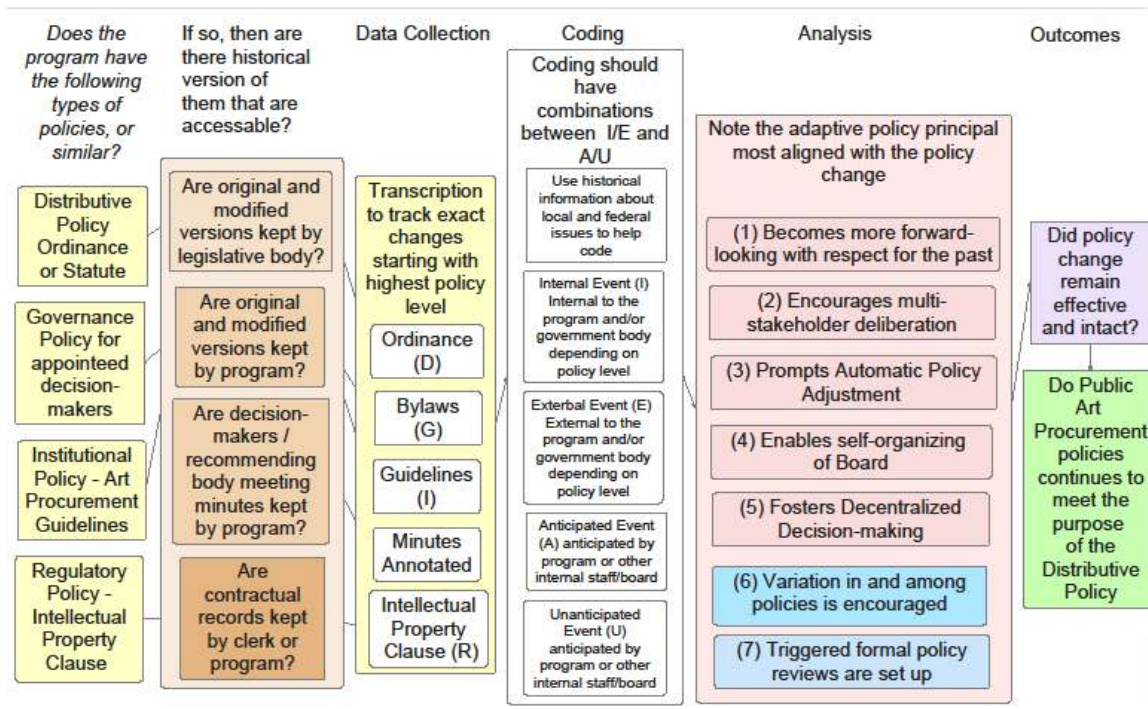
### Appendix I - Public Art Policy Adaptive Capacity Analysis An Evaluability Assessment Tool

**Purpose:** This Evaluability Assessment Tool is intended to be used by a policy analyst, program manager, or various levels of program staff, for the purpose of determining if existing public art program policies can be evaluated using the Adaptive Capacity model (Strivens, 2007 and Stone, 2005).

**Methodology:** An Adaptive Capacity analysis of Public Art Program Policies requires access to organized, reliable, historical information such as previous versions of all policies, meeting minutes of decision-makers at various levels and public art project materials, particularly contracts, and collecting and coding specific aspects of the available data. The diagram below provides a snapshot of the steps and materials needed to complete an adaptive policy analysis on public art program policies.

Minutes Annotated

#### Evaluability Assessment Tool for Public Art Policy Adaptive Capacity Analysis



Availability of policy materials and data: This step involves reviewing the program policy types and available historical or archived resources for each type of policy.

1. At the enabling legislation level, ordinance or statute, are hardcopy or archived versions of the original legislation and each subsequent modified version up to the most current policy being implemented available? If not available in the program files, can they be found within the government records archives usually held in trust by a clerk or records bureau for the elected body. Being able to historically track changes in this highest level distributive policy is a key step for adaptive capacity analysis.
2. If the primary legislative/distributive policy also established a decision-making body, does that body have a governance policy or set a rules or procedures? Can those rules or procedures also be tracked historically? If the decision-making body is ad hoc or the decision-making power is delegated to another standing body, what is the body's governing policy; are historical version of that policy, as it related to the function of public art, available?
3. Next is an assessment of the key institutional policy for managing the public art procurement process. Is the primary policy that guides the procurement of public art a policy created directly for that purpose, enabled by the distributive policy, or does overarching procurement policy include public art. Are historical versions, including the original policy available
4. Finally, for the regulatory policy analysis, this adaptive capacity evaluation is limited to the intellectual property management policy for completed public artworks. Therefore, to complete an analysis, a thorough review of the individual copyright and/or VARA clauses in the commission or purchase contracts for public art is required. Ideally, original (or archived) contracts dated as far back to the earliest commissioned or acquired works of public art are most valuable. However, if an intellectual property policy exists in another format other than in the contracts, that policy may be substituted for the review of individual contract clauses. (Note: the assessment based on the principles of adaptability may have slightly different outcomes if the intellectual property policy is not defined contractually.) The policy analyst will need to determine if contracts clauses are available and can be organized and captured in sequential order.

#### Policy Materials and Data Summary Questions:

1. Are historical versions of the public art ordinance / statute available? If so, how far back in the program's history?
2. Does a public art advisory board exist, and does it have bylaws or rules of procedure? Are they available historically?
3. Are there procurement or art acquisition guidelines and are they available historically?
4. Are contracts available throughout the history of the program that include copyright and VARA rights clauses?
5. Does the program office and general archives contain enough support information to develop contextual backgrounds for policy adjustments over times such as, meeting minutes, rich individual project files and access to

medial coverage and references on the topic of public art both locally and nationally?

Availability of contextual data: Additional supporting materials such as the minutes of meetings where the decision-makers deliberated on the artwork acquisition or established sub-level policies; individual project materials such as artist's statements or staff documentation of processes or procedures; local and/or media coverage of the agency's public art program and/or projects; and access to a variety of public art books, magazines or other reference materials, are extremely helpful to establish context for determining internal and external influences on policy adaptability. The following contextual support materials are highly recommended to help establish a rich context for analyzing internal/external conditions and anticipated/unanticipated factors:

- A. Meeting minutes of decision-making body
- B. Appointment information for members of the decision-making body
- C. Individual public art project files, including budget information, artists' statements, images of the artwork and project management notes
- D. Access to local media coverage of public art projects
- E. Access to general, national, public art history texts and reference materials
- F. Access to individuals intimately involved in the development and implementation of the policies throughout the life of the program\*<sup>14</sup>

Availability of staff time and/or personnel resources: The most important aspect of an evaluability assessment is to do a realistic scoping of the staff time and availability. Just as many agree that conducting public art project evaluation can be intense and demanding of staff time and resources, the policy evaluation process can also be rather intense. The benefit of the policy evaluation however, is that it can be done over time and can be assigned to various levels of staff including interns who are capable of transcribing or otherwise entering verbatim clauses of the various policies. Analysis and coding of the data, however, should be done by someone who is knowledgeable about the programs existing policies.

Availability of technical support and/or access to data tracking programs: An important aspect of the policy evaluation process is to have access to a spreadsheet program and to be able to access or convert historical versions of policies into workable word processing documents that can be imported directly into the spreadsheet with as much ease as possible. Having access to technical support to convert retrieved historical versions of policies can save time transcribing.

Evaluation Results and Impact: If one determines that a public art program policy adaptive capacity analysis is able to be undertaken because the program has on hand enough historical policy data to assess the adaptive capacity, then the results of the analysis process can have multiple outcomes. First the process of reviewing policies can

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<sup>14</sup> \* Personal interviews were not used to establish the grounded theory for the original policy analysis, however, interviews conducted alongside the above recommended process would provide a much richer context for policy analysis no that a theoretical methodology has been developed.



be extremely revealing about the program's history. Secondly, the policies can be categorized based on the seven principles of adaptive capacity and, most importantly, deficiencies in any of those areas can be addressed within each policy. Taking a proactive approach to addressing adaptive capacity deficiencies will help the program remain robust, intact and able to respond to a variety of scenarios over time.

Policy Type	Date	Ordinance #	Content	Comments	Internal/ External Conditions	Anticipated/ Un- anticipated Factors
Ordinance	11/22/1978	O-89	Ordinance			
Ordinance	11/22/1978	O-89	PROVIDING FOR ART IN MUNICIPAL PLACES; ESTABLISHING AN ARTS BOARD AND DESCRIBING ITS POWERS AND DUTIES; ESTABLISHING MEANS OF FUNDING ACQUISITION OF ART FOR MUNICIPAL PLACES; AMENDING SECTION 5-2-18-8 OF THE REVISED ORDINANCES OF ALBUQUERQUE, NEW MEXICO, 1974; AND REPEALING RESOLUTION NO. 81-1978 AND CHAPTER X OF ARTICLE 11 OF THE REVISED ORDINANCES OF ALBUQUERQUE, NEW MEXICO, 1974.			
Ordinance	11/22/1978	O-89	BE IT ORDANINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:			
Ordinance	11/22/1978	O-89	Section 1. <u>Purpose</u> . The intent of this ordinance is to promote and encourage private and public programs to further the development and public awareness of, and interest in, the fine and performing art and cultural properties, to increase employment opportunities in the arts, and to encourage the integration of art into the architecture of municipal structures. Except as specifically provided for herein, this ordinance does not intent to establish any policies or procedures relative to the Museum of Albuquerque or the Albuquerque Public Library.	First entity addressed is the "private". Includes performing arts which came out later. "Cultural Properties" are only referenced in the ordinance in Section 4. K.		
Ordinance	11/22/1978	O-89	Section 2. <u>Definitions</u> .			
Ordinance	11/22/1978	O-89	A. "Board" shall mean the Arts Board established by this ordinance.			
Ordinance	11/22/1978	O-89	B. "Capital Improvements Program" means all projects financed by general obligation and revenue bonds.	included GO and revenue bonds from the beginning		
Ordinance	11/22/1978	O-89	Remaining sections removed for this example			
Ordinance	11/22/1978	O-89	Section 13. <u>Effective Date and Publication</u> . This ordinance shall become effective five days after publication in full.			
Ordinance	11/22/1978	O-89	PASSED AND ADOPTED this <u>6th</u> day of <u>November</u> , 1978. Patrick Baca, President, City Council			
Ordinance	11/22/1978	O-89	APPROVED this <u>22nd</u> day of <u>November</u> , 1978. David Rusk, Mayor, City of Albuquerque			
Ordinance						
Ordinance	1/1/1983	O-xx	A. The Arts Board is hereby established. It shall consist of [seven] nine members to be appointed by Mayor with advice and consent of the Council. <u>The term of each member shall be three years, except that the two members added to the Board to increase the membership of the Board fro seven members to nine members, one shall have a term expiring July 31, 1984, and one shall have a term expiring July 31, 1985.</u>	<u>Find date</u> . Board expanded from 7 to 9 members. <u>Removed all previous detailed description of term expiration dates.</u>	I	A
Ordinance			<u>Section 9 regarding amending the Procurement Ordinance to exempt "contracts for works of art" completely removed.</u>		I	A
Ordinance	5/12/1992	O-24	Ordinance			
Ordinance	5/12/1992	O-24	AMENDING PORTIONS OF CHAPTER 11, ARTICLE XIV, SECTIONS 11-14-1 THROUGH 11-14-7, R.O. 1974, REGARDING ART IN MUNICIPAL PLACES.	This section only includes the sections with modifications		
Ordinance	5/12/1992	O-24	Section 1. Sections 11-14-1 through 11-14-7 of the Revised Ordinances of the City of Albuquerque, New Mexico, 1974 hereby are mended to read as follows:			
Ordinance	5/12/1992	O-24	"11-14-1 PURPOSE. The intent of this ordinance is to promote and encourage private and public programs to further the development and public awareness of, and interest in, [the fine and performing art and cultural properties,] <u>the visual arts and fine crafts</u> to increase employment opportunities in the arts, and to encourage the integration of art into the architecture of municipal structures. Except as specifically provided for herein, this ordinance does not intent to establish any policies or procedures relative to the Museum of Albuquerque <u>[or the Albuquerque Public Library]</u> .	Funds can't be spent on performing arts	I	A
Ordinance	5/12/1992	O-24	A. "Board" shall mean the <u>Albuquerque</u> Arts Board established by this ordinance.	the word <u>Albuquerque</u> added to all references of Arts Board throughout		
Ordinance	5/12/1992	O-24	B. "Capital Improvements Program" means all capital projects <u>[financed by general obligation and revenue bonds] of the City of Albuquerque.</u>	clarification of funds	I	A
Ordinance	5/12/1992	O-24	D. "Mayor" means the Mayor of the City of Albuquerque or <u>[his] the Mayor's</u> designated representative.	removed gender reference		

Policy Type	Date	Ordinance #	Content	Comments	Internal/ External Conditions	Anticipated/ Un-anticipated Factors
Ordinance	5/12/1992	O-24	E. "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 media). For projects which involve no structures, "Work of art" may include a combination of landscaping and landscaping design (including some natural and manufactured materials such as rocks, 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 <b>[ephemeral arts] the performing or literary arts</b> such as dance, voice, music or poetry unless expressed in a manner defined above.	further clarify permissible funds usages	I	A
Ordinance	5/12/1992	O-24	11-14-3 <b>ALBUQUERQUE ARTS BOARD</b>			
Ordinance	5/12/1992	O-24	A. The Arts Board is hereby established. It shall consist of nine members to be appointed by Mayor with advice and consent of the Council. The term of each member shall be three years. <b>The terms of the members shall be staggered so that three members are eligible for reappointment or replacement each year.</b>	refine terms		
Ordinance	5/12/1992	O-24	C. Members of the Board shall be broadly representative of all fields of the <b>[fine and performing arts] visual arts and fine crafts</b> . They shall include persons who are widely known for their professional competence and experience in the arts and knowledgeable lay persons.	removal of all performing arts	I	A
Ordinance	5/12/1992	O-24	11-14-4 POWERS AND DUTIES. The Board shall promote and encourage private and public programs to further the development and public awareness of, and interest in the <b>[fine and performing arts] visual arts and fine crafts [and cultural properties]</b> . In carrying out its duties and powers the Board shall:	The reference to <b>cultural properties</b> was clearly eliminated in the actual legislation, but seems to have been left in on the printed ordinance. It remains in this section only.		
Ordinance	5/12/1992	O-24	A. Make recommendations to the Mayor on the acquisition of works of art for City-owned facilities <b>[, except the Museum of Albuquerque and the Albuquerque Public Library]</b>	clarification on Departmental oversight	I	A
Ordinance	5/12/1992	O-24	B. <b>Make recommendations to the Mayor</b> for any work of art to be funded from the Capital Improvements Program as provided for in Section 5-A of this Ordinance <b>[, including a work of art at the Museum of Albuquerque of the Albuquerque Pubic Library, recommend to the Mayor] with regards to an artist, a design proposal and/or a work of art to be [chosen] approved.</b>	clarification on what is public art "design"	E	A
Ordinance	5/12/1992	O-24	C. <b>Make recommendations to the Mayor</b> for any work of art <b>[to] which will be part of the public art collection and which will be funded, or partially funded by [an art in Public Places Program grant including any work of art at the Museum of Albuquerque or the Albuquerque Public Library,] non-Capital Improvements Program sources [recommend to the Mayor] including the public site for the display of such art and establish criteria for the selection of the artist and/or the work of art [desired] or make recommendations regarding the proposed artist and/or work of art.</b>	Change of Dept	I	A
Ordinance	5/12/1992	O-24	D. Advise the Mayor on the proposed removal, relocation or alteration of any public art <b>[s facility] project</b> or work of art in the possession of the City but which are not collections or exhibitions of <b>[the Museum of Albuquerque or the Albuquerque Pubic Library] other City departments.</b>		I	A
Ordinance	5/12/1992	O-24	E. Make recommendations to the Mayor on any arts program to be supported by the City other than <b>[those] the programs operated by [the Museum of Albuquerque or the Albuquerque Pubic Library] other City departments.</b>		I	A
Ordinance	5/12/1992	O-24	F. Recommend to the Mayor programs and facilities to further the development and public awareness of the <b>[fine and performing arts, except programs or facilities for the Museum of Albuquerque or the Albuquerque Pubic Library] visual arts and fine crafts.</b>	definition of public art	E	A
Ordinance	5/12/1992	O-24	G. Seek private donations to the <b>[municipal art program but not for the Museum of Albuquerque or the Albuquerque Pubic Library] public art program</b> . Advise the Mayor regarding additional sources of public funds for <b>[such a] the program.</b>			
Ordinance	5/12/1992	O-24	H. Establish such <b>[regulations] guidelines</b> as are necessary to carry out the purpose of this ordinance. The <b>[regulations] guidelines</b> shall include but not be limited to criteria for selection of artists and art work, maintenance of a file of interested artists, payment practices, procedures for artistic competitions, and requirements for the maintenance of art works. <b>The guidelines shall be promulgated by the Mayor.</b>	Clarification of board to specifically establish lower policy from regs to guidelines. Promulgation Regulation vs. guidelines defines	I	U

Policy Type	Date	Ordinance #	Content	Comments	Internal/ External Conditions	Anticipated/ Un- anticipated Factors
Ordinance	5/12/1992	O-24	11-14-5 FUNDS FOR THE ACQUISITION OF ART FOR MUNICIPAL PROPERTY			
Ordinance	5/12/1992	O-24	A. Projects in the Capital Improvements Program shall include an amount for works of art equal to one percent of [the total cost of the project] each bond purpose. Provided, however, that if: (1) the bond election ordinance, or (2) the bond ordinance authorizing revenue bonds, or (3) other appropriate laws or regulations, or (4) an official interpretation by another governmental entity regarding allowable uses for fund which it is providing for the project precludes art as an expenditure of funds, then the amount of funds so restricted shall be excluded from the total project cost in calculating the amount to be committed to works of art.	Clarification of fund source. Nat'l trend to adjust budget to entire CIP not just construction budget.	E	A
Ordinance	5/12/1992	O-24	Section B regarding use of funds by general program category was completely removed.	this removed section also included the phrase about not placing art at places that "lack public visibility and impact."	E	A
Ordinance	5/12/1992	O-24	[C] B. Funds generated as described in Section 5-A above shall be budgeted as part of the Capital Improvements Program Budget. Additional private or public [contributions] funds for works of art may be added to these funds and shall be budgeted in a similar manner. Such [contributions] funds may be earmarked for particular projects.			
Ordinance	5/12/1992	O-24	[D] C. The public art program shall expend no [more than ten] less than fifteen percent but no more than twenty percent of the total amount [for works of art] allocated to the public art program [may be expended] for the administrative costs of the program and to restore and conserve public works of art to protect public investment. The appropriation will be made at the same time as the appropriation for all projects within the Capital Improvement Program.	this was huge! This links directly to the Going Places book. Wish I could determine exactly when the book arrived.	E	A
Ordinance	5/12/1992	O-24	Section E regarding Mayor setting budget completely removed.	Decentralized decision making?	I	A
Ordinance	5/12/1992	O-24	Other sections renumbered/lettered			
Ordinance	5/12/1992	O-24	11-14-6 [SELECTION OF ART TO BE PURCHASED BY CAPITAL IMPROVEMENT PROGRAM FUNDS] GENERAL REQUIREMENTS FOR ART SELECTION.			
Ordinance	5/12/1992	O-24	Section A regarding Mayor establishing guidelines and timetables completely removed.	Decentralize decision-making	E	U
Ordinance	5/12/1992	O-24	[B] A. The work of art may be an integral part of a structure attached to a structure or detached from the structure within or outside of it. It may also be located on [municipal grounds] publicly-owned property where there are no structures.	clarification on "site"		
Ordinance	5/12/1992	O-24	2. The work of art shall have a permanence at least comparable to the lifetime of the [project] bond funding the work of art and shall be likely to remain a thing of value for this time period.	clarification on length of time for art		
Ordinance	5/12/1992	O-24	[D] C. The Board shall recommend an artist [or], a design proposal and/or a completed work of art [to the Mayor for each capital improvements project for which a work of art is to be chosen.] , which shall be selected in a manner consistent with the guidelines promulgated by the Mayor. The board may recommend purchasing a completed work of art. Commissioning a work of art, holding a competition to select a work of art, or creating some other timely and appropriate mode of selection. The Board through Capital Improvements Program staff shall consult with the user agency and [the project architect (if any)] project design consultants, if applicable, and involve them in the selection process in the manner that appears most feasible. The Mayor shall accept or reject the recommendation of the Board. If the Mayor rejects the recommendation, the Board shall make another recommendation in accordance with the standards and procedures outlines in this ordinance.	Clarifications: what is public art? Process references new guidelines, role of stakeholders. Nat'l trends	E	A
Ordinance	5/12/1992	O-24	[E] D. The Board shall make its recommendations in a timely manner in accordance with the project schedule and timetable provided by the Mayor. If the Board fails to make a recommendation within the timetable established by the Mayor, the Mayor may [choose] identify another appropriate public procedure to select an artist or work of art without receiving a recommendation from the Board unless the Board and the Mayor have mutually agreed in writing to an extension of the time period. The time period shall be extended, if necessary, if the Mayor rejects the Boards recommendation.	Variation in policy options. (Was there a project that was flat out rejected with no runner up to go back to?)	I	A
Ordinance	5/12/1992	O-24	B. The Capital Improvements Program and/or the user agency shall be responsible for the conservation and maintenance of [any] all works of art [which are located at any of its facilities] in the public art program. The Mayor shall [have prepared] cause an annual report to be prepared on the condition and maintenance requirements of all works of art [on municipal property, except those at the Albuquerque Pubic Library or the Museum of Albuquerque] in the public art program. The report shall be delivered to the Mayor.	Conservation - Going Places	E	A
Ordinance	5/12/1992	O-24	11-14-8 Applicability clause completely eliminated.		I	A
Ordinance	5/12/1992	O-24	PASSED AND ADOPTED this _4th_ day of _May_, 1992. BY A VOTE OF 9 FOR AND 0 AGAINST. Pauline K. Gubbles, President, City Council			

Policy Type	Date	Ordinance #	Content	Comments	Internal/ External Conditions	Anticipated/ Un-anticipated Factors
Ordinance	5/12/1992	O-24	APPROVED this _12th_ day of _May_, 1992. Louis E. Saavedra, Mayor, City of Albuquerque			
Ordinance	1/19/2000	O-124 and EC-00-12	A. The Arts Board is hereby established. It shall consist of [nine] eleven members all of whom shall reside in the City of Albuquerque [to be appointed by the Mayor]. There shall be one member of the Albuquerque Arts Board from each City council District, and two members at large which policy shall be implemented as vacancies occur subsequent to the adoption of this ordinance. When a vacancy on the Albuquerque Arts Board occurs, the member of the City Council representing the District in which the vacating member of the Albuquerque Arts Board resides, or a member of the City Council from another District which is unrepresented on the Albuquerque Arts Board if the District of the resigning member of the Albuquerque Arts Board is represented by another Arts Board member still serving on the Board, shall nominate two members to the Albuquerque Arts Board who reside in his or her respective Council District. The Mayor shall appoint one of these recommended members and the two members at large to the Albuquerque Arts Board with the advice and consent of the Council. The term of each member shall be three years. The terms of the members shall be staggered so that three members are eligible for reappointment or replacement each year.	This change was enacted as an override of a Mayoral veto to the proposed amendment. Responsive to political actors	I	U
Ordinance	1/19/2000	O-124 and EC-00-12	10-5-4 POWERS AND DUTIES. The Board shall promote and encourage private and public programs to further the development and public awareness of, and interest in the visual arts and fine crafts and cultural properties. In carrying out its duties and powers the Board shall:			
Resolution	2/17/2004	R-04-42	RESOLUTION ... BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:			
Resolution	2/17/2004	R-04-42	Section 2. The Administration is directed to include a City Councilor (sic) appointed Council staff member, representing the City Council district in which the proposed work of art shall be located, to serve on all future Arts Selection Committees.			
Ordinance	11/6/2006	O-2006-043	Amending ROA 1994, Regarding the Albuquerque Arts Board, to Clarify the Appointment Process and Allow for Reappointment of Members without Submission By Council of an Additional Name			
Ordinance	11/6/2006	O-2006-043	A. The Arts Board is hereby established. It shall consist of eleven members all of whom shall reside in the City of Albuquerque [to be appointed by the Mayor]. There shall be one member of the Albuquerque Arts Board from each City council District, and two members at large which policy shall be implemented as vacancies occur subsequent to the adoption of this ordinance. When a vacancy on the Albuquerque Arts Board occurs, the [member of the City] Councilor representing the District in which the vacating member of the Albuquerque Arts Board resides, shall nominate two members to the Albuquerque Arts Board who reside in his or her respective Council District and the [for a member of the City Council from another District which is unrepresented on the Albuquerque Arts Board if the District of the resigning member of the Albuquerque Arts Board is represented by another Arts Board member still serving on the Board, shall nominate two members to the Albuquerque Arts Board who reside in his or her respective Council District. The] Mayor shall appoint one of these recommended members; provided, however, if a member is eligible for reappointment to the Arts Board and the Councilor in whose District that member resides desires to reappoint the member, the Councilor shall so notify the Mayor and need not submit an additional name. The Mayor shall appoint [and] the two members at large to the Albuquerque Arts Board with the advice and consent of the Council. The term of each member shall be three years. The terms of the members shall be staggered so that three members are eligible for reappointment or replacement each year.	All on Arts Board, streamlining the reappointments process (Major ah-hah moment... external to what??? And anticipated by whom???)	I	U

Policy Type	Date	Ordinance #	Content	Comments	Internal/ External Conditions	Anticipated/ Un-anticipated Factors
Ordinance	3/13/2008		A. The Arts Board is hereby established. It shall consist of eleven members all of whom shall reside in the City of Albuquerque. There shall be one member of the Albuquerque Arts Board from each City Council District, and two members at large. [which policy shall be implemented as vacancies occur subsequent to the adoption of this ordinance.]When a vacancy on the Albuquerque Arts Board occurs, the Councilor representing the District in which the vacating member of the Albuquerque Arts Board resides, shall nominate two members to the Albuquerque Arts Board who reside in his or her respective Council District and the Mayor shall appoint one of these recommended members; provided, however, if a member is eligible for reappointment to the Arts Board and the Councilor in whose District that member resides desires to reappoint the member, the Councilor shall so notify the [Mayor and need not submit an additional name] Council and the member shall be reappointed subject to the advice and consent of the Council. If a member is not being reappointed the Mayor shall deliver to the Council the Mayor's recommendation from the two names submitted within 30 days of delivery of the two names to the Mayor. If the Mayor fails to timely make a recommendation from the two names submitted, the Councilor who submitted the names may appoint one of the two recommended members subject to the advice and consent of the Council. The Mayor shall appoint the two members at large to the Albuquerque Arts Board with the advice and consent of the Council. The term of each member shall be three years. The terms of the members shall be staggered so that three members are eligible for reappointment or replacement each year.	To address appointment timeliness, completely internal - totally anticipated.	I	A
Ordinance		O-09-84	AMENDING SECTION 10-5-3 ROA 1994 OF THE ORDINANCE GOVERNING THE ALBUQUERQUE ARTS BOARD TO REPLACE INADVERTENTLY REPEALED LANGUAGE.			
Ordinance			A. The Arts Board is hereby established. It shall consist of eleven members all of whom shall reside in the City of Albuquerque. There shall be one member of the Albuquerque Arts Board from each City Council District, and two members who serve at large. When a vacancy on the Albuquerque Arts Board occurs, the Councilor representing the District in which the vacating member of the Albuquerque Arts Board resides, shall nominate two members to the Albuquerque Arts Board who reside in his or her respective Council District and the Mayor shall appoint one of these recommended members; provided, however, if a member is eligible for reappointment to the Arts Board and the Councilor in whose District that member resides desires to reappoint the member, the Councilor shall so notify the Council and the member shall be reappointed subject to the advice and consent of the Council. If a member is not being reappointed the Mayor shall deliver to the Council the Mayor's recommendation from the two names submitted within [30] thirty days of delivery of the two names to the Mayor. If the Mayor fails to timely make a recommendation from the two names submitted, the Councilor [who submitted the names] may appoint one of the two recommended members subject to the advice and consent of the Council. The Mayor shall appoint the two members at large to the Albuquerque Arts Board with the advice and consent of the Council. The term of each member shall be three years. The terms of the members shall be staggered so that three members are eligible for reappointment or replacement each year.		I	A
Ordinance	4/16/2012	O-2012-014	Amending Section 10-5-3 ROA Regarding the Albuquerque Arts Board Appointment of Board Members.			
Ordinance	4/16/2012	O-2012-014	B. The Mayor may notify a Councilor in writing that his or her District member's term has expired or the position is otherwise vacant and the Councilor shall have 60 days to submit two recommended appointments to fill that position. If the Councilor fails to submit two names within 60 days of notification, the Mayor shall have the right to make the appointment subject to the advice and consent of the City Council.		I	A
Ordinance	4/16/2012	O-2012-014	(The addition of this new section (B) caused renumbering of the other sections of the Albuquerque Arts Board section)			
Ordinance	4/16/2012	O-2012-014	PASSED AND ADOPTED this _2nd_ day of _April_, 2012. BY A VOTE OF 7 FOR AND 0 AGAINST. Trudy E. Jones, President, City Council			
Ordinance	4/16/2012	O-2012-014	APPROVED this _13th_ day of _April_, 2012. Richard J. Berry, Mayor, City of Albuquerque			

Policy Type	Date	Ordinance #	Content	Comments	Internal/ External Conditions	Anticipated/ Un- anticipated Factors
Bylaws	2/11/1980	First	These By-laws and Rules of Procedure are promulgated and adopted in accordance with the power and authority of the City of Albuquerque as outlined in Ordinance 89-1978. These By-laws and Rules of Procedure will serve the public, employees and the Board as a guide to the operations and policies of the Albuquerque Arts Board and accommodate the carrying out of the intent of the ordinance which created the Board. The organizational structure of the Board and its sub-committees shall be governed by Article XII of Chapter I of the Revised Ordinances of Albuquerque, New Mexico, 1974	This first version also includes "employees".		
Bylaws	2/11/1980	First	Section I. <u>The Board</u>			
Bylaws	2/11/1980	First	1. The name of the Board shall be the Albuquerque Arts Board.			
Bylaws	2/11/1980	First	2. The headquarters of the Board shall be at the Community Cultural Affairs Program.			
Bylaws	2/11/1980	First	3. The fiscal year of the Board shall end on July 31.			
Bylaws	2/11/1980	First	4. The Board shall formulate all policies, rules and regulations to effectuate the declaration of the ordinance as set forth in creating the Board.			
Bylaws	2/11/1980	First	Section II. <u>Members of the Board</u>			
Bylaws	2/11/1980	First	1. Members of the Board are appointed by the Mayor pursuant to Ordinance 89-1978.			
Bylaws	2/11/1980	First	2. Facilities of the office of the administrative staff including telephones and secretarial services may be utilized by Board members and staff only for the official business of the Board.	Totally outdated due to technology and advancement of administrative functions.		
Bylaws	2/11/1980	First	3. The members of the Board shall determine objectives, policies and priorities, and evaluate and recommend approval of all one percent for art monies, disbursements and awards.			
Bylaws	2/11/1980	First	4. The chairperson may, with majority approval of the Board, request that he Mayor remove a member for chronic absenteeism, or other suitable reason, and appoint another one in his/her place as provided in Article XII, Section C, paragraphs one and two of the City Charter			
Bylaws	2/11/1980	First	5. The Board members are required to file a Conflict of Interest Statement which must be kept current at all times.			
Bylaws	2/11/1980	First	Section III. <u>Meetings of the Board</u>			
Bylaws	2/11/1980	First	1. Regular monthly meetings of the Board will normally be held monthly with written notice given by the staff or Chairperson to all Board members and the press prior to such meetings. A regular meeting date may be changed by a majority vote of those members present at the meeting prior to the one changed.			
Bylaws	2/11/1980	First	2. Meetings of the Executive Committee will be held as necessary.			
Bylaws	2/11/1980	First	3. Special meetings may be petitioned for by a majority of the Board and presented to the Chairperson in the form of a written request. The Chairperson must set a time for such a meeting within seven days from the date of the request and furthermore provide seven days notice of such meeting to all Board members and the press.			
Bylaws	2/11/1980	First	Section IV. <u>Organization of the Board</u>			
Bylaws	2/11/1980	First	1. Annually, at the September meeting, the Board as a whole shall organize by the election and installation of a Chairperson, Vice-chairperson and Secretary of the Board, and will take office at this time.			
Bylaws	2/11/1980	First	2. The executive Committee shall consist of the newly elected officers plus the outgoing Chairperson or most immediate past Chairperson of the Board.			
Bylaws	2/11/1980	First	3. The Board Chairperson shall appoint any committee as deemed appropriate or required.			
Bylaws	2/11/1980	First	4. The Chairperson of the Board is an Ex-Officio member of all Board committees.			
Bylaws	2/11/1980	First	Section V. <u>Duties of the Board</u>			

Policy Type	Date	Ordinance #	Content	Comments	Internal/ External Conditions	Anticipated/ Un- anticipated Factors
Bylaws	2/11/1980	First	1. The Chairperson shall preside at all meetings of the Board and shall appoint all committees and perform such duties incident to the office.			
Bylaws	2/11/1980	First	2. The Vice-Chairperson shall, in the absence of the Chairperson, perform the duties of the Chairperson and shall have all the powers relating to the Chairperson's authority.			
Bylaws	2/11/1980	First	3. The Secretary shall, with the assistance of the staff be responsible for the maintenance and recording of minutes at Board meetings.			
Bylaws	2/11/1980	First	4. The Executive Committee in regular or special meetings shall attend to any matters of business authorized by the Board.			
Bylaws	2/11/1980	First	5. All appointed Committees shall meet as often as necessary to perform their duties.			
Bylaws	2/11/1980	First	Section VI. <u>Meeting Procedures</u>			
Bylaws	2/11/1980	First	1. All members of the Albuquerque Arts Board shall have voting rights in all matters, provided they are in attendance.			
Bylaws	2/11/1980	First	2. The Agenda for the Board meetings shall be prepared by the Chairperson and distributed by the staff. Any Board member desiring to place an item on the agenda shall inform the Chairperson in writing two weeks in advance of the meeting.			
Bylaws	2/11/1980	First	3. The order of business at any meeting of the Board shall be; (1) Roll call, (2) approval of the agenda, (3) approval of minutes of the previous meeting, (4) unfinished business, (5) Chairperson's report, (6) Committee reports, (7) review of Board activities, (8) new business.			
Bylaws	2/11/1980	First	4. Persons outside the Board wishing to have the Board consider specific questions or matters shall make written request to the Chairperson to have such items placed on the agenda. Such requests shall be made at least two weeks prior to the meeting.			
Bylaws	2/11/1980	First	5. A quorum shall be a majority of appointed members. If a majority of the quorum takes action, such action shall be binding on the Board.			
Bylaws	2/11/1980	First	6. By-laws may be changed only by an affirmative vote of two-thirds of the appointed members of the Board.			
Bylaws	2/11/1980	First	7. Board meetings will be conducted in accordance with <u>Robert's Rules of Order, Newly Revised</u> .			
Bylaws	9/7/1991	2nd	These By-laws and Rules of Procedure are promulgated and adopted in accordance with the power and authority of the City of Albuquerque as outlined in Ordinance 89-1978, <u>Art in Municipal Places ("Article XIV")</u> . These By-laws and Rules of Procedure will serve the public, <u>(employees) City Staff</u> and the Board as a guide to the operations and policies of the Albuquerque Arts Board and accommodate the carrying out of the intent of the ordinance which created the Board. The organizational structure of the Board and its sub-committees shall be governed by Article XII of Chapter I of the Revised Ordinances of Albuquerque, New Mexico, 1974 (" <u>Article XII</u> ").	Change the names of employees to City Staff included the name and reference to the Ordinance	I	A
Bylaws	9/7/1991	2nd	<u>Article I. The Board</u>			
Bylaws	9/7/1991	2nd	Section 1. The name of the Board shall be the Albuquerque Arts Board.			
Bylaws	9/7/1991	2nd	<u>Section 2. The administrative support for the Board shall be provided by the Capital Improvements Program, Planning Department</u>		I	A
Bylaws	9/7/1991	2nd	<u>Article II. The Object of the Board</u>			
Bylaws	9/7/1991	2nd	<u>Section 1. The Board shall promote and encourage private and public programs to further the development and public awareness of, and interest in the visual arts and other duties as prescribed in Article XIV, the Art in Municipal Places Ordinance 89-1978.</u>		I	A
Bylaws	9/7/1991	2nd	Article III. <u>Members of the Board</u>			



Policy Type	Date	Ordinance #	Content	Comments	Internal/ External Conditions	Anticipated/ Un- anticipated Factors
Bylaws	9/7/1991	2nd	Section 1. The nine members of the Board are appointed by the Mayor pursuant to Ordinance 89-1978 and serve staggered three year terms unless fulfilling the appointment of a member who has resigned or who has been removed from the Board pursuant to Article XII.		I	A
Bylaws	9/7/1991	2nd	Section 2. Members of the Board shall be broadly representative of all fields of the visual arts. They shall include persons who are widely known for their professional competence and experience in the visual arts and knowledgeable laypersons.		I	A
Bylaws	9/7/1991	2nd	Section 3. Except as provided in Ordinance 89-1978, the qualifications, appointment and conduct of the members of the Board and any of its subcommittees and the organizational structure of the Board and its subcommittees shall be governed by Article XII of Chapter 1 of the Revised Ordinances of Albuquerque, New Mexico, 1974.		I	A
Bylaws	9/7/1991	2nd	Section 4. Absences. Any member of a public board, commission or committee may be removed from office by the Mayor after due notice and hearing if such member has missed three consecutive meetings or has been absent from more than fifty percent of the meetings held during any twelve months period of time pursuant to Article XXI.		I	U
Bylaws	9/7/1991	2nd	Section 5. Conflict of Interest. Ordinance 89-1978 supplements Section 4 of Article XXI of the Charter of the City of Albuquerque. A Board or subcommittee member having a financial interest in the outcome of any policy, decision, or determination before the Board or subcommittee on which he serves shall, as soon as possible after such interest becomes apparent, disclose to each of the other members voting on the matter the nature of his financial interest in the issue, and shall be disqualified from participating in any debate, decision or vote relating thereto.		E	U
Bylaws	9/7/1991	2nd	Section 6. Resignations. Any member may need to resign for personal or professional reasons. Resignation requires that a letter of resignation be sent to the Mayor's Office with copies to the Chairperson of the Board and to the CIP Official.		E	U
Bylaws	9/7/1991	2nd	Article IV. <u>Officers of the Board</u>			
Bylaws	9/7/1991	2nd	Section 1. The minimum number of officers of any board, commission or committee shall be not less than two officers (such as Chairman and Vice Chairman) and such other officers as such public board, commission or committee may deem necessary pursuant to Article XII.		I	A
Bylaws	9/7/1991	2nd	Section 2. The officers of the Albuquerque Arts Board shall be the Chairperson and the Vice Chairperson.		I	A
Bylaws	9/7/1991	2nd	Section 3. The Chairperson shall preside at all meetings of the Board and shall appoint all committees and perform such other duties incident to the office.			
Bylaws	9/7/1991	2nd	Section 4. The Vice Chairperson shall, in the absence of the Chairperson, perform the duties of the Chairperson and shall have all the powers relating to the Chairperson's authority.			
Bylaws	9/7/1991	2nd	Section 5. Annually, at the September meeting, the Board as a whole shall organize by election and installation of a Chairperson and Vice Chairperson and they will take office at that time. Election shall be by ballot unless only one name is nominated for the office in which case election may be by voice vote.		I	A
Bylaws	9/7/1991	2nd	Section 6. All officers shall be elected by the members for a term of one year and no officer shall serve more than two consecutive terms pursuant to Article XII.		I	A
Bylaws	9/7/1991	2nd	Section 7. Vacancies. The vacancy in any office shall be announced at the next regular meeting of the Board following resignation, removal or death of the officer and a replacement shall be elected at the following regular meeting of the Board.		I	A
Bylaws	9/7/1991	2nd	Article V. <u>Meetings</u>			
Bylaws	9/7/1991	2nd	Section 1. All meetings of any public board, commission or committee shall be open to the public and insofar as possible, shall be held at a City owned facility pursuant to Article XII.		I	A
Bylaws	9/7/1991	2nd	Section 2. Reasonable notice shall be given to the public prior to any meeting of any public board, commission or committee. At least once a year, each public board, commission or committee shall determine what is reasonable notice to the public; provided that in no event notice be less than the notice required for Council meetings pursuant to Article XII.		I	A

Policy Type	Date	Ordinance #	Content	Comments	Internal/ External Conditions	Anticipated/ Un-anticipated Factors
Bylaws	9/7/1991	2nd	Section 3. Minutes shall be kept of each meeting and filed with the City Clerk and copies of the minutes shall be sent to the Mayor pursuant to Article XII.		I	A
Bylaws	9/7/1991	2nd	Section 4. A majority of all the members of a public board, commission or committee shall constitute a quorum for the transaction of business. A motion shall carry upon the affirmative vote of the majority of the members present at any meeting pursuant to Article XII.	Majority of all... but vote can stand with only those present???		
Bylaws	9/7/1991	2nd	Section 5. Persons outside the Board wishing to have the Board consider specific questions or matters shall make written or verbal request to the Chairperson or staff to have such items placed on the agenda or during the Public Comment section of the monthly meeting. Such requests shall be made at least two weeks prior to the meeting pursuant to Article XII.		E	U
Bylaws	9/7/1991	2nd	Section 6. Special or Called Meetings. Business at such meetings shall be limited to that specified in the call.		I	A
Bylaws	9/7/1991	2nd	Article VI. <u>Committees</u>			
Bylaws	9/7/1991	2nd	Section 1. The Board shall establish subcommittees or ad hoc task forces to advise and assist the Board pursuant to Article XIV.		E	U
Bylaws	9/7/1991	2nd	Section 2. Art Selection Committees may be established as subcommittees to the Board to recommend to the Board an artist or a work of art to be funded from the Capital Improvements Program as provided for in Section 5.A. of the ordinance. Subcommittee and task force members shall be appointed by the Board for terms to be specified by the Board pursuant to Article XIV.		I	U
Bylaws	9/7/1991	2nd	Article VII. <u>Parliamentary Authority</u>			
Bylaws	9/7/1991	2nd	Section 1. The rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall govern the organization in all cases in which applicable and in which they are not inconsistent with these By-Laws and applicable rules of the appropriate ordinances and other City statutes.		I	A
Bylaws	9/7/1991	2nd	Article VII. <u>Amendments to the By-Laws</u>		I	A
Bylaws	9/7/1991	2nd	Section 1. Amendments to the By-Laws shall conform to the procedures described in Article XII, Section 2.C.		I	A
Bylaws	1/1/2000	4th	ALBUQUERQUE ARTS BOARD BY LAWS AND RULES OF PROCEDURE	Need to confirm date, check against move to DFA and ordinance modification in 2000.		
Bylaws		4th	These By-Laws and Rules of Procedure are promulgated and adopted in accordance with the power and authority of the City of Albuquerque as outlined in the Art in Municipal Places Ordinance (Ord. 89-1978; Am. Ord. 47-1982; Am. Ord. 24-1992; Am. Ord. 3-2000) (Article 5, [XIV], Chapter 10, R.O.A., 1994) hereinafter referred to as the "Art in Municipal Places Ordinance." These By-Laws and Rules of Procedure will serve the public, City staff and the Albuquerque Arts Board as a guide to the operations and policies of the Board and accommodate the carrying out of the intent of the ordinance which created the Board. The organizational structure of the Board and its sub committees shall be governed by the Public Board, Commissions and Committees Ordinance, Article 6 [XII] of Chapter 2 [I] of the Revised Ordinances of Albuquerque, New Mexico, 1994 [1974] hereinafter referred to as the "Public Boards, Commissions and Committees Ordinance."	This 4th version section only includes the clauses with changes.	I	A
Bylaws		4th	Article I. <u>The Board</u>			
Bylaws		4th	Section 2. The administrative support for the Board shall be provided by the Capital (Improvements) Implementation Program, (Planning) Department of Finance and Administrative Services.		I	A
Bylaws		4th	Article III. <u>Members of the Board</u>			
Bylaws		4th	Section 1. The eleven [nine] members of the Board are nominated (identified) by City Council and appointed by the Mayor pursuant to the Art in Municipal [Public] Places Ordinance and serve staggered three year terms unless fulfilling the appointment of a member who has resigned or who has been removed from the Board pursuant to the Public Boards, Commissions and Committees Ordinance.	Note: All references to Art in Public Places have been changes to Art in Municipal Places	I	A
Bylaws		4th	Article IV. <u>Officers of the Board</u>			

Policy Type	Date	Ordinance #	Content	Comments	Internal/ External Conditions	Anticipated/ Un- anticipated Factors
Bylaws		4th	Section 5. Annually, [at the September meeting] the Board as a whole shall organize by election and installation of a Chairperson and Vice Chairperson and they will take office at that time. Election shall be by ballot unless only one name is nominated for the office in which case election may be by voice vote.			
Bylaws		4th	Article VI. <u>Committees</u>			
Bylaws		4th	Section 2. Art Selection Committees or Project Planning Committees may be established as subcommittees to the Board to recommend to the Board an artist or a work of art to be funded from the Capital Implementation [Improvements] Program as provided for in Section 5.A. of the Ordinance. Committee and task force members shall be appointed by the Board for terms to be specified by the Board pursuant to the Art in Municipal Places Ordinance.	Introduction of Planning Committee	I	A
Bylaws		4th	Section 3. Arts Board liaisons, members of the Board, are selected by an Executive Committee made up of the Chairperson, the Vice Chairperson and one Board member. Arts Board liaisons represent the Board on the Project Planning Committees.		I	U
Bylaws		4th	Section 4. Art Project Planning Committees shall be established according to Public Art Program Guidelines as coordinated by staff and the Arts Board liaison.		I	U
Bylaws	12/1/2001	5th	ALBUQUERQUE ARTS BOARD BY LAWS AND RULES OF PROCEDURE			
Bylaws	12/1/2001	5th	Article VI. Committees			
Bylaws	12/1/2001	5th	Section 3. Arts Board liaisons, members of the Board, are selected by an Executive Committee made up of the Chairperson, the Vice Chairperson and one Board member. Arts Board liaisons represent the Board on the Project Planning Committees. Liaisons represent the interests of the Arts Board on Art Committees and, in turn, bring the recommendations and/or reports of the Committees to the Board. Liaisons shall promote cooperation of Project Planning Committee members in carrying out project development, advise on procedures described in the Program's Guidelines and encourage consensus in the planning of projects and the selection of artists. For the purposes of identifying the Arts Board liaisons for a project, the Chairperson of the Board may call a meeting of this Executive Committee, converse by phone, or communicate by electronic means to perform the functions of the Committee.		I	U
Bylaws	12/1/2001	5th	A. Determine Board Liaisons for the Project Planning Committees. The Staff of the Public Art Program will notify one of the Executive Committee members of the need for a project liaison. The notified member will bring the need to the Executive Committee for discussion. The Executive Committee will weigh the options available and talk with prospective board members to fill the vacancy. Each liaison position will be discussed at the following meeting of the Arts Board.		I	U
Bylaws	12/1/2001	5th	B. Other Functions. The Executive Committee may perform any other function the Chairperson determines is necessary for the functioning of the Board.		I	U
Bylaws	12/1/2001	5th	Article VIII. Amendments to the By-Laws			
Bylaws	12/1/2001	5th	Section 1. Amendments to the By Laws may be made following the notice of the change(s) to Members of the Arts Board at the meeting of the Board prior to the vote on the amendment(s). Amendments must be approved by a two-thirds majority of all Board members.		I	A
Guidelines	7/17/1979	First	Ordinance O-89, 1978, which created the Albuquerque Arts Board, states the following regarding artist selection (Section 6, Paragraph D): 'The Board shall recommend and artist or a work of art to the Mayor for each capital improvements project for which a work of art is to be chosen. The Board may recommend purchasing a completed work of art, commissioning a work of art, holding a competition to select a work of art, or creating some other timely and appropriate mode of selection. The Board shall consult with the user agency and the project architect (if any) and involve them in the selection process in the manner that appears most feasible.' This charge will apply to all selections, capital improvements or otherwise."	Introductory paragraph quotes Section 6, D of Ordinance O-89, 1978 regarding the artist selection process.		
Guidelines			<u>Artist Selection</u>			
Guidelines	7/17/1979	First	The artist(s) for each project is selected by a jury, appointed by the AAB, and subject to the procedures outlined below. The Board proposes the following general guidelines for artist selection.			

Policy Type	Date	Ordinance #	Content	Comments	Internal/ External Conditions	Anticipated/ Un- anticipated Factors
Guidelines	7/17/1979	First	a) In order to encourage professional and economic development of New Mexico artists, approximately half of the money expended over a 4-year period for artists' commissions and purchases of completed work will be to artists associated with New Mexico. Artists are considered to be associated with New Mexico if they have currently resided or maintained a studio in New Mexico for a year or more.			
Guidelines	7/17/1979	First	b) The AAB Registry of Artists has been established. It will become a major resource. Juries review work of artists in the registry as the first step in artist selection by Open Entry, Invitational Entry, and where appropriate, Direct Selection. Artists may register by sending a resume and five slides of recent work to: AAB Registry, KiMo Theatre, PO Box 1293, Albuquerque, New Mexico 87103.			
Guidelines	7/17/1979	First	c) Methods of Selection: The following processes will be used appropriately by the AAB for the projects under consideration. All processes will be used in a balanced way. The effort will be to provide a variety of methods for selection.			
Guidelines	7/17/1979	First	1. <u>Open Entry</u> . Purposes: (a) to discover and encourage new artists through the application process, and (b) to encourage the widest range of style, media, and format. Process: Information on artwork projects will be disseminated as broadly as possible, through the media, mailings, and the State Arts Councils. Advertisements will be placed in publications deemed appropriate, publication dates permitting. A list of publications is available at the AAB Registry. Projects will be announced at least one month before the deadline for entries. Public meetings, when feasible and necessary, will be held to provide information to artists. Any artist is eligible to enter, within a project's residency requirements.			
Guidelines	7/17/1979	First	2. <u>Invitational Entry</u> . Purposes: (a) to provide a choice of artists within special limitations of a project, and (b) to provide a balance of media and styles of art citywide. Process: The Board invites a limited number of artists to be considered for a specific commission. The AAB Registry will be used as a resource. The jury will select from those invited.			
Guidelines	7/17/1979	First	3. <u>Direct Selection</u> . Purposes: (a) to acquire art for a special site of unusual circumstance, (b) to provide for acquisition of an exceptional work of inherent artistic or historical significance, and (c) to provide for unusual purchase circumstances such as a partial gift or unique economic advantage, and (d) to provide for situations where time and/or funds for selection are limited. Process: Direct selection of the artist(s) or completed work by the designated jury.			
Guidelines	7/17/1979	First	<u>Jury Selection and Responsibilities</u>			
Guidelines	7/17/1979	First	The following guidelines are used in the AAB selection of a jury for each project and in determining the jury's responsibility. The Albuquerque Arts Board may constitute itself as a jury or may select a jury.			
Guidelines	7/17/1979	First	a) The number of jurors appointed for projects depends upon the size and complexity of each project.			
Guidelines	7/17/1979	First	b) All juries will include at least one Board member and one artist. Other jurors may be chosen from such fields as museum professional, patron, arts educator, architect, designer, critic.			
Guidelines	7/17/1979	First	c) Advisor(s) to the jury shall be chosen to represent those who will be in constant contact with the artwork selected. They may be City Employees, community representatives, project architects, or others, depending on the nature of the project.			
Guidelines	7/17/1979	First	d) The AAB, after consulting with the user agency regarding technical feasibility and maintenance costs, issues written instructions to jurors detailing the duties and responsibilities relating to each project before the first jury meeting.			
Guidelines	7/17/1979	First	e) If a consensus cannot be reached by the jury, then a vote is taken, with the majority of the jury carrying the decision. Jurors each have one vote and no juror has the right of veto.			
Guidelines	7/17/1979	First	f) The jury has the option to make no selection, if there is no proposal judged to be of sufficient merit.			
Guidelines	7/17/1979	First	g) Jury review and vote on entries may be open to observers who wish to attend. After review, the jury may elect to deliberate in a closed session.			
Guidelines	7/17/1979	First	h) The jury's decision is given in the form of a written summation to the AAB from the Chairperson of the jury.			
Guidelines	7/17/1979	First	i) The jury selection becomes final upon a majority vote of the AAB.			
Guidelines	7/17/1979	First	j) All jurors shall sign a conflict of interest statement.			
Guidelines	7/17/1979	First	<u>Selection Process Review</u>			
Guidelines	7/17/1979	First	Public hearings will be held bi-annually to review the artist selection process.	one of the very few triggered reviews.		
Guidelines	10/9/2001	Fourth	GUIDELINES PUBLIC ART PROGRAM CAPITAL IMPLEMENTATION PROGRAM DEPARTMENT OF FINANCE AND ADMINISTRATIVE SERVICES CITY OF ALBUQUERQUE		I	A
Guidelines	10/9/2001	Fourth	The Albuquerque Public Art Program is dedicated to inspiring the human spirit throughout our community.		I	A

Policy Type	Date	Ordinance #	Content	Comments	Internal/ External Conditions	Anticipated/ Un- anticipated Factors
Guidelines	10/9/2001	Fourth	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	A
Guidelines	10/9/2001	Fourth	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.		I	A
Guidelines	10/9/2001	Fourth	[5.] 2. "Mayor" means the Mayor of the City of Albuquerque or his designated representative. (Ordinance)	moved definition of Mayor to #2 position	I	A
Guidelines	10/9/2001	Fourth	3. "City Council" means the elected City Council members, of the Albuquerque City Council. (Guidelines)		I	A
Guidelines	10/9/2001	Fourth	6. "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)		I	A
Guidelines	10/9/2001	Fourth	8. "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)		I	A
Guidelines	10/9/2001	Fourth	9. "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)		I	A
Guidelines	10/9/2001	Fourth	10. "Guidelines" is the term used to describe these regulations adapted 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)		I	A
Guidelines	10/9/2001	Fourth	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)		I	U
Guidelines	10/9/2001	Fourth	15. "User Department" refers to any City Department, division or program with capital projects, for which public art projects are being considered. (Guidelines)		I	A
Guidelines	10/9/2001	Fourth	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)		E	U
Guidelines	10/9/2001	Fourth	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)			
Guidelines	10/9/2001	Fourth	II. Goals for the Public Art Program			
Guidelines	10/9/2001	Fourth	* The Public Art Collection will reflect primarily the multi-cultural diversity, the diverse spectrum of beliefs, cultural heritage and traditions, and [current] artistic expressions of Albuquerque and New Mexico.		I	A
Guidelines	10/9/2001	Fourth	* 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.		I	A
Guidelines	10/9/2001	Fourth	* The Public Art Program [will promote sensitivity and awareness of Albuquerque's multi-cultural, racial and ethnic diversity; and] will endeavor to provide opportunities for artists of all racial, ethnic and cultural backgrounds, artist with disabilities, and artists of all diverse groups.		I	A
Guidelines	10/9/2001	Fourth	* The Program will identify and pursue additional sources of funds and donations of Works of Art to the City of Albuquerque.		I	A
Guidelines	10/9/2001	Fourth	* The Public Art Program will endeavor to 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.		I	A
Guidelines	10/9/2001	Fourth	* 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.		I	U
Guidelines	10/9/2001	Fourth	* The Program will document, [preserve and restore/repair all public art in Albuquerque which is not privately owned or cared for] maintain and conserve Work of Art in the Collection regardless of the source of acquisition.		I	A
Guidelines	10/9/2001	Fourth	III. The Albuquerque Arts Board			

Policy Type	Date	Ordinance #	Content	Comments	Internal/ External Conditions	Anticipated/ Un- anticipated Factors
Guidelines	10/9/2001	Fourth	B. Membership: Established by the Ordinance and governed by the Albuquerque City Charter regulations covering all citizens' advisory Boards and Commissions, the Arts Board consists of nine 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 [by the Mayor] 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.		I	A
Guidelines	10/9/2001	Fourth	IV. Administration: The City of Albuquerque's Public Art Program is administered by staff of the City's Capital Improvement Implementation Program, Planning Department. Staff is responsible for carrying out the guidelines and City administrative procedures in order to effect the recommendations of the Arts Board which are approved by the Mayor. No more than ten percent of the total amount for works of art may be expended for the administrative costs of the program. 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.		I	U
Guidelines	10/9/2001	Fourth	A. G. O. Bond Funds (1% for Art Funds): The funds [most associated with] 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 [construction] costs for capital projects funded by voter-approved General Obligation Bonds. The 1% funds are to be used for the acquisition and installation of art works 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.	administrative funding phrase moved from administration clause.	I	A
Guidelines	10/9/2001	Fourth	B. Revenue Bond Funds: Another major funding source for the City construction and, therefore, for public art acquisition is the revenue bond funds. These funds may include the 1% for 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.		I	A
Guidelines	10/9/2001	Fourth	C. Urban Enhancement Trust Funds: The intent of the Urban Enhancement Trust Fund of the City of Albuquerque is [used] to enhance and enrich the appearance and culture of the City [of Albuquerque]. The interest earned on the Trust is utilized to finance the design, implementation and construction of urban enhancement improvements projects which will enhance the beauty of common usage 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. [On occasion, funds are made available for jointly-developed projects with the Public Art Program or for beautification of] Capital projects may be developed which include acquisitions 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. [for which no other source of funding for public art is available.]		I	A
Guidelines	10/9/2001	Fourth	D. Other Funds - Public Sector and Private Sector:		I	A
Guidelines	10/9/2001	Fourth	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.		I	A
Guidelines	10/9/2001	Fourth	2. The Board shall recommend or deny approval of projects to the Mayor on the appropriateness of any contributions.		I	A
Guidelines	10/9/2001	Fourth	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.		I	A
Guidelines	10/9/2001	Fourth	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.	combined several sections	I	U

Policy Type	Date	Ordinance #	Content	Comments	Internal/ External Conditions	Anticipated/ Un- anticipated Factors
Guidelines	10/9/2001	Fourth	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.		I	U
Guidelines	10/9/2001	Fourth	[B.] C. Establishment of the Project Planning Committee [(to develop the plan for a project)]		I	U
Guidelines	10/9/2001	Fourth	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.		I	U
Guidelines	10/9/2001	Fourth	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.		I	U
Guidelines	10/9/2001	Fourth	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.		I	U
Guidelines	10/9/2001	Fourth	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.		I	U
Guidelines	10/9/2001	Fourth	[C.] D. Development of the Prospectus [and the Project Jury]			
Guidelines	10/9/2001	Fourth	1. The Planning Committee [may] shall develop project criteria such as site, media, theme, scale, method of artist or Work of Art selection, residency of eligible artists, determination of the selection process and other appropriate parameters. [as well as suggestions for the project jury if any which will be] The Prospectus is forwarded to the Arts Board as a recommendation.		I	A
Guidelines	10/9/2001	Fourth	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).		I	A
Guidelines	10/9/2001	Fourth	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 recommendations may be returned to the Planning Committee will be contacted and which may address the concerns and resubmit the project Prospectus recommendations to the Arts Board.		I	A
Guidelines	10/9/2001	Fourth	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.		I	A
Guidelines	10/9/2001	Fourth	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.	several sections combined	I	A
Guidelines	10/9/2001	Fourth	[D.] E. Distribution of the Prospectus		I	A
Guidelines	10/9/2001	Fourth	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 Web Page, for all open competitions.		I	A
Guidelines	10/9/2001	Fourth	2. Public Service Announcements will be issued to newspapers, arts publications, and radio and television media for all open competitions.		I	A
Guidelines	10/9/2001	Fourth	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).		I	A

Policy Type	Date	Ordinance #	Content	Comments	Internal/ External Conditions	Anticipated/ Un- anticipated Factors
Guidelines	10/9/2001	Fourth	[E.] F. Methods for Selection of An Artist(s), Artworks, Curator, and/or Organization [and/or Artworks]: 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.		I	U
Guidelines	10/9/2001	Fourth	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.	reintroduced from original guidelines	I	U
Guidelines	10/9/2001	Fourth	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.	hybrid from original guidelines	I	U
Guidelines	10/9/2001	Fourth	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.	reintroduced from original guidelines	I	U
Guidelines	10/9/2001	Fourth	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).	reintroduced from original guidelines	I	U
Guidelines	10/9/2001	Fourth	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.		I	U
Guidelines	10/9/2001	Fourth	[F.] G. Criteria for Selection of Artists, Artworks, [Curators or Organizations]		I	
Guidelines	10/9/2001	Fourth	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.		I	A
Guidelines	10/9/2001	Fourth	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.		I	A
Guidelines	10/9/2001	Fourth	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.	NEA inspired appropriate clause	E	A
Guidelines	10/9/2001	Fourth	[G.] H. The Process of Creating the Artwork			
Guidelines	10/9/2001	Fourth	1. A contract for the required services of the Artist(s) shall be developed by the City. [The Artist(s) shall not commence with the services until the contract has been executed.] 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.		I	A
Guidelines	10/9/2001	Fourth	2. If the initial design, created under contract, for the artwork [for a public art project] is not acceptable, the Artist shall have two additional opportunities to satisfy the Project Planning Committee, the user department, [the project jury,] the Arts Board, the City Administration, and/or other client agencies [or groups affected by the project]. If not approved, another artist may be selected.		I	A
Guidelines	10/9/2001	Fourth	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.		I	A
Guidelines	10/9/2001	Fourth	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 the site.		E	U
Guidelines	10/9/2001	Fourth	5. The Program may acquire a selected design from an artist and execute the Work of Art under a separate contract with a [vendor] consultant or contractor other than the Artist.		E	U
Guidelines	10/9/2001	Fourth	[H. Donations of Funds and/or Works of Art]		I	A
Guidelines	10/9/2001	Fourth	[VII. New Mexico Artists/Slide Registry]		I	A
Guidelines	10/9/2001	Fourth	VII. Collection Maintenance and Conservation		E	U
Guidelines	10/9/2001	Fourth	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.		E	U
Guidelines	10/9/2001	Fourth	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.		E	U
Guidelines	10/9/2001	Fourth	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:		E	U
Guidelines	10/9/2001	Fourth	1. Destruction, either by deterioration, vandalism, or accident, to such an extent that repairs or restoration are impractical or unfeasible.		E	U



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Guidelines	10/9/2001	Fourth	2. On-going maintenance has become impossible or is prohibitively expensive.		E	U
Guidelines	10/9/2001	Fourth	3. Required changes by the City, at the site, will destroy the integrity of the Work because of its relationship to the site.		E	U
Guidelines	10/9/2001	Fourth	D. The procedures to deaccession a Work of Art will entail the following:		E	U
Guidelines	10/9/2001	Fourth	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.		E	U
Guidelines	10/9/2001	Fourth	2. Review by the Arts Board with a recommendation as to the action to be taken and subsequent approval by appropriate administration officials.		E	U
Guidelines	10/9/2001	Fourth	3. Prior to the deaccessioning of a Work of Art, appropriate public notification will be made.		E	U
Guidelines	10/9/2001	Fourth	VIII. Effective Date and Filing.		E	U
Guidelines	10/9/2001	Fourth	These Public Art Program Guidelines shall become effective on <u>October 9, 2001</u> and shall be filed in the office of the City Clerk.	In the fall of 2006, there seems to have been a Board retreat to update the guidelines, but they were not implemented or adopted. (see handwritten, faxed notes).	E	U
IP Clause	1982	Jimenez	Copyright - Artistic design of the work of art. It is agreed that all designs, including models, are instruments of service and shall remain in the possession of and the property of Artist and that Artist retains all rights, including copyright and the exclusive right to use and create works according to the designs, subject only to the restriction on Artist's rights contained in Paragraph 8 of the Agreement. City agrees to make no public display or commercial use of the designs, including models, or any copy or facsimile thereof, without Artist's consent. City retains the right to publish and distribute photographs of the work of art as installed.	134		
IP Clause	1983	Eck	Copyright and Reproduction Rights - The Artist expressly reserves every right available to the Artist in common law or under the Federal Copyright Act to control the making and dissemination of copies or reproductions of the Work, except as those rights are limited by this Agreement. The City agrees to make no public display or commercial use of the designs, including models, or any copy or facsimile thereof, without the Artist's written consent. The City retains the right to publish and distribute photographs of the Work as installed and formally accepted by the City. The Artist certifies that the Work created pursuant to this Agreement is a unique work of art specially designed for the City and shall not be duplicated by the Artist in substantially the same material, size, and arrangement without the written permission of the City. All reproductions of the Work by the City shall contain a credit to the Artist and copyright notice substantially in the following form: "copyright, artist's name, year of publication" in such a manner and location as shall comply with the United States copyright laws.	112	E	A
IP Clause	1983	Eck	Non-Destruction/Alteration - The City will not intentionally destroy or alter the Work in any way whatsoever during the Artist's lifetime without the Artist's written permission. If any material alteration occurs to the Work after the Work is formally accepted by the City, whether such change is intentional, unintentional, or malicious, the Work shall no longer be represented as the work of the Artist without the Artist's written permission.	112	E	A
IP Clause	1983	Eck	Relocation - The City shall notify the Artist in writing if, for any reason, the Work must be removed or moved from the Permanent Location to a new location. The artist may advise or consult with the City regarding any such removal or moving of the Work.	112	E	A
IP Clause	1984	Drexel	Non-Destruction/Alteration - The University will not intentionally destroy or alter the Work in any way whatsoever during the Artist's lifetime without first making a written request to the City that the City make a reasonable, good faith effort to locate the Artist and obtain the Artist's written permission for such alteration. If any material alteration occurs to the Work after the Work is installed, whether such change is intentional, unintentional or malicious, the University will comply with any later written request by the City that the Artist no longer be represented as the Artist of the Work.	111	E	U

Policy Type	Date	Ordinance #	Content	Comments	Internal/ External Conditions	Anticipated/ Un- anticipated Factors
IP Clause	1986	Anderson	Copyright and Reproduction Rights - The Artist expressly reserves every right available to the Artist in common law or under the Federal Copyright Act to control the making and dissemination of copies or reproductions of the Work, except the rights which are limited by this Agreement. The City agrees to make no public display or commercial use of the design or the Work, including models, or any copy or facsimile of the Work, without the Artist's written consent. The City retains the right to publish and distribute photographs or drawings of the Work as installed and formally accepted by the City. The Artist Certifies that the Work created pursuant to this Agreement is a unique work of art especially designed for the City and has not been and will not be substantially duplicated by the Artist without the prior written permission of the City. All reproductions of the Work by the City other than from photographs or drawings will contain a credit to the Artist and copyright notice substantially in the following form: "copyright, (artist's name), (year of publication)" in such a manner and location as will comply with the United States copyright laws.	101	I	A
IP Clause	1986	Anderson	Non-Destruction/Alteration - The City will not intentionally destroy or alter the Work in any way whatsoever during the Artist's lifetime without first making a reasonable effort to locate and inform the Artist, and obtain the Artist's written permission, if possible. If any significant alteration occurs to the Work after the Work is formally accepted by the City, whether such change is intentional, unintentional or malicious, if the Artist makes a written request to the city that the work no longer be represented as the Work of the Artist, then the Work will no longer be represented as the work of the Artist.	101	I	A
IP Clause	1986	Anderson	Removal or Relocation - The City will make a reasonable attempt to notify the Artist in writing if, for any reason, the Work must be removed or moved from the Work Location to a new location. The Artist may advise or consult with the City regarding any such removal or moving of the Work.	101	I	A
IP Clause	1990	Grygutis	Copyright and Reproduction Rights - The Artist expressly reserves every right available to the Artist under Federal Copyright Act to control the making and dissemination of copies or reproductions of the Work, except the rights which are limited by this Agreement. The City agrees to make no public display or commercial use of the design of the Work, including models, or any copy or facsimile of the Work, without the Artist's written consent. The City retains the right to publish and distribute photographs or drawings of the Work as installed and formally accepted by the city. The Artist certifies that the Work created pursuant to the Agreement is a unique work of art especially designed for the City and has not been and will not be substantially duplicated by the Artist without the prior written permission of the city. If written permission to reproduce the work is obtained for the Artist, all reproductions of the Work by the City, other than photographs or drawings, will contain a credit to the Artist and copyright notice substantially in the following form: "copyright, (artist's name), (year of publication)."	127	I	A
IP Clause	1990	Grygutis	Non-Destruction/Alteration - The City will not intentionally destroy or alter the Work in any way whatsoever during the Artist's lifetime without first making a reasonable effort to locate and inform the Artist, and obtain the Artist's written permission, if possible. If any significant alteration occurs to the Work after the Work is formally accepted by the City, whether such change is intentional, unintentional or malicious, if the Artist makes a written request to the city that the work no longer be represented as the Work of the Artist, then the Work will no longer be represented as the work of the Artist.	127	I	A
IP Clause	1990	Grygutis	Removal or Relocation - The City will make a reasonable attempt to notify the Artist in writing if, for any reason, the Work must be removed or moved from the Work Site to a new location. The Artist may advise or consult with the City regarding any such removal or moving of the Work.	127	I	A
IP Clause	1991	Goodacre	Copyright and Reproductive Rights - The Artist expressly reserves every right available to the Artist under the Federal Copyright Act to control the making and dissemination of copies or reproductions of the Work, except as those rights are limited by this Agreement. The City agrees to make no public display or commercial use of the design of the Work, including models, or any copy or facsimile of the Work without the Artist's written consent. However, the City has the right to publish and distribute photographs, drawings, videotape or film of the Work as installed and formally accepted by the City. If the Artist grants written permission to the City to reproduce the Work, all replicas of the Work by the City will contain a credit to the Artist and copyright notice substantially in the following form: "copyright, (artist's name), (year of publication)."	119	E	A

Policy Type	Date	Ordinance #	Content	Comments	Internal/ External Conditions	Anticipated/ Un- anticipated Factors
IP Clause	1991	Goodacre	Distortion, Mutilation and Destruction of Work - To the extent required by the Visual Artist's Rights Act of 1990, Title 17, United States Code (the "Act") or other applicable laws and regulations, during the Artist's lifetime the City will not distort, mutilate or otherwise modify the Work in a manner which is prejudicial to the Artist's honor or reputation ("Modification"), nor will the City destroy the Work during the Artist's lifetime. However, the Act allows the Artist to waive some or all of the Artist's rights described in this section by signing a written instrument identifying the Work and the right waived. As provided in the Act, the Modifications shall not include modifications caused by the passage of time, the inherent nature of the materials or the result of conservation, lighting or placement in connection with public presentation unless caused by the gross negligence of the City. If any significant Modification occurs to the Work after the Work is formally accepted by the City, whether the change is intentional, unintentional or malicious, the Artist may make a written request to the City that the Work no longer be represented as a Work of the Artist. Thereafter, the Work will no longer be represented as a work of the Artist. If the Artist inspects the Work and, in the Artist's opinion, finds the Work to be in a state of substantial disrepair, and if the City and the Artist cannot agree whether the Work should be repaired, or to what extent, the City will make the final decision regarding whether and to what extent the Work should be repaired. If the Artist believes the Work requires repair and the City does not repair the Work to the satisfaction of the Artist, the Artist may make a written request to the City that the Work no longer be represented on the plaque as the work of the Artist, and the City will comply with that request.	119	E	A
IP Clause	1991	Goodacre	Removal or Relocation - The Work is a part of the City's Public Art Collection and is expected to remain on public display indefinitely at the Work Site as long as the City owns the Work. The City will not intentionally destroy or alter the Work. If unforeseen developments occur, which, in the City's opinion require relocation outside the Work Site, the City will make a good faith effort to relocate the Work in an appropriate location as part of the City's Public Art Collection and will endeavor to notify the Artist in advance of the relocation.	119	E	A
IP Clause	1992	Conrad	Copyright and Reproduction Rights - The Artist certifies that the Work created pursuant to this Agreement is a unique work of art especially designed for the City and has not been and will not be substantially duplicated by the Artist without the prior written permission of the City. The Artist expressly reserves every right available to the Artist under the federal Copyright Act to control the making and dissemination of copies or reproductions of the Work, except as those rights are limited by this Agreement. The City agrees to make no public display or commercial use of the design of the Work, including models, or any copy or facsimile of the Work, without the Artist's written consent. However, the City has the right to publish and distribute photographs, drawings, videotape or film of the Work during fabrication, construction and installation and as installed and formally accepted by the City. If the Artist grants written permission to the City to reproduce the Work, all replicas of the Work by the City will contain credit to the Artist and copyright notice substantially in the following form: "copyright, (artist's name), (year of publication)."	222	E	A
IP Clause	1992	Conrad	Distortion, Mutilation and Destruction of Work - To the extent required by the Visual Artist's Rights Act of 1990, Title 17, United States Code (the "Act") or other applicable laws and regulations, during the Artist's lifetime the City will not distort, mutilate, or otherwise modify the Work in a manner which is prejudicial to the Artist's honor or reputation ("Modification"), nor will the City destroy the Work during the Artist's lifetime. However, the Act allows the Artist to waive some or all of the Artist's rights described in the section by signing a written instrument identifying the Work and the right waived. As provided in the Act, the Modifications shall not include modifications caused by the passage of time, the inherent nature of the materials or the result of conservation, lighting or placement in connection with the public presentation unless caused by the gross negligence of the City. If any significant Modification occurs to the Work after the Work is formally accepted by the City, whether the change is intentional, unintentional or malicious, the Artist may make a written request to the City that the Work no longer be represented as a Work of the Artist. Thereafter, the Work will no longer be represented as a work of the Artist. After issuance of the Notice of Acceptance, if the Artist inspects the Work and, in the Artist's opinion, finds the Work to be in a state of substantial disrepair, and if the City and the Artist cannot agree whether the Work should be repaired, or to what extent, the City will make the final decision regarding whether and to what extent the Work will be repaired. If the Artist believes the Work requires repair and the City does not repair the Work to the satisfaction of the Artist, the Artist may make a written request to the City that the Work no longer be represented on the plaque as the Work of the Artist, and the City will comply with that request.	222	E	A

Policy Type	Date	Ordinance #	Content	Comments	Internal/ External Conditions	Anticipated/ Un- anticipated Factors
IP Clause	1992	Conrad	Removal or Relocation - If for any reason the Work must be removed or moved from the Work Site to a new location, the City will make a reasonable attempt to notify the Artist in writing. The Artist may advise or consult with the City regarding any such removal or moving of the Work. The federal Visual Artists Rights Act, as amended, if in effect at the time of moving the Work, will determine the City's requirements if the Work has been incorporated in or made a part of a building before the move. If the Act has been repealed at the time the Work is moved, New Mexico law will be enforced.	222	E	A
IP Clause	1996	Moroles	Copyright and Reproduction Rights - The Artist expressly reserves every right available to the Artist under the federal Copyright Act to control the making and dissemination of copies or reproductions of the Work, except as those rights are limited by this Agreement. The City agrees to make no public display of the Work, including models, or any copy or facsimile of the Work, with the Artist's written consent. However, the City has the right to publish and distribute, but not to sell, photographs, drawings, videotape or film of the Work during creation and installation and as installed and formally accepted by the City. If the Artist grants written permission to the City to reproduce the Work, all replicas of the Work by the City will contain a credit to the Artist and copyright notice substantially in the following form: "copyright, (artist's name), (year of publication)."	158	I	A
IP Clause	1996	Moroles	Distortion, Mutilation and Destruction of Work - To the extent required by the Visual Artist's Rights Act of 1990, Title 17, United States Code (the "Act") or other applicable laws and regulations, during the Artist's lifetime the City will not distort, mutilate, or otherwise modify the Work in a manner which is prejudicial to the Artist's honor or reputation ("Modification"), nor will the City destroy the Work during the Artist's lifetime. However, the Act allows the Artist to waive some or all of the Artist's rights described in the section by signing a written instrument identifying the Work and the right waived. As provided in the Act, the Modifications shall not include modifications caused by the passage of time, the inherent nature of the materials or the result of conservation, lighting or placement in connection with the public presentation unless caused by the gross negligence of the City. If any significant Modification occurs to the Work after the Work is formally accepted by the City, whether the change is intentional, unintentional or malicious, the Artist may make a written request to the City that the Work no longer be represented as a Work of the Artist. Thereafter, the Work will no longer be represented as a work of the Artist. After issuance of the Notice of Acceptance, if the Artist inspects the Work and, in the Artist's opinion, finds the Work to be in a state of substantial disrepair, and if the City and the Artist cannot agree whether the Work should be repaired, or to what extent, the City will make the final decision regarding whether and to what extent the Work will be repaired. If the Artist believes the Work requires repair and the City does not repair the Work to the satisfaction of the Artist, the Artist may make a written request to the City that the Work no longer be represented on the plaque as the Work of the Artist, and the City will comply with that request.	158	I	A
IP Clause	1996	Moroles	Removal or Relocation - If for any reason the Work must be removed or moved from the Work Site to a new location, the City will make a reasonable attempt to notify the Artist in writing. The Artist may advise or consult with the City regarding any such removal or moving of the Work. The federal Visual Artists Rights Act, as amended, if in effect at the time of moving the Work, will determine the City's requirements if the Work has been incorporated in or made a part of a building before the move. If the Act has been repealed at the time the Work is moved, New Mexico law will apply.	158	I	A
IP Clause	1998	Magennis	Copyright and Reproduction Rights - The Artist expressly reserves every right available to the Artist under the federal Copyright Act to control the making and dissemination of copies or reproductions of the Work, except as those rights are limited by this Agreement. The City agrees to make no public display or commercial use of the Work, including models, or any copy or facsimile of the Work, without the Artist's written consent. However, the City has the right to publish and distribute, but not to sell, photographs, drawings, videotape or film of the Work. If the Artist grants written permission to the City to reproduce the Work, all replicas of the Work by the City will contain a credit to the Artist and copyright notice substantially in the following form: "copyright, (artist's name), (year of publication)."	150	I	A

Policy Type	Date	Ordinance #	Content	Comments	Internal/ External Conditions	Anticipated/ Un- anticipated Factors
IP Clause	1998	Magennis	Distortion, Mutilation and Destruction of Work - During the Artist' lifetime, the City will not distort, mutilate or otherwise modify the Work in a manner which is prejudicial to the Artist's honor or reputation ("Modification"), nor will the City destroy the Work during the Artist's lifetime. However, the Artist may waive some or all of the Artist's rights described in this section by signing a written instrument identifying the Work and the right waived. Modifications to the Work shall not include modifications caused by the passage of time, the inherent nature of the materials or the result of conservation, lighting or placement in connection with public presentation unless caused by the gross negligence of the City. If any significant Modification occurs to the Work after the Design of the Work is formally approved by the City, whether the change is intentional, unintentional or malicious, the Artist may make a written request to the City that the Work no longer be represented as the Work of the Artist. Thereafter, the Work will no longer be represented as a work of the Artist. After the approval of the Work by the City, if the Artist inspects the Work and, in the Artist's opinion, finds the Work to be in a state of substantial disrepair, and if the City and the Artist cannot agree whether the work should be repaired, to the what extent, the City will make the final decision regarding whether and to what extent the Work will be repaired. If the Artist believes the Work requires repair and the City does not repair the Work to the satisfaction of the Artist, the Artist may make a written request to the City that the Work no longer be represented as the Work of the Artist, and the City will comply with that request.	150		
IP Clause	1998	Grothus	Copyright and Reproductive Rights - The Artist expressly reserves every right available to the Artist under the federal Copyright Act to control the making and dissemination of copies or reproductions of the Work, except as those rights are limited by this Agreement. The City agrees to make no public display or commercial use of the design of the Work, including models, or any copy or facsimile of the Work, without the Artist's written consent. However, the City has the right to publish and distribute, but not sell, photographs, drawings, videotape or film of the Work during creation and installation and as installed and formally accepted by the City. If the Artist grants written permission to the City to reproduce the Work, all replicas of the Work by the City will contain a credit to the Artist and copyright notice substantially in the following form: "copyright, (artist's name), (year of publication)."	312		
IP Clause	1998	Grothus	Distortion, Mutilation and Destruction of Work - To the extent required by the Visual Artist's Rights Act of 1990, Title 17, United States Code (the "Act") or other applicable laws and regulations, during the Artist's lifetime the City will not distort, mutilate or otherwise modify the Work in a manner which is prejudicial to the Artist's honor or reputation ("Modification"), nor will the City destroy the Work during the Artist's lifetime. However, the Act allows the Artist to waive some or all of the Artist's rights described in this section by signing a written instrument identifying the Work and the right waived. As provided in the Act, the Modifications shall not include modifications caused by the passage of time, the inherent nature of the materials or the result of conservation, lighting or placement in connection with public presentation unless caused by the gross negligence of the City. If any significant Modification occurs to the Work after the Work is formally accepted by the City, whether the change is intentional, unintentional, or malicious, the Artist may make a written request to the City the Work will no longer be represented as the Work of the Artist. After issuance of the Notice of Acceptance, if the Artist inspects the Work and, in the Artist's opinion, finds the Work to be in a state of substantial disrepair, and if the City and the Artist cannot agree whether the work should be repaired, or to what extent, the City will make the final decision regarding whether and to what extent the work will be repaired. If the Artist believes the Work requires repair and the City does not repair the Work to the satisfaction of the Artist, the Artist may make a written request to the City that the Work no longer be represented on the plaque as the Work of the Artist, and the City will comply with that request.	312		
IP Clause	1998	Grothus	Removal or Relocation - If for any reason the Work must be removed or moved from the Work Site to a new location, the City will make a reasonable attempt to notify the Artist in writing. The Artist may advise or consult with the City regarding any such removal or moving of the Work. The federal visual Artists Rights Act, as amended, if in effect at the time of moving the Work, will determine the City's requirements if the Work has been incorporated in or made a part of a building before the move. If the Act has been repealed at the time the Work is moved, New Mexico law will apply.	312		

Policy Type	Date	Ordinance #	Content	Comments	Internal/ External Conditions	Anticipated/ Un- anticipated Factors
IP Clause	1998	Naranjo-Morse	Copyright and Reproduction Rights - The Artist expressly reserves every right available to the Artist under the federal Copyright Act to control the making and dissemination of copies or reproductions of the Work, except as those rights are limited by this Agreement. The City agrees to make no public display or commercial use of the design of the Work, including models, or any copy or facsimile of the Work, without the Artist's written consent. However, the City has the right to publish and distribute, but not to sell, photographs, drawings, videotape or film of the Work during creation and installation and as installed and formally accepted by the City. If the Artist grants permission to the City to reproduce the Work, all replicas of the Work by the City will contain a credit to the Artist and copyright notice substantially in the following form: "copyright, (artist's name), (year of publication)."	583.3		
IP Clause	1998	Naranjo-Morse	Distortion, Mutilation and Destruction of Work - To the extent required by the Visual Artist's Rights Act of 1990, Title 17, United States Code (the "Act") or other applicable laws and regulations, during the Artist's lifetime the City will not distort, mutilate, or otherwise modify the Work in a manner which is prejudicial to the Artist's honor or reputation ("Modification"), nor will the City destroy the Work during the Artist's lifetime. However, the Act allows the Artist to waive some or all of the Artist's rights described in the section by signing a written instrument identifying the Work and the right waived. As provided in the Act, the Modifications shall not include modifications caused by the passage of time, the inherent nature of the materials or the result of conservation, lighting or placement in connection with the public presentation unless caused by the gross negligence of the City. If any significant Modification occurs to the Work after the Work is formally accepted by the City, whether the change is intentional, unintentional or malicious, the Artist may make a written request to the City that the Work no longer be represented as a Work of the Artist. Thereafter, the Work will no longer be represented as a work of the Artist. After issuance of the Notice of Acceptance, if the Artist inspects the Work and, in the Artist's opinion, finds the Work to be in a state of substantial disrepair, and if the City and the Artist cannot agree whether the Work should be repaired, or to what extent, the City will make the final decision regarding whether and to what extent the Work will be repaired. If the Artist believes the Work requires repair and the City does not repair the Work to the satisfaction of the Artist, the Artist may make a written request to the City that the Work no longer be represented on the plaque as the Work of the Artist, and the City will comply with that request.	583.3		
IP Clause	1998	Naranjo-Morse	Removal or Relocation - If for any reason the Work must be removed or moved from the Work Site to a new location, the City will make a reasonable attempt to notify the Artist in writing. The Artist may advise or consult with the City regarding any such removal or moving of the Work. The federal Visual Artists Rights Act, as amended, if in effect at the time of moving the Work, will determine the City's requirements if the Work has been incorporated in or made a part of a building before the move. If the Act has been repealed at the time the Work is moved, New Mexico law will apply.	583.3		
IP Clause	1999	Bell	Copyright and Reproduction Rights - The Artist expressly reserves every right available to the Artist under federal Copyright Act to control the making and dissemination of copies or reproductions of the Work, except as those rights are limited by this Agreement. The City agrees to make no public display or commercial use of the design of the Work, including models, or any copy or facsimile of the Work, without the Artist's written consent. However, the City has the right to publish and distribute, but not sell, photographs, drawings, videotape or film of the Work during creation and installation and as installed and formally accepted by the City. If the Artist grants written permission to the City to reproduce the Work, all replicas of the Work by the City will contain a credit to the Artist and copyright notice substantially in the following form: "copyright, (artist's name), (year of publication)."	104		

Policy Type	Date	Ordinance #	Content	Comments	Internal/ External Conditions	Anticipated/ Un- anticipated Factors
IP Clause	1999	Bell	Distortion, Mutilation and Destruction of Work - To the extent required by the Visual Artist's Rights Act of 1990, Title 17, United States Code (the "Act") or other applicable laws and regulations, during the Artist's lifetime the City will not distort, mutilate or otherwise modify the Work in a manner which is prejudicial to the Artist's honor or reputation ("Modification"), nor will the City destroy the Work during the Artist's lifetime. However, the Act allows the Artist to waive some or all of the Artist's rights described in this section by signing a written instrument identifying the Work and the right waived. As provided in the Act, the Modifications shall not include modifications caused by the passage of time, the inherent nature of the materials or the result of conservation, lighting or placement in connection with public presentation unless caused by the gross negligence of the City. If any significant Modification occurs to the Work after the Work is formally accepted by the City, whether the change is intentional, unintentional or malicious, the Artist may make a written request to the City that the Work no longer be represented as a Work of the Artist. Thereafter, the Work will no longer be represented as a work of the Artist. After issuance of the Notice of Acceptance, if the Artist inspects the Work and, in the Artist's opinion finds the Work to be in a state of substantial disrepair, and if the City and the Artist cannot agree whether the Work to be in a state of substantial disrepair, and if the City and the Artist cannot agree whether the Work should be repaired, or to what extent, the City will make the final decision regarding whether and to what extent the Work will be repaired. If the Artist believes the Work requires repair and the City does not repair the Work to the satisfaction of the Artist, the Artist may make a written request to the City that the work no longer be represented on the plaque as the Work of the Artist, and the City will comply with that request.	104		
IP Clause	1999	Bell	Removal or Relocation - If for any reason the Work must be removed or moved from the Work Site to a new location, the City will make a reasonable attempt to notify the Artist in writing. The Artist may advise or consult with the City regarding any such removal or moving of the Work. The federal Visual Artists Rights Act, as amended, if in effect at the time of moving the Work, will determine the City's requirements if the Work has been incorporated in or made a part of a building before the move. If the Act has been repealed at the time the Work is moved, New Mexico law will apply.	104		
IP Clause	2008	Whiting	Copyright and Reproductive Rights - The Artist shall apply for a US registered copyright for the Work, such copyright fees to be provided by the City. The Artist agrees to assign his interest in the copyright to himself and the City of Albuquerque. The Artist agrees to execute contemporaneously with the Execution of this Agreement and the Assignment of Copyright, attached hereto as Exhibit C. The parties agree the City and the Artist shall have the right to make or disseminate copies, images, reproductions or the like of the Work for (i) non-commercial use, (ii) for advertising or promotion of his/its business, and (iii) for commercial purposes with approval and participation of the co-copyright owner, which participation shall contain a copyright notice substantially in the form: "Copyright, Michael Whiting, Artist, City of Albuquerque, 2007."	592	E	U
IP Clause	2008	Whiting	Alterations to the Work or Site of the Work After Acceptance - A. VARA. To the extent required by the Visual Artist's Rights Act of 1990, Title 17, United States Code ("VARA") or other applicable laws and regulations, during the Artist's lifetime the City will not distort, mutilate or otherwise modify the Work in a manner which is prejudicial to the Artist's honor or reputation ("Modification"), nor will the City destroy the Work during the Artist's lifetime. As provided in VARA, Modifications shall not include modifications caused by the passage of time, the inherent nature of the materials or the result of conservation, lighting or placement in connection with public presentation unless caused by the gross negligence of the City.	592	E	U
IP Clause	2008	Whiting	B. Repairs. After issuance of the Notice of Acceptance, the City may elect to repair the Work if it is determined that it is in critical need of repair. If the City decides to repair a Work, the City will make a reasonable effort to consult with the Artist concerning substantial repairs to, and restoration of the Work. To the extent the City determines it is appropriate, the Artist will be given the opportunity to perform substantial repairs to and restoration of the Work for a reasonable fee. If the City and the Artist cannot agree whether the Work should be repaired, or in what manner, the City will make the final decision regarding whether and in what manner the Work will be repaired.	592	E	U
IP Clause	2008	Whiting	C. Change in the Site of the Work. The parties understand that any substantial change in the immediate vicinity of the Work or moving the Work to a different Work Site could change the intended appearance and character of the Work. If for any reason the Work must be removed or moved for the Work Site to a new location, the City will make a reasonable attempt to notify the Artist in writing and obtain the Artist's advice regarding removal or moving of the Work. VARA provisions may apply.	592	E	U

Policy Type	Date	Ordinance #	Content	Comments	Internal/ External Conditions	Anticipated/ Un- anticipated Factors
IP Clause	2008	Whiting	D. Request by the Artist. The Artist may make a written request to the City that the Work no longer be represented on the plaque as the Work of the Artist, and the City will comply with that request: (1) If the Artist believes the work requires repair and the City does not repair the Work to the satisfaction of the Artist; (2) If any significant Modification occurs to the Work after the Work is formally accepted by the City, whether the change is intentional, unintentional or malicious; (3) If there is a substantial change in the immediate vicinity of the Work; or (4) If for any reason the Work must be removed from the Site or moved to a new location.	592	E	U
IP Clause	2011	Wilson	Copyright and Reproductive Rights - The Artist shall apply for a US registered copyright for the Work, such copyright fees to be provided by the City. The Artist agrees to assign his interest in the copyright to himself and the City of Albuquerque. The Artist agrees to execute contemporaneously with the Execution of this Agreement and the Assignment of Copyright, attached hereto as Exhibit C. The parties agree the City and the Artist shall have the right to make or disseminate copies, images, reproductions or the like of the Work for (i) non-commercial use, (ii) for advertising or promotion of his/its business, and (iii) for commercial purposes with approval and participation of the co-copyright owner, which participation shall contain a copyright notice substantially in the form: "Copyright, Robert Wilson, Artist, City of Albuquerque, 2010."	613	I	A
IP Clause	2011	Wilson	Alterations to the Work or Site of the Work After Acceptance - A. VARA. To the extent required by the Visual Artist's Rights Act of 1900, Title 17, United States Code ("VARA") or other applicable laws and regulations, during the Artist's lifetime the City will not distort, mutilate or otherwise modify the Work in a manner which is prejudicial to the Artist's honor or reputation ("Modification"), nor will the City destroy the Work during the Artist's lifetime. As provided in VARA, Modifications shall not include modifications caused by the passage of time, the inherent nature of the materials or the result of conservation, lighting or placement in connection with public presentation unless caused by the gross negligence of the City.	613	I	A
IP Clause	2011	Wilson	B. Repairs. After issuance of the Notice of Acceptance, the City may elect to repair the Work if it is determined that it is in critical need of repair. If the City decides to repair a Work, the City will make a reasonable effort to consult with the Artist concerning substantial repairs to, and restoration of the Work. To the extent the City determines it is appropriate, the Artist will be given the opportunity to perform substantial repairs to and restoration of the Work for a reasonable fee. If the City and the Artist cannot agree whether the Work should be repaired, or in what manner, the City will make the final decision regarding whether and in what manner the Work will be repaired.	613	I	A
IP Clause	2011	Wilson	C. Change in the Site of the Work. The parties understand that any substantial change in the immediate vicinity of the Work or moving the Work to a different Work Site could change the intended appearance and character of the Work. If for any reason the Work must be removed or moved for the Work Site to a new location, the City will make a reasonable attempt to notify the Artist in writing and obtain the Artist's advice regarding removal or moving of the Work. VARA provisions may apply.	613	I	A
IP Clause	2011	Wilson	D. Request by the Artist. The Artist may make a written request to the City that the Work no longer be represented on the plaque as the Work of the Artist, and the City will comply with that request: (1) If the Artist believes the work requires repair and the City does not repair the Work to the satisfaction of the Artist; (2) If any significant Modification occurs to the Work after the Work is formally accepted by the City, whether the change is intentional, unintentional or malicious; (3) If there is a substantial change in the immediate vicinity of the Work; or (4) If for any reason the Work must be removed from the Site or moved to a new location.	613	I	A