

**FIRCREST CITY COUNCIL  
STUDY SESSION AGENDA**

**MONDAY, OCTOBER 21, 2019  
6:00 P.M.**

**COUNCIL CHAMBERS  
FIRCREST CITY HALL, 115 RAMSDELL STREET**

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1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Agenda Modifications
5. [Sewer Treatment Pass-Through Discussion](#)
6. [Naming Policy Review](#)
7. [Art Policy Review](#)
8. Adjournment

**AGENDA ITEM #5: Sewer Treatment Pass-Through Discussion****FROM: Jerry Wakefield, Public Works Director**

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**BACKGROUND:** Based on Council's request, the sewage treatment costs from the City of Tacoma has been reviewed in comparison with the revenues generated by our rate structure for the treatment. A spreadsheet that summarizes the rates and increases as well as the expenditures was put together as a quick overview.

The spreadsheet covers the time period from 2016 to 2020. In 2016, we did not have the treatment cost broken out in our rate structure. That is why our sewer treatment rate starts in 2017 and the rate increases were per the adopted FMC for the increases.

Each year the City of Tacoma provides us with the projected rates for the next year. This also includes the ratio of applicability that affects our rate. This is for our share of the treatment plant costs and improvements. The other costs are based in the strength of our sewage that is monitored quarterly and the flow rate. Per the spreadsheet, the increases are identified by year. The City of Tacoma also informed us that the rates will probably increase approximately 6% in the coming year.

Based on this information, the annual treatment cost from the City was projected for the year 2020 with a 6% increase from 2019. All the other costs are actual costs.

If we leave the sewer treatment rate the same as 2019 and project an anticipated revenue for 2020, this shows a slight increase from 2019 due a small percentage of increase in connections and the commercial rate, which is based on flow and rates from the City of Tacoma.

In comparison of this numbers, it doesn't appear that a rate increase for 2020 is needed.

It also appears that the budgeted number for the sewer treatment costs could be reduced based on these projected numbers by about \$62,000.

A caution is that these are projected numbers that are subject to change and if the Ratio of applicability goes higher adjustments would have to be made.

**ATTACHMENT:** [2016-2020 Sewer Treatment Rate Information](#)

**Tacoma Sewage Treatment Costs Summary**  
**10/17/2019**

Items	2016	2017	2018	2019	2020
<b>Tacoma Rates</b>					
Fircrest Ratio of applicability	0.66993873	0.7102852	0.68675289	0.67891205	
BOD	\$ 0.00698880	\$0.00630240	\$0.00661440	\$0.00686400	\$0.00717600
TSS	\$0.00517920	\$0.00474240	\$0.00499200	\$0.00517920	\$0.00542880
Flow	\$3.65000	\$4.32000	\$4.52000	\$4.67000	\$4.86000
Tacoma Fixed Fee	\$10.84	\$11.40	\$11.92	\$12.50	\$13.00
<b>Pump Station Total Constituent Charge</b>					
Conta Costa	\$5.61272960	\$6.64128000	\$7.25237120	\$7.50514400	
Princeton	\$6.38711360	\$6.46350240	\$7.32899840	\$7.58470400	
Total Annual Treatment Costs	\$944,309.88	\$1,190,009.73	\$1,174,948.68	\$1,142,141.58	\$1,210,670.00 increase is 6%
Budget Amount	\$1,000,000.00	\$1,060,000.00	\$1,200,000.00	\$1,272,000.00	\$1,348,000.00 New budget number \$1,286,000.00 \$62,000.00
Difference between Budget vs. Actual	\$55,690.12	-\$130,009.73	\$25,051.32	\$129,858.42	\$137,330.00
Fircrest Sewer Treatment Rate		\$60.40	\$64.00	\$67.80	\$67.80
Revenue Generated by Rates		\$943,393.32	\$1,160,088.39	\$1,223,191.63	\$1,238,860.58
Revenue vs. Treatment Costs		-\$246,616.41	-\$14,860.29	\$81,050.05	\$28,190.58
<b>Treatment Bills per Quarter</b>					
		<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
4th		\$335,436.09	\$323,156.07	\$313,302.96	
1st		\$292,085.92	\$276,342.96	\$268,606.95	
2nd		\$264,010.50	\$269,913.37	\$254,695.39	
3rd		\$298,477.22	\$305,536.28	\$305,536.28	
		\$1,190,009.73	\$1,174,948.68	\$1,142,141.58	\$0.00

**AGENDA ITEM #6: Naming Policy Review****FROM: Scott Pingel, City Manager**

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**BACKGROUND:** This item has come about due to the City's intention to allow major donors to name specific assets at the new pool and community center. While the current need is to ensure we have a mechanism in place in order to allow City assets to be named, City staff have taken a broader approach and drafted a more comprehensive Naming Policy that considers future naming opportunities outside of the scope of the pool and community center project.

Several organizations have adopted Naming policies so that there is consistency and organization to naming efforts and opportunities. The attached draft policy is adapted it from a few other sample policies from much larger organizations. We have parroted the policy down to make more sense for our organization. It may still be a bit loaded, and that is why we would like feedback from the City Council. The intention in the policy is to provide a process and essentially provide the City Council final say when it comes to naming City assets.

City staff are looking for feedback from Council on this draft Naming Policy. Does it have too much process, or too little? Does it need to be simpler, or do we need to keep a measure of complexity?

**ATTACHMENT:** [Draft Naming Policy](#)



## Naming Facilities and Name Changes Policies and Procedures

### Purpose

To establish criteria and guidelines for soliciting and considering the naming and renaming of parks, recreation areas, facilities, and amenities.

### Goals

- Recognize and affirm citizens, employees, and organizations that have contributed significantly to the City of Fircrest through either financial contributions or notable volunteer and/or in-kind efforts, outstanding service, or financial contributions by naming parks, recreation areas, facilities or features in their honor.
- Maintain the aesthetics and integrity of our City's properties as public, open spaces that welcome everyone.
- Encourage opportunities for revenue-generation through the naming of park assets through capital campaigns or naming rights bids as is appropriate.

### Section 1: Scope of this Policy

- The policy affects municipally-owned property only.
- Any supporting non-profits working with the City will be subject to the rules, requirement, and guidance in this policy. Supporting non-profits recommending specific gift levels for City assets must have those recommendations approved by the City Council.
- The following types of municipally owned property are included within the scope of this policy (referred to hereafter as "property"):
  - a) Buildings and structures.
  - b) Real Property, including open spaces and parks.
  - c) Rights of Way, including streets under certain circumstances.
- The process and criteria for naming or renaming municipally-owned properties described in this policy do not apply to the following types of property:
  - a) Public art installations that have been commissioned and/or accessioned with a title that serves as the name of the piece.

### Section 2: Initial Procedures for Considering Name Change Requests

1. Requests for name changes to existing property may be submitted by any Fircrest resident, property owner, or City official. Such a proposal shall be made in writing to the City Clerk and include:
  - a. Map illustrating the area affected by the proposal;
  - b. Any existing place, street, or facility names that would be affected;

- c. Any common usage names or nicknames for the area or its elements, including topographical landmarks;
  - d. Representative photographs of the area;
  - e. An overview of any public outreach or support received for the proposal to date, including media coverage and meetings. This may include any statements of support or endorsement received. Applicants are encouraged to seek public support prior to submitting a request for name changes;
  - f. A statement of the criteria in this policy that apply to the request, and how the proposal meets these criteria; and
  - g. A description of any plans for interpretive measures to be taken by the sponsor if the naming request is approved, including signs, interpretive panels, or markers.
2. The City Clerk, upon receiving the request, shall review the proposal for completeness.
  3. If the request is considered complete, the City Clerk will bring the proposal to the City Manager and management team (consisting of the City's department heads). If this is deemed complete by them, it will be brought to the City Council for approval by resolution of the City Council or denial within the next two regular City Council meetings. The City Council, in its sole discretion, may set a public hearing for further consideration of the request.
  4. If more information is required, the City Clerk will describe to the applicant what information is needed to complete the request. If additional information is not received within sixty (60) days, the request will be considered incomplete and will not continue forward in this process.
  5. If no action is taken by the City Council to either approve, deny, or set a public hearing for the request within sixty (60) days of the request first being considered by the City Council, it is considered denied.
  6. If the City Council denies the application by vote or by failure to act, the City Council shall not consider the request for the period of one calendar year from the date of the request submission.
  7. The City reserves the right to refuse any naming submission, at its sole discretion, for any or no stated reason.

### **Section 3: Initial Procedures for Considering Naming Requests for New Names**

1. For new or unnamed municipally-owned properties, the City Council may make a new naming request directly to the City Manager.
2. When so directed, the City Manager will work with the City Clerk to publicly solicit ideas for naming new facilities, except where otherwise indicated in this policy.
3. Such a call for proposals shall, at minimum, take the form of a press release, City website posting, and distribution of an announcement to the City's mail and electronic distribution lists inasmuch as such lists exist. The call for proposals shall state a timeline for submission and review, as well as the criteria for naming contained in this policy.
4. The purpose of the solicitation is to develop a broad array of ideas, and to encourage community participation in the naming process.
5. While an individual may directly propose to the City Council consideration of a particular name for a property, such a request is not required to initiate the naming process for new facilities nor is the City Council's consideration of names limited to that proposed by an individual.
6. The naming process shall be initiated as soon as practical in the development process.

7. Once the name or rename of a park, recreation area, facility, or feature has been finalized, the Finance Department and City Clerk should be notified in order to update City of Fircrest records.

#### Section 4: Public Hearing Procedures

1. Notice shall be published in the City's official newspaper as well as sent via regular mail and electronic mail to interested stakeholders at least ten (10) days ahead of the scheduled hearing.
2. Interested stakeholders include property owners within five hundred (500) feet of the subject property and those parties that have specifically expressed interest or requested notification. Other groups or individuals may be contacted as well.
3. Following the public hearing, the City Clerk shall keep the public record open for thirty (30) days minimum to allow for additional comment.
4. Following the close of the comment period, the comments received by the City Clerk shall be compiled by the City Clerk and findings made relative to the proposal and the applicable criteria within forty-five (45) days. The City Manager will provide a recommendation to the City Council for consideration of approval or denial.

#### Section 5: Recommendation to City Council

1. Based on the findings and recommendations of the management team, the City Council, at its discretion, may accept, modify, or reject the recommendation of the management team, or may request that a public hearing be held.
2. Naming decisions shall be approved via resolution of the City Council.

#### Section 6: Criteria for the City Council and Management Team to Consider

The City Council and management team shall use the following criteria when considering proposals to name or change the name of a public facility or building.

1. To avoid duplication, confusing similarity, or inappropriateness, the management team, in considering name changes, shall review existing public building and facility names.
2. The City Clerk must be consulted before renaming a park, recreation area, facility, or feature to make sure there are not renaming constraints, such as donor bequests or historical significance.
3. The City of Fircrest shall only name and rename its assets honoring people, organizations, or places that are consistent with its vision and mission. The City's overall vision is to *"to protect and enhance our identity and quality of life and promote open and honest communication that builds a trusting environment. We will inspire a stronger community by working together toward excellence"*, and mission *"to enhance the quality of life where we live, work and play. The City of Fircrest provides its citizens with efficient, courteous, and professional services"*.
4. Context and geographical location: Sites and facilities should be given names that directly reflect or are contextually related to the history of the site.
  - a. Common usage names that have developed over time shall be favored. Facilities may be given official designations based on common usage by residents of an area, such as topographical features, nearby schools, or historical plat names.
  - b. Names of features indicated on general usage maps for fifty (50) years or more (National Register age criteria) should only be changed under exceptional circumstances.
5. Natural or Geological Features: Names may be based on distinctive, predominant, and defining natural or geological features on an area.

6. Historical Significance: A facility may be given a name based on historical significance if it meets one of the following criteria:
  - a. The name is associated with a historically significant event or for events reflecting broad patterns of the City of Fircrest's history;
  - b. The name is associated with the lives of persons of citywide significance in City of Fircrest's past;
  - c. The name reflects a distinctive architectural or engineering achievement; or
  - d. The name is related to an existing or proposed registered historic property or district.
7. Contributions: New facilities may be named for an individual or organization if that individual or organization has made a significant direct property or monetary contribution to the City of Fircrest, consistent with the City's relevant acceptance policies, for the purposes of developing that particular building or facility, and the naming is a stipulation of the donation.
8. Portions of the facility may have another name than that of the entire facility or features may be dedicated to or in honor of a person.

### Section 7: Special Criteria Considerations

1. Individuals: Except where otherwise indicated, facilities and public property ordinarily shall not be named for living individuals.
2. Streets: Official renaming of existing streets, in general, is discouraged except when:
  - a. A naming effort is part of a larger, coordinated and planned effort involving multiple streets or blocks; or
  - b. Proposals to rename existing streets for individuals may be considered for those persons that have a broad, regional, or national significance that is generally recognized by Fircrest residents.
3. Street Renaming Requirements:
  - a. Renaming of existing streets shall only occur at existing shifts in the street grid or where there are clear topographical or geographical shifts in the grid end.
  - b. The City Public Works, Planning and Building Department, and Police Department shall be given a copy of any street naming request at least forty-five (45) days prior to the scheduling of a public hearing on the matter.
  - c. A signed petition of 51% by linear frontage of the affected property owners in support of the renaming must be solicited and submitted by the proponents of the renaming prior to consideration by the City. Such a petition shall be implemented at the sole expense of the proponent(s); however, the Planning and Building Department may provide a list of affected taxpayers of record.
4. Street Renaming Alternatives:
  - a. Organizations are encouraged to consider alternatives to street renaming requests for the commemoration of individuals or organizations. For example, interpretive plaques at key locations on buildings or sites, or where appropriate, in sidewalks or other visible pedestrian areas.
  - b. In some cases, an "Honorary street" designation may be given to certain sections of existing streets to commemorate the lives of important community members. A commemorative street blade sign may be mounted below the official street name for a



defined length of the street, if approved, at the expense of the applicants. “Honorary designations” of streets may be considered as requests for renaming of facilities.

- c. For “Honorary Street” designations, the City shall develop and provide a standard sign specification for approved requests.

### Section 8: Naming Rights for Fundraising Campaigns

1. Naming rights are commonly offered in private fundraising campaigns. Any consideration of naming or renaming a park or total facility will be submitted to the City Council for final approval.
2. Exception in this Naming Facilities and Name Changes Policies and Procedures would occur by deed restriction or other legal constraints (e.g. donor bequests or land exchange).
3. If an individual, business, organization, or foundation, of which a facility, or any portion thereof, has been named, comes into disrepute in relation to City of Fircrest or in the community at large, the use of the name may be discontinued as authorized by the City Manager of his/her designee.
4. In the event that a named park, recreation area, facility, or feature is moved, stolen, broken, or otherwise rendered unfit for continued use or exhibition, the donor will be notified in writing within thirty (30) days that the item named on their behalf is no longer in use. Naming rights will not extend past the life of the item or beyond the normal life of the park, recreation area, facility, or feature. Also, when a naming right is recognized, a time period for use may be established (e.g. item will be named this for 25 years). At that time, the donor may have the first opportunity to review and/or renew their naming right at an appropriate giving level determined by City of Fircrest.
5. There are no inherent privileges resulting from any adopted name or rename of a park, recreation area, facility, or feature.
6. An appropriate sign or plaque may be properly placed on the site, facility, or feature identifying such names; however, signage and naming recognition plaques will be reviewed by the management team. Signage will also be kept in the integrity of the park as a natural place.

### Section 9: Naming for Major Gifts from Donors

1. In determining gift levels for each item to be named, consideration should be given to the cost of each item, potential public use, visibility, and significance of each item along with any other appropriate factors as determined by the City Council.
2. The naming opportunities must be approved by the respective department director, City Manager and City Council.
3. In the event that the funds agreed upon for the naming opportunity are not fulfilled, the use of the name may be discontinued.
4. Donors should be given a copy of the approved *City of Fircrest Policy on Naming Facilities and Name Changes* so they understand the parameters around naming a park, recreation area, facility, or feature.
5. Commemorative plaques or other means of recognition may be used to recognize endowments in appropriate locations. The style of recognizing named facilities will be consistent with City of Fircrest’s signage.
6. In the case of a capital campaign, the supporting non-profit will present proposed naming opportunities to the City Manager and respective capital campaign team for approval. The naming opportunities should include giving levels and items that are available to name at each giving level. A list of what each item costs and how the name will be displayed should also be included.

**AGENDA ITEM #7: Art Policy Review****FROM: Scott Pingel, City Manager**

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**BACKGROUND:** Two sculptures were recently gifted to the City by Marilyn Kokich to be sited at the Pool and Community Center project once it is completed. In accepting these sculptures, the City agreed that we would be responsible for: the cost of siting the sculptures; not sell or gift the sculptures to a private individual; provide regular maintenance; and place a plaque next to each with its namesake, recognition to the Kokich Family for their donation, and date. Due to Marilyn's timeline and very basic requests, I accepted the sculptures on behalf of the City and after consultation with the City Council. Moving forward, City staff recommend having a policy in place for accepting, siting, and eventually de-commissioning artwork.

The attached draft policy is just that, a draft. We have adapted it from a few other sample policies. The intent is to ensure we have guidelines in place to accepting and displaying artwork, and then, as necessary, deaccessioning or decommissioning artwork. Most of the draft policy provides decision-making authority to either the City Manager or the City Council on the City Manager's recommendation. It has been drafted to provide the City latitude in determining what artwork will and will not be accepted by the City.

City staff are looking for feedback from Council as to the need for an art policy, as well as feedback specific to this draft policy.

**ATTACHMENT:** [Draft Art Policy](#)



## Public Art Policy and Procedures

### PURPOSE

The City of Fircrest recognizes the importance of arts and culture to a vibrant, healthy, and sustainable community. The City strives to promote and encourage arts and culture through the public display of art.

This policy establishes guidelines and procedures for the review, selection, acceptance, donation, placement, deaccessioning, maintenance, and safe display of temporary or permanent public art on, in, or a part of City of Fircrest assets, property, and rights-of-way to provide for the increased, sustained, safe, and appropriate display of public art within the City of Fircrest.

### OBJECTIVES

- To provide uniform and clear guidelines and procedures governing the review, selection, and approval of installed public art as defined herein.;
- To ensure the safe and appropriate display of works of art on, in, or a part of City of Fircrest assets, property, and rights-of-way.
- To ensure appropriate recognition of artists and donors of works of art displayed in public areas.
- To increase prevalence of public art in the City of Fircrest.
- To maintain high artistic standards in works of art displayed in public areas within the City of Fircrest.
- To provide for the deaccession and/or decommissioning, as necessary, of public art in the City of Fircrest.

### DEFINITIONS

**Acquisition:** The acquiring of public art through commission, purchase, donation, gift, or bequest.

**Art:** A term meant to represent all art disciplines and creative artistic expression including, but not limited to, visual art, literary art, or performing art. Examples include painting, drawing, sculpture, photography, architecture, poetry, prose, theatre, film, music, comedy and dance.

**Deaccession:** the formal process to permanently remove an object from being displayed in public, and determining whether the asset is surplus City property.

**Public Art:** Works of visual art, in any media, that have been planned and executed with the specific intention of being sited or stated in the public domain, often incorporation elements of site specificity, community engagement and collaboration.

**Public Spaces:** Areas frequented by the general public, which are in the public domain. Public spaces include, but are not limited to, parks, streets, bridges, exteriors of City-owned buildings, and interiors of City-owned buildings.

**Temporary:** Public art created for a specific occasion, time frame or event and which is temporary in nature.

## PUBLIC ART GIFTS

The City Manager shall review all proposed gifts of artwork that are donated, loaned, devised, or bequeathed, with or without restriction, to the City of Fircrest, including actual artwork, property for placement of artwork, or funds for the acquisition of artwork. Proposed gifts will adhere to the Gift Acceptance Policy (FMC 3.50 Acceptance of Donations to the City). The City Manager will evaluate the suitability of proposed gifts and make recommendations to accept or decline the artwork to the City Council.

If accepted by the City Council, a Gift Acceptance Agreement outlining the specific conditions of acceptance shall be entered into between the donator and the City. The agreement shall include the understanding that it is unrestricted and offered without limiting conditions. This contract will also serve as permanent documentation of art gifts.

## PROJECT INITIATION

Concepts for public art projects may be developed by the City councilmembers, City administration, residents, non-profits, and other entities, and be submitted to the City for approval.

## PUBLIC ART ACQUISITION

All installed public art and associated display materials that are not a part of a special event approved by the City shall first be reviewed by the City Manager or his/her designee. The City Manager or his/her designee will then provide their recommendation to the City Council. The location and/or selection of public art shall not establish a public forum.

## PUBLIC ART PROPOSALS AND GUIDELINES

Proposed public art acquisitions or donations shall be reviewed by the City Manager or his/her designee and a recommendation shall be made to the City Council. For a proposed public art acquisition to be sited in a park, a recommendation from the Parks and Recreation Director will also be requested. Proposals can be submitted at Fircrest City Hall, 115 Ramsdell Street, Fircrest, WA 98466.

Proposals for the acquisition or donation and siting of art in public spaces should include the following:

- Narrative of proposal including concept, media, dimensions, timeframe for completion, site preparation requirements, and method of installation.
- Maintenance plan.
- Drawing, model, photograph, or other visual representation of proposed installed public art, indicating its height, width, and relationship to desired site including location.
- Artist's resume and three professional references.

- Project budget detailing all costs associated with the creation, installation, and maintenance of the installed public art including funding for artwork.
- Agreement by the artist and art owner to waive certain copyright rights.

## CRITERIA AND JUDGING FOR SELECTION

The following considerations will be used to in reviewing public art proposals:

- Liability and Safety
- Aesthetic Quality and Artistic Merit
- Fabrication, Handling, and Installation
- Maintenance Requirements
- Placement/Siting

Criteria for Non-Acceptance may include the following:

- Faults of design or workmanship pose a public health or life safety hazard or diminish the value of the work.
- The City deems itself unable to maintain the artwork appropriately.
- The artwork is fraudulent, inauthentic and/or appears to be of inferior quality relative to the quality of other works in the art collection.
- The artwork is not the original (in the case of fine art such as a sculpture or painting). If the accepted artwork is a multiple, it will only be accepted as an authorized limitation edition.
- Failure to agree to partial waivers of copyright and Visual Artists Rights Act.
- Inappropriate and incompatible artwork is defined as political art, sexually aggressive art, religious art, violent art, nudity, and derogatory art against race, ethnicity, national origin, gender, religion, marital status, sexual orientation, or other person or class of people protected under RCW 49.60.030.
- Any other reason determined appropriate by the City Manager or City Council.

## MAINTENANCE

- Prior to the acceptance by the City of a new work, the artist will submit in writing a routine maintenance plan, and provide appropriate training where necessary.
- Routine maintenance of permanently installed artwork will be the responsibility of the City's maintenance personnel.
- On an annual basis, the City Manager or his/her designee shall review routine maintenance activities on artwork acquired by the City.

## RETENTION, RESITING, AND DEACCESSIONING

The City will retain the right to resite or deaccession any artwork in accordance with Visual Artists Rights Act (VARA copyright law).

### **Retention**

Generally, public artworks will be retained by the City so long as they continue to be relevant and useful to the purposes and activities of the City, an appropriate site for public display is available, they do not create a public safety problem, they have no adverse environmental effects, they are authentic and original, they can withstand exposure to the natural elements, and they can be properly and cost-effectively stored, maintained, preserved, and/or used.

### **Deaccessioning**

- A work of art may be deaccessioned for the following reasons:
- Destruction, either by deterioration, vandalism, or accident to such an extent that repairs or restorations are impractical or unfeasible.
- Ongoing maintenance has become impossible or is prohibitively expensive.
- Required changes by the City at the site will destroy the integrity of the work because of its relationship to the site.
- The authenticity, attribution, or genuineness of the item is determined to be false or fraudulent.
- Violation of this policy.
- The license agreement has expired or has been terminated.
- The project has not been completed during initially agreed upon timeframe.
- The project is deemed to be unsafe or cause the location or surroundings to be unsafe.

Works of art will be approved for deaccessioning by the City Manager or his/her designee when the need to remove the work is immediate and necessary, and by the City Manager's recommendation to the City Council in all other instances.

### **Manner of Disposition**

The manner of disposition should be in the best interest of the City of Fircrest and the public. Disposition should occur as follows:

- Unless the City Manager specifically recommends an alternative means of disposition, all dispositions are by sale with the primary objective of obtaining the best possible price for the object.
- Artworks that were commissioned or accepted into the Collection as site-specific works may be destroyed in lieu of being reinstalled at an alternative site or being offered for sale. This is known as decommissioning rather than deaccessioning.
- The City Manager may recommend the reinstallation of the artwork if its integrity and original intent and/or purpose can be preserved. When possible, this is done with the cooperation and supervision of the artist or his/her estate. Regarding either sale or trade of artworks, the City Manager may recommend to the City Council to offer the right of first refusal to the artist, if still alive, and/or original donor, if the artwork was a gift to the City. In the case of artwork by a living artist, consideration may be given to an exchange where appropriate.

## **EXHIBITION POLICIES AND PROCEDURES**

Prior to acceptance of artworks for display, the City Manager will prepare a proposed exhibit agreement with the artist, group, or entity. A recommendation will be made to the City Council for acceptance and approval of the art and exhibit agreement.

### **Liability**

All artwork and/or items on display at the City of Fircrest (hereinafter "City"), on City property or right-of-way are the risk and financial responsibility of its artist, curator, or owner if the artwork is not owned by the City. The City will not be held liable for any damage resulting from the transport, handling, or display of any artwork and/or items at the City or any other physical City-owned location. Neither is the City financially responsible or liable for the destruction, damage, alteration, theft, or loss of any displayed artwork and/or items. Artists, curators, or owners displaying at the City will be responsible for insuring their own artwork and/or items.

**Acceptance Policy**

The City Manager or his/her designee will make a recommendation to the City Council based on the established criteria.

**Sales**

Pricing will not be displayed on the artwork. Artists may include contact information and an inventory of the artwork including pricing in a book or brochure near the exhibit. If artwork is sold during exhibit, the art will not be removed until after the close of the exhibit or show.

**LIABILITY AND LEGAL REQUIREMENTS**

All installed public art is subject to a license agreement between the artist, owner, or representative and the City of Fircrest for the duration of the display. The license agreement shall address all issues of liability including, but not limited to, general liability insurance, any licensing requirements (such as through BMI or ASCAP) indemnification, and holding the City harmless from any and all claims, demands, and rights of action for waiver of certain copyright ownership and Visual Artists Rights Act provisions, injury or damage, theft, or loss to property which shall be annually renewed for the duration of the installation. Projects shall not be initiated until legal requirements are approved by the City Attorney and City Council.