

**CITY OF FORT WORTH
PARK & RECREATION DEPARTMENT**

**COMMUNITY AND CITY DEPARTMENT-
INITIATED MURALS AND TEMPORARY ART
INSTALLATIONS ON CITY PROPERTY**

Approved by Director: _____ Date: _____

Policy for Community and City Department- Initiated Murals and Temporary Art Installations

1.0 INTRODUCTION

This Policy sets forth a process for reviewing and approving of Community and City Department-initiated murals and temporary art installations, including utility box wraps, on City-owned property. To ensure consistency in review standards and administrative procedures for such projects, the Park and Recreation Department's Palette Program ("Program"), an initiative of the Graffiti Abatement Program ("GAP"), will administer this Policy. Projects subject to this Policy do not fall under the purview or funding of the Fort Worth Public Art Program ("FWPA").

2.0 PURPOSE

The purpose of this Policy is to provide a framework for the operation of the Palette Program by establishing guidelines and procedures for administrative review and the creation of community and City Department-Initiated murals and temporary art installation projects on City property.

The goals of the Program include but are not limited to the following:

- 2.1 Recognizing that there may be circumstances and sites that are appropriate for public murals and temporary installations that engage and benefit the community.
- 2.2 Ensuring that projects will enhance the landscape by avoiding visual clutter, which is potentially harmful to property values and business opportunities.
- 2.3 Preserving, protecting, and enhancing areas of historical, architectural, scenic, and aesthetic value.
- 2.4 Providing guidelines and procedures to review the form and feasibility of proposed murals and temporary installation projects.
- 2.5 Ensuring that the community parties or City Department proposing such projects are aware of the application and review process to begin a mural or temporary art installation and are willing and able to comply with the City's Policy for implementing murals on the City property, including execution of contracts and insurance requirements, and review by the Fort Worth Art Commission or entity responsibility for administering the FWPA Program, as appropriate.
- 2.6 Ensuring that the community parties or City Department proposing such projects has an established plan, a designated project lead/manager, and is able to provide for ongoing maintenance for the duration that the project is on the City's property.
- 2.7 Ensuring that a project stakeholder is designated and responsible for overseeing the project from start to finish.
- 2.8 Ensuring that any changes or alterations to the approved original mural or temporary installation are approved prior to the change or alteration being made.

3.0 DEFINITIONS

- 3.1 **"Adoption Agreement"** is an agreement between the City and Project Stakeholders of an approved Community-Initiated Project. The Adoption

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Agreement must be executed prior to the start of the project. The Agreement permits project stakeholders to access and use the property for purposes of the project, outlines the roles and responsibilities of each of party, and details terms and conditions related to the project and the site.

- 3.2 **“City Department-Initiated Project”** is defined as a project proposed by any City department and for which the department will provide funding.
- 3.3 **“Community”** is defined as any non-profit organization, community group, neighborhood association, or public entity, such as a school, located within the City limits of Fort Worth.
- 3.4 **“Community-Initiated Project”** is defined as a project proposed by members of the community (defined in 3.3) and for which the community will provide funding for.
- 3.5 **“Host City Department”** is defined as any department administering City-owned property or properties proposed for a community-initiated project or by a City of Fort Worth department initiating a mural or temporary art installation.
- 3.6 **“Memo of Understanding”** is defined as a formal agreement between The Palette Program and the Host City Department that outlines their intentions, roles, and objectives for a collaboration. The Memo of Understanding must designate a Project Manager.
- 3.7 **“Mural”** is defined as any two-dimensional artwork, regardless of whether painted or manufactured, directly applied to an exterior or interior vertical surface.
- 3.8 **“Palette Program”** is defined as the Park and Recreation Department Graffiti Abatement Program (GAP) initiative designed to administer the review and approval processes for community and City Department Initiated mural or temporary art installation.
- 3.9 **“Palette Program Contract”** is defined as a contract specifies the project's approved scope of work and includes detailed compensation terms for the artist. If the project solely involves the community (defined in 3.3) and excludes financial compensation, the contract will instead delineate the mutual benefits and arrangements for both parties.
- 3.10 **“Project”** is defined as, but not limited to, any mural, designed utility wrap, or temporary art installation subject to this Policy.
- 3.11 **“Project Manager”** is defined as an individual from the Host City Department (defined 3.6) appointed by the Department Director or their designee to oversee and manage the specific details of a project once a Memorandum of Understanding (defined 3.7) has been completed. The Project Manager is responsible for coordinating and communicating with all involved parties, ensuring

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that everyone remains informed about the project's progress, timelines, and any updates or changes.

- 3.12 “**Project Stakeholders**” is defined as individuals, organizations, departments, or representatives who have initiated a Project, as well as members of the surrounding community.
- 3.13 “**Review Panel**” shall consist of up to five members, which shall include a representative from the Palette Program, a representative from the entity managing the Fort Worth Public Art Program on behalf of the City, a representative from the City department overseeing the City’s FWPA Program, a representative from the Host City Department, and a representative from the Office of Community Engagement representing the project community. All members of the Review Panel will be selected by their Department Director or the Director’s designee.
- 3.14 “**Temporary Art Installation**” is defined as any two- or three-dimensional art installation intended for short-term display (less than 3 year) with a predetermined removal date, including but not limited to utility box wraps and murals. These pieces, whether artist-created or selected from a catalogue, must be approved following the review process outlined below.

4.0 APPLICATION PROCESS

All applications for Community and City Department-Initiated mural or temporary art installation projects proposed for City-owned property shall be submitted to the Palette Program and reviewed administratively by the Review Panel for completeness and based on the criteria listed below. Projects may require Fort Worth Art Commission review and recommendation to the City Council if the work will be on City property for one year or longer.

4.1 **Community-Initiated Projects**. Prospective applicants may encompass a diverse array of entities, including community groups, schools, associations, and artists. Those seeking to undertake any mural or temporary installation on City property are required to submit a proposal via the designated website <https://www.fortworthtexas.gov/departments/parks/services/gap-palette-program>.

at least six (6) months in advance of the date of the proposed project installation to allow time for review and approval. The Community-Initiated application will:

- a. State the purpose of the project and its significance to the community and the City of Fort Worth;
- b. Provide the artist’s name and credentials along with a visual representation, in color, of the proposed project that illustrates its design and scale;
- c. Provide a map of the proposed project location(s), including technical information about the proposed location(s). Projects within 150 feet of an existing or planned Fort Worth Public Art project location(s) are generally prohibited;

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- d. Describe materials, installation method, and proposed lifespan of the project;
- e. Specify if any departmental assistance will be required for tasks such as mowing, trash removal, or general upkeep in the vicinity;
- f. Provide a project budget and funding plan;
- g. Provide evidence of community input, awareness, and support; and
- h. Propose a Host City Department /partner/artist with an explanation of the partnership.

4.2 **Department-Initiated Projects.** If a City department wishes to initiate a mural or temporary installation project and has identified an artist(s) or established arts partners, the Department Director or Director's designee must submit an application at least six (6) months in advance of the date of the proposed project installation date to allow time for review and approval. For departments seeking references for professional artists, it is imperative that the application be submitted at least eight (8) months prior to the proposed project installation. This allows the Palette Program to facilitate the call for artists effectively. The Department-Initiated application will:

- a. State the purpose of the project and its significance to the community and the City of Fort Worth;
- b. Provide a written narrative, to the best of the Department's ability, of what they are hoping for an artist to complete;
- c. Provide a map of the proposed project location(s), including technical information about the proposed location(s). If known, Applicant must indicate distance between proposed project location(s) and location(s) of existing or planned Fort Worth Public Art project location(s). Projects within 150 feet of an existing or planned Fort Worth Public Art project location(s) are generally prohibited;
- d. Describe materials, installation method, and proposed lifespan of the project;
- e. Specify if any departmental assistance will be required for tasks such as mowing, trash removal, or general upkeep in the vicinity.
- f. Must include certification of sufficient funds provided by the overseeing Department in place to support all aspects of the project, including design, installation/creation, maintenance, and removal; and

- g. Receive Departmental Director approval along with the commitment from a department employee to be the project manager of the project and to inform the Palette Program when the project is complete.

5.0 REVIEW PROCESS

The Review Panel shall consist of up to five members, which shall include a representative from the Palette Program, a representative from the entity managing the Fort Worth Public Art Program on behalf of the City, a representative from the City department overseeing the City's FWPA Program, a representative from the Host City Department, and a representative from the Office of Community Engagement representing the project community. All members of the review panel will be selected by their Department Director or the Director's designee.

In certain circumstances, the Review Panel might request an advisor to assist in the review process, whether that be an involved community representative, artist, or other arts professional. The purpose of the Review Panel is to review submissions but not to determine themes, designs, or initiate any projects.

The Review Panel aims to assess all Community and City Department-Initiated project applications within ninety (90) business days of submission. Upon approval or denial by the Review Panel, City staff shall notify the applicant of approval or denial of the project request. In some instances, it may be necessary to bring a proposed project before a City board or commission (such as the Park and Recreation Advisory Board or the Fort Worth Art Commission), which may delay notification of approval/denial.

5.1 Project Review Requirements shall include but not be limited to the following:

- a. **Design** – Must be suitable for public display and all audiences and avoid being distracting, intrusive, or hazardous;
- b. **Site** – Must be a location that is suitable for display of the project without causing safety concerns and shall not permanently alter, change, or damage City property;
- c. **Implementation Plan and Materials** – Must describe site preparation and list materials, supplies, and equipment necessary to implement the mural with accompanying specification sheets if available;
- d. **Funding** – Must include certification of sufficient funds in place to support all aspects of the project, including design, installation/creation, maintenance, and removal;
- e. **Community Support** – If applicable, provide proof of community support from community homeowner's associations, neighborhood associations, and/or community groups in the project area;

- f. **Compliance with Policy and Procedure** – Must document that the applicant has complied with all requirements outlined in this Policy and complete all documents and provide insurance as required by the City; and
 - g. **Director Approval and Departmental Support** – The Department Director overseeing the project must grant approval, and any additional departments required for maintenance must also provide their consent.
- 5.2 The review panel will assess all proposed projects and determine if the project requires Fort Worth Art Commission review and recommendation to the City Council.
- 5.3 Project installation of an approved project must be coordinated with the appropriate Department Director or the Director’s designee in addition to the designated project manager.
- 5.4 Prior to approving an application, the City reserves the right to conduct additional community meetings to ensure community support.

6.0 FINAL APPROVAL & DENIAL

The Review Panel aims to assess all Community and City Department-Initiated project applications within ninety (90) business days of submission. During that time, Palette Program staff will convene a meeting of the Review Panel to deliberate on the application.

- 6.1 **Approval**
Upon approval of the submitted application by the Review Panel, which is determined by a unanimous vote, the applicant will receive an email indicating the approval. If at any time the committee Review Panel requires additional information to aid in their decision-making process, the applicant will be granted a period of 10 business days to provide the necessary details.
- 6.2 **Denial**
In its sole discretion, the Review Panel may deny an application that fails to meet the requirements outlined in this policy, or if the applicant fails to submit all requested documentation for consideration of the application, or if the entity managing the Fort Worth Public Art Program determines that the proximity of the proposed location of the project to current or future public art projects will cause visual clutter or other artistic concerns, or if it is determined that the proposed project is not in the best interest of preserving public safety, or for any other reason that the City in its sole discretion determines.
- 6.3 **Appeal**
Applicants may appeal the denial of the project application by submitting a written request to appeal to the Palette Program within ten (10) days of the denial being issued. The appeal must state the grounds for why the approval should be granted and include additional information and/or revised design plans based on comments

provided to Project Stakeholders by the Review Panel. The Assistant City Manager of the proposed project location will conduct a City review, and Project Stakeholders will be available in person or by virtual meeting at the request of the City. The City reserves the right to deny projects at its sole discretion.

7.0 AGREEMENTS

The administrators of this policy recognize the potential involvement of community organizations, artists, subcontractors, vendors, and/or volunteers in collaboration with the project stakeholders in order to complete the project. Project-specific agreements will outline the terms and conditions for the project, including roles and responsibilities of each party, ownership and intellectual property rights, insurance requirements, liability, warranties, and other related matters.

7.1 **Community-Initiated Projects** shall include but are not be limited to the following:

a. **Adoption Agreement-** an executed Adoption Agreement between the City and Project Stakeholders is required. This Agreement authorizes Project Stakeholders to access and use the property for project-related activities. It will list all artists, volunteers, and additional members involved in the project, detailing the roles and responsibilities of each party, as well as the specific terms and conditions governing the project and site. In the event that the project adds or removes members, the Agreement must be updated to reflect these changes. The Agreement may be signed by the applicant or an authorized designee.

7.2 **Department-Initiated Projects** shall include but are not limited to the following:

a. **Palette Program Contract-** an executed Palette Program Contract between the community organization and/or artist and the City's Project Stakeholders is required. This contract specifies the project's approved scope of work and includes detailed compensation terms for the artist. If the project solely involves the community, as defined by this policy, and excludes financial compensation, the contract will instead delineate the mutual benefits and arrangements for both parties.

7.3 **Memo of Understanding-** All projects must include a Memorandum of Understanding (MOU) between the Palette Program and the Host City Department, outlining the responsibilities of each party and designating a project manager. The only exception to this requirement is when the project is hosted by the Parks & Recreation Department, as the Palette Program is already housed within that department.

7.4 **VARA Rights-** Project stakeholders and project artists will voluntarily waive all rights to attribution and integrity of the final project and any and all claims that may arise under the Visual Artists Rights Act of 1990, 17 U.S.C. §§106A and 113(d) ("VARA"), and/or any other local, state, federal, or international law with respect to

the Project, its display, removal from display, exhibition, installation, conservation, alteration, and any other activities conducted by the City.

- 7.5 **Insurance-** Project stakeholders are responsible for providing all insurance documentation to the City prior to implementation and/or repairs. Professional vendors must submit proof of insurance at the City's required limits prior the start of the Project. Project stakeholders will be responsible for securing all necessary insurances for community artists and volunteers. In the absence of proof of insurance, the City may, at its discretion, allow community artists and volunteers to sign a waiver of liability in advance of work on City property.

8.0 INSTALLATION AND REPAIRS

Project installation and repairs shall be coordinated through the designated Project Manager. Project stakeholders may only proceed with written notification from the City. Depending on the site, the City may require a street closure permit or other closures that protect the general public during the implementation of the Project. Any required permits will be coordinated through the Project Manager.

- 8.1 Projects must only be implemented or remediated on times and days approved in advance by the City. Implementation or remediation after dark is prohibited.
- 8.2 At the City's request, and only with the City's approval, superficial repair and remediation of any project may be conducted by Project Stakeholders at times approved by the City.
- 8.3 Project stakeholders shall provide documentation of any damage to the Project or to City property and will provide visual documentation before and after repairs are made.
- 8.4 Project stakeholders are responsible for all repairs and remediation undertaken by their artists, volunteers, and/or professional vendors.
- 8.5 The City reserves the right to repair, remediate, or remove the Project at its discretion.

9.0 DISPLAY, MONITORING, AND MAINTENANCE OF PROJECTS

Any Host City Department administering a Community-Initiated or City Department-Initiated Project is responsible for monitoring the finished Project to ensure that it remains in good condition, to detect any problems and take corrective action, and to ensure dangerous situations or hazards are corrected immediately. The Host City Department assumes responsibility for all maintenance and removal of the Project. GAP will remove graffiti if the Project has a graffiti coating. If environmental impact, vandalism, or any other form of deterioration diminishes the integrity of the Project or if the Project fails to meet a standard satisfactory to the City, or for any

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other reason the City in its sole discretion determines, the City reserves the right to remove the Project and return the City's property to a condition acceptable to the City.