



**ARTS COMMISSION
REGULAR MEETING
TUESDAY, MARCH 3, 2020 – 6:30PM – 8:00PM
ROOM 220, CITY HALL, 125 EAST AVENUE, NORWALK, CT
AGENDA**

I. CALL TO ORDER

II. ROLL CALL

III. PUBLIC PARTICIPATION

IV. ADMINISTRATION

- a. Approve the minutes of the February 4, 2020 regular meeting.

V. COMMITTEE/STAFF UPDATES

- a. Budget Committee Update
 - i. Finance update
 - ii. Recap of 2020 budget
- b. Communications Committee Update
 - i. Social Media update
 - ii. Art Speak update
- c. Infrastructure Committee Update
 - i. Gallery updates
 - ii. Public Art Policy update
 - iii. Bylaws update

VI. OLD BUSINESS

VII. NEW BUSINESS

- a. Nice Festival
- b. Sono Arts Festival
- c. Make Music Day
- d. Photographing the Public Art Collection
- e. Art Hanging System in the Mayor's Gallery and People's Gallery

VIII. ADJOURNMENT

**Future Meetings
April 7, 2020 – 6:30pm – Room 101**

CITY OF NORWALK
ARTS COMMISSION
REGULAR MEETING
FEBRUARY 4, 2020

ATTENDANCE: Marc Alan, Chair; Peter Smyth; Melissa Matuska; Robert Abriola;
Emerson Straniti; Nori Grudin; Helen Roman; Kadeem Roberts

STAFF: Sabrina Church

OTHERS: Brian Kaspr, Payton Turner

CALL TO ORDER

Chairman Marc Alan called the meeting to order at 6:35 PM. A quorum was present.

Mr. Alan said that Jennifer Bangser and Sharon Baanante have both resigned from the Commission, and that Mr. Kaspr is seeking an appointment from the Mayor.

PUBLIC PARTICIPATION

There was no public comment at this time.

APPROVAL OF MINUTES

****MS. MATUSKA MOVED TO APPROVE THE JANUARY 7, 2020 MINUTES**

****MS. GRUDIN SECONDED**

****MOTION PASSES UNANIMOUSLY.**

COMMITTEE/STAFF UPDATES

Mayor's Gallery

Ms. Roman said that they were ready to put up the exhibit by Friday and the supporting materials were out to print. She said that she was looking to confirm that Mayor's schedule on Thursday, February 13. Mr. Alan recommended that Ms. Roman contact the Mayor's Assistant, Sally Johnson about scheduling. Mr. Smyth said that he would prepare a Facebook post about the event.

Mr. Alan brought up the budget for the event. Ms. Church said that there was no need to vote on it because it was already planned to support that expense in the original budget. She said that, if the proposed cost of any event or expenses were to be over \$1,000, then they would need to provide two estimates or quotes for that with their submission for reimbursement or payment.

Ms. Roman said that SPAG will host the next gallery event.

Mr. Abriola said they haven't yet presented it to SPAG, but they expect they'll be fine with it.

Mr. Alan said that Ms. Roman is the primary point person for the Mayor's Gallery.

Ms. Roman said that the Children's Show follows the SPAG show. Ms. Grudin said that the teachers take care of the kids show. Ms. Matuska said that the winners of the kids show go from the Mayor's Gallery exhibit to the 4th Floor of City Hall permanent exhibit, unless they request otherwise.

Budget Committee Update

Ms. Grudin said that they had paid HootSuite \$370.10 and Telesco \$170.00. She said their balance is now \$20,800.22.

Ms. Church said that the Arts Commission has five months left to spend the budget.

Ms. Matuska suggested investing in marketing and in the Mayor's Gallery. Ms. Roman said that the Mayor's Gallery could use a hanging system. Mr. Alan said Laiose King said that the Mayor's Gallery might be moving with the reorganization of City Hall. Ms. Roman said that they could install the hanging system in the People's Gallery and then move it to another gallery.

Mr. Smyth mentioned discussing future budgeting within the infrastructure committee and suggested that they hire a consultant to complete Public Art Inventory Project.

Communications Committee Update

Mr. Smyth said that he provided a list of venues last week for the commission to review, but nobody has commented since then. He said that, after they finish revising the list, that they can design the Art Trail.

ArtSpeak

Mr. Smyth said that they had a logo in progress and that Mr. Abriola's girlfriend is working on that. Mr. Abriola said that ArtSpeak is an event for arts awareness and networking for urban artists in the area. He said they want a female on the panel discussion. Mr. Smyth said that they anticipate

75-100 people in attendance. Mr. Abriola will be the master of ceremonies and Leslie will moderate the discussion. There will be networking from 6:00-7:30 PM with light food followed by a 2-hour presentation/panel.

Mr. Smyth said that they were considering charging \$5-10 for tickets. Ms. Matuska suggested a free ticket promotion. Mr. Alan suggested a V.I.P. guest list. Mr. Alan said that, by using Brown Paper Tickets, they can collect emails from attendees.

Ms. Church said that they cannot use public money to buy alcohol for the event. Mr. Alan suggested a cash bar. Ms. Matuska suggested that they offer attendees a glass of wine or beer with the purchase of a ticket. Mr. Straniti recommended that they ask for a suggested donation instead. Ms. Matuska said that the MC should announce the suggested donation at the end of the show, as everyone is leaving.

Mr. Roberts suggested that they open the networking event up to other urban artists, and recommended they allow other artists to bring in their pieces. Mr. Smyth said that the pieces should fit a theme. Ms. Church suggested that they create a Norwalk Now business page to promote the event and future events. Mr. Smyth said that they will finalize these details by next week.

Mr. Smyth said they did a boosted Facebook post for Fivefingaz that reached 1,500 Norwalkers, but they are not coordinating with businesses. He said that Facebook rewards posts with more reach based on the level of interest in the original boost. Mr. Alan said that they could promote using Facebook Groups, which do not require any payment. Ms. Turner suggested that members of the commission comment on these posts with emojis and other text, which hacks the algorithm and makes the post more visible.

Infrastructure Committee

Mr. Abriola said that they should regulate public art with maintenance to prevent vandalism. He suggested that they use anti-graffiti coating and mandating protection of paint. Ms. Church reminded him that they cannot mandate anything on private property.

Mr. Alan asked if they should evaluate all the existing murals in Norwalk, or if they should grandfather them. Ms. Church said they should grandfather them in. Mr. Alan said that the Department of Buildings should help to maintain poorly preserved murals. Mr. Smyth said that they have not gotten a second legal opinion on regulating public art on quality yet.

Mr. Alan spoke about his experience in San Juan, Puerto Rico. He said that muralists come from around the world to paint in one area in the ghetto. He wondered if by creating more regulations, that would deter a higher quality of art.

Mr. Smyth asked where the line is when the arts commission could police content. Mr. Alan said that they could regulate profanity and hate speech/imagery.

Mr. Straniti request that they take the section on private property out of the policy. Mr. Alan said that there is a danger to taking the section on private property out of the document.

Mr. Kaspr said that the goal for art on private property is to not irritate the neighbors.

Mr. Alan suggested they investigate the nuances between public art and signage with regards to paint deterioration.

Mr. Smyth suggested they schedule a mural meeting.

Ms. Church suggested creating a final draft for review that includes a process for accepting public art, excludes the library (because of their policy on media donations), and adds language on insurance. Mr. Alan said that there should be a checklist.

****MS. MATUSKA MOVED TO CHANGE THE NAME OF THE INFRASTRUCTURE COMMITTEE TO THE PUBLIC ART COMMITTEE**

****MR. ROBERTS SECONDED**

****MOTION PASSES with 1 opposed (Smyth).**

NEW BUSINESS

Mr. Alan said that Diane Lauricella asked to distribute information regarding the Norwalk-to-Bridgeport high school lyrics contest about the U.S. Census.

Ms. Church gave a budget update and said that \$50,000 passed through the finance committee.

Make Music Day

Mr. Alan said that Make Music Day would take place on June 21. He said that he worked with Norwalk Now to plan this, and he would like to see the arts commission voiced in this project. He said that he spoke to Lindsay at the SoNo Arts Festival about this. He said last year they didn't have the resources and there might be a small cost associated with it, or it might for free. He said they are looking for people power to help.

Mr. Abriola said that he has a music and art event at Fairfield Theatre Company on February 13.

****MS. MATUSKA MOVED TO ADJOURN THE MEETING AT 7:58**

****MR. SMYTH SECONDED**

****MOTION PASSES UNANIMOUSLY.**

Respectfully submitted,

E.A.Sheils

Telesco Secretarial Services

CITY OF NORWALK, CT

Standards and Conditions for Donations, Loans, Commissions and Deaccessioning of Public Art for the Collection of the City of Norwalk; Standards and Conditions of Permits for Art Installation in the Public Right of Way on Public and Private Property

TABLE OF CONTENTS

- I. Introduction – Pages 2 - 4**
 - A. Background and Statement of Needs, including process and timeline
 - B. Goals
 - C. Definitions
- II. Review Criteria for management of Public Art for the City of Norwalk – Page 5**
- III. Guidelines – Pages 6 - 13**
 - A. Public Art Opportunities
 - B. Donations of Artwork
 - C. Public Art Loans
 - D. De-accessioning and/or Relocations of Public Art
 - E. Public Art in the Public Right of Way; Zoning Permits
 - F. Community Arts Projects
 - G. Ownership of Purchased, Commissioned or Donated Artwork
 - H. Exemptions and Exceptions
- IV. Seasonal and Thematic Displays – Page 13**
- V. Maintenance Plan – Page 14**

I. INTRODUCTION

A. Background and Statement of Needs

Since the City of Norwalk Public Art Policy was written and adopted in 2015, the Norwalk Arts Community has grown significantly, leading to new opportunities, as well as challenges. Responding to these issues, the Norwalk Arts Commission now sets out to update the Public Art Policy in 2019/2020 (this document).

Included in this amended document is a new definition of painted murals and other "wall art" in the public right of way, as well as an outline of the process by which artists and project curators can apply for a Mural/Public Art Permit from the Department of Zoning.

The mural policy, in itself, was created after extensive research into how other municipalities in the State of Connecticut handle murals and other types of Public Art in their respective cities.

This policy was also created to meet goals that were identified by the Norwalk Arts Commission as important including:

1. *Encouraging high quality art in the Public Right of Way*
2. *To achieve a balance between the rights of the Public and the rights of Property Owners, Artists and Project Curators.*
3. *Creating a comprehensive, streamlined approval process that will encourage positive engagement with the Arts Commission by the Norwalk artist community.*

Over a period of many years, the City of Norwalk has acquired loans, donations and commissions of artworks large and small that constitutes the City of Norwalk Public Art Collection. Public buildings, public parks, beach-fronts, sidewalks and plazas display the wide range of creations, supported by public and private groups, businesses and individuals in the community. This public art contributes to the image and spirit of Norwalk and helps demonstrate its diversity.

However, this gradual accumulation of disparate works of art, ranging from monumental sculptures to framed watercolors, came about without a central aesthetic or common set of policies or procedures, leading at times to issues of maintenance and care, questions concerning quality and an absence of documentation and promotion that could elevate the City's presence and reputation even further regionally and nationally.

One of the tasks of the Norwalk Arts Commission since the 2018 revision to this document, has been to create a comprehensive inventory of the more than 100 works owned by, or loaned to the City. This work, when completed, provided a valuable resource that could be utilized by all agencies to advance their goals and programs, including economic development, redevelopment and tourism plans.

The Norwalk Arts Commission has now tasked itself to updating this inventory, with greater Public access to information concerning the collection. The goals of this are to increase community pride, and

promote public interest in learning about the works, as well as the artists which created them. A broad goal of the project is to highlight Norwalk as Connecticut's "City of the Arts," by increasing public awareness of the Public Art Collection, Norwalk's rich Art/Arts history, and in its extensive community of Artists.

A short list of the tasks outlined in this Policy to support these goals:

- Revised Public Art Policy (this document)
- Updated inventory of existing public art holdings
- Research and recommendations for utilizing digital and on-line database platforms to present this information in a way to be easily accessible to the Public

The policies and procedures for Public Art activities outlined in this document assume certain factors:

1. The final version of the Policy and Guidelines is to be adopted by Common Council.
2. Adequate staffing and administrative support provided by the City of Norwalk to the Norwalk Arts Commission, to coordinate and manage the Public Art Collection, as well as to support the outlined Projects and Initiatives. As of January 2020, this staffing and administrative support is being provided through the City of Norwalk Office of Economic and Community Development, supported by the Office of Business Development and Tourism.

B. Goals

3. Maintain high artistic standards in works of art displayed in the permanent and temporary collections and spaces of Norwalk, including murals and other "wall art," art installations, including sculpture, and art of mixed media.
4. Enhance Norwalk's image locally, regionally and nationally by acquiring and presenting high quality public art works, either through purchase, gift or loan.
5. Create exciting, appealing and harmonious spaces by integrating public art into architecture, urban design and public space planning.
6. Build awareness of community history, culture and geography, especially where it relates to the history of Norwalk as a "City of the Arts."
7. Strengthen community pride and encourage Cultural Tourism city-wide.
8. Encourage creative collaborations between public and private sectors.
9. Provide uniform procedures and policies for donations, loans, commissions and de-accessions of public artwork in Norwalk
10. Outline the responsibility of the Norwalk Arts Commission (and relevant agencies) for the oversight in managing and maintaining the City's public artworks.
11. Facilitate planning for the placement of works in City facilities and public spaces in accordance with Master Plans and/or other reports.
12. Assure appropriate recognition of contributing artists and owners of artworks donated or loaned to the City of Norwalk.
13. Create safe and accessible public art areas.
14. Care for the collection with an ongoing review and tracking system for maintenance needs.
15. Create a fund for the maintenance of the public art collection for future generations.

C. Definitions**1. Public Art**

- a. Encompasses the broadest definitions of visual art, including the imaginative use and interplay of all artistic disciplines: shall include art work which is to be an integrated part of a public right of way or facility or building, including but not limited to, fresco, mosaic, mural, or other "wall art," sculpture and other architectural embellishment or functional art created by an artist, artisan, or craftsperson.
- b. Shall include any work of original visual art that evokes meaning and enriches the City. (which is not to be an integrated part of a public right of way, facility or building), including but not limited to, a drawing, painting, sculpture, mosaic, photograph, work of calligraphy or work of graphic art or mixed media but is otherwise publicly accessible .
- c. May include temporary visual art, music, dance, and other performance art, installations, events and other temporary works.
- d. Should consider the site, its context and its audience.
- e. May possess functional as well as aesthetic qualities.
- f. Work of art does not mean landscape architecture or landscape gardening.

2. Donations: A donation, for these purposes, may be any work of art given to the City for public use or display, whether by the artist or subsequent owner, any real property transferred to the City for placement of artwork, or funds given to the City for the acquisition of artwork and/or its maintenance.**3. Loans:** A loaned artwork is a work of art entrusted to the City for a period of time, to be returned to its owner at the end of the use period.**4. Eligible Public Art Projects**

- a. Commissions of permanent works designed for specific public sites in Norwalk.
- b. Loans or donations of works of art.
- c. Installations and other projects or planning activities that result in the creation of temporary or permanent public art.

5. The Norwalk Arts Commission (NAC): The Norwalk Arts Commission serves as steward of the City's public art collection. For each new public art project, NAC assists in the development of project parameters, including artist selection process and selection criteria; and provides recommendations for prospective selection panelist members.**6. The City:** The City of Norwalk, Connecticut

II. REVIEW CRITERIA

The following criteria will be used by the Norwalk Arts Commission in determining the merit of any proposed addition or other change to the Public Art Collection:

1. Aesthetic

- a. The artwork should represent excellence in enhancing the aesthetic environment of public places within the City.
- b. The artwork should be of exceptional quality and enduring value, engaging qualified and experienced artists.
- c. The commissioning process should:
 - i. Value artists and the artistic process by providing a range of creative opportunities for artists with differing levels of experience, as appropriate to the project in question;
 - ii. Ensure the ongoing integrity of artworks; and
 - iii. Respect the creative rights of artists, always involving artists directly in the concept, design and creation of artworks.

2. Financial

- a. Budgets for new commissions should adequately support artists and the creative process. Budgets for donations and loans must adequately support the maintenance and preservation of the artworks within the scope of the City's responsibilities.
- b. Resources should be used wisely to develop and sustain projects in a cost-effective manner by examining the cost of fabrication, installation, insurance and maintenance of proposed artwork.

3. Environmental

- a. Appropriateness of the artwork to the site shall be considered, including but not limited to the social, cultural, historical and physical context of the site, either existing or planned. Scale of artwork in relation to the site and impact on the ecology of the site are also issues to be considered.
- b. The artwork should contribute to the City's vitality and promote the City as a regionally, nationally and internationally recognized arts city and tourist destination.
- c. The artwork should enhance community identity and place and celebrate the City's cultural communities.
- d. Special attention must be given to any artwork to be placed in a public right-of-way. Such artwork must be located outside the pedestrian zone unless integrated into the walking space and must not interfere with vehicular sight lines if installed in an area adjacent to roadways.
- e. Consideration must also be given to any ADA requirements.

III. GUIDELINES

A. Public Art Opportunities

Based on recommendations of the Norwalk Arts Commission, and subject to ratification by another initiating agency or department where applicable, commissions may be awarded by competitive proposal process or invitation, subject to funding restrictions.

Funding for these commissions may be provided through the Norwalk Arts Commission Operating or Capital budgets, through City, State or Private Grants, or other City Agency Operating or Capital budgets. All recommendations for funding must be approved by the Arts Commission Voting Membership.

The selected artist(s) would be commissioned to create original artwork consistent with the artist(s) proposal. Prior to selection processes outlined below, appropriate notice shall be given to artists who may wish to participate by use of one or more of the following methods:

- a. Specific projects will be announced on the City's web site.
- b. Announcements shall be distributed to arts organizations, art schools, art centers or museum and arts service organizations.
- c. The opportunity will also be announced through use of appropriate media such as online newsletters, blogs, listings, and social media platforms.
- d. Press releases as appropriate.
- e. Email alerts to arts organizations and artists who request inclusion in an email list

Commissions may be awarded as follows:

- a. *Request for Proposals (RFP)*: an RFP requests an artist's or team's qualifications, examples of past works, a description of their working process and preliminary ideas and design concepts.
- b. *Open Competition*: an artist or artists may be chosen through a competition whereby all artists are welcome to submit proposals that meet the requirements established Norwalk Arts Commission, supported by the Office of Economic and Community Development and administrative staffing by Office of Business Development and Tourism, in consultation any other initiating agency or department where applicable.
- c. *Closed Competition*: an artist or artists may be chosen through a limited entry competition, for which artists are invited to submit proposals according to criteria established by the Norwalk Arts Commission, supported by the Office of Economic and Community Development and administrative staffing by Office of Business Development and Tourism, to review submissions. (E.G. An example of a closed competition may be one that seeks to engage local working artists, such as the Traffic Graphic program)

Final proposals for commissioned work shall include:

- a. Artist's résumé
- b. Digital images of previous work

- c. Description of proposed/concept in response to the published call for proposals
- d. Drawings, photographs or digital simulations that demonstrate the relationship and scale of the artwork to the site
- e. Material samples for the artwork and any relevant construction materials (if applicable)
- f. Installation details and requirements
- g. Timeline for project
- h. Detailed budget including artist fees, installation cost estimates, including identifying markers or plaques consistent with current signage on existing City public artworks, documentation during creation, and proof of public liability insurance.
- i. Description of fabrication materials, maintenance requirements and estimate of annual maintenance costs

Artist selection criteria for commissioning new public art should include the following considerations:

- a. Are the artist's submissions, previous work and/or proposed idea of high aesthetic quality in concept and execution?
- b. Does the artist have a significant or engaging body of work?
- c. If applicable, does the artist have experience collaborating with architects and other professionals? Does the artist have experience with architectural and engineering drawings and methods?
- d. Does the artist have experience in comparable projects with regard to scope, budget size, artistic discipline etc.?
- e. Is the artist familiar with, or interested in researching, the community or setting and its characteristics, including history, identity, geography and cultures?
- f. Do the artist's previous projects or proposed ideas have the potential to attract visitors and residents?
- g. If applicable, does the artist have experience working with communities and with diverse groups?
- h. Does the artist have experience in projects that bring people together or help create gathering places?
- i. Is the proposed project or process an opportunity to nurture an emerging artist?
- j. Is the artist's previous work or proposed project sustainable, secure and technically feasible?
- k. If applicable, has the artist's previous work been completed on time and within budget, and is the artist able to work within the City's timeline and budget?

B. Donations of Artwork

The City may seek to foster a donation program that engages donors (both artists and owners of artworks) and clearly communicates the City's public art goals, policies and procedures in order to obtain high quality public artwork for the City.

Donations will be reviewed and confirmed by Vote of the Norwalk Arts Commission, supported by the Office of Economic and Community Development and administrative staffing by Office of Business Development and Tourism. Display of the Art may be subject to further approval by other City Agencies,

Departments and Commissions, including, but not limited to the Department of Parks and Recreation, the Mayor's Office, and the Common Council. In such circumstances, The Norwalk Arts Commission will make recommendations as to acceptance of proposed donations and any appropriate stipulations to be made applicable to such.

Donation Acceptance Criteria

The City shall accept donated artworks only when:

1. The work has artistic merit
2. The work augments, rather than disrupts, the overall City collection
3. Such gifts are offered without restrictions as to future use or disposal;
4. The placement of the artwork is not stipulated as a condition of the gift;
5. There is no obligation on the part of the City to display the artwork;
6. The City may deaccession the artwork if it is deemed necessary for public good.

Donations or Loans of artwork shall be accompanied by:

1. A detailed description, including digital images, of the artwork;
2. A résumé detailing the qualifications and other pertinent information regarding the artist, and appropriate publicity materials;
3. The cost of moving, storing or installing the artwork;
4. A legal instrument conveying title to the artwork, such as a Charitable Gift Agreement, executed by the donor and the City enumerating any conditions of acceptance of the gift that the City has agreed to;
5. A statement of value or current appraisal by the donor or a professionally accredited appraiser;
6. A warranty of originality of the artwork (i.e., the work must be an original or limited edition) and documentation of its provenance (where possible).

Maintenance

The donor shall provide the Recreation and Parks Department, and other departments as needed, with detailed maintenance instructions for the artwork.

Insurance

The donor is responsible for all insurance costs until title to an artwork is transferred to the City. Prior thereto, the City must be named on all insurance documents as an additional insured party, and proof of insurance must be included in the final accepted proposal packet.

Acknowledgement

The donor must agree to the placement of a plaque or sign on or near the artwork, crediting the artist, acknowledging the donor and recognizing the gift to the City. Such signage must conform to City standards for public art signage.

Gifts to the City

Gifts presented to the City by outside governments (municipal, state, or national) or by individuals or business entities, may be accepted by the City of Norwalk by the following process:

1. The gift is reviewed by the Norwalk Arts Commission on look, feel, form, and function.
2. The Arts Commission forwards their recommendation and comments to the appropriate Committee of the Common Council.
3. Location and placement of the art is subject to approval by the appropriate Committee(s) of the Common Council or other entities which could include but are not limited to the Parks and Recreation Committee, Planning Committee, and/or the Board of Education.
4. The Common Council considers the acceptance of the gift with a recommendation from the NAC and the appropriate previous committees.
5. Should the Common Council approve the acceptance of the gift, the agreement will be finalized through the City of Norwalk Law Department.

C. Public Art Loans

Loans of artwork shall be governed by a loan agreement. A loan agreement may be entered into with art museums and arts organizations, galleries, other institutions, private individuals or individual artists, for the placement of art in public places for periods of one month to a year.

The loan agreement will state the length of the loan and other terms such as location, maintenance requirements, and vandalism responsibilities. The agreement will also stipulate: value of artwork; insurance requirements; shipping and installation; and removal responsibility.

The Review Criteria as outlined in B-3 should be considered, provided that any artwork(s) to be displayed on City property for ninety days or less may be exempt from the Review Criteria considerations at the discretion of the Norwalk Arts Commission. For example, short-term displays in the Mayor's Gallery at City Hall.

D. Deaccessioning and/or Relocation of Public Art

The City may deaccession (i.e. remove an artwork) from the City's collection (by selling, returning, donating or destroying it) with the agreement of the Norwalk Arts Commission, and any related City Agency, Commission or Department, only when it finds such action to be in the public interest, or as a means of improving the quality of the collection, or for the purposes of public safety and in compliance with applicable laws and regulations governing the same.

Works of public art may be relocated or removed if a piece becomes a hazard or liability or if the adopted terms of acceptance are not fulfilled.

Deaccessioning should be cautiously applied, only after careful and impartial evaluation by the Norwalk Arts Commission, Office of Economic and Community Development and administrative staffing by Office of Business Development and Tourism, Friends of the Norwalk Arts Commission, art professionals, the public, and the artist(s) and where/ whenever required by the appropriate state or federal agency. The Norwalk Arts Commission, assisted by its administrative staff, shall make all reasonable efforts to locate the donor, artist or his/her heirs.

Deaccessioning of any artwork must take into account adherence to the Visual Arts Rights Act of 1990, which states that “significant or substantial distortion, mutilation, or other alteration to a pictorial, graphic or sculptural work, which is publicly displayed, caused by an intentional act or by gross negligence, is a violation of the exclusive rights of the copyright owner where the author of the work is the copyright owner”.

Deaccessioning or relocation of artwork may be considered for one or more of the following reasons:

- a. The condition or security of the artwork cannot be reasonably guaranteed in its present location.
- b. The artwork cannot be properly cared for or stored by the City.
- c. The artwork presents a public safety risk.
- d. The artwork is damaged and repair is not feasible.
- e. Significant changes in the use, character or design of the site require a revaluation of the artwork’s relationship to the site.
- f. The site has become unsafe, no longer accessible to the public or is due to be demolished.
- g. The artwork requires excessive maintenance or has failures of design or workmanship.
- h. The original artistic integrity of the artwork is no longer intact or can no longer be maintained.
- i. The cost of repair or conservation is more than fifty percent (50%) of the original commission costs or current appraise value.

A decision to de-accession, relocate or dispose of an artwork must be explaining in writing and made public. Preferred methods of de-accession are:

- a. Relocation of the artwork to another site within the City departments or agencies
- b. Removal of the artwork from public display and subsequent storage
- c. Donate the artwork to another government entity or non-profit, civic, charitable or cultural organization that will properly install and display the artwork in a public space.

If the work is sold, the City shall use any monies realized in one or more of the following ways: to purchase, commission or cause to be created other work(s) for the collection; add the proceeds to the City’s Public Art Maintenance Fund (if such Fund is established upon adoption of these guidelines); produce supplementary materials to promote and support the public art collection, such as brochures,

digital products etc.; and/ or in support of additional activities associated with the public art collection, such as docent training, administrative internships or other art educational programs.

Every effort shall be made to honor the wishes of the donor or heirs of the donor concerning the de-accession of the artwork, provided although express agreement to the de-accession shall be solicited from the donor or heirs of the donor, such agreement shall not be required. The City may dispose of de-accessioned works by such means as may be warranted by each circumstance.

If the City elects to sell the artwork in question then:

1. The artist/donor will be given the right of first refusal to reacquire the work at fair market value, original price, or at no cost, depending on the recommendation of the Office of Economic and Community Development with a recommendation from the commission. The cost of removal shall be borne by the artist/donor.
2. The City may sell the artwork through a dealer.
3. The City may sell the work through competitive bidding.
4. The City may sell the work through a Public Sale.

If a marginally significant work has deteriorated to such an extent that it is irreparable and unsuitable for exhibition, the City may elect to destroy it upon deaccession, which should be accomplished in accordance with all applicable state and federal laws and regulations.

E. Public Art in the Public Right-of-Way on Public Property

No individual or private group may own permanently installed artworks in the Public Right-of-Way that is attached or otherwise installed on a Public building, structure, or facility.

The Norwalk Arts Commission will serve as the first point of contact and act as coordinating agent for applicants wishing to place temporary or permanent artworks in the public Right-of-Way that is to be attached, affixed, or otherwise installed on a Public building, structure, or facility. The Arts Commission shall vote to recommend the project for consideration by the Common Council.

An application to the Common Council shall be completed for all potential art projects to be located in the public Right-of-Way, attached, affixed, or otherwise installed on a Public building, structure, or facility.

Specific submission requirements may include without limitation:

- a. A description, digital image, photograph, model or drawing of proposed artwork.
- b. Statement indicating the duration of the artwork's installation in the Right-of- Way.
- c. Evidence of liability insurance
- d. Detailed maintenance requirements and written maintenance agreement.
- e. Access and safety considerations

Public Art located in the public Right-of-Way must be outside the traffic sight lines and pedestrian zone unless integrated into the walking surface, and should conform to all terms and conditions and requirements of the City, including the Department of Public Works and any applicable State or Federal traffic safety standards and requirements.

These guidelines for Public Art in the Public Right-of-Way on Public Property shall be in effect regardless of the source of funding for the project.

F. Community Arts Projects - Public Art in the Public Right-of-Way on Private Property

The City of Norwalk is experiencing increasing interest in the creation of murals, and other types of "wall art," including but not limited to painted designs, fresco, mosaic tile installations, affixed and otherwise installed on Private Property. The requirements before installation are as follows:

1. Permits for such installations are issued by the Norwalk Department of Zoning.
2. Approval of these Public Art/Mural/"Wall Art" Permits are contingent on approval by the Norwalk Arts Commission, either through the recommendation of a future Public Art/ Murals Committee, or through its current Infrastructure Committee, assisted by its administrative staffing from the Office of Business Development and Tourism.
3. Painted or other designs that are deemed by the Arts Commission or subcommittee to be intended commercial signage shall be subject to further guideline approval of the Department of Zoning.
4. Approval by the Norwalk Arts Commission may be based on factors such as public safety, decency laws, location, and impact on the surrounding community, but shall not be based on content or messaging, with respect to the Freedom of Speech, as guaranteed by the First Amendment of the United States Constitution.
5. The Installation of the Mural and/or other "Wall Art" may require additional permits from the City of Norwalk Building and Code Enforcement Department if there is a use of scaffolding, or other such physical apparatus. Approval may also be required by the Department of Public Works if the installation would impede sidewalk traffic or other physical right-of-way.
6. Maintenance and Vandalism
 - a. One or more individuals with the project or community group to be identified as being responsible for on-going maintenance as needed. Project appearance should be assessed no less than once a year.
 - b. Artwork should be protected by anti-graffiti coating and security lighting against vandalism wherever reasonably possible.
 - c. Issues of long term maintenance or public art that falls into disrepair shall be the domain Department of Buildings or other city agency to be determined.
7. Publicity/Documentation
 - a. The planning, painting and installation process should be documented throughout with photographs (and video if possible) and with a follow up survey as appropriate.
 - b. A press release with photographs should be made available to media outlets.

G. Ownership of Purchased, Commissioned or Donated Artwork

Artwork purchased, commissioned or accepted as a donation will become the property of the City of Norwalk. Title for each work shall be transferred to the City. Upon acquisition of an artwork, the relationship between the City and the artist or donor will be defined by a legal instrument of conveyance addressing the terms of the acquisition, any instructions for proper care and maintenance of the work, and any special agreements regarding the manner in which the work may be deaccessioned, copyright, reproduction and resale issues.

H. Exemptions and Exceptions

Certain projects and commissions will be considered exempt from review and approval processes as outlined in this policy document, at the discretion of the Norwalk Arts Commission, and the City of Norwalk.

Examples:

- Ongoing educational programs at or on publicly owned sites and buildings which involve public school students under the guidance of a nonprofit arts, cultural or historical organization. Details of such programming should be supplied to the Norwalk Arts Commission in advance as logistical, promotional and/or documentary support may be available.
- Commissions, loans, gifts confirmed and contracted but not implemented or received before the implementation date of this policy

Exceptions:

This policy is not intended to apply to:

- The Norwalk School system.
- Assets under the jurisdiction of the Norwalk Historical Commission.
- The Norwalk Public Library or assets under the organization as it has its own Board of Trustees and staffing that oversee its inventory.

IV. SEASONAL AND THEMATIC DISPLAYS

Occasionally, The City may present temporary or seasonal displays of artworks centered on one type of object or centered on a theme. No general policy or procedures can be announced concerning such programs because the City, the visual arts, public interests and tastes are constantly evolving.

Such matters as traffic patterns, construction activity and redevelopment of neighborhoods, artistic techniques and materials, artistic visions and ideas of current interest can all affect a seasonal or thematic exhibit and all these factors must be considered simultaneously.

When and if such a temporary or seasonal display is planned, the Norwalk Arts Commission, through its Communications Committee, will announce the particulars of the project and how artists and others might participate.

V. MAINTENANCE PLAN

Artworks in the City's collection are located in a variety of environments. Some are installed outdoors; others are placed in semi-enclosed settings and others in indoor public spaces. Artwork can be affected by exposure to light (natural and artificial), wind, air-borne dust, temperature and humidity changes, vibration, precipitation and other conditions. On occasion an artwork may also suffer physical damage as a result of accident or vandalism. Without long-term maintenance, the artworks risk serious degradation as the collection ages.

In an attempt to mitigate these issues the following steps will be taken:

1. An inventory of all public art works shall be maintained and updated annually by the Norwalk Arts Commission
2. An evaluation of the condition of each artwork will be separately noted in the inventory report.
3. A professional conservator may be hired to assess certain works of art and make recommendations on cost and future care.
4. Partnerships in the private and public sectors may be sought to fund restoration costs.
5. The archive of the collection will be made accessible to the public.

NORWALK ARTS COMMISSION

BYLAWS

ARTICLE I

THE COMMISSION

Section 1. The Norwalk Arts Commission (hereafter referred to as the NAC or Commission) was established by the Common Council on February 28, 2017 pursuant to Chapter 17A Sections 17 A-1 through 17 A-3 of the Code of the City of Norwalk, as amended.

Section 2. The power of the NAC shall be exercised by a Commission consisting of eleven members.

ARTICLE II

PURPOSE and DUTIES

Section 1. The purpose of the NAC shall be to connect the arts and the community and to serve as stewards for the City's public art collection and cultural assets, increasing public awareness and community pride, ensuring high standards, for the benefit of future generations or as otherwise set forth in Section 17A-3 of the Norwalk City Code.

Section 2. In no event shall the acts or proposed acts of this Commission conflict with the lawful designated duties of any other body or commission of the City of Norwalk.

ARTICLES III

OFFICES

Section 1. The principal office of the NAC shall be 125 East Avenue, Norwalk, Connecticut, or at other such location as shall be established from time to time by resolution of the Commission.

ARTICLE IV

MEMBERSHIP

Section 1. The NAC shall consist of eleven (11) voting members. They shall include nine (9) members appointed by the Mayor with the consent of the Common Council and two members of the Common Council, but no more than one member from any political party. No person shall be appointed or reappointed to the Commission unless they are an elector of the City. Members of the Common Council may appoint a continuous designee (alternate) to represent him/her.

Section 2. Members appointed by the Mayor with the consent of the Common Council ~~after the initial staggered appointments in 2017~~ shall serve for a term of three years. ~~The first commissioners appointed in 2017 shall serve staggered terms: three commissioners shall serve for one year, three for two years, and three for three years.~~ Any vacancy shall be filled by the

Mayor with the consent of the Common Council for the unexpired portion of the term of the member whose place shall become vacant.

Section 3. Common Council representatives or their designees shall serve from the date of his or her appointment until expiration or earlier termination of his or her term. Representatives from city departments, arts organizations and arts-related businesses may serve as ex officio without the right to vote.

Section 4. There shall also be a category of non-voting members and friends who may attend and participate in meetings and serve on standing and ad hoc committees. The Commission invites and encourages the involvement of all interested community members and those who contribute to Norwalk's creative economy.

ARTICLE V **OFFICERS AND EMPLOYEES**

Section 1. The officers of the NAC shall be a Chair, Vice Chair, Secretary and Treasurer who shall be voting members of the Commission.

Section 2. At its first meeting subsequent to July 1 each year, the Commission shall nominate and elect ~~by ballot~~ a Chair, Vice Chair, Secretary and Treasurer to serve for one year or until their successors are elected. Their term of office shall commence on July first. Should the office of Chair, Vice Chair, Secretary or Treasurer become vacant, the Commission shall elect a successor at the next regular meeting, or special meeting called for that purpose, who shall serve for the remainder of the unfilled term.

Section 3. No member of the Commission shall hold more than one office at a time.

Section 4. The Chair shall preside at all meetings of the Commission. At all ~~meetings~~ of the Commission, the Chair shall submit such recommendations and information as he or she may consider proper concerning the business affairs and policies of the NAC.

Section 5. The Vice Chair shall perform all duties of the Chair in the absence or incapacitation of the Chair.

Section 6. The Secretary shall take or cause to be taken proper minutes of all meetings of the Commission, shall keep a record of all proceedings of the Commission, and shall perform all duties commonly incident to this office. In the absence of the Chair and Vice Chair, the Secretary shall call the meeting to order and preside until the immediate election of a Chair Pro Tem.

Section 7. The Treasurer shall oversee the Commission's budget(s) including the timely review and submission of invoices for payment, preparation of monthly financial statements, and ~~assist designated staff with~~ development of annual operating and other budgets as needed.

Section 8. The officers shall perform such other duties and functions as may from time to time be prescribed by the Commission.

Section 9. The Commission may appoint or hire an Executive Director (who shall not be a member of the Commission), who shall serve at the pleasure of the Commission, work not more than 19 hours per week, subject to available funding, and have such duties and receive such compensation as shall be fixed by the Commission.

Section 10. Administrative staff is assigned through the Department of Economic and Community Development, supported by the Department of Business Development and Tourism.

Formatted: Not Highlight

Formatted: Indent: Left: 0"

Section 11. The Norwalk Arts Commission can contain a subset of committees and groups to accomplish specific tasks and action items identified by the public, City officials, or the commission. They are as follows:

Formatted: Not Highlight

Formatted: Not Highlight

- Infrastructure Committee: Matters of Public Art Policy related to Applications and Approvals may be assigned by the Norwalk Arts Commission to its internal Infrastructure Committee, for research, processing, and implementation. The Infrastructure Committee, which is comprised of Voting Arts Commissioners, and other Friends of the Arts Commission (see below Part E), shall present its work to the Voting Membership for Final Approval before being sent to the Common Council.

Formatted: Underline, Not Highlight

Formatted: Indent: Left: 0", Bulleted + Level: 1 + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Not Highlight

- Collaboration Committee: Matters of Public Art Policy that pertain to work across other City Agencies and Commissions may entail work by the Collaboration Committee, which is comprised of Voting Arts Commissioners, and other Friends of the Arts Commission, which shall present any work to the Voting Membership for Final Approval.

Formatted: Underline, Not Highlight

Formatted: Not Highlight

- Communications Committee: Matters of Public Art Policy that require interface with the Public, or Arts Community, through the Press, and or Social Media, including, but not limited to, Press Releases, RFP, etc. All works by the Communications Committee, which is comprised of Voting Arts Commissioners and other Friends of the Arts Commission shall be presented to the Commission Voting Membership for Final Approval.

Formatted: Underline, Not Highlight

Formatted: Not Highlight

- Budget Committee: This committee consists of the Treasurer of the Norwalk Arts Commission, Chairman of the Arts Commission, and Co-Chair. This committee works on the overall budget, and makes specific recommendations to the Voting Membership, who must vote for Final Approval prior to implementation.

Formatted: Underline, Not Highlight

Formatted: Indent: Left: 0"

Formatted: Not Highlight

Section 129. No member of the Commission or employee of the NAC or any corporation, partnership or firm in which such member or employee has a financial interest, direct or indirect, shall do business with the NAC or have any financial interest, direct or indirect, in any business transacted by the NAC. All members of the NAC shall be subject - to all applicable local, state and federal ordinances, policies and laws including but not limited to those pertaining to ethics and Freedom of Information.

ARTICLE VI MEETINGS

Section 1. The regular meetings of the Commission shall be held on the ~~second-first~~ Tuesday of each month at ~~6:30PM~~8:30AM in City Hall, unless otherwise ordered by the Chair.

Section 2. Special meetings may be called by the Chair and shall be called upon the written request of three (3) members of the Commission for the purpose of transacting, any business designated in the call. Except for cases of an emergency, at least forty-eight (48) hours notice shall be given by mail, email, or delivery to each member of the Commission. Special meetings held by teleconference are permissible.

Section 3. Six (6) voting members of the Commission shall constitute a quorum for exercising powers of the Commission, but a smaller number may adjourn from time to time until a quorum is obtained. A vote of a majority of the voting members of the Commission present shall be necessary for any action taken by the Commission. An abstention from voting is considered not a vote for these purposes. When an elected official and his/her designee are both in attendance at a meeting, only the elected official shall be eligible to vote.

Section 4. At all meetings of the Commission the following order of business shall be observed, as far as consistent with the purpose of the meeting, although at any meeting items b) through e) may be dispensed with, or their order changed at the discretion of the Chair:

- a) Reading and approval of the minutes of the previous meeting
- b) ~~Reports of officers~~ Administration
- c) Reports of committees, officers, and staff
- d) ~~Unfinished business~~ Old business
- e) ~~Other business~~ New business
- f) Adjournment

All resolutions shall be in writing and shall be copied in a journal of the proceedings of the Commission.

ARTICLE VII

PARLIMENTARY AUTHORITY

Section 1. The rules contained in the current edition of Mason's Manual of Legislative Procedure shall govern the Commission in all cases to which they are applicable and in which they are not consistent with the bylaws and any special rules of order the Commission may adopt.

ARTICLE VIII

BYLAWS

Section 1. The Commission shall establish such bylaws, rules and regulations as may be necessary to achieve the purposes set out herein. The Commission's bylaws, rules and regulations, including any proposed amendments, shall become effective upon approval by the Common Council.