

PAN Council Meeting Summary
17 June 2009
Seattle WA

Present

David Allen *Director, Metro Arts in Transit, St Louis MO*
Penny Balkin Bach *Executive Director, Fairmont Park Art Association, Philadelphia PA*
Charlotte Cohen *Regional Fine Arts Manager, General Services Administration, New York NY*
Liesel Fenner *Americans for the Arts Public Art Manager, Washington DC*
Barbara Goldstein *Public Art Director, City of San Jose CA*
Glenn Harper *Editor, Sculpture Magazine, Washington DC*
John Haworth *Director, George Gustav Heye Center, Smithsonian National Museum of the American Indian and PAN Council liaison to Americans for the Arts Board of Directors*
Kendal Henry *Artist, Director of Culture and Urban Design, Newburgh NY*
Janet Kagan *Principal, Percent for Art Collaborative LLC, Chapel Hill NC*
Peggy Kendellen *Public Art Manager Regional Arts & Culture Council, Portland OR*
Larry Kirkland *Artist, Washington DC*
Pallas Lombardi *Program Manager Art in Transit CATS, Charlotte NC*
Martha Peters *Director of Public Art, Arts Council of Fort Worth & Tarrant County, Fort Worth TX*
Norie Sato *Artist, Seattle WA*
Constance White *Art Program Manager, San Diego County Regional Airport Authority CA*

Via Telephone

Porter Arneill *Director/Public Art Administrator Municipal Art Commission, Kansas City MO*

Observers

Michael Davis *Artist, Los Angeles CA*
Jack Mackie *Artist, Seattle WA*
Heather Pfister *New York NY*
Mark Spitzer, *Former PAN Council member and Principal, Arai Jackson, Seattle WA*

Welcome

Liesel Fenner welcomed all Council members and guests. The Council agreed to informally convene before Saturday 20 June to assess the Conference and consider changes to the format and content for the PAN Pre-Conference in June 2010 in Baltimore.

Review of 2008-2009 Projects

Webinars

Fenner reported that Americans for the Arts (AFTA), in an effort to reduce expenses, has lowered the cost of its Webinars to \$85.00 each and postponed the development of future webinar projects.

Barbara Goldstein announced that the Northern California Public Art Administrators Network will produce six sessions for training artists interested in public art. Topics to be covered include: how to apply for a project; concept development, schematic design, and design development processes; contracts and other legal matters; interface with artists, design teams, and public art administrators; and, case studies. Fifty artists will participate at a cost of \$150.00 each for all

six sessions, including transportation throughout the Bay Area, course materials, and tours of fabricator shops/studios. At the conclusion of the training, those artists who complete the work sessions will receive a certificate that they participated in this public art academy. The academy is scheduled to run from 12 September 2009 – 9 January 2010. The Program will breakeven after compensating all artist presenters.

Blog

<http://www.thepublicartnetwork.blogspot.com/>

Kendal Henry continues to manage the PAN Blog and updates content on behalf of the Council. He is exploring methods through which to add a counter to determine the number of people who visit the site.

Contracts

Larry Kirkland distributed three working documents that he, Sarah Conley, and Georgeanne Sahaida developed: (i) a draft Consulting Agreement between an artist and an agency/non-profit for concept development about a project; (ii) a comparative matrix of ten distinct public art contracts by work element and deliverable; and, (iii) a possible model contract for a scope of work from Conceptual Design through Design Development. Kirkland reiterated that no contract is *perfect* and that in every case the city attorney, state attorney or private client will want to *dissect, insert, slice, dice, add language and further complicate the issue...we are trying to produce working documents that will help inform these very complex issues*. The matrix analyzed ten contracts and compared their similarities and differences. The intent of this project is to protect the artist through a design and approvals process.

Of specific interest to the Council was the issue of who can “terminate” a contract, when payment(s) are triggered, and how to draft language that identifies those with responsibility for “recommending” the work-in-progress and those with authority for “approving” in the work. John Haworth suggested that the Council consider submitting these contracts to the American Bar Association Study Group for consideration and adoption; he also thought that, once approved, these documents should be sent to schools with arts management programs and state arts agencies.

Kirkland requested that the Council review the documents prior to the 12 August 2009 conference call to facilitate and maintain momentum on this project.

Best Practices

Janet Kagan reported that several artists and public art administrators had expressed interest in helping to draft the next five best practice guidelines. Regretfully, due to fiscal year budget planning and loss of staff support, many had not been able to submit their draft goals by 1 June 2009. She also said that she was impressed with the thoughtful response and comments from the Northern California public art administrators’ on the first dissemination of best practice guidelines. Kagan proposed that the Council invite those with specific expertise to join with the PAN Council to develop best practices for Conflicts of Interest; Indemnification; Insurance Requirements; and, Conservation and Maintenance. The Council endorsed this idea and recommended that subsequent best practice guidelines include Management of Stakeholders, and specific policies with regard to community engagement, and Management Responsibilities during Design.

The Council reaffirmed its position that every public art program operates under different covenants and that the adoption of best practices could only be a "baseline" or "minimum threshold" for artists and programs.

Consultant Resource List

Martha Peters presented an example of the proposed 2009 Public Art Consultant Directory. The directory presents the qualifications and expertise of 50 individuals and/or firms with one page devoted to each submission. Fenner commented that this resource list would be particularly helpful during the current economic environment. The Council agreed that Fenner should take responsibility for maintaining and updating the directory because Peters no longer has the advantage of the intern who compiled the directory. The Council also noted that Fenner could update the directory on a monthly basis to add additional consultants and their interests as well as change current information of consultants previously listed.

There was discussion regarding whether access to this information would be restricted to AFTA members, which is being considered by AFTA.

As with the fabricator resource list, the consultant resource list will not receive an endorsement of the PAN Council; rather, it is provided as a service to the field with a "buyer beware" caveat and the expectation of due diligence on the part of the artist and/or administrator contracting the work.

Fabricator Resource List

Norie Sato described her compilation of a database, primarily for artists, of fabricators searchable by state and by material expertise. To date, the information has been informally compiled through recommendations and comments generated through the PAN listserv. The Council suggested that this database also identify the names of artists who have used the fabricator, whether cited by the artist or as a reference by the fabricator.

As with the consultant directory, the fabricator list will not receive an endorsement of the PAN Council; rather, it is provided as a service to the field with a "buyer beware" caveat and the expectation of due diligence on the part of the artist and/or administrator.

Call to Artist Resource Guide

Fenner reported that a revised and updated Call to Artist Resource Guide has been posted on the PAN website.

Report from Americans for the Arts

Mara Walker, Chief Operating Officer of Americans for the Arts, and Bob Lynch, President and Chief Executive Officer of Americans for the Arts, joined the PAN Council meeting to discuss the 2010 Annual Conference in Baltimore and AFTA's current legislative and advocacy efforts. In June 2010, AFTA will celebrate its 50 year anniversary and PAN will be 10 years old. AFTA is planning an "arts summit." Walker and Lynch explained that the 2010 conference would frame discourse concerning the future of the arts in America, including the perspectives of lobbying organizations, business interests, philanthropists, and arts managers. The 2010 conference is being organized to maximize "discussion-based sessions" rather than panel presentations; in fact, all speakers and facilitators will be invited and AFTA is not planning to issue a "call for

proposal sessions.” Haworth remarked that it would be wonderful to create a short film that celebrated 50 years of public art – a visual work that felt like the Oscars “best of” in review.

The Council informed Walker and Lynch that it appreciated the two year experiment of integrating the public art track into the larger AFTA conference, but that both artists and administrators had great difficulty physically and professionally connecting with one another in the context of such a large gathering. This problem was made explicitly transparent when attending the College Art Association (CAA) and International Sculpture Center (ISC) conferences, where several hundred public art professionals were able to network, explore intellectual ideas relevant to the field, and learn from one another in a more intimate environment. To that end, the PAN Council reiterated its desire for a separate “pre-conference” because it is vital to create a forum in which public art professionals can talk with one another. Walker responded that AFTA would do what the Council requested because public art is an important aspect of the AFTA mission. She asked if perhaps the pre-conference should occur every other year. Discussion also focused on how to extend and explore the issues pressing to the field, and specifically whether to hold a series of regional events prior to June 2010, to enable constituents to participate via alternative communication platforms, and/or continue the impact of the conference during the following months.

Lynch reaffirmed AFTAs campaign to become one million members strong through which to better advocate and lobby for arts issues. He asked how PAN could support this effort with the identification of *professional leaders, citizen members, and grasstop leaders*.

Baltimore 2010 Public Art Conference

The Council discussed how to structure and organize the 2010 public art conference in Baltimore. (NB: Throughout the next several days, PAN Council members interviewed Seattle conference participants to solicit ideas for next year’s conference as well as informally generated lists of speakers, ways in which to make art the center of the 2010 meeting, and where to hold the convening. It was agreed that the Council would work together to organize the Baltimore conference rather than establish a smaller working committee structure. Since the Council meeting in June 2009, a meeting has been scheduled for 7 July 2009 in Washington DC with Mara Walker to further address PANs professional needs.)

PAN Council Schedule

Conference Calls

12 August 2009 1:00pm EST
14 October 2009 1:00pm EST
9 December 2009 1:00pm EST

Key Dates

2010 Convention Planning: July-November 2009
PAN Council Nominations due September 2009
PAN Council Elections: November/December 2009
PAN Award Nominations due January 2010
Year in Review Call/Submissions due January 2010

Proposed Deadlines

Survey should be on-line by mid-July 2009.

Best Practices draft language should be complete by September 2009.

Digital On-Line Image Database should be available by January 2010.

Consultant Resource List / Directory should be available online by September 2010.

Fabricator Resource List / Directory should be available online by December 2010.

College Art Association (CAA) poster session about PAN in February 2010.

Public Art Dialogue / CAA conference in New York City in February 2011.