

GUIDELINES FOR ACQUISITION, PLACEMENT, AND MAINTENANCE OF ART IN THE PARK DISTRICT AND THE CREATION OF THE PARK DISTRICT ART ADVISORY COMMITTEE

1.01 PURPOSE

The purpose of the Park District Art Advisory Committee is to enhance the cultural and aesthetic quality of life in Oak Park by integrating art throughout the Park District of Oak Park. Art is a vital part of the cultural life of the entire Oak Park community, which enriches participants in the arts as well as those who observe them. The creation of the Park District Art Advisory Committee will assist the Board of Commissioners of the Park District of Oak Park in making the aesthetic and practical decisions necessary for incorporating art in the Park District.

1.02 DEFINITIONS

For the purpose of these Guidelines, the following words and phrases shall have the meanings ascribed to them below. All other words and phrases shall have the meanings which are ordinarily ascribed to them.

ACQUISITION or ACQUIRED ART: Artworks whose ownership or temporary interest has been obtained by the Park District by purchase, rental, or acceptance of a gift.

MAINTENANCE FUND: A dedicated fund established by the Park District to hold monies contributed by individuals or organizations (including the Park District) for the purpose of maintaining artworks under the possession, custody or control of the Park District.

ART PROFESSIONAL: Any person who is not an artist, but by virtue of his or her training and/or profession possesses expertise with regard to artistic judgments. Such persons may include, but are not limited to, museum curators or directors, academicians, patrons, collectors, and critics.

ARTIST: Any person who by virtue of professional training, exhibition history, and/or critical review is recognized as skilled in the making works of art. Indications of a person's status as a professional artist include, but are not limited to, income realized through the sole commission of artwork, frequent or consistent art exhibitions, placement of artwork in public institutions or museums, receipt of honors and awards, and training in the arts.

ARTISTIC STATEMENT: Written statement by artists describing their background and inspiration for, or meaning of, a work of art.

ARTWORK or WORK OF ART: Tangible creations by artists exhibiting aesthetic principles, including all forms of the visual arts conceived in any medium, material, or combination thereof, including, but not limited to, drawings, prints, photographs, collages, paintings, mosaics, murals, fiber works, stained glass, relief or freestanding sculptures, fountains, arches, mobiles, environments, functional furnishings such as artist designed seating and pavers, architectural elements designed by an artist, and artist designed land forms or landscape elements. Not included under this definition are objects that are mass produced art objects of standard design, reproductions of other works or objects of neither art, nor works that are decorative, ornamental, or functional elements of the architecture, signage or landscape design, except where commissioned from an artist as an integral aspect of a structure or site.

COLLECTION: All artworks owned by, rented by, or loaned to the Park District.

EXECUTIVE DIRECTOR: The Executive Director of the Park District of Oak Park, Illinois.

GIFT or GIFTED: Artwork donated to the Park District.

INVENTORY: A record of object transactions, including acquisition, loan, movement, care, shipment, etc.

MAINTENANCE: The act of keeping artworks and their supporting documentation in good and complete condition for the purposes of exhibit, study and preservation, which may entail the movement of artworks.

PARK DISTRICT BOARD: The Board of Commissioners of the Park District of Oak Park, Illinois.

PERMANENT: Artwork not expected to change in status, condition or site location.

PRIVATELY OWNED ARTWORK: Artworks that are not owned by the Park District, but which are temporarily located on Park District property under the authorization of a License Agreement between the Park District and the owner of the artwork.

SITE: Location where an artwork is located.

TEMPORARY: Artwork that is placed on Park District property for a limited or set period of time.

PARK DISTRICT PROPERTY: Land, buildings, roadways, thoroughfares, and public ways owned by the Park District of Oak Park, Illinois.

WAIVER: A written instrument executed by an artist specifically and expressly setting forth and waiving the artists' rights under the Visual Artists' Rights Act of 1990 with regard to an identified work of art by the artist.

1.03 PARK DISTRICT ART ADVISORY COMMITTEE

- A.** There is hereby created and established in and for the Park District of Oak Park a committee to be hereafter known as the Park District Art Advisory Committee (the “Art Advisory Committee”) which shall consist of a chairperson and six (6) members, to be appointed by the Park District Board. Members shall be appointed on a staggered basis with initial appointments consisting of a chairperson and two (2) members for one year; two (2) members for two years; and two (2) members for three years. Thereafter, the chairperson and all members shall be appointed for three year terms. Membership of the Art Advisory Committee shall include at least:
1. two (2) individuals chosen from the following disciplines: landscape architecture, urban planning, engineering, or a related design discipline;
 2. two (2) professional artists; and
 3. two (2) private citizens with knowledge of and interest in art.
- B.** The Art Advisory Committee shall have the following duties and responsibilities:
1. Hold meetings in accordance with the Open Meetings Act on an as needed basis.
 - a. The presence of four (4) or more members shall constitute a quorum.
 - b. If any member fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the chairperson, the Art Advisory Committee shall declare the member’s office vacant, and the Park District Board shall promptly fill that vacancy.
 2. Discuss matters related to the fostering and dissemination of art throughout the Park District; consider applications for the placement of all art on Park District property; make recommendations to the Park District Board with regard to the acceptance, placement and maintenance of art on Park District property, all in accordance with the Guidelines. The Art Advisory Committee may, within its discretion, both encourage and assist prospective applicants in the filing of applications for the placement of art on Park District property.
 3. Recommend to the Park District Board on or before September 1st of each year an annual designation of funds to the Artworks Acquisition and Maintenance Fund for the acquisition of new art, if any, and the repair and maintenance of the

existing art collection, together with a supporting acquisition and maintenance plan and cost analysis, as well as any other budget requests.

4. Prepare and submit an annual report to the Park District Board by February 15 of each year.
5. Keep minutes of its regular public meetings and records of all official actions. Minutes and records of all meetings shall be filed in a location which is normally accessible to the public and shall be maintained as public records for the purposes of the Illinois Freedom of Information Act.
6. Maintain a detailed inventory and record of all existing art in the Park District, including site drawings, photographs, designs, explanations of the piece, the artist's name and the year of creation, appraisals, artist waivers, evidence of ownership and purchase price, whenever and applicable and/or feasible.
7. Inspect the condition of exiting artworks, at a minimum, on an annual basis. The Art Advisory Committee shall (1) recommend to the Part District Board any maintenance problems and/or suggested solutions, including, but not limited to, re-siting or removal; and (2) communicate maintenance problems and/or suggested solutions to owner, artist, or other persons or entities designated as responsible for the artwork. Suggested solutions shall include donor conditions and/or artist waiver where applicable.
8. Provide public education on existing artworks throughout the Park District.
9. Provide expertise in the area of art and knowledge of the fine arts.
10. Act as a resource in area related to art and the arts in general.
11. With prior Park District Board authorization, work with the Public Advisory Commission of the Village of Oak Park, the Oak Park Area Arts Council, and other public and private entities and individuals on art related activities which involve or have the potential to involve art on Park District property or other public areas within the Village of Oak Park which are normally open and accessible to the public.
12. Solicit, as well as establish policies and guidelines to facilitate and encourage, the contribution of funds to the Park District Artworks Acquisition and Maintenance Fund and/or loans of artworks to the Park District.

- C. Members of the Art Advisory Committee shall serve without compensation, as such, but may receive reimbursement for necessary travel or other expenses incurred on official duty when such expenditures have received prior authorization by the Park District Board.
- D. If any member of the Art Advisory Committee shall find that his or her private or personal interests are involved in the matter coming before the Art Advisory Committee, he or she shall disqualify herself from all participation in the matter. No member of the Art Advisory Committee shall have his or her work of art considered or approved by the Art Advisory Committee during their term of service on the Art Advisory Committee or for one (1) year thereafter.
- E. The Arts Advisory Committee shall operate in the general public interest serving the Park District and community as a whole. It shall serve no special interests.
- F. The Arts Advisory Committee shall not endorse any commercial product or enterprise.

1.04 APPLICATION TO PLACE ACQUIRED AND/OR PRIVATELY OWNED ARTWORK ON PARK DISTRICT PROPERTY

Any person(s) or entity that wishes to accomplish any of the following actions shall complete and file with the Executive Director an application to the Art Advisory Committee, which application shall be substantially in the same form as the application set forth in Appendix 1 attached hereto:

- A. Sell, rent or donate artwork to the Park District;
- B. Sell, rent or donate artwork to the Park District on the condition that the artwork is placed at a specific site on Park District property;
- C. Obtain permission from the Park District temporarily to place privately owned artwork on Park District property without specifying the location of the site (loans of artwork which do not specify a site shall fall within this category); and
- D. Obtain permission from the Park District temporarily to place privately owned artwork at a specific site on Park District property (loans of artwork which are conditioned upon the placement of the loaned artwork at a specific site on Park District property shall fall within this category).

The application shall be accompanied by drawings, photographs and/or models of the proposed artwork; site plans and a written “artist’s statement” of no more than two hundred fifty (250) words.

The Executive Director shall immediately forward the full application to the chairperson of the Art Advisory Committee, with a copy to the Superintendent of Buildings and Grounds. Application forms may also be obtained at the Park District Administration Offices. A copy of the full application shall be maintained at the office of the Executive Director and shall be available for review by members of the public. The Art Advisory Committee may conduct a preliminary meeting or meetings with the applicant to discuss details of the application. The application may be amended by the applicant following the preliminary meeting or meetings.

1.05 NOTICE AND MEETING TO REVIEW APPLICATION

- A. Upon receipt of the application, and after the preliminary meeting or meetings, the chairperson of the Art Advisory Committee shall schedule a meeting at which Art Advisory Committee members shall consider the application. The applicant shall be afforded the opportunity to make a presentation at the meeting and any interested persons in attendance at the meeting will be given an opportunity to comment on the application.
- B. The Art Advisory Committee shall send notice of the meeting to consider the application by regular mail to the applicant at least ten (10) days prior to the meeting. The Art Advisory Committee shall also publish a notice of the meeting on the Park District's website and in a local newspaper at least ten (10) calendar days prior to the meeting. The notice shall contain:
 - 1. the date, time and location for the Art Advisory Committee meeting;
 - 2. a brief description of the proposed artwork; and
 - 3. the proposed site (if then known) for the display of the artwork which will be considered by the Art Advisory Committee at the meeting.
- C. The notice shall also indicate that a copy of the full application is available for review upon request at the office of the Executive Director, and that all interested parties in attendance will be given an opportunity to comment on the application.
- D. When the Art Advisory Committee provides the applicant with the notice, it may at that time request any other supporting documentation or materials from the applicant which the Art Advisory Committee deems appropriate.
- E. In the event that the application does not specify a site for the artwork, the Art Advisory Committee shall, as a preliminary matter, identify an available site (or sites) which are most appropriate for the artwork in question. Once the site or sites have been identified, additional notice will be mailed to the applicant and published on the Park District's website and a local newspaper.
- F. The Superintendent of Buildings and Grounds or the Executive Director's designee, upon receipt of a copy of the application, shall, within thirty (30) calendar days, provide the Art Advisory Committee with a statement accompanied by a drawing containing adequate information to provide the Art Advisory Committee of the specific site parameters within which the artwork may be placed and any additional requirements the Superintendent of Buildings and Grounds may have for purposes of public access, public safety and maintenance of the artwork and the public way.

- G. If the application does not specify a site, the Art Advisory Committee shall forward site information to Superintendent of Buildings and Grounds as soon as it is available, and the Superintendent of Buildings and Grounds or the Executive Director's designee shall, within thirty (30) calendar days, provide the Art Advisory Committee with the statement and drawing referenced above.

1.06 FACTORS FOR PURCHASE, ACCEPTANCE, PLACEMENT AND MAINTENANCE OF ARTWORK

Factors to be considered by the Art Advisory Committee in recommending acquisition, placement and maintenance of acquired art and/or acceptance, placement and maintenance of temporarily placed, privately owned (including loaned) artwork on Park District property shall include, but not be limited to, the following:

- A. **Artistic Quality:** The artist's concept, vision and craftsmanship for the work of art are of strong artistic quality.
- B. **Site:** The artwork and site are appropriate in scale, materials, for and content for the immediate, general, social and physical environments.
- C. **Permanence:** Due consideration shall be given to the structural and surface soundness and to inherent resistance to theft, vandalism, weathering and excessive maintenance or repair costs.
- D. **Public Safety:** Each work shall be evaluated to ensure that it does not present a hazard to public safety.
- E. **Feasibility:** Proposals shall be evaluated relative to their feasibility and convincing evidence of the artist's ability to complete the work as proposed. Factors to be considered include, but are not limited to, project, budget, time line, artist's experience, soundness of materials, zoning/construction/design guidelines.
- F. **Duplication:** Artists are required to warrant that artwork is unique and an edition of one or part of a limited edition.
- G. **Maintenance and Preservation:** The Art Advisory Committee shall consider the costs for installation, site preparation, insurance and maintenance, and evaluate whether there are sufficient funds in the Maintenance Fund or from other sources to pay these costs. Where feasible, donors and sellers shall provide a report of future maintenance, including a plan for routine care, with itemized estimated costs including the number of persons and special equipment or vehicles necessary to move the work. Where feasible or appropriate, the Art Advisory Committee shall also consider the ability of the seller, donor or artist to provide the Park District with an artist's "waiver" (as defined herein) or written permission for maintenance work by a qualified conservator.
- H. **Purchase:** In the case of artwork to be acquired by purchase, the reasonableness of the purchase price or rent amount in relation to the appraised value of the artwork and the sources available for acquisition.

1.07 FACTORS FOR SITE LOCATION OF ARTWORK IN THE PARK DISTRICT

Factors to be considered by the Art Advisory Committee in recommending site locations for the placement of artworks on Park District property shall include, but not be limited to, the following:

- A. Accessibility and Visibility to the Public. The Art Advisory Committee shall attempt to place artworks in locations that afford the greatest accessibility and visibility to the public, subject to the nature of the work of art.
- B. Maintenance and Preservation. Before the final selection of a location, the Art Advisory Committee shall present the location to the Superintendent of Buildings and Grounds or the Executive Director's designee for an assessment of the costs of maintenance and preservation of the work of art.
- C. Public Safety. Before the final selection of a location, the Art Advisory Committee shall present the location to the Superintendent of Buildings and Grounds or the Executive Director's designee for a risk assessment of the placement of the artwork.

Each proposal the Art Advisory Committee to the Board that includes a proposed site location shall include an estimate of the annual cost of maintenance and a risk assessment by the Superintendent of Buildings and Grounds or the Executive Director's designee.

The Art Advisory Committee may recommend to the applicant, during a preliminary conference, appropriate alternative sites to the site set forth in the application. If the applicant agrees to an alternate site or sites during these preliminary discussions, the notice and Art Advisory Committee meeting process set forth in Section 1.05, above, shall proceed based upon an amended application containing the agreed upon alternative site location.

1.08 ADDITIONAL REQUIREMENTS FOR ACQUISITION OF ARTWORK

In addition to the general factors set forth above, the Art Advisory Committee should consider the following factors in relation to the acceptance, placement and maintenance of permanent gifts of artwork:

- A. Under extraordinary circumstances, such as the high cost of maintenance for a given artwork, the Art Advisory Committee may recommend conditions of accepting a gift of such artwork, including establishment by the donor of a maintenance endowment to ensure adequate care for the artwork.

- B. Acquisitions shall be accepted only when accompanied by a legal instrument of conveyance of title, listing any conditions of the acquisition that the Park District has agreed to accept and the appropriate warranty of originality. In general, acquisitions shall be accepted without restrictions as to the future use or disposition. The Art Advisory Committee shall forward copies of the conveyance of title and the appraisal for donated artworks to the Superintendent of Buildings and Grounds or the Executive Director's designee. The Art Advisory Committee shall forward copies of the conveyance of title and the stated insurance value for acquired artworks to the Superintendent of Buildings and Grounds or the Executive Director's designee.

1.09 GUIDELINES FOR PRIVATELY OWNED AND/OR LOANED ARTWORK TEMPORARILY PLACED ON PARK DISTRICT PROPERTY

In considering the temporary acceptance, placement, and maintenance of privately owned and/or loaned artwork, in addition to the general factors set forth in Section 1.06, above, the Art Advisory Committee shall also consider the following guidelines:

- A. The owner of the artwork shall be required to affix the artwork on or to the Park District property and maintain same at the owner's expense and in accordance with the direction and approval of the Superintendent of Buildings and Grounds or the Executive Director's designee.
- B. The owner submit such construction detail plans as the Superintendent of Buildings and Grounds or the Executive Director's designee may require prior to construction detailing that the artwork shall be affixed on or to Park District property in such a manner as to assure that the artwork cannot be moved or removed by passers by and to assure that when it is removed by the owner, the Park District property can be easily restored by the owner to its original condition.
- C. The owner shall save and hold harmless the Park District from any and all liability or loss for any personal injury or damage to property which may result from the installation and/or maintenance of the temporary artwork on Park District property and release the Park District from any and all liability for damage to or loss of the temporary artwork which may result from the placement of the temporary artwork on Park District property. The owner may be required to provide the Park District with:
 - 1. a certificate of insurance for liability insurance in an appropriate amount, naming the Park District as an additional insured, which shall remain in full force and effect for the full term of the placement of the artwork and the agreement between the Park District and the owner of the artwork;
 - 2. a five hundred dollar (\$500.00) restoration deposit which shall be refunded to the owner after the owner's artwork has been removed and the Park District property restored to its original condition by the owner.
- D. The Park District shall provide the owner with temporary access to Park District property for display of the owner's artwork through the execution of a License Agreement with the owner, granting the owner a license to use the Park District property for the placement of the owner's artwork for a term of one year, subject to the terms and conditions set forth herein After one hundred twenty (120) days have elapsed, either party shall have the right to terminate such License Agreement and remove said artwork upon giving sixty (60) days written notice to the other party of its intention to terminate the License Agreement.

Any notice required therein shall be delivered by certified mail to the Park District at 218 Madison Street, Oak Park, Illinois 60302, and to the owner at the owner's given mailing address. In the event of termination, the owner shall be responsible for removing the artwork from the Park District property and restoring the Park District property to the condition in which it existed prior to the installation of the artwork.

- E. The Park District, however, may remove the artwork at any time if it determines, in its sole discretion, that the artwork represents a hazard to public health and/or safety. In the event of such a removal, the Park District shall return the artwork to the owner as soon after the removal as is practicable. Due to the fact that the Park District deems the display of the artwork by the owner to be primarily a public benefit enhancing the aesthetic appearance of Park District property, the Park District shall waive any fee it would otherwise charge for the use of Park District property.
- F. The owner may renew a License Agreement under the same terms and conditions for an additional one year term on an annual basis by providing the Park District with written notice of the owner's intention and offer to renew the License Agreement at least ninety (90) days prior to the termination of the then-current License Agreement and, if applicable, at the same time providing the Park District with a new certificate of insurance which complies with the terms of the License Agreement and which extends coverage for the full term of the renewal period. In order to extend the License Agreement, the Park District must provide the owner with written acceptance of the owner's offer to extend the License Agreement for an additional one year term at least sixty (60) days prior to the termination of the existing term of the then-current License Agreement. All renewals of the License Agreement, however, shall remain subject to the termination provisions of the original License Agreement. The Park District's failure to provide the owner with written acceptance by the Park District of the owner's notice and offer to extend the License Agreement for one year at least sixty (60) days prior to the termination date of the existing, then-current License Agreement shall constitute a termination of the License Agreement by the Park District, which shall take effect at the end of the term of the existing, then-current License Agreement.
- G. The Park District Board may waive any or all of the requirements set forth in this Section upon passage of a duly authorized resolution setting forth finding which demonstrate that such waiver is in the public interest.

1.10 ART ADVISORY COMMITTEE RECOMMENDATIONS TO THE PARK DISTRICT BOARD

- A. At the conclusion of the meeting at which the applicant's application has been considered and all interested parties have had an opportunity to comment thereon, the Art Advisory Committee shall vote to approve or deny the application.
- B. If the Art Advisory Committee votes to deny the application, it shall submit a recommendation to the Park District Board that it reject the application. Any recommendation of denial shall include a written explanation of the reason why the Art Advisory Committee denied the application, together with a copy of the application.
- C. If the Art Advisory Committee votes to approve the application, it shall forward a recommendation to the Park District Board with regard to the acceptance, placement, and maintenance of the artwork, together with findings, supporting documentation and such other conditions and restrictions as the Art Advisory Committee deems appropriate. In the case of an application to acquire an artwork by purchase or rental, the recommendation shall also include a recommended purchase price or rental amount, and appraisal, and recommended source of funding.

1.11 FINAL ACTION BY THE PARK DISTRICT BOARD

- A. Upon receipt of a recommendation by the Art Advisory Committee, the Park District Board, at a regularly scheduled meeting, shall vote to accept, reject or modify the findings and recommendations of the Art Advisory Committee. In considering the recommendation of the Art Advisory Committee, the Park District Board shall respect the judgment of the Art Advisory Committee on artistic matters and shall not exercise its independent judgment with regard thereto absent a showing of just cause.
- B. If the Park District Board rejects the recommendation of the Art Advisory Committee, such rejection will serve as the final decision of the Park District. The applicant shall be prohibited from filing the same or similar application for a period of one year from the date of the rejection.
- C. If the Park District Board accepts the recommendation of the Art Advisory Committee as presented or as modified with regard to the acquisition or temporary loan of an artwork, the Park District Board shall do so by adopting a resolution:
 - 1. Authorizing or directing Executive Director to acquire or receive the temporary loan of such artwork;
 - 2. Directing the manner and site location for placing and affixing the artwork on or to Park District property; and
 - 3. Directing the manner in which the artwork shall be maintained.
- D. If the acquisition of the artwork is by purchase, the resolution shall also establish the purchase price of the artwork.
- E. If the Park District Board accepts the recommendation of the Art Advisory Committee as presented or modified by the Board with regard to the temporary placement of a privately owned or loaned artwork, the Board shall do so by resolution authorizing and directing the Executive Director to permit the temporary placement of such privately owned or loaned artwork on Park District property and, except under circumstances where the Board finds it otherwise appropriate and reasonable, to further authorize and direct the Executive Director to enter into a temporary License Agreement setting forth the terms and conditions recommended in the guidelines found in Section 1.09, above.

1.12 ARTWORK PLAQUE

The only items of information which may be displayed with artwork that is not located inside one of the Park District's buildings (*i.e.* located outdoors), are the name of the artist, the title of the artwork, and the year in which it was created, on a plaque of brass or other similar material in letters and numbers which do not exceed three-fourths (3/4) of an inch in height.

1.13 RELOCATION OR REMOVAL OF ARTWORK

- A. The Executive Director shall file with the Art Advisory Committee an annual report on the condition of all artwork in or on the Park District's property.
- B. The Art Advisory Committee may recommend relocation of artwork for one or more of the following reasons:
 - 1. The condition or security of the artwork can no longer reasonably be guaranteed at its current site.
 - 2. The artwork has become a danger or hazard to public health or safety at its current site.
 - 3. The site has changed such that the artwork is no longer compatible with the site.
- C. In the case of an unconditional, permanent acquisition of an artwork which qualifies for relocation hereunder, the Art Advisory Committee will, nevertheless, attempt to obtain approval from the artist prior to recommending relocation. If it is unable to obtain approval of the artist, the Art Advisory Committee may still recommend and the Park District Board may authorize relocation of the artwork to another site. In the case of temporarily placed privately owned or loaned artwork which qualifies for relocation, the Art Advisory Committee will seek the permission of the owner to relocate the artwork.
- D. If the Art Advisory Committee is unable to obtain the permission of the private owner to relocate the artwork, the Art Advisory Committee may recommend and the Park District Board may authorize removal of the artwork from Park District property.
- E. The Art Advisory Committee may recommend removal of artwork from Park District property for one or more of the following reasons:
 - 1. Physical deterioration and/or damage.
 - 2. Excessive cost of maintenance.
 - 3. Incompatibility with the site, with no alternative site available.
- F. In the case of artwork which qualifies for removal, the Art Advisory Committee will make a good faith effort to notify the artist and/or donor and the artist and/or donor shall be given the opportunity to reacquire title to the artwork prior to its removal and final disposition, which may result in storage, sale, exchange, gift or destruction, as authorized by the Park District Board.

- G. In the case of temporarily placed, privately owned or loaned artwork which qualifies for removal, the Park District shall store the artwork in a safe and secure location for up to one hundred and twenty (120) days.
- H. Upon removal of temporarily placed, privately owned or loaned artwork from a public site, the Park District shall provide a written notice to the owner of the artwork which shall include the following:
1. The date and time of the Park District's removal of the artwork from the site;
 2. The location where the artwork is or will be stored by the Park District; and
 3. The time period and hours of the day within which the artwork may be retrieved by the owner.
- I. The notice shall further indicate that if the artwork is not retrieved by the owner within a sixty (60) day period, and if the Park District has not provided a waiver in writing in advance:
1. The artwork shall become the property of the Park District;
 2. The Park District may (a) retain the artwork as it sees fit or (b) declare the artwork as surplus property and dispose of the artwork.
- J. In all cases where the removal, relocation, or alteration of artwork on Park District Property is under consideration, the Art Advisory Committee, Park District, and Park District Board shall abide by the Federal Visual Artists' Rights Act of 1990.

1.14 ACQUISITION AND MAINTENANCE FUND

- A. A general fund called the Artworks Acquisition and Maintenance Fund shall be established by the Park District to acquire and maintain artwork. Funds from any special endowment fund that has been established for a specific artwork may be transferred to the Artworks Acquisition and Maintenance Fund if that specific artwork has been removed from the Park District's collection. Proceeds of all sales of artworks shall be deposited in the Artworks Acquisition and Maintenance Fund.
- B. The Artworks Acquisition and Maintenance Fund shall be used solely for the expenses associated with the selection, commissioning, acquisition, transportation, maintenance, public education, promotion, administration, removal and insurance of the artwork. All expenditures from the Acquisition and Maintenance Fund must have prior approval from the Park District Board.
- C. The Park District Board shall determine the extent to which the Park District may designate funds for the Artworks Acquisition and Maintenance Fund on an annual basis. In determining the funding for the Artworks Acquisition and Maintenance Fund, the Park District Board shall consider, but not be limited to, the following:
 - 1. recommendations and supporting acquisition and maintenance plans of the Art Advisory Committee; and
 - 2. maintenance and public safety assessments by the Superintendent of Buildings and Grounds or the Executive Director's designee.

1.15 SEVERABILITY

If any section, subsection, sentence, clause, chapter, provision, or phrase of the Guidelines or its application to any person or circumstance is found to unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of the Guidelines or the application or the provisions to other persons or circumstances.