



# **TOWN OF FOUNTAIN HILLS**

## **PUBLIC ART MASTER PLAN**

## **I. INTRODUCTION & BACKGROUND**

### **History of Public Art**

Public art has long played an important role in expressing the identity of a culture. In many cases, public art is the legacy by which we remember an ancient culture. Public art has been a part of the American landscape since Colonial times, but it wasn't until the middle of the 20th century that comprehensive public art programs emerged.

After the establishment of the National Endowment for the Arts in 1965, the field of public art underwent significant change. As more and more cities adopted "percent for art" ordinances, public art has evolved from a process that placed large-scale versions of studio sculpture in unrelated spaces into the broader understanding that art may take various forms, including being routinely integrated into the surroundings it is placed in, often becoming part of building or structure itself.

In cities like Seattle, Philadelphia, Los Angeles, Miami and others, artists working in the public realm became more involved in the design of public spaces by working closely with architects, landscape architects and engineers. The result was the use of art to shape a new public space, not just to enhance an existing one. In Seattle, Phoenix and Scottsdale, the art went one step further; it has become an integral part of civic infrastructure including, bridges, waste treatment plants, freeways, parks, sports complexes and other projects.

Funding for contemporary public art has come in large part from three sources: (i) "percent for art" ordinances, (ii) funding through local, state and federal grant programs and (iii) corporate sponsorships and private donations from individuals and foundations.

### **History of Art in Fountain Hills**

In October 1994, the Town of Fountain Hills (the "Town") and the Fountain Hills Civic Association (the "Civic Association") commissioned a community cultural assessment, sponsored by the Arizona Commission on the Arts (the "1994 Cultural Assessment"). Nearly 50 citizens participated in either the open forum or in the surveys collected. The community's strengths and challenges were discussed, and four key issues were identified:

- The need for a cultural center facility with performance, gallery and meeting space.
- A need for an arts council to provide leadership for cultural growth.
- A need to involve the arts in community design and planning.
- A need for youth services including after school and summer programs.

Through the 1994 Cultural Assessment, a clear need for a public art committee was recognized. The Fountain Hills Arts Council (the "Arts Council") bylaws were formally adopted in March 1995.

On September 4, 1997, the Town Council adopted Resolution No. 1997-44 designating the Arts Council, then a committee of the Civic Association, as the official representative of the Town in all matters dealing with the promotion of public arts within the Town of Fountain Hills. Shortly thereafter, the Arts Council established the Fountain Hills Public Art Committee (the “Public Art Committee”) to administer its public art program. On November 20, 2003, the Town Council adopted Resolution No. 2003-70 confirming this appointment and adopting an official Master Plan for the acquisition of public art.

Through various corporate reorganizations, the Arts Council became the Fountain Hills Cultural Council and thereafter merged with the Civic Association to become the Fountain Hills Cultural and Civic Association, a 501(c)(3) non-profit corporation (“FHCCA”). The Public Art Committee continues as a committee of FHCCA, and since 2000, the Public Art Committee has adopted an aggressive policy of public art acquisition.

On December 7, 2006, the Town Council adopted Ordinance 06-23, creating the Town’s Commercial/Multi-Family Architectural Design Review Guidelines (the “Design Guidelines”). Section 19.05(I) of the Design Guidelines established the minimum standards for including a public art element in all commercial, industrial and multi-family residential projects (the “Public Art Requirement”) providing for either (i) the installation of exterior public art valued at equal to or greater than 1% of the cost of building construction and associated site work and signage of a new or redeveloped commercial, industrial, or large multi-family residential construction project or (ii) a donation to the Fountain Hills Public Art Fund in an amount equal to or greater than 1% of the cost of building construction and associated site work and signage. The funds raised through this process will be referred to hereafter as the “Percent for Public Art” funds. Public Art Fund Development Guidelines were adopted by the Town Council in January, 2007 to set forth the process for implementing the Public Art Requirement. The Fountain Hills Public Art Fund is the fund held by the Town for the purchase or installation of public art (the “Fountain Hills Public Art Fund”).

## **II. PUBLIC ART PROGRAM GENERAL STANDARDS**

By combining the tremendous volunteer efforts of citizens like those serving on the Public Art Committee with the Town’s desire to enhance the quality of life for its residents, the Town endeavors to create a world-class public art program. The Town Council intends that all public art in the corporate limits of the Town shall be selected and approved according to the Public Art Requirement process or the Public Art Acquisition process, each as described below.

### **A. Acquisition Standards**

Public art is defined as the work of a visual artist located in a publicly accessible space. Public art includes, but is not limited to, paintings, murals, statues, stained glass, fiber art, relief or other sculpture, fountains, arches and other structures intended for ornament or commemoration, carvings, frescoes, mosaics, mobiles, photographs, drawings, collages, prints, landscape art, and crafts, both decorative and utilitarian. Public art may be temporary or permanent in nature. Public art projects may also include visual or landscape artists serving on design and development teams to identify opportunities and approaches for incorporating artwork or

aesthetic concepts into Town building and visible public improvement projects. Regardless of the method of acquisition, certain fundamental criteria will be universally applied to any work of art under consideration including:

- Artistic merit.
- Physical condition of the artwork.
- History and provenance of the artwork.
- Compatibility with the Town’s public art program and collection.
- Availability of an appropriate location for siting on Town property.
- Requirements for installation, storage, and maintenance.
- Liability considerations and issues of public safety.

1. Acceptable Art. Acceptable forms of art (“Acceptable Art”) shall include but are not necessarily limited to, the following:

- All forms of limited edition or one-of-a-kind original creations of visual art created by an artist.
- Project features and enhancements which are unique and produced by a professional artist such as benches and fountains.
- Murals or mosaics covering walls.
- Professional artist sculptures which can be freestanding, wall-supported or suspended and made of durable materials suitable to the site and the climate.
- Other suitable artworks as presented in a catalogue and previously approved by the Public Art Committee.

2. Not Acceptable Art. The following, non-exclusive list describes those items not considered Acceptable Art:

- Business logos or art that incorporates a logo for the primary purpose of advertising a business.
- Directional elements such as supergraphics, signage or color coding except where these elements are integral parts of the original works of art.
- Mass-produced art objects, such as fountains, statuary objects, or playground equipment.
- Reproduction by mechanical or other means of original works of art.
- Decorative ornamental or functional elements created by the project architect instead of an artist commissioned for this purpose.

- Landscape architecture or gardening except for elements designed by the artist as an integral part of the work of art.
- Electrical, water or mechanical service for activation of the works of art.
- Art exhibitions and educational activities.
- Security and publicity concerning works of art.
- Standard landscape or hardscape elements that would normally be associated with the project.

### III. PUBLIC ART ACQUISITION

This master plan is intended to govern the process for identification and acquisition of art by the FHCCA for recommendation to the Town Council for inclusion in the Town's public art collection. The guidelines outline the process for reviewing and evaluating works of art under consideration to determine the suitability of artwork, appropriate locations for possible installation, and evaluating future maintenance and safety requirements. These guidelines are intended to ensure that public art acquired by the Town (i) is of the highest quality, (ii) enhances the aesthetic character of the community's public spaces, (iii) advances the public understanding of art and (iv) does not place an undue burden on the Town for the artwork's maintenance, security or public safety.

Public art is acquired through two primary methods: (i) by the active procurement of a specific work of art or the selection of an artist for a specific project, or (ii) as the result of a gift or loan whereby the Town becomes a beneficiary. Both methods present unique requirements and concerns. Consequently, the protocol for each must be somewhat different. For this reason, these guidelines have been organized in two sections: (i) policies and procedures for acquiring art through purchase or artist selection and (ii) policies and procedures for accepting gifts, bequests and loans of art.<sup>1</sup>

#### A. Acquiring Art through Purchase or Artist Selection

The FHCCA will follow principles adopted and utilized by a majority of public art programs in the nation, generally understood as the *independent panel review* process. This is a comprehensive review-and-approve procedure identifying, ranking and recommending public art purchases and selected artists. The process begins with the Public Art Committee, moves to the FHCCA Board of Directors, and is finalized by the Town Council.

1. The Public Art Committee will identify potential art projects or art purchase opportunities. Working with appropriate town departments and commissions, the Public Art Committee will bring forward to the FHCCA Board potential projects and/or purchase opportunities for consideration. Any recommendation to the FHCCA Board regarding the acquisition of a piece of art shall identify the potential source of funds for such acquisition. Such source of funds may include the funds deposited in the Fountain Hills Public Art Fund pursuant to Article I, Section (A)(2) of this master plan.

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<sup>1</sup> If matching funds are used to acquire the artwork, the purchase guidelines are to be followed.

2. The FHCCA Board will decide which projects or purchases will be recommended to the Town Council and will forward to the Town Council all of the information which it has received from the Public Art Committee. The Town Council will have the final decision, acting in its sole discretion, to determine (i) which projects or purchases will be undertaken and (ii) if the recommendation includes the use of funds from the Fountain Hills Public Art Fund, whether the use of such funds is appropriate.

3. If the Town Council approves moving forward with a project or purchase, the Public Art Committee will assume the role of an independent selection panel. There are a variety of commonly accepted methods used by public art programs for identifying and selecting artists or works of art. The Public Art Committee will choose the most appropriate method for a given project or purchase from among the following options:

- Open Competition. This method offers opportunities in which any professional artist is eligible to enter. A Project Profile, an announcement with information about the project, will be circulated, requesting artist proposals for review by the selection panel.
- Invitational or Limited Competition. This two-staged competition calls for artists to submit qualifications (slides and documentation of past work) for the selection panel's consideration, instead of a proposal. The panel selects three to five artists to visit the site and develop detailed proposals or to participate in an interview process. The artists may be paid for their proposals and site visits based on a percentage of the project budget. The panel then reconvenes to select an artist and/or proposal.
- Direct Selection and Nominations. In this method, the panel selects one artist on the basis of slides and/or documentation of past work. The pool of work reviewed can be solicited through a call-to-artists or by using an existing artist slide bank. The artist is selected based on one review and a contract is negotiated for the development of a proposal.
- Direct Purchase. A method that results in the purchase of already completed artworks, based upon the panel's recommendations. Available artworks are assembled by the Public Art Committee for the panel's review using a call-to-artists or an existing slide bank.

4. Due to their size, complexity, or monetary value, some projects or purchases may require certain expertise outside the scope of the standing Public Art Committee. On such occasions, the Public Art Committee will enlist the services of individual arts and design professionals, engineers, and artists to assist in the selection process.

5. The Public Art Committee will maintain records of all its deliberations, and will provide a comprehensive report to the FHCCA Board for each project or purchase, including the panel's initial selection recommendation.

6. The Public Art Committee will make its recommendation at regular meeting of the FHCCA Board of Directors.

7. The FHCCA Board will review and accept or reject the Public Art Committee's acquisition recommendation.

8. Should the FHCCA Board approve the recommendation of the Public Art Committee, the recommendation will be forwarded to the Town Council for consideration.

9. Upon Town Council approval of any public art project or purchase, the Public Art Committee will contact the selected artist or artist's agent. The Public Art Committee will prepare an invoice or contract between the FHCCA and the artist covering the entire scope of work to be performed, and specifying all fees to be paid, including, those for any travel expenses, shipping and/or installation charges. If the Fountain Hills Public Art Fund is to be used for all or a portion of the acquisition cost, the aforementioned invoice or contract shall be entered into between the Town and the artist, and the Town Attorney shall prepare the invoice or contract with input from the Public Art Committee as to the appropriate scope of work to be performed, fees to be paid, travel expenses to be reimbursed and shipping and/or installation charges to be paid. If both the Fountain Hills Public Art Fund and FHCCA funds are to be used for acquisition and/or installation, the FHCCA shall contribute its portion to the Town prior to the date the Town is required to pay the final invoice.

10. Working in cooperation with appropriate Town staff and/or commissions, the Public Art Committee will assume responsibility for project management: overseeing the purchase, shipment and installation of selected art work, or the design, fabrication and installation of a commissioned project.

11. According to the payment schedule stipulated in the contract, the Public Art Committee will be responsible for paying all project fees in a timely fashion, except for those installation fees agreed to be covered by the Town through a separate agreement.

12. Upon completion of the purchase or project, the Public Art Committee will arrange a public dedication and formal transfer of ownership to the Town.

## **B. Accepting Gifts, Bequests and Loans of Artwork**

This process begins with the Public Art Committee, moves to the FHCCA, and is finalized by the Town Council. Immediately upon receipt of an offer, the Public Art Committee will provide the prospective donor with a copy of these Guidelines.

1. Eligible offers of artworks from artists, owners, businesses, organizations, individuals or other entities shall be submitted by the donor to the Public Art Committee for proper processing. Eligible offers shall include the following elements:

- A Letter of Intention stating that the donor wishes to donate, loan and/or bequest an artwork to the Town. The donor may suggest locations for the artwork's placement on Town property.
- A written description of the artwork, including a definition (i.e., painting, sculpture, fabric hanging, etc.); the date medium was created; the name and, if possible, a resume of the artist who created the artwork; its dimensions; physical condition, and any relevant background information about the artwork and the artist.
- The name, address and phone number of the prospective donor.
- Visual documentation of the artwork (i.e., color photographs, 35 mm slides, videotapes, etc., including electronic copies when possible).
- Donor may be asked to provide additional documentation to verify originality and legal title to the work.

2. As soon as possible thereafter, the Public Art Committee will schedule a review of the offer, notifying the prospective donor in writing of the date and time for the review. The prospective donor will have an opportunity to make a brief informational presentation to the Public Art Committee.

3. Upon reviewing and examining the artwork and evaluating the proposed gift, loan and/or bequest according to the criteria detailed below, as soon as it is practicable, the Public Art Committee will make a recommendation to the FHCCA Board regarding acceptance or non-acceptance of the artwork.

4. The FHCCA will consider the recommendations of the Public Art Committee during a meeting of its Board of Directors.

5. The FHCCA will forward its recommendation of acceptance to the Town Council, at which time, public comment can be heard.

6. The Town Council shall accept or decline the artwork for the Town. After receipt of the Town Council's decision, the Public Art Committee will formally notify the prospective donor of the Town Council's decision in writing.

7. Prospective donors should understand that artwork will not be accepted by the Town with attached conditions or restrictions, except in extraordinary circumstances, which will be noted and approved by the Public Art Committee in advance of the acceptance. Neither the Public Art Committee nor the Town is obligated to accept bequeathed items that in its opinion would be inappropriate in the Town's public art collection. No object will be accepted for the Town's art collection if ownership is in question. Art objects will be accessioned only when they have been collected, exported and imported in full compliance with the laws and regulations of the country or countries of origin, and with the laws and regulations of the Town, Maricopa County, the State of Arizona and the United States. Under no circumstances will individuals of the Arts Council, Public Art Committee or Town staff give appraisals of art objects.

### **C. Catalogue of Acceptable Art**

The Public Art Committee shall maintain a catalogue of Acceptable Artworks for which potential funds or donors might be solicited. An attempt is made to ensure that the collection of potential acquisitions is varied in interest and type, working toward the goal of establishing an eclectic collection of public art.

Promptly after the acceptance of these guidelines by the Town Council, the Public Art Committee shall deliver copies of its current catalogue of Acceptable Artworks to the FHCCA Board and the Town Council for review and approval of the catalogue by these two bodies. Either body shall have the right to reject any item contained in the catalogue as an unacceptable public art acquisition. Any item in the catalogue that has been reviewed by the FHCCA Board and the Town Council shall not require any further approval as to the appropriateness of its selection.

Each year members of the Public Art Committee will visit a number of art shows around the country and take photographs of potential works. These works are informally screened under the supervision of the Chair of the Public Art Committee and those selected are submitted to the entire membership of the Public Art Committee. At least a 2/3 approval vote is necessary before a work is placed in the catalogue of possible acquisitions. In addition, the entire Board of the FHCCA and the Town Council shall be given the opportunity to comment on and approve or reject all additions to this catalogue. The fact that a piece has been included in the catalogue does not mean that it will eventually be acquired. It simply means that donors or fund sources will be sought.

### **D. Site Selection Requirements.**

1. Determination of Site Locations. When evaluating potential art sites or opportunities to involve artists on a design team for larger projects, it should be asked whether art at a particular location has the ability to: (i) reveal a unique or special quality about Fountain Hills, (ii) enhance the daily routine of the commuter, pedestrian, worker or resident, (iii) contribute to awareness of Fountain Hills' history and cultural identity, (iv) add aesthetic quality and interest to Fountain Hills' infrastructure, (v) serve as a landmark or place-maker, (vi) engage the public in an entertaining, educational, or contemplative way or (vii) make a statement about the identity, character or values of a particular area or community within Fountain Hills. Site location for the placement of works to be acquired is also an involved process. This requires close cooperation between members of the Public Art Committee, other affected Town boards, committees and commissions and Town staff. The FHCCA and the Public Art Committee have identified the following priority sites:

- Fountain Hills Civic Center. Numerous art pieces have been placed in and around the Community Center, the Library, the Town Hall and the community plaza located in front of the community center and the library/museum complex. The current collection incorporates a rich variety of public art that enhances community identity and promotes the

appreciation of art in Fountain Hills and the surrounding area. While the current selection of artworks at the Civic Center is extensive, the Public Art Committee will continue to evaluate appropriate new pieces for the campus. Art will continue to be integrated into the public structures and overall design, which shall include shade, water features and lighting.

- Avenue of the Fountains/ Downtown Development.
- Fountain Park.
- Main Thoroughfares.

The FHCCA will consider several factors when determining an acceptable location for the art. The location must be compatible with the piece to be acquired. This is why *Last Doll* and *Adolescence* were placed by the Splash Park. They appeal to children and the Splash Park and the neighboring playground are gathering places for our youngsters. In some cases, the proper site is obvious. For example, one of the works high up on the list of potential acquisitions is called *Quackers*. It is of a small boy feeding a pair of ducks. It should only go near Fountain Lake where the ducks congregate. Fortunately there is an ideal location that meets all of the requirements. In another instance, a pending acquisition is a sculpture of an eagle sitting on her nest feeding her chicks. This piece, called *Freedom* by Fountain Hills artist Jim Dodson, is recommended for location on the small island in Fountain Park near the performance pad. It will give the illusion of looking at an eagle in the wild.

2. Commission Review. After the FHCCA determines that a site in the Community Center or Town Park may be appropriate, the FHCCA shall notify the Town staff member responsible for staffing the Community Center Advisory Commission or the Parks and Recreation Commission, as appropriate. The Town staff shall prepare the item for Commission consideration at its next meeting. Commission concurrence with the FHCCA recommendation shall be required prior to recommending the site to the Town Council.

3. Interference With Other Facilities. The piece must not interfere with other uses or with utility lines. The FHCCA has rejected many likely locations because they are over underground wiring or pipes. Others have been rejected because they would interfere with building maintenance or window washing activities or with the normal flow of pedestrian traffic. Within Fountain Park, locations have been rejected because they would interfere with the Frisbee golf course located in the park.

4. ADA Compliance. The location of the work must conform to the Americans with Disabilities Act (“ADA”) including any applicable provisions relating to visual access and physical access to the installed work of art.

5. Site Maps. Three site maps for the location of public art have been established. These include a map of the Community Center Courtyard area (including the area around Town Hall) and a map of Fountain Park which have been established by agreement between Town staff and the Public Art Committee setting forth acceptable sites. A third map showing acceptable sites for art work within the Community Center building has been established by the Community Center Advisory Commission and Town staff. These three maps are not the final word; the

Town is willing to be flexible if a given work clearly should be placed in a different location. But in all cases, the final site for a work must be approved by the Town Council and must meet the required standards and, if the piece is to be located within the Community Center building, the Community Center Advisory Commission must approve the location; any relocation of an art work must be approved by the Town Council. As other areas for potential placement are determined, such as the median in the Avenue of the Fountains, the Dog Park or elsewhere, site maps for those locations will also be established.

6. Relocation of Art Work. The initial placement of a work is not necessarily permanent. Several pieces have been relocated to other sites which later have seemed more appropriate. Examples include *The Great Arrow*, *Precious Cargo*, *Flower Dancing in the Wind* and *Embrace*. The Public Art Committee intends that, as the remainder of the Town-owned property near the Community Center is developed, a better location for *Ring of Peace* can be found. It seems to get lost in the trees in its present location. Unfortunately, when it was acquired other likely locations didn't meet the required placement standards. Relocation of any work is subject to approval by the Town Council, which shall determine, in its sole discretion, whether the cost of relocation may be paid for with Town funds.

#### IV. PUBLIC ART REQUIREMENT FOR DEVELOPMENT

##### A. Basic Requirements

1. Developers of any new professional office, lodging projects, retail, service, commercial, wholesale, transportation, industrial developments, re-developments or expansion projects and multi-family projects with five or more dwelling units within the Town of Fountain Hills are required to provide public artwork. The public art must have an invoiced cost or appraised value equal to 1% of the cost of building construction, including associated site work and signage; water features (using recycled water) are preferred.

2. As an alternative to providing public art, developers may make a donation to the Fountain Hills Public Art Fund in an amount equal to or greater than 1% of the cost of building construction and associated site work and signage.

3. The public art requirement must be met prior to the issuance of a Certificate of Occupancy. Applicants choosing to purchase a piece of art are encouraged to submit an Initial Art Plan and meet with the Public Art Committee to demonstrate that the proposed development or project will comply with the ordinance. The art contribution should be approved by the Public Art Committee as being in compliance with the ordinance. Approved artwork must be installed in accordance with approved construction and landscape plans.

4. Artwork selected by the developer must be integrated with the project, be located on an exterior of the structure or the building site, be visible to the public at all times and be accessible for at least 40 hours per week.

5. The location of the artwork should be in an outdoor location to allow unrestricted visibility by the public 24 hours per day. Approved sites are Town owned property, including

rights-of-way, parks, Community Center/Town Hall complex or the developer's own property. Art on private property will be supported entirely by private development; the Public Art Committee will be available and facilitate the private developers' identification of art opportunities and selection of artists.

6. A plaque will be placed that will identify the art and the artist.

#### **B. Eligible Costs for Calculating 1% Contribution**

The following costs may be included in the calculation of the developer's required art investment.

- Professional artist's budget, including artist fees, materials, assistants' labor costs, insurance, permits, taxes, business and legal expenses, operating costs and art dealer's fees if such fees are necessary and reasonable.
- Fabrication and installation of the artwork, including base and/or foundation if necessary.
- Site preparation for artwork.
- Structures enabling the artist to display the artwork.
- Documentation of the artwork.
- Acknowledgment plaque identifying the artist, artwork and development.

#### **C. Responsibility After Installation**

1. Art located on the developer's property will remain the developer's property, subject to a covenant on the part of the developer that the piece will remain in public view. It will be the developer's and subsequent property owner's responsibility to insure and maintain the piece of art. The insured value must equal the appraised value.

2. Art located on Town-owned property shall be dedicated to the Town. The art's final location will be reviewed by the Town's Facilities Division to ensure compliance with the ADA, if applicable, and to minimize conflicts with public utilities in Town rights-of-way. The Town will insure and maintain all pieces on Town-owned property.

#### **D. Approval Process**

The following checklist has been prepared by the Public Art Committee to help a developer create a successful public art project. A developer should contact the Public Art Committee with any questions about the approval process.

1. Initial Art Project Plan. If the applicant chooses the option of acquiring a piece of art, he/she shall prepare an Initial Art Plan. The applicant shall send (via U.S. mail or electronic mail) the Initial Art Plan and one-page narrative to the Public Art Committee with the following information:

- Initial ideas for the art project.
- The required art investment.
- The artists being considered and the type of professional artist needed for this project.
- Name of professional artist, if selected.
- Developer goals for the project.
- Concepts and budget for the proposed artwork.
- Location and visibility of proposed artwork.
- The Public Art Committee will notify the Planning & Zoning Department that an Initial Art Plan has been received.

2. Public Art Committee Submittal. When the developer is ready for the proposed art project to be reviewed, he/she shall: (i) contact the Public Art Committee to verify a meeting date and (ii) deliver five copies of the following information and submit it to the Public Art Committee one week prior to the scheduled meeting.

- Narrative description of proposed artwork.
- Budget detailing applicable costs: artist's fees and expenses, costs for fabrication, installation, site preparation, structures to display artwork, plaque, and administrative costs.
- Agreement between the developer and artist(s).
- Scale site plan and landscape plan.
- Scale drawing or model.
- Perspective view showing the proposed artwork in the development context.

3. Public Art Committee Review. The developer (or authorized designee) shall present the Initial Art Plan at the Public Art Committee meeting to discuss the proposed Initial Art Plan. The Public Art Committee will review the art project plan considering comments, needs, values and these guidelines. Prior to making a recommendation, the Public Art Committee will consider the following:

- Is the selected artwork produced by a professional artist? The Public Art Committee will review such items as the person's educational background in the arts, arts accomplishments within the past five years such as gallery or museum exhibits, and the person's recognition by accepted arts organizations as an artist. The artist should be a practitioner in the visual arts, generally recognized by his or her critics and peers as a professional possessing serious artistic intent and ability.

- Are the budget items and total amount acceptable to meet the minimum art investment for the development?
- Is the proposed artwork visible to the public 24 hours each day and accessible at least 40 hours per week? The Public Art Committee will review the artwork plans and its placement in regard to the public visibility and enjoyment of the artwork.

The content of the artwork is developer-selected; however, the Public Art Committee will be interested in the durability, safety, placement and visibility of the exterior art project.

4. Public Art Committee Approval. The Public Art Committee will consider the proposed artwork at its next scheduled meeting following submission by a developer. The developer and artist are not required to attend this meeting. After its review, the Public Art Committee will forward a recommendation on the proposed artwork plans to the Town's Planning and Zoning Department.

5. Final Approval. The recommendations of the Public Art Committee will be forwarded to the Planning and Zoning Department. The Zoning Administrator shall review the Public Art Committee's recommendation and shall ensure that the proposed artwork will meet the public art requirements of the Zoning Ordinance before a Certificate of Occupancy is issued.

## V. ACQUISITION AND INSTALLATION COSTS

### A. Acquisition Costs

The Public Art Committee strives to raise funds to pay for as many Acceptable Art pieces as possible. Fund raising may be a community wide effort, such as the drive led by our local real estate community resulting in the purchase of *Circle of Peace*, or simply an attempt to identify individual donors or groups of donors who will purchase such works. This type of acquisition represents the majority of the works approved by the Public Art Committee. If and when a potential source of funds is located, and sometimes before that, the artist is contacted to see if an acceptable price can be established. The Public Art Committee should seek discounts because experience has shown that a discount from gallery prices from 30% to 40% can usually be negotiated.

### B. Installation Costs

Most items have little or no installation cost other than Town staff time. Some, such as the sites for *Joy of Music* and *Self Made Man*, have required significant installation expenses. Where outside costs are necessary installation costs shall be allocated as follows:

1. If a piece of Acceptable Art is to be purchased as a result of a community wide fund raising effort, such as the drive to purchase *Circle of Peace*, then that fund raising effort shall include the cost of installation.

2. If a piece of art is to be purchased with money from the Fountain Hills Public Art Fund, then that fund should also be the source of installation costs.

3. If a piece of art is to be donated by one or more individuals, then the cost of installation should come from funds allocated by Town Council, which could be the Fountain Hills Public Art Fund or any other source of funds, as determined by the Town Council in its sole discretion.