

RESOLUTION NO. 2021-48

**RESOLUTION APPROVING CITY OF FOREST GROVE
MURAL POLICY AND INVITATION PROCESS**

WHEREAS, Resolution No. 2006-06 has provided for a Public Arts Commission (PAC) to enhance the cultural and aesthetic quality of life in Forest Grove by serving to preserve, promote, and develop public access to the arts; and

WHEREAS, per request from the City Council, the Public Arts Commission promulgated a City Mural Policy (Policy) to commission murals to communicate ideas and messages that align with the City's values and goals; and

WHEREAS, the City Council held a work session on the Policy on July 12, 2021, to discuss the policy, ask questions, and arrive at a consensus to amend the policy to require City Council approval of murals; and

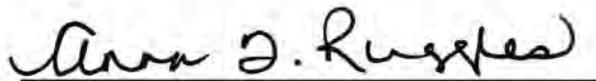
WHEREAS, the Policy intends the mural theme to be representative of the history, culture, or location of the community and be respectful of the greater context of the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1. That the City Council hereby approves the City of Forest Grove Mural Policy and Invitation Process (Exhibit A).

Section 2. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 9th day of August, 2021.



Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 9th day of August, 2021.



Peter B. Truax, Mayor

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CITY OF FOREST GROVE

CITY MURAL POLICY AND INVITATION PROCESS

The City of Forest Grove Public Arts Commission (PAC or Commission) wishes to collaborate with local artists to commission their artistic talents to communicate ideas and messages that align with our City's values and goals. These murals will be commissioned on behalf of the City and will be known as City Murals. The City Murals will be selected, maintained and replaced through the City Mural Project.

As always, it is the desire of the PAC to support local artists and allow them to use their artistic expression for the public good. This goal must be balanced with one of continuing to uphold the character of the City and its neighborhoods. Consequently, future murals will be considered based on the following policy set forth herein.

The City of Forest Grove, Oregon: Public Arts Commission

The Forest Grove Public Arts Commission was formed by the City Council in 2006, to enhance the presence of Art – in all forms – within the community. The Commission has been funded solely by monies generated through grants and fundraisers until 2018. In 2021, the Commission began receiving funding through the Urban Renewal Agency. The Commission has funded over thirty mini-grants to non-profit organizations. These grants can fund projects and events up to \$500 and ask only that the artistic event be made available to all citizens at no cost. The outcome has been varied and highly successful, serving our population of nearly 25,000 well. The diversity of the applicants has been particularly encouraging.

Additionally, the Commission put out a “Call for Art” that resulted in the installation of three very different “sculpture” benches that are a foundation for our organic goal of creating an outdoor “Art Walk” within the City of Forest Grove. In collaboration with the Library Foundation, the Commission raised a substantial amount of money to complete the installation of internationally noted glass sculptor Ed Carpenter's piece, *Mollie's Garden*. This remarkable piece now holds a prominent place in the City Library. Another example is the acquisition of a sculpture entitled *Tres Novem* by Ben Dye. This tribute to our community is located in Lincoln Park.

City Mural Selection Process and Criteria

I. The City Mural Project's Mission: Murals to evoke passion, inspire and enhance our community.

II. Eligibility

The City of Forest Grove Public Arts Commission will issue an open invitation every October (for murals to be painted the following year) to individuals or organizations wishing to create an outdoor mural on City property that embodies the City Mural Project's mission. Individual artists or group of artists or an individual with an artist mentor are eligible to participate. State nonprofit or federal 501(c)(3) status is NOT required. Community involvement is encouraged, but not required. All

volunteers will be required to sign a liability waiver and any minors will require permission from guardians.

III. Mural Criteria and Design

Through the City's Mural Project, the City prioritizes mural designs that embody important City values and messages, or reflect a City goal or value. There are a wide range of possible design ideas; those interested in collaborating with the City on a mural design simply need to explain how the designs speaks to a value, goal or objective important to the City. Occasionally, the Commission may solicit designs with specific messages or values. As the final product will represent the City's viewpoint, through the process outlined in this policy, the ~~Commission~~ **City** has the final say on all aspects of the final design and production.

Other criteria include:

- The scale of the mural should be appropriate to the building and the site.
- The mural should be appropriate within the context of the surrounding neighborhood.
- The mural should be an original design.
- Sponsor and artist names may be incorporated but should be discreet and not exceed 5% of the design.
- The mural should have a weatherproof and vandalism-resistant coating.

IV. Theme

The theme for the mural should uphold the City Mural Project's mission statement and be representative of the history, culture, or location of the community and be respectful of the greater context of the community.

- Depictions of violence will be reviewed for their appropriateness for public display.
- The mural must comply with obscenity laws, as defined by State Code, and cannot depict sexual conduct or sexually explicit nudity, nor advertise any activity illegal under the laws of Oregon or the United States.
- No branded or copyrighted products, services, etc. should be depicted.

V. Location

The Commission will maintain an inventory of all City Mural locations. Applications may have a proposed location in mind, but are not required to. Some walls require the mural be painted on a panel and installed on the wall at the invitee's expense.

VI. Duration

City Murals will be displayed for a minimum of five (5) years, with the City determining the duration for each mural in collaboration with the artist and the Commission. The City will evaluate each mural's eligibility for replacement or repairs after five (5) years. The City ~~and the Commission~~ will make the final determination on each mural's status.

VII. Enforcement and Ownership

Any mural painted on City property without approval may be considered graffiti and removal will be enforced accordingly. All murals must follow the approval process outlined below. Once commissioned, the City Mural is owned and maintained by the City pursuant to this policy.

VIII. Maintenance

Maintenance of the mural will be the responsibility of the City in collaboration with the artist when possible. The mural will be properly maintained to ensure that material failure (peeling paint, etc.) is corrected and vandalism removed promptly. However, the ~~Commission~~ **City**, in its sole discretion, may remove a City Mural due to maintenance concerns or if vandalized beyond repair.

IX. Mural Invitation Process

1. City issues open invitation to collaborate on City Murals. Invitation, application, criteria, and process are posted on the City's webpage.
2. Interested invitee meets with a member of the PAC for initial review of imagery and location. If the imagery and location align with the City Mural Project's mission statement and criteria, the invitee will be asked to submit an application to the PAC for discussion.
3. Submit Public Art Mural Application two weeks prior to the PAC meeting which is held on the third Thursday of every month at 5 P.M. Invitation responses are accepted each October for the following year, to ensure enough time for approval before the mural project begins.

Include the following:

- (a) a description of how the proposed mural aligns with the City Mural Project mission statement and criteria,
 - (b) a color rendering of proposed mural,
 - (c) photographs of the site and physical surroundings,
 - (d) project timeline,
 - (e) project budget,
 - (f) written description of proposed mural and site,
 - (g) information on wall preparation, materials and processes, protective coating, individuals/groups involved.
4. Invitee will present Mural Proposal to Public Arts Commission. Following the presentation, a decision is made based upon adopted selection criteria for public art murals. The PAC may request the artist amend any aspect of the proposed mural to better align with the selection criteria and mission statement.
 5. The Commission/Board associated with the location of the mural will discuss the proposal at their next meeting for approval and location confirmation. Any disagreement will be resolved by the City Council.
 6. ~~The~~ **All proposals will be placed on the Consent Agenda for approval by** ~~presented to the City Council.~~
 7. Invitee signs form agreeing to terms of a mural agreement and waiver of rights under the City Attorney (00761470)

federal Visual Artist Rights Act that would interfere with the performance of any rights under the Art Easement agreement.

8. PAC sends official notification of approval to proceed.
9. Invitee begins painting mural, including any necessary surface preparation.
10. Invitee contacts PAC to notify of completion of mural.
11. Invitee provides digital images of completed mural and any in process images for the PAC's website.

Acknowledgements:

Thank you to the Hillsboro Arts Commission, The Beaverton Arts Commission and Sandpoint Arts Commission for their guidance in this policy.

City of Forest Grove Public Mural Application

Public Mural Policy Application Procedures

Before a mural application is considered, the applicant should:

- Select a location from location list maintained by the Public Arts Commission (not required)
- Obtain and complete a mural application form
- Agree with the **City Mural Policy And Invitation Process**
- Applications are accepted from October 1st to October 31
- All information must be complete for this application to be processed and approved
- Be aware that most murals will have a site duration of five (5) years

Name of Applicant(s) _____
Telephone Number _____ Email _____
Proposed Location _____
Name of Artist(s) _____
Telephone Number _____ Email _____

1. Attach a rendering of the design.

2. Describe the mural subject matter and content:

3. Describe how the mural subject matter and content align with city goals and values:

4. Describe how the mural subject matter and content enhance the surrounding neighborhood and community:

5. Describe your citizen engagement plan:

6. Dimensions: Length_____Width_____Square Footage: _____

7. Proposed Colors: _____

8. Proposed Materials and description of materials' longevity (consideration of fading, peeling, toxicity, disposal, etc.):

9. Proposed method of application including a description of site preparation, if applicable:

10. If removable, how will the mural be attached?

11. Describe how the mural will be maintained and protected from graffiti:

12. Provide a brief budget:

13. What are your sources of funding?



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<u>CITY RECORDER USE ONLY:</u>	
AGENDA ITEM #:	<u>6.</u>
MEETING DATE:	<u>08/09/2021</u>
FINAL ACTION:	<u>RESO 2021-48</u>

CITY COUNCIL STAFF REPORT

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

PROJECT TEAM: *Colleen Winters, Library Director*

MEETING DATE: *August 9, 2021*

SUBJECT TITLE: *Resolution re: Mural Policy*

ACTION REQUESTED:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ordinance	Order	X	Resolution	Motion	Informational

X all that apply

MURAL POLICY BACKGROUND:

In June 2020, the City received a proposal from two Pacific University students to create a social justice mural on the basketball/handball court wall in Forest Glen Park. The proposal was discussed at the August 10, 2020 City Council meeting during a work session regarding Boards and Commissions referrals. Following that discussion, it was decided to have a joint work session with the PAC.

The joint work session of the City Council and the PAC was held on Monday, September 14, 2020. The staff report included the background of the proposal; the history of the PAC and prior public art acquisitions; the history of the Forest Glen Park Mural and a legal analysis. The City Attorney was in attendance as well as eight members of the PAC and the two student proposers.

At the same City Council meeting that followed the work session, the Council passed a motion that referred the proposal for the social justice mural to the PAC and also directed them to develop a mural policy for public spaces.

At the September 17, 2020 PAC meeting, the PAC initiated a mural policy discussion with the City Attorney present. At the October 15, 2020 PAC meeting, a sub-committee was appointed to begin work on the mural policy. The Committee reached out to the Hillsboro Arts Commission, the Beaverton Arts Commission and Sandpoint (Idaho) Arts Commission for guidance.

Over the ensuing months, the sub-committee met several times and drafted a policy that was then reviewed and revised by the PAC at their December and March, 2021 meetings. The City Attorney also reviewed and revised the policy. The attached and proposed Mural Policy was approved by the PAC on May 20, 2021.

On July 12, the City Council discussed the Mural Policy during a work session. Several members of the PAC were in attendance and Dana Eytzen, Chair, answered questions from the Council.

There was discussion whether “non-partisan” should be amended into the policy as specifically prohibited or whether the existing policy addressed the issue. The consensus was to ask the City Attorney. The City Attorney noted that under Section III of the policy the mural design must embody “important City values and messages” and the mural design needs to “explain how the designs speaks to a value, goal, or objective important to the City.” Additionally, under Section IV, the theme of the mural should “be representative of the history, culture, or location of the community and be respectful of the greater context of the community.” If a mural proposal does not meet these objectives, it can be denied by the PAC and/or City Council. As a result, the City Attorney recommended the policy already covered this issue and no changes were needed.

There was discussion regarding the final mural approval process. Consensus was reached to clarify the policy to place the approved mural on the Consent Agenda for City Council approval. This change was made under Section IX, Mural Invitation Process. To accommodate this change and assure it was consistently applied throughout the policy, minor changes were also made to Sections III and VI.

Proposed changes to the mural policy are as follows:

Language proposed for deletion is denoted by ~~strike through~~
Language proposed for addition is denoted in **red**

FISCAL IMPACT:

There is no immediate fiscal impact, however, there will be a fiscal impact associated with maintenance of the mural, including supplies and labor.

STAFF RECOMMENDATION:

Staff recommends Council consider the resolution.

ATTACHMENT(s):

- Resolution Approving City of Forest Grove Mural Policy
- Exhibit A, Mural Policy