

BOARD OF ALDERMEN

Item No. E(2)

AGENDA ITEM ABSTRACT

MEETING DATE: November 18, 2003

SUBJECT: Art In Town-Owned Buildings

DEPARTMENT: Manager	PUBLIC HEARING: YES ___ NO <u>x</u>
ATTACHMENTS: A. Resolution B. Agenda abstract on "Establishment of an Arts Committee" dated September 2, 1997 C. Chapel Hill Public Arts Commission Policy	FOR INFORMATION CONTACT: Mike Brough- 929-3905

PURPOSE

The recent controversy over a painting included as part of an exhibit of art in the Town Hall has highlighted the lack of a town policy regarding the placement of such art in town-owned buildings. The purpose of this item is to provide the Board with the opportunity to discuss the general content of a policy on art on town property.

INFORMATION

In 1997, the Board approved the establishment of an Art Committee consisting of no more than five members. See Attachment B, the Agenda Abstract on "Establishment of an Arts Committee"). The Committee's charge was "to recommend to the Mayor and Board of Aldermen a policy on art work to be displayed in or on public facilities" and to "organize and provide the necessary volunteers to display art work under the policy adopted by the Board." At present, a volunteer contacts artists and arranges for them to display their works within the Town Hall and the Century Center for a period of one to three months. The artists and the works that are displayed are selected by the volunteer.

The administration has reviewed policies on the placement of art in public places adopted by a number of municipalities in this state and others. None appears to be well suited to our circumstances. The policies do suggest, however, the types of issues that the Board may want to address. With guidance provided by the Board on the following matters, a proposed policy can be prepared.

1. *Continuation of the policy of rotating displays.* The first issue is whether the Board wishes to continue the policy of placing works of art of various artists on a rotating basis within the Town Hall and Century Center. The alternatives are to purchase permanent art work or leave the walls undecorated.

2. *First Amendment concerns.* If the Board wishes to continue to place within town owned buildings artwork that the town does not own, then it can do so using two alternative approaches. If the Town's principal objective is to beautify its buildings, then the Town, like any other owner of a building, can make subjective aesthetic judgments as to the artwork it wishes to display. Those subjective judgments can involve a process designed to screen out types of art that do not fit the town's objectives. Alternatively, the Board could choose to create a "public forum" in which artists are invited to display their works, primarily for the benefit of the artists. Under this approach, the Town, being constrained by the First Amendment, could not exercise control over the content of the artwork displayed (subject to very narrow exceptions, such as pornography).

3. *Scope.* Should the policy cover only collections that rotate, and do not become the property of the Town, or should the policy also deal with Town acquisition of art that is to be owned by the Town (including artwork that may be located on town owned property outside the Town Hall or Century Center)? Different selection criteria and selection processes may be followed depending on whether the artwork is being purchased by the Town for permanent display or "borrowed" for temporary display.

4. *Selection Criteria.* What standards, if any, should govern the selection of artwork to be displayed? The Chapel Hill policy (Attachment B) contains no standards; it simply establishes a selection panel that makes the selections. Guidance could be general (e.g., "suitable for public display in a governmental building open to the general public") or more specific (e.g., "no artwork addressing specific religious or partisan political themes").

5. *Selection process.* (a) Who should be responsible for making the selection process? Presently, that task has fallen to one member of the Arts Committee. (b) Should the manager or Mayor or Board members have the discretion to direct the removal of artwork deemed unsuitable? That is how the current informal policy has operated. (c) Should a formal application process be established, such as that followed in Chapel Hill (see Attachment C)

6. *Duration of the displays.* Presently, the displays tend to remain for up to three months.

FISCAL IMPACT

None

ADMINISTRATION'S RECOMMENDATION

The administration recommends that the Board of Aldermen provide direction to the administration on whether the Board wants a policy on art in town owned buildings to be drafted and, if so, how the issues described above should be handled.