BEYOND THE BATTLEFIELD:
AN ASSESSMENT OF CHICAGO’S PUBLIC ART PROGRAM
AND IDEAS FOR A NEW DIRECTION

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Working Draft
June 2007
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This Draft: June 2, 2007

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Abstract: Chicago's Public Art Program has been tainted by an inordinate amount of controversy in the last decade. Media coverage of the program has focused almost exclusively on the legal challenges it has faced. This paper offers a more thorough and objective evaluation of the program’s policies and practices. I describe the program’s mission, its governance, and its artist selection procedures and compare them to public art programs in Portland, Oregon and New York City. I conclude with a set of five policy recommendations for Chicago’s Public Art Program. Specifically, I suggest that the program’s administration be transitioned into a non-profit public art organization that relies on true open competition and community-based panels for its commissions. Additionally, I recommend a restructuring of the program’s governing committee, modernization of its database of artist profiles, and development of an explicit mission statement.

Quintessential public artworks like Anish Kapoor’s Cloud Gate in Millennium Park and "The Picasso" in Daley Plaza help to shape Chicago’s identity. Despite its suggestive title, however, the city’s Public Art Program was not the force behind the installation of these artworks, nor can it claim credit for Joan Miro's Chicago or Marc Chagall's The Four Seasons.

This fact comes as a surprise to many. If the Public Art Program was not responsible for the commissioning of Chicago's most familiar public artworks, then what exactly does it do? As a matter of fact, through its placement of artwork in new and renovated municipal buildings, it does a great deal that is of interest to artists, art lovers, and taxpayers in Chicago. Only recently have people started to ask deeper questions: Does the Public Art Program do what it is supposed to do? If so, does it do it well?
While none of the 300 public art programs in the U.S.\(^1\) have escaped conflict completely, Chicago's has been tainted by an inordinate amount of controversy in the last decade.\(^2\) Scott Hodes, a Chicago attorney who started investigating the program in the late 1990s on behalf of a client, has brought the program’s severe shortcomings to light. He used legal means to challenge the program’s careless accounting practices, its glaring lack of transparency, the bureaucratic domination of the public art governing body, and the absence of formal selection guidelines for participating artists.\(^3\) His lawsuits drew public attention to these problems and spawned a series of small reforms.\(^4\)

Nonetheless, the controversy has not subsided. Hodes’ current lawsuit against the Public Art Program once again challenges its record of compliance with the Illinois Open Meetings Act, as well as to its own artist selection policies.\(^5\) As if in direct response to years of legal controversy, the Commissioner of Cultural Affairs, Lois Weisberg, has proposed an ordinance that would introduce the most sweeping changes to the program since its inception. Weisberg promises that the new ordinance will make the program less formal, more efficient, and thereby

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2 For the first twenty years of the program's existence, its administrators failed to keep adequate records of which artists received commissions, how much the program paid those artists, and where within the city the artworks were installed. To make matters worse, the program entirely lacked a conservation policy for its collection prior to 1999. Managerial negligence resulted in embarrassing "misplacement" of famous works such as Milton Horn's *Chicago Rising From the Lake*, a piece assumed to be part of the city's collection. For a thorough account of the early controversy surrounding Chicago's Public Art Program, see Jeff Huebner, "Nice Works if You Can Find Them," *Chicago Reader*, April 9, 1999.


4 The Public Art Program now produces regular accounting reports, catalogues its works of art, and provides a formal “policies and procedures” document.

more effective. Hodes and his lawyers at the Better Government Association (BGA), on the other hand, argue that it threatens to shield all its deliberation and decision-making from public view, the same public the program claims to serve.\(^6\) The new measure has sparked feverish discussion among artists and art lovers nationwide.\(^7\)

This, then, is a propitious moment for an objective analysis of the program and an assessment of possible new directions. The parties most likely to take part in the shaping of a new program – Public Art Program administrators, Hodes, and local artists – all have a stake in the outcome of that transformation. As a policy analyst entirely removed from the conflict, I am in a prime position to answer the following questions objectively:

- What is the stated and tacit mission of the Chicago Public Art Program?
- How do the program's current policies, procedures, and accomplishments contribute to the realization of that mission?
- How well will the changes proposed by the new ordinance address the program’s shortcomings?
- What alternative changes, if any, would create a stronger public art program for Chicago?

Close examination makes plain the extent of dysfunction within the Chicago Public Art Program. The decades-old framework of the program is sufficiently dated, and it seems evident that the program, in its current condition, has already run its useful life course.\(^8\) Incremental changes in the program’s operations will bring minimal benefit; the program is past the point at which it can be recovered. That is not to say that there are not functions of the program that could be salvaged as components of a new framework that is suitable for 2007. However, most media attention has focused on the Public Art Program’s legal problems, effectively hiding both

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\(^7\) See Paul Klein, Art Letter, www.artletter.com/html/artletter_05_19_07_.html. A string of comments and questions about the proposed ordinance changes were posted to the Public Art Network of Americans for the Arts starting on May 21, 2007.

\(^8\) For a brief history of Chicago’s Public Art Program, see Appendix A.
the good and the bad aspects of the program as it exists today. This paper moves beyond the ongoing legal debate and uses insight from healthier municipal public art programs to shape a policy proposal for Chicago.

My findings, I hope, will interest a number of organizations and individuals. On a broad level, periodic review of state and local governments’ cultural policy is essential to their justification of public expenditure. Furthermore, a city-specific study highlights some universal public art issues that bear lessons for public art administrators and enthusiasts. Most of all, the issue is salient to Chicagoans who care about the future of public art in the city. As the recently proposed ordinance has demonstrated, the Public Art Program is ripe for change. A thorough understanding of its strengths and weaknesses will help the city government sketch out the best possible new framework for the program.

1. The Mission Statement

In their public art workbook, *Going Public*, Jeffrey L. Cruikshank and Pam Korza highlight the mission statement as “a key tool” to the focus and success of a public art program. The cultural planning process should address a few critical things: why the community wants public art, how various stakeholders define public art, what happens when their conceptions diverge, and what resources are necessary for successful implementation. Cruikshank and Korza warn, “If these questions are not fully explored – in other words, if the purpose of the public art program is not clearly defined – the program may get off to a shaky start and continue to be plagued by doubt and problems.”

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Chicago’s program has no mission statement, and it has indeed been plagued by problems. The absence of a mission statement has left everyone unsure of what the Public Art Program is actually doing. Program administrators vocalize their commitment to fulfilling the requirements of the percent-for-art ordinance, but none of them – not even the program’s leaders – seem to have an understanding of why the ordinance exists in the first place. One artist commented, “The people managing the projects are just trying to get the job done and dispense with the money…they run the process and they follow the rules.” Without an idea of what the Public Art Program is supposed to do or any measurable ways to determine its success, it is impossible to evaluate whether or not it is accomplishing its goals.

Even now, as the Department of Cultural Affairs (DCA) prepares to reinvent the program, no one has suggested that this major shortcoming be remedied. The new ordinance, proposed by Mayor Richard M. Daley on behalf of Weisberg, does nothing to clarify the mission of Chicago’s Public Art Program.

For the purposes of analysis, however, I will patch together a tacit mission statement from the language of the ordinance and from the mission statement of DCA. Examining these two sources, it is clear that a primary goal of the program is to enhance public spaces for the benefit of the widest possible audience. In other words, it strives to install art in locations that are visible to large and diverse audiences. Secondly, the program seeks to support the artistic expression of both local and international artists. I understand this to mean that the program prioritizes the provision of opportunities to artists; those opportunities are to be offered to artists

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10 Anonymous, interview by Sarah Anzia, April 17, 2006. Hodes views the oversight as intentional: “They don’t want to have a mission statement because the government doesn’t want to get pinned down to any policy statement. They don’t want to be held accountable.” Scott Hodes, interview by Sarah Anzia, May 15, 2006.

from Chicago and elsewhere. Lastly, the program exists to enhance the image of Chicago as a “national leader in public art,” the assumption being that national recognition contributes to the economic and social well-being of the city. In concrete terms, this last piece means that the program seeks to commission art of the highest quality possible so as to gain recognition for the city. This three-pronged mission will serve as a foundation for the analysis of each component of the Public Art Program. While some may disagree that this tacit mission represents the true goals of the program, it is impossible to know since the program has not specified otherwise.

Beyond Chicago, there are plenty of public art programs that do state their goals clearly and explain how their various functions fulfill those goals. Portland, Oregon provides an example. For the first fifteen years of its existence, the City of Portland and Multnomah County in Oregon had a public art program that looked a great deal like that of Chicago. In the early 1990s, however, Portland and Multnomah County public art administrators engaged in a series of program assessments, the results of which inspired an evolution quite different from Chicago’s Public Art Program. In response to one of these comprehensive assessments, the municipal-county public art program was transitioned into a private non-profit called the Regional Arts and Culture Council (RACC). The RACC Public Art Program functions to fulfill a list of goals prioritizing public dialogue about art, collaboration among architects, artists, and members of the community, enhancement of neighborhoods and spaces, provision of opportunities for artists,

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12 Ibid.
13 Portland and Multnomah County passed percent-for-art ordinances in 1980. The public art percentage increased to 1.33% in the late 1980s. A small fraction of the funds were set aside for administrative costs. The whole program was operated by a city bureau called the Metropolitan Arts Commission.
15 Peggy Kendellen, interview by Sarah Anzia, August 25, 2006. Specifically, the Metropolitan Arts Commission was transitioned into the RACC.
commissioning of high quality artworks, and conservation of the regional public art collection.\textsuperscript{16} Not only does RACC have an explicit mission statement that serves as a foundation for all the program’s activities, but it also conducts periodic assessments to ensure that the mission fits the area’s changing needs over time.

Examples of strong public art mission statements are not limited to government entities that are distant from Chicago. The Chicago Transit Authority (CTA) operates a federally-funded public art program called CTA Arts in Transit that is guided by an explicit mission statement. “Our mission is to increase ridership,” said Amy Malick, the CTA coordinator of the public art initiative. She believes that the art in CTA stations, especially when it is the work of a local artist, allows CTA riders to develop an affinity for the stations and CTA. The transit authority settled on a community-based artist selection process so as to be “a good neighbor” to the individual neighborhoods affected by station renovations.\textsuperscript{17}

Interestingly, CTA Arts in Transit contracts out its artist selection and commissioning responsibilities to the staff of the city’s Public Art Program,\textsuperscript{18} forging a partnership that illustrates how a mission statement can structure strategy and process. In ways that I will describe in later sections, CTA Arts in Transit’s artist selection process is far more focused than the decision-making for the Public Art Program’s own percent-for-art projects, despite the fact

\textsuperscript{16} For more detail on the goals of the RACC Public Art Program, see Regional Arts & Culture Council, “Public Art History and Goals,” http://www.racc.org/publicart/docs/PublicArtHistoryGoals.pdf.
\textsuperscript{17} Amy Malick, interview by Sarah Anzia, May 5, 2006.
\textsuperscript{18} The Chicago Public Art Program has a number of responsibilities in addition to percent-for-art commissions. The special project that has recently consumed a great deal of the staff’s energy is the program’s partnership with CTA, whereby it acts as a public art consulting group for CTA’s new elevated train and subway stations. To be clear, CTA Arts in Transit is very much CTA’s own public art initiative: the program is funded by the Federal Transit Administration, overseen by the CTA Board, and coordinated by Amy Malick of CTA’s Department of Planning. In follow-up to the resounding success of a standalone public art project for the Roosevelt station transfer tunnel, wherein artists Juan Chavez and Corinne Peterson created a mosaic from 4,000 tiles made by members of the community, CTA decided to secure public art funds for its Blue Line station renovations. Under an intergovernmental agreement with the City of Chicago, CTA dedicated $1 million to artwork for the new Blue Line stations. When that partnership with the city proved successful, CTA negotiated another intergovernmental agreement with the Public Art Program to cover the Red Line and Brown Line capital improvement projects as well as any similar future projects.
that the same core group of people manages administration of both programs. Not only does CTA have a guiding goal which shapes all aspects of its public art program. In the process of working toward that goal, it also serves the tacit mission statement of the city’s Public Art Program better than the city itself.

### 2. Program Governance

The absence of an explicit mission statement might not pose as serious a problem if there were some substitute source of guidance for Public Art Program administrators. Unfortunately, the program’s governing body – the 17-member Public Art Committee (PAC) – is ineffective. It has formal authority to do a great deal, but in practice, it contributes very little to the program. Instead of shaping the city’s public art policy, the PAC simply puts a stamp of approval on the decisions made by the program staff and the project-specific panels prior to PAC meetings. In fact, the PAC does not contribute to any part of my assembled mission statement.

The percent-for-art ordinance establishes the composition and responsibilities of the PAC, which is chaired by Weisberg. Eleven of the members are either city officials or representatives of separate government entities in Chicago. The remaining six members are representatives of the Chicago arts community, whom Weisberg appoints to serve two-year terms. During its quarterly meetings, the PAC is expected to review upcoming construction projects to determine their eligibility for art, establish guidelines for each art project, review and approve recommendations and selections from each art project’s advisory panel, consider artworks received as gifts to the city, ensure that local artists get 50% of all commissions, and oversee the conservation process.¹⁹

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¹⁹ *Municipal Code of Chicago*, sections 2-92-130 and 2-92-140. See Appendix B.
Interestingly, the government representatives on the PAC rarely show up to meetings themselves. In fact, for the six PAC meetings that were held during 2005 and the first half of 2006, every government member sent a proxy except for two individuals, each of whom showed up only once. It is not surprising that busy government officials with little interest or expertise in art delegate their PAC responsibilities to others; it certainly makes much more sense to ask people who know and care about art to run a city’s public art program. By this logic, however, a PAC made up of proxies of non-arts-affiliated government officials is troubling. What are the odds that the proxies for the commissioners of the Departments of Aviation, Transportation, and General Services appreciate art and understand what its impact might be? One government employee familiar with the meetings admitted, “It does seem a little strange having so many [city] department heads represented who may or may not care about art. You basically end up seeing the same cast of characters at the meetings, and they are the ones who are engaged in the process.”

As it is, PAC meetings involve little substantive discussion of art, and the committee’s composition is largely to blame. The meetings I attended involved a series of presentations by the Public Art Program staff, each followed by unanimous PAC approval of the decisions made by the staff. Even with community arts representation of 35% up from 25% four years ago, the committee is still overpowered by members who are not equipped to offer educated artistic

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21 When the city amended the ordinance to allow proxy attendance for PAC members in 2003, Hodes identified the problem succinctly: “Based on the Public Art Committee’s own records, the absence of many designated government members from a majority of the meetings held over an extended period of years, clearly demonstrates their lack of involvement in and concern with the Program...Who will the “Surrogates” be and what will be their level of knowledge or interest in public art? Your guess is as good as mine.” Scott Hodes, testimony to the Chicago City Council Committee on Special Events and Cultural Affairs, November 3, 2003.

22 Anonymous, interview by Sarah Anzia.
opinion. To make matters worse, arts representatives frequently miss meetings.\textsuperscript{23} Hodes was right when he said: “The PAC is made up of a bunch of city officials who just rubber-stamp things. What’s the point of having a public art committee full of rubber-stamp people?”\textsuperscript{24} The composition of the PAC has rendered its authority meaningless.

In addition to committee membership, enforcement of the Illinois Open Meetings Act is partially to blame for the stifling of discussion in PAC meetings.\textsuperscript{25} Transparency is undoubtedly a trait of good government, and open meetings help to ensure that elected officials, their appointees, and the appointees’ employees make decisions that reflect the best interests of the public they represent. The arts representatives on the PAC, however, are not public officials. They are volunteers with outside jobs and close connections to artists, dealers, and collectors. They are generally reluctant to go on the public record as voting or speaking against artists in consideration for public art projects. Ostensibly, the arts representatives are brought in to offer expert advice, yet they refrain from making comments that might harm their professional relationships. This defeats the purpose of arts representation on the PAC; enforcement of the Open Meetings Act gives rise to phony consensus.

Beyond the problems of composition and deliberation, the PAC does not address some of its responsibilities dictated by the ordinance itself.\textsuperscript{26} First, PAC meetings do not include a review of proposed construction projects to determine their eligibility for percent-for-art funds. Furthermore, it is supposed to establish guidelines for how artists will be selected for each

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\textsuperscript{23} For 2005 and the first two meetings of 2006, an average of 2.5 out of 6 arts representatives were absent from each PAC meeting. \\
\textsuperscript{24} Scott Hodes, interview by Sarah Anzia, May 15, 2006. \\
\textsuperscript{25} Hodes’ second lawsuit against the city alleged that the PAC’s failure to publicize meeting minutes and vote tallies was tantamount to violation of the Open Meetings Act. The city’s 2005 settlement with Hodes forced the Public Art Program to post minutes and tallies on its website. Bob Atkins, interview by Sarah Anzia, May 10, 2006. \\
\textsuperscript{26} This paragraph is based on my observations from two PAC meetings as well as on the meeting minutes from 2005 and half of 2006. Since PAC meeting minutes are not available from earlier years, I cannot know for sure whether my observations are true of meetings on earlier dates. 
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project, but meetings generally do not include discussion on this topic.\textsuperscript{27} It seems clear that the Public Art Program \textit{staff} actually carries out most of the PAC duties between quarterly meetings. When the PAC convenes, the staff presents proposals and recommendations to the committee, after which the PAC gives unanimous approval for what has already been done.\textsuperscript{28}

The tension between transparency and quality of deliberation is not unique to Chicago’s Public Art Program, but other cities have managed to balance the two priorities. Furthermore, many other municipal public art programs construct governing committees of experts so as to best fulfill their artistic goals. Again, the public art program of Portland, Oregon is a good example.\textsuperscript{29} The governing body of the RACC Public Art Program is the Public Art Advisory Committee (PAAC). The PAAC meets once per month and manages the same list of public art responsibilities as Chicago’s PAC. However, the Oregonian PAAC is entirely composed of artists, architects, and arts professionals except for one RACC board member and one liaison from the city council (who rarely shows up to monthly meetings).\textsuperscript{30}

As a non-profit, the RACC Public Art Program is not obligated to send out notices, distribute agendas, or post minutes for the meetings of its governing committee or its project-specific panels. As a result, deliberation about artists and artwork is kept behind closed doors,

\textsuperscript{27} City of Chicago, Department of Cultural Affairs, “Public Art Committee Meeting Minutes,” March 9, 2005 – June 6, 2006.
\textsuperscript{28} The manner in which the PAC considers potential art donations is one exception. Private developers’ proposals to incorporate public art into their plans often spark rich discussion and voting variation within the PAC. Amy Malick, interview by Sarah Anzia, May 5, 2006. See also PAC meeting minutes for 2005 and 2006. I suspect that this exception occurs because donations do not involve a lengthy decision-making process and mandatory disbursement of funds on the part of the Public Art Program. If the PAC fails to approve an artist selection made by Public Art Program staff and the project advisory panels, the process of selecting another artist – even if from the shortlist of artists who submitted proposals – could be time-consuming for the PAC, Public Art Program staff, and project advisory panel members. Furthermore, the program \textit{must} dispense with the funds allocated to the project; the PAC cannot decide to not fund a project. On the other hand, the PAC can reject a proposed artwork donation easily and at no cost (time or otherwise) to the program. Furthermore, acceptance of an artwork donation requires that the city oversee maintenance of that artwork for as long as it is in the city’s collection.
\textsuperscript{29} As a reminder, Portland’s program is primarily funded by the percent-for-art ordinances of participating government bodies, but administration of the public percent-for-art funds is delegated to RACC, a private non-profit organization.
and the PAAC is free to engage in substantive dialogue that shapes the program. However, this freedom from the typical constraints faced by public bodies has not enabled RACC public art managers to channel city and county commissions to the artists they personally favor. Rather, the PAAC – a committee of arts professionals – has become the true guiding force of the overall program. The PAAC is the first to hear of upcoming capital improvement projects that qualify for public art funds. It recommends panelists for the project-specific artist selection panels. It approves semi-finalists for commissions and oversees the other aspects of the program that contribute to the fulfillment of its mission. In short, the PAAC serves as the link between the RAAC mission statement and the achievement of its goals on the ground. The PAAC makes decisions, and the RACC public art staff turns those decisions into reality. Unlike Chicago’s PAC, it is an active and effective public art governing body.

The inefficiency of Chicago’s PAC has not gone unrecognized by Commissioner Weisberg, Deputy Commissioner Greg Knight, and the Chicago Public Art Program staff. Rather than working to create a committee of artists and arts professionals, however, they have moved to abolish the PAC altogether. A naïve observer might wonder who will guide the program if its governing committee is voted into oblivion by the City Council. My analysis of the PAC, however, confirms that the proposed ordinance would simply codify that which has been true, in practice, for some time. Dissolution of the PAC would hardly alter operation of the Public Art Program at all, for the PAC has contributed remarkably little to the program in recent years. With no explicit mission statement and no governing committee, who would run the program? I address this question in the next section.

3. The Artist’s Slide Registry, Artist Selection Methods, and Project Advisory Panels

The methods the Public Art Program uses to select artists for percent-for-art commissions are a subject of major controversy for the program. Admittedly, it is difficult to establish clear selection criteria for art. Regardless, as part of a government agency, the Public Art Program is obligated to justify its selection criteria, its decisions, and the resulting artwork to a broad array of stakeholders: artists, art representatives, members of the community in which the artwork is installed, employees in the new building, and concerned taxpayers. According to the Public Art Program’s Policy Procedure Guidelines, consultation of the Artist’s Slide Registry is a critical step in the artist selection process. However, the poor condition of this important resource hampers its core functionality and distorts the broader artist selection process.

The slide registry is open to all artists who wish to submit slides of their work to be considered for future public art commissions. Ostensibly, this comprehensive system is the starting point for most public art projects and the source of the initial list of artists thought to be appropriate for a given project. Ideally, this important catalog would be conducive to easy navigation, possibly enabling targeted searches by medium and showcasing digital images and artist profiles. People who have visited the registry, however, confirm that it is in poor organizational condition. Bob Atkins of BGA visited the registry in 2006 and reported, “It’s like a broom closet with…more than a thousand files in file drawers. Many of them go back to before 1990. If someone today submitted his slides, he is one of a thousand out there for

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32 In the Chicago Public Art Program, the project-specific advisory panels, not the PAC, are the true commissioning bodies. Project Advisory Panel (PAP) meetings are designed to encourage input from the community and rely upon expertise from artists. In recent years, the Public Art Program has started to post “meeting minutes” of these PAP meetings to their website. However, at best, the minutes consist of an outline of topics discussed at each meeting. In order to get a sense of how the meetings operate, I attended three of the six PAP meetings for the Maxwell Street Market project. While my observations and panel members’ comments cannot be interpreted as representative of an average PAP meeting, it is impossible to know otherwise since the available meeting minutes contain so little detail.

33 City of Chicago, Department of Cultural Affairs, “Policy Procedure Guidelines for the City of Chicago Public Art Program,” 5. See Appendix B for the text of this document.
possible consideration.”  

Essentially, one can conduct a search by category on an antiquated DOS system, but one still has to dig through physical file folders to look at images of artwork.

The outdated slide registry poses a problem because the Public Art Program’s artist selection process depends heavily upon it – at least according to the formal procedures. The ordinance dictates that it is the PAC’s duty to “establish selection guidelines for the Public Art Program project, including determining whether the selection will be made by open competition, limited entry (invitational) or direct selection.” Since PAC meeting minutes do not show discussion or votes on this subject, how exactly does the program determine the selection process? Public Art Program administrators say that they use the same selection formula for every project unless they are constrained by an especially short timeline. They call this selection formula “open competition” since the registry acts as an ongoing call to artists.

This explanation, however, is highly unsatisfactory. The selection process is mapped out in the Policy Procedure Guidelines. It relies on democratic procedures to legitimize the program’s decisions and to justify them to its multitude of stakeholders. If the percent-for-art funds for an individual project exceed $10,000 (which they almost always do), the program must assemble a Project Advisory Panel (PAP) of seven voting members. The PAP is designed to be representative of the future audience of the commissioned artwork. Once the panel has received orientation information about the capital improvement project (sometimes including a site visit), the PAP arts representatives are responsible for gathering an initial list of artists to be considered by the entire panel. The next procedure is as follows: “Slides of the work of artists

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35 Ibid.
36 Municipal Code of Chicago, section 2-92-140. See Appendix B.
37 PAPs are composed of a project manager from the Public Art Program, a representative from the city department responsible for the capital improvement project, the architect of the project, two members of the arts community appointed by the PAC chairman, and two members of the community served by the capital improvement project.
who the PAP arts community members believe may be appropriate for the site, and of artists who have asked to be considered for the project, are shown to the PAP.”  

The PAP gradually narrows down the number of artists to a shortlist of four or five. Once the PAC approves the shortlist, these artists are paid a fee, typically around $1,000, to develop a proposal for the site in consideration. The finalists are then invited to present their proposals to the PAP, which selects the artist for the commission, subject to final approval of the PAC.

On the surface, this framework is reasonable, but titling this artist selection formula “open competition” is highly misleading. One artist commented that public art programs in other cities always initiate the artist selection process with a widely – often nationally – publicized Request For Qualifications (RFQ), while Chicago’s program contents itself with only skeletal descriptions of upcoming projects on its website. As a member of the widely-used Public Art Network (PAN), I receive multiple email announcements of open calls to artists from municipal public art programs on a weekly basis. Moreover, these open calls to artists refer to specific art projects with clearly defined criteria. Compared to this norm, Chicago’s artist selection formula does not resemble open competition at all. Atkins asserts that Chicago’s failure to issue true open calls is tantamount to violation of the program’s own policies:

“They [the Public Art Program staff] don’t issue selection guidelines with respect to each project in accordance with the settlement [between Hodes and the Public Art Program in 2005]…If an artist wants to be considered [for a public art project] and wants to know what’s going on with it, he can’t tell by looking at the postings. He sees that there’s a police station and the entire budget, but nothing about the parameters – nothing…We [Atkins and Hodes] say that this does not amount to open competition.”

39 Ibid.
40 Anonymous, interview by Sarah Anzia, April 17, 2006.
41 PAN is a list serve operated by Americans for the Arts, an arts advocacy organization based in Washington, D.C. See http://www.artsusa.org/services/public_art_network/.
Even if this *does* amount to open competition, artist selection in Chicago’s Public Art Program does not actually proceed in the manner detailed by its policy guidelines. Lori Grove, an arts representative on the PAP for the Maxwell Street Market project, was never told that arts representatives are supposed to be charged with compiling an initial list of artists to show to the panel. Alan Mammoser, community representative on the same panel, confirmed that Nathan Mason, Curator of Special Projects and the Public Art Program manager for the project, pulled the initial list of artists whose portfolio slides were shown to the PAP in the first two meetings.

Mammoser expressed his interpretation of the first slideshow:

“They went though the art fairly quickly. It was pretty clear that the selection was pre-determined. The range of entries was pre-established...They had a tray of artists there at the first meeting. I had the impression that this was the pool of artists they always work with. I think they were artists that were pre-qualified by the city.”

It is evident that the Public Art Program staff, not the arts representatives, compiled the initial list of 28 artists from approximately a thousand in the Artist’s Slide Registry to start the artist selection process. It is also clear than no one from the Public Art Program had explained the formal process to the panel members.

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43 A letter from Weisberg to Grove inviting her to participate on the panel read, “The volunteer artist will work with the committee assessing artist applications, reviewing submissions and selecting artist(s) for final commission.” Lois Weisberg, letter to Lori Grove, postmarked December 8, 2005. On a positive note, however, Grove explained that “[the Public Art Program staff] did ask if we had any artists we wanted to recommend. I suggested a few artists I knew of, and they gave me applications to give to those artists.” Lori Grove, interview by Sarah Anzia, April 4, 2006.

44 Alan Mammoser, conversation during Maxwell Street Market PAP meeting, February 27, 2006.

45 Alan Mammoser, interview by Sarah Anzia, April 4, 2006.

46 In each of the next two meetings, the PAP members viewed a slideshow and narrowed down the list of artists in consideration. Mason and another Public Art Program staff member ran the slide shows. Mason introduced each artist and explained his or her past work. For some artists, he speculated on what the panel could expect them to produce for Maxwell Street Market, making comments such as, “His use of material is very ‘Maxwell Street’...He could easily do a perimeter wall,” and “She has used this strategy that we’re looking for from this project.” Grove later reflected, “I wonder how much of what we talked about and decided was their power of suggestion.” While other panel members offered their expertise and opinions, Mason dominated the process. Notes from Maxwell Street Market Project Advisory Panel meeting, February 23, 2006; Lori Grove, interview by Sarah Anzia, April 4, 2006.
Of course, since the arts representatives were unaware of their official responsibility to find and present artists appropriate for the site, someone had to facilitate the process. But even if the representatives had been clear about their charge, they could hardly have been expected to hunt through the Artist’s Slide Registry – a thousand file folders in a tiny room – to achieve the task. For an unpaid volunteer panel member with a full time job and a personal life, this would be far too time-consuming. One artist noted that it would even be too much work for the Public Art Program project manager to sort through the registry. He conjectured that the PAP chairperson probably pulls slides according to what has come across her desk most recently rather than bothering with the registry.47

Either way, the person who handpicks 28 artists out of a thousand wields tremendous power: she controls which artists the panel sees the first time around. In an equitable system, this agenda-setting authority would be assigned to a team of two arts professionals appointed just for a single project rather than to a city agency employee.48 When this leadership role is adopted by a government employee, it becomes difficult for the government to dodge accusations of artist selection by favoritism.

There is one additional consequence of allowing Public Art Program staff to select the initial list of artwork to be shown to panels: the other panel members may feel that their objections or suggestions are disruptive of what they perceive to be an official, established city process. Many panel members, especially arts representatives, are somewhat dependent upon amicable relations with the city for their professional endeavors. An artist sitting on a panel might fear that strong disagreement with a well-connected city employee, who is presenting the work of artists she prefers, might harm the panelist’s relationship with the city.

47 Anonymous, interview by Sarah Anzia, April 17, 2006.
48 Moreover, the person who picks the slides has authority to guide the presentation and subsequent discussions about each artist, potentially tilting the selection process in the direction of her preferences.
In sum, there is good reason for the general suspicion that the Public Art Program staff member on each panel has undue influence over the outcome. Hodes, Atkins, and many artists assert that this formulaic process does not constitute “open competition” at all.\(^{49}\) Even if the artist selection mechanism the program outlines in its policies and procedures \textit{does} constitute open competition, in practice, the Public Art Program staff’s power of pre-selection, persuasion, and intimidation undermines any such competitiveness.\(^{50}\)

Public Art Program administrators, on the other hand, often get frustrated with a process they feel is \textit{too} open to public scrutiny and suggestion. Each PAP is made up of seven individuals who usually have little in common with one another. The Public Art Program representative on each panel must somehow guide the diverse group to agreement about artists and their work over the course of five to six meetings, which can be a challenging task. One can imagine how program administrators might come to wish for a bit more freedom so as to make the process move quickly. Artists, however, feel resentful of what they see as program administrators’ desire to shield the program’s decision-making from the very public supposedly served by those decisions. One artist commented, “The problem with the Weisbergs of the world is that they see the money in their control as \textit{their} money. It’s not public money. It’s \textit{their} money to do what they like with it.”\(^{51}\)

Clearly, there is an inherent conflict between the structure of the program and some important aspects of its tacit mission. Enforcement of the Open Meetings Act limits the freedom of the PAPs, the PAC, and Public Art Program staff to commission the highest quality art

\(^{49}\) Hodes said, “Artists don’t have a scintilla of chance of getting recognized in there [the registry]. There are hundreds of folders. If that’s open competition, I’ll eat my hat. It’s a way for the public art staff to have control over who gets the commission.” Scott Hodes, interview by Sarah Anzia, May 15, 2006.
\(^{50}\) Chicago artist Tom Scarff explained, “I get the sense that it’s all a tightly-knit club over there – you’re in or you’re out. They pay attention to the artists they know, and it’s like a little club.” Tom Scarff, interview by Sarah Anzia, May 24, 2006.
\(^{51}\) Anonymous, interview by Sarah Anzia, April 26, 2006.
possible for the city’s public spaces. However, artists’ frustration with the program’s secrecy and tendency toward control by Public Art Program staff undercuts the program’s goal of supporting artists.

Other problems with the program’s commissioning process are not quite so complex. In general, the PAP meetings I attended were disorganized and uninteresting. Each of the three meetings started at least twenty minutes late. The panel members did not appear to understand their responsibilities. One of the community representatives did not show up to any of the meetings. There was no set procedure for voting on artists; each round of voting was conducted in an ad hoc manner. While the panel occasionally engaged in substantive discussion, the actual decision-making process was sloppy.

On the whole, panel members were glad to be part of the decision-making process, but they also felt frustrated by the lack of professionalism in the PAP meetings. Mammoser commented, “I felt that the rules were indeterminate. We kind of made it up as we went along.” Grove said that she would serve on a PAP again if asked, but she noted that the panel members should have had more information at the first meeting: “They could have provided one sheet of guidelines and could have sent out a schedule of meetings…The process could have been expedited, and they could have done this before reviewing the art.”

52 See note 43.
53 This is based on my observations and the minutes from all the PAP meetings.
54 In the meetings I attended, there was no pre-determined voting procedure. At one meeting, each panel member voiced his or her vote out loud. At another, they decided to give each artist a “thumbs up” or “thumbs down.” The number of votes required for an artist to pass into the next round also varied with each meeting. At one gathering, Mason suggested that every artist with at least three votes of approval should remain on the list. In another meeting, a Public Art Program assistant suggested that the group advance only those artists with a unanimous vote, while Grove thought it better to utilize a simple majority rule.
55 Alan Mammoser, interview by Sarah Anzia, April 4, 2006.
56 Lori Grove, interview by Sarah Anzia, April 4, 2006.
communication of panel member responsibilities, the Maxwell Street Market panel experience was not anomalous. One artist who served on a different PAP complained:

“The art and community representatives aren’t paid. You kind of resent all the time you have to spend doing it [participating in the panel], and a lot of the time you’re afraid to say no to something because you’re worried you’ll be blackballed in the future. Sometimes it’s nice to be part of the process, but when I’m busy, I start to get frustrated that the meetings are not run more like a corporate board meeting where the meeting starts at the dedicated time, the manager runs down the bullet points, and the meeting ends. It’s not uncommon for [PAP] meetings to start an hour late, and then they’re run slowly and not professionally or effectively.”

Once again, examination of how other public art programs resolve tension between priorities and organizational challenges reveals opportunities for Chicago. New York’s Percent for Art Program, for example, has taken action to remedy some of its shortcomings in ways that might interest Chicago public art enthusiasts. An individual closely familiar with the New York program said that it has deployed a team of interns to transform its Image Registry from traditional slide format to a fully digitalized format. The digital registry will allow project panelists to conduct full searches with relative ease. In addition to this updating, the New York program takes a more efficient approach to its project panel meetings. Rather than trying to gather seven busy individuals for five two-hour meetings over the course of a few months, New York asks its panel members to participate in two four- to six-hour meetings, both of which are scheduled in advance. The responsibilities of the arts representatives are stated clearly on the program website so as to minimize confusion over what panel participation involves.

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57 Anonymous, interview by Sarah Anzia, April 17, 2006.
58 Since 1983, New York has devoted 1% of the budgets of eligible city construction projects to the commissioning of public art. New York’s Percent for Art Program, housed within the New York Department of Cultural Affairs, closely resembles that of Chicago. Program administrators delegate artist selection to project-specific panels composed of representatives from the pertinent groups, including three arts professionals. The program also works from a non-juried Image Registry. Furthermore, like Chicago, most New York projects do not rely on an open call to artists but rather require the panel members to pull slides from the slide registry. City of New York, Department of Cultural Affairs, “Percent For Art in NYC,” http://www.nyc.gov/html/dcla/html/panyc/panyc_main.shtml (accessed September 23, 2006).
Furthermore, the three arts professionals on the panels are each paid an honorarium of $150 for participation in the process. These policies establish an incentive structure that reduces absenteeism, promotes enthusiasm, and minimizes confusion over who is responsible for which tasks during project panel meetings.

The Portland area’s RACC also offers lessons on artist selection methods for public art commissions. While its selection panels can utilize one of three artist selection methods – open competition, invitational, or direct purchase – city and county projects are most often decided by open competition. Open calls to artists for city and county projects typically generate about 120 applications for new commissions and approximately 400 applications for direct purchases. The selection panel for an open competition project reviews all 120 or 400 artist applications; the Public Art Program staff does not narrow down the list of applicants for the initial viewing. While the PAAC approves the semi-finalists for each commission, the project-specific panel makes the final decision about which artist will receive a commission or which piece of artwork it will purchase. The administration of the RACC Public Art Program demonstrates that it is, in fact, possible for a public art program to conduct open calls for most or all of its projects.

61 Like Chicago, New York, and other cities, the RACC Public Art Program forms project-specific panels that are composed of representatives from the city or county, the project architect or engineer, a community representative, and at least three arts professionals. The RACC Public Art Program typically starts the public art selection process when a city or county bureau calls them with information about an upcoming capital improvement project. A representative from the bureau then attends the next PAAC meeting to present the details of the project including budget and planning information. Based on that information, the PAAC recommends panelists for a project-specific selection panel. A non-voting RACC Public Art Manager presides over and facilitates the panel meetings.
62 Peggy Kendellen, interview by Sarah Anzia, August 25, 2006. Kendellen, the Public Art Manager for RACC, explained that the invitational or limited competition method is generally reserved for privately-funded projects. City and county projects are decided by open competition, at the end of which either a new work is commissioned or an existing work is purchased.
63 Peggy Kendellen, interview by Sarah Anzia, August 25, 2006. Kendellen feels that the decision should really happen within the selection committee; those panel members have an understanding of the project and the community that the PAAC members do not share.
While Chicago administrators argue that such a policy is impracticable, their own partnership with CTA Arts in Transit shows that it is both manageable and effective. While the Public Art Program has operated CTA Arts in Transit quite similarly to how it operates the percent-for-art process, many aspects of the former outshine the latter. First of all, the CTA artist selection process started with a call to artists – developed and publicized by the Public Art Program – rather than by relying on the outdated slide registry. In response to the RFQ for the Red and Brown lines, the program received approximately 400 submissions (which the city then narrowed to 85 so that the panels would not have to view all 400). Secondly, the panel meetings were operated much more efficiently than the PAP meetings I attended. Both the voting procedure and the precise goal of each meeting were announced in advance. Panel members engaged in substantive debate. Community representatives were diligent in making suggestions of other artists to be considered, thus fulfilling their important role on the panel.

Interestingly, the Public Art Program’s work for CTA Arts in Transit showcases the potential of the Public Art Program. Malick, for one, is quite pleased with the way the Public Art Program staff has managed the process. One Chicago artist commented, “Their [the Public Art Program’s] collaboration with CTA is a first step in the right direction and a great sign.” Strangely, as a consulting group to CTA, the Public Art Program meets all three criteria of its

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64 The panels were designed exactly like percent-for-art PAPs except that the CTA Arts in Transit panels included an additional CTA representative. The community representatives were also asked to suggest artists for consideration. Just as in the percent-for-art process, panels gradually narrowed the list of artists to four per station who would receive Requests for Proposals (RFPs). The PAC had to approve all artists to receive RFPs as well as the proposals finally chosen by the panels.
65 Amy Malick, interview by Sarah Anzia, May 5, 2006. They issued one RFQ for all the Blue Line stations scheduled for renovation and later another RFQ for the Red and Brown line stations.
66 At the February 24, 2006, Red Line panel meeting, each panel member received a paper ballot and a sheet that contained a briefing on each artist being reviewed.
67 For example, the March 3, 2006, meeting for the Brown Line projects provoked lively discussion that fully engaged all panel members.
69 Ibid.
mission. The open call to artist process invited the candidacy of all artists who wished to apply. The active participation of the panel members in response to a broad array of artist profiles contributed to the quality of the final selections. Finally, the artworks are to be installed in CTA stations, which are definitely areas with heavy foot traffic. It remains a mystery why the Chicago Public Art Program has managed to conduct an RFQ and run meetings efficiently for CTA but has not done the same for its own projects.

A cursory survey of other public art programs in major U.S. cities reveals that most of them select artists and artwork by delegating decision-making to project-specific panels that are designed to represent the future audience of the art. Some programs conduct open calls to artists for most of their projects, while others rely heavily on selection from their registries. Some filter the artist profiles submitted to their registries so that they can reliably pull candidates from a smaller, highly qualified pool of artists. Despite variation in selection design, American public art programs have one important characteristic in common: the public that is to benefit from the art serves as the primary decision-maker in the selection of the art.

The pending amendments to Chicago’s percent-for-art ordinance, however, would further remove the artist selection process from public influence. It is already the case that the Public Art Program administrator who chairs the PAP meetings for a project has substantial power to mold the final selection. However, the current process requires that she at least satisfy the formal policy of public involvement by facilitating PAP meetings, where decisions are ultimately made by panel vote. The proposed ordinance changes would eliminate public representation requirements in all formal decision-making and would greatly centralize power within the agency: The program would no longer assemble PAPs to select artists. All the formal responsibilities of both the PAPs and the PAC would shift to DCA, meaning to Weisberg and
Public Art Program administrators. DCA’s “powers and duties” would grant administrators the authority to:

“develop policy procedures for the operation of the program…describe the general administration of the public art program…establish procedures for eligible projects…” and “establish selection guidelines for public art program projects, including determining whether any selection will be made by open competition, limited entry (invitational) or direct selection.”

The key proposed word changes in italics represent more than mere stylistic flourishes. Each new word of the proposed ordinance is vaguer than the word it substitutes in the current ordinance. Consequently, the new ordinance would grant DCA greater discretion than the discretion currently possessed by the combined authority of DCA and the PAC.

Under the proposed ordinance, program administrators would have to invite public feedback before choosing artwork, but the administrators themselves would have the authority to make all final commissioning decisions. Public input would be reduced to two public forums and separate consultation with “local organizations and institutions” determined by the appropriate alderman to be “interested in or affected by the contemplated project.” There is nothing in the proposed ordinance that would require deliberation leading to the final decision to be made public, and such deliberation would not be bound by the Illinois Open Meetings Act, which only applies to meetings of “public bodies.” While the proposed ordinance would

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71 City of Chicago, Mayor Richard M. Daley at the request of the Commissioner of Cultural Affairs, proposal to amend Chapter 2-92 of the Municipal Code of Chicago, May 9, 2007. Italics added to identify important proposed word changes.

72 The current ordinance states that DCA “shall develop policy procedures for the execution of the public art program…” and “shall detail the general administration of the public art program.” Some of the duties of the PAC are to “establish a procedure for each eligible project…” and “establish selection guidelines for the public art program project, including determining whether the selection will be made by” one of the three selection methods. Municipal Code of Chicago, Chapter 2-92.


75 For a definition of “public bodies” and a summary of the Act, see Lisa Madigan, Attorney General of the State of Illinois, Guide to the Illinois Open Meetings Act 5 ILCS 120, August 2004.
require Public Art Program administrators to consult with “persons knowledgeable in the arts” before making a final selection, no person or organization would have a “right to be consulted in connection with any project.” In sum, the proposed ordinance would give Public Art Program administrators great discretion with few procedural restrictions. Their enhanced discretion would come at the expense of eliminating binding public influence over artist selection.

While the tacit mission statement I constructed is neutral on the issue of public influence on art selection, the artist community clearly stands in favor of transparent public art decision-making and a general policy of true open competition for commissions. In this way, the proposed ordinance actually moves the program farther away from accomplishment of its mission. However, the proposed ordinance does give program administrators more freedom to commission the art that they think is of the highest possible quality, which, it could be argued, contributes to the fulfillment of the program mission. Which part of the tacit mission is more important? Should the city strive to obtain the highest quality art possible at the expense of restricting opportunities for artists? DCA officials clearly have an opinion on the matter, but artists nationwide feel differently. Since there has been no open dialogue on the subject involving all interested parties, it is impossible to know how priorities should be set.

4. Recommendations for the Chicago Public Art Program

Why have other cities’ public art programs been successful where the Chicago Public Art Program has not? Jon Pounds, Executive Director of the non-profit Chicago Public Art Group, speculates that some of the Public Art Program’s problems are due to the fact that Chicago is an

77 The Chicago Public Art Group is a non-profit public art organization that is not affiliated with the Chicago Public Art Program. See http://cpag.net/home/.
old, conservative, Midwestern city.\textsuperscript{78} Compared to analogous programs in other cities, Chicago’s Public Art Program administrators seem particularly averse to suggestions that originate outside their office. When one experienced public art professional amicably offered candid feedback on Chicago’s program to its administrators, they responded defensively, as if she was subtly accusing them of running the program badly.\textsuperscript{79} Hodes’ pursuit of reform actually began as a well-intentioned search for information. His first two lawsuits were preceded by non-threatening reform proposals that were not warmly received by DCA. In contrast, the Portland program actively solicits feedback from artists and the general public to identify new directions for improvement.\textsuperscript{80} This openness is not restricted to Oregon. In a full year of membership to PAN – considered the resource for public art administrators and artists – I have received approximately ten emails per week from network members around the country announcing calls to artists, posing questions about the durability of various art materials, suggesting terms of public art contracts, etc. Throughout all of this communication, I have never seen a posting from anyone within the Chicago Public Art Program.

While it is true that every city faces unique public art challenges and opportunities, comparative analysis reveals that Chicago has a great deal in common with other municipal public art programs. Unfortunately, from the language of the ordinance pending in City Council, it does not seem that program administrators are eager to begin taking part in the convening of

\textsuperscript{78} Jon Pounds, interview by Sarah Anzia, September 19, 2006.
\textsuperscript{79} Anonymous, interview by Sarah Anzia, May 16, 2006.
\textsuperscript{80} In the tenth year of the Portland program, its administrators reached out to artists, former project panelists, and the general public to solicit feedback about the state of public art in the Portland area. This reflective exercise resulted in three new temporary public art initiatives that continue to contribute to the program’s mission today. A few years later, the program initiated a citizen-based arts panel to invite recommendations for the future of the program, a process that spawned an arts and culture blueprint called ArtsPlan 2000+. In response to a recommendation from ArtsPlan 2000+, the Metropolitan Arts Commission transitioned into the private non-profit RACC. See Peggy Kendellen, “Growing a Public Art Program,” Regional Arts & Culture Council, http://www.racc.org/publicart/, 3. Peggy Kendellen, interview by Sarah Anzia, August 25, 2006.
the field and attempting to learn from other cities’ practices. One Chicago artist who participates regularly in PAN discussions said,

“Chicago is a first class city, and it should be a leader in municipal public art programs. As it is, we’re a follower – it’s like we’re stuck in 1981. Other cities have open calls to artists all the time, and they’re widely publicized on a national level. There has been substantial discussion about public art administration in the last several years, and I don’t think Chicago’s aware of it. It’s like they’re in a bubble.”

As a step toward removing Chicago from its relative isolation, I offer five policy recommendations for the Public Art Program.

4.1. Develop a coherent mission statement.

In none of my conversations with public art administrators and artists did anyone suggest that the Public Art Program should be eliminated. From the viewpoint of the average Chicago citizen, then, why should the program not be eliminated? Art is not a road or a sewer, both of which are goods that have an easily identifiable purpose. Art’s role within the public arena is much more difficult to define. As a provider of this ambiguously beneficial product, the Public Art Program needs to justify its publicly-funded existence by making a clear statement of its goals and strategies. The development of an effective and meaningful mission statement is a complex task: the Public Art Program needs to establish a clear link between what is articulated in the mission statement and the art the program produces.

While I cannot claim to know what the best mission statement for the program would be, it seems clear that the tacit mission statement I pieced together from the language of the ordinance and the DCA mission statement is inadequate. It does not point to answers to some difficult questions that arise in public art program administration: How important is public input to the selection of artwork for the city? How should the program balance the tradeoff between

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efficiency and democratic procedures? Is it enough just to have art scattered about the city, or should the program work to maintain an ongoing dialogue about the significance of the art in its collection? If Chicago Public Art Program administrators were willing to engage in open discussion of its goals with other public art administrators, artists, and the people of Chicago, I suspect that they would be able to align priorities in a way that would equip the program for maximal success.

Such an endeavor would not be unfruitful. Almost everyone I interviewed had ideas for how to improve Chicago’s program. Pounds believes that another major source of the program’s problems throughout history has been its lack of an effective public voice. No one within the program is charged with the task of persuasively publicizing what it is that the program is doing. Without the ability to articulate and demonstrate what the value of public art can be, it is no wonder that the leadership cadre tends to be reactive when attacked from the outside.\textsuperscript{82} Peggy Kendellen, Public Art Manager for RACC, is not familiar with Chicago’s program but offered advice based on her years of experience as a public art administrator. She suggested offering public education workshops, walking tours, and maps of all the works in the city collection. “This helps people get over that feeling that everything is done in secret.”\textsuperscript{83} Kendellen reports that people frequently comment on how happy they are with the art that the RACC program has produced. She said, “Art has become so much of an identity for Portland. People are always surprised by the quality of the art for the scale of the city… You have to listen to the artists.”\textsuperscript{84}

The comments of Kendellen and Pounds are only a taste of what outside expertise could contribute to the program.

\textsuperscript{82} Jon Pounds, interview by Sarah Anzia, September 19, 2006.
\textsuperscript{83} Peggy Kendellen, interview by Sarah Anzia, August 25, 2006.
\textsuperscript{84} Ibid.
Commissioner Weisberg has demonstrated a willingness to rethink the entire program and the ordinance that created it. The development of a strong, community-supported mission statement should be the first step. That statement of purpose should be used to guide all of the restructuring and planning that follows.

4.2. Transition the administration of the Public Art Program into a non-profit public art organization.

The tradeoff between open meetings and substantive deliberation presents a problem for the Public Art Program. There is no doubt that the Open Meetings Act forces transparency and accountability when it is political appointees who are making decisions on behalf of the public. As it stands, however, the PAC contains six arts representatives who are not government employees. PAPs boast five of seven non-government members who assist in artist selection for each project. These arts, community, and architecture representatives are merely volunteers; they have careers as well as personal and professional relationships with artists. To expect volunteers to destroy those ties for the sake of honest public art discussion is extremely unrealistic. Openness must be sacrificed before we can reasonably ask those volunteers to bring their experience and opinions to bear on public art decisions. If all meetings of public bodies must abide by the Open Meetings Act, then the Public Art Program should not be administered by public bodies. That is not to say that elimination of all panels and committees is the key to repairing the program. Indeed, there exists a more desirable option.

Privacy of decision-making is only one virtue of a public art program administered by a non-profit organization. Pounds explained that a non-profit can work through its processes more quickly than a city bureau, enhancing overall speediness of response. Furthermore, a non-profit
can raise money. He also suspects that the public’s perceptions of (and expectations of) a non-profit are different: a non-profit producing a collection identical to that produced by a city agency would probably be more accepted by the public. Like Portland’s RACC, a non-profit public art program in Chicago could use much of the same framework as the current program. However, it would allow an expert staff to manage the public art process without the restrictions of the Open Meetings Act, an otherwise beneficial piece of legislation that has, in this instance, proven to be paralyzing for the Public Art Program in Chicago. A shift to non-profit administration would enable the program to conduct meaningful group discussions off the record.

Undoubtedly, some will object to this proposal to remove PAC and PAP meeting details from public view. A common complaint about the current Public Art Program is that its project managers have too much control over the artist selection process. Hiding PAC and PAP meetings from the public, one could argue, would give those individuals greater liberty to hire the artists they favor. For that reason, a transition to a non-profit structure, by itself, is not a desirable solution. In concert with several other improvements, however, it holds great promise.

If anything, this discussion highlights a major concern about the proposed ordinance that is under consideration by the City Council. The ordinance would essentially allow Public Art Program administrators to select artists and artwork with minimal public input. The new system would likely aggravate public sentiment even more than the program has in the past few years. Proposing increased centralization in response to accusations of overly-centralized decision-making.

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85 Jon Pounds, interview by Sarah Anzia, September 19, 2006. Kendellen confirms that non-profit status has really eased her program’s process. She emphasizes that in comparison to the old Metropolitan Arts Commission, RACC can turn around checks and contracts quickly, allowing them to pay artists earlier (and possibly more) than would a public agency. Peggy Kendellen, interview by Sarah Anzia, August 25, 2006. Note that RACC still has to get approval for unusually large payments.
making processes is illogical. A non-profit structure, in combination with other critical reforms, would allow program administrators to conduct closed meetings without handing all the levers to a handful of DCA employees.

4.3. Restructure the Public Art Committee so that it becomes a meaningful governing body.

In 1978, it may have made sense to stack the PAC full of city agency heads. It would be difficult to defend this composition in 2007, however. It is no wonder that PAC members send proxies to quarterly meetings or fail to show up at all: most of them have no reason to invest their time and energy in public art governance.

I therefore propose a thorough restructuring of the PAC. For as long as the program is administered by a public agency, the committee should be a group of nine or eleven members of the Chicago arts community, each of whom serves a two-year term, accompanied by two representatives from DCA. When program administration is ultimately transitioned into a non-profit organization, one of the city chairs should be reserved for a representative from that organization. The individual PAC members should be held responsible for fulfilling their roles themselves rather than delegating duties to proxy members. This structure will enable the PAC to excel at its core responsibilities. As I discussed earlier, the current PAC only manages a fraction of its responsibilities during its quarterly meetings. Decisions involving review of upcoming projects, determining eligibility, and identifying opportunities for artwork in the new space are made in some other forum, possibly within the day-to-day discussions of the Public Art

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87 Members of the Chicago arts community are defined as “area artists, museum curators or directors, art patrons or academicians.” See City of Chicago, Department of Cultural Affairs, “Policy Procedure Guidelines for the City of Chicago Public Art Program,” 3.

88 I.e., reviewing proposed construction projects, determining eligibility for artwork within those projects, determining possibilities for placement of art in or near to the new space, maintaining artwork in the collection, approving the decisions of the PAPs, ensuring that Chicagoland artists receive 50% of the commissions, appointing the arts representatives of the PAPs, and reviewing recommendations of the conservation subcommittee. City of Chicago, Department of Cultural Affairs, “Policy Procedure Guidelines for the City of Chicago Public Art Program,” 3-4.
Office. There is little reason to have a committee that gathers quarterly to “rubber-stamp”
decisions that have already been made elsewhere. If quarterly meetings are insufficiently
frequent for the PAC to stay on pace with these responsibilities, then the committee should meet
once per month.\textsuperscript{89} The new committee should also stress the importance of full participation. It
would be helpful to introduce a policy of relieving an individual member of his position should
he fail to show up for a certain number of meetings.

The facilitator of PAC meetings, who would be an individual from the Public Art
Program, should also be required to adopt a public relations role. This person would be
responsible for establishing a connection between the program’s artwork and its potential
audiences with the goal of proactively generating a buzz about the activities of the program. The
current Public Art Program has started down this path with maps and brochures of the city
collection, but the public relations effort could be greatly intensified to include news articles,
magazine features, or small community receptions to celebrate completion of fabrication and
installation at the sites of new works. These efforts could be funded with whatever funds are
available from the sponsor agencies, percent-for-art administrative funds, or private donors.

It is acceptable for the PAC to retain responsibility for establishing selection guidelines
for each project. However, the current Public Art Program practice of pre-selection from the
Artist’s Slide Registry does not constitute open competition. In order to dispel the perception
that the Public Art Program staff controls artist selection, the PAC should shift to an artist
selection norm of true open competition – meaning a process that involves a widely publicized
open call to artists – for all projects with available percent-for-art funds greater than $50,000.\textsuperscript{90}

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\textsuperscript{89} A body that met, for example, the first Thursday of every month for one to two hours in the evening could more
easily maintain the program’s momentum and govern its shape.

\textsuperscript{90} The minimum amount that I identify to trigger an open competition is arbitrary. The point is that the Public Art
Program should conduct an open call to artists for every public art project as long as the 20% administrative budget
This regular practice of open application and consideration would ensure that attempts by Public Art Program staff to control artist selection would cease.

Chicago Public Art Program administrators have admitted that the program is inefficient and overly bureaucratic. The proposed ordinance makes clear that they hope to address this problem by drastically reducing the number of hurdles its employees must clear before taking action. However, permanent dissolution of the governing committee is not going to catapult the program to success. The first step toward reducing unnecessary bureaucracy is to remove all but a couple bureaucrats from the committee that has the potential to guide the direction of public art in the city. The new composition would enable the PAC to focus on the pursuit of a collaborative artistic vision.

4.4. Enhance Project Advisory Panel efficiency and effectiveness.

The PAP structure as outlined in the Policy Procedure Guidelines is perfectly acceptable, but a few alterations in PAP practice would improve the artist selection process. To start, the practice of member recruitment could be strengthened. Once the list of potential PAP members has been identified for a particular project, the Public Art Program staff should have a five- to ten-minute phone conversation with each person to discuss panel member responsibilities. This clear communication would eliminate confusion for the panel members and would secure their commitment to the process. As a next step, the program manager should send out a list of meeting dates and times before the process begins. To reduce scheduling difficulties and the time burden on participants, the PAP process should be completed in three meetings rather than five or six. Under a three-meeting format, the goals of each meeting could be as follows:

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is sufficient to cover the cost of managing the RFQ. In the cases where an RFQ results in an unwieldy number of applications (for example, more than 100), it is reasonable for the PAC to reserve the right to narrow down the list of artists prior to the initial PAP review.
Meeting 1: Determine the goals of the project, including preferred media, placement within the new space using PAC suggestions, and themes. Develop a list of criteria based on those goals. If the budget is large enough to warrant an open competition, develop the language for the open call to artists. If the budget is relatively small, establish guidelines for the arts representatives to pull artist profiles from the Artist’s Slide Registry.

Meeting 2 (likely the longest of the three): If the selection is to take place by open competition, view slides of all RFQ respondents or the narrowed list of respondents supplied by the PAC. For projects with smaller budgets, review all artist profiles that the arts representatives have pulled from the slide registry. Using a decisive voting procedure, select three artists to be invited to submit a proposal for a fee.

Meeting 3: Evaluate the presentations of each proposal and select an artist for the commission.

Full participation in PAP meetings is critical to the community-based nature of the panel. To encourage participation, the PAP process should be designed so that each member has a direct stake in the outcome. The representatives from the Public Art Program, the sponsoring agency, and the architecture firm have direct ties to the new building and the art commissioned for it. Arts and community representatives, however, have weaker ties to the new space and therefore need supplementary incentive to show up to PAP meetings punctually and to participate actively in the discussion. For this reason, the Public Art Program should pay each arts and community member an honorarium (of $100 or $150) upon completion of the process if he or she actively participates in all three meetings.

This new format for PAP meetings will accomplish a number of goals. For the panel members who derive great satisfaction from taking an active role in a meaningful community process, the clearer presentation and confirmation of panel roles will solidify their commitment to a successful artist selection process. Any problems of absenteeism and poor punctuality will be mitigated by a smaller total number of scheduled obligations, pre-planning of those three meetings, and the reward of a small sum of money at the end of the process. In sum, the PAP
process can be streamlined without eliminating panels altogether. The project-specific panel
decision-making method need not be entirely sacrificed to create more efficiency.

4.5. Modernize the Artist’s Slide Registry.

The simplest improvement option available to the Public Art Program is an update of the
Artist’s Slide Registry. A small fraction of the percent-for-art funds allotted for administration
would enable a transition to a modern searchable digital database. The program could easily hire
one or two interns to sort through the current registry, contact artists to request digital
applications and images, and compile the new registry. Not only would this create a tool for
PAP arts representatives to search by medium, theme, number of past public art commissions,
and artist origin, but it would clean out obsolete records from the registry of physical slides. It
might also prove to be a useful tool for the PAC to identify potential members for PAPs. These
are only some of the possible uses for a digital slide registry; it is likely that a user-friendly
database would become a handy tool for many other tasks.

5. Conclusion

Chicago’s Public Art Program has made some significant improvements over the last
eight years, largely motivated by Hodes’ calls for transparency and accountability. While this
piecemeal reform of a historically controversial program deserves commendation, the means by
which it has been accomplished have been overly cumbersome for all parties involved. The
arguments over small details that have characterized the reform process have diverted people’s
attention away from a broader and more meaningful discussion of what the Public Art Program
truly has the potential to become. Legal pressure has been a necessary catalyst for change, but it
has also instilled a sense of protectiveness within the program that has made its leaders increasingly suspicious of reform proposals from outside DCA ranks. Hopefully, this learned sensitivity will not obstruct the Public Art Program leaders’ absorption of these evaluations and conclusions.

Fortunately, Commissioner Weisberg has acknowledged the need for a structural overhaul of the program. At present, the City Council must measure the worth of her proposal to jettison all the attributes of the program that have made it vulnerable to outside criticism in the last few years. While the new ordinance has the potential to make the program legally invincible, it would definitely not make it a better public art program. Is it not clear which of these two things is more important to the people of Chicago?

Unlike the ordinance pending in City Council, my policy recommendations weave together the feedback and suggestions of a diverse group of respected public art professionals according to the needs identified by Chicago’s public art community. I have examined the strengths of public art programs in a few other cities and have described how those attributes could contribute to a more effective program for Chicago. Research of other programs, however, should not stop here. There many other public art programs in the U.S. that contain lessons for Chicago (for example, Phoenix, Seattle, and Chapel Hill). This paper demonstrates that further comparative analysis could greatly assist an endeavor to design a new program.

The program that blossomed out of Chicago’s 1978 percent-for-art ordinance is not functioning as it should, according to today’s standards. However, efforts to assign blame for its current condition are unnecessary and not the best use of available time and energy. Twenty-five years ago, public art enthusiasts could not look to 300 public art programs across the country for guidance. Today, however, the U.S. offers a wealth of knowledge and expertise to guide public
art administrators. It is time for Chicago’s Public Art Program to tap into those resources to establish a structure and substance that fulfills its enormous potential.
APPENDIX A: HISTORY, ORGANIZATION, AND OPERATION OF CHICAGO’S PUBLIC ART PROGRAM

Chicago’s Public Art Program was the product of a grassroots effort, which in turn was a part of a spike in interest in public art that swept the nation in the 1960s and 1970s. In 1978, the city passed the “Percent-for-Art” Ordinance that mandated a 1% surcharge on the construction budgets of all new municipal buildings, which was to be used for the purchasing or commissioning of artwork for the new space. It also stipulated that half of all commissions were required to go to local artists. Nine years later, the applicable percentage of construction budgets automatically designated to public art increased to 1.33%, and the eligibility of municipal projects was expanded to include renovations affecting 50% or more of the square footage of a publicly accessible building. In 1999, the eligibility requirement for percent-for-art funds was further extended to include some publicly accessible outdoor improvement projects. Technically, the program’s governing committee has the latitude to determine the eligibility of individual projects.

The Public Art Program resides within the Chicago Department of Cultural Affairs (DCA), which has been a cabinet-level municipal department since 1984. Public art is one of the many responsibilities of this $10 million department that administers cultural grants, arts

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93 Elizabeth L. Kelley, interview by Sarah Anzia, April 18, 2006.
programs and exhibitions, Gallery 37, landmark Chicago houses, the Chicago Office of Tourism, and other cultural initiatives.

The breadth of the Public Art Program as it currently exists extends far beyond the requirements of the percent-for-art ordinance. In addition to percent-for-art projects, the program administers initiatives such as CTA Arts in Transit, the Open Studio Program, and public-private partnership exhibits like *Cows on Parade*. It also considers artworks offered to the city as gifts and manages the photography gallery in the Water Tower. Elizabeth L. Kelley, Curator of Public Art for DCA, explained that the program has expanded to meet the demands of other private and public organizations and not as a result of any intentional internal directive. When people from other city departments share ideas with DCA, for example, the conversations often result in new partnerships. This kind of collaboration has gradually grown the program beyond the provisions of the ordinance.

Greg Knight, Deputy Commissioner of Cultural Affairs, leads the whole Visual Arts Division and oversees the Public Art Program as well as exhibits in the Chicago Cultural Center. The Public Art Program itself is divided into three branches: Percent-for-Art, Special Projects, and City Collection Management. It boasts a staff of nine, including a senior staff person for each branch along with six project managers, coordinators, and assistants. While the 2006 city budget only allotted $466,000 to DCA’s Visual Arts Division, a great deal more money passes through Public Art Program coffers from other city departments and agencies. In 2005, for

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96 Gallery 37 Center for the Arts offers theater productions, cooking classes, concerts, and art classes for children and adults. See http://egov.cityofchicago.org/gallery37center/.


98 Elizabeth L. Kelley, interview by Sarah Anzia, April 18, 2006.

99 Elizabeth L. Kelley and Nathan Mason, interview by Sarah Anzia, April 18, 2006.

example, the program saw an influx of $657,720 in percent-for-art funds. Percent-for-art expenditures in the same year amounted to $777,118, 83% of which went to art commissions and purchases. These amounts do not include the revenue the program sees from partnerships with other governments. Its partnership with CTA alone has generated a few million dollars in Public Art Program revenue.

While the Public Art Program has expanded its activities in the last several years, percent-for-art projects are still the centerpiece of the program. Since 2000, when Mayor Richard M. Daley initiated his $800 million Neighborhoods Alive 21 capital improvement program, the Public Art Program staff has been busy placing art in dozens of spaces around the city; the 2005 Public Art Program report gave details on 45 projects, including 13 police stations, 18 libraries, 5 senior centers, and 3 airport projects.

The percent-for-art financial records are much more organized than they were before 2000. The process begins when the Public Art Program staff receives formal notification of upcoming construction projects from the Public Buildings Commission and the Office of Budget

102 Amy Malick, interview by Sarah Anzia, May 5, 2006. CTA has an ongoing intergovernmental agreement with the Public Art Program that will fund all art for the CTA Red and Brown Line station renovations. The first stage of CTA Arts in Transit which resulted in commissioned artwork for eight renovated stations on the CTA Blue Line arose out of a separate intergovernmental agreement which, by itself, funneled $1 million into the Public Art Program. See also Chicago Transit Authority, CTA Press Releases, “CTA, City of Chicago Dedicate Glass Mosaic at CTA’s Damen Station,” December 4, 2004, http://www.transitchicago.com/news/archpress.wu?action=displayarticledetail&articleid=120419.
105 The very existence of an annual report is a relatively new development for the program. Despite the original ordinance instruction that the funds appropriated for public art be deposited into a separate Public Art Program Fund, such a fund was not established until Hodes sued the city for the first time. The mixing of percent-for-art money with funds targeted for other city uses undoubtedly contributed to the overall disorganization of the program before 1999. As a result of Hodes’ legal pressure, the city established a new fund exclusively for public art in 1999 and adopted an amendment that created an annual report of the program’s expenditures in 2000. The details of the program’s expenditures prior to 2000 remain a mystery.
and Management. (They usually learn of upcoming projects prior to being formally notified, but they do not receive eligibility announcements from the PAC.) The capital improvement projects themselves are usually funded by bonds, but the percent-for-art funds are mainly drawn from Hotel Accommodation Tax revenue. Once the city deposits the public art money into the Public Art Fund, Nathan Mason, Curator of Special Projects, divides it up according to ordinance rules: 80 percent is set aside for art and the artists’ costs on any given construction project. The ordinance makes it clear that the percent-for-art funds cannot be pooled and redistributed, nor does any of the 80% cover art conservation. The remaining 20% is handled by the DCA comptroller and covers the program’s administrative costs. The program uses this 20% to pay Public Art Program staff salaries, to buy office supplies, to purchase food for committee and panel meetings, and to meet other administrative needs.\footnote{Elizabeth L. Kelley and Nathan Mason, interview by Sarah Anzia, April 18, 2006. The amounts for each project are detailed in the program’s annual report.}

Like many public art programs across the country, Chicago did not plan for the maintenance of a public art collection at the program’s inception. Prior to Hodes’ lawsuits, the Public Art Program had no conservation plan whatsoever.\footnote{Scott Hodes, interview by Sarah Anzia, May 15, 2006.} Ruri Yampolsky, Director of the Seattle Public Art Program, wrote that a plan for public art maintenance should include a tracking system, adequate funding, and a system for hiring conservators to perform maintenance.\footnote{Ruri Yampolsky, \textit{Public Art by the Book}, ed. Barbara Goldstein (Seattle: University of Washington Press, 2005), 210.} Thankfully, Chicago has started to apply this wisdom. Six years ago, the ordinance was revised to include a conservation subcommittee. Today, the conservation subcommittee gets $150,000 a year from the city budget to cover conservation costs as well as the Collection Manager’s salary. In addition, the program now documents important details about each work it commissions, creating a tracking system to be used for future upkeep.
Moreover, Public Art Program administrators consider the important factors of material, weather, and susceptibility to vandalism before adding a new piece to its collection. One of the strengths of the new ordinance pending in City Council is that any funds leftover from percent-for-art projects could be pooled and used for maintenance of other artworks in the city collection. However, the ordinance would eliminate the Conservation Subcommittee and does not specify what the new conservation policy would entail. While an analysis of conservation policies is beyond the scope of this paper, the proposed changes do warrant close attention by those redesigning the program.

APPENDIX B: CITY OF CHICAGO DOCUMENTS

Appendix B1: City of Chicago Percent-for-Art Ordinance 110

Summary: Section 2-4, Chapter 26 of the Municipal Code

Passed in 1978 (as Sec. 1, Chp. 26), and last amended in 2003

Whereas, the City of Chicago recognizes the importance of the artistic expression of local and international artists;

Whereas, the City of Chicago desires to enhance its public structures and environment through artwork located in public places;

Whereas, Public Art Programs have been established across the country in 200 states, counties and municipalities, . . . . to provide an effective vehicle for the commissioning and placement of such artwork;

Whereas, the Chicago Cultural Plan recommends a stronger Public Art Program for Chicago, and

Whereas, a stronger Public Art Program will restore and enhance Chicago's stature as a national leader in public art; now, therefore,

Be It Hereby Ordained by the City Council of the City of Chicago:

2-92-070 This program shall be known and referred to as the "Public Art Program."

2-92-080 As used in this section, the term "artwork(s)" includes all forms of the visual arts conceived in any medium, material, or combination thereof, commissioned or purchased by the City including those received as gifts to the City of Chicago.

2-92-090 Every budget for the construction of or renovation affecting 50% or more of the square footage of a public building to which there is or will be public access built for or by the City of Chicago, and every budget for a City of Chicago outdoor site improvement project to which there will be public access and that has been designated an eligible public art program project by the Public Art Committee, shall provide that 1.33 percent of the original budgeted cost of construction or renovation of the structure or the project itself, excluding land, architectural design fees, construction management and engineering fees, fixtures, furnishings, streets, sewers and similar accessory construction, shall be appropriated and deposited in the Public Art Program Fund as specified in Section 2-92-120, to commission or purchase artwork to be located in a public area in or at such building or project, provided, however, this provision shall not apply to any building or project constructed with funds which exclude public art as an eligible cost.

110 This document is drawn, in its entirety, from www.cityofchicago.org (accessed on May 27, 2007).
2-92-100 Administration -- Department of Cultural Affairs
The Department of Cultural Affairs shall administer the Public Art Program and all Public Art Program projects, including artwork(s) received as gifts to the City of Chicago. The Department of Cultural Affairs shall commission or purchase all artwork after consultation with the Public Art Committee and Project Advisory Panel as specified in sections 2-92-130 through 2-92-160.

2-92-110 Administration -- Policy Procedures
The Department of Cultural Affairs shall develop policy procedures for the execution of the Public Art Program. The procedures shall detail the general administration of the Public Art Program and shall include, but are not limited to:

* The duties of the Public Art Committee, Conservation Subcommittee, and Project Advisory Panel as defined in Sections 2-92-140, 2-92-144 and 2-92-160;

* the rights and responsibilities of the artist(s) selected; (and)

* the receipt and placement of artwork(s) received as gifts to the city of Chicago, and

* the placement of artwork at temporary art exhibitions on city property, including bridge art and other similar exhibitions but not including art fairs or festivals

2-92-120 Public Art Program Fund
There is hereby created an account to be used solely for the commissioning or purchase of artwork(s), administration of the Public Art Program, and maintenance of artwork in the Public Art Program. This account shall be referred to as the "Public Art Program Fund."

No more than 20 percent of the Public Art Program Fund shall be applied to maintenance of artwork in the Public Art Program and general administrative costs of the Public Art Program.

2-92-130 Public Art Committee -- Established -- Chairperson and membership
There is hereby created a Public Art Committee for the Public Art Program. The Commissioner of the Department of Cultural Affairs shall act as chairperson of the Committee. The Public Art Committee shall consist of seventeen (17) members as follows:

a. Commissioner of the Dept. of Cultural Affairs;
b. Commissioner of the Dept. of Aviation;
c. Commissioner of the Dept. of General Services;
d. Commissioner of the Dept. of Planning and Development;
e. Commissioner of the Dept. of Transportation;
f. Chairman of the City of Chicago City Council Committee on Special Events and Cultural Affairs;
g. Executive Director of the Public Building Commission
(h. (eliminated by amendment of November 2003);
i. one representative of the Chicago Park District;
j. one representative of the Chicago Transit Authority;
k. one member of the Mayor's Landscape Committee
1. one representative of the Chicago Public Library, and
m. six members of the art community of the city of Chicago selected by the Commissioner
   of the Department of Cultural Affairs from among area artists, museum curators or
directors, art patrons, or academicians.

These members will be appointed to two-year terms or until their successors are appointed.
Gallery owners and agents representing artists shall not be eligible for appointment under this
subsection. Every committee member except those selected under subsection (m) of this section
may designate, from time to time, a surrogate to attend meetings and to vote in the member's
place. If a member is an elected official, the surrogate of that member shall be a member of the
elected official's staff. If a member is the head of a city department, the surrogate of that member
shall be an employee of that same department. If a member is a representative of any other
government agency, the surrogate of that member shall be an employee of that same agency. The
actions and votes of a designated surrogate shall be valid as the actions and votes of the member
designating the surrogate.

2-92-140 Public Art Committee -- Powers and Duties
The Public Art Committee shall meet at least four times per year and shall have the following
additional duties:

a. To implement the public Art Program policy, as promulgated from time to time by the
   Department of Cultural Affairs and to establish a procedure for each eligible project.
b. To review proposed construction projects on a quarterly basis and determine eligible
   Public Art Program projects.
c. To determine how the Public Art Program funds will be spent for each project and report
   on those expenditures on an annual basis to the City Council Committee on Special
   Events and Cultural Affairs.
d. To determine the appropriate placement of artwork(s) commissioned or purchased under
   the Public Art Program as well as artwork(s) received as gifts to the city.
e. To establish selection guidelines for the Public Art Program project, including
determining whether the selection will be made by open competition, limited entry
(invitational) or direct selection;
f. To maintain artwork(s) in the Public Art Program collection in cooperation with the
   Department of General Services;
g. To review the recommendation of the Project Advisory Panel regarding the artist(s) and
   artwork(s) to be selected.
h. to make the final selection of the artist(s) and artwork(s) to be commissioned or
   purchased by the Department of Cultural Affairs for each Public Art Program project;
i. To review current and future Public Art Program projects to insure that Chicago artists
   receive at least 50 percent of these commissions or purchases;

and

j. To review the recommendations of the conservation subcommittee regarding the
   selection of sculpture restoration and conservation projects and to make the final
selection of the sculpture restoration and conservation projects that will receive Public Art Program funding.

2-92-144 Conservation Subcommittee -- Powers and Duties
The Conservation Subcommittee shall meet at least two times a year and shall have the following additional duties:

a. To review and prioritize proposed projects for the restoration and conservation of sculptures in the Public Art Program collections; and
b. to make recommendations to the Public Art Committee regarding sculpture restoration and conservation projects to be selected for Public Art Program funding.

2-92-150 Project Advisory Panels -- Appointment and Membership
The Public Art Committee shall appoint a Project Advisory Panel for each Public Art Program project in excess of $10,000. Each Project Advisory Panel shall consist of seven members as follows:

a. a chairman selected from the staff of the Public Art Program by the director of the Program
b. a representative from the department for whom the public building is being erected or from the department which is coordinating the outdoor site improvement project;
c. the project architect responsible for the design of the public building or outdoor site improvement project;
d. two members of the arts community to be appointed by Chairman of the Public Art Committee from a list developed in consultation with the Public Art Committee;
e. two members of the community which will be served by the public building or outdoor site improvement project. One community member shall be selected by a representative from the department for whom the building is being erected or from the department which is coordinating the outdoor site improvement project. The second community member shall be selected by the alderman of the ward in which the public building or outdoor site improvement project is to be located, provided that if the project is located in more than one ward, the selection of the second community member shall be made jointly by the aldermen of the respective wards.

2-92-160 Project Advisory Panels -- Powers and Duties
The duties of the Project Advisory Panel shall be as follows:

a. To carry out the guidelines of the Public Art Program project for which it was formed, promulgated from time to time by the Public Art Committee;
b. To seek and obtain community input regarding the project, and
c. To review artist(s) and artwork(s) to be commissioned or purchased and make recommendations to the Public Art Committee for final approval.

2-92-170 Compensation
No member of the Public Art Committee, the conservation subcommittee or a Project Advisory Panel shall receive compensation for his or her services. Members of the committees who are
city employees shall receive only such compensation as is set forth in the annual appropriation ordinance.

2-92-180 Ownership of Completed Projects
Ownership of all completed Public Art Program projects shall be conveyed to the City of Chicago.

2-92-190 Constitutionality
If any provision of this ordinance shall be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect or invalidate the remainder of this ordinance but shall be limited to the provision directly involved in the controversy in which such judgment was rendered. It is hereby declared to the legislative intent of the City Council that this ordinance would have been adopted had such unconstitutional or invalid provision not been included.

Section 3
This ordinance shall be in full force and effect from and after its passage and publication.
Appendix B2: Department of Cultural Affairs Overview

Department of Cultural Affairs Overview

The arts are a vital component of Chicago's life, adding to the well-being of the city in many ways. Chicago's vibrant arts community encourages residents to stay in the city while also attracting others to relocate here. The arts have proven to be a key to civic revitalization. In Chicago's South Shore neighborhood the South Shore Bank credits art and culture as an integral part of The Neighborhood Institute's redevelopment strategy which fosters pride and positive self-image among residents of the community in addition to job creation strategies, according to its Community Reinvestment Act Statement.

A community economic impact study of the nonprofit arts community, called Jobs, the Arts and the Economy concludes, When our communities invest in the arts they are not opting for cultural benefits at the expense of economic benefits. Careful research shows that in addition to being a vital means of social enrichment, the arts are also an economically sound investment for communities of all sizes. Quite simply, the arts are an industry that generates jobs.

Overview and History

The Chicago Department of Cultural Affairs was created in 1984 as a cabinet-level municipal department solely dedicated to providing arts and cultural services. Cultural Affairs is dedicated to serving the people of Chicago by nurturing, enhancing, complementing, and marketing Chicago's cultural resources.

In its Mission Statement, the Department of Cultural Affairs is charged with the following:

- Ensuring that cultural activities are acknowledged, encouraged, and incorporated as an integral part of Chicago's social and economic life.
- Increasing the livability of the city and making the educational and inspirational aspects of the arts available to the widest possible audience.
- Demonstrating ways in which the arts can serve as an impetus for economic and human development throughout the city.
- Enhancing international communication and exchange.
- Serving individual artists, major cultural institutions, and community arts organizations.
- Strongly affirming the principle of cultural self-determination, striving to be a partner and catalyst to increase opportunities, awareness, and involvement in cultural activities for the benefit of all Chicagoans.

Headquarters for DCA's many activities is the Chicago Cultural Center, now established as the official civic reception place. This remarkable landmark structure was completed in 1897 as the city's main library. Constructed to be "an enduring monument worthy of a great and public spirited city," in the words of the founding library board, the people's palace, as the building has come to be known, is a testament to the foresight of Chicago's turn-of-the-century cultural leadership. Today this magnificent building is the city's architectural showplace for the lively and visual arts.

Cultural Programming
Cultural Affairs presents cultural programming in several venues:

- Chicago Cultural Center
- Chicago Tourism Center
- Chicago Water Works
- City Gallery in the Historic Water Tower
- Clarke House Museum and the Chicago Women's Park and Gardens
- Gallery 37 Center for the Arts
  - Storefront Theater
  - World Kitchen.
- Grant Park
  - Grant Park Music Festival
  - SummerDance in the Spirit of Music Garden
- Temporary Venues

Performing arts programs and exhibitions presented by the Department of Cultural Affairs serve Chicagoans in three ways: they provide highly visible downtown venues for Chicago artists and performers; they bring respected national and international performers to a downtown performance arena, drawing audiences from the Chicago area as well as the world; and they combine entertainment with exposure to ideas and customs rooted in a wide variety of cultural backgrounds, preserving and developing audiences, and encouraging tolerance and appreciation for diversity.

Collaborative Programming
Cultural Affairs provides arts resources and ongoing technical assistance to Chicago's arts community through comprehensive cultural planning support, workshops, forums, and visual, performing, and literary arts registries. Collaborative programs like the Arts Management Services Providers and the Chicago Cultural Network help evaluate needs in the arts community, eliminate duplication of programs and services, and identify and encourage potential funding sources and partnerships.

Cultural Grants
Cultural Affairs administers the city's cultural grants, which are aimed at promoting professional excellence, encouraging artists and arts organizations to persevere in their endeavors, and helping ensure the continued vitality of the arts in Chicago. The arts classes, exhibitions, performances, and institutions funded through cultural grants create enriching opportunities for people in every segment of Chicago to experience and enjoy the arts.

Cultural Planning
Cultural Affairs also spearheads the city's cultural planning working with the Chicago Department of Planning and Development on special projects for the cultural benefit of Chicago. Recent efforts have included finding new uses for buildings of historical and cultural significance.

Gallery 37
Gallery 37 is an internationally recognized program providing Chicago youth with job training apprenticeships with professional artists. The program offers Chicago youth the opportunity to further their cultural education while earning a stipend to create art, literature or performance, while learning important job skills.

Public Art
The city's Public Art Program was developed to implement the 1978 municipal Percent-for-Art
Ordinance, which stipulates that 1.33 percent of funds for constructing or renovating municipal buildings be set aside for the commission or purchase of artwork. The program, administered by the Department of Cultural Affairs, is charged with overseeing panel review and selection of artwork proposed for purchase or commission through the ordinance. It is also charged with reviewing and approving all proposals of public art offered as gifts to the city, including the installation and maintenance of public art. Chicago's Public Art collection boasts more than 160 artworks displayed inside municipal buildings, police and fire stations, at mass transit stations, in parks, and along the public way, bringing works of art into people's everyday lives.

Sister Cities
The Chicago Sister Cities Program, Inc., a not-for-profit organization administered by Cultural Affairs, links Chicago and its sister cities abroad in partnerships to promote trade, economic development, cultural awareness, and educational opportunities. Sister Cities provides leadership for developing global relationships that address both cultural and economic concerns. Cultural and economic exchanges between Chicago and its 23 sister and friendship cities pave the way for Chicago businesses to expand into new markets, and provide technical assistance to foreign governments.

Tourism
As a division of the Chicago Department of Cultural Affairs, the Chicago Office of Tourism is a pioneer in the advancement of cultural tourism, forging a partnership between tourism and the arts that helps to market Chicago's many cultural treasures.

For information: 312-744-6630
Appendix B3: Policy Procedure Guidelines for the City of Chicago Public Art Program

The following Policy Procedure Guidelines are promulgated by the Chicago Department of Cultural Affairs. They are designed to provide information, guidance and assistance to artists, lovers of art, and other interested persons in understanding how the City of Chicago’s Public Art Program works and how such persons might participate in the Public Art Program.

The Guidelines address:

- the respective roles of the persons and entities involved in the process of selecting Public Art under the Public Art Program
- the eligibility and selection criteria for membership on the Public Art Committee and the Project Advisory Panels
- the factors which may be considered in selection of public art works pursuant to the Public Art Program
- how artists can be considered for Public Art Program projects through inclusion of their work in the Public Art Program’s slide registry.

These Guidelines are necessarily general in nature and are not intended to be universally binding or inflexibly applied. Questions may be directed to Public Art Program staff. Nothing herein shall be deemed to establish any legal rights or remedies on behalf of, or against, any person or entity.

1. APPLICABILITY

These Policy Procedure Guidelines apply to activities of the Public Art Program as set forth in the Public Art Program Ordinance, Chicago Municipal Code section 2-92-070 et seq.. In summary, the Public Art Program provides that a certain percentage of the construction budget for certain “public buildings,” and for certain “outdoor site improvement projects,” shall be set aside and used for public art (including the purchase and/or creation of such art and administrative and maintenance costs).

Artists and art works are selected as generally described below.

2. PERSONS AND ENTITIES INVOLVED IN THE SELECTION PROCESS.

For each eligible project under the Public Art Program, there are two main entities involved in the selection of public art:

- Project Advisory Panel (“PAP”)
- Public Art Committee (“PAC”)

The eligibility and selection criteria for membership in these entities, as well as the respective decisional roles of the two entities, are set forth below.

2.1 The Project Advisory Panels.
By ordinance (Chi. Muni. Code section 2-92-150), a Project Advisory Panel ("PAP") is appointed for each public art project in excess of $10,000.

a. PAP members:
   - a chair selected from the staff of the public art program by the director of the program;
   - a representative from the City Department for whom the public building is being erected or from the department which is coordinating the outdoor improvement project;
   - the responsible project architect;
   - two members of the arts community, appointed by the chairman of the PAC, from a list developed in consultation with the PAC’s arts community members; (the list shall be revised from time to time, as needed to reflect changes in the arts community); and
   - two members of the community which will be served by the public building or outdoor site improvement project.
     - one community member shall be selected by a representative from the department erecting the building or coordinating the site improvement project;
     - the second community member shall be selected by the alderman of the ward in which the public building or outdoor site improvement project is to be located; provided, that if the project is located in more than one ward, the selection of the second community member shall be made jointly by the aldermen of the respective wards.

b. PAP duties:
The duties of the PAP are to carry out the guidelines of the public art program project, to seek and obtain community input regarding the project, to review artists and artwork to be commissioned or purchased and to make recommendations to the PAC for final approval. More specifically, the respective PAP members are assigned the following roles and primary duties:

- the Chair convenes and chairs all PAP meetings in accordance with Public Art Program policies and procedures;
- the Representative of the City Department for which the facility is being built provides the PAP with information concerning the function of the building, individuals serviced by it, and specific concerns in similar existing facilities;
- the Architect of the facility supplies the PAP with information concerning appropriate locations within the facility where works of art can be incorporated; technical and structural issues which may influence the type of work(s) to be considered; and architectural/aesthetic information concerning the facility. After selection of an artist, the architect and artist collaborate on matters of mutual technical and aesthetic concern;
- the two Representatives of the Arts Community provide the PAP with aesthetic expertise concerning artists and art works which may be appropriate for the facility; and
- the two Representatives of the Community served by the facility provide the PAP with information concerning historical, socio-economic, ethnic/racial, and other unique features of the surrounding community.

2.2 The Public Art Committee.
By ordinance (Chi. Muni. Code section 2-92-130), the Public Art Committee (“PAC”) is chaired by the Commissioner of the Department of Cultural Affairs.

a. PAC members:

- the commissioner of the department of cultural affairs;
- the commissioner of the department of aviation;
- the commissioner of the department of general services;
- the commissioner of the department of planning and development;
- the commissioner of the department of transportation;
- the chairman of the City of Chicago City Council Committee on Special Events and Cultural Affairs;
- the executive director of the public building commission; one representative of the Chicago Park District;
- one representative of the Chicago Transit Authority;
- one member of the mayor's landscape committee; one representative of the Chicago Public Library; and
- six members of the art community of the City of Chicago selected by the commissioner of the department of cultural affairs from among area artists, museum curators or directors, art patrons or academicians. The art community members shall be appointed to two-year terms or until their successors are appointed. Gallery owners and agents representing artists shall not be eligible for appointment as art community members.

Every committee member except the art community members may designate, from time to time, a surrogate to attend meetings and to vote in the member's place. A surrogate for the chairman of the committee on special events and cultural affairs shall be either a member of the chairman's staff or a member of the committee. A surrogate for the head of a city department shall be an employee of that same department. A surrogate for a representative of any other government agency shall be an employee of that same agency. The actions and votes of a designated surrogate shall be valid as the actions and votes of the member designating the surrogate.

b. PAC duties:

The public art committee shall meet at least four times per year and shall have the following duties:

- to implement the public art program policy, as promulgated from time to time by the department of cultural affairs and to establish a procedure for each eligible project;
- to review proposed construction projects on a quarterly basis and determine eligible public art program projects;
- to determine how the public art program funds will be spent for each project and report on those expenditures on an annual basis to the City Council Committee on Special Events and Cultural Affairs or its successor committee; such a report shall be submitted in writing to such committee and will be made available to the public at large, for each calendar year no later
than May 1 of the following year, disclosing the following: the amount of the
funding for the public art program fund pursuant to Section 2-92-090 and the
source(s) if such funding; the amount of such funding allocated to each
specific public art project and the unspent balance; a description and the
amount of each expenditure of such funding (not including maintenance and
general administrative costs as set forth in Section 2-92-120) for each specific
public art project and location of each artwork(s) purchased or commissioned
with such funding; and the name and city of residence of each such artists.

- to determine the appropriate placement of artwork(s) commissioned or
  purchased under the public art program as well as artwork(s) received as gifts
to the city;
- to establish selection guidelines for the public art program project, including
determining whether the selection will be made by open competition, limited
entry (invitational) or direct selection;
- to maintain artworks(s) in the public art program collection in cooperation
  with the department of general services;
- to review the recommendation of the project advisory panel regarding the
  artist(s) and artwork(s) to be selected;
- to make the final selection of the artist(s) and artwork(s) to be commissioned
  or purchased by the department of cultural affairs for each public art program
  project;
- to review current and future public art program projects to insure that
  Chicago artists receive at least 50 percent of the number of projects
  representing these commissions or purchases;
- to review the recommendations of the conservation subcommittee regarding
  the selection of sculpture restoration and conservation projects and to make
  the final selection of the sculpture restoration and conservation projects that
  will receive public art program funding.

Ordinarily, the public art selection process takes the form of an open competition in the sense
that all artists whose work is known to the program participants (through inclusion in the slide
registry or otherwise) are considered. The PAC may, however, determine that another form of
selection process (e.g., limited entry/invitational or direct selection) will be used. In the open
competition process, the PAP considers potential artists, utilizing the criteria set forth below, and
makes a recommendation to the PAC. The PAC considers the PAP’s recommendations and
selects one or more artists who will be invited to submit a proposal. Selected artist are then
directed to submit design proposal(s), including a maquette (scale model), budget and narrative
description. The submissions are considered by the PAP, and one or more artist(s) is/are selected
to be recommended to the PAC for commission(s). If the PAC approves the proposal, a contract
is entered and the artist begins fabrication.

In the event the PAC does not accept the PAP’s initial recommendation of artist(s) from whom to
invite proposal(s), the PAP will deliberate further and issue additional recommendations to the
PAC. In the event the PAC does not accept an artist’s initial design proposal(s), changes may be
requested and the proposal may be resubmitted.

A flow chart depicting the decision-making process in selecting public art is attached to these
Policy Procedure Guidelines. The flow chart is not a rigid, binding account of how decisions are
invariably made but, rather, shows in simplified form for informational purposes the typical steps in the selection process.

3. FACTORS WHICH MAY BE CONSIDERED IN ART WORK SELECTION.

As described above, the selection of artists and art-work for the Public Art Program is designed to be both project-specific and community-based. Thus, the initial review of potential artists and projects is done by the PAP with a view toward the relevant circumstances of the specific project. The PAP (which includes arts community members and service area members as well as others), once formed, receives orientation information with respect to the project and, where appropriate, may thereafter make a site visit. Slides of the work of artists who the PAP arts community members believe may be appropriate for the site, and of artists who have asked to be considered for the project, are shown to the PAP, which thereafter selects one or more artists to recommend to the PAC to develop a proposal.

Among the factors which may be considered in the PAP’s selection of artists to recommend to the PAC are the following, without limitation:

- the size, shape, location, configuration and use of the building or site of the project;
- the appropriateness of formal and stylistic elements as well as materials for the project;
- the possible thematic congruity between the artist’s preferred body of work and the project;
- the skill, reputation, and demonstrated ability of the artist;
- community ties between the artist and the project, where appropriate;
- the economic feasibility of utilizing the artist for the project.

In the course of its review, the PAC considers facts similar to the factors considered by the PAP, as set forth illustratively above.

4. PUBLIC ART PROGRAM SLIDE REGISTRY.

The Public Art Program relies to a significant degree on its comprehensive slide registry. This consists of photographic slides submitted by artists (or their agents) which are thought to best represent the artist’s current skills and body of work. The Public Art Program retains slides indefinitely, but it is important for artists to keep their slide registry submissions current. Thus, if an artist has changed the focus of his or her work (such as a new style, new materials, new thematic emphases), it is suggested that the artist update their slide registry submission so that members of the PAP, PAC and others will have an accurate understanding of the type of work the artist is interested in and capable of creating if they are considered for a Public Art project. In addition, artists are encouraged to submit the best possible quality slides (slides should be in sharp focus, with accurate representation of colors and other attributes of the art work). Slides should be labeled to identify the artist’s name as well as the title, date, medium and dimensions of the depicted work. Of course, if an artist decides that he or she definitely is no longer interested in being considered for the Public Art Program, he or
she should so notify the staff in writing, including an indication of whether slides on file should be returned or discarded. Slides and supporting information (which may include the artist’s curriculum vitae and contact information) may be submitted to:

Public Art Program
Chicago Department of Cultural Affairs
78 East Washington
Chicago, IL 60602