



**New York City Council
Committee on Cultural Affairs, Libraries, and International Intergroup Relations
Hearing on Int. 742
Proposed Law to Amend the Percent for Art Program**

Monday, April 22, 10:00 AM – Council Chambers, City Hall
Testimony Presented by New York City Department of Cultural Affairs
Commissioner Tom Finkelpearl

Good morning, I am Tom Finkelpearl, Commissioner of the New York City Department of Cultural Affairs. I am here to testify with regards to the Percent for Art program managed by my agency and the Council's proposed legislation related to this program.

I'd like to start with a brief look at the history of New York's Percent for Art program. As you may know, I was the director of this program for six years from 1990 to 1996. The program was created and signed into law by Mayor Ed Koch and the City Council in 1982; the first completed project was installed in East Harlem three years later. Since then, over 300 projects have been installed across the city, with another 80 commissions currently underway.

Percent commissions come in a great many shapes, sizes, media, and locations. While the City's collection includes murals, mosaics, and sculptures that the term "public art" often brings to mind, a Percent for Art project can also be a fence, as in the case of Donna Dennis's 1988 Percent for Art commission, *Dreaming of Far Away Places*; a window, as Yong Soon Min's etched glass wall at the Flushing Library and David Wilson's stained glass window in the St. George Library Center in Staten Island; an interactive installation like Janet Zweig's *Bronx Voices* at Walton High School in the Bronx; or an LED chandelier, like Ben Rubin's *Shakespeare Machine* in the lobby of the Public Theater.

The Percent for Art movement in this country started in response to a need to standardize and professionalize how money was being spent on public art. The money was already being spent, but often through ad hoc or murky mechanisms. Percent programs, starting in the U.S. in Philadelphia, were intended to make the process more fair and transparent. This is the model that was followed when New York City designed its own Percent program, which in turn influenced others, including the MTA's Arts for Transit program.

I'd now like to give an overview of how the Percent for Art commissioning process works pursuant to the laws and regulations that govern it. New York City's program is tied to eligible City-funded capital projects. When a Percent-eligible capital project is approved by a City agency, a liaison informs Cultural Affairs staff. First, "advance notice of intention to include works of art in an eligible project," is made to the borough president, community board chair, and City Council member, as mandated by the law. These three groups are invited to send a representative to the panel as advisory members. We then convene a panel comprised of representatives of Cultural Affairs, the relevant sponsor and design agencies, and three representatives of the public knowledgeable in the field of public art – these three arts professionals are typically selected from the community where the art will be installed. At each panel meeting, representatives from the community are invited to discuss the proposals and comment on their concerns.

To illustrate how this process works, let's look at the panel process that recently took place for Westchester Square Library in the Bronx. Advance notice was sent to Council Member James Vacca's office, Borough President Ruben Diaz Jr.'s office, and Bronx Community Board 10. The Community Board contributed an advisory member to the panel. The panel also consisted of voting members from my agency (represented by the Percent for Art staff), New York Public Library (the sponsoring agency); the Department of Design and Construction (the design agency); three arts professionals from the community, which were representatives from the Bronx Museum, Bronx Council on the Arts, and a local artist.

I'd like to clarify that these are artist selection panels and not art work selection panels. While design proposals may be submitted to the panel, ultimately the decision is made based on the merits of an artist – her or his body of work, experience working in public art, and ability to work in the unique constraints of a City capital project – together with consideration of the facility, its architecture and function, and the communities it serves. This allows artists to be responsive to the site and to incorporate stakeholder feedback into their design – something that wouldn't be possible if the panel were selecting art work instead of an artist.

Following artist selection for a particular project, the artist provides conceptual designs for the proposed art work. The conceptual designs are then presented to the community board before being submitted to the Public Design Commission for approval. After preliminary design

approval is received from PDC, the process of shop drawings, fabrication, and installation begins.

The challenge at the center of every publicly-funded art program is finding the right approach for engagement with the goal of yielding extraordinary works of art that have the support of the community. Under current law and practice, the City's Percent for Art commissioning process includes multiple opportunities for public engagement from the very start, including community representation on the panel, at least one community board presentation for each commission, and public review hearings in front of the Public Design Commission.

My staff and I have been working with the Council on the legislation introduced by Chairman Van Bramer to enhance the community's involvement in the Percent for Art commissioning process, and I think we are largely in agreement on what needs to be done. To this end, I believe that we can work together to keep residents engaged and informed about Percent commissions underway in their neighborhoods in order to foster dialogue and build consensus within the community.

Over the last 30 years, this program has given New Yorkers a collection of incredible quality and diversity, invigorating public spaces in neighborhoods throughout the boroughs while directly supporting the artists who contribute so much to make this city a vibrant place to live, work, and visit. I applaud the Council for working with us to find ways to improve the process that will ensure broad support for this critical program for the next 30 years.

I'm happy to take any questions you have at this time.

ARTS & DEMOCRACY

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Caron Atlas
Director, Arts & Democracy
Co-Director, NOCD-NY (Naturally Occurring Cultural Districts NY)

New York City Council, Committee on Cultural Affairs, Libraries and International Intergroup Relations Int. No. 742 - In relation to the community engagement process in the percent for art law

April 20, 2015 Testimony

I direct Arts & Democracy and co-direct Naturally Occurring Cultural Districts NY (NOCD-NY), both of which have community engagement as core missions. We believe that arts and culture can help revitalize our city from the neighborhood up.

Public art can animate streets, parks, and plazas and reinforce cultural and community identities in rapidly changing neighborhoods. When joined with community engagement it can connect us with our neighbors, and provide a forum for civic dialogue and participation.

After 9/11 people immediately responded with public art – photos and memorials in the streets, a mural in Union Square, and a tribute in light. In Los Angeles, SPARC's Great Wall has become a celebrated monument to inter-racial harmony, and employed over 400 youth.

We believe that excellence in public art relates to its process as well as its product and that proactive engagement should happen throughout the process.

This does not mean that art should be made by committee, or that an artist's creative vision isn't important. However the artists we work with feel that their work is strengthened by community engagement such as cross sector partnerships, youth programs, or being part of community planning.

Today's discussion, and the upcoming cultural planning process are good opportunities to review the Percent for Art program more broadly and consider how it can better support sustained collaborations between artists, cultural organizations and communities.

This includes supporting:

- Ongoing community engagement (in creative formats as well as in hearings)
- Smaller scale projects that are more feasible for diverse communities
- Longer term public art partnerships and residencies connecting artists, and cultural organizations with neighborhoods
- Additional forms of public art such as murals and interactive projects

To facilitate this the city needs to increase access to public space and reduce the barriers and bureaucracy that reduces its use.

The selection process for public art -- panels and commissions, aesthetics, and the artists who are selected -- should reflect the diversity of NYC and further cultural equity.

We should extend exemplary processes already in place for public art such as DOT's temporary arts programs.

I was recently a panelist for the Public Art in Gowanus program initiated by Councilmember Lander. There should be more neighborhood-based programs such as this one across the city. It recognized the leadership of the arts organizations that implemented it, connected artists to the Bridging Gowanus community planning process, and offered good support to artists, who responded enthusiastically.

Thank you for this opportunity to testify.

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Statement by Sheila Lewandowski, Executive Director, The Chocolate Factory Theater & member
Community Board 2, Queens
New York City Council Committee on Cultural Affairs, Libraries, and International Relations
Presented – Monday, April 20, 2015
Community engagement process in the percent for art law

Good morning, Council Majority Leader Jimmy Van Bramer, members of the City Council
Committee on Cultural Affairs, Libraries & International Intergroup Relations.

My name is Sheila Lewandowski, Founder and Director of The Chocolate Factory Theater, an award-winning performing arts venue in Long Island City, Queens. I am also a member of Community Board 2, a resident and home-owner in Long Island City, which is the site of a Percent for Art project that stirred up controversy recently. I thank you for this opportunity to testify in support of the proposed amendment to the Percent for Art Law to increase community engagement. I also add support for my Majority Leader Van Bramer's statement that "We don't want politicians deciding what art is," even though I know how dedicated you are to supporting the arts for all and supporting artists in their efforts to improve our lives with their work.

I had the opportunity to sit as a Community Board advisor on a Percent for Art panel in 2012 and learned a great deal about the process. I support the program and believe that the proposed amendment will actually help the program long term.

Changes to allow for greater community input will lead to better long-term understanding of the program, help in the long-term struggle to maintain arts funding as administrations change with different priorities, help diffuse some of the misperceptions of elitism, provide artists with desired feedback from communities and more.

Recommendations:

- Increase the number of voting members on the artist selection panel and actively recruit at least one voting member from the impacted community. The voting community member of the panel I was on lived in a different community board district even though he officially lived in Western Queens and is engaged in the arts. This was perceived as avoiding input by the impacted community; an unintended consequence that can be avoided.

Currently, there are six voting members:

- o the Commissioner of Cultural Affairs' designee,
 - o a representative from the sponsoring City agency,
 - o a representative from the Design agency (in some cases)
 - o three public art professionals (critics, curators, artists, architects, historians, etc.) appointed by the Commissioner, one of whom must live or work in the borough (and when possible, the community) where the project is located.
- Update the PERCENT for ART webpage to make the explanations clearer, simpler and more consistent from page to page, and with greater focus on the artists up front.
 - o The ABOUT page includes a brief history of the program followed by a description of a selection panel followed by a call for panelists. I recommend history, overview of instructions to artists to be in the registry (details exist on

the Image Registry Form and even that page title is confusing), and *then* open call for panelists.

I make these recommendations so that artists and community members feel more welcome and expectations are clear from the homepage. As many complaints as I have heard in my community about the panel, I have also heard from artists about how they cannot figure out how to be in the registry. It is clear that sincere efforts were made to provide all information across the pages but some things are difficult to find and this can lead to misunderstandings. There also does seem to be an effort to include artists from the community in the running, but none of the voting members of the panel I was on seemed to think that was a priority.

- The ABOUT page describes panel configuration –
 - Each artist selection panel is composed of three art professionals, one of whom must be an artist, representatives from the City agencies sponsoring the capital project, representatives from the Art Commission as well as representatives from the Borough President's Office, the City Council Member's Office, and the Community Board. With Department of Education projects, the regional office is represented. The art professional panelists are expected to have current knowledge of the community or borough in which the artwork will be commissioned.

This is not consistent with what is on the FAQ page, which is more accurate -
The voting members of the panel include:

- the Commissioner of Cultural Affairs' designee,
- a representative from the sponsoring City agency,
- a representative from the Design agency (in some cases)
- three public art professionals (critics, curators, artists, architects, historians, etc.) appointed by the Commissioner, one of whom must live or work in the borough (and when possible, the community) where the project is located.

In addition, a member of the Art Commission and the Mayor's Office of Construction serve as ex-officio, non-voting panelists.

- Make a public announcement of a coming project in advance of panel meetings. I recommend using the Community Boards since the structure is already in place for public hearings.

As reiterate that I support the Percent for Art program and the proposed amendments.



OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

**Testimony of Brooklyn Borough President Eric L. Adams
Committee on Cultural Affairs, Libraries, and International Intergroup Relations
April 20, 2015**

My name is Eric L. Adams, and as the Brooklyn Borough President I represent 2.6 million Brooklynites who call our borough home. Thank you for the opportunity to submit written testimony on Introduction 742, A Local Law to amend the New York City Charter in relation to the community engagement process in the Percent for Art Law.

Since 1982, the Percent for Art Law which requires that one percent of New York City's budget go towards public arts projects has been a crucial funding stream for the arts across the five boroughs. While I support an additional one percent of funding for the public arts to be included in future budgets, I also support modifications to the Percent for Art Law's community engagement process.

Intro 742 does this by specifically modifying the community engagement process to adapt to the 21st century and requiring that the notification of intention to include works of art in the public sphere be posted on the Department of Cultural Affairs website.

I am a firm believer in a robust community process that brings people together to discuss issues of importance. The public hearing process outlined in the legislation is not only necessary to achieve community consensus about public art projects, but the public process also serves as a key arts and culture education opportunity where we can bring members of neighborhoods and communities together to discuss art, its meanings, and how it influences our daily lives.

One way to strengthen this introduction would be to expand the notification process beyond the City Record. In addition to notifying traditional access points like community boards, civic groups, and local newspapers, the Department of Cultural Affairs (DCLA) should also utilize social media to a greater extent to better publicize initiatives and engage a younger generation of artists and community leaders.

The Percent for Art Law has been successful in expanding public arts opportunities to the 8.5 million people who call New York City home, as well as the millions of visitors to our great city. To continue and improve upon that success, the City Council should advance this legislation to better foster and support a more effective community engagement process. Doing so will not only provide more positive community outcomes, but also engage communities and neighborhoods on the importance of the arts to New York City as a whole.

I look forward to working with DCLA to implement this legislation upon its adoption, and I thank Council members Van Bramer, Cumbo, and Lander for its introduction.

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/20/15

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Address: 31 Chambers

I represent: DCLA

Address: _____

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Name: CAGON ATLAS

Address: 88 Prospect Park West 3D

I represent: Arts + Democracy + NOCD - NY

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Name: SHEILA FLOWANDOWSKI

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I represent: _____

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