

# Bayshore Gateway Triangle CRA

## Public Art Plan

July 13 2021

[TEXT DRAFT]

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## Introduction

In March 2020, the Board of County Commissioners (BCC) adopted *Cultural Paradise: Celebrating Creativity in Collier County* (the County Arts and Cultural Strategic Plan), the inaugural arts and cultural plan for the County. The Arts and Cultural Strategic Plan embodies two specific commitments for the Collier County community. The first is a commitment to building the foundation for Collier County to become an arts and cultural destination. The second is a commitment to celebrate, support, and build local arts, creativity, and culture to enrich the quality of life for all residents of all ages and backgrounds.

In May 2019, the BCC adopted the first amendment to the Collier County Community Redevelopment Plan. The amendment includes an updated vision, goals, and strategies for the Bayshore Gateway Triangle Community Redevelopment Area (BGT CRA). The new vision statement:

*Promote quality of life and economic vitality with a mixed-income, urban, multi-modal community that welcomes visitors, cultivates the area's artistic and cultural identity, uplifts unique local destinations, and finds balance with the natural environment.*

One of the strategies included in the plan is to create an Arts and Culture Plan for the BGT CRA to help guide development to enhance community character and improve the community brand. The plan also provides the ability to fund public art with BGT CRA revenues.

This public art pilot plan for BGT CRA advances the County Arts and Culture Strategic Plan goals and the commitments to the Collier County community by (a) elevating the area as an arts destination, (b) strengthening Collier County's arts and cultural ecosystem, and (c) further implementing the Community Redevelopment Plan.

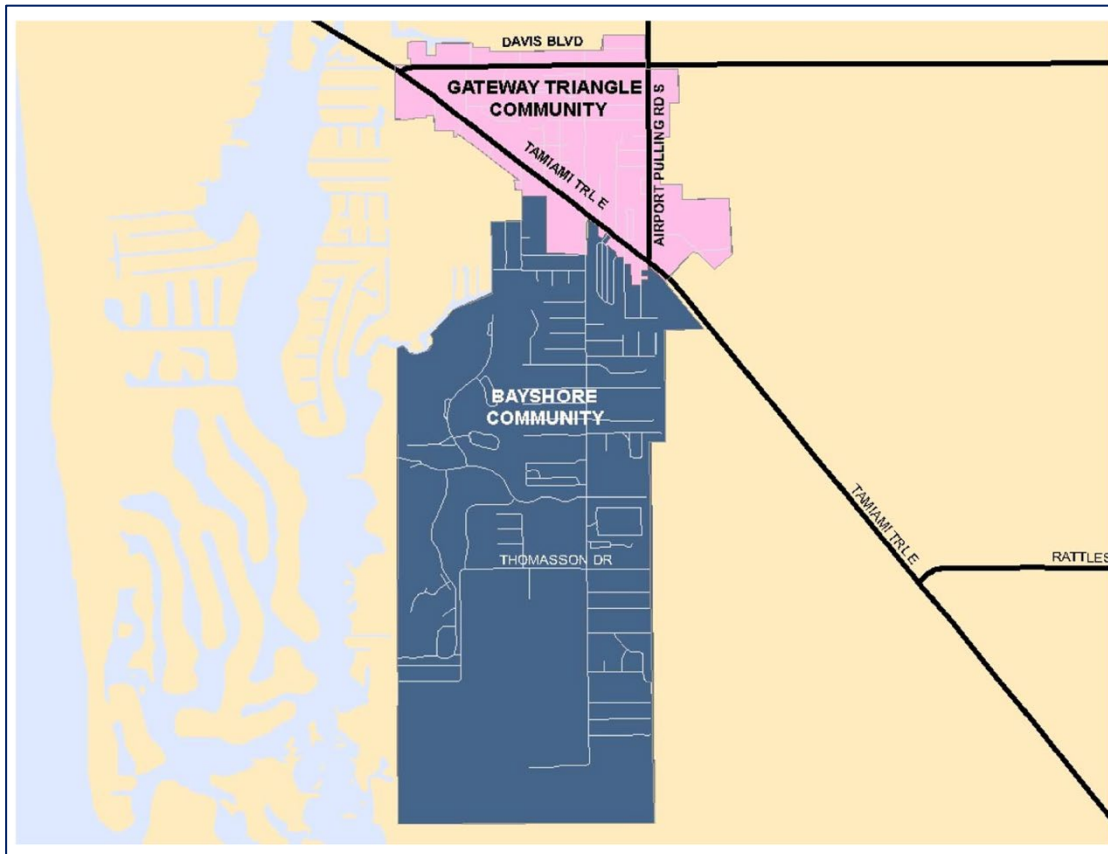
## BAYSHORE GATEWAY TRIANGLE CRA PUBLIC ART PLAN

The BGCRA consists of two distinct neighborhoods: The Gateway Triangle community and the Bayshore community.

**Gateway Triangle:** Two major arterials establish the boundaries of the Gateway Triangle, Airport- Pulling Road and Davis Boulevard. The area is further divided into two sub-areas. The Triangle that includes the CRA Signature Catalyst project "Mini-Triangle" that will begin the revitalization of this historically intense commercial area. Located in the center of the Triangle is the David and Cecile Wang Opera Center, home of Opera Naples. The center currently stages professional chamber operas and concerts with 320 tiered seats and café-style seating for 120. The remaining area is primarily residential with a mix of apartments, duplexes, and single-family homes around the Shadowlawn Elementary School.

**Bayshore:** Primary access into this waterfront community is from Bayshore Drive and Thomasson Drive. The Haldeman Creek Entertainment District is the center of redevelopment activities with new food venues. The Naples Botanical Garden anchors the southern tip of the area, a 170 acre world-class garden and majestic setting for outdoor venues. Historically, the area was known for small fishing operations and marinas along Haldeman Creek, which provides direct access to the Gulf of Mexico. There is a mixture of single and multi-family homes, many located on water-front lots. Low-intense neighborhood commercial is located along the major roadways.

*The Bayshore Gateway Triangle Area*



## What Is Public Art?

Public art expresses community values, enhances the environment, transforms a landscape, heightens awareness of community concerns, and questions assumptions. Public art commemorates local history and traditions. The art is intended for everyone, a form of collective community expression. Public art reflects how we see the world – the artist's response to our time and place combined with our own sense of who we are.<sup>1</sup> The definition of public art continues to evolve, providing varied place-based opportunities to engage communities and bring vibrancy and life both to public places and private development. Public art is a powerful tool and partner in achieving civic goals in the areas of economic development, identity, community engagement, cultural diversity, revitalization, placemaking, and tourism.

Since the creation of the first percent-for-art program in Philadelphia in 1959, hundreds of cities, counties, and states have followed suit. Currently, Florida has 65 public art programs, some managed by public entities and others managed by nonprofit local arts agencies.

A well-implemented public art plan will contribute to the economic and cultural vitality of the BGT CRA. It will help to attract and retain creative industry professionals, positively impact community pride and identity, and convey a welcoming message to residents and visitors. This is an extraordinary opportunity for Collier County to support and amplify the area as an arts destination and a cultural asset, as defined in the County Arts and Culture Strategic Plan.

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<sup>1</sup>Adapted from Penny Balkin Bach, 1992.

# Planning Process

## Overview

The Public Art Pilot Plan process began in February 2020. Much of the insight for this plan was derived from the community engagement process for the County Arts and Culture Strategic Plan – a 10-month process. Following the approval of the Arts and Culture Strategic Plan by the Collier County Board of County Commissioners (BCC), community engagement for this plan began with a site visit including numerous stakeholder interviews, group meetings, artist discussion groups, a tour of the Bayshore Gateway Triangle Community Redevelopment Area (BGT CRA) with Community Redevelopment Agency (CRA) staff, a community-wide meeting, and a web-based survey (provided in both English and Spanish).

Consistent messages and themes emerged from the plan processes, providing a foundation for developing this plan's goals and strategies. Engagement with the community sought to answer the following questions:

- What is the current state of public art?*
- What can public art contribute to our best future?*
- What is the desired function or role of public art?*
- What makes the area unique, compared to other places?*
- What types of public art are desirable and appropriate?*

As a complement to the other forms of community engagement, the Public Art Community Survey provided an opportunity for more residents to lend their voice to the planning process. The survey sought residents' opinions, attitudes, and preferences about public art. The survey, promoted by the CRA and the United Arts Council, remained open for approximately 6 weeks. A total of 165 respondents completed surveys.

## Findings Snapshot



Residents who participated in the planning process and those who completed the survey generally agree on what they want for the BGT CRA. When asked to describe the public art they want to see in the community, the top descriptors selected were **local, beautiful, multicultural, fun, colorful, and meaningful.**

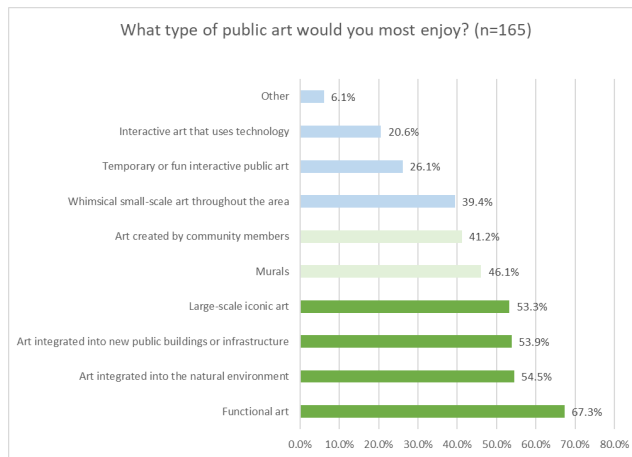
Numerous opportunities for planning emerged from the community and stakeholder conversations, including a desire to create vibrancy along the main corridors, in neighborhoods, and at gateways and entryways to Bayshore, at waterfront accesses and bridges, the Gateway Triangle, and neighboring parks. Residents also suggested that public art might help to slow and calm traffic and enhance safety. Proud of their neighborhoods and business community, residents want public art to help enhance community identity, with the understanding that the identities and brands of

## BAYSHORE GATEWAY TRIANGLE CRA PUBLIC ART PLAN

Bayshore and the Gateway Triangle area are distinctly different.

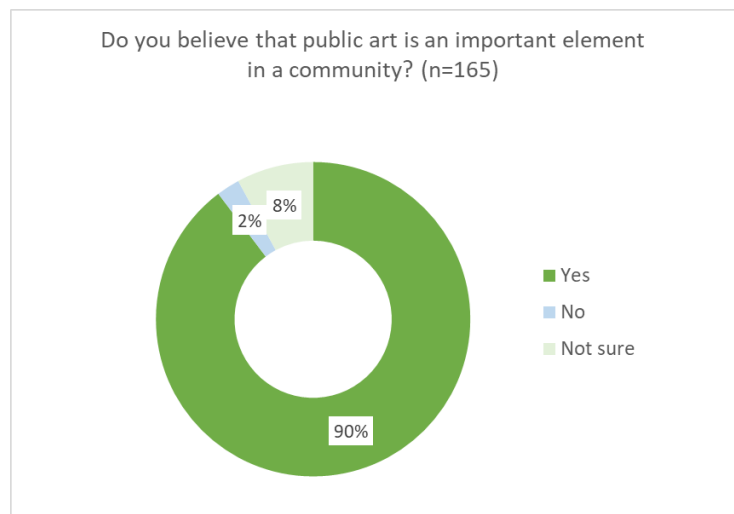
For all participants in the planning process, the top priorities for public art are to brand the BGTCRA as an arts destination; build a distinct identity for the areas within it; enhance the appearance of facilities, parks, and infrastructure; and support the local arts community.

Murals were at the forefront of the conversations, and many participants want to create or commission mural projects connected with social events to promote businesses in the area and provide an opportunity for local professional and emerging artists. **Residents want to see artistic excellence reflected in public art and murals.** Other ideas include **developing temporary and interactive art projects to activate blank spaces, connect places, and engage residents in artmaking.**



Survey results suggest the community is very interested in artworks and projects focusing on **functional art** (e.g., benches, shade awnings, and bike racks); **art integrated into the natural environment** (e.g., earthworks, water features, and park elements); integration of **art into new public buildings and private development projects**; **iconic artworks** unique to the neighborhood; and **murals**.

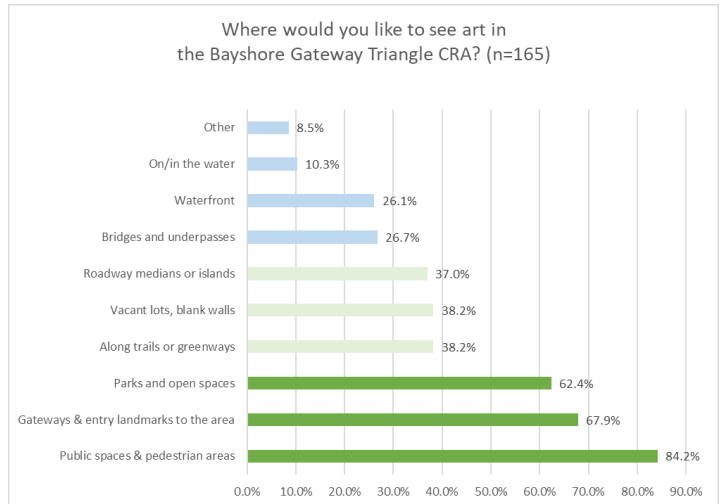
Ninety percent (90%) of survey respondents believe **art is an important element of a community** – 47% said they "enjoy the arts," and 40% said they "can't live without the arts." As frequently iterated in community meetings, **residents want to see more quality public art projects in the community.** Fewer than 15% of survey respondents rated the public art in the area as *good* or *excellent* (combined).





## BAYSHORE GATEWAY TRIANGLE CRA PUBLIC ART PLAN

Overall, the community wants public art primarily in **public spaces, parks, and playgrounds** throughout the area (including pedestrian areas); on **gateways for key entry areas** (i.e., US 41 & Bayshore; Bayshore & Thomasson; along Bayshore Drive); on **blank walls** and in **vacant lots**; and along **greenways, bike paths, trails, and roadway medians or islands**, as appropriate.



## Potential Site Locations

*Water Towers – Gateway Triangle Area*



*US 41 & Bayshore Drive (Gulf Gate Plaza)*





# BAYSHORE GATEWAY TRIANGLE CRA PUBLIC ART PLAN

## US 41 & Bayshore Drive (Gulf Gate Plaza)



## CRA Parking Lot

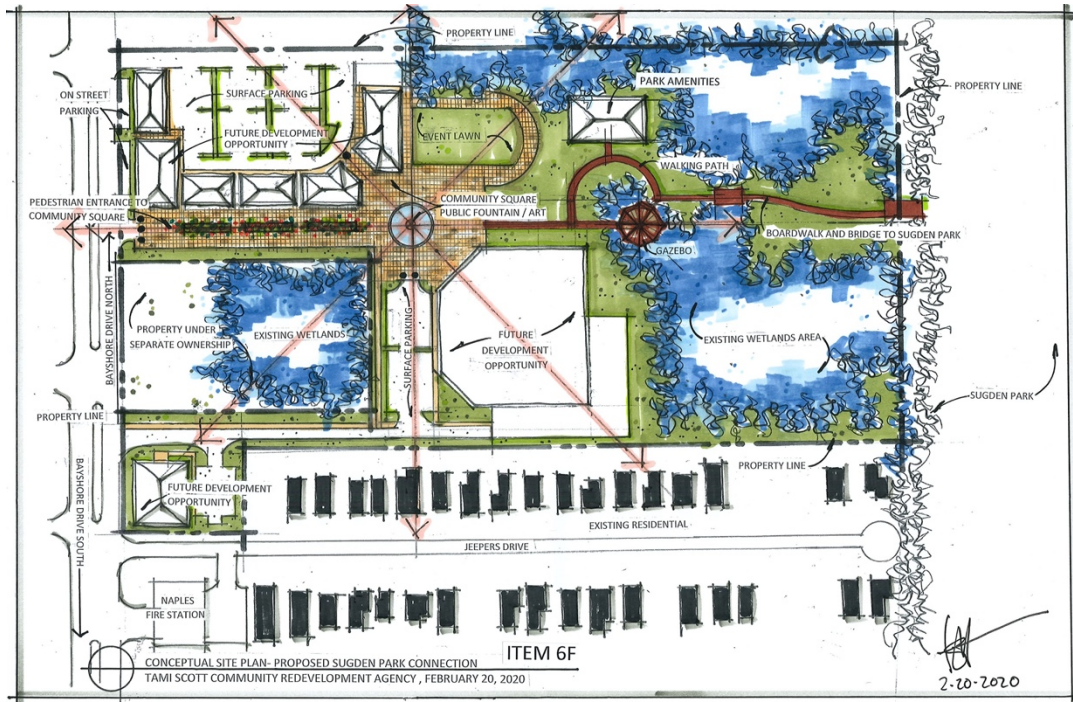




Utility Boxes



Sugden Park Connection (17-acre site)



# The Public Art Pilot Plan

## Vision

The vision for the County Arts and Culture Strategic Plan is one embracing creativity, connection, celebration, and coordination. The BGTCRA is a cultural district where all residents and visitors experience art as part of their daily lives. The vision for this plan is one where art celebrates the BGTCRA history, vibrant cultures, and people. Art connects communities, neighborhoods, and businesses, creating surprise and delight for all who experience it.



## Guiding Principles

**Invite and Educate.** Educate the community about the value of public art and the public art program. Promote opportunities for individuals to interact with artists and with public art projects.

**Respect Sense of Place.** Commission artists to create artworks relating to the sense of place of Bayshore and the Gateway Triangle. Utilize artists and public art to connect with residents, create vibrancy in neighborhoods, and create a sense of community pride.

**Build Partnerships.** Seek opportunities for public/private partnerships to enhance existing program potential and create dialogues for new and innovative expressions.

**Promote the Destination.** Utilize public art as a tool to strengthen economic development and cultural tourism in the area.

**Embrace Artistic Innovation.** Create possibilities for collaboration between artists and design professionals, including building and landscape architects, planners, engineers, and County officials. Explore new relationships between art and architecture by commissioning artists to create works that are integral to the design and systems of new buildings in the community.

**Be Inclusive and Equitable.** Ensure artist outreach is broad and inclusive. Involve diverse artists in the planning and urban design of the community and its infrastructure. Create opportunities for a broad group of professional artists to participate in the public art program, and for emerging artists to work side by side with established artists.

## Plan Oversight

The Collier County Board of County Commissioners (BCC) is the ex-officio governing board of the Collier County Community Redevelopment Agency (CRA). As such, the County Manager designates staff to implement the board direction. The CRA staff oversees the implementation of this plan, including contract management and funding allocations. The CRA staff is the designated staff liaison to the Bayshore Gateway Triangle Local Redevelopment Advisory Board. This Advisory Board, appointed by the CRA Board, provides recommendations on items related to projects, programs, funding and policies within the BGTCRA.

## Program Management

Effective management of the public art program is critical to the success of this plan. For plan implementation, it is recommended the CRA and the County consider the following program management options. 1) Create a staff position to manage the program. 2) Contract with a professional public art consultant/consultant firm. 3) Contract with an organization with significant public art administration experience. The Program Manager must have significant experience with and knowledge of public art, program management, county procedures, and creative placemaking. The role of the Program Manager is to oversee the Public Art Plan and its implementation for the CRA. The Program Manager will:

- Oversee a Public Art Committee (PAC) to advise the CRA and BCC on all matters relating to the public art program. (The Committee's role is advisory only with no independent authority – a structure typical for most public art programs within municipalities.)
- Develop annual work plans based on the implementation grid provided in this plan.
- Evaluate and manage all public art projects in the BGTCRA, including public art project funding.
- Serve as a resource for business owners and developers to integrate art into their projects.
- Organize all calls for artists (Request for Qualifications [RFQ] and Request for Proposals [RFP]), manage artist selection process and panels, and artist award payments based on best practices.
- Be a lead and spokesperson (agency) for public art education, community engagement, and overall awareness of the program.
- Work with County government and community organizations to facilitate public art projects and community engagement with public art.
- Provide monthly updates to the Advisory Board.
- Conduct annual maintenance reviews of existing art collection and periodic curatorial reviews of art collection.
- Develop conflict of interest policy for review and approval and oversee enforcement.
- Develop an artist guidelines handbook outlining compensation rules, conflict of interest, artist rights based on best practices and non-discriminatory policy.
- Implement and manage the mural program.
- Develop and maintain a current artist distribution registry (artist e-list)
- Create a process for pre-qualified pool of artists for artist selection panels.

## Public Art Committee Role

The Public Art Committee (PAC) will provide recommendations to the BCC on public art projects in the BGTCRA. Working with the Program Manager and CRA staff, the committee functions are to:

- Assist and advise the County regarding the implementation of public art projects.
- Review proposals submitted for public art projects and make recommendations to the BCC regarding project approvals.
- When appropriate, appoint an artist selection panel to recommend artists for each project. This panel, consisting of representatives from the community (see map on page 5) where the art project is to be installed, makes the recommendation to the PAC.
- Ensure, over time, the public art projects commissioned in the BGTCRA represent a variety of art forms and media, the cultural diversity of the County, and are located throughout the area.
- Review and, if necessary, update public art policies and guidelines periodically.
- Perform other such duties as required to adhere to the public art program policies and guidelines or as designated by the BCC.

## Plan Goals

### Operational Goals

#### **Goal 1: Establish a management structure for the public art program.**

Appoint a Program Manager to oversee the public art program. The Program Manager will oversee the overall management and administration of the public art program.

**1.1** Define roles, public art plan goals, policies, guidelines, and funding with Program Manager. The BGT CRA will provide start-up funding for program management and initial priority public art projects; the initial funding will be phased out as additional funding sources are available. Annual budget and work plans will be reviewed and recommended by the Advisory Board and approved by the CRA during the annual budget process.

**1.2** In coordination with the Program Manager, establish a PAC to advise on the public art projects in the BGT CRA. The Committee is to be comprised of arts professionals and design sector professionals with advanced knowledge of public art, with at least one committee member meeting one of the following criteria: be a resident, nonprofit leader, business owner, or have a business interest within the BGT CRA.

#### **Goal 2: Fund the public art program through a variety of options including fundraising, developer contributions, and percentage for art contributions on projects within the BGT CRA.**

A combination of government and private funds will provide the overall budget for the public art program. Community Redevelopment Agency funds for public art will be generated as part of CRA-funded capital projects: this is supported by the County Arts and Culture Strategic Plan (Goal 5) to provide the necessary public and private resources for arts and culture. Private funds will be generated through developer contributions as outlined in applicable guidelines, ordinances, or policies. National and state grant funds for special projects may be applied to augment the budget of existing projects.

**2.1** For public art funding, a Percent for Art Ordinance is currently under review to determine legal feasibility. The requirement will provide criteria of CRA capital improvement projects to be allocated for public art. The public art requirement would apply generally to capital improvement projects of the CRA, including buildings and renovations, parking facilities, and parks. Exclusions include infrastructure improvements (i.e., utilities, right-of-way, roadway construction) and other select capital projects.

**2.2** For private development funding, Percent for Art requirements, or in lieu of fee requirements, in private development and redevelopment will follow any additional regulatory guidelines, or applicable ordinances, guidelines, or policies that apply to the public art program.

**2.3** Any CRA land transferred or sold to the private sector will incorporate a 2% of the sale price to the public art fund and the developer will follow any additional regulatory guidelines, or applicable ordinances, guidelines, or policies that apply to the public art program.



**2.4** Establish guidelines for acceptance of public art gifts and loans. A system for evaluating gifts and loans ensures the artwork aligns with County goals and policies of a permanent collection.

**2.5** Establish a public art project fund for the BGTCRA that can receive public art monies from contributions from private developers, individual donations, non-profit organizations, outside funding or grants to implement this plan.

**2.6** Any project to which Bayshore density pool units are assigned will be consistent with requirements of the Future Land Use Element and incorporate the Percent for Art guidelines into the Planned Unit Development (PUD) document, as applicable.

**2.7** The County will review the feasibility of establishing a Percent for Art Ordinance to expand funding options to implement the plan.

**Goal 3: Ensure conservation and maintenance for all CRA-owned public art, including collections management and documentation.**

**3.1** Establish a conservation and maintenance fund. Allocate a portion of the public art fund to accommodate conservation and maintenance costs, especially as permanent works in the collection age. Best practices in the field suggest allowing this conservation and maintenance fund to grow to a level sufficient to ensure long-term care of the artwork collection. A 10% assessment of the budget of each project is suggested to support this fund. The projected need for conservation can be adjusted periodically based on the curatorial review of the collection.

**3.2** Document each artwork as it is accessioned into the County's public art collection. This includes photographs of the artwork, installation date and details, artist contact information, and other information as deemed appropriate. A web-based public art archive is recommended for easy data storage, updates, and access to the information.

**3.3** Accessioning a work into the County art collection needs to be thorough and detailed. Require artists to provide relevant detailed information about the work of art, including materials used, material safety data sheets, fabrication methods, maintenance requirements, and as-built drawings.

**3.4** Engage the original artist when his/her work requires restoration, as he/she is the most familiar with the artwork and the appropriate maintenance required for the piece. Artists can submit proposals for maintenance and restoration of their artwork at a reasonable fee.

**3.5** Conduct annual maintenance reviews and periodic (3-5 years) curatorial reviews of the public art collection. This includes the condition of each artwork, maintenance and conservation needs, and documentation of any environmental or physical changes around the artwork.

**Goal 4: Establish specific processes and guidelines for the selection and development of murals in the BGTCRA.**

Murals are an important part of the BGTCRA and contribute to the vibrancy of the community. In order to adhere to the artistic standards of this plan, guidelines for the installation and maintenance of murals are essential.

**4.1** Implement the Mural Project Process and Policies.

**4.2** Install at least one, annually commissioned, mural to be funded by the CRA.

**4.3** Encourage voluntary private sector participation in the installation of murals.

### Program Goals

The following goals are specifically part of the Program Manager responsibilities and will be incorporated and implemented through the program framework.

#### **Goal 5: Promote public art through the County Arts and Culture Strategic Plan marketing programs (ACSP Goals 3 and 4).**

Unique art and cultural destinations are key strategies for County cultural tourism development and for the cultural life of residents. The BGTCRA is an anchor destination to be included in County marketing programs recommended in the County Arts and Culture Strategic Plan.

**5.1** Working with the CRA, develop a resolution to designate BGTCRA as a Cultural Arts District (as defined by the BCC). This establishes the foundation for advancing public art in the BGTCRA, providing support and structure to build local arts in the area.

**5.2** Produce high quality images and stories around the public art in the BGTCRA for inclusion in tourism efforts. Work with the local press to promote and educate about public art.

**5.3** Develop a public art inventory map, accessible in both print and digital format, with locations, artist bios, and artist statements. (Align with Goal 3.2). Plan to develop an ongoing program of guided and self-guided tours of the collection, including a mobile application highlighting all art works in the BGTCRA collection.

#### **Goal 6: Foster diverse public art projects while ensuring artistic excellence by establishing a systematic, fair, and equitable artist selection process.**

The most important aspect of a successful public art program is the community of individual artists who create the public art. This art program can evolve public art in the BGTCRA while supporting local artists.

**6.1** Follow a systematic process for artist selection as outlined in the Public Art Project Process of this plan. Best practices include a stipend for artists who are selected to develop a conceptual proposal.

**6.2** Build on current community artist e-lists to develop a comprehensive *Artist Distribution Registry*. This list will be used to communicate calls for artists and pertinent information about public art projects.

**6.3** Create a process for a pre-qualified pool of artists. This pool will be used to select artists for new public art project opportunities with a defined budget or scope limit, based on the artist's media and experience with specific project requirements.

**6.4** Create a process for a pre-qualified pool of potential members for artist selection panels. Including art and design professionals, artists, business members, and members of the community will ensure diversity in the member pool.

**6.5** Utilize a checklist with questions that support the curatorial framework (the unique characteristics of the art).

**6.6** Provide guidelines and a checklist for artists and property owners wishing to present a project outside of the RFQ/RFP process.

**6.7** Develop and implement a conflict of interest policy as part of the artist selection process to address real or perceived conflicts that may arise from interests such as personal relationships or financial gain.

**6.8** To assure quality and to support the development of artists, artists should have sufficient time to develop and be compensated for their time spent on developing conceptual proposals consistent with the scope and budget of each project.

**Goal 7: Encourage local, regional, and national artists to participate in the program.**

The public art program is first and foremost for residents, creating a collection of enduring value and artistic excellence. To accomplish this goal, it is necessary to ensure a broad range of artist participation while fostering the development of local artists with specific programs.

**7.1** For high-profile public art projects, the PAC will ensure a national call for artists is advertised. Utilize national platforms such as CallforEntry.org (CAFÉ), Americans for the Arts Public Art Network, and others as deemed appropriate.

**7.2** Establish a mentorship and apprenticeship program, matching emerging local artists with prominent, established artists for public art projects. Such programs provide opportunities for emerging artists with limited public art experience to work as part of artist and design teams.

**7.3** Develop a program of temporary art using existing resources. This will introduce the community and leaders to new forms of art, provide geographic diversity for the program, and can showcase the diversity of the area.

**7.4** Enhance the relationship with artists by developing artist agreements per art installation that will allow artists reasonable control of the integrity of their artworks and equitable compensation for their creative endeavors.

**7.5** Encourage freedom of expression by artists participating in the public art program, consistent with the values and aspirations of the residents of the community. PAC will activate community-based advisory committees and promote artist interaction with the community.

**7.6** Maintain a balance, over time, in the number of contracts awarded to local, regional, and national artists for art projects.

**7.7** Support the development of local and regional artists through the development of an annual local artist recognition program/award.

**7.8** Encourage participation by all sectors of the community through community outreach of art work opportunities.

**Goal 8: Foster ongoing public awareness and public education on the value of art in the public realm.**

**8.1** Work with area communities to identify opportunities for temporary and permanent public art projects. Provide opportunities for residents to participate in the public art process through artist-led engagement.

**8.2** Identify partnerships with local arts and cultural organizations (performing, visual, and literary) to produce events, workshops, and speaker series.

**8.3** Provide the appropriate services for private developers to integrate art in their developments. Through the public art program provide expertise, artist information, and other support services to further encourage their investment in public art. Provide appropriate recognition to the developer for the artwork.

**8.4** Encourage participation in the program with other County departments. Conduct internal exploratory discussion sessions on topics such as barriers, resources, partnership opportunities, and benefits of incorporating artwork into public works projects.

## Plan Implementation

The plan's timeframe is 5-7 years. It is important to act and demonstrate visible progress in the short term, in addition to starting work on long-term initiatives that may require years of effort. In the coming months after adoption, County staff and the CRA Board will prepare an implementation plan for the first year, including the creation of the Public Art Committee and finalizing Program Management.

During implementation, conditions will undoubtedly change, so the recommendations of this plan should be reviewed and adjusted as necessary to best fulfill the community vision. An annual review of the plan and its accomplishments is recommended.

It is anticipated the first six months of implementation will accomplish:

1. Selection and engagement of the Public Art Program Manager
2. Initiate the Mural Ordinance revisions
3. Initiate resolution to create the Public Art Committee (PAC)
4. Develop PAC membership criteria and select and appoint members
5. Conduct orientation and onboarding with PAC members
6. Establish Public Art Fund
7. Develop and release Call to Artist for the mural art installation at the CRA Parking Lot
8. Select artist for mural art installation at the CRA parking lot
9. Identify site within BGTCRA for second mural art installation
10. Begin development of marketing campaign

## Plan Policies

### Donations and Loans Policy

Works of art proposed for donation or long-term (six months or longer) loan to the CRA/BCC shall be carefully reviewed by the Program Manager and PAC in order to meet the following objectives:

- Provide uniform procedures for the review and acceptance of gifts or loans of artworks to the CRA/BCC;
- Vest in a single agency the responsibility of ensuring the management and long-term care of the donated works of art;
- Facilitate planning for the placement of artworks on CRA/BCC-owned property;
- Maintain high artistic standards for artworks displayed in CRA/BCC facilities; and
- Provide appropriate recognition for donors of artworks to the CRA/BCC.

The PAC will provide recommendations of the donation or loan to the BCC for approval.

#### *Review Criteria for Gifts or Loans of Works of Art*

Aesthetic considerations: To ensure artworks of the highest quality, proposed gifts or long-term loans of works of art should be accompanied by a detailed written proposal, concept drawings of the proposal and/or photographs of an existing artwork, documentation of the artist's professional qualifications, and (if needed) a current certified appraisal of the worth of the artwork.

Financial considerations: Based on the cost of installation, the proposal should identify sources of funding for the project, and the estimated cost of maintenance and repair over the expected life of the artwork. A legal instrument of conveyance of the work of art should be executed between the CRA/BCC and the donor.

Liability: The proposal should discuss susceptibility of the artwork to damage and vandalism, any potential danger to the public, and any special insurance requirements.

Environmental considerations: The proposal should address appropriateness of the artwork to the site and the scale of the artwork in relation to its immediate context.

Maintenance: Where appropriate, the CRA/BCC should request that the donor provide an endowment for the long-term maintenance and conservation of the donated art.

Proposed artwork donations shall be reviewed by the CRA/BCC. Donation proposals shall be accompanied by the following information:

- Slides, photos, or a model of the proposed work;
- Biography of the artist;
- Proposed site and installation plans;
- Cost of the artwork and budget for installation;

- Information for giving acknowledgement of the donor; and
- Maintenance requirements for the artwork.

Artworks proposed for long-term loan (one year or more) to the CRA/County shall be subject to the same considerations outlined above. Artworks proposed for placement in private offices or in non-public areas of CRA/County facilities shall not be subject to PAC review.

## Conservation and Maintenance Policy

The CRA/BCC shall regularly arrange for a survey of the entire Public Art Collection in order to meet the following objectives:

- Provide for the regular inspection of public works of art,
- Establish a regular procedure for effecting necessary repairs to public works of art,
- Ensure regular maintenance of public works of art,
- Ensure that all maintenance of public works of art is completed with the highest standards of professional conservation.

### *Responsibilities*

#### **The Artist shall:**

Guarantee and maintain the work of art against all defects of material or workmanship for a period of at least one year following installation, subject to the terms of the artist's contract.

Provide the public art program with (a) drawings of the installation and (b) detailed instructions regarding routine maintenance of the artwork; and

Be given the opportunity to comment on, and participate in, all repairs and restorations made during his or her lifetime.

#### **The CRA/BCC shall:**

Be responsible for routine maintenance of artwork, and shall perform all maintenance work in a manner that is consistent with conservation requirements supplied by the artist.

Not intentionally destroy, modify, relocate, or remove from display any work of art.

Not perform any non-routine maintenance or repairs to artworks without prior consultation with a qualified professional.

Be responsible for conducting a comprehensive maintenance survey of the public art collection at least once every five years. This survey shall include a report on the location and condition of each work; prioritized recommendations for the restoration, repair, or maintenance of works of art; and estimated costs.

Recommend, for those works designated in need of attention and/or restoration on the condition report:

- No action be taken; or
- Staff work with the site agency to ensure the work is properly restored;
- A means of accomplishing restoration;
- Engagement of a professional conservator to either further evaluate the condition of the work or effect repairs to the work;
- The artist be asked to repair the work for a fair market value fee; or
- The work of art be considered for deaccessioning or removal from the collection.

### Public Art Accessioning and Deaccessioning Policy

#### Accession

Public art can be acquired by CRA or the County through a variety of methods. All artwork accessioned into the public art collection is subject to criteria set forth in this policy. All decisions regarding the accessioning of artwork are made by the CRA/BCC, the PAC, and Panels. Donations, once approved by the BCC, are considered final. Please refer to the Donations Policy in the Appendix for specifics on gifts and donations.

Criteria for Accessioning:

- Artwork must be consistent with the Public Art Program Guiding Principles.
- Artwork should be of exceptional quality and enduring value as judged by the CRA/BA|CC, the PAC, and Selection Panels.
- Strong preference is given to artwork that is unique or of a limited edition.
- Permanently sited artwork must relate to the architectural, historical, geographical, and/or socio-cultural context of the site.
- Funding and documentation for installation and future maintenance must be provided.
- As applicable, the artwork must meet County structural, building, right-of-way, electrical, and other codes for safety.
- As applicable, the artwork must meet Federal Americans with Disabilities Act requirements.
- Artwork must be durable and in good condition.
- Existing artwork must have provenance information establishing clear title.

The CRA/BCC is responsible for maintaining the quality and integrity of the public art collection. While it is regrettable, occasionally it is necessary to remove an artwork from the collection if it no longer meets standards for quality or safety. Deaccessioning is the formal procedure by which an artwork is permanently withdrawn from the public art collection. The deaccession of artwork will be considered only after a careful and impartial evaluation within the context of the collection as a whole, taking into account that changes in taste should not inform the decision to deaccession. In general, deaccession will only be considered ten years after accession or if there are extraordinary conditions. Every attempt will be made to notify the artist and donor when applicable. Final approval for deaccession is made by the BCC upon recommendation from the PAC.



Criteria for Deaccessioning:

A work of art may be deaccessioned for one or more of the following reasons:

- The artwork is not or is rarely on display for lack of a suitable site.
- The condition or security of the artwork cannot be reasonably guaranteed.
- The artwork is damaged, and repair is infeasible, or the cost of repair is disproportionate to the value of the artwork.
- The artwork requires excessive maintenance due to faults in its design.
- The artwork endangers public safety.
- The site of a site-specific artwork is so severely altered that the artwork is no longer compatible or relevant.
- The property on which a site-specific artwork is located is no longer owned by Collier County.
- The artwork is significantly incompatible or inferior in the context of the collection.
- The County wishes to replace the artwork with a work of more significance by the same artist.
- There has been sustained and overwhelming public objection to the artwork.
- The artwork has been stolen or destroyed.

## Mural Project Process and Policies

### Overview

Murals located within the BGT CRA are an investment in the Public Art Plan and the County Arts and Culture Strategic Plan and should contribute to the overarching goals of these plans, first and foremost. Murals requiring approval as described below must adhere to these guidelines.

### Definition of a Mural

A mural is any large-scale artwork, painting, mosaic, fresco or other permanent artwork attached to or applied directly to the exterior of a structure. A mural is a pictorial representation or design intended to reflect a thematic or artistic expression. Murals on public or private property fall under the governance of the BGT CRA Mural Guidelines and require approval if they are (a) within public view via public right of way, or (b) funded in whole or in part with public monies.

Murals in the BGT CRA are governed by (a) location (on BGT CRA or private property), (b) the use of public or private monies, and (c) their duration status (temporary or permanent). Temporary murals are intended to be installed and on view for 6 months or less. Murals intended for installation and on view for more than six months are considered permanent murals. All murals are subject to these mural guidelines.

Murals on private property outside of public view via public right of way and funded with private dollars do not need approval from the PAC but are subject to all County codes and other ordinances.

These guidelines provide anyone who wishes to install a mural with a reasonable process safeguarding both the interests of the community and those of the individual property owner. The guidelines are designed to assure that murals within the BGT CRA enhance the appearance of the area without confusing drivers and/or pedestrians or causing any other negative impact on public safety or welfare.

The PAC will review proposals for all murals subject to these guidelines and make recommendations to the Advisory Board for consideration and recommendation. The Advisory Board will recommend final mural designs to the BCC for approval.

## General Design Guidelines

The PAC reviews mural proposals to ensure aesthetic quality, design integrity, and to determine that the work is appropriate to the setting, architecture, and social context. For review, the PAC considers the following criteria for murals:

- a) Support of mural by community.
- b) Strength of the artist's concept and demonstrated technical skills and expertise;
- c) Character, culture, and history of the area, with an emphasis on relevance to the specific area and to the contemporary relevance appropriate to the time period;
- d) Appropriateness of theme and other relationships to the surrounding environment;
- e) Readability and appropriateness of scale;
- f) Placement on building, including the consideration of door and window coverings;
- g) Budget and timeline;
- h) Confirmation of original work of the artist, with no violation of copyrights;
- i) Designation of property (no installation allowed on designated historic property);
- j) Appropriateness of content (e.g., no signage, names, logos, or subject matter that could be construed as advertising or as overtly political, religious, or sexual in nature). Any design considered indecent or illicit by community standards will be denied.

## Mural Approval Process

A four-step process is recommended for any mural subject to Advisory Board approval.

- 1) Location certification letter/Design review information
- 2) Design review
- 3) BCC approval
- 4) Notice to Proceed with approval terms issued.

### Step 1: Location Certification Letter and Design Review Information

An applicant wishing to install a mural on a building in the BGTCRA is first required to obtain a pre-approval letter from the Program Manager or CRA staff stating that the location is consistent with the intent of the ordinance and the Public Art Plan. The applicant must also submit information for design review, including:

- Name and contact information of the artist;
- Address of mural location;
- Building owner information for mural location;
- Conceptual design of the mural;
- Statement of approval from building owner;
- Description of the materials to comprise the mural and manner of mural application;
- A statement describing the durability of the material, taking into consideration the location and positioning of the mural;

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- A brief description of the proposed mural installation process, including the need for scaffolding, lighting, and/or other equipment; and
- Categorization of the mural as temporary (less than 6 months) or permanent (more than 6 months).

The Program Manager, CRA staff, and any appropriate County departments/divisions shall review the application materials to ensure:

- The plans for installation of the work are reasonable.
- Maintenance projections are acceptable.
- The materials to be used and the manner of application will not impact or harm neighboring properties, the public, or the environment.
- There are no existing code compliance issues.

At the time of approval, a location certification letter is sent to the applicant, and the design will move forward to the PAC for design review. Proposals containing any signage elements will be redirected to the County Zoning Division for consideration of a sign permit. Artist signatures may appear on the mural if not so prominent as to detract from the mural display.

### Step 2: Design Review

1. Applicant meets with the Program Manager for initial review of the proposed location, imagery, artist qualifications, and funding sources.
2. The Program Manager presents complete design review information to the PAC.
3. PAC either approves or denies the application.
4. PAC recommendation presented to the Advisory Board for any funding related requests.

### Step 3: BCC Approval

1. If the application is approved, the PAC recommendation is submitted to the BCC at a subsequent, regularly scheduled meeting for final approval.
2. Applicant is notified with an official notice to proceed if approved. \*
3. Applicant provides contractual agreement with the building owner, including commitment to keep the mural unchanged and in good condition for a minimum of five years.
4. Applicant proceeds with creation of the mural.
5. Applicant notifies the Program Manager when mural is completed in accordance with the approved project timeline or requests an extension.
6. Applicant provides high resolution digital images of completed mural for CRA use and public record.

#### \*Revisions or appeals

*In the case that a mural is not approved, the Program Manager will communicate to the applicant in writing the reasons for the decision. The applicant is encouraged to either revise the application addressing the concerns or appeal the decision.*

## Mural Maintenance

The mural may be maintained for a period of five years. The CRA **does not** take responsibility for maintenance, repair, or preservation of murals unless placed on BGTCRA or County property. A mural placed on a private structure becomes the responsibility of the building/property owner. As such, the property owner is responsible for periodically monitoring the condition of the mural, facilitating its care and maintenance, and assuming any costs associated with maintenance, repair, and/or removal. Murals not maintained properly may be subject to code compliance penalties and removal. If a mural needs repair, the best practice is for the property owner to contact the artist to make the repairs.

Alteration or removal of murals must be approved by the PAC. Alteration or removal of the mural within the first five years of the date of completion is permitted under the following circumstances:

- The building on which the mural is located is sold.
- The building or property is substantially remodeled or altered in a way that precludes continuance of the mural.

At the conclusion of five years, the applicant and the Program Manager will review the condition of the mural and file an extended agreement or make plans to remove the mural.

## Eligibility

Any individual or organization wishing to create a mural in view of the public via public right of way in the BGTCRA is eligible to apply for approval through the PAC. Applicants may be:

- An individual artist or group of artists,
- A business or building owner, or
- A not-for-profit organization or community group such as a neighborhood association or educational organization.

## Mural Policies

### Design Criteria

In addition to the requirements of the mural ordinance, the PAC will evaluate mural design proposals based on the following:

- Relevance of the design to the building or neighborhood, its values, culture, and people, as outlined in the Public Art Plan.
- Suitability of the work for outdoor display, including its maintenance and conservation requirements.
- Relationship of the work to the site and the community, especially as to how it serves to activate or enhance public space.
- Appropriateness of the scale of the artwork.

### Site Selection

In order to ensure that public art is fairly and equitably distributed throughout the BGT CRA and that it is sited in such a way as to enhance and activate public spaces, mural sites should:

- Experience high levels of pedestrian traffic and be part of the area's circulation paths,
- Be easily visible and accessible to the public,
- Serve to anchor and activate the location,
- Enhance the overall public environment and pedestrian streetscape experience,
- Help to establish landmarks and neighborhood gateways,
- Not pose safety issues or potential maintenance problems, and
- Not create the appearance of too many murals in a concentrated area.

### Placement

The following guidelines apply to mural placement:

- Murals should be publicly accessible 24 hours a day or during the normal hours of operation if in a park or space with designated open hours.
- Murals should not obscure windows or entranceways, nor disrupt normal pedestrian circulation unless that is the intended purpose of the artwork.
- Murals should not be placed in areas where they would disrupt the site's landscaping and maintenance requirements.
- Murals should not be so large as to overwhelm adjacent architecture or the streetscape, or become a visual distraction.
- Murals should not detract from their surroundings or create blind spots.

### **Construction and Maintenance**

Well-designed murals that incorporate high quality materials enhance the overall appearance of the site and do not adversely affect safe and efficient movement of vehicles, equipment, or pedestrians. Materials may include paint or other media appropriate for exterior use, such as tile or mosaic. Long-lasting and graffiti-resistant materials are the most effective and should be used when possible.

Colors, through vibrant, should be complementary and harmonious with the exterior colors of the building structure, as well as consistent with any chosen theme. Neon, fluorescent, or reflective colors and materials are discouraged.

The mural shall be designed and painted/installed by a qualified mural artist with knowledge and experience with the application of mural materials.

Mural size shall be determined by project. Smaller walls may be completely covered. On large walls, murals should be large enough to dominate the wall surface, but not so large as to overwhelm the local streetscape. Generally, one mural will be permitted per structure.

Murals shall not detract from the significant architectural features of the building structure, nor shall the building's architecture be altered to accommodate the mural.

For murals requiring special lighting or other related construction, all applicable permits will be required as part of the installation.

Routine maintenance of artwork not within the County's Public Art Collection becomes the responsibility of the building owner where the artwork is located. As part of the contractual requirements, the artist should develop a maintenance program in cooperation with the building owner or manager for the proper long-term care or removal of the artwork.

If, for whatever reason, the mural falls into disrepair, or the final product is found to be inconsistent with the commissioned design, the building owner will be notified in writing and required to make necessary repairs or modifications within 60 days. If the repairs or modifications are not made within the specified time, the Program Manager and the CRA reserve the right to repair or remove the mural at the owner's expense.

### **Timeframe**

Mural installation must begin within 30 days following receipt of the Notice to Proceed and must be completed within three months of the start date. If these dates are not met, the PAC, at its discretion, may cancel the Notice to Proceed. A one-time extension for an additional 30 days may be granted if the request is submitted, in writing, 30 days prior to the required completion date.

### **Appeals**

Any person aggrieved by the decision of the PAC may appeal such decision within 15 days thereof to the BCC, which shall apply the standard form in this section in reviewing the decision. The BCC may affirm,

reverse, or reverse with modifications the decision of the building official and PAC. The decision of the BCC shall be final.

### **Fees**

A \$30 administrative application fee shall be paid to the entity managing the Public Art Program Fund at the time of the application submittal. This fee structure may be revised during the annual budget review process.

### **Additional Criteria for Artists Selected to Create Murals**

- Artists chosen to create murals must agree to allow images of the completed mural to be utilized by the CRA and Collier County in both printed and digital formats. It is also important that they demonstrate:
- Experience with similar mural projects, examples of past projects (including at least five or more color images of completed mural projects), and three supporting professional references;
- Willingness to work with the Program Manager/CRA/PAC , the building owner, and the community to develop and refine the mural design;
- Timely response to Request for Qualifications (RFQ) and its requirements;
- Innovative and unique artistic vision, including technique, composition of visual art elements, use of line, color, form, and texture;
- Realistic project budget and timeframe;
- Willingness to enter into a contractual agreement with the County; and
- Proof of liability, worker's compensation, and automobile insurance.



## Best Practices - Public Art Project Process

### Conceptual Design Stage

The following is a brief summary of the standard public art process for developing a concept for the artwork:

1. Community Redevelopment Area (CRA) meets with the Program Manager to review project and define budget for the project.
2. The Program Manager presents to Public Art Committee (PAC) recommending siting, budget, theme, and other parameters.
3. If an Artist Selection Panel is formed, the Program Manager will identify and confirm members of the Artist Selection Panel.
4. The Program Manager and Artist, or the Artist Selection Panel meeting #1 convenes in a community setting in the vicinity of the proposed project to elicit community input.

### Artist Selection

#### Overview

Selecting an artist whose experience, artistic style, commitment to collaboration, and community facilitations skills match the needs of the project is critical to the success of any project. Specifically, the goals of the selection process are to:

- Select an artist or artists whose existing public artworks or past collaborative efforts have maintained a high level of quality and integrity;
- Identify an optimal approach to public art that is suitable to the demands of a particular capital project;
- Select an artist or artists who will best respond to the distinctive characteristics of the site and the community it serves;
- Select an artist or artists who can work successfully as members of an overall project design team; and
- Ensure that the selection process represents and considers the interests of all parties concerned, including the public, the arts community, and the CRA.

The process includes:

1. Determine an appropriate method to select artist for a specific project.
2. Develop a Call for Artist.
3. Receive/screen artist submittals and shortlist for proposal.
4. Convene Art Selection Panel meeting #2 to:
  - a. Review proposals and discuss artist submissions, and
  - b. Select artist finalist for interview
5. Notify artist regarding Panel decisions.
6. Convene Artist Selection Panel #3 to interview artist finalists and choose project artist.

7. Recommendation of the selected artist(s) to the PAC for approval.
8. Present recommendation to the Advisory Board.
9. Recommendation of the selected artist(s) to the BCC for approval.
10. Contract with artist (Program Manager will negotiate contract).
11. Provide a Notice to Proceed to artists with terms of approval.

## Methods of Selecting Artists

The Program Manager and the PAC determine the method of selection for individual projects. Any of the following methods may be used, depending upon the requirements of a project.

Open Competition: An open competition is a call to artists for a specific project in which artists are asked to submit evidence of their past work. Any artist may submit qualifications and proposals. Calls for entries for open competitions should include sufficient details and clearly stated expectations to permit artists to determine whether their work is appropriate to the project under consideration. A two-part selection process is recommended:

Step 1: Request for Qualifications. Artists are invited to submit a resume, work samples, and a letter of intent communicating their interest and outlining their proposed manner of approach to the project. The Artist Selection Panel will choose a small group of artists for consideration in the proposal phase.

Step 2: Request for Proposals. The selected group of artists are invited to submit proposals. The artists are given specific details and guidelines about the project in order to develop a conceptual proposal. The artists are given a stipend for their time spent developing the concepts for the project. Selected artists will receive an additional stipend to cover time and materials to complete artwork.

Limited or Invitational Competition: The Artist Selection Panel invites a limited number of artists to submit credentials and/or proposals for a specific project. Invitations are based on evaluation of an artist's past work and demonstrated abilities to successfully respond to the conditions posed by the particular project (e.g., water features, light works, paintings, sound works, landscape works, design team efforts) or on other non-aesthetic public art program goals (e.g., artists who reside in a particular community or neighborhood where a project is occurring, local artists or regional artists).

Direct Selection: In direct selection, the Panel contracts with a specific artist for a project. This generally occurs when circumstances surrounding the project render an open or invitational competition unfeasible (e.g., project timeline, community or social considerations, client demand).

Mixed Process: A mixed process may include any combination of the above approaches.

## Artist Selection Panel

For each project or for a group of projects within the BGT CRA, artist(s) are chosen by a selection panel. Ideally, the panel is diverse, represents the community, and consists of art and design professionals, project stakeholders, a member of the PAC, and a Advisory Board member. (No more than one member of Advisory Board on the panel).

The Panel shall:

- Form ad-hoc panels for a limited time period while meeting the PAC charge of recommending artists for individual projects or groups of projects;
- Review the credentials, prior work, qualifications, proposals, and other materials submitted by artists for projects;
- Recommend an artist or artists to be commissioned for a project or engaged to join the design team for projects;
- Be sensitive to the public nature of the project and the necessity for cultural diversity in the public art program; and
- Meet as appropriate and/or necessary to review the selected artist's design concepts.

Once the Panel selects an artist, a recommendation is made to the Program Manager to contract with the artist.

## Criteria for Selection of Artists or Artworks

Qualifications: Selection of artists is based on their qualifications as demonstrated by past work, the appropriateness of their concepts to the project, and their ability to communicate.

Quality: Of highest priority are the design capabilities of the artist and the inherent quality of artwork.

Media: The Panel will consider all forms of visual arts, subject to any requirements set forth by the project prospectus.

Style: Artists whose artworks are representative of all schools, styles, and tastes will be considered.

Appropriateness to Site: Artwork designs must be appropriate in scale, material, form, and content for the immediate social and physical environments with which they relate.

Permanence: Considerations for durability of artworks include structural and surface integrity, permanence, and protection of the proposed artwork against theft, vandalism, weathering, excessive maintenance, and repair costs.

Elements of Design: Public art is a genre that is created in a public context and must be judged by standards that include factors in addition to the aesthetic. Public art may also serve to establish focal points; terminate areas; modify, enhance or define specific spaces; establish identity; or address specific issues of urban design.

Community Values: While free artistic expression is encouraged, the appropriateness of works of art in the context of local community and social values requires thoughtful consideration.

Public Liability: Safety conditions or factors that may bear on public liability should be considered in selecting an artist or artwork.

Diversity: The public art program strives for diversity of style, scale, media, and artists, including ethnicity and gender of artists selected.

### A Note on Artist Best Practices

It is recommended the Program Manager be a member of the Americans for the Arts Public Art Network. This organization provides comprehensive information on artist best practices. Below are a few of the more important best practices for this plan.

**Pay artists for their time spent developing conceptual proposals.** Artists invited to interview or submit conceptual proposals should receive a stipend/honorarium. If selected for an interview, the Program Manager should reimburse the artist for travel expenses.

**Provide artists with ample time to respond to a proposal request.** When inviting artists to develop proposals, provide site visits and detailed location information. Afterwards, when possible and depending on project scope, allow at least a 10- to 12-week period for artists to develop proposals.

**Adopt a conflict of interest policy.** A sample conflict of interest policy is provided in the Appendix. The PAC should adopt a conflict of interest policy and share with any organization commissioning an artist. The policy should address real or perceived conflicts that might arise from interests such as personal relationships or financial gain. For example, a project funder should never serve on a selection panel as a voting member.

**Prioritize inclusion and diversity.** Make calls to artists and selection panels broad reaching, ensuring artist applicant pools and panels are diverse in age, gender, and cultural heritage.

## Design and Development

The design and development phase begin with signing a contract with the selected artist(s). The contract may be for conceptual design or full design and implementation. A kick-off meeting with relevant parties and the Program Manager includes a review of all the necessary information the artist requires, a community engagement plan, and a plan for fabrication and installation.

### Public Art Design Process

1. Issue notice to proceed for artwork design.
2. Conduct artist meeting with Program Manager and CRA staff, project architect, etc.
3. Hold artist community meeting, if appropriate.
4. Allow artist time to develop preliminary design.
5. Convene Art Selection Panel meeting #4 to review/approve design.
6. Present artist design to the Public Art Committee for approval.

### Artwork Fabrication Process

1. Issue notice to proceed for artwork fabrication.
2. Schedule project milestones and progress payments.
3. Make artist studio visits, as appropriate.

### Artwork Installation Process

1. Work with artist to prepare artwork installation plans.
2. Coordinate with Program Manager for site preparation and installation schedule.
3. Prepare plaque or other identifying information.
4. Coordinate installation of artwork.
5. Receive from artist as-built drawing, information on artwork materials and fabrication methods, and maintenance instructions.
6. Accession the artwork into the County Art Collection.
7. Coordinate ribbon-cutting or community celebration.

## Suggested Discussion Questions for Proposed Projects

(For use by project staff, the PAC, and Artist Selection Panels)

- How does the project reflect community input regarding success outcomes?
- How does the project reflect the unique identity of the area?
- How is the project distinctive from existing public artwork?
- How might we evaluate the impact of the project on quality of life, pride of place, or economic impact to the community?
- Is the budget appropriate, feasible, and inclusive of all associated costs?
- What obstacles may the project encounter with other County departments and how will they be overcome?

## Eligibility

### Eligible Artworks

In general, all forms of artistic expression created by professional artists, in a wide variety of styles, media, and genres, are eligible for inclusion in the public art program. Examples may include free-standing works or works integrated into the underlying architecture or landscape; temporary or permanently installed works, as long as such projects contribute to community understanding and participation; artist-designed infrastructure elements, such as sound walls, overpasses, gateways and utility structures; artist-designed street furniture such as benches, bus stops, or tree grates; and any other art form or expression relevant to the goals of the public art plan.

### Ineligible Artworks

The public art projects are not intended to substitute for functional elements normally included as part of County or CRA projects. Unless specifically designed by professional artists, the following will not be considered as part of the art program:

Directional elements such as supergraphics, signage, or color coding, except where these elements are integral parts of an overall design created by a professional visual artist;

"Art objects" which are mass produced or of standard manufacture, such as playground equipment, fountains, or statuary elements, unless incorporated into an artwork by a project artist;

Reproductions, by mechanical or other means, of original works of art, except in the cases of film, video, photography, printmaking, or other art media;

Decorative, ornamental, architectural, or functional elements that are designed by the building architect, as opposed to elements created by an artist commissioned for that purpose;

Landscape architecture and gardening except where these elements are designed by a professional visual artist and/or are an integral part of the artwork by the artist; and

Services or utilities necessary to operate and maintain an artwork.

## Plan Definitions

**Accessioning:** The process of including an artwork into the Public Art Collection, whether by commissioning, purchase or donation.

**Acquisition:** The inclusion of art in the collection of the CRA/County by commission, gift, or loan: works on loan for periods of less than two months are considered exhibition presentations; works on loan for two months to five years are considered temporary acquisitions, and shall be included in the overall management of the County's public art collection.

**Annual Public Art Work Plan:** A plan for public art in the upcoming year, identifying the proposed projects, project budgets and sites. This plan is to be submitted to the BCC for approval in conjunction with the annual County budget process.

**Art or Work(s) of Art or Artworks:** The objects resulting from the application of skill and taste to production of tangible objects, designs, and/or environments according to aesthetic principles, including, but not limited to: painting, sculptures, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, statues, tapestries, photographs, and drawings.

**Artist.** A person creating, practicing, and/or demonstrating an artistic practice. A person who creates an artwork.

**Artist Selection Panel:** Committee appointed by the Public Art Committee to select an artist(s) to create a work of public art.

**Bayshore Gateway Triangle Local Redevelopment Advisory Board (Advisory Board):** An appointed volunteer board providing recommendations to the Community Redevelopment Agency.

**Bayshore Gateway Triangle Community Redevelopment Area (BGT CRA):** The area established by Resolution 2000-82 for the Bayshore Gateway Triangle redevelopment component area and its boundaries.

**Board of County Commissioners (BCC):** The Collier County Board of County Commissioners is comprised of five members elected in the five different districts of the County. The BCC serves as the governing body of the County and has the responsibility of setting policies that protect the health, safety, welfare, and quality of life of its residents and visitors.

**Capital Facility:** Something that is built, installed, or established for a function which is intended to add to the long-term net worth, service capacity, or assets of the County.

**Capital Project or Capital Improvement Project:** A government supported undertaking such as a land acquisition, construction, renovation or demolition project of the County or of any County agency intended to add to the long-term net worth, service capacity, or betterment of a government function, facility or asset.

**Capital Project Budget or Construction Cost:** The total cost of acquiring and constructing a Capital Project, including without limitation, legal, architectural, engineering, and other professional fees, site work, contingency allowances and change orders.

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**Collier County Community Redevelopment Agency (CRA):** The agency created by Resolution 2000-83. The BCC is the ex-officio governing board of the CRA.

**Collier County Community Redevelopment Plan:** Adopted in 2000 and amended in 2019, the plan provides the vision and goals to redevelop the two component areas as well as a project funding guideline.

**Creative Economy:** Economic systems where value is based on imaginative qualities rather than the traditional resources of land, labor, and capital. Compared to creative industries, which are limited to specific sectors, the term is used to describe creativity throughout a whole economy.

**Creative Worker:** Person(s) who work in the creative sector, which may include visual arts, writing, design, theater, television, radio, motion pictures, related crafts, advertising, marketing, scientific research and development, product development, digital media, software development, engineering, and more.

**Cultural Paradise: Celebrating Creativity in Collier County (County Arts and Culture Strategic Plan):** Adopted by the BCC March 24, 2020. A County-wide plan developed to achieve two overarching goals: (1) elevate Collier as an arts and cultural designation, and (2) strengthen Collier's arts and cultural ecosystem.

**Deaccessioning:** The process of permanently removing an artwork from the Public Art Collection, whether by sale, destruction and/or removal from public display.

**Notice to Proceed (NTP):** Letter of approval distributed by the Program Manager outlining terms of approval and indicating work may proceed.

**On-Site Art:** Artwork intended for inclusion in a private or public development or redevelopment. On-site art shall be in publicly visible and accessible locations.

**Open Competition:** A publicly announced invitation, to which any artist(s) may apply, subject to the parameters that have been established, for creation and installation of a Work of Art or Public Art Project.

**Program Manager (PM):** The staff person, consultant, agency, or corporation established or authorized to implement the Public Art Program on behalf of the CRA and/or the County and funded in whole or part with the CRA or County revenues or funds applied for, granted, or allocated by, to, or on behalf of the County/CRA.

**Public Art:** Work(s) of Art, both publicly and privately owned, which are in public view or readily accessible by the general public.

**Public Art Collection:** The works of art that have been accessioned by the Bayshore Gateway Triangle CRA and/or Collier County.

**Public Art Committee (PAC):** A committee appointed by the BCC to advise the CRA and BCC on matters relating to public art.

**Public Art Fund:** An account set up by the CRA or County to receive public art monies, whether generated by County capital improvement projects, contributions by private developers, business/corporate sponsorships, individual donations, outside funding or grants.

**Public Art Project(s):** Project(s) for the creation of Public Art pursuant to the Public Art Plan.

**Public Places:** Buildings, parks, major roads, and all spaces, indoors and outdoors, that are accessible to the public.



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**Renovation:** Any construction or cosmetic change of facilities, exclusive of regular maintenance. A renovated building is (a) a building undergoing alteration of the exterior envelope; heating, ventilation, and air conditioning systems; water heating systems; or lighting systems for which the aggregate cost of alteration exceeds 10 percent of the assessed value of the building prior to such alteration; or (b) a building undergoing alteration in the physical configuration or interior space, for which the aggregate cost of alteration exceeds one-fourth of the assessed value of the building immediately prior to such alteration.

**Request for Qualifications (RFQ):** A public announcement of an upcoming public art project, inviting artists to submit credentials for consideration for the public art project.

**Request for Proposal (RFP):** A public announcement of an upcoming public art project, inviting artists to submit a conceptual proposal for a public art project.

**Site-Specific Artwork:** A Work of Art designed for a site and for which artistic intention is inseparable and cannot be transformed from the particulars of that given site to another location.

# Appendix

Mural Ordinance

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Sample Request for Qualifications/Proposal

Sample Artist Contract

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## Mural Ordinance

### 4.02.16 – Design Standards for Development in the Bayshore Gateway Triangle Redevelopment Area

\* \* \* \* \*

H. Murals. Murals are allowed as public art within the Bayshore Gateway Triangle Community Redevelopment Area (BGTCRA) on commercial, civic, or institutional structures and shall adhere to the following requirements: subject to the following conditions:

1. Murals on public or private property that are within public view from a public right-of-way, or are funded in whole or in part with public monies, are subject to the BGTCRA Public Art Plan Mural Guidelines and recommendation from the Public Art Committee (PAC) and the Collier County Board of County Commissioners (BCC). Murals are only allowed on commercial, civic or institutional buildings.
2. Murals on private property outside of public view via the public right-of-way, and are funded with private dollars, do not need approval from the PAC but are subject to all other applicable ordinances. Building must be located within the proposed Cultural District boundary, Community Redevelopment Agency Resolution 08-60, and cannot be located along U.S. 41.
- ~~3. One mural is allowed per building.~~
- ~~43. Murals are permitted on sections of buildings where there are no windows or doors or where the mural will not interfere with the building's architectural details.~~
- ~~5. The mural cannot exceed 200 square feet unless specifically approved by the CRA Advisory Board.~~
- ~~64. The mural shall not contain text for the purpose of advertising any business or commercial activity.~~
- ~~75. The mural cannot be temporary in nature and the building owner is responsible for the mural maintenance and shall submit a mural maintenance plan to the PAC must commit to maintaining the mural.~~
- ~~86. Review and approval recommendation from the PAC CRA Advisory Board to the BCC is required to ensure the mural complies with the conditions requirements above and that the artwork complements the design of the building in color, shape, and location.~~
7. An applicant wishing to install a mural on a building in the BGTCRA, that requires review by the PAC, is first required to obtain a pre-approval letter from County Manager or designee. The applicant shall follow the design review and approval process outlined in the BGTCRA Public Art Plan Mural Guidelines.

## Sample Mural Application

These are adapted from Mural Arts in Philadelphia.

If you have done the following, you are in a good position to proceed with the application.

- I've fully reviewed the Mural Ordinance.
- I've spoken with my neighbors and/or community groups about a mural.
- I've identified a wall that isn't peeling, cracking, or have leaks.
- I've spoken with the wall owner or obtained permission for a mural on the wall.
- I have an idea for a mural that would be meaningful for the community.
- I am able to dedicate time for several meeting with the Program Manager or CRA staff about the mural.
- I have a photograph of the wall for the application.

Name:

Organization (if applicable):

Phone:

Email:

Address:

Address of proposed mural:

Who is the property owner?

Is the wall located indoors or outdoors?

What is the wall material (e.g. brick, cinderblock, stucco, etc.)

Please describe the theme/image you envision for this mural:

Why do you want a mural at this location?

How will the mural benefit the community and fit within the goals of the arts and culture plan?

Why is this mural of personal interest to you?

## Sample Request for Qualifications/Proposal

**Project:** (Facility Name)

(Address)

**Site Description:** this section should describe the general public purposes of the facility or site and should also describe in specific detail the activities or operations that will take place once the capital improvement project is completed. It should note the level of public access, the estimated number of persons projected to use the facility, number and nature of employees, operating hours, nature of clientele, any unusual characteristics, etc.

The general location of the site should be described: type of neighborhood, urban design considerations, approaches to the site, visibility, etc.

Specific plans for the site should be described to the extent that they have been developed. The architectural or engineering program should be attached, along with conceptual designs or schematics, if available.

**Current Status of the Project:** Should note whether the project has been funded or appropriated, source of funding, status of architect or engineering design consultant selection. Identify other design consultants if they have been selected.

**Timetable:** Project the overall timetable for the project (schedule for conceptual design, schematics, working drawings, bidding/contract award, construction, facility opening) with particular note of those periods during which artist involvement would be required. Also, note, if possible, the level of artist commitment required during each time period (i.e., 50%-time, full time, etc.)

**Artist Project Description:** This section should describe in detail the expected scope of services of the artist. Will the artist be a member of the project design team? What will the artist's relation to the architect be? Sub-contractor? Co-equal designer? With whom has the artist contracted? Will the artist be working on the overall design, or specific elements of the architecture; typical elements, such as fixtures and furnishings; or separate and distinct artworks? How will design issues be resolved during the project?

If the project is for the creation of a specific artwork, the nature of the desired artwork should be described here. For example, if you are looking for an artist to create a stained glass window, then the dimensions of the opening(s), structure considerations, related design elements, etc., should be detailed.

**Project Budget:** This section should state the budget available for the artwork. Any limitations should be stated here. For instance, if the artist's fee is limited to 20% of the budget for design, with the remainder for the actual fabrication and installation of the artwork, that should be stated here. This section should also indicate whether the budget is inclusive of travel, overhead, insurance, site preparation, lighting and utilities, installation, etc.

**Project Selection Panel:** This section should identify the members of the section panel that will be choosing the artist(s) who will be recommended for the project.

**Selection Process:** This section should outline in some detail the process for the selection of the artist, including what the artists are being asked to submit, whether travel and honoraria will be offered to artists invited for an interview, whether the artists will be asked to submit an actual design concept, etc. Typically, artists will be asked to submit images of previous artwork and information about those artworks, a professional resume, references, and a brief statement of their response to the challenge presented by the project, not to exceed two pages. Artist finalists will generally be selected for an interview with the Project Selection Panel and/or to prepare a proposal for the project. Artists who are asked to prepare a proposal or design concept will normally be paid a small honorarium. The selection panel should always reserve the right to reject all proposals or applicants.

**Pre-submittal Conference/Site Visits:** This section should be included if there is an opportunity to visit the project site prior to submittal, or whether there is a mandatory or optional pre-submittal meeting. If so, this section should indicate the time, date and location of the meeting, as well as a contact person. It should state whether attendance at the pre-submittal meeting by telephone or video conference is available.

**Deadline:** This section will contain the time and date by which the submittals are due, and whether this is a postmark deadline of a time by which the submittal must be physically received. It should state that submittals received after the deadline will not be reviewed. This section should also indicate when artists might expect to receive notice about the project.

**Disposition of Submittals:** This section should indicate that submittals will not be returned, unless they are accompanied by pre-paid shipping materials.

**Contact Information:** This section should identify the contact information for the person responsible for managing the artist selection process.

**Submittal Instructions:**

This section will contain specific instructions regarding the artist submittals. It might contain, for instance, the following instructions:

- a. Entries will be accepted in two-dimensional form only.
- b. Submit: 1) up to twenty images (slides or photographs) of recent representative artworks (may be in digital form), annotation sheet for the images, current professional resume, relevant references, and a maximum two-page response to the opportunity or challenge presented by the work. Ten copies of all written documents should be submitted.
- c. It should be emphasized that specific design concepts or proposals are not requested at this time and will not be reviewed.
- d. Include a self-addressed, stamped envelope with enough postage to cover the return of visuals. Only slides, photographs or digital media will be returned.
- e. Every item in the submittal should be labeled with the artist's name. Images should indicate the artist's name, title of the work, the medium, dimensions and date of creation.

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- f. Artists whose work, by its nature, cannot be shown through the media of slides or photographs should communicate with the Program Manager to make special arrangements.
- g. All materials should be contained within a single envelope not to exceed 16" X 20". Only one submittal per envelope.
- h. Submittals should be addressed to:
  - (Project Name)
  - Public Art Project
  - RE: RFQ reference number, if one has been assigned
  - (Address)
- i. While every precaution will be taken to prevent loss or damage to submittals, the CRA, Collier County accept no responsibility in the case of loss or damage to the items submitted.
- j. All artists who submit for this project will be notified by mail or email of the selection panel's decision. No information will be released by telephone.
- k. Artists who wish to be notified that their submittal has been received should include a stamped, self-addressed post card that will be sent upon receipt of the submittal.



## Sample Artist Maintenance/Materials Worksheet

This worksheet should be completed by the artist for each artwork as it is accessioned into the Public Art Collection.

Artist:	Date:
Artist Contact:	
Title of Artwork:	
Media: Specific materials used (brand names and type of all materials, i.e., type of paper and fiber content, metal alloy, chemical composition of patina, etc.)	
Specific techniques used in fabrication of the artwork (i.e., air brush painting, lost wax casting, TIG welding, etc.)	
Fabricator name and contact information (if other than the artist)	
Installation materials and techniques (Attach as-built drawings as appropriate)	
Recommended maintenance procedures (Be as specific as possible about techniques and materials)	
Cautions regarding maintenance, handling, etc.	
Other relevant information:	

## Sample Artist Contract

### ARTIST AGREEMENT

THIS ARTIST AGREEMENT (hereinafter referred to as the “Agreement”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2020, by and between the Collier County Community Redevelopment Agency (“CRA”), and \_\_\_\_\_ (“Artist”).

WHEREAS, the CRA desires to incorporate works of art into the new “Welcome to Immokalee” sign on S. First Street and Eustis Avenue (the “Site”); and

WHEREAS, Artist was selected by the CRA to design, execute, fabricate and/or install artwork \_\_\_\_\_ (the “Artwork”), as further described in **Exhibit A**.

NOW THEREFORE, in consideration Ten Dollars (\$10.00) and other good and valuable consideration exchanged amongst the parties, and in consideration of the covenants contained herein, the parties agree as follows:

#### I. SCOPE OF SERVICES

1.1. Artist shall perform all services and furnish all supplies, material and equipment as necessary for the design, execution, fabrication, transportation, and installation of the Artwork at the Site and in accordance with section II below. Artwork shall be performed in a professional manner and in strict compliance with all terms and conditions in this Agreement.

1.2. Prior to entering into this Agreement, the Artist has prepared the design concept and submitted the same with the CRA for approval. The Artist agrees to make the Artwork consistent with the approved design concept in **Exhibit A**.

#### II. EXECUTION OF PROJECT

2.1 The Artwork shall be painted, fabricated, or placed directly on the Site.

2.2 Artist shall complete fabrication and installation of the Artwork by \_\_\_\_\_ unless otherwise extended by the CRA.

2.3 The Artist shall present to the CRA in writing and other graphic form for further review and approval of any significant changes in the scope, design, color, size or materials of the Artwork not in conformity with **Exhibit A**.

#### III. OWNERSHIP AND RIGHTS RELATED TO THE ARTWORK

3.1 Artist hereby irrevocably assigns, conveys, and otherwise transfers title to the Artwork to the CRA as the Artwork is created.

3.2 The Artist hereby transfers all rights under the Copyright Act of 1976 (17 USC §101, 106, and 113 et seq.), as the sole author of the Artwork, to the CRA.

3.3 Artist shall not make any duplicate reproduction of the Artwork in any form or

manner. Artist may, however, use photographic reproductions of the Artwork in his or her portfolio.

#### **IV. WARRANTIES**

4.1 Artist represents and warrants the Artwork will be an original work of art and Artist will be the sole creator of the Artwork.

4.2 The Artwork does not infringe on any copyright or license.

4.3 The Artwork, or a duplicate thereof, has not been accepted for sale or commission elsewhere.

4.4 The Artwork is free and clear of any liens or claims from any source whatsoever.

#### **V. ARTIST AS AN INDEPENDENT CONTRACTOR**

The Artist agrees to perform all Artwork under this Agreement as a contractor and not as an agent or employee of the CRA. The Artist acknowledges and agrees that the Artist shall not hold himself or herself out as an authorized agent of the CRA with the power to bind in any manner.

#### **VI. ASSIGNMENT**

The artwork and services required of the Artist are personal and shall not be assigned, sublet or transferred. The CRA shall have the right to assign or transfer any and all of the CRA's rights and obligations under this Agreement.

#### **VII. REMOVAL**

Following installation of the Artwork, the CRA, in its sole discretion, may remove, replace, destroy, or relocate the Artwork at any time.

#### **VIII. INSURANCE**

Unless otherwise required by the Collier County Risk Management Division, Artist agrees to provide current proof of automobile insurance coverage required by the state of Florida.

#### **IX. INDEMNIFICATION**

To the fullest extent permitted by applicable law, Artist shall defend, hold harmless and indemnify the CRA, its agents, officials, employees, or contractors, including any volunteer, firm, company, organization or individual from and against any and all claims, actions, damages, and liability cost expense, including those arising from bodily injury, death and/or property damages or any other lawful expense, including, but not limited to, attorney's fees and court costs, brought by third parties arising from any act, error, or omission caused by the Artist, its agents, employees or contractors arising from or connected to the installation, fabrication, or execution of the Artwork.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their appropriate officials, as of the date first above written.

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**COLLIER COUNTY COMMUNITY REDEVELOPMENT AGENCY:**

COLLIER COUNTY  
COMMUNITY  
REDEVELOPMENT AGENCY

By: \_\_\_\_\_ Debrah Forester, CRA Director

**ARTIST:**

**WITNESSES:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

Approved as to form and legality:

\_\_\_\_\_  
Sally A. Ashkar  
Assistant County Attorney

Attachment: Exhibit A- Design Concept

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### Visual Arts Rights Act

U.S. Code § 106A. Rights of certain authors to attribution and integrity

(a) Rights of Attribution and Integrity.—Subject to section 107 and independent of the exclusive rights provided in section 106, the author of a work of visual art—

(1) shall have the right—

(A) to claim authorship of that work, and

(B) to prevent the use of his or her name as the author of any work of visual art which he or she did not create;

(2) shall have the right to prevent the use of his or her name as the author of the work of visual art in the event of a distortion, mutilation, or other modification of the work which would be prejudicial to his or her honor or reputation; and

(3) subject to the limitations set forth in section 113(d), shall have the right—

(A) to prevent any intentional distortion, mutilation, or other modification of that work which would be prejudicial to his or her honor or reputation, and any intentional distortion, mutilation, or modification of that work is a violation of that right, and

(B) to prevent any destruction of a work of recognized stature, and any intentional or grossly negligent destruction of that work is a violation of that right.

(b) Scope and Exercise of Rights. —

Only the author of a work of visual art has the rights conferred by subsection (a) in that work, whether or not the author is the copyright owner. The authors of a joint work of visual art are coowners of the rights conferred by subsection (a) in that work.

(c) Exceptions.—

(1) The modification of a work of visual art which is a result of the passage of time or the inherent nature of the materials is not a distortion, mutilation, or other modification described in subsection (a)(3)(A).

(2) The modification of a work of visual art which is the result of conservation, or of the public presentation, including lighting and placement, of the work is not a destruction, distortion, mutilation, or other modification described in subsection (a)(3) unless the modification is caused by gross negligence.

(3) The rights described in paragraphs (1) and (2) of subsection (a) shall not apply to any reproduction, depiction, portrayal, or other use of a work in, upon, or in any connection with

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any item described in subparagraph (A) or (B) of the definition of "work of visual art" in section 101, and any such reproduction, depiction, portrayal, or other use of a work is not a destruction, distortion, mutilation, or other modification described in paragraph (3) of subsection (a).

### (d) Duration of Rights.—

(1) With respect to works of visual art created on or after the effective date set forth in section 610(a) of the Visual Artists Rights Act of 1990, the rights conferred by subsection (a) shall endure for a term consisting of the life of the author.

(2) With respect to works of visual art created before the effective date set forth in section 610(a) of the Visual Artists Rights Act of 1990, but title to which has not, as of such effective date, been transferred from the author, the rights conferred by subsection (a) shall be coextensive with, and shall expire at the same time as, the rights conferred by section 106.

(3) In the case of a joint work prepared by two or more authors, the rights conferred by subsection (a) shall endure for a term consisting of the life of the last surviving author.

(4) All terms of the rights conferred by subsection (a) run to the end of the calendar year in which they would otherwise expire.

### (e) Transfer and Waiver.—

(1) The rights conferred by subsection (a) may not be transferred, but those rights may be waived if the author expressly agrees to such waiver in a written instrument signed by the author. Such instrument shall specifically identify the work, and uses of that work, to which the waiver applies, and the waiver shall apply only to the work and uses so identified. In the case of a joint work prepared by two or more authors, a waiver of rights under this paragraph made by one such author waives such rights for all such authors.

(2) Ownership of the rights conferred by subsection (a) with respect to a work of visual art is distinct from ownership of any copy of that work, or of a copyright or any exclusive right under a copyright in that work. Transfer of ownership of any copy of a work of visual art, or of a copyright or any exclusive right under a copyright, shall not constitute a waiver of the rights conferred by subsection (a). Except as may otherwise be agreed by the author in a written instrument signed by the author, a waiver of the rights conferred by subsection (a) with respect to a work of visual art shall not constitute a transfer of ownership of any copy of that work, or of ownership of a copyright or of any exclusive right under a copyright in that work.

(Added Pub. L. 101–650, title VI, § 603(a), Dec. 1, 1990, 104 Stat. 5128.)