



COMMISSION
AGENDA MEMORANDUM

Item No. 9d.

BRIEFING ITEM

Date of Meeting September 24, 2019

DATE: September 17, 2019
TO: Port of Seattle Commission
FROM: Pete Mills, Commission Specialist
Tommy Gregory, Senior Aviation Art Program Manager
SUBJECT: Port-Wide Arts and Cultural Program Policy Directive

EXECUTIVE SUMMARY

The Port of Seattle Commission is currently developing a proposed Port-Wide Arts and Cultural Program Policy Directive to replace the current 2009 Art Program Policy and Guidelines. The policy would return funding for art to one-percent (1%) of capital construction projects port-wide, expand the art program to include cultural programming and public outreach efforts, establish art pools for art-related expenditures, and create an operational budget for art conservation, maintenance, staffing needs, and cultural programming.

Significant actions involved with this policy are a one-percent (1%) allocation of capital construction project budgets of \$300,000 or more port-wide for art and the creation of an operational budget for the program.

POLICY SUMMARY

The proposed Port-Wide Arts and Cultural Program Policy Directive instructs the Executive Director or his delegates to take the following actions:

- Expand the Port's art program to include cultural programming and public outreach efforts.
- Return art funding to one-percent (1%) of all capital construction projects and increase the project-cost threshold for program eligibility to \$300,000 in a phased approach.
- Maintain aviation division project exclusions from participation in art funding and implement exclusions for maritime division projects from participating in art funding.
- Establish two art pools for art expenditures to flow from to create transparency, simplicity, and flexibility.
 - Aviation will continue to keep their art funds separate from the rest of the Port due to FAA compliance restrictions.
- Create an operational budget for art conservation and maintenance, cultural programming, and staffing needs.
- Rename the Art Oversight Committee to the Port-Wide Arts and Culture Board and restructure the makeup of the Board.

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- Create new guidelines for the Port-Wide Arts and Cultural Program which outline specific guidance and direction for art, cultural programming, public engagement and the functions of the Port-Wide Arts and Culture Board.
- Create two databases to track the Port’s art collection.
 - A publicly accessible database of art owned by the Port and on display throughout Port facilities.
 - Internal tracking system of the Port’s art and significant gifts given to the Port. The system will track the cost and date of the acquisition, who and where the piece was acquired from, the current location of the piece, a short description of the piece, and the appraisal value of the piece.

BACKGROUND OF PORT ART PROGRAMS

The Port of Seattle was once a national leader in curating a publicly accessible art collection, with Sea-Tac Airport being the first public airport to begin investing in artwork in the late 1960s. The Port’s first art-related program was created on November 15, 2000. The Port of Seattle Art Program required art to be funded by one percent (1%) of capital projects, created the Art Oversight Committee, and outlined criteria and guidelines for the selection of art to incorporate throughout the Port.

The Port was audited by the State in 2007 on its construction management. Included in the final audit report were findings about the Port’s Art Program. Auditors found that the program’s policies were unclear and needed revision. The report recommended the following actions:

1. Define what “accessible and visible to the public” means;
2. Clarify how one-percent (1%) determinations are made when major projects consist of portions that are clearly outside of the policy’s defined base;
3. Clarify when matters should be referred to the Commission for discussion in public meetings;
4. Implement a required budget-vs-actual reporting mechanism for each project to ensure accountability; and
5. Require the Art Oversight Committee to document their determinations of which projects comply with all provisions of the program guidelines.

Following the 2007 audit report, the Art Program was revised to address the concerns raised by the audit. The revised Art Program Policy and Guidelines were approved by Commission on August 26, 2008. The following revisions were made:

1. Art funding decreased from one-percent (1%) of construction costs of publicly visible or accessible capital projects to one-half-of-one-percent (0.5%) of design and construction costs of capital improvement projects.

2. Commission involvement decreased from approval of all art recommendations made by the Art Oversight Committee (AOC) to setting art policy, providing overall guidance for the Port's art program, and other duties.
3. Implementation of a budget tracking system for all art projects to be tracked on a budget-versus-actual-costs basis.
4. Art Oversight Committee documenting compliance of projects with the provisions of the Art Program Policy and Guidelines.

The Art Program was revised again in 2009 and approved on December 15, 2009 as the 2009 Port of Seattle Art Program Policy and Guidelines. Revisions were made to the following areas:

1. Criteria created for a project to be eligible for consideration of art pool funding.
2. Art procurements exempted from the CPO-1 procurement policy.
3. Artist and artwork selection process criteria meets the requirements of state law and takes into consideration State of Washington Arts Commission standards.
4. Art Oversight Committee membership increased from eight (8) members to nine (9) members.

The current program in place for art at the Port is the 2009 Port of Seattle Art Program Policy and Guidelines.

JUSTIFICATION FOR A PORT-WIDE ARTS AND CULTURAL PROGRAM POLICY DIRECTIVE

The Port has many incentives to develop a Port-Wide Arts and Cultural program. A revised program will help promote a sense of place to our community and port customers. It will connect constituents with the work of the Port. Art can be a tool to promote port values including equity and inclusion. Capital spending on art is also an economic stimulus not just to artists but to trades and crafts people employed in fabrication and install.

Expansion of the Art Program to an Arts and Cultural Program

While art inherently encompasses and embraces culture, it is important for the Port to expand its current program to specifically call out cultural programming. This allows the Port to showcase the diverse culture that makes up the Pacific Northwest and Seattle through avenues such as performing arts and public engagement. Incorporating cultural programming as an element of the overall program also gives the public more opportunity to engage with the Port.

Funding

The 2009 Art Program Policy and Guidelines require capital projects costing over \$200,000 to allocate one-half-of-one-percent (0.5%) to art. When the Port's art program was initially established in 2000, funding for art was one-percent (1%). A return to a one-percent (1%) allocation for art puts the Port on the same funding level as its neighboring jurisdictions. Sound Transit, Pierce County, Snohomish County, King County, and the City of Seattle all have "One Percent (1%) for Art" programs in place to fund art integration into their facilities. Many major

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airports across the country also have at least one-percent (1%) allocated for art. “Percent for Art” programs are common across the country at municipal, county, and state levels, with the average percentage being one-percent (1%).

The proposed Port-Wide Arts and Cultural Program Policy Directive also increases the project-cost threshold for projects required to allocate money for art from \$200,000 to \$300,000. Capital projects costing \$300,000 or more currently require Commission approval to move forward. Increasing the project-cost threshold to \$300,000 allows the Commission and the public to have greater visibility of the art component of a project.

The proposed Port-Wide Arts and Cultural Program Policy Directive implements the increase in art allocation in a phased approach. Beginning January 1, 2020, Aviation division capital construction projects and cruise terminal projects will allocate one-percent (1%) of their budgets to art. Non-aviation divisions’ capital construction projects will continue to allocate one-half-of-one-percent (5%) for art and will increase to one-percent (1%) on January 1, 2021.

The proposed policy directive instructs the Executive to create and maintain a budget for operational activities of the program: art conservation and maintenance, cultural programming, staffing needs, and other operational activities to ensure the success of the program.

Project Exclusions

The 2009 Port of Seattle Art Program Policy and Guidelines exclude a handful of aviation division projects from participating in funding art: airfield paving and associated airfield components, fuel hydrant systems, baggage systems in the bagwell which are not in the public bag claim area, infrastructure system in non-public areas, and underground utilities. No projects from non-aviation divisions are excluded from participation.

The proposed Port-Wide Arts and Cultural Program Policy Directive maintains the aviation project exclusions and adds maritime project exclusions: fishing-related docks, berths, dolphins, piles, net sheds, electrical, and sewage. Additionally, shared-use fishing capital construction projects shall be excluded proportionally. All project exclusions port-wide will go into effect on January 1, 2020.

No additional projects from non-aviation divisions are excluded from participation.

Art Pools

Under the 2009 Art Program Policy and Guidelines, art integration is funded by the projects which the funding stems from. Funds from projects that cannot incorporate art are moved into the existing art pools. Those pools are used to supplement existing art projects. The 2009 Art Program Policy and Guidelines established art pools for each of the Port’s participating divisions: Aviation, Seaport, and Real Estate.

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The proposed policy directive creates two art pools to fund all art expenditures directly. The Aviation Art Pool would remain intact, and a Non-Aviation Art Pool would be created to replace the Seaport and Real Estate art pools and fund art for all non-aviation divisions. Both pools will be funded by projects' art allocations of one-percent, and the pools in turn fund art expenditures. The rationale behind this process is transparency, simplicity and flexibility. Establishing art pools which directly fund art expenditures ensures that the Port can incorporate art wherever the Port-Wide Arts and Culture Board deems fit, rather than being tied to a specific project. Art pools also create single funds for expenditures to flow from, making it easy to track how much money is spent on art throughout the Port.

Port-Wide Arts and Culture Board

The Art Oversight Committee was established when the Port's art program was established in 2000. This committee provides guidance, leadership, and support to the Port of Seattle in its acquisition and integration of art throughout the Port and Port-related facilities. Makeup of the committee is as follows:

As many as nine (9) members:

- Six (6) members appointed by the Commission:
 1. Commission President (or a commissioner appointed by the Commission President).
 2. Representative of the regional visual arts community.
 3. Visual artist.
 4. Visual art curator.
 5. Architect familiar with the Port's design vision and standard.
 6. A member of the community at large.
- Three (3) members appointed by the Chief Executive Officer:
 1. Seaport Managing Director or designee.
 2. Real Estate Managing Director or designee.
 3. Airport Managing Director or designee.

The proposed Port-Wide Arts and Cultural Program Policy Directive renames the committee to the Port-Wide Arts and Culture Board so there is no confusion about whether it is a chartered committee. Makeup of the board is restructured to the following:

Nine (9) members:

- Two (2) Commissioners, appointed by the Commission President.
- Three (3) members of the Executive Leadership Team, appointed by the Executive Director:
 1. Seaport Managing Director or designee;
 2. Economic Development Director or designee; and
 3. Airport Managing Director or designee.

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- Four (4) members from the regional art community, nominated by the board and appointed by the Commission.

The board will continue to provide guidance, leadership and support to the Port in its goals to integrate art into Port and Port-related facilities. Members will be required to have a professional background in fine and/or performing arts. The board will conduct themselves according to Robert’s Rules of Order, and their specific duties, membership requirements and other functions will be delineated by the Port-Wide Arts and Cultural Program Guidelines.

ALTERNATIVES AND IMPLICATIONS CONSIDERED

Alternative 1 – *Continue operating the Port’s Art Program under the 2009 Port of Seattle Art Program Policy and Guidelines*

Cost Implications: none

Pros:

- (1) No change in current budget allocations or staffing needs.

Cons:

- (1) Port continues to trail other art programs on both a local and national level.
- (2) Art expenditure and integration methods remain complicated and limited.
- (3) Port continues to lack cultural programming efforts.

This is not the recommended alternative.

Alternative 2 – *Approve the proposed Port-Wide Arts and Cultural Program Policy Directive*

Cost Implications: increased art funding to one-percent (1%) of capital construction projects costing \$300,000 or more and creation of an operational budget.

Pros:

- (1) A revitalized and robust program which highlights the Commission’s commitment to arts and culture throughout the Port of Seattle that is on par with local and national jurisdictions’ programs.
- (2) The Port of Seattle becomes a national leader in art once again.
- (3) A clear, durable and traceable policy to reference the workings of the program.
- (4) Simple and transparent art acquisition funding and spending mechanism.
- (5) Conservation and maintenance of art.

Cons:

- (1) Executive will need to budget for operational needs of the program, which includes but is not limited to: art conservation and maintenance, cultural programming efforts, and increased staff needs.
- (2) All projects Port-wide will be required to allocate one-percent (1%) of their budgets to contribute to art.

This is the recommended alternative.

FINANCIAL IMPLICATIONS

The Executive will be required to create a budget using operational funds for a variety of non-capital expenses that will arise within the Port-Wide Arts and Cultural Program. Examples of expenses are art conservation and maintenance (including deferred conservation and maintenance of existing art); cultural programming efforts; and increased staffing needs.

ATTACHMENTS TO THIS REQUEST

- (1) Presentation slides

PREVIOUS COMMISSION ACTIONS OR BRIEFINGS

December 15, 2009 – the Commission approved a request for revision to the Port of Seattle Art Program Policy and Guidelines. Revisions were made to the art pool, artwork procurement policy, artist selection process, and Art Oversight Committee membership.

August 26, 2008 – the Commission approved a request for revision to the Port of Seattle Art Program Policy and Guidelines. Revisions were made in accordance with Recommendation 48 of the 2007 SAO Audit Report on Port of Seattle Construction Management to art funding, Commission involvement, cost tracking, and compliance documentation.

November 15, 2000 – the Commission was briefed on the Port of Seattle Program Guidelines. The briefing provided an in-depth discussion of guidelines and criteria for selecting art pieces for the Port, the creation of an Art Oversight Committee, and art funding set at one-percent (1%) of capital projects. No formal request for action was made during this briefing.