



**Appendix P:
Funding Options Information to Advance
the Arts, Culture and Heritage Strategy (ACHS)**

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City of Wilsonville Transient Lodging Tax (TLT) Revenues Over the Past 10 Years

June 2020

Fiscal Year	TLT Revenue	Variance \$ to Prior Year	Variance % to Prior Year	Variance \$ to 10-Yr Avg	Variance % to 10-Yr Avg
FY09-10	\$193,106				
FY10-11	214,109	\$21,003	11%	-\$93,240	-30%
FY11-12	208,890	-5,219	-2%	-98,459	-32%
FY12-13	242,369	33,479	16%	-64,980	-21%
FY13-14	272,866	30,497	13%	-34,483	-11%
FY14-15	258,374	-14,492	-5%	-48,975	-16%
FY15-16	469,972	211,598	82%	162,623	53%
FY16-17	476,687	6,715	1%	169,338	55%
FY17-18	450,412	-26,275	-6%	143,063	47%
FY18-19	307,564	-142,848	-32%	215	0%
FY19-20 YTD	286,491	-21,073	-7%	-20,858	-7%
10-Year Average	307,349			0	0%

City of Wilsonville
Wilsonville-Metro Community Enhancement Program (CEP)
Revenues Over the Past 4 Years

September 2020

Fiscal Year	CEP Revenue	Variance \$ to Prior Year	Variance % to Prior Year	Variance \$ to 4-Yr Avg	Variance % to 4-Yr Avg
FY16-17	\$93,035	-	-	\$9,936	12%
FY17-18	87,093	-5,942	-6%	3,994	5%
FY18-19	66,298	-20,795	-24%	-16,801	-20%
FY19-20	85,970	19,672	30%	2,871	3%
4-Year Average	83,099			0	0%



<https://www.wilsonvilleparksandrec.com/parksrec/page/grant-programs-0>

Grant Programs

OVERVIEW

The City of Wilsonville offers two grant opportunities available to both individuals and organizations. The grants are designed to financially assist projects that benefit the Wilsonville community.

The two grants, the Community Tourism Matching Grant and the Community Opportunity Grant, have unique criteria, funding deadlines, and award amounts.

Additionally, the City of Wilsonville awards funds for the Clackamas County Tourism - Community Partnership Program.

For more information please **email** Program Manager Brian Stevenson or call him at 503-570-1523.

Community Opportunity Grant

The Community Opportunity Grant is intended to assist funding of projects and services that promote education, diversity, arts, or community involvement in the City of Wilsonville.

Funding is available twice each fiscal year, with deadlines the last Friday in September and the first Friday in March.

The next deadline for grant submissions is Friday, September 25, 2020

Grant review date: TBD

- [Opportunity Grant Guidelines](#)

[Submit grant application here.](#)

Community Tourism Grant

The Community Tourism Matching Grant is intended to aid organizations that produce projects, programs or events that promote local business and tourism and for festivals and special events for the benefit of the Wilsonville community.

Funds are made available from the City of Wilsonville transient lodging taxes assessed to hotels, motels, and bed and breakfasts for guests in the City of Wilsonville.





The deadline for grant submissions is Friday, February 5, 2021

Grant review date: TBD

- [Tourism Match Grant Guidelines](#)

[Submit grant application here.](#)

Supporting Documents

-  [Project Budget worksheet](#) (11 KB)
-  [Organization Budget worksheet](#) (11 KB)
-  [Opportunity Grant Guidelines](#) (170 KB)
-  [Community Tourism Grant Guidelines](#) (143 KB)

CITY OF WILSONVILLE – 2020/2021 COMMUNITY OPPORTUNITY GRANT GUIDELINES

Grant Information for Applicants

Purpose: This grant is intended to assist in funding projects and services that promote education, diversity, arts, or community involvement which provide opportunities for entertainment and strengthened community within the City of Wilsonville.

Funding: The funding for this entire program is \$25,000, which will be disbursed to multiple organizations. \$12,500 will be available at each of two grant cycles in a fiscal year.

Process:

The application for the City of Wilsonville Opportunity Grant Program will be the primary way of communicating project funding intentions to the grant review committee. Be sure to include all important information you want the board to be aware of in your application.

- **Opportunity to present:** Applicants are strongly encouraged to attend the meeting of the Parks and Recreation Advisory Board scheduled to review grant applications. The presentation will be limited to a maximum of three minutes. The best use of this time is to emphasize the importance or impact of your project, service or program; not to recap or review your written material.

This meeting is scheduled on: TBD

- Please read grant guidelines before completing an application to be sure that your request satisfies the conditions of the grant.

Applicant Criteria

- 1) Applicant must be an authorized official of a Wilsonville community organization, project, or charitable or non-profit organization. Organizations must have been in operation for at least twelve months prior to application, unless the Review Committee finds the organization to have a commensurate level of experience with project leadership and funds management.
- 2) Funds must be used for a specific project or a specific element of a project which is clearly identified in the application and takes place within the City of Wilsonville.
- 3) Only one City grant per fiscal year (July – June) will be awarded to any one organization.
- 4) An organization will only be eligible for a grant if any previously awarded grant projects complied with grant procedures, including filing a final financial statement and project evaluation.

Types of Projects to be Considered

These are not exclusive categories, but are to be used by applicants and by the Review Committee as guidelines for the types of activities grant funds are intended for. The Review Committee will consider the uniqueness and the overall quality of each project.

- Projects, events, or services to further educational or artistic opportunities in the City of Wilsonville.
- Projects, events, or services to encourage and foster diversity in the Wilsonville community.
- Projects, events, or services that provide entertainment, personal growth, and strengthened community.
- Services or projects to encourage and foster advances in civic engagement or community leadership among Wilsonville’s diverse community members.
- Services, projects, or events to involve Wilsonville’s youth or elderly population in community activities.
- The board has traditionally not covered expenses related to staff, or paid volunteers. General operating expenses are not eligible for grant funds (exception- space rental to facilitate project).

Evaluation Criteria

A review committee of the Parks and Recreation Advisory Board will review applications and determine awards according to the criteria and the intent of the grant program as expressed in the project types listed above. All decisions of the Parks and Recreation Advisory Board will be final.

Please address each of the following items as you prepare your application:

- 1) The project must demonstrate a clear need for financial assistance. The review committee will consider factors such as the project’s other available financial resources and the organization’s total budget.
- 2) The project must demonstrate potential for promoting education, diversity, arts, civic engagement, entertainment or community involvement within the City of Wilsonville.
- 3) The applicant must demonstrate the timeframe of the project.
- 4) The project must demonstrate it was not funded in part or whole under the City’s Community Tourism Grant.

Financial Information

- The maximum amount to be granted each fiscal year is limited to \$25,000. The number of applicants competing for the funds will limit the availability of full funding.
- The intent of this program is to provide funding to assist with community projects. In order to distribute funds fairly and encourage new opportunities the review committee will give some priority to first-time applicants.
- Any organization that does not complete its grant project or service must return any remaining grant funds to the City of Wilsonville.
- Please note that the Review Committee may award projects partial funding. If granted partial funds, an organization remains obligated to undertake its project or service as presented in its grant application, or decline the funding.
- Upon receipt of grant funds, an organization agrees to be bound to the commitments of its application. If the City determines that grant monies are used for any item not specified within the grant application the organization must return funds in question to the City of Wilsonville.
- The organization receiving grant funds and the officers named in the application are jointly and severally responsible for the final financial report required with approved applications.
- The final report must include:
 - The activities of the program/project:
 - Final financial income and expense statements related to the project
 - If you met your project goals as stated in your application? Include the following:
 - Which goals were successful?
 - Which goals were not?
 - What were some of the benefits that this project provided?
 - Approximately how many people benefitted from your project?
 - How many of those people were Wilsonville residents?
 - A copy of any publicity or printed materials that include the statement acknowledging the source of funds.

Report must be filed within 60 days of completion of the project or event.

If you have any questions, please contact:
Brian Stevenson, Program Manager
503-570-1523
stevenson@ci.wilsonville.or.us

City of Wilsonville **2021 Community Tourism Grant Guidelines**

Grant Information for Applicants

Purpose: This grant is intended to aid organizations that produce projects, programs or events that promote local business and tourism, and for festivals and special events for the benefit of the Wilsonville community.

Funding: Funding for this program is \$25,000.00 which is disbursed to multiple organizations. The funds are made available from the City of Wilsonville transient lodging taxes that are assessed to hotels, motels and bed and breakfasts for guests in the City of Wilsonville.

Process: The online application for the City of Wilsonville Tourism Grant Program will be the primary way of communicating project funding intentions to the grant review committee. Be sure to include all important information you want the board to be aware of in this application.

- Applicants are strongly encouraged to attend the meeting of the City's Tourism Promotion Committee (*DATE and TIME TBA*) to make a brief presentation. The presentation will be limited to a maximum of three minutes. The best use of this time is to emphasize the importance or impact of your project, service or program; not to recap or review your written material.
- Please be sure that your request satisfies the conditions of the grant and you provide all the information requested. Incomplete applications will not be considered.

Applicant Criteria

- 1) Applicant must be a qualified tax exempt or non-profit organization.
- 2) Only one grant per year fiscal (July – June) is awarded to any one organization.
- 3) Project/event must take place within the City of Wilsonville city limits:
 - Events that are hosted in Wilsonville are eligible for full funding
 - Projects/events that are not hosted in Wilsonville, but have a portion of their program/event taking place in Wilsonville, are eligible for partial funding as determined by the review committee
 - Projects/events outside of Wilsonville city limits are not eligible for funding
- 4) An organization will only be considered for a grant if the previously awarded grant project has complied with grant procedures, including filing a final financial statement and project evaluation.

Types of Projects to be Considered

- 1) A project, event or annual festival that would further tourism in the City of Wilsonville, directly benefiting the economy, culture and image of Wilsonville.
- 2) The production of a new product or event to attract tourism and/or convention business to Wilsonville.
- 3) A one-time festival or event attracting community participation and visitors to Wilsonville.
- 4) An annual Wilsonville event with introduction of new or expanded attractions.
- 5) Media advertising, public relations or marketing projects which are directed towards the consumer or travel trade and promote specific event(s) or site(s) for the purpose of destination tourism to Wilsonville.

6) Development of Wilsonville destination attractions for tourists and visitors.

Evaluation Criteria

A review committee of the City of Wilsonville Tourism Promotion Committee will review applications and determine awards according to the criteria and the intent of the grant program.

- All decisions of the Tourism Promotion Committee will be final.

Please address each of the following items as you prepare your application:

- 1) The project must demonstrate a clear need for financial assistance. Factors such as all other available financial resources and the organization's total budget will be considered.
- 2) The project must demonstrate potential for tourism promotion and economic development.
- 3) Consideration will be given to the uniqueness and quality of your project.
- 4) Projects receiving grant funds must be completed by December 31, 2021.
- 5) The project must provide evidence of equal matching resources other than the grant.
 - Matched resources may be in the form of in-kind donations, as well as cash.
 - Matching funds must be documented and must be committed prior to the distribution of grant funds.
- 6) Annual events must show continued access to additional supporting funds other than City resources.

Important Financial Information

- 1) The maximum amount to be granted is limited. Full funding is rare due to the number of applicants competing for the available funds.
- 2) If an organization is awarded and accepts funds less than their request, they will be expected to fulfill the project as presented in their application or notify the City of alterations of the goals of the project. If a project is cancelled for any reason, any grant funds must be returned to the City of Wilsonville.
- 3) Upon receipt of grant funds, the administering organization agrees to be bound to the commitments of their application. If it is determined that grant monies are used for any item not specified within the grant application, or in the timeline specified, the funds in question must be returned to the City of Wilsonville.
- 4) The organization receiving grant funds and the officers named in the application are jointly and severally responsible for the final financial report required with approved applications.
- 5) The final report must include financial income and expense statements related to the project and a copy of any publicity or printed materials that include the statement acknowledging the source of funds. List your achievements, and accurately verify attendance and/or people served.

If you have any questions, please contact:

Brian Stevenson, Program Manager – Parks and Recreation Department

(503) 570-1523

stevenson@ci.wilsonville.or.us

Establish an Organization Under OCF's Umbrella

<https://oregoncf.org/ways-to-give/choose-your-fund/supporting-organizations/>

Supporting Organizations

Form your own board, grantmaking priorities and processes, while taking advantage of OCF's expertise, administrative support and charitable status.

Our expert staff is always available to help meet the organization's philanthropic goals. We can provide grantmaking services, help define strategy, engage family members, assess the effectiveness of grantees and more.

A supporting organization has a separate board of directors, can retain and invest assets, conduct an independent grant program or issue a separate annual report. Overhead costs are reduced because OCF handles all of the administrative oversight, including the IRS-mandated tax returns and annual audits.

“Maintaining our foundation as an OCF supporting organization gives us the benefit of OCF’s broad reach and knowledge base while maintaining the flexibility we need around programs, staffing, investment, and mission.”

-JANET GRAY WEBSTER

BOARD CHAIR, GRAY FAMILY FOUNDATION

Here's How it Works

Supporting organizations are individual 501(c)(3) public charities under Section 509(a)(3) of the tax code. They have their own tax ID number and their donations receive the maximum level of tax deductions permitted by law (as with a donor-advised fund). Each supporting organization is covered under the umbrella of OCF and must be organized and operated to carry out the same broad charitable, educational and scientific purposes of OCF.

The current minimum to establish a supporting organization is \$5 million.

Oregon
Community
Foundation



GUIDE TO
Donor Advised Funds



TOGETHER, WE TRANSFORM GENEROSITY INTO MEASURABLE IMPACT.

OCF puts donated money to work for Oregonians - \$100 million in grants and scholarships annually. Since 1973, OCF grantmaking, research, advocacy and community-advised solutions have helped individuals, families, businesses and organizations create charitable funds to improve lives for all Oregonians.

What is a Donor Advised Fund?

A donor advised fund allows you to make a charitable contribution, qualify for an immediate tax benefit and then recommend grants to nonprofits from your fund over time.

When you have an OCF advised fund you are free to spend your time being thoughtful about your giving. The administrative and investment responsibilities of a private foundation – or of tracking your annual “checkbook giving” – are replaced with the expertise and efficiency of OCF staff and grantmaking systems. Plus, you receive personalized service to ensure that you have a great experience with your giving.

“WE CAN GUIDE THE DIRECTION OF OUR DONATIONS, MAKING THOSE DECISIONS WITH THE FOUNDATION ANNUALLY. THAT’S WHAT’S UNIQUE ABOUT OCF.”

DUNCAN CAMPBELL
DONOR



How Your Advised Fund Works



You establish and name your fund by creating a fund agreement, with the assistance of OCF.

- You make a gift of cash or other assets to OCF to start your fund.**
- You may be eligible to receive an immediate tax deduction for your charitable contribution.**
- Your fund is expertly invested.**
- You recommend grants from your fund that are promptly reviewed and acted upon.**
- You may add to your fund at any time, including through your estate.**
- Your philanthropy is supported by OCF staff with strong statewide knowledge and ability to connect you to nonprofits and other donors who care about the same issues as you**

Benefits of an OCF Advised Fund

At OCF, you benefit from services that help you make effective grants.

PERSONAL SERVICE

Your staff team works with you to increase the impact of your grantmaking, keep you informed about your fund and the Foundation, and assist you in adding to your fund now or through your estate.

DIRECT PARTICIPATION

You recommend organizations you'd like to support. Upon approval of the OCF board of directors, the grants are made in your fund's name.

INVESTMENT EXPERTISE

Your contributions to your OCF fund are stewarded by our expert investment committee and professional managers to ensure the longevity and growth of your fund.

ENSURED LEGACY

Your permanent OCF fund can create a lasting legacy. You may name successor advisors for your fund. You also get to define how your fund will be used after you and your family are no longer advisors.



Learning Opportunities for Advised Fund Donors

-  **Visit a nonprofit organization in which you have an interest**
-  **Learn the fundamentals of grantmaking**
-  **Attend OCF-hosted events where you can meet other OCF donors and learn about critical issues regionally and statewide**
-  **Consult OCF staff for advice about specific grantmaking strategies**
-  **Learn about linking your fund to your estate plan so you can make a charitable gift through your will or trust**
-  **Develop a family philanthropy program**

**FOR AN UP-TO-DATE LIST OF EVENTS AND
LEARNING OPPORTUNITIES, VISIT:**

OREGONCF.ORG

Frequently Asked Questions

WHAT IS THE MINIMUM CONTRIBUTION NEEDED TO SET UP A DONOR ADVISED FUND?

Your fund can be set up with a contribution of at least \$25,000, or you can grow your fund over time with a minimum donation of \$5,000

HOW DO I RECOMMEND GRANTS FROM MY ADVISED FUND?

You may recommend grants throughout the year, either online through MyOCF or by email, letter or a personal meeting with OCF staff.

IS THERE A MINIMUM GRANT AMOUNT?

Individual grant recommendations of \$1,000 or more are strongly preferred. The minimum grant amount is \$500.

HOW OFTEN CAN I CONTRIBUTE TO MY ADVISED FUND?

You can make a donation to your fund at any time.

MAY I RECOMMEND A GRANT TO AN ORGANIZATION OUTSIDE OF OREGON?

Yes. You may recommend a grant to any qualified nonprofit within the United States. We do request that, over the lifetime of the fund, at least 50 percent of your giving goes to Oregon nonprofits.

MAY I RECOMMEND A GRANT TO AN ORGANIZATION OUTSIDE THE UNITED STATES?

International grants can be made when an organization has nonprofit status in the U.S.

MAY I RECOMMEND A GRANT TO AN INDIVIDUAL?

No. According to IRS regulations, community foundations may make grants only to qualified nonprofits, public charities, religious institutions or government entities.

CAN I FULFILL A PLEDGE THROUGH MY ADVISED FUND OR RECEIVE ANY BENEFIT AS A RESULT OF MY GRANT?

No. In compliance with federal regulations, personal pledges may not be fulfilled with grants from your fund, nor can you receive any benefits.

CAN I REMAIN ANONYMOUS TO A GRANT RECIPIENT?

Yes. Anonymity can be accommodated on an ongoing or a grant-by-grant basis.

WHAT IS THE FEE FOR ADMINISTERING MY FUND?

OCF assesses each donor advised fund an annual administrative fee of at least \$475, but in all cases the fee is less than one percent.

HOW MUCH CAN I GRANT EACH YEAR?

To maintain the purchasing power of each fund, the OCF board of directors annually determines a percentage payout rate for grantmaking. OCF's current payout rate is between 4 and 5 percent, based upon a 13 quarter trailing average of fund market values.

The mission of Oregon Community Foundation is to improve lives for all Oregonians through the power of philanthropy.

OCF works with individuals, families, businesses and organizations to create charitable funds to support the community causes they care about.

Get Started

CALL

YOUR LOCAL OCF OFFICE

VISIT

OREGONCF.ORG

EMAIL

GIFTPLANNING@OREGONCF.ORG

BEND

(541) 382-1170

EUGENE

(541) 431-7099

MEDFORD

(541) 773-8987

PORTLAND

(503) 227-6846

SALEM

(503) 779-1927

OREGONCF.ORG

“OCF gave us a seamless way to give, now and into the future. It pointed us toward concerns that we’re not connected with, which helps us give back in areas we wouldn’t otherwise know about.”

- **BILL AND ANNE LANSING**, OCF DONORS, COOS BAY



COMPARING CHARITABLE OPTIONS

Why Donors Choose OCF: Service, Relationships & Community

The mission of Oregon Community Foundation is to improve lives for all Oregonians through the power of philanthropy.

OCF puts donated money to work for Oregonians - \$100 million in grants and scholarships annually. Since 1973, OCF grantmaking, research, advocacy and community-advised solutions have helped individuals, families, businesses and organizations create charitable funds to improve lives for all Oregonians.

CALL
YOUR LOCAL OCF
OFFICE

VISIT
OREGONCF.ORG

EMAIL
GIFTPLANNING
@OREGONCF.ORG

OREGONCF.ORG

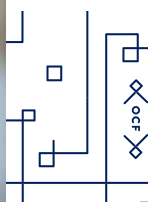
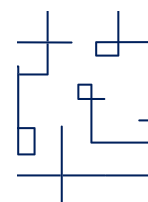
PORTLAND
1221 SW YAMHILL ST.
SUITE 100
PORTLAND, OR 97205
(503) 227-6846

BEND
15 SW COLORADO AVE.
SUITE 375
BEND, OR 97702
(541) 382-1170

EUGENE
440 E BROADWAY
SUITE 160
EUGENE, OR 97401
(541) 431-7099

MEDFORD
818 W EIGHTH ST.
MEDFORD, OR 97501
(541) 773-8987

SALEM
1313 MILL ST. SE
SUITE 203
SALEM, OR 97301
(503) 779-1927



	OCF DONOR ADVISED FUNDS	COMMERCIAL DONOR ADVISED FUNDS	OCF SUPPORTING ORGANIZATIONS	PRIVATE FOUNDATIONS
PROCESS TO CREATE	Simple fund agreement between donor and OCF; can be set up immediately.	Agreement between donor and commercial entity.	Each supporting organization is included under the umbrella of OCF but has its own tax ID number. Requires additional legal fees and documentation to set up, and can take several weeks.	Must incorporate as a nonprofit or be created as a trust and apply to the IRS for tax-exempt status. Requires additional legal fees to set up, and can take several months.
MINIMUM CONTRIBUTION	\$25,000, or \$5,000 to create step-up fund.	Varies.	\$5 million.	Most recommend at least \$5M to be successful.
SERVICES	Service and relationship based. OCF supports donors' philanthropy by helping define giving strategies that reflect their interests, engaging family members, offering peer learning opportunities, making connections with fellow donors and providing qualitative vetting of nonprofits.	Typically transaction-based. Most do not offer personalized advice on grantee selection, nor expertise and research on Oregon nonprofits.	In addition to support provided to donor advised fund donors, OCF also provides administrative, investment management, accounting and grantmaking services.	Board must arrange and support all grantmaking. Any additional support must be provided by the private foundation's staff or contractor.
INVESTMENTS	Donor selects from two portfolios created by OCF. Our main pool and social impact pool assets are managed by investment managers selected by OCF.	Donor selects from pools offered by commercial entity.	Donor and OCF work together to appoint a board with an OCF majority. Board controls investment strategy and may also select managers.	Donor appoints board or trustees who manage investments.
GRANTMAKING	Donor recommends grants to qualified nonprofit organizations. Staff can: <ul style="list-style-type: none"> Identify community needs. Perform qualitative vetting of nonprofits. Share grant proposals from Oregon nonprofits. 	Donor recommends grants to qualified nonprofit organizations. Most do not offer personalized advice on grantee selection.	Donor and OCF work together to appoint board with an OCF majority. Board controls grantmaking, but OCF performs all due diligence and back-office work.	Donor appoints board that controls grantmaking and conducts due diligence to ensure grant recipients are qualified nonprofits.
FUND DURATION AND DONOR INTENT	Donor may name one generation of successor advisor(s) to the fund. OCF's expertise and knowledge of Oregon nonprofits allows it to carry out donor intent into perpetuity.	Duration determined by commercial entity. Most do not offer ongoing expertise about Oregon nonprofits to carry out donor intent into perpetuity.	Board continues into perpetuity and can involve future generations. OCF's expertise and knowledge of Oregon nonprofits allows it to carry out donor intent into perpetuity.	Board continues into perpetuity if there is ongoing interest and can involve future generations. Insuring donor intent depends on expertise and commitment of future board and staff.
CHARITABLE DEDUCTIONS	Cash: up to 60% of adjusted gross income (AGI). Publicly traded securities: FMV up to 30% of AGI. Real estate: FMV up to 30% of AGI.	Cash: up to 60% of AGI. Publicly traded securities: FMV up to 30% of AGI. Real estate: FMV up to 30% of AGI.	Cash: up to 60% of AGI. Publicly traded securities: FMV up to 30% of AGI. Real estate: FMV up to 30% of AGI.	Cash: up to 30% of AGI. Publicly traded securities: FMV up to 20% of AGI. Real estate: deductible at cost basis.
CHARITABLE DISTRIBUTION REQUIREMENTS	None.	None.	None.	Annual distribution of 5% of assets.
ADMINISTRATIVE CONSIDERATIONS	None. All handled by OCF. Fees charged support OCF's mission to improve lives in Oregon.	None. Fees charged benefit commercial entity.	Form 990 filing and audit are completed by OCF. Family member may not serve as paid staff member.	Donor must independently perform all financial and administrative services or hire staff to do so. Annual Form 990 PF and reporting required. Excise tax of up to 2% of net investment earnings; other taxes may apply. Family member may serve as paid staff member.
TAX STATUS	Public charity as a fund under OCF's public charity status.	Public charity.	Public charity as a separate 501(c)(3) entity under §509(a)(3).	Private charity as a separate 501(c)(3) entity under §509(a).



DONOR ADVISED FUND HANDBOOK



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Elowah Falls, Columbia River Gorge

Welcome to OCF

Thank you for choosing to partner with The Oregon Community Foundation for your philanthropy. We look forward to working with you to support what you love and to respond to your community's needs.

This handbook provides information you'll find useful as you practice your personal giving through your donor advised fund.

OCF's professional staff is available to be a resource for your philanthropy. We encourage you to use your donor relations officer as a resource and guide.

We look forward to working with you!

MAKING GRANTS *From* YOUR FUND

A donor advised fund offers a personalized approach to philanthropy. As a fund advisor, you actively participate in grantmaking to nonprofit organizations. OCF staff works with you to understand your charitable interests in order to connect you with organizations or projects that match your goals. You also have a wealth of firsthand knowledge of your community's needs, and we encourage you to share your observations and knowledge with staff.

GRANTMAKING PROCESS:



Tina French, Fund Advisor, North Coast

Step 1: Submitting Grant Recommendations

- *What types of organizations can I support?* You can make grants to support 501(c)(3) nonprofit organizations, schools, religious institutions, government entities and federally recognized tribes.
- *How often can I make grants?* OCF encourages you to make grants throughout the year.
- *How do I submit my recommendation?* Recommendations must be received in writing (email, U.S. mail or fax) or via our online system, MyOCF.
- *What information does OCF need?*
 - a. Name of the grant recipient
 - b. Grant amount: Grant recommendations of \$1,000 or more are preferred. The minimum grant amount is \$500.
 - c. Grant purpose (e.g. general support or project-specific support)

Step 2: Due Diligence

Before awarding a grant to an organization, OCF staff performs due diligence to confirm that:

- The organization is a qualified nonprofit organization in good standing, government entity or federally recognized tribe, and;
- Its purpose aligns with OCF's mission. In addition to confirming an organization's tax-exempt status, we review program descriptions, board members and budget information.

Due diligence must be completed the first time an organization receives a grant and periodically thereafter.

Step 3: Grant Approval

- Grants of \$50,000 or less are approved weekly. All others are submitted for monthly approval.

Step 4: Grant Award


- Grant award letters and check are sent to grant recipients.



Women’s Safety & Resource Center, Coos Bay

IMPORTANT TO REMEMBER

- Grants may be made anonymously. When you submit your grant recommendation, please let us know if you wish your grant to be anonymous.
- Multiyear grants: If you wish to support an organization for several years, you may make a multiyear grant recommendation. When you make your recommendation, please indicate the duration and amount of the grant (e.g. a \$5,000 grant for three consecutive years).
- International grants are allowable when the organization has non-profit status in the U.S.
- Over the lifetime of the fund, OCF requires that at least 50 percent of its distributions remain within Oregon.
- Grantmaking from advised funds is flexible. However, there are a few things advised funds cannot support. In accordance with IRS regulations, grants may not be used for the following purposes:
 - To fulfill a pledge made to a nonprofit.
 - To support a political campaign.
 - To purchase raffle tickets, memberships, benefit tickets or tables, sponsorships, or any activity that provides a benefit to you.
 - To pay for personal expenses, such as tuition, or to benefit a named individual.



MyOCF is an online fund management tool that is accessed through our website. **MyOCF** allows you to review financial statements, generate a grant history report, recommend grants and add to your fund. **MyOCF** offers online grantmaking 24 hours a day! You can also check your fund balance and view your grantmaking history.

CONTACT YOUR DONOR RELATIONS OFFICER FOR LOGIN INFORMATION.



FOLLOW US ON FACEBOOK
TheOregonCF



FOLLOW US ON TWITTER
@TheOregonCF



Portland Fruit Tree Project

MAKING GIFTS *to* YOUR FUND

You made an initial gift to establish your fund, but did you know you can add to your fund at any time? Gifts may be added to your fund in several different ways and Foundation staff is available to assist you.

Gifts of Cash

- Make checks payable to "The Oregon Community Foundation" with the name of your fund in the memo line.
- Use our online system, MyOCF, to add to your fund with a credit card.
- Contact your donor relations officer for cash wiring instructions.

Gifts of Stock and Mutual Funds

- Contact your donor relations officer for stock transfer instructions.
- All stock gifts are liquidated upon receipt; all additions to your fund are net of any transactional fees.

Gifts of Real Estate, Closely Held Stock or Other Complex Gifts

- OCF's philanthropic advisors are available to support your philanthropy when you have more complex gifts. Your donor relations officer will connect you to the appropriate staff member.

Gifts That Leave a Legacy

- Gifts from bequests, living trusts and charitable remainder trusts may also be added to an existing fund.
- OCF's philanthropic advisors are available to answer your questions.

STOCK GIFT REMINDER

OCF is unable to sell gifts of stock until we have identified the donor. Please contact your donor relations officer with the following information BEFORE initiating a stock gift:

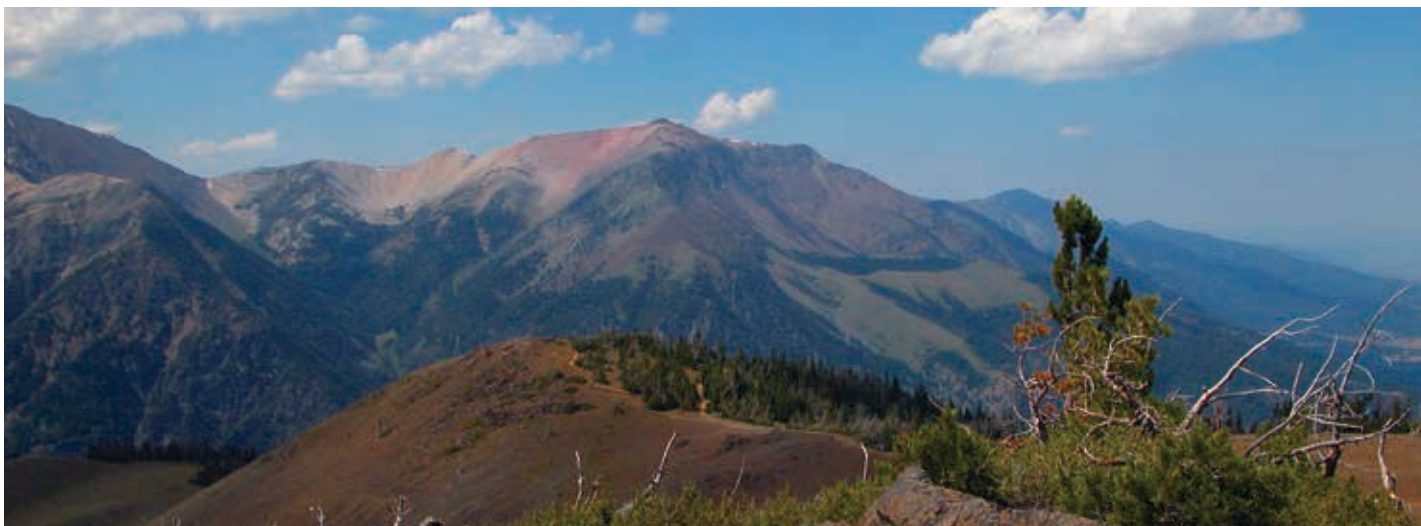
- Name and quantity of shares
- Name of fund to which proceeds should be added



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YEAR-END ALERTS

- Many advisors wish to recommend grants at year-end. Please submit your recommendation by December 10 in order for the organization(s) to receive the grant by December 31.
- Cash gifts postmarked by December 31 will be recorded for that tax year.



Wallowa Mountains, northeastern Oregon

TOOLS TO *Enhance* YOUR GRANTMAKING

In addition to managing the administrative details of your fund, OCF provides you with many opportunities to learn, lead and grow as a philanthropist.

OCF Reaching Out to You

Twice a year OCF will send you updated information on your advised fund. The timing of this communication coincides with OCF's competitive grantmaking program and other OCF-led initiatives. Information sent to you will include:

- A Foundation update
- Your fund financial statement, showing earnings and the amount available for grantmaking
- A list of recent grants from your fund
- A list of grant suggestions tailored to your interests
- A grant recommendation form

Funding Opportunities

You can make grants throughout the year. You will be offered the opportunity to support requests received through the Community Grant Program, our semiannual competitive grantmaking program. Applications to this program are submitted by Oregon-based nonprofits, reviewed and vetted by staff and volunteers, and shared with you.

OCF also supports programs to build a stronger Oregon. With your advised fund you can partner with OCF to fund causes such as education, arts and culture, and engaged and sustainable communities. Please visit our website for the most up-to-date information about these programs.

IMPORTANT REMINDER:

You can recommend grants year-round. Grants of \$50,000 or less are approved on a weekly basis. Grants over \$50,000 are approved monthly.





Magdalene Home, Medford

Opportunities to Learn

- **Forums:** OCF offers programs that address topics of interest to donors. These programs provide you with an opportunity to meet other donors as well as individuals working in the nonprofit sector.
- **Connecting to Nonprofits:** OCF is in close communication with nonprofits and we are available to gather more information about the nonprofit community for you. If you would like to visit a nonprofit, we are happy to coordinate a meeting.
- **Research and Analysis:** OCF's research team conducts impartial research on Oregon and evaluates OCF's large, statewide grant programs. Much of the research is available online. Your donor relations officer can also provide you with information on specific areas of OCF's work.

Family Philanthropy

Many OCF fund advisors want to encourage family members to carry on their own practice of philanthropy. For decades, OCF has worked with families to help them achieve their philanthropic goals. Today, OCF's Family Giving Center provides specialized services to individuals interested in engaging others in their giving, be it family or friends. OCF's trained staff can help you develop a strategy based on your shared values to support the communities you care about. If you have questions or would like to know more about the services and pricing, please call your Donor Relations Officer or email us at familygivingcenter@oregoncf.org.

GRANTMAKERS of Oregon and Southwest Washington

OCF fund advisors are also members of GRANTMAKERS of Oregon and Southwest Washington (www.gosw.org). This membership organization serves the philanthropic community, providing information and networking opportunities. We hope you take advantage of the many membership benefits available through GRANTMAKERS, and we encourage you to visit their website to learn more and to sign up for their newsletter.

INVESTMENT PROGRAM *and* FEES



Food for Lane County, Eugene

OCF invests its funds to provide a stable resource for Oregon. This allows the Foundation to respond to today's needs while preserving and enhancing the value of funds for future needs. The investment strategies for permanent and nonpermanent funds are distinct because the Foundation and its donors seek to achieve different goals with each type of fund.

Investment Program

Donor advised funds are charitable vehicles that allow individuals, families and businesses to utilize the power of a community foundation to support their philanthropy. Your fund has specific operating parameters and can be defined as either permanent or nonpermanent.

- **Permanent Funds** are invested in either our main or socially responsible investment pool. The objective is to retain and increase the purchasing power of the fund, while at the same time produce a reasonable return for distribution to meet current community needs. A percentage of the fund's average fair market value will be available for grantmaking each year. A new permanent fund must be invested for six months before an advisor may recommend a grant.
- **Nonpermanent Funds** (or short-term funds) are wholly expendable. These funds are typically invested in our short-term pool due to their more temporary nature. Unlike permanent funds, spending from these funds is not restricted to a certain percentage of the fund. A nonpermanent fund can be made into a permanent fund at any time.



Ballet Folklórico Mexico en la Piel, Hillsboro

Fees

- **Investment Management:** OCF allocates investment management fees proportionally to the individual funds in its investment pool. These costs include professional management and independent investment consulting fees, and legal fees associated with the investment program. OCF's investment returns are stated net of investment management costs. For further information on OCF's investment policy, investment committee and most recent returns, visit oregoncf.org.
- **Administrative:** Through careful management and use of volunteers, OCF keeps expenses low while providing high-quality services. An administrative fee is assessed against each fund to cover OCF's operating expenses. This fee is deducted in quarterly installments from the fund's principal balance and is reflected on your spring and fall fund financial statement.
- **Other Direct Expenses:** In special circumstances, the fund may incur fees such as legal expenses, real estate transactions and credit card charges.

FREQUENTLY Asked QUESTIONS



Bandon Community Health Center

What is a community foundation?

A community foundation is a grantmaking charitable organization dedicated to improving the lives of people in a certain geographic area. Each community foundation administers funds established by individuals, families and businesses who wish to support effective nonprofits and solve community problems.

Through a community foundation, you can establish a charitable fund without incurring the costs of starting and administering a private foundation. Because a community foundation is a public charity, you may receive significant tax benefits for your gift.

How much do I have available to grant?

Your grantmaking budget is determined by the type of fund you have established (permanent or nonpermanent) and is calculated annually. You may access your current grantmaking budget by calling your donor relations officer or visiting MyOCF.

Is there a minimum grant amount?

Grant recommendations of \$1,000 or more are strongly preferred. The minimum grant amount is \$500.

How often should I recommend grants?

You may recommend grants throughout the year. OCF provides both weekly and monthly approvals to facilitate your grantmaking.

May I recommend a multiyear grant?

Yes. At the time of your recommendation, please indicate how many increments, in what amounts and over what time frame you wish the grant to be dispersed. We will administer the grant and payment schedule according to your instructions.

I would like to invite friends and family to contribute to my fund.

May I do this?

Yes. However, according to the Uniform Prudent Management of Institutional Funds Act (UPMIFA), a law governing charitable institutions, if people add money to your fund and you want to make a change to your fund (e.g. change successor advisors), you are required to secure each additional donor's consent, in writing, for that change. If any donor to the fund is deceased or cannot be located, then changes cannot be made to the fund.

What types of organizations may I support?

You may make grants to support 501(c)(3) nonprofit organizations, schools, religious institutions, government entities and federally recognized tribes.

DID YOU KNOW?

There are 750 community foundations throughout the United States, and OCF is one of the top ten in assets!



May I make a grant recommendation to pay for a membership or pledge?

No. In accordance with IRS regulations, grants awarded from OCF funds may not be used to fulfill personal pledges or to pay for memberships, dues or anything that provides a direct benefit to a donor or fund advisor. This includes using donor advised funds to secure the opportunity to purchase tickets for sports or arts events.

May I recommend grants to organizations outside of Oregon?

Yes. If you wish to recommend an international grant, the organization must have nonprofit status in the U.S. Over the lifetime of the fund, OCF requires that at least 50 percent of your grantmaking remain within Oregon.

Can I remain anonymous to a grant recipient?

Yes. Let us know when you submit your grant recommendations.

How can I get my family involved?

Contact your donor relations officer for more information on family giving.

May I serve on the board of an organization and recommend a grant to them from my fund?

Yes, as long as you receive no personal benefit and do not have undue influence in how the grant is spent.

May I recommend a grant to an organization to support its public advocacy activities?

Yes. According to IRS regulations, it is legally permissible for OCF to make general support grants to nonprofit organizations that perform advocacy work, which may include lobbying. However, OCF is prohibited from making grants to organizations to support a particular candidate or ballot measure.

Does OCF offer programs to assist nonprofits?

Yes. OCF staff provides general assistance to organizations through one-on-one meetings and workshops. We also administer endowments for nonprofits. Please connect with your donor relations officer about specific ways to support nonprofits.

What happens to the fund when I'm no longer living?

There are several options for you to consider for the future of your fund, including leaving your fund for a relative or friend to advise upon, changing your fund to have a specific beneficiary, or supporting charitable causes throughout the state of Oregon. Your donor relations officer can assist in clarifying these options.



OCF Eastern Oregon scholarship recipient

Oregon Cultural Trust- Background Information for Contributions

If you have visited a museum in Oregon, attended an arts performance, tuned into public radio, or appreciated the preservation of our state's history, it's likely that you've benefited from the Oregon Cultural Trust.

The Cultural Trust was created by the state legislature in 2002 to fund culture in the state into perpetuity. Currently, more than 1,400 nonprofits, including [**insert organization name**], are eligible to receive funds from the Cultural Trust.

Those funds are provided by Oregonians like you who receive a cultural tax credit for their donation to the Cultural Trust. Spreading the word about how easy it is to take advantage of the tax credit is how we grow funding for statewide culture. Here's how it works:

1. **Total** your donations to qualifying cultural nonprofits to which you donated all year. A full list of qualifying nonprofits can be found here: <http://culturaltrust.org/get-involved/nonprofits/>
2. **Give** the same amount to the Cultural Trust by Dec. 31 by mail or online
3. **Claim** the amount donated to the Cultural Trust as a tax credit when you file your taxes.*

Your Cultural Trust contribution comes back to you in the form of a decreased tax bill or potentially an increased refund. You just doubled the impact of your contribution at no additional cost to you!

As you continue to support [**cultural nonprofit name**] with your generous contributions, we hope you'll also match your donation with a gift to the Oregon Cultural Trust to strengthen funding for all of the cultural organizations that protect our great state's famous quality of life.

Remember to make your donation by December 31. Learn more or donate at CulturalTrust.org or (503) 986-0088 or consult your tax preparer.

**Up to \$500 for an individual, \$1,000 for couples filing jointly or \$2,500 for Class-C corporations.*

DOUBLE THE LOVE.

You donate to culture. Now double your impact for free! Oregon's unique tax credit reimburses you for supporting statewide culture. **HERE'S HOW:**



CULTURAL
TRUST

1. TOTAL

YOUR DONATIONS
TO CULTURE

2. GIVE

A MATCHING
AMOUNT TO THE
CULTURAL TRUST

3. CLAIM

CULTURAL TAX
CREDIT ON YOUR
STATE TAXES

IT'S EASY!

- Track how much you donate to cultural nonprofits **all year.**
- In December, total your donations to culture, and **make a matching amount to the Oregon Cultural Trust.** Set a December calendar reminder now to visit CulturalTrust.org to make your donation.
- On your state taxes, claim your entire donation to the Oregon Cultural Trust as a tax credit - **you'll get the whole match back!** A State Tax Credit is an amount of money **taken off your final tax bill.**

Remember to make your matching donation to the Oregon Cultural Trust **before December 31.**

Visit CulturalTrust.org, call **(503) 986-0088**, or consult your CPA.



Florence Events Center, host of the 2nd Star Festival.
Funded by the Oregon Cultural Trust.

OREGON CULTURAL TRUST

Q&A

WHAT IS THE OREGON CULTURAL TRUST?

The Oregon Cultural Trust champions and invests in the statewide cultural exchange and creative expression that make Oregon uniquely Oregon. Since 2003, donations to the cultural Trust have generated more than \$18 million in grants to more than 1,000 arts, heritage and humanities programs.

THIS IS A WAY TO FURTHER INVEST IN OREGON CULTURE THAT I LOVE, AND IT DOESN'T COST ANYTHING. IS THERE A CATCH?

Nope. This was set up by the Oregon legislature to provide funding for culture regardless of federal funding priorities. This is the kind of creativity and innovation you'd expect from the state that brought us the bottle bill and public beaches!

WHY DOESN'T EVERY OREGONIAN DO THIS?

Most Oregonians don't know about it, or think it's complex to do. But making a matching gift and claiming it on your tax return is very easy. Some might also forget to make their donation before Dec. 31.

WHEN I GIVE TO A CULTURAL NONPROFIT, I SEE WHERE THAT MONEY GOES. HOW IS THE DONATION TO THE OREGON CULTURAL TRUST SPENT?

60 percent of the funds we raise are redistributed across the state through Statewide Partners, County/Tribe Coalitions and Cultural Development Grants. For fiscal year, 2017-18, the Cultural Trust award \$2.94 million in grants to 136 cultural nonprofits. The remaining funds are invested in a permanent fund.

HOW DO I KNOW IF THE ORGANIZATIONS I SUPPORT QUALIFY FOR THE MATCHING GIFT?

A full list of qualifying non-profits is on our website. Go to culturaltrust.org and click on "Get Involved."

OREGON CULTURAL TRUST

culturaltrust.org
775 Summer Street NE, Suite 200
Salem, Oregon 97301
503-986-0088



City of Portland Arts Education and Access Income Tax (Arts Tax)

Arts Tax Frequently Asked Questions

[File and/or Pay Online](#) ~ Need more information?

Email us, or call us (503) 865-4278

<https://www.portlandoregon.gov/revenue/article/422384>

The Arts Education and Access Income Tax (Arts Tax) will fund Portland school teachers and art focused non-profit organizations in Portland.

Each Portland resident, age 18 and older, **must file either**:

1. [Arts Tax Return](#)

- One or more people in the household earn income above the federal poverty level and have \$1,000 or more income (tax due); **OR**
- You have less than \$1,000 of income (do not include income from social security) but live with a spouse or parent that has income above the federal poverty level (no tax due); **OR**
- Your income is **only** from certain [non-taxable sources](#) (no tax due).

2. [Request an Arts Tax Exemption](#)

- Your household is at or below the [federal poverty level](#) (all income, including social security, is counted to determine if you qualify) (no tax due)

If due, the Arts Tax is \$35 per person. Save time and [file online](#) (ACH, Visa or MasterCard - no convenience fees beginning tax year 2013).

If you have already filed, but have a balance due, you can use your confirmation number to [pay an Arts Tax bill](#) (by ACH, Visa or MasterCard).

Call 503-865-4278 to speak to a customer service representative Monday thru Friday, from 9 a.m. to 4:45 p.m., or email artstaxhelp@portlandoregon.gov.

About the tax

- [I do not owe the tax. Do I still need to file?](#)
- [How was this tax created?](#)
- [When did this tax start?](#)
- [How much is the tax?](#)
- [Is this a temporary tax?](#)
- [Where does the money go?](#)
- [Why wasn't this tax added to property tax bills or water bills?](#)
- [Is the Arts Tax prohibited under the Oregon Constitution as a poll or head tax?](#)

- Why do you need my social security number (SSN) and my year of birth?
- Where do Arts Tax dollars go?
- Why does the City use collection agencies to collect delinquent debt?

Who pays the tax

- Who has to pay?
- Who doesn't pay the tax?
- What is the “Permanent Filing Exemption for Seniors or Permanently Disabled Individuals”?
- How do I know if my address is in Portland?
- What is the federal poverty level?
- If I work and my spouse doesn't, do we owe \$35 or \$70?
- Do adult children living at home pay the tax?
- Do college students pay?
- What if I live in Portland only part-time?
- I lived in Portland in 2019 and then moved out of Portland in 2020. Do I need to pay the tax?
- Is there an upper age limit?
- When determining if a resident is “income earning”, what income is considered?
- If I just turned 18, do I have to file and/or pay the tax?
- When considering whether a household's income is at or below the poverty level, are two roommates (as opposed to domestic partners) considered one or two households?

Filing & paying the tax

- When is payment due?
- Will I receive a bill?
- Can I file online?
- Can I pay online?
- Does the Revenue Division accept debit cards?
- Is my online transaction secure?
- Does the City store my online credit or debit card or electronic check (ACH) information?
- How soon will my online payment post to show I have paid this year's tax?
- Can I cancel a payment I just made online?
- What are the acceptable forms of payment?

- I want to pay with cash. How can I do that?
- Do you go by postmark or received date?
- Can I get a printed form?
- Can I file an extension?
- What's the penalty for not paying or filing on time?
- Will there be employer withholding?
- Can I pay the tax for someone else?
- Is my Arts Tax payment tax deductible?
- Why do you need my full Social Security number?
- What are you doing to ensure that my Social Security number is secure?
- I received an Arts Tax notice mailed to "Portland Resident" at my address after I paid the Arts Tax. Why did I get a notice after I already paid? Isn't this a waste of money?
- Why does the City send general reminder notices to "Portland Resident" when it already has the names of taxpayers who filed in the past? Why not just send notices by name?

Refund request

- I paid the Arts Tax in error. How do I get a refund?
- Why do you need my full Social Security number to issue my refund?
- I paid the Arts Tax in error, but I want to support the arts. Can I donate some or all of the money to the program?

Penalty Waiver Requests

- Where may I find the criteria for penalty waivers?
- How do I get penalties waived?
- How do I pay just the tax amount?
- How will I know if my penalty waiver request has been granted?
- Will I be notified if my request is denied?

About the tax

I do not owe the tax. Do I still need to file?

Yes. Every adult resident must file the Arts Income Tax Return. If you live in a household above the federal poverty level, but you have less than \$1,000 of annual taxable income, indicate by checking the box that states "No - less than \$1,000 of income". If your **only** income is from Social Security benefits, pension benefits from the Oregon Public Employees Retirement System (PERS), pension benefits from the Federal Employees Retirement System (FERS or CSRS), VA disability or interest income from US Treasury bill notes and bonds, indicate by checking the box that states

"No - less than \$1,000 of income". If your primary source of annual income are those listed previously and any other income you have is less than \$1,000, indicate by checking the box that states "No - less than \$1,000 of income". Do not pay the \$35 tax.

How was this tax created?

The Arts Education and Access Income Tax was approved by Portland voters in the November 6, 2012 general election (Ballot Measure 26-146).

When did this tax start?

2012 was the first tax year. The due date for the 2019 tax year was extended to July 15, 2020 as a COVID-19 relief measure.

How much is the tax?

\$35 per person.

Is this a temporary tax?

No.

Where does the money go?

Net revenues are dispersed to [six \(6\) Portland school districts](#) and to the [Regional Arts & Culture Council \(RACC\)](#). The money helps arts and music teachers for K-5 students and arts programs citywide.

Why wasn't this tax added to property tax bills or water bills?

Any bill sent to a specific residential property (like the property tax or the water bill) will not know the number of adults that should pay the tax. For example, the property tax bill for an apartment complex with 50 units will go to the property manager or property owner, not the individuals who rent the units. There could be 50 or more individuals at that one complex that owe the tax, yet only one property tax bill is issued. Similarly, the water bill does not include any information about how many adults live at the residential address or how many have income.

Is the Arts Tax prohibited under the Oregon Constitution as a poll or head tax?

No. In [Wittemyer v. City of Portland](#), the Multnomah County Circuit Court ruled on June 21, 2013, that "the Arts Tax is not a Poll or Head tax as prohibited by the Oregon Constitution. ... The Arts Tax is not a head or poll tax because it is not assessed per capita. In assessing the tax, the City considers a person's income in three distinct provisions: the tax applies only to (1) income exceeding \$ 1,000, (2) non-exempt income sources, and (3) income of individuals residing in households with income above the federal poverty guidelines. Taxpayers who are under the age of 18 are exempt from the tax. The practical effect of the tax is to tax income of certain City residents within a certain income range and is therefore not a poll or head tax." On June 8, 2016, the [Oregon Court of Appeals](#) affirmed the decision of the Multnomah County Circuit Court. On September 21, 2017, the [Supreme Court of the State of Oregon](#) affirmed the decision of the Oregon Court of Appeals and the limited judgment of the Multnomah County Circuit Court.

Why do you need my social security number (SSN) and my year of birth?

The IRS and Oregon Department of Revenue (DOR) require a full SSN. Additionally, the DOR requires the complete date of birth to individually identify taxfilers; we need your SSN and your year of birth to accomplish this. For example, according to the White Pages, there are at least 10 men named John Smith living in Portland but none of them have exactly the same year of birth and SSN. Having your SSN and year of birth ensures we do not confuse one for another. We also need the year of birth to ensure we do not assess the tax on someone under 18 years old. Supplying the City with these two (2) key pieces of information will help ensure that your tax payment is properly credited in your name.

Where do Arts Tax dollars go?

We have posted the accounting for all of tax years [here](#).

Why does the City use collection agencies to collect delinquent debt?

Most Portland residents who owe the Arts Tax pay it voluntarily and on time. For those who don't, the Revenue Division makes multiple attempts to encourage taxpayers to file and pay their tax *before* it is referred to a third-party collection agency. This includes a "final demand" letter sent to the taxpayer's last known address making it clear that the account may be referred to a collection agency. Third-party collection agencies are commonly used by government and the private sector to collect delinquent debt because they have economies of scale and specialize in this work in ways that general government and the private sector cannot. Outsourcing delinquent Arts Tax debt allows the City to keep the cost of collections relatively low so more of the tax dollars go to the schools and programs funded by the Arts Tax. If the Revenue Division did not use collection agencies, some people would end up not paying the tax, violating City code and creating inequity for those who pay. This in turn would lead to lower compliance and reduced revenue. The Revenue Division is committed to fair enforcement of the City Code.

Who pays the tax

Who has to pay?

City of Portland residents 18 years or older who have \$1,000 or more of annual [income](#) and are in a household above the federal poverty level. If your household's annual income is at or below the federal poverty level, you may [request an exemption](#). If you moved in or out of Portland during 2019, you still must pay the entire \$35 tax.

Who doesn't pay the tax?

These Portland residents do not pay the Arts Tax:

1. Individuals who are under the age of 18;
2. Individuals whose household annual income is at or below the [federal poverty level](#);
and
3. Individuals with less than \$1,000 of annual [income](#) of any kind.

What is the "Permanent Filing Exemption for Low Income Seniors or Low Income Permanently Disabled Individuals"?

Qualifying taxpayers with only non-taxable income (for example, Social Security, Federal Employee Retirement, Oregon Public Employee Retirement, U.S. Treasury interest, VA disability income) OR income below the federal poverty-level *AND* are 70 years old or older (or permanently disabled) can request a permanent filing exemption. This exempts the taxpayer from filing for the Arts Tax each year. If the taxpayer's financial situation changes, the taxpayer must notify the Revenue Division and file an Arts Tax return for any year that the taxpayer no longer qualifies for the exemption.

Households with individuals under 70 years of age, unless those individuals are permanently disabled, still need to apply annually for the household poverty exemption.

How do I know if my address is in Portland?

If you are in Multnomah County, you can easily check your address in [Portland Maps](http://www.portlandmaps.com) to see if you are within the city limits of Portland. Go to www.portlandmaps.com and enter your address. If your address has "Portland" in the Jurisdiction, you reside within the City of Portland. See example below.

111 SW COLUMBIA ST	
PORTLAND, OR 97201	
PROPERTY	
Year Built	1981
Description	OFFICE
Building Area	406.029 sq ft
Neighborhood	PORTLAND DOWNTOWN
Jurisdiction	Portland / Multnomah
Zoning	CX - Central Commercial
Elevation	61 ft (approximate)
Owner	COLUMBIA SQUARE LLC

If you are in Clackamas County, you can check your address at <http://web3.clackamas.us/taxstatements>. If your property tax statement indicates that you have been assessed property taxes by the City of Portland (City Portland), then you are considered a Portland resident.

If you are in Washington County, you can check your address at <http://www.co.washington.or.us/AssessmentTaxation/taxstatements.cfm>. If your property tax statement indicates that you have been assessed property taxes by the City of Portland (City - Portland), then you are considered a Portland resident.

What is the federal poverty level?

The federal poverty guideline is issued each year in the *Federal Register* by the **Department of Health and Human Services** (HHS). The guidelines are used for **administrative** purposes — for instance, determining financial eligibility for certain

federal programs. The Arts Tax uses this guideline for determining whether a household is exempt from paying the tax.

2019 Poverty Guideline

Persons in Household	Poverty Guideline
1	\$12,490
2	\$16,910
3	\$21,330
4	\$25,750
5	\$30,170
6	\$34,590
7	\$39,010
8	\$43,430

For households with more than eight (8) persons, add \$4,420 for each additional person.

If I work and my spouse doesn't, do we owe \$35 or \$70?

In cases where one spouse is "income earning", there would only be one person subject to the \$35 tax. If the non-working spouse earned more than \$999.99 of annual income, they are "income-earning" and would need to pay the tax, so \$70 would be due. For more information about what income is considered, please see the FAQ "[When determining if a resident is "income earning", what income is considered?"](#)"

Do adult children living at home pay the tax?

Adult children living with their parents who earned less than \$1,000 of income in 2019 do not pay the tax. Adult children can be added to their parent's tax filing. Indicate whether they have income and owe the \$35 tax or if they have annual income under \$1,000 and don't owe the tax.

If you are claiming non-taxable income because your only source of income is non-taxable (benefits paid by: Social Security (SS), Supplemental Security Income (SSI), federal Railroad Retirement Act of 1974 (RR), Oregon Public Employee Retirement System (PERS), federal retirement benefits (FERS and CSRS), VA disability, United States Treasury interest (USTI), or any combination of these benefits:

- The Revenue Division will verify income and/or exemption claims with information provided to the Division by the U.S. Internal Revenue Service. Penalties may be assessed if these claims cannot be verified.

- The Revenue Division may request financial information from the taxfiler to evaluate any exemption claim.

Do college students pay?

If the student earned more than \$999.99 of income in 2019 and is a Portland resident, 18 or over, and in a household that is above the federal poverty level, they would pay the tax. It does not matter where they attend school. Generally, college students are considered Portland residents if they come home to Portland during school breaks.

What if I live in Portland only part time?

There is no proration of the \$35 tax. You would be subject to the full \$35 tax even if you were a resident of Portland for any part of the year.

I lived in Portland in 2019 and then moved out of Portland in 2020. Do I need to pay the tax?

Yes. Since you resided in Portland during 2019, you would be subject to the tax (due July 15, 2020). You would also be subject to the 2020 tax (due April 15, 2021) because you lived in Portland for a portion of 2020. If you did not live in Portland in 2020, you would not need to file and pay for 2020 (due April 15, 2021). If you do not currently live in Portland when you are preparing your Arts Tax return, you should give your Portland address (before moving out) on your return.

Is there an upper age limit?

No. The tax is due from residents who are 18 or older.

When determining if a resident is “income earning”, what income is considered?

All income is considered, regardless of amount. Income can be from wages, self-employment, investments, rentals, retirement, disability, unemployment, spousal/child support, or any other source. "Income" does not include any income a city is prohibited from taxing by state or federal laws.

On the [Arts Tax Return](#) (or [Tax Info form online](#)) select "Annual taxable income less than \$1,000" if:

1. You individually have \$0 to \$999.99 of annual income for 2019; or
2. Your only income cannot be taxed by the City (examples are Social Security, Oregon PERS pension benefits, FERS pension benefits or interest income from US Treasury bill notes and bonds); or
3. Your primary income source cannot be taxed by the City (examples above) and you individually have \$0 to \$999.99 in other income for 2019.

Income for purposes of the household exemption (being at or below the federal poverty level) is defined differently. Refer to that definition if you think you qualify for an exemption from the tax. You must claim exemption on the Arts Income Tax Return by July 15, 2020.

If you are claiming non-taxable income because your only source of income is non-taxable (benefits paid by: Social Security (SS), Supplemental Security Income (SSI), federal Railroad Retirement Act of 1974 (RR), Oregon Public Employee Retirement

System (PERS), federal retirement benefits (FERS and CSRS), VA disability, United States Treasury interest (USTI), or any combination of these benefits:

- The Revenue Division will verify income and/or exemption claims with information provided to the Division by the U.S. Internal Revenue Service. Penalties may be assessed if these claims cannot be verified.
- The Revenue Division may request financial information from the taxfiler to evaluate any exemption claim.

If I just turned 18, do I have to file and/or pay the tax?

If you were 18 years old by December 31, 2019, you must file and pay (if your annual income was \$1,000 or more) the tax for 2019. If you live with your parents, they may include you on their tax filing.

If you had less than \$999.99 of annual taxable income, you would select “Annual taxable income less than \$1,000” line of the Arts Tax Return (or Tax Info form online).

If you are included in a household that is at or below the federal poverty level, you must be included in the exemption filing for the household. Any income you have must be added into your household's income to determine if your household qualifies for the exemption.

When considering whether a household’s income is at or below the poverty level, are two roommates (as opposed to domestic partners) considered one or two households?

If the roommates are financially independent and are merely sharing the housing expenses, they would be considered two (2) separate households (even though they are occupying the same residence). For more information about what income is considered, please see the FAQ "[When determining if a resident is “income earning”, what income is considered?](#)"

Filing & paying the tax

When is payment due?

Every year at the same time as your Federal tax return (generally April 15). However, due to the COVID-19 pandemic, The Revenue Division is automatically extending the Portland Arts Tax return filing and payment due on April 15, 2020 until July 15, 2020.

Will I receive a bill?

No. A filing reminder or an uncompleted [Arts Income Tax Return Form](#) will be mailed on or around March 15, 2020. Remember that you are required to file even if you [do not owe the tax](#). Providing your email address when you file, whether online or printed form, will allow the Revenue Division to send you an electronic reminder notice next year.

If you need to pay your bill for the current tax year or any of the previous tax years (tax created in 2012) go to "[Pay an Arts Tax Bill](#)" and use the confirmation number on your bill to pay.

Can I file online?

Yes. Online filing is available for both filing the tax return (e.g., paying the tax) and for requesting an exemption. Go to www.portlandoregon.gov/artstax and select "File an Arts Tax return" to pay or file an exemption request.

Can I pay online?

Yes. Go to www.portlandoregon.gov/artstax and select "File an Arts Tax return" to pay the tax.

Does the Revenue Division accept debit cards?

Yes. The Revenue Division accepts debit cards charged as credit.

Is my online transaction secure?

Yes. The site is encrypted and includes visual clues (e.g., closed padlock symbol in the browser). You can view the security certificates by clicking on the padlock.

Does the City store my online credit or debit card or electronic check (ACH) information?

The City does not retain credit or debit card information.

How soon will my online payment post to show that I have paid this year's tax?

Your payment will post to your account on the next business day.

Can I cancel a payment I just made online?

Yes, but not online. All requests for online payment cancellation must be received before 5 pm on the same day the payment was made. Call 503-865-4278, Monday through Friday, from 9:00 am until 4:45 pm, [except holidays](#).

What are the acceptable forms of payment?

Online:

- Credit cards (Visa or MasterCard)
- Debit cards charged as credit (Visa and MasterCard)
- ACH (electronic check): be sure to pre-authorize your account for ACH payments to avoid unexpected bank charges
- Mail-in check or money order (fill out the online form and mail in your check)

In person:

- Cash
- Check or money order

By Mail:

- Check or money order accompanied by the [Arts Tax Return](#) (Checks payable to 'City of Portland' -- send to PO Box 2820, Portland OR 97208-2820)
- Note: Arts Tax Refund Requests: PO Box 1278, Portland, OR 97207

American Express and Discover cards are not accepted at this time.

I want to pay with cash. How can I do that?

Cash is accepted at our office in downtown Portland. Our address is 111 SW Columbia St., Suite 600. Please do not mail cash.

Do you go by postmark or received date?

Postmark. A payment is considered timely if it is postmarked on or before July 15, 2020.

Can I get a printed form?

Yes. However, to reduce administrative costs and the environmental impact of mailing paper forms, and to maximize revenue to local schools and non-profits we ask people with internet access to file online at www.portlandoregon.gov/artstax. The form, ARTS2019 (to pay the tax and to request a poverty exemption) can be downloaded, just click the link on the form name. Forms are also available at our office at 111 SW Columbia St., Suite 600, Portland, Oregon 97201. Finally, we can email the forms to you.

Can I file an extension?

No. Federal and state income tax extensions are for time to file, not time to pay, and the Arts Tax form is actually easier to complete than a federal extension form. Filing for the Arts Tax requires only five (5) pieces of information: name, address, email address, your full Social Security Number (SSN) and your year of birth.

What's the penalty for not paying the 2019 Arts Tax on time?

- After July 15, 2020*: \$15 penalty
- After October 15, 2020: additional \$20 penalty

*Due to the COVID-19 pandemic, the Revenue Division is automatically extending the Portland Arts Tax return filing and payment due on April 15, 2020 until July 15, 2020. The first penalty due date has also been extended accordingly until after July 15, 2020.

Will there be employer withholding?

No.

Can I pay the tax for someone else?

Yes, you may [file and pay the tax](#) for any adult, even if they don't live with you. If you [file online](#), first you will be asked for your Portland home address (this could be your home address or the address of the person/people you are filing for), billing email, and for the number of taxfilers (you can file for income earning and non-income earning adults). The billing email address and home address will copy to all taxfilers but you can change this information for any (or all) taxfilers. You may file for another adult, your spouse, a parent, or an adult child. You will then be able to pay for everyone in a single payment transaction. If you live outside of Portland you can also file for someone who does live in Portland.

Is my Arts Tax payment tax deductible?

Taxpayers that itemize deductions on their federal income tax return will generally be able to deduct their 2018 Arts Tax payment paid in 2019 on their 2019 Schedule A (as State and Local Income Taxes). Consult your tax advisor if you have questions.

Why do you need my full Social Security number?

Disclosure of your Social Security number is required. This requirement is authorized under the Federal Privacy Act of 1974, the Tax Reform Act of 1976 and the Arts Tax Administrative Rules. Your Social Security number will be used by the Revenue Division to assist in the administration of the Arts Tax including, but not limited to, compliance with federal Form 1099 filing requirements and comparison of Arts Tax filings to federal taxfiler information.

What are you doing to ensure that my Social Security number is secure?

The safeguarding of this information is a priority. The Revenue Division securely administers many tax programs that require the submission of confidential taxfiler information. According to Portland City Code 5.73.100, it is unlawful for any City employee to divulge financial information submitted or disclosed to the City under the terms of the Arts Education and Access Income Tax. This includes Social Security numbers. Our workspace is secure and confidential information in our database is encrypted. The Revenue Division has been approved to receive federal taxfiler information directly from the IRS and is therefore subject to IRS physical and electronic security requirements as well.

I received an Arts Tax notice mailed to “Portland Resident” at my address after I paid the Arts Tax. Why did I get a notice after I already paid? Isn’t this a waste of money?

To ensure all Portland households are adequately notified of the tax, we send a form to all addresses prior to the due date. Even if you have already paid your Arts Tax, we send the form in case others in your household still need to file or there are new residents at that location.

Why does the City send general reminder notices to “Portland Resident” when it already has the names of taxpayers who filed in the past? Why not just send notices by name?

There are two reasons. First, when we send general reminder notices with specific names on them, the notice will be forwarded to the resident if they have moved. This means their old residence, which presumably has new occupants, will not get a notice. By sending to “Portland Resident” we ensure that every address gets a notification before the filing deadline. Second, sending a separate notice to every individual taxpayer is expensive. We want to use our financial resources wisely, and we don’t want to waste money by sending multiple notices to the same household.

Refund request

I paid the Arts Tax in error. How do I get a refund?

Refunds will be issued only in the event of overpayment, duplicate payments, or a payment made when no tax was due. An online payment made Monday through Friday

during regular business hours may be voided the same day it is made if the Division receives the request before 4 pm Pacific Time by calling (503) 865-4278.

All other refund requests must be made in writing. You will need to complete the Arts Tax Refund Request form (AREF) form within 365 days of payment. You must file the form by that date or you waive your right to receive a refund.

Submit the form:

By email to ARTSTAXHELP@portlandoregon.gov

By mail to ARTS TAX, PO Box 1278, Portland, OR 97207

Please call us at (503) 865-4278 if you have questions.

Why do you need my full Social Security number to issue my refund?

IRS regulations require the City to file a 1099 GOV for any income tax refund of \$10 or more. All 1099's require the full Social Security number when transmitted to the IRS

I paid the Arts Tax in error, but I want to support the arts. Can I donate some or all of the money to the program?

Yes. If you do not want a refund of any of the tax you paid, there is nothing you need to do.

Penalty Waiver Requests

Where may I find the criteria for penalty waivers?

The Administrative Rules that outline the criteria that will be used to determine if you qualify for a penalty waiver may be found by going to www.portlandoregon.gov/artstax and clicking on Codes & Rules then [Arts Tax Administrative Rules](#).

How do I get penalties waived?

You may request a penalty waiver. In order for your request to be considered, all outstanding tax must be paid and the request must be in writing. The written request may either be an email, fax or letter. If you are submitting a letter, please mail the letter to: Arts Tax Program, P.O. Box 1278, Portland, OR 97207-1278.

Penalty waiver requests are reviewed against the criteria listed in [Arts Tax Administrative Rule](#) titled, Discretionary Penalty Waivers.

How do I pay just the tax amount?

Go to www.portlandoregon.gov/artstax. If you have a confirmation number, click on [Enter a Confirmation Number](#) and enter it in the box. This will take you to a payment screen with a summary of your account. Enter the tax amount, excluding penalties, in the blank text box and proceed with your payment.

If you are filing your return online, click on [File/Pay my Arts Tax](#) and proceed with the filing process until you get to the payment screen. Once you select a payment method, a blank text box will appear that will allow you to enter the amount you wish to pay. Enter the tax amount, excluding the penalties, and proceed with your payment.

How will I know if my penalty waiver request has been granted?

If you submitted your request by email, you will receive an email letting you know that your request has been granted. If you submitted your request using mail or fax, you may call the Arts Tax hotline at (503) 865-4278 or send an email to artstaxhelp@portlandoregon.gov.

Please allow 30 days for your request to be processed before contacting the Revenue Division to check on the status of your request.

Will I be notified if my request is denied?

Yes. If your penalty waiver request is denied, you will receive a bill in the mail within 60 days of submitting your request.

Arts & Culture

City proposes new tax to fund the arts

Jersey City could become the first city in NJ with an Art and Culture Trust Fund

Marilyn Baer, Staff Writer, Hudson Reporter

February 6, 2020

<https://hudsonreporter.com/2020/02/06/city-proposes-new-tax-to-fund-the-arts/>



Jersey City could vote to provide more funding for the arts on a November ballot question.

This November, Jersey City residents could get another referendum question on the ballot, which could establish a trust fund for the arts.

Should it be approved by the people in November, the new Arts and Culture Trust Fund would create a funding source for nonprofit arts organizations in Jersey City.

According to an announcement by Mayor Steven Fulop, the new Arts and Culture Trust Fund would support funding exclusively for local artists and arts education through a maximum tax rate of \$0.02 per \$100 of assessed property value.

The program will mirror the city's Open Space Trust Fund enacted by referendum under the Fulop Administration in 2016, which the city announced last year would pay out \$3 million in citywide park improvements and upgrades.

According to the city, for the past two years the mayor has worked with the Jersey City Arts Council (JCAC) to lobby state legislators to implement the mechanisms that would allow long-term arts funding.

The JCAC is a nonprofit, launched in 2016, dedicated to protecting, strengthening, and promoting the arts in Jersey City.

'Vital to the fabric of Jersey City'

Assemblyman Raj Mukherji led the effort at the state level to draft the Assembly Arts Bill to help all municipalities statewide achieve this goal. Both the New Jersey Assembly and Senate passed the bill before the governor signed it into law in December 2019.

"We all believe that in order for arts and culture to thrive here, it is important to build new and sustainable models for funding," Fulop said. **"That's why we stepped up to the plate when no one else did, to make sure we can financially support the creative and cultural activities for our residents and children now and for future generations to learn and enjoy."**

According to the city's announcement, Hudson County is one of the lowest funded areas for the arts across the state. The Arts Trust Fund would be the first time any city in New Jersey took such actions.

"Arts are vital to the fabric of Jersey City, and this tax will help our organizations sustain programming," said Ward B Councilwoman Mira Prinz-Arey. **"For less than the cost of a movie ticket, we can support the local arts organizations to help them thrive while providing an array of entertainment opportunities for residents and visitors to enjoy, ranging from art galleries to stage productions and more."**

As the most diverse city in the nation, Jersey City is home to a vibrant arts scene that has grown significantly in recent years with cultural programming **and events highlighting the city's arts community and honoring its rich cultural history.**

In 2013, funded by a Clean Communities Grant, Jersey City launched the citywide Jersey City Mural Arts Program, which links established and emerging local, national, and international mural artists with property owners as part of a beautification program that transforms Jersey City into an outdoor art gallery.

Per the referendum, the tax revenue will be used to directly support creative cultural activities, including performance, visual, fine arts, music, dance, graphic design, film, digital media, video, architecture, urban design, humanities, literature, arts and culture education, historic preservation, museum curation, crafts, and folk arts.

"Jersey City has long been home to some of the most skilled and progressive artists in the state," said Chair of the Jersey City Arts Council Heather Warfel Sandler, **"We are excited about the potential to finally support our artists with sustainable funding, and for the public to recognize that the arts are an essential element of society."**

For updates on this and other stories check www.hudsonreporter.com and follow us on Twitter @hudson_reporter. Marilyn Baer can be reached at Marilynb@hudsonreporter.com.

PUBLIC ART AND PRIVATE DEVELOPMENT RESOURCE GUIDE FOR DEVELOPERS



“States have an opportunity to both improve livability and boost state and local economies by investing in the arts and culture.”

National Governors Association

1. WHY IS THE CITY REQUIRING THAT MY DEVELOPMENT INCLUDE PUBLIC ART?

Public art is an integral element in private development that offers a city or municipality many possibilities: the opportunity to make a place exceptional, to honor local tradition and/or history, to illuminate the City’s aspirations. Art can bring its viewers joy, surprise, stimulation, and reflection in a way that is unique to a specific place. Notable art projects can put a City “on the map” in a way that brings national, and even international attention to a site. This can make the City a more competitive location for business and tourism alike. In addition, public art supports the local economy through the processes of design, fabrication, and installation.

Development is good, but thoughtful development is even better. Private development is critical to a City’s growth: thoughtful development that respects local history, culture, and customs can be integrated into the life of the City’s citizens, as well as its urban landscape in a way that adds to the City’s cultural as well as its economic life. Successful public art projects have the ability to infuse new development with a strong connection to the community, giving both residents and visitors a vibrant sense of place, and helping to both express and forge local identity.

2. WHAT IS A WORK OF PUBLIC ART?

City codes typically specify that the public art project is an original, site-specific work of art, constructed of durable materials such as, but not limited to, metal, glass, stone, light, or mosaic.

The most important aspect of a work of public art is that it is created by a professional working artist of recognized achievement in the field of public art. The artist may work *with* architects, landscape architects, engineers, lighting designers and/or other professionals, but he or she must be the primary designer of the project, and must hold the contract with the developer for the work of art.



Richard Deusch

Against the Day

Chevy Chase Center, MD Photograph: Joseph Romeo

3. WHAT ARE THE CITY’S REQUIREMENTS FOR PUBLIC ART PROJECTS?

5. “How can I do the right thing for my project and for the City?”

(In other words, how can a developer go about meeting the City’s requirements in a way that benefits his or her development project as well as the City?)

The developer has a vision for what his or her development will be. For its part, the City has created public art policies that support its vision for future growth, with hopes of gaining visibility in a national and international market, and a global world. By deciding to develop a project within a particular City, the developer accepts responsibility for being an active and informed citizen of that community even if he or she does not live there.

Investing in public art may offer benefits in the form of opportunities for trade-offs regarding, for example, flexibility in FAR requirements, expedited permitting, additional building height, massing options, and a range of other possibilities.

There are many other benefits for developers to realize in creating public art, including gaining visibility, making their properties more attractive to both business and residential markets, and promoting good relationships within the community.

“The arts are the best insurance policy a city can take out on itself.”

Woody Dumas, Mayor of Baton Rouge

6. How can a public art requirement become an asset for the developer?

Many developers and owners who were initially skeptical about the requirements of public art projects have become unequivocal in their support for such projects, and the benefits to their developments, after participating in the process.

A public art project that is generated by thorough discussions first between the developer and the City staff, and then with the artist; and that follows a clear and transparent process, can often enhance the vision of the developer, and make the development both a destination and a local landmark.

“Don’t just pay for art because it is required. Work hard to get the best possible solution for the site and project. The end result of this should be something you will enjoy seeing every time you visit the project. If you are not proud of the art, it is just an expense.”

David Jury | Vice President, Support Services & Facilities Development | Palo Alto Medical Foundation



Larry Kirkland

Garden Gifts Sunnyvale Clinic of the Palo Alto Medical Foundation, CA

Photographer: Craig Collins

7. Why is it a good idea to hire a public art consultant?

Many developers are understandably unfamiliar with the process of commissioning and supervising the construction of a work of public art. An experienced public art consultant brings a unique set of skills to oversee the process, from the initial discussions, to selection of the artist, to design development, and throughout the approval process, fabrication, and installation.

Commissioning an artist to create a work of public art is different than working with architects, landscape architects, engineers and contractors. The public art consultant can bring an invaluable amount of professional experience and insight to the process. The public art consultant is the owner's (or developer's) representative in all phases of the project, ensuring that the work of public art is achieved within budget and on schedule, and that it meets the aesthetic goals of all involved.

A public art consultant has the expertise needed to work with the developer, the developer's team, the artists, and City staff to commission and create a unique, site-specific public art project for either a public or private development. The public art consultant is retained to oversee the selection of an artist and to ensure that the finished project is of the quality promised by the artist and meets the expectations of the commissioning entity. His or her experience includes coordinating and

managing a variety of personalities, skills, interests, and regulations. The specific experience and expertise of the public art consultant (which is quite different from that of a corporate art consultant) can save the developer considerable time and effort, and will contribute to the realization of an exemplary project.

An experienced public art consultant is invaluable in assuring that communication among the various participants is clear, and that all stages of the process are anticipated and discussed well in advance. The public art consultant can assist the client in a range of ways.

For example:

- Recognizing opportunities within the public art project, such as a shade structure, or a seating element, or the enhancement of a planned water feature;
- Understanding and coordinating the municipal approval process;
- Communicating with the City staff to insure a smooth process from beginning to completion;
- Soliciting portfolios from a variety of artists to consider for the project.
- Working closely with the artist to ensure the highest quality of work;
- Ensuring that deadlines are met;
- Helping to manage budget issues.

In addition, the public art consultant can ensure that the work is successfully integrated into the built environment of the development project, in cooperation with the developer's design team and contractors.

For public art projects in private development, the public art consultant is paid by the developer, and the fee is negotiated between the two parties. It is important to confirm with the City representatives whether this fee is an allowable expense within the art budget. Payment is either based on an hourly fee with an upset limit, or a set fee based on a percentage of the overall budget. For example, an ordinance may limit the consultant's fee to 5% of the overall art budget. Of course, fees paid to the public art consultant must be transparent. An art consultant's fee is not a percentage of the artist's contract for the commission.

The public art consultant represents the developer's interests and concerns throughout the project, including the final achievement of the best possible public art project for the owner, the artist, and the community.

8. What specialized experience does an experienced public art consultant bring to the developer's team?

- Experience in and understanding of the building construction process.
- Experience in timely decision- making and negotiating skills.
- A detailed and comprehensive understanding of the unique challenges and opportunities in creating a site-specific work of public art.
- Experience in dealing with the dynamics of City politics.

9. What are some of the key questions to ask a public art consultant you are considering hiring?

- Do you have experience in overseeing a range of public art projects (different budgets, locations, sites)?
- Can you provide references from developers or city administrators with whom you have worked?
- What are some of your initial thoughts about possible ways to achieve my goals for this project?

The City's Arts and Culture Council should be able to recommend a few qualified public art consultants.



Lynn Basa

The Grove (with wedding party) Village Square, Claremont, CA

Photograph by Artist

10. What makes for a good public art process? And how does this contribute to the realization of a successful public art project?

A well-considered public art process includes a thorough, transparent artists' search and selection process. It is essential to a good project outcome that this process is clear, that everyone involved knows the steps in the process, and that they understand how and why they are there. As in construction projects, this is the critical underlying infrastructure of the public art project.

Questions to ask:

- **Does the City define the process?**

Some City ordinances and guidelines specify that City staff, as well as the developer's team, must be involved in the selection of both the site for the work and the project artist, and may have a clear process for including them in place. Other Cities and municipalities may have less well-defined requirements. It is very important that the developer work closely with the City staff to become familiar with the process and understand the requirements.

- **If the City has not specified the steps in the public art process, an experienced public art consultant can be very helpful in working with the developer and the City to achieve a positive process and outcome.**



Richard Deutsch

Fragments Blu Plaza, San Francisco, CA Photograph by Artist

Photograph by Artist

11. Who should the developer include on his team?

It is of crucial importance for the developer to assemble a team of knowledgeable, engaged, experienced individuals to participate in the public art process. These individuals may include:

- A public art consultant;
- City officials;
- Art educators and curators;
- An architect (the project architect, and/or an architect not directly involved in the development project);

- A landscape architect experienced in public art,
- Other experienced artists.

While it is understood that the developer will make final decisions about the public art project, the input, discussion, and counsel of the advisory group and City staff can be invaluable in creating a positive outcome. The role of the advisory team is to help the developer gain knowledge of and insight into a range of possibilities in selecting both the public art site and the artist.

Commissioning a work of public art is a major decision that will have a long-term impact on the development, as well as on the community. The advisory team can assist the developer by making the City approval process more streamlined, and by providing professional support throughout the selection and approval process and throughout the project's development.

12. How is the cost of the public art project determined?

Typically, the cost of the public art project is calculated as a percentage of the hard construction costs of the development project. Each City or municipality sets its own percentage, usually (but not always) 1%. This number represents the total budget for the public art project, and covers all costs related to the public art project, including artist selection and fees, the artist's consultants and engineers, fabrication, shipping and transportation, installation, and construction costs related to installation of the public art project.

It is important to discuss the budget with City staff, to ensure that all the costs that are to be included in the budget are understood and accounted for.

13. How is the best and most appropriate site for public art determined?

Even if sited on private land, the public art project will become an important part of the City's landscape. Depending on the available siting for the public art project, City codes often require that the work of art work is visible and/or accessible to the public.

Each development project and site area is unique, and determining the best location for the work of public art in a way that also enhances the development project should be a part of early discussions. The developer's concept and goals for the development project are a critical part of this discussion. By reviewing the project site plan, the developer's advisory group, working with City staff, may find unique ways of realizing opportunities that are not apparent during the initial review.

Sometimes there will be several different possible sites to consider: in other cases, one site will be immediately apparent as the best location. Most experienced artists will want to be able to contribute to this discussion. For many artists who do public works, understanding a site with as much clarity and perception as architects and landscape designers is an important part of their professional expertise. Bringing an artist onto the development team early in the design phase allows for his or her vision to be optimally realized.

14. How is the artist selected?

Through a site plan review process, with the developer, advisory committee and City staff working together, typically several possible location(s) for the public art project are selected.

Some locations will suggest a particular type of public artwork (landscape, lighting, mosaic, metal, etc.). When this is the case, the search for an artist or group of artists experienced in that particular medium marks the beginning of the search process.

In other projects there may be various possibilities for both the site and the type of work, thereby allowing for a wider range of potential artistic opportunities.

Some experienced artists work in a variety of media. Another way of approaching this process is to bring an artist or artists to meet with the team prior to selecting a site.

There are several ways to seek appropriate, experienced artists. Public art consultants have comprehensive knowledge of and experience with qualified artists. Typically, the advisory team, as well as the City's arts and culture staff, will also have recommendations for artists to consider. In some cities there is a pre-qualified pool of artists to be considered for art commissions, selected by a jury process.

One type of selection process, coordinated by the public art consultant or City Staff, might include the following steps:

- Request for qualifications (RFQs) from artists to be considered for the project are collected.
- The developer, the advisory committee, City staff, and the public art consultant review artists' materials submitted.
- Working together, the advisory team and City staff determines a short list of 3-5 artists to be considered.
- The short-listed artists visit the site, meet with the developer and the team, and review the site plan and architectural drawings for the project.
- Artists present their concepts and ideas to the selection committee (the developer, members of Advisory Committee, City officials and staff)



Larry Kirkland

Around About Westgate Center
Pasadena, CA

Photograph by Artist

- After discussion by the selection committee, the artist is selected. (If additional information is needed before a decision can be made, the committee decides next steps.)

In another approach to the selection process an artist is selected after a review of his or her qualifications and an interview with the Committee. This artist is then retained to develop a concept, working with the design team of architects and landscape designers. The concept is then subject to review and acceptance by the developer, the Advisory Committee, and City officials and staff.

15. How can developers and artists do their best work together?

“During the design process it is important to create opportunities for discussions about budget, theme, size, colors, materials, style and how to best work with whatever approvals are necessary. A very collaborative relationship will result in a product that is far better for both parties than a project created in a vacuum. If the developer does not have the temperament for working with an artist in this fashion, recognize that fact and appoint someone else to do so.”

David Jury | Vice President, Support Services & Facilities Development | Palo Alto Medical Foundation

- Begin to discuss the project with City staff and the public art consultant as early in the process as possible -- the earlier, the better, to allow for pro- active planning.
- Establish a clear and transparent process and schedule for reviews of the project. (Typically the reviews are related to contract phases and the payment schedule outlined in the artist's contract.)
- Articulate the vision for the development project, and express ideas about how the public art project might be best integrated into the development project overall.
- Clarify the roles of members of the advisory team. This is particularly important if the developer has designated someone on his/her staff as a key representative and decision-maker for the public art project.

16. What should be included in the artist’s contract?

- The public art consultant and/or City staff will have experience with public art contracts. Unlike other building, design, and construction contracts, the artist's contract includes the artist's right to retain intellectual property rights to his or her ideas, concepts, models, samples, drawings as well as the finished work of art.
- The artist is responsible for the supervision and/or execution of all aspects of the public art project.
- The contract must be directly between the developer and the artist (not through a third party, such as the project architect or general contractor).
- Once the art project is complete, the title of ownership passes to the developer. The artist or artist's estate retains the copyright in perpetuity.

17. What happens after the artwork is installed and approved?

- The finished and installed public art project is part of the developer's agreement with the City. The project's Certificate of Occupancy may depend upon the completion of the art project and its acceptance by the City.
- As part of the developer's agreement with the City, the art project and the entire site must be maintained in accordance with guidelines supplied by the artist.
- No alterations, removal, relocation, or de-acquisition may take place without the approval of both the City and the artist.
- Should the property be sold, these requirements remain in place as part of the property, and are the responsibility of the new owner.
- City codes specify the process when a work of art is damaged or removed due to mitigating factors, as determined by the City.

18. Frequently asked questions:

- ***Is it preferable to hire a local artist?*** This often depends upon the scale and scope of the project. Smaller project budgets suggest that, to hold down costs, an artist from the region should be sought. Larger projects may attract an artist of greater reputation and expanded vision. Finding the right artist for a particular project may mean expanding beyond the region.
- ***Should the artist be required to use local fabricators?*** Artists create their artworks in many ways: some in their own studios, and some using a variety of artisans and fabricators. Artists often develop strong working relationships with these fabrication teams. These specialists are uniquely qualified to help realize the vision of the artist. A local fabricator might be suggested to a good end result, but this decision should be left up to the artist.
- ***What happens if the developer and the developer's team are not satisfied with the artist's proposals?*** A good contract will define the process. Most often if the developer or City is not satisfied with the proposed concept, a frank discussion among all involved will help define the problematic issues. The artist is then offered the opportunity to refine or reconceptualize the proposal, for an additional fee. If the new concept is still unacceptable, the developer has the right to release the artist from the contract and find another artist.
- ***What are some safeguards for ensuring that the public art project will stay within budget and on schedule?*** Be very clear what the established budget is. Have a thorough understanding of the artist's previous projects, the budgets for them, and whether there were budget over-runs in the past. Ask for a complete budget breakdown of all materials, labor, overhead, crating, shipping, consultant fees, installation, and artist oversight and fee. Insist that the artist carry a contingency, and make sure the developer has a contingency as well. As with all building projects, running into the unexpected is to be expected.

- ***Are artists hard to work with?*** Artists ask the reverse: “Are these people hard to work with?” Artists, like many others, are creative, visionary, hardworking and dedicated people. Those who are involved in creating works in the public arena understand the complicated demands of schedules, reviews, and working with large, complex groups of people. Prior to hiring an artist, it is important to talk with those who have worked with him or her previously. It is also important to understand that artists are not like traditional construction workers. Artists make one-of-a-kind objects, and it requires great skill and attention to realize their visions. Establishing an involved and mutually respectful relationship between owner and artist is very important.

This document was written by Susan M Miller, with contributions by Janet Hulstrand, Janet Kagan and Larry Kirkland. www.AmericansForTheArts.org/PAN



Percent-for-Art Programs

Overview:

The Americans for the Arts Public Art Network (PAN) encourage cities to establish new Percent-for-Art ordinances for municipal capital improvement projects. PAN is a program of Americans for the Arts that develops tools and strategies to improve communities through public art. PAN encourages municipal arts and cultural staff to work in collaboration with designated arts commissions to serve as a resource and curatorial partner in the commissioning, site selection, installation and preservation of public art projects. Cities should include public art in ongoing design, planning and redevelopment.

Background:

Public art programs are charged with administering the development and management of public art in their communities. The methods used to build a public art program include, commissioning artwork for temporary installation, purchasing existing artwork for permanent or temporary display, placing artists on design teams and creating artist-in-residence opportunities. In addition to creating new work, public art programs are charged with maintaining their public art collections, developing educational programming, creating public art resources including printed materials and websites, seeking out partnerships and opportunities with public and private organizations, and acting as a source for public art information.

Since 1959, local Percent-for-Art ordinances have been applied to publicly-funded capital improvement projects. Today, cities are also expanding Percent-for-Art programs to include private development. Today, there exist approximately 350 public art programs in the United States. The vast majority (97%) of public art programs are housed within an umbrella organization such as a local arts agency or municipality. Nationally, 283 of the 350 public art programs are located within government agencies based within city, country or state government. Typically, public art programs with the largest budgets tend to operate within a government agency. Their largest source of revenue is from dedicated bond revenues and their largest expenditures are for art commissions and purchases.

In 2001, the average budget of the nation's public art programs grew 27.4% to \$779,968 during 2001. In fact, the average public art budget nearly doubled between 1998 and 2001 – increasing an average of 23.5% annually. In government public art programs, the average budget has grown 30% annually. In 2003, the average budget of a government program was \$911,594. Government programs receive 91% of their funding from government sources, including the most common source, Percent-for-Art ordinances. Government programs typically spend 10.5% of their budgets on administration and

staffing. In 2007, PAN will conduct a nationwide survey to revise and update data since the 2003 survey.

There is a misconception that public art is located only in larger cities. In fact, the largest growth of public art programs has been on the small city, suburban, and town level. Of the 350 public art programs in the United States, 111 of them serve populations of 150,000 or less. Nationally, 86 programs serve populations of 1 million or more.

The number of projects completed by public art programs is outstanding. On average, public art programs have completed 69 public art projects since their inception, including commissions, purchases, and conservation projects. Multiply that by 350, and over 24,000 public art artworks have been completed by public art programs in the United States. This is a conservative estimate since works from early government sponsored programs such as the WPA and the more recent NEA Art in Public Places Program are not included in this number, nor are the public artworks commissioned by private organizations or community groups who seek to develop individual projects.

Presently, public art programs are seeking to dig deeper, beyond just commissioning new works, to develop relationships with the communities and artists they serve. However, educational programming, artist services, conservation and maintenance of existing public art work are where public art programs require improvement. While government programs have the largest budgets and spend more money on art commissions and purchases than private non-profit programs, PAN found that private non-profit programs spend more money than government programs on conservation, artist outreach, and educational programming.

Here, these findings illustrate the importance of not just commissioning new work of the highest artistic quality, but on the need to keep up the excitement about the public art work beyond the ribbon cutting. In short, if public art is not maintained in the community physically through conservation or intellectually, through programming and information, the community will lose their close relationship to public art that artwork that exists in the commissioning process. The challenge is how to fund these complimentary programs.

In the development of new public art programs and projects there is no template for implementation. What works in one location cannot be dropped in place and expected to work in another. Through PAN's research, we found that public art programs are stable and growing nationwide. Nationwide, municipalities are leveraging their public art funding to have an increased impact on the communities they serve.

Data compiled from Americans for the Arts, *Public Art Programs Research Report*, 2003

Talking Points:

- Supporting the arts through Percent-for-Art programs is a way to give back to the community in return for the ability to create new artwork.
- Enhancing the identity and character of communities through public art directly supports cultural tourism and economic development strategies.
- Public art gives a city character and identity that makes it appealing to residents and helps to further attract visitors.
- The placement of public art projects enhances the image of a city - its landscape and architecture.
- Artists and designers working together offers opportunities to respond creatively to design challenges and enhances the design and development process for all parties.
- The growing interest in public art is affecting the fundamentals of city development and revitalization and is having an impact on national urban design and planning trends.
- Arts commissions should play a lead role in the commissioning, site selection, installation and preservation of public art projects.



Regional Arts & Culture Council

PERCENT FOR ART GUIDELINES

City of Portland and Multnomah County Revised October 2006

Throughout history art has been instrumental in creating unique public places that have yielded physical, social and economic benefits for a community. These guidelines outline the processes for selecting, commissioning, placing, maintaining and deaccessioning artworks purchased through the City of Portland and Multnomah County Percent for Art Programs. The Regional Arts & Culture Council (RACC) is the non-profit entity responsible for administering the program.

I. PURPOSE

The purpose of the Public Art Program (of which the Percent for Art is a part) is to integrate a wide range of art into public spaces in the community and reflect the diversity of artistic disciplines, and points of view. The program promotes education about the arts through its collection and related programming and serves to raise the public's awareness of their environment and to expand their knowledge and understanding of the arts.

Through the Percent for Art Program, RACC advocates for artists and cares for the collection by:

- providing opportunities for artists to advance their art forms.
- developing a public collection of artworks with strong inherent aesthetic qualities.
- encouraging early collaboration with artists on planning or design teams that contribute to the revitalization of neighborhoods and redevelopment areas throughout the region.
- encouraging public dialogue about art and the various roles of artists.
- encouraging the preservation of cultural traditions.
- including public agency and community representatives in the selection process.
- building the collection through gifts and donations.
- ensuring proper cataloguing of the Public Art Collection.
- providing proper display, storage, handling and maintenance of artworks in the collection.

II. PUBLIC ART ADVISORY COMMITTEE

The Public Art Advisory Committee (PAAC) is the standing RACC committee that oversees the Public Art Program. The PAAC oversees policies, sets goals and provides curatorial guidance for the selection, placement and maintenance of works of art acquired through the Percent for Art

Program and other public/private programs. Membership includes no more than 2 RACC Board members, the RACC designee on the Design Commission, and 6-8 arts professionals who are artists, architects, landscape architects, curators or individuals with considerable experience in the visual arts. The RACC Board Chair approves final appointments to the PAAC. Members serve 3-year terms with one 18-month appointment reserved, when possible, for an artist with public art experience. Meetings are held monthly.

For City/County Percent for Art projects, oversight responsibilities include:

- responding to briefing(s) by RACC staff, agency representatives and project designers
- recommending selection panel members
- recommending and/or approving direction of project
- approving semi-finalists
- monitoring all final artworks added to the collections.

In addition to overseeing the Percent for Art Program, the PAAC also oversees the following programs that fall under the auspices of RACC's Public Art Program:

- A. Artist selection for the Design Team Roster
- B. Temporary programs: Portland Building Installation Space, in situ PORTLAND, and *intersections*: public art residencies
- C. Proposals submitted as part of the Public Art Murals Program (*see Public Art Murals Application & Guidelines*)
- D. Donations of artwork to the public collection (*see Guidelines for Donations of Artwork*)
- E. Floor Area Ratio (FAR) Bonus Program (*see FAR Procedures and Guidelines for Private Developers*)
- F. Memorials for public parks (*see Accepting Gifts and Memorials, Administrative Rules adopted by Portland Parks & Recreation*)
- G. Private parties substituting public art for street level windows (*see Art Substitute for Ground Floor Windows Guidelines*)

III. IDENTIFICATION OF PERCENT FOR ART PROJECTS

- A. Item 5.74.020 ([download document](#)) of the attached Percent for Art Ordinance 179869 outlines qualifying improvement projects for the City of Portland. Multnomah County Ordinance Nos. 7.450 through 7.456 ([download document](#)).
- B. Chapter 5.74 Acquisition of Public Art Administrative Rule will outline the Administrative Rule by the Office of Management and Finance (in process).

IV. CONFLICT OF INTEREST

- A. No artist sitting on RACC's Board of Directors or the PAAC may submit for public art projects over which RACC has approval authority or administrative responsibility during his/her tenure.
- B. No RACC staff member or member of his/her household may submit for public art projects for which RACC has approval authority or administrative responsibility.
- C. No member of the project architect's firm or design team may apply for a Percent for Art project being designed by that firm.
- D. No artist sitting on a selection panel may submit for the project for which the panel was formed.
- E. Panelists are required by RACC's Articles of Incorporation and Oregon statutes to disclose direct or indirect financial or non-financial conflict of interest. Disclosure should occur prior to consideration and discussion of artist selection process. Following disclosure of financial or non-financial conflict of interest, the panelist must refrain from voting on the artist in question. The panelist may also choose to refrain from discussion although both discussion and voting is permissible under RACC bylaws and Oregon statutes. (See RACC's *Conflict of Interest Policy* for definitions.)

V. SELECTION PANEL APPOINTMENTS

- A. Method of Appointment
The PAAC recommends selection panel members from a reference list that is continually updated by public art staff in conjunction with PAAC recommendations. The PAAC takes into account the established formula listed below, requests by individuals to serve, and staff recommendations. Selection panel members serve at the discretion of RACC.
- B. Panel Structure
Panels may be composed of the following:
 - 1. Voting members
 - a. Three arts professionals, two of whom must be artists
 - b. The project's building and/or landscape architect or engineer
 - c. A representative of the participating bureau
 - d. A citizen preferably from the neighborhood affected by the project
 - 2. Non-voting members
 - a. RACC public art staff
 - b. Project manager for participating bureau

Each panel serves through the completion of one public art project. For complex projects, a selection panel may appoint a sub-committee to make recommendations to the full panel. At least two of the sub-committee members must be artists.

VI. SELECTION PANEL PROCEDURES, RESPONSIBILITY

- A. Public Art staff holds an orientation for each Selection Panel including a presentation of completed and relevant public art projects, review of program guidelines, a project overview and a review of any goals already established by the PAAC and the participating bureau.
- B. The Selection Panel:
 1. Develops the project's goals, sites for artwork, and suitable art forms, taking into account goals and sites already recommended.
 2. Decides to commission site specific work, purchase works of art for the City/County Portable Collection, or commission temporary works that would be documented for future reference after the life of the piece.
 3. Determines a method for artist selection:
 - a. *Open Competition*: Any artist applies, subject to limitations established by the Selection Panel or PAAC.
 - b. *Invitational*: One or more artists are invited to submit proposals.
 - c. *Direct Purchase*: A completed work of original art is purchased from submitted applications or other appropriate methods.
 - d. *Design Team*: Artists are selected from an open competition if time allows or from RACC's Design Team Roster.
 4. Narrows the selected artists through paid competitive proposals or interview.
 5. Reserves the option to make no selection from submitted applications and to reopen the competition or propose other methods of selection if no proposal is accepted.
 6. Approves all selections by a majority vote or consensus.
 7. Presents the semi-finalists to the PAAC for recommendation to the RACC Board for approval.
 8. Reports the finalists and their work to the PAAC.
 9. Approves artist's final proposal and subsequent changes in concept or media during the duration of the artist's contract.

VII. SELECTION CRITERIA

- A. Criteria to be used for acquisition of artwork by either purchase or commission shall include:
1. **Artistic quality.** Strength of the concept, vision and craftsmanship of the artwork.
 2. **Context.** The architectural, historical, geographical and/or socio-cultural context of the site.
 3. **Media.** All art forms including disciplines and media that are temporary and which survive only through documentation after the life of the piece has ended.
 4. **Longevity.** The structural and surface soundness and inherent resistance to theft, vandalism, weathering, and excessive maintenance or repair costs.
 5. **Public Safety.** Meets City building, electrical and other codes for safety.
 6. **Diversity.** Artwork that is diverse in style, scale, and media, and ranges from experimental to established art forms; also refers to artists from assorted backgrounds and ranges of experience.
 7. **Feasibility.** Artist's ability to successfully complete the work as proposed based on experience, durability of materials, project budget, timeline, and city/county zoning/construction/design guidelines.
 8. **Duplication.** Artwork is unique and an edition of one or of a limited edition.
- B. Design Team Projects
Additional criteria for selecting artists for design teams include:
1. Proven ability to work effectively in collaborative art and design projects.
 2. Strong communication skills and a willingness to learn.
- C. Public Art Murals Program
Murals approved as part of the Public Art Murals Program must remain in place for a minimum of five years. Additional criteria for approving public art murals include:
1. **Artistic merit.** Demonstrated strength of artist's concept and craftsmanship as well as originality of proposed mural; appropriateness of scale to the wall upon which mural will be painted/attached and/or to the surrounding neighborhood; and architectural, geographical, socio-cultural and/or historical relevance to the site scale.

2. **Community Support.** General support/advocacy from building owner/user, surrounding neighborhood, adjacent businesses and arts community.
3. **Feasibility.** Demonstrated ability to complete the proposed mural on time and within budget.

VIII. APPROVAL PROCESS

- A. The PAAC approves semi-finalists recommended by the Selection Panel.
- B. The RACC Board approves all contracts for percent for art projects and public art murals.
- C. RACC staff accessions the work into the public art collection.
- D. When an artist is hired from a PAAC approved roster, the PAAC may serve as the Selection Panel or recommend a Selection Panel, and approves the budget, the selected artist(s) and the proposed artwork.
- E. Except as limited by the Percent for Art ordinance, the PAAC's decisions about the selection, acquisition, siting, maintenance, disbursement of Public Art Trust Fund, deaccessioning, administration, education and registration of Public Art will be final.

IX. PLACEMENT OF WORKS OF ART

- A. While it is the intent that a site specific work will remain in the location for which it was created, RACC reserves the right to move a piece if circumstances dictate (see XI below).
- B. Works of art that are part of the Portable Works Collection will move throughout City/County facilities at the discretion of RACC, taking into account requests from the various bureaus.
- C. Temporary works of art commissioned will be documented with appropriate media either by the artist(s) or by RACC.

X. RESITING SITE SPECIFIC WORKS OF ART

- A. The PAAC may consider resiting a site specific artwork for one or more of the following reasons:
 1. The condition or security of the artwork can no longer be reasonably guaranteed at its current site.
 2. The artwork has become a danger to public safety in its current site.

3. The site has changed so that the artwork is no longer compatible as placed.
- B. Once the PAAC has determined that an artwork meets one or more of the above criteria, it initiates the following process:
1. RACC public art staff makes a good faith attempt to discuss resiting with the artist.
 2. If the artist agrees to the proposed resiting, staff refers the recommendation to the PAAC for approval.
 3. If the artist does not agree to the proposed resiting, he/she has the right to prevent the use of his/her name as the author of the artwork.

XI. COLLECTIONS MANAGEMENT AND MAINTENANCE OF PUBLIC ART

- A. RACC is responsible for the public art collections' documentation and management, as well as the care, handling and long-term maintenance for all works or art acquired through the Percent for Art program and/or accepted as a gift.
1. For these purposes, Collections Management is defined as the process of managing the information and disposition of all objects for which RACC has permanently or temporarily assumed responsibility. This includes developing, maintaining and enforcing collection policies and procedures that address the care, handling, placement and storage of artwork.
 2. Collections documentation includes such information as: collections inventory, acquisition records, incident reports, condition reports, legal ownership papers and histories, artist biographies, location histories and photographic images.
 3. A professional art conservator(s) will be consulted and/or hired to provide conservation assessments and/or perform treatments for the City/County's public art collection as needed.
 4. Maintenance technicians, who have been trained by a professional conservator, will be hired to provide routine and emergency maintenance for the City/County's public art collection.

XII. DEACCESSIONING

In the event a work of art needs to be deaccessioned, staff refers it to the PAAC for consideration according to RACC's adopted *Deaccessioning Policy* and in accordance with the artist's contract or purchase agreement.

XIII. APPLICATION OF PERCENT FUNDS: INCLUSIONS

The Percent for Art ordinances for both the City of Portland and Multnomah County contain formulas that distribute the available funds into three categories: (1) artwork acquisition; (2) project management and public outreach; (3) ongoing care and conservation.

A. Artwork Acquisition funds may be spent for:

1. Semi-finalist proposals and travel expenses
2. Selected artist's fees for design team work, including travel expenses, conceptual development, and proposals
3. Creation of a work of art, including:
 - a. artist's design fee
 - b. city required permits
 - c. labor and materials
 - d. operating costs
 - e. insurance
 - f. project related travel
 - g. transportation of the work to the site
 - h. installation
 - i. documentation
4. Frames, mats, mounting, anchorage, pedestals, cases or other materials necessary for the installation and/or security of the work
5. Fees for consultants to a selection panel or the PAAC

Any unused project funds remain in the Public Art Trust Fund and are used at the discretion of RACC.

B. Management and Public Outreach funds may be spent for:

1. Project, program and collections management
2. Education activities
5. Dedications
6. Publicity
7. Identification plaques and labels
6. Special projects approved by RACC

C. Ongoing Care and Conservation funds may be spent for:

1. Collections Management
2. Routine maintenance

3. Conservation
4. Storage
5. Rotation of artwork

XIV. APPLICATION OF PERCENT FUNDS: EXCLUSIONS

Percent for Art funds may *not* be spent for:

- A. Reproductions of original artworks
- B. Decorative or functional elements designed by the project architects, landscape architects or their consultants, without artist collaboration
- C. Art objects which are mass-produced of standard design, such as playground equipment or fountains
- D. Directional elements such as signs, maps, color coding, unless designed and/or executed by an artist
- E. Architect's fees

XV. DEFINITIONS

Architect/Engineer: The person or firm designing the improvement project to which the Percent funding applies.

Artist: A person generally recognized by his/her peers, critics and other arts professionals as producing works of art on a regular basis.

Deaccessioning: The formal procedure for removal of an accessioned artwork from the public collection.

Design Team: The collaborative team consisting of the architect, landscape architect, engineer and artist. Through the incorporation of the artist's perspective into materials selection, spatial considerations, overall design approach, and the inclusion of artwork, facilities can become more aesthetically fulfilling and humanly oriented places.

Design Team Roster: A list of artists selected by the PAAC (i.e., pre-approved) utilized for both private and public projects that request an artist's early involvement or on a fast track.

Design Team Roster: A list of artists selected by the PAAC (i.e., preapproved) utilized for both private and public projects that request an artist's early involvement or on a fast track.

Improvement Project (CITY): Any project paid for wholly or in part by a Participating Bureau in which the Participating Bureau's contribution of Eligible Funds equals \$50,000 or more for the construction, rehabilitation, remodeling, improvement or purchase for a public use of any building, structure, park, public utility, street, sidewalk or parking facility or any portion thereof within the limits of the City of Portland. This includes funds contributed by the City towards the completion of construction projects for public use managed by other public or private entities.

Improvement Project (COUNTY): Any project with an estimated construction cost of \$50,000 or more involving construction or alteration of a county building except service facilities not normally visited by the public, such as maintenance sheds, bridges and similar structures, and does not include roads. Funding sources include construction costs, capital improvement budgets in the Division of Facilities Management, the general fund portions of the Parks Development Account and the Recreational Facilities Fund devoted to parks development, and the purchase price of any building acquired on or after July 1, 1990, by the county for use in whole or part by the county.

Participating Agency: OAn agency, bureau or commission of the City of Portland Bureau or Multnomah County subject to the Percent for Art ordinance by virtue of its undertaking an improvement project.

Percent for Art: A percentage of capital construction costs for public buildings mandated by City and County ordinances to be set aside for art.

Portable Works Collection: A collection of two- and three-dimensional artwork rotated through City and County building and displayed in public spaces within those buildings.

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

Public Art Collection: All accessioned works of art owned by the City of Portland and/or Multnomah County that are either site specific, part of the Portable Works Collection, Visual Chronicle of Portland collection or documentation of temporary works of art.

Public Art Murals Program: The program adopted by the City of Portland in 2005 that expanded RACC's public art program to include reviewing submissions for public art murals to be placed on public walls and administered by RACC. Refer to the *Public Art Murals Program As Adopted Report* and the *Public Art Murals Program Guidelines and Application*.

Public Art Staff: The staff person(s) hired by RACC to oversee development and execution of Percent for Art projects.

Public Art Trust Fund: The RACC fund that receives all Percent for Art monetary contributions derived from improvement projects and public art funds from other sources.

Selection Panel: The panel appointed by RACC responsible for the artist selection, reviewing proposed works of art and recommending to the PAAC and to RACC specific expenditures for Percent for Art funds for each project.

Total Costs: The participating bureau's contribution toward the price for the completion of the improvement project. Exclusions (City of Portland): design and engineering, administration, fees and permits, building demolition, relocation of tenants, environmental testing, environmental remediation, non-construction contingency or indirect costs, such as interest during construction, advertising and legal fees. When an improvement project involves the acquisition of real property, costs attributable to land

Work of Art: All forms of art conceived in any discipline or medium, including visual, performance, literary, media and temporary works.

XVI. ORDINANCES PASSED BY THE CITY OF PORTLAND AND MULTNOMAH COUNTY. (See Section III.)

XVII. ADMINISTRATIVE RULES PASSED BY THE CITY OF PORTLAND AND THE PORTLAND DEVELOPMENT COMMISSION. (See Section III.)

Oregon Arts Commission - Percent for Art in Public Places

<https://www.oregonartscommission.org/services/percent-art>

Oregon's Percent for Art legislation guides the acquisition of the state's collection of art in public places, which includes more than 2,400 works of art.

Now you can [explore Oregon's Percent for Art Collection](#) through our online portal.

History

State public art program discussions began in 1975. Initial legislation applied solely to public construction budgets in Marion and Polk counties. In 1977, the program extended to state buildings in all Oregon counties, setting aside no less than one percent of funds for the acquisition of public-facing artwork in all state building construction plans with budgets over \$100,000.

Since then, the Percent for Art program has placed high-quality, accessible, and permanent art in public places. The program remains dedicated to the enhancement of public environments and the improvement of the character and quality of state buildings.

Selection Process

Percent for Art program artwork is selected and commissioned by selection committees composed of representatives of the user agency, community members, arts professionals and a project architect. Oregon Arts Commission project managers facilitate the selection process and serve as non-voting chairs of committees.

For each project, an Art Selection Committee evaluates possible styles, materials, locations and themes in order to select artwork appropriate for each building. Through shared discussion and a thorough review of proposals, the Art Selection Committee makes final selections of artists and works of art for the building.

Art Acquisition Process

Artwork for the Percent for Art collection may be acquired in several ways:

- Existing pieces may be purchased, either from an artist or a gallery.
- Artists may be commissioned to create a site-specific artwork. Commissioned artists may be selected via different avenues: a limited number of artists may be invited to submit proposals; an 'open' call may be issued to allow all interested artists to submit proposals; or project managers may assist the committee in selecting artists from Oregon's Art in Public Places Roster, a list of pre-qualified artists.

Impact

Over 275 state construction projects have qualified for Percent for Art funds and more than 2,000 Oregonians have participated on Art Selection Committees. Hundreds of thousands of state workers, residents and visitors have noticed, admired, debated, questioned, appreciated and been in contact with art in public places all over the state.

There are now over 2,400 pieces in Oregon's state art collection, including drawings, paintings, mixed media, photography, sculpture, ceramics, glass, mosaics, murals, textiles and both site specific and structurally integrated art installations. Over 800 artists are represented in Oregon's Percent for Art collection. Their work has been celebrated and supported with commissions throughout the program's history.

Oregon Business Development Department

Chapter 123

Division 475

1% FOR ART IN PUBLIC BUILDINGS

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=213>

123-475-0000

Purpose

The purpose of these rules is to:

- (1) Establish procedures for acquisition of works of art in an amount of 1% of direct construction costs of any project for the construction or alteration of any State Building in an amount of \$100,000 or more.
- (2) Promote placement of visual art of the highest quality where it can be easily viewed by the general public.
- (3) Utilize the talent of artists and craftspeople.
- (4) Preserve, encourage, and promote public awareness and understanding of the arts.

Statutory/Other Authority: ORS 359.025 & 359.142

Statutes/Other Implemented: ORS 276.073 – 276.090

History:

Renumbered from 190-020-0000, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10

AC 1-1991, f. 3-22-91, cert. ef. 3-21-91

AC 1-1979, f. & ef. 7-23-79

123-475-0005

Definitions

The words and phrases used in these rules have the same meaning given them in ORS 276.073. In addition, as used in these rules, unless the context requires otherwise:

- (1) "Architect" means the person or firm (architect, landscape architect, interior designer, or other design professional) designing the project to which the 1% provision applies.
- (2) "Artist" means a practitioner in the visual arts, generally recognized by critics and peers as a professional of serious intent, who produces Works of Art and who is not the Project Architect.
- (3) "Capitol Area" means the area defined in ORS 276.028.
- (4) "Contracting Agency" means the state agency authorized by law to enter into public contracts.
- (4) "Deaccession" means removal of a work of art from the public collection as described in OAR 190-020-0080.
- (5) "Designated Agencies" means the Oregon Arts Commission, Department of Administrative Services and, for project located outside of the Capitol Area, the Contracting Agency.
- (6) "Program" means the 1% for art program described in ORS 276.073 to 276.090.

(7) "Project" means the construction or alteration of a State Building that costs \$100,000 or more.

(8) "Resident Agency means the state agency or agencies that will occupy or otherwise use State Building. The Resident Agency may be the Contracting Agency.

(9) "State Building" means any structure built or remodeled by the State of Oregon using legislatively appropriated monies except those excluded in the definition of state building in ORS 276.073. "State Building" does not include a building leased by a state agency, unless under a lease-purchase agreement or under any other agreement whereby ultimate state ownership is contemplated or expected.

(10) "Works of Art" means all forms of original creations of visual art, including and not limited to:

(a) Painting: all media, including both portable and permanently-affixed works such as murals.

(b) Sculpture: in the round, bas-relief, high relief, mobile, fountain, kinetic, electronic, and site specific works placed on public lands in any material or combination of materials.

(c) Visual art comprising other two- and three- dimensional media including but not limited to prints, clay, drawings, stained glass, mosaics, photography, fiber and textiles, wood, metal, plastics and other materials or combination of materials, calligraphy, mixed media, film, video, or any combination of forms of media and documented time-based works or installations.

Statutory/Other Authority: ORS 359.025 & 359.142

Statutes/Other Implemented: ORS 276.073 – 276.090

History:

Renumbered from 190-020-0005, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10

AC 1-1991, f. 3-22-91, cert. ef. 3-21-91

AC 1-1979, f. & ef. 7-23-79

123-475-0010

Overview of Program

(1) The Oregon Arts Commission coordinates the Program. All Oregon State agencies, upon legislative approval of construction budgets, must notify the Oregon Arts Commission in writing of construction budgets or appropriations approved by the Legislative Assembly for any State Building. Upon written authorization by the Oregon Arts Commission, Oregon Arts Commission staff will meet with the Contracting Agency to plan the art selection process.

(2) Each Project will have its own Selection Committee. The Selection Committee is appointed in accordance with, and carries out the functions described in OAR 190-020-0015.

(3) Title for all Works of Art acquired pursuant to ORS 276.073 to 276.090 shall be in the name of the state on behalf of the Contracting Agency or Resident Agency, as determined by the Department of Administrative Services and the Contracting Agency, if the Contracting Agency is an agency other than the Department of Administrative Services.

(4) Works of Art in the state collection are insured by the State Insurance Fund, through the Department of Administrative Services Risk Management Division.

Statutory/Other Authority: ORS 359.025 & 359.142

Statutes/Other Implemented: ORS 276.073 – 276.090

History:

Renumbered from 190-020-0010, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10

AC 1-1991, f. 3-22-91, cert. ef. 3-21-91

AC 1-1979, f. & ef. 7-23-79

123-475-0012

Public Art Advisory Committee

The Oregon Arts Commission may establish a Public Art Advisory Committee consisting of two Oregon Arts Commissioners and up to seven arts professionals designated by the Oregon Arts Commission. The Oregon Arts Commission may use the Public Art Advisory Committee to make recommendations regarding general policies of the Program. The Public Art Advisory Committee will serve as a review panel for creation of a Roster of Prequalified Artists, may nominate and review artists for consideration by individual Art Selection Committees, and will serve as a review panel for Relocation or Deaccession requests. The Public Art Advisory Committee will not make selections for individual Program projects.

Statutory/Other Authority: ORS 359.025 & 359.142

Statutes/Other Implemented: ORS 276.073 – 276.090

History:

OBDD 11-2011, f. 12-30-11, cert. ef. 1-1-12

Renumbered from 190-020-0012, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10

123-475-0013

Prequalified Artist Roster

Experienced and talented artists may be prequalified by the Oregon Arts Commission for Program projects. The Oregon Arts Commission publishes a prospectus inviting applications. The Public Art Advisory Committee serves as the review panel and makes recommendations to the Oregon Arts Commission for inclusion on the Prequalified Artists Roster. Applications may be filed at any time. All artists must reapply at the end of each three-year cycle. The Roster is available to serve as a resource for other public art programs, architecture firms and others seeking artists for projects.

Statutory/Other Authority: ORS 359.025; 359.142

Statutes/Other Implemented: ORS 276.073 – 276.090

History:

Renumbered from 190-020-0013, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10

123-475-0015

Selection Committee

(1)(a) A Selection Committee shall be established for each Program Project. The Selection Committee, on behalf of the Designated Agencies, shall determine the scope, direction, and particular needs of the Project. Except as provided in subsection (b) of this rule, the Selection Committee is solely responsible for artist selection, review of design, execution, placement and acceptance of Works of Art, and shall communicate such progress to the Designated Agencies.

(b) Exception to sole responsibility for review: The Oregon Arts Commission and the Contracting Agency shall identify other review bodies whose oversight may be required by law or agency policy including, without limitation, state or local historic preservation committees, city design review committees and formalized campus design committees. In such cases, the Selection Committee's recommendation will be submitted for review and approval by these bodies prior to execution of any contracts for Works of Art.

(c) Informal committees established by any of the Designated Agencies, such as user groups of a Project, shall be kept informed of Selection Committee progress, but have no role in approval of the Selection Committee's recommendations. The Designated Agency that establishes an informal committee is responsible for notifying the Selection Committee of the establishment of the informal committee.

(2) The Selection Committee shall consist of up to nine members designated by the Oregon Arts Commission as follows:

(a) The Project Architect;

(b) The Director of the Oregon Arts Commission or designee thereof;

(c) Up to three visual artists or other design professionals appointed by the Oregon Arts Commission (the selection of the design professionals will be made after consultation with the resident agency). The Arts Commission shall strive to appoint Selection Committee members with varied perspectives, including multicultural representation;

(d) The Director of the contracting agency, or designee thereof, most appropriately the planning/construction project manager;

(e) The Chair of the Capitol Planning Advisory Board, or the Chair's designee, if the project is in Marion or Polk County area (ORS 276 .028);

(f) Up to one representative of each resident agency, or in the case of a University, each program, college or school with significant use of the facility;

(g) Such other people who qualify and are approved by the Designated Agencies.

(3) Up to 5 Non-Voting Advisors may be appointed by the Contracting Agency and Resident Agency of the facility to serve on the screening committee and may include: students, museum director, curator, educator, art historian, collector, and concerned members of the community, or other qualified individuals

(4) Chairman of the Selection Committee: The Public Arts Coordinator of the Oregon Arts Commission shall serve as non-voting chairman.

(5) Voting: Each member of the Selection Committee designated pursuant to Section (2) of this rule will have one vote. A majority vote of members present shall determine the selection recommendations to be made to the Designated Agencies. At least one-half of the members of the Selection Committee must be present to have a vote.

Statutory/Other Authority: ORS 359.025 & 359.142

Statutes/Other Implemented: ORS 276.073 – 276.090

History:

OBDD 10-2012, f. 6-29-12, cert. ef. 7-1-12

Renumbered from 190-020-0015, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10

AC 1-1991, f. 3-22-91, cert. ef. 3-21-91

AC 1-1979, f. & ef. 7-23-79

123-475-0025

Selection Committee Procedure

(1) The Selection Committee shall meet to consider the particular needs of the Project including budget, suitable art forms, appropriate locations, and method of artist/artwork selection.

(2) The Selection Committee may use any of the following methods for selection of Works of Art for a Project:

(a) Open Competition: A prospectus will be prepared by the Oregon Arts Commission with the approval of the Selection Committee and will be made broadly available to artists. Artists will be asked to submit images or other materials to the Commission. The Selection Committee may commission new work and also may purchase available work.

(b) Two-stage competition. An open competition may occur in two stages whereby a limited number of finalists selected from the first stage of competition will be asked to submit more detailed proposals. Each of the finalists may enter into a contract with the Contracting Agency that provides for payment of a professional fee for preparation of a detailed proposal or consultation interview. The Oregon Arts Commission or Selection Committee may recommend the amount of the professional fee.

(c) Prequalified Artist Roster: The Selection Committee may interview or commission proposals from one or more artists on the Prequalified Artist Roster, or may make direct selection(s) from the Roster.

(d) Nominated Pool: The Selection Committee may designate an informal panel of arts professionals to nominate artists appropriate for consideration for the Project. The resulting pool will be reviewed by the Selection Committee.

(e) The Public Art Advisory Committee may designate an informal panel of arts professionals to nominate artists appropriate for consideration to the State of Oregon Art Collection. The resulting pool(s) may be reviewed by individual Selection Committees.

(f) Limited Competition: In cases when, in the judgment of the Oregon Arts Commission, it is not feasible to conduct an open competition for a specific Work of Art, the Oregon Arts Commission will initiate a Limited Competition by inviting several artists to submit materials to the Selection Committee. If detailed proposals or consultation interviews are requested, each artist will be paid a professional fee for preparation of the detailed proposal or consultation interview. The Oregon Arts Commission or Selection Committee may recommend the amount of the professional fee.

(g) Direct Selection: When budget constraints or construction schedules are such that the Selection Committee determines that an open competition cannot be held, Direct Selection of the artist(s) or completed work will be made by the Selection Committee.

Statutory/Other Authority: ORS 359.025 & 359.142

Statutes/Other Implemented: ORS 276.073-276.090

History:

OBDD 11-2011, f. 12-30-11, cert. ef. 1-1-12

Renumbered from 190-020-0025, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10

AC 1-1991, f. 3-22-91, cert. ef. 3-21-91

AC 1-1979, f. & ef. 7-23-79

123-475-0030

Criteria for Selecting Works of Art

(1) Style and Nature: Works of Art of any aesthetic persuasion that are compatible in scale, material, form and content with their surroundings may be considered.

(2) Diversity of the Collection: The Oregon Arts Commission seeks to encourage and maintain a diverse collection for the state, including site-specific works developed with collaboration between an artist and design team, existing works of art created by an artist and purchased for permanent installation, and, when appropriate, documented time-based works or installations.

(3) Quality: The inherent quality of the work itself will be the highest priority for selection.

(4) Media: All forms of Works of Art may be considered. Works of Art may be either portable or permanently affixed or integral to the building or structure, or part of a temporary exhibition.

(5) Permanence: Due consideration will be given to structural and surface soundness and to permanence in terms of relative protection against theft, vandalism, weathering, or excessive maintenance or repair costs.

(6) Method of Acquisition: Either existing works or those commissioned for specific Projects may be acquired.

Statutory/Other Authority: ORS 359.025 & 359.142

Statutes/Other Implemented: ORS 276.073 – 276.090

History:

OBDD 11-2011, f. 12-30-11, cert. ef. 1-1-12

Renumbered from 190-020-0030, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10

AC 1-1991, f. 3-22-91, cert. ef. 3-21-91

AC 1-1979, f. & ef. 7-23-79

123-475-0035

Inclusions

Appropriations under ORS 276.080 for the Program may be spent for:

(1) The Work of Art itself which may include but is not limited to:

(a) Artist's professional fee;

(b) Labor of assistants;

(c) Materials required for production of the Work of Art;

(d) Professional services such as engineering and fabrication necessary to create or install the Work of Art;

(e) Artist's studio and operating costs of the artist, including rent, utilities, insurance, and other direct and indirect costs;

(f) Travel costs for the Artist for site visitation and research;

(g) Transportation of the Work of Art to the site;

(h) Installation of the completed Work of Art;

(i) Documentation of the work in progress or completed Work of Art;

(j) Contractual services for professionals engaged to install, maintain or clean Works of Art, and for conservation, restoration, project management or photography.

(2) Identification plaques, labels, and other such educational materials that promote and accurately credit the Artist(s) or project.

(3) Waterworks and electrical and mechanical devices, equipment and site work which are integral parts of the Work of Art.

(4) Frames, mats or pedestals necessary for the security of the Work of Art.

(5) Anchorages, containments and devices necessary for the security of the Work of Art.

(6) Works of Art which may be an integral part of the building.

(7) Expenses described in OAR 190-020-0055(3).

Statutory/Other Authority: ORS 359.025 & 359.142

Statutes/Other Implemented: ORS 276 .073 - 276 .090

History:

Renumbered from 190-020-0035, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10

AC 1-1991, f. 3-22-91, cert. ef. 3-21-91

AC 1-1979, f. & ef. 7-23-79

123-475-0040

Exclusions

Appropriations for the Program may not be spent for:

- (1) Reproductions, by mechanical or other means, of original Works of Art.
- (2) Decorative, ornamental, or functional elements that are designed by the Architect or consultants engaged by the Architect, as opposed to an Artist commissioned for this purpose.
- (3) "Art objects" which are mass produced of standard design.
- (4) Directional or other functional elements such as supergraphics, signage, color coding, maps, or other similar elements, except where an Artist is employed to produce them and has primary creative control over the Final Art.
- (5) Those items which are required to fulfill the basic purpose of the Resident Agency. Examples would be works of art in the collection of a state museum, or Works of Art fulfilling an interpretive or educational role in a state park, the state library, or a college or university art museum or gallery.
- (6) Preparation of the site necessary to receive the Work of Art, including, but not limited to, structural reinforcement, landscaping and utility service to the site, except to the extent the Work of Art is integrated into the structure or site and costs related to construction budget. Any such inclusion of costs for the Work of Art in the construction budget or costs of site preparation included in the art budget must be negotiated among the Designated Agencies and approved by the Oregon Arts Commission.
- (7) Energy and water costs for operation of electrical and mechanical systems.
- (8) Architect services to comply with OAR 123-475-0050(3)(d).

Statutory/Other Authority: ORS 359.025 359.142

Statutes/Other Implemented: ORS 276 .073 - 276 .090

History:

Renumbered from 190-020-0040, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10

AC 1-1991, f. 3-22-91, cert. ef. 3-21-91

AC 1-1979, f. & ef. 7-23-79

123-475-0050

Responsibilities

- (1) The Oregon Arts Commission shall:
 - (a) In consultation with the Designated Agencies, be responsible for selection, reviewing of design, execution, placement and acceptance of Works of Art", acquired under the Program;
 - (b) Appoint the members of the Selection Committee to carry out the functions described in OAR 123-475-0015;

- (c) Assist the Contracting Agency in contract negotiations with artists;
 - (d) In consultation with the Resident Agency and Contracting Agency, may transfer Works of Art between public buildings as provided in OAR 123-475-0080;
 - (e) With the help of professionals, install portable Works of Art and re-hang or relocate Works of Art when it determines such actions are necessary;
 - (f) In partnership with the Resident Agency, advise regarding necessary maintenance procedures in accordance with the Oregon Arts Commission's Collection Management System.
 - (g) Maintain complete records and documentation of the collection with the assistance of the Contracting Agency;
 - (h) Coordinate public information aspects of the project.
- (2) The Contracting Agency shall:
- (a) Assist the Oregon Arts Commission with identifying new Projects subject to ORS 276 .073 - 276.090, and shall notify the Oregon Arts Commission when construction budgets are approved and funds are available.
 - (b) Contract with the Architect for administrative or design services, or both, to be rendered in connection with the commissioning of Works of Art, notify the Architect of the state law requiring a non-deductible allocation for Works of Art and that the Architect will be a member of and must work closely with the Selection Committee for the Project and with the Artist, and include in its contract with the Architect clauses providing for the Architect's compliance with these rules, including without limitation as provided in section (3) of this rule;
 - (c) Notify the Oregon Arts Commission of the Project details;
 - (d) Consult with the Oregon Arts Commission and Screening Committee on the determination of budget and selection procedures;
 - (e) See that payment is made for all costs, professional fees, purchases and commissions in accordance with all applicable law;
 - (f) Communicate with the Oregon Arts Commission on Project coordination to assure timeliness of completion of the project;
 - (g) Contract with the Artist for procurement of Works of Art, including without limitation providing for title to the Works of Art to best in the Contracting Agency or Resident Agency in the name of the state no later than upon completion of installation of the Works of Art.
 - (h) Together with the Resident Agency, be responsible for security and general maintenance of the Works of Art, including without limitation observing if the Work of Art is in good condition, hanging straight, needs dusting, if labels are missing, or if other measures for security or maintenance are necessary or advisable;
 - (i) Assist the Oregon Arts Commission with public information aspects of the Project;
 - (j) Review and authorize all changes proposed involving cost, time, or scope before any changes are made to the Work(s) or Art for the Project;
 - (k) Assist the Oregon Arts Commission with maintaining an Art Inventory and immediately notify the Oregon Arts Commission if a work needs repair or is missing.
- (3) The Architect shall:
- (a) Recommend to the Arts Commission and the Contracting Agency specific sites for Works of Art and the scale and type of work thought to be most appropriate;

- (b) Act as a member of the Selection Committee;
 - (c) Work closely with the Artist where required, provide engineering information as it pertains to the building structure and technical assistance to the Artist if requested, and shall supervise the delivery and installation of the Work of Art under contract with the Contracting Agency;
 - (d) Ensure that all service requirements for the Work of Art are met in the design documents and that the Work of Art may be installed with relative ease.
- (4) The Artist shall:
- (a) When commissioned by the Contracting Agency to create a Work of Art, execute and complete the Work of Art in a timely and professional manner.
 - (b) Maintain close contact with the Contracting Agency to assist with Project coordination before and during installation;
 - (c) Transfer title of newly created or an existing Work of Art to the Contracting Agency;
 - (d) Deal personally with the other parties in all phases of the negotiations. However, the Artists may designate dealers or other agents to represent them in negotiations;
 - (e) Maintain a close working relationship with the Architect on commissioned pieces;
 - (f) Submit all plans drawings, detailed proposals and other required materials related to a proposed Work of Art to the Oregon Arts Commission. All preparatory work remains the property of the Oregon Arts Commission until the final Work of Art is installed, at which time ownership of the preparatory materials reverts to the artist;
 - (g) Copyright: The artist retains those rights specified in ORS 359.355 unless contract indicates otherwise.

Statutory/Other Authority: ORS 359.025; 359.142

Statutes/Other Implemented: ORS 276 .073 - 276 .090

History:

Renumbered from 190-020-0050, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10

AC 1-1991, f. 3-22-91, cert. ef. 3-21-91

AC 1-1979, f. & ef. 7-23-79

123-475-0055

Scope and Nature of Expenditures

- (1) While no more than 1% of the amount from capital construction appropriations may be dedicated to the Program, a dollar total greater than 1% can be expended for art in a Project if the additional funds are generated from other sources. The 1% figure is a minimum.
- (2) If 1% of total state funds appropriated for direct construction costs for a particular building is not required for the Program on that Project, such unrequired amounts can be utilized for either or both of the following as determined by the Oregon Arts Commission in consultation with the Contracting Agency:
 - (a) Acquiring Works of Art for existing state buildings;
 - (b) Acquiring Works of Art by transferring the funds to another construction project.
- (3) Administrative costs for the Works of Art on any particular Project, up to ten percent of the amounts billed by the Oregon Arts Commission to the Contracting Agency, may be funded through the 1% appropriation areas Administrative Costs may include only:

- (a) Supplies and services connected with public information and education;
- (b) Artists' prospectuses for specific projects;
- (c) Allowable expenses of the Selection Committee;
- (d) Salaries of Oregon Arts Commission staff;
- (e) Other costs directly related to Program management.

Statutory/Other Authority: ORS 359.025 & 359.142

Statutes/Other Implemented: ORS 276 .073 - 276 .090

History:

Renumbered from 190-020-0055, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10

AC 1-1991, f. 3-22-91, cert. ef. 3-21-91

AC 1-1979, f. & ef. 7-23-79

123-475-0060

General Principles and Procedures

- (1) Freedom of Expression: Because of the bold attempt to meld the imaginations and talents of so many individuals and groups, freedom to reach creative solutions must always be maintained. Artists must be sensitive to the unique qualities of public art and the guidelines and parameters which, of necessity, may be required.
- (2) Integration of Art and Architecture: So that Artists and Architects can gain from each others' design insights, all parties should strive for engagement of the Artist as soon as possible after the approval of the Architect's schematic design phase.
- (3) Exhibitions and Educational Outreach: Contracting Agencies should consider undertaking the following exhibition and educational outreach opportunities. The Oregon Arts Commission is available to provide consultative assistance, but these activities must be funded with monies other than Program funds, unless they are an integral part of the Final Art:
 - (a) Exhibition of sketches and maquettes created in limited or open competitions;
 - (b) Involvement of students and art instructors in workshops with Artists creating Works of Art;
 - (c) Tours of those sites which exhibit many Works of Art, conducted by trained docents;
 - (d) Use of state educational and other facilities by the Artist in developing concepts and creating the Work of Art, so that state employees and students can better understand the creative process. Such facilities might include studio space, foundries, machine, welding, and woodworking shops, printing and photographic facilities;
 - (e) Filming or videotaping the creation and installation of the Work of Art.
- (4) Accessibility of Information: All parties will strive to publicize widely all aspects of the Program. All meetings of Selection Committees are open to the public.
- (5) Community Support and Advice: While firmly committed to the principle of selection of Artists by authorities in the design professions — The Oregon Arts Commission, Department of Administrative Services, and Contracting Agencies welcome participation and advice from the interested public and employees of the Resident Agency.
- (6) Conflict of Interest: All procedures will be conducted and all decisions will be made free of any conflict of interest in accordance with ORS chapter 244.

(7) Dedication: If a dedication or "unveiling" of a Work of Art is desired, arrangements shall be the responsibility of the Contracting Agency.

Statutory/Other Authority: ORS 359.025 & 359.142

Statutes/Other Implemented: ORS 276 .073 - 276 .090

History:

Renumbered from 190-020-0060, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10

AC 1-1991, f. 3-22-91, cert. ef. 3-21-91

AC 1-1979, f. & ef. 7-23-79

123-475-0065

Documentation and Evaluation

(1) Documentation:

(a) Identification: The Contracting Agency shall assist the Oregon Arts Commission with identification of the Work of Art which may include, without limitation, that plaques or labels identifying the Work of Art, are securely affixed, unobtrusive, and well designed. Plaques, labels or other identifying media shall included the name of the Artist; title of the Work of Art, if any, medium, and year completed;

(b) Registration: The Oregon Arts Commission shall maintain inventory records. The Oregon Arts Commission provides copies of each Contracting Agency's inventory records upon request by the Contracting Agency;

(c) Publications: Contracting Agencies are encouraged to publish informative folders and booklets on the Works of Art, such as those in the State Library and the Department of Administrative Services. The Oregon Arts Commission is available to assist with editorial and technical assistance.

(2) Evaluation: The Oregon Arts Commission shall annually make a public report on the projects of the previous year and shall conduct periodic evaluations of the Program.

Statutory/Other Authority: ORS 359.025 & 359.142

Statutes/Other Implemented: ORS 276 .073 - 276 .090

History:

Renumbered from 190-020-0065, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10

AC 1-1991, f. 3-22-91, cert. ef. 3-21-91

AC 1-1979, f. & ef. 7-23-79

123-475-0074

Relocation and Deaccession

(1) Each Relocation and Deaccession action shall be determined on a case-by-case basis. Standards applied to Deaccession shall be at least as stringent as those applied to the acquisition process.

(2) Changes in fashion, taste, administration or the immediate pressures of public controversy are insufficient to support a Relocation or Deaccession action.

(3) Relocation or Deaccession will not be considered until at least five years have elapsed from the date of completion identified under OAR 123-475-0065(1)(a) of permanent Works of Art and acceptance in the case of portable Works of Art, unless special circumstances exist. Special circumstances include, without limitation, when a Work of Art has been damaged beyond repair.

Statutory/Other Authority: ORS 359.025 & 359.142

Statutes/Other Implemented: ORS 276 .073 - 276 .090

History:

Renumbered from 190-020-0074, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10

123-475-0080

Criteria for Relocation or Deaccession

The Oregon Arts Commission may approve a request to consider Relocation or Deaccession of a Work of Art for one or more of the following reasons:

- (1) The artwork requires unforeseen excessive maintenance or repair, contains failing materials, faults of design or workmanship, or repairing or securing the Work of Art is or becomes impractical or unfeasible;
- (2) It would benefit the collection re replace the Work of Art with another more significant Work of Art by the same Artist;
- (3) The Work of Art has been the source of significant, documented adverse public reaction over at least five years, and a broad range of people who come into regular contact with the Work of Art support its removal;
- (4) The condition or security of the Work of Art cannot reasonably be guaranteed;
- (5) The Work of Art has become significantly less appropriate over time, given changes in the function or character of the collection, setting or the community;
- (6) The site is going to be demolished or adapted, and it is not possible to successfully incorporate the Work of Art into redevelopment of the site;
- (7) The site is not longer publicly accessible;
- (8) There is not suitable new site available for the Work of Art in the same facility;
- (9) The Work of Art endangers public safety.

Statutory/Other Authority: ORS 359.025 & 359.142

Statutes/Other Implemented: ORS 276 .073 - 276 .090

History:

Renumbered from 190-020-0080, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10

123-475-0085

Procedure for Relocation or Deaccession

- (1) The Public Art Advisory Committee will undertake periodic reviews of the collection and review all Relocation and Deaccession requests submitted to the committee by Oregon Arts Commission staff on behalf of the Arts Commission, a Resident Agency, or the public.
- (2) The Public Art Advisory Committee shall make recommendations to the Oregon Arts Commission on all Relocation and Deaccession requests.
- (3) Sequence of Action.
 - (a) Upon receipt of a request for Relocation or Deaccession by a Resident Agency, citizen(s), or the Oregon Arts Commission or its staff, Oregon Arts Commission staff shall prepare a report to the Public Arts Advisory Committee that shall include the condition of the Work of Art, recent photographs, estimated value, reasons for considering Relocation or Deaccession and addressing the criteria contained in OAR 123-475-0080, options for relocating or repairing the

Work of Art when applicable, opinion of the head of the Resident Agency, and any other supporting or relevant information.

(b) The Public Art Advisory Committee shall review the report and may direct Oregon Arts Commission staff to seek additional information about the Work of Art from the community where it is installed, the Artist, art galleries, curators, conservators, appraisers or other arts professionals.

(c) The Public Art Advisory Committee shall recommend to the Oregon Arts Commission whether the request for Relocation or Deaccession should be denied or granted in whole or in part. The Public Arts Advisory Committee may recommend modifying, relocating, selling, donating, disposing of or storing the Work of Art. The recommendation must address the following:

(A) Criteria contained in OAR 123-475-0075, if any, that have been met;

(B) Most appropriate action and method of action;

(C) Specific recommendation if the Work of Art is to be traded or sold for the purpose of purchasing another Work of Art by the same Artist;

(d) The Oregon Arts Commission staff shall prepare a report for consideration by the Oregon Arts Commission at a regularly scheduled meeting that includes at least the following:

(A) The Public Art Advisory Committee's recommendations;

(B) The opinion of the head of the Resident Agency;

(C) To the extent required by any contract between the Contracting Agency and the Artist, the opinion of the Artist, if living, if the Artist has provided an opinion.

(e) If the Oregon Arts Commission determines that a Relocation or Deaccession request may be granted, the Oregon Arts Commission will notify the Contracting Agency of its approval.

(4) Method for Relocation: On rare occasions, a Work of Art in the State of Oregon Public Art Collection may be removed from its original location in a State Building. Works of Art will be removed only with the approval of the head of the Resident Agency (or designee), and the Oregon Arts Commission. When considering new locations, the following criteria apply:

(a) The new location must be a State Building;

(b) If the new location is a different facility, the new Resident Agency must be willing to accept the Work of Art on long-term loan, for a period of at least five years.

(c) If the new location is a different facility, the new Resident Agency must be willing to provide for security and maintenance of the Work of Art.

(d) The new location must be viewed by a broad range of citizens.

(5) Methods of Deaccession: Works of Art will be deaccessioned only with the approval of the Head of the Resident Agency (or designee) and the Oregon Arts Commission. Deaccession shall be accomplished in one of the following manners as determined by the Oregon Arts Commission to be in the best interests of the citizens of Oregon, the State of Oregon Public Art Collection, and the public trust invested in the Oregon Arts Commission as the steward of the collection:

(a) Sale or Trade.

(A) If the Work of Art has not been appraised in the past five years, a certified appraisal will be conducted.

(B) If stated in the approved recommendation, the Artist will be given first option to purchase or trade the Work of Art.

(C) Sale may be by auction, gallery resale or direct bidding by individuals, in compliance with state law and policies governing surplus property.

(D) Trade may be through the Artist or gallery, museum or other institution for one or more Works of Art of comparable value by the same Artist.

(E) No Works of Art may be sold or traded to members or staff of the Arts Commission or Public Art Advisory Committee or their immediate families.

(F) Proceeds from the sale of a Work of Art shall be used to purchase artwork in keeping with the definitions and limitations of the Program and in accordance with the Oregon Arts Commission's decision to approve Deaccession. Funds may be expended with the oversight of the Public Art Advisory Committee. Any preexisting contractual agreements between the Artist and the state regarding resale shall apply.

(b) Destruction of a Work of Art that is deteriorated or damaged beyond repair, or beyond value of the Work of Art, and therefore deemed to be of negligible value. Alternatively, the Work of Art may be returned, in present condition, to the Artist, if living, to the state or representative of the Artist, or to an art conservation research or training facility as a disposable Work of Art.

(c) If the Oregon Arts Commission is unable to dispose of the Work of Art in a manner described in this section, the Work of Art may be donated to a non-profit organization or otherwise disposed of as the Oregon Arts Commission determines reasonable.

(6) Costs for Relocation or Deaccession. Unless otherwise requested by a person or agency requesting Relocation or Deaccession and approved by the Public Art Advisory Committee, costs for appraising, cleaning or minor repairs to a Work of Art as needed to be suitable for display should be charged to the original Resident Agency. Transportation to storage or a new location should be charged to the original Resident Agency. Installation or any major conservation, reframing, or similar activity should be charged to the new Resident Agency. Costs may be negotiated in the best interests of each entity.

(7) Compliance with Applicable Policies and Regulations. Decaccession of Works of Art shall be done in a manner that complies with all other applicable state and federal law. For example, Decaccession must comply with applicable procedures and laws relating to the disposition of State property and with laws protecting Artists' rights.

Statutory/Other Authority: ORS 359.025 & 359.142

Statutes/Other Implemented: ORS 276 .073 - 276 .090

History:

Renumbered from 190-020-0085, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10
OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10