

**Exhibit A to Resolution No. 25-5468**  
**Metro's One Percent for Art**  
**Program Guidelines for Metro Projects**

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**I. PURPOSE**

The purpose of these Guidelines is to provide a process for selecting, purchasing, commissioning, placing and maintaining Metro's public art purchased with Metro One Percent-for-Art Program (hereafter, "Program") funds. The goal is to reserve 1% of each Project's Construction Cost for the selection, acquisition, install and maintenance of art that represents the best in artistic skills, encourages public dialogue, raises awareness of the power of art and demonstrates the diversity of people, cultures and experiences in the Metro region, providing an opportunity to reflect on the community and its characteristics, including history, identity, geography and culture.

**II. DEFINITIONS**

- A. "Architect" (if applicable): The person or firm designing a Project to which percent-for-art funding applies. When the architect is a firm, the term Architect will mean the principal of that firm in charge of designing the project.
- B. "Artist": A practitioner in the visual arts generally recognized by critics and peers as possessing serious intent and recognized ability that produces Works of Art but must not be a member of the project architectural firm.
- C. "Construction Cost": Includes estimated construction costs at time of initial budget, not including professional services costs governed by ORS 279B, property acquisitions, trail projects, conservation projects, demolition, construction management costs, planning and permitting costs, public utilities, equipment and furnishings.
- D. "Programmatic Approach": The process of amplifying the impact of Metro's Program by combining the present or expected contributions to Metro's Program from multiple (usually smaller) Projects into one fund, then selecting, funding and installing one or more Art installations benefiting the Metro department providing the funding.
- E. "Project": Construction, alteration or major renovation performed by Metro on a Metro property exceeding \$200,000.00 in total project budget. The term Project does not include ordinary repair or maintenance.
- F. "Project Sponsor": An individual from the initiating Metro department (usually a manager), who provides oversight of the project, reviews project documents, makes decisions and approves expenditures against the project budget.
- G. "Project Manager": Metro's owner representative who formally manages the project and is primarily responsible for its scope, schedule and budget.
- H. "Public Art Coordinator" or "Coordinator": The initiating Metro department staff person assigned to coordinate and facilitate the implementation of any Programmatic Approach.

- I. “Review Committee”: Review Committees will be established for the purpose of advising the Department Director or designee on the selection of artists and/or Works of Art.
- J. “Work(s) of Art, “Works” or “Art”: All forms of original creations of visual art, including but not limited to:
  - 1. Painting of all media, including both portable and permanently affixed works, such as murals.
  - 2. Sculpture which may be in the round, bas-relief, high relief, mobile, fountain, kinetic, electronic, etc., in any material or combination of materials.
  - 3. Other visual media, including, but not limited to, prints, drawings, stained glass, calligraphy, mosaics, photography, clay, fiber and textiles, wood, metals, plastics, or other materials or combination of materials, or crafts or artifacts.
  - 4. Artworks which possess functional as well as aesthetic qualities.
  - 5. Performing art, such as dance, is not eligible for funding under this program.

### III. PROCESS

The Percent-for-Art Program may be implemented project-by-project or using a Programmatic Approach.

- A. Individual Project Approach. Projects exceeding \$2,000,000.00 in Project Budget will reserve one percent of Construction Costs and expend said funds to select, acquire and install and maintain Art contemporaneously with Project construction.
- B. Programmatic Approach. Projects up to \$2,000,000.00 in Construction Costs will participate in the Programmatic Approach, unless a department director determines an Individual Project Approach is appropriate or the Metro Council adopts an alternative Programmatic Approach by resolution. Under the Programmatic Approach, one percent of Construction Costs will be allocated from the budget of each such Project Metro-wide, and deposited into one of the following seven Metro Percent for Art Program project funding pools (the “Pooled Funds”) connected with the source facility: Metro Regional Center, Waste Prevention and Environmental Services, Portland's Center for the Arts, Parks and Nature, Oregon Convention Center, Expo Center, Oregon Zoo. Each Department's Finance Manager will manage the Pooled Funds. From time to time, at the discretion of the Director of the initiating department, all or a portion of the Pooled Funds may be distributed to provide Art associated with select Projects and/or independent Art installations to be placed on the Metro facility that is the source of the Pooled Funds, as determined by an empaneled Review Committee.
- C. Coordinated campus-wide approach. Projects under the same funding source, such as a bond measure, may participate in the Programmatic Approach.
- D. Review Committees will be appointed by the initiating Metro department Director.

- E. A Review Committee will be empaneled for each Project. For Programmatic projects, a Review Committee will be empaneled at the time Pooled Funds are distributed for a project. The Review Committee will:
  - 1. Recommend suitable art forms and the appropriate locations for artwork.
  - 2. Determine the Artist's prerequisites; specifics of Artist/Art form selection.
  - 3. Solicit opinions regarding recommended art locations and types from stakeholders, as reasonable and necessary.
  - 4. Conduct the selection process in accordance with procedures established by the Capital Asset Management Department Director or recommended by the Regional Arts and Culture Council (RACC) or other suitable advisors. Metro may elect to employ RACC to administer the selection of art. RACC may prepare the Request for Proposal and do the solicitation. The art agreement will be on terms provided by the Office of the Metro Attorney. RACC may also act as an advisor. RACC's art selection and administrative fees will be paid out of Program funds.
  - 5. Select the Artist and Work of Art.

#### IV. REVIEW COMMITTEE MEMBERSHIP

- A. The Public Art Coordinator – Lead/Facilitator.
- B. Project Sponsor.
- C. Project Manager (if applicable).
- D. A designated representative from facilities or maintenance staff.
- E. Committee membership will be offered to a Metro Councilor; however, their participation is optional. The Public Art Coordinator will work with Council Office staff to facilitate the selection of a Councilor.
- F. The project Architect, when applicable (optional).
- G. A member of the Regional Arts and Culture Council or its designee or another suitable advisor (optional).
- H. Membership may be supplemented by project-specific stakeholders such as staff that will be in contact with the Art and consultants, technical experts and advisors (optional).
- I. Metro will take a proactive approach toward recruitment and outreach to BIPOC and underrepresented communities to ensure the committee reflects Metro's commitments to diversity, equity and inclusion.

V. CRITERIA FOR ART SELECTION

- A. Review Committees will select Artists based on the following qualifications: past work (if any), appropriateness of the proposal to the particular project, and certainty of successful timely completion.
- B. The Review Committee will recommend those artists and Works of Art which fulfill the purposes of the program set forth above.
- C. The Review Committee will consider each Art project's use of sustainably sourced materials, construction, durability, maintenance, accessibility and safety.
- D. The Review Committee will consider each Art project's contribution to advancing the goals of Metro's Strategic Plan to Advance Racial Equity, Diversity and Inclusion.
- E. The Review Committee will consider the department's ability to fund the long-term operational costs presented by the proposed Art project, including but not limited to routine maintenance costs and other safety, financial and legal liability risks relating to the Art, (if any).

VI. PROJECT IMPLEMENTATION

The Architect (if applicable) will work closely with the Project Manager to designate appropriate Art locations and will incorporate the Artist's or Art's specific requirements within the construction documents, including the time of delivery and installation of the work.

VII. MANAGEMENT AND MAINTENANCE

- A. Each department is responsible for the maintenance of the Art it purchases and will plan for these costs prior to installation. The recommended annual target budget for art maintenance is 0.2% of the Art acquisition and installation cost.
- B. Deaccession and disposition of Art requires the approval of the CAM Director, General Manager of Visitor Venues or Department Director, and may require coordination or agreement with the Artist.
- C. Metro will make reasonable efforts to notify the Artist of any proposed future alteration of the site or adjoining areas that would significantly affect the intended character and appearance of the installed Work, and will make reasonable efforts to consult the Artist in the planning of such alteration.
- D. Except as provided above, if the Work is intentionally, damaged, altered, modified or changed by Metro, Metro will either restore the Work to its original form, or Metro will have the right to remove the Work from public display to storage or to destroy the Work
- E. If any significant damage to the Work occurs through mutilation, vandalism or other damage, and the Work is not fully restored to its original form in a timely manner, the Artist may, upon notice to Metro followed by 30 days' opportunity to cure, request that Metro remove or obliterate the identification plaque referred to in Section 2, as well as any signature or other emblem identifying the Artist with the Work, and Metro will do so.

## VIII. PERMITTED EXPENDITURES

- A. Program funds may be spent for the Work of Art itself, including but not limited to:
  - 1. Artist's design fee.
  - 2. Additional labor and materials required for production of work.
  - 3. Artist's operating costs.
  - 4. Artists' travel related to the project.
  - 5. Transportation of the work to the site and installation.
  - 6. Architect's fees for inclusion of artwork.
- B. Art identification plaques and labels.
- C. Frames, mats, mountings, anchorages, containments, pedestals, or materials necessary for the installation, location or security of the Work of Art.
- D. Photographs of completed works.
- E. Expenses for special advisors or consultants, including for purposes of creating Art that is inclusive and culturally sensitive.
- F. Deaccession and disposal, renewal or relocation of existing Art displaced by construction.
- G. Program administrative costs.
- H. Art solicitation process costs, including, but not limited to artist proposal stipends.
- I. Utility infrastructure necessary to operate or experience the Art piece.
- J. Modifications or improvements to building surfaces or structural elements necessary to install, protect or accommodate the Art, as approved by the Project Manager.

## IX. UNPERMITTED EXPENDITURES

Program funds will not be spent for:

- A. Reproductions, by mechanical or other means, of original Works of Art.
- B. "Art objects" which are mass-produced of standard design.
- C. Modifications in or improvements to building surfaces or structural elements of the building, except for integral Art as defined by the Advisory Committee.
- D. Electrical, water or utility costs.

- E. In connection with the Works of Art: registration, dedication, unveiling, security and publicity after selection.
- F. Architect's fees.
- G. Ephemeral, temporary or performance art.