

Public Art Advisory Committee Meeting

September 30, 2025

12:00 p.m.

Council Chambers, 305 SW A Street

Contact skerr@bentonvillear.com to request participation via Zoom.

THE CITY OF BENTONVILLE



PUBLIC ART ADVISORY COMMITTEE

AGENDA

Members

- 1 Elizabeth Miller
- 2 Allan Paulose
- 3 Sara Asplund
- 4 Kate Schaffer
- 5 Anne Jackson, Vice Chairperson
- 6 Clint Schaff
- 7 Tom Hoehn

Ex Officio

- Beckie Seba, City Council
Kalene Griffith, Visit Bentonville
Alison Nation, Visit Bentonville
Cynthia Post Hunt, Crystal Bridges/The Momentary
Melisa Durkee, OZ Art

Staff

- Shelli Kerr, Comprehensive Planning Manager
Josh Stacey, Deputy Director of Parks

1. Call to Order
2. Welcome New Member – Sara Asplund
3. Approval of Minutes * – August 26, 2025
4. Election of Chairperson

PROPOSALS - None

OLD BUSINESS

5. Public Art Program Improvements
 1. Feedback *
 2. Art. 2-IX Art in Public Places Amendment (Draft 2) *
 3. New Public Art Policy (Draft 2) *
 4. PAAC Bylaws Amendment (Draft 2) *

NEW BUSINESS - None

PROJECT UPDATES

6. Proposals
 - Community Center Painting
 - Old Tree Sculpture
7. Installations
 - Sewer Main – *Fish of Bentonville*
 - J and John DeShields Roundabout
 - *Thaden School Urban Studies Library Mural*
 - *Trout Crosswalk Mural*

OTHER BUSINESS

8. Public Art 101 Workshop

ADJOURNMENT

*Attachment

Public Art Advisory Committee Meeting

August 26, 2025

12:00 p.m.

Council Chambers, 305 SW A Street

Contact skerr@bentonvillear.com to request participation via Zoom.



MINUTES

<u>Member</u>	<u>Attendance</u>	<u>Ex Officio</u>	<u>Attendance</u>
1 Elizabeth Miller	Virtual	Beckie Seba, City Council	In person
2 Allan Paulose	In person	Kalene Griffith, Visit Bentonville	Absent
3 Vacant	N/A	Alison Nation, Visit Bentonville	In person
4 Kate Schaffer	Virtual	Cynthia Post Hunt, Crystal Bridges/The Momentary	Absent
5 Anne Jackson, Vice Chairperson	In person	Melisa Durkee, OZ Art	In person
6 Clint Schaff	In person		
7 Tom Hoehn	In person		
		<u>Staff</u>	
		Shelli Kerr, Comprehensive Planning Manager	In person
		Josh Stacey, Deputy Director of Parks	In person

Guests – Alejo Benedetti, Bonnie Bridges, Michael McCranie

1. Call to Order

Vice Chair Jackson called the meeting to order at 12:02 pm.

2. Approval of Minutes – July 22, 2025

Tom made a motion to approve the July 22, 2025, minutes. Allan seconded. All in favor, motion passed 6-0.

PROPOSALS - None

OLD BUSINESS - None

NEW BUSINESS

3. Public Art Program Improvements

Shelli presented a package of improvements for the public art program and distributed a first draft amendment to Art. 2-IX Art in Public Places Amendment and a new Public Art Policy. Shelli will send the digital version to all committee members. Explaining the regulatory items will be in the code amendment and process and program administration will be in the policy. She requested feedback by Sept. 16 – can be an email, marked up pdf, drop off at city hall. Elizabeth noted this situation has allowed the city to formalize our process and is ultimately a good thing. The committee may choose to schedule a special meeting before the regularly scheduled meeting to discuss the draft documents. Some of the issues discussed:

- Making sure life span and display periods are clearly established.
- Concerns about putting all the responsibility for a maintenance plan on the artist if they are not aware of the site conditions.
- Create a list of resources/materials we have had good luck with and make available to the artists.
- Identify a list of locations to consider for over the next few years.
- Make public announcement once council has approved to give adequate notice before installation.
- Add OzArt as ex-officio member.
- The complaint process should be more difficult – complainants should have to provide detailed information on why the art piece is of concern. Incorporate the evaluation criteria into the form.

- In reconsideration request, evaluation of costs if artwork is amended or removed?
- Make sure artists are aware of the requirements for final inspections prior to inspection.
- Clarify/differentiate the process for public outreach with privately owned pieces on city property.
- Agreements should include information about coordinating and working with the city.
- What will be the process for artworks currently mid-process. This will be a decision that needs legal review and direction from city council.
- Fairness in the reconsideration form – current process with a number of complaints. Currently proposed process doesn't require a minimum number of complaints. Do we want to consider a petition?
- Should staff vet or make a recommendation before complaints go to the Committee? Legal preferred not to leave those decisions up to staff.
- Policy and code for public art in general – including on private property? City doesn't have a desire to manage/control artwork on private property.

PROJECT UPDATES

4. Proposals

The donated Community Center Painting and *Old Tree* sculpture were recommended by Parks and Recreation Advisory Board are on hold for City Council approval. Council has requested that no more proposals be added to their agenda until the improvements are made.

5. Installations

- The artist started installing *Fish of Bentonville* on the sewer mains in Town Branch Park this week.
- The two Thaden School murals are on hold until we finalize standard agreements.
- Alejo Benedetti with Crystal Bridges indicated that the fabrication for the artwork in the roundabout at J St is underway and their engineers are finalizing site work designs. Regarding final inspections, he asked that those be clarified with them prior to the inspection.
- Josh reported that the *Bentonville Bat* will not be installed by the Phillips Park reopening due to a delay in the foundation. He also noted that there will be an opening event this fall for the A Street Promenade.

OTHER BUSINESS

- Committee members expressed concern about a member not being asked to participate in the selection of a new member. They would like a member to be part of the selection committee. New appointment is on the city council agenda tonight and completes Chad's term until the end of the year and can request reappointment at the end of the year. She will not assume the chairperson position that Chad served in.

6. Public Art 101 Workshop

Allan is recommending a once-a-year workshop be held for artists to share city processes, particularly for submitting proposals. Anne suggested working through a third-party that does this type of training regionally, possibly CACHE, that already has an audience with local artists.

7. Press Release /Social Media for Public Art Installations

Allan has recommended the development of a consistent notification process and Shelli noted this will be incorporated into the policies.

- Anne asked if the committee was to provide a recommendation on the current status of the *All Bikers Welcome* Mural. She expressed concerns with the city potentially requesting modifications to the artwork and how VARA rights could impact that.
- Tom noted that there is a new art installation at 21C Museum Hotel.
- Clint noted that when he speaks with artists, they say that the cities they most like to work in are those that let them do their art and have little restrictions.

ADJOURNMENT

Allan made a motion to adjourn. Tom seconded. All in favor, motion passed 6-0.

Meeting adjourned at 1:22 pm.

PUBLIC ART PROGRAM IMPROVEMENTS

Feedback Tracker

Draft 1 Comments

CODE AMENDMENTS

Section	Comment	Commenter	Date	Response
Article T	Change title of article to Art on City Property which is more descriptive of what is being regulated.	Staff	9/22/2025	New Article Title: " Art on City Property "
2-550	<i>Exemptions.</i> What would be an example of artwork that city council adopts by ordinance that would be outside of the scope of this policy?	Seba	9/14/2025	The sign ordinance talks about artwork on private property.
2-551, 2-552	Mentions a Committee, but I think it should be a Board.	Sanchez	8/27/2025	Corrected throughout.
2-551(b)	<i>Commmittee Selection:</i> This changes the current interview process and excludes other PAAC members from weighing in.	Post Hunt	9/16/2025	This language is in the existing code and no changes are proposed. The city will follow its standard selection process.
2-551(b)	<i>Ex-officios:</i> Add OzArt NWA as ex officio.	Hoehn	9/2/2025	Added.
2-551(b)	<i>Ex-officios:</i> CBMO is one. Need to add Oz Art as another non-voting member.	Post Hunt	9/16/2025	Corrected.

2-551(c)	<i>Terms:</i> ever? Or do members have to take a break of a certain amount of years in between?	Miller	9/9/2025	The bylaws contain this statement: "Past members may serve again three years after the date their last term expired. This is relocated into the code and changed to one year for consistency with Planning Commission membership."
2-551(e)	<i>Meetings:</i> At least quarterly, or as often as monthly?	Miller	9/9/2025	Revised to read: "The PAAC will meet at least quarterly or as frequently as monthly when there is business to review."
2-551(e)	<i>Meetings:</i> should this read as monthly since this is how often we meet?	Post Hunt	9/16/2025	Revised to read: "The PAAC will meet at least quarterly or as frequently as monthly when there is business to review."
2-553	<i>Prohibitions:</i> Why have we removed the prohibitions of violating state or federal laws?	Seba	9/14/2025	Not intended to delete. Added to Prohibition section: "(a)Obscenity prohibited. Art that is obscene as defined by A.C.A. 5-68-302 et
2-553(a)	Remove "etc."	Hoehn	9/2/2025	Edited.
2-553(a)	<i>Advertising:</i> this is limiting and confusing. Artists have signatures and/or handles that are often on the artwork (mural) itself and work as a way to credit the artist. There is a fine line here that needs to be spelled out. Wholeheartedly believe this is a limiting line.	Post Hunt	9/16/2025	This is related to businesses and organizations, not the artist themselves. Revised to read: " (b)Advertising prohibited. Art that includes but is not limited to images, text, logos, patterns, etc. that are in any way affiliated with non-city entities, organizations, businesses, and groups are prohibited on city property, except the signature of the artist. Such determination will be made by the Planning Director taking into consideration city sign regulations"

2-553(c)	<i>Payments</i> : "direct payment? how does this related to when costs associated with loans to the city are covered by the lending entity?"	Miller	9/9/2025	Removed per legal. This is a conflict of interest issue related to all city business, not just artwork and is not necessary in this article.
2-553(e)	<i>Square</i> : Curious where this is coming from. This would preclude PAAB with an potential involvement with any work placed where the conf statue was located. Why limit future pop-ups or other approved art experiences in this specific location.	Hoehn	9/2/2025	This is in the current code and the city does not own the property. Added the following boundaries: " which is the area bounded on the south by E. Central Ave., on the east by SE A St., on the north by NE 2nd St, and on the west by N Main St. "
2-553(e)	<i>Square</i> : This is quite the moratorium. who owns the property the fountain is on? i know replacing that artwork has been under discussion. and obviously we are talking about city owned property on the square - what exactly is that?	Miller	9/9/2025	See above.
2-553(e)	<i>Square</i> : how is the bentonville square identified? and how does this affect a farmer's market or any first friday event? is this meant to only speak to installed visual work? more specification need. but also, this is a very limiting clause.	Post Hunt	9/16/2025	See above.
2-554	<i>Removal</i> : ending of loan agreements?	Miller	9/9/2025	Edited adding the following statement: " or the display period in the agreement has ended. "

2-554	Removal: how is disguise defined?	Post Hunt	9/16/2025	Would follow a standard definition, as we do with interpretation of city code. Merriam-Webster defines as (a) to change the customary dress or appearance of, (b) to furnish with a false appearance or an assumed identity, (c) disfigure, and (d) to obscure the existence of true state or character of.
2-556	<i>Artwork Definition</i> : 2D artwork is not mentioned - thinking art for interior spaces as well.	Miller	9/9/2025	Commenter clarified that this is adequately addressed.
2-556	<i>Artwork Definition</i> : description of sculpture: does this make sense? Referencing "to include statues, monuments, fountains, arches or other structures intended for ornamentation or commemoration."	Post Hunt	9/16/2025	This is the current definition. No changes proposed.
2-556	See note below regarding accession and deaccession.	Miller	9/9/2025	Added definitions for accession and loans. Added a code section indicating the city will adopt a public art policy that will establish the policies and procedures of the program.

Definitions - Deaccession: OK, technical registrar comment. here. unless the city formally accessions an artwork, you cannot technically deaccession it.

Artwork accession is the formal process by which an object is accepted into a museum's permanent collection, involving taking legal ownership, establishing a unique accession number for it, and formally recording its inclusion to ensure proper tracking, management, and preservation of the artwork. It follows a museum's established collection policy and mission, ensuring the artwork's relevance to the collection's purpose, and marks the official transfer of an item from an acquisition into the care of a museum

Artwork deaccession is the formal and permanent process of removing an object from a museum's or institution's collection, often followed by its disposal through sale, exchange, or donation. The decision is based on reasons such as a lack of alignment with the museum's mission, poor condition, redundancy, or inadequate significance to the collection. This practice is a sensitive but important part of collections management, requiring careful consideration to uphold public trust and refine the collection's quality.

POLICY

Section	Comment	Commenter	Date	Response
Cover	Add public input to #4.	Hoehn	9/2/2025	Added "public education and outreach" for consistency with Ch. 5 of the policy.
1.A	Is FOIA guideline alignment compliance need to be stated somewhere or is that covered by overarching city policy somewhere else	Hoehn	9/2/2025	FOI is state law that has to be followed. Not necessary to add to individual code articles.
2.B	The tense of this is passive, is it better to make it active? "should" to "will," "recommended" to "recommends"	Hoehn	9/2/2025	Edited.
3.A.3	Remove second "community". See comment on pg. 14 - the term "values" is more open ended and would make it difficult to evaluate when related to the evaluation criteria for reconsideration requests.	Hoehn	9/2/2025	Removed second "community taste". The PAAB and city Council determine community values based on city plans, codes, and policies.
3.A.3	this seems limiting. who decides what community values and taste are?	Miller	9/9/2025	See above.
3.A.3	How is community, values, and taste defined?	Post Hunt	9/16/2025	See above.
3.B.1	Remove first "specific" and replace "unique" with "specific".	Hoehn	9/2/2025	Legal preferred the proposed language.
3.B.4	dispose should be clarified	Post Hunt	9/16/2025	The details regarding donations have been removed and will follow city donation policies.

3.C.1	The general sense here is that PAAB is not the first to review. This should be updated to reflect PAAB creates the call, reviews the proposals, and submits the review and recommendation to the city.	Post Hunt	9/16/2025	Staff need to run a basic compliance check of all proposals, particularly unsolicited, to ensure they meet codes. The city does not add items to public agendas without an initial review by legal.
3.C.2	Requested to see the Compliance Review Form.	Seba	9/14/2025	Sent draft standard forms to PAAC and City Council.
3.C. 2	Should PAAB be listed specifically here, as opposed to the city?	Post Hunt	9/16/2025	The intent is for the city to vet these before they go to PAAB and is the purpose of the compliance review form, which is based off of adopted city code. If a project meets all the compliance items, it would proceed.
3.C.3	should just read "will review and evaluate all proposals"	Post Hunt	9/16/2025	See above.
3.C.4	Add Street department for thing like roundabouts and crosswalks	Hoehn	9/2/2025	Added.
3.C. 4	what about art on the exterior of private hangers?	Miller	9/9/2025	That is addressed in Sec. 2-549 Applicability regarding art on privately owned structures that sit on land leased from the city.
3.D	TBD -> previously approved artworks, what is the status alongside this -> TBD	VB	9/15/2025	This will be a decision for legal and city council.
3.D.5	is this criteria for whether a project will be accepted? or rather criteria for where to place it.	Post Hunt	9/16/2025	Edited - this has been incorporated into the context criteria.

3.D.6	Specify city = Bentonville	Post Hunt	9/16/2025	This is standard language in city code. Anything in the Bentonville Municipal Code that references city, means the City of Bentonville.
3.E	Decision options: is this necessary to call out?	Post Hunt	9/16/2025	This was something that came up recently as far as what the city could and could not do. Having it spelled out in the policy provides guidance for all decision-making bodies.
4.B	my worry about this is with local/emerging artists - and artist really in general. especially with sculpture, sometimes things are discovered during the fabrication process that need to be improved for safety or even the ability to fabricate. what is the review process for these type of necessary changes?	Miller	9/9/2025	This process is described in Sec. 3.G. Alterations to Approved Design.
4.D	is the artist/lender always responsible for the installation?	Miller	9/9/2025	The city has historically had the artist or lending agency be responsible for installation. The city does not want the liability for something happening to the artwork during installation.
4.D	omit "generally."	Post Hunt	9/16/2025	Edited, listing parks first, then Planning will lead coordination of all other installations.

4.D	This reads like a strange detail after the previous statement of specific dept leading the coordination. Suggestion to open up the sentence a bit with something like "the artist/curator is responsible to be in communication with the lead coordinator through the course of the project."	Post Hunt		The city needs the artist to let us know what their anticipated schedule is so we can coordinate appropriately, based on their availability.
4.E	Make sure artists are aware of the requirements for final inspections prior to inspection.	PAAC	8/26/2025	Revised to reference inclusion into the agreement.
4.E	who does this, and how will this information be disseminated?	Post Hunt	9/16/2025	Edited: Changed from "staff" to "lead coordinator". This will be done following the inspection checklist. This would be shared with the artist to work through any outstanding issues.
4.F	who is doing the inspections?	Post Hunt	9/16/2025	City staff will be conducting inspections.
G.1	timeline. any change is way too narrow. Need to add timelines	Post Hunt	9/16/2025	
4.H	how are loans/leases documented?	Miller	9/9/2025	Edited, to add "all artwork, city-owned and on-loan." Clarified that maintenance requirements and condition assessments are for city-owned pieces only. Added a section on numbering for loaned artwork.

4.H	suggestion to omit	Post Hunt	9/16/2025	Is this in reference to the term "appropriate?" If so, agreed and removed.
4.H	Do we have something about periodical review through the process of installation?	VB	9/15/2025	Edited to add "inspection reports."
4.G	answers my accession question in the other document. as such accessioning should also be addressed in the other document	Miller	9/9/2025	Accession is now addressed in the code and policy.
4.F.1	Remove "strict" - compliance is compliance, modified not needed.	Hoehn	9/2/2025	No change - legal prefers to leave "strict" in the policy.
4 & 5.E	I don't see a place for artist credit or acknowledgement. Should that be specifically stated? On supporting signage, not on the artwork itself or something along those lines. Not in Section 5.E.	Hoehn	9/2/2025	5.E references the signage, which has been relocated to project administration. Include the artist credit is included in Sec.3.K.
5	Clarify/differentiate the process for public outreach with privately owned pieces on city property	PAAC	8/26/2025	Added that the city will work with private owners of artwork in the promotion plans.
5	Make public announcement once council has approved to give adequate notice before installation.	PAAC	8/26/2025	Staff prefers not to make an announcement in case an artwork is approved and ends up not getting installed.
5.B.1	Add the city's printed newsletter that comes out periodically.	Hoehn	9/2/2025	This has been revised to remove individual agencies, since that is likely to change often. We will maintain a separate list of the contacts.

5.B.5	Remove individual name, people come and go and this would be out of date. Add Northwest Arkansas Democrat Gazette, Axios NWA, Visit Bentonville, Downtown Bentonville, Inc., Bentonville Chamber of Commerce.	Hoehn	9/2/2025	See above.
5.B.5	reluctant to list a certain person's email.../ do we have to update the whole policy if they leave?	Miller	9/9/2025	See above.
5.B.5	Suggestion to not list specific names/emails. External platforms: Including but not limited to: x, y, z	Post Hunt	9/16/2025	See above.
5.C	This should be posted on the website after PAAB approval and before City Council. No one should have to dig through an agenda.	Seba	9/14/2025	We can direct people to the agendas from the PAAC page. This could create quite a bit of extra work to post it in two locations and we run the risk of inconsistencies. One location in agendas is preferred for all meeting agenda items.
5.C	is this public forum in addition the monthly meeting? if not, this should be listed as the monthly meeting so as to be clear.	Post Hunt	9/16/2025	Clarified that anything on a public meeting agenda will be posted to the city website.
5.D	“email the press release to city council, other boards and commissions, Visit Bentonville” - Final Step?	VB	9/15/2025	This section has been revised.
5.D	“... the city will coordinate with all applicable departments” - Can VB be included earlier to play a supporting role?	VB	9/15/2025	Edited - added a variety of entities that will be included in preparing promotional assets.

5.E	<i>Signage:</i> We have standards on the signage. Can we include this?	VB	9/15/2025	Please provide so we can review.
5.E	<i>Signage:</i> can we include language "in accordance with artist's work and intent" - we need to ensure there is room in this to allow for slight nuances based on the project and its needs.	Post Hunt	9/16/2025	We are now working with artists to prepare the descriptive language for signage of their artwork.
6	Concerns about putting all the responsibility for a maintenance plan on the artist if they are not aware of the site conditions.	PAAC	8/26/2025	Its not a full maintenance plan, but what they recommend for their own artwork.
6.B	safety is a factor when it comes to art maintenance and there is a certain responsibility there. also, with VARA rights, if the artwork is not maintained, the artist has certain rights...	Miller	9/9/2025	VARA will be addressed in the agreements.
6.E	Making sure life span and display periods are clearly established.	PAAC	8/26/2025	These will be clearly established within the agreements.
6.F	it is not always wise to have an artist conserve their own artwork - in fact most museums do not allow it. it really should be someone who knows what they are doing...	Miller	9/9/2025	Edited. Removed the section regarding going back to the artist.
7.A	<i>Purpose:</i> who defines community values?	Miller	9/9/2025	The PAAB and City Council makes that determination.

8	<i>Reconsideration:</i> The complaint process should be more difficult – complainants should have to provide detailed information on why the art piece is of concern. Incorporate the evaluation criteria into the form.	PAAC	8/26/2025	Evaluation criteria has been added to the Reconsideration Request form.
8	<i>Reconsideration:</i> Fairness in the reconsideration form – current process with a number of complaints. Currently proposed process doesn't require a minimum number of complaints. Do we want to consider a petition?	PAAC	8/26/2025	Having a specific number of complainants requires establishing an arbitrary number. If a complaint is submitted, it will be reviewed based on the evaluation criteria.
8	<i>Reconsideration:</i> add evaluation of costs if artwork is amended or removed	PAAC	8/26/2025	Added this is an evaluation criteria.
8	<i>Reconsideration:</i> Should staff vet or make a recommendation before complaints go to the Committee?	PAAC	8/26/2025	City staff will only conduct the compliance check, which is that the form is completed, signed and requestor is a resident of Bentonville. Staff will not be making a recommendation regarding the complaint, that is up to PAAB and City Council to make that determination.
8.A	<i>Reconsideration:</i> what about complaints for borrowed artworks?	Miller	9/9/2025	Under 8.A Purposes, it states that the policy is for art displayed on city property - that would include artwork on-loan.

8.B	<i>Reconsideration</i> : I also don't think it is ok to limit anything that a citizen can do. If a piece of art is complained about more than once in a year, it needs to be looked at more closely. Considering the amount of art we have and lack of complaints, if we do our job as a planning department and board, we shouldn't have to make limitations on what citizens can and cannot do.	Seba	9/14/2025	This is consistent with the policy at the library, which has been tested and proven to work well.
8.B.5	<i>Reconsideration:</i> so something could be reviewed annually if one person have a dislike for it?	Miller	9/9/2025	Correct.
8.B.6	<i>Reconsideration:</i> Vague language (related to "requests for reconsideration will be handle in an appropriate manner).	Post Hunt	9/16/2025	This statement is in the library policy. The intent is that the city will process as timely as possible, considering any constraints on resources or schedules.
8.C	<i>Reconsideration:</i> I don't think it's ok to put such heavy emphasis on the PAAB. I would like city council to be notified if a complaint comes in at the same time as it is sent to the board. If a council member believes it is valid it shouldn't have to go through a months long appeal process.	Seba	9/14/2025	This is consistent with the policy at the library. As the first approving body, the PAAB should be given the opportunity to make a recommendation on the request. They are appointed to the committee for their experience and knowledge of the subject matter. Process has been expanded to include notifications to all parties, including City Council.

8.C.1.a	<i>Reconsideration</i> : Re: "Anonymous communication, rumors or voiced concerns are not honored". I get it, but is this really necessary to include?	Hoehn	9/2/2025	This is in the library policy and deemed necessary to clearly state that this format is not acceptable for the reconsideration process.
8.C.2.a	<i>Reconsideration</i> : Once the request has been submitted, the PAAB reviews first? How does this transfer from the submission form to the PAAB? And then how does PAAB shareout their recommendations to the city to then be reviewed in a public meeting?	Post Hunt	9/16/2025	This process has been expanded and clearly identifies the process as well as notificaitons. We've also prepared a flowchart.
8.C.3	<i>Reconsideration</i> : what happens to a removed object? can the artist recover it if a physical object?	Miller	9/9/2025	It would follow the deaccession process.
8.C.3	<i>Reconsideration</i> : So the only way to have art considered for removal by city council is if the PAAB votes to send it? After boards recommendation: and then what? Does the PAAB meet with either? Invite them to meeting? This process seems less clear than current process. No meeting between complainant and artist? I would like to see a petition process added.	Seba	9/14/2025	City Council will see all reconsideration requests. This process does not include a meeting between the artist and complainants only - but does allow for it in a regularly PAAB meeting. We found the current process to be cumbersome, expensive, and ineffective. The new process now allows for the reconsideration to be reviewed regardless of numbers and discussed in an open format.

8.C.3	<i>Reconsideration</i> : either way, the first reviewers of the formal complaint should be PAAB. PAAB should then submit their reflections and recommendations to the City. It should not bypass PAAB, regardless of the severity of the request.	Post Hunt	9/16/2025	City staff will only conduct the compliance check, which is that the form is completed, signed and requestor is a resident of Bentonville. Then the item is added to a PAAB agenda for their recommendation.
8.C.3	<i>Reconsideraiton</i> : this should be described as a City Council decision not PAAB decision	Post Hunt	9/16/2025	The process has been revised. PAAB will make a recommendation, but City Council will have final decision-making authority.
8.C.3.c	<i>Reconsideration</i> : Vague language (related to "requests for reconsideration will be handle in an appropriate manner).	Post Hunt	9/16/2025	This statement is in the library policy. The intent is that the city will process as timely as possible, considering any constraints on resources or schedules.
8.C.3.e	"and" after artist.	Post Hunt	9/16/2025	Edited.
8.D	Reconsideration: Does it violate sign ordinance?	VB	9/15/2025	This is now being addressed on the front end with a review for code compliance before initiating the approval process.
8.D	<i>Reconsideration</i> : A criteria for a reconsideration or deaccession should include if the neutrality of the piece of art comes into question. The city and the board should strive for neutrality in the art we choose.	Seba	9/14/2025	That is addressed in the purpose statement in 3.A. that states "Allow for community values to be paramount." PAAB and City Council determine if the artwork is "neutral" during the review and approval process.

8.D.2	<i>Reconsideration</i> : "public art policy" - I could see this being open ended with th term "values" used in Section 3.A.3	Hoehn	9/2/2025	The PAAB and City Council make the determination if the artwork is a good fit for the Bentonville community.
8.D.7	<i>Historical Significance</i> : this is still very subjective	Miller	9/9/2025	Edited. As a criteria for reconsideration, it doesn't help in the decision-making.
8.D.9	if the complaint does not relate to any of the concerns listed before, therefore a complaint without validation, then should it even come to this question?	Post Hunt	9/16/2025	Edited. This discussion should take place after a decision has been made about the merit of the reconsideration request .
8.E.3	<i>Modifications</i> : need to be careful here with artist's rights. we cannot legally change an artwork unless we have obtained that ability through the acquisition	Miller	9/9/2025	VARA rights will be addressed through the agreement and by legal.
8.E.3	<i>Modifications</i> : We should spell out artist involvement with any modification approaches to ensure compliance with VARA laws.	Hoehn	9/2/2025	VARA rights will be addressed through the agreement and by legal.

GENERAL COMMENTS

Section	Comment	Commenter	Date	Response
General	Create a list of resources/materials we have had good luck with and make available to the artists.	PAAC	8/26/2025	Not sure we currently have the data or expertise to provide this information. Also, the city cannot recommend specific businesses.
General	Identify a list of locations to consider for over the next few years.	PAAC	8/26/2025	This is better served in an annual action plan.
General	What will be the process for artworks currently mid-process.	PAAC	8/26/2025	This is a decision with direction from city council and legal.
General	Policy and code for public art in general – including on private property?	PAAC	8/26/2025	City does not intend to manage/control artwork on private property.
General	This reminds me, should we re-look at the work in Train Station Park?	Hoehn	9/2/2025	PAAB action - not directly related to the code or policy.
General	Put in a clause that art can never be marked "permanent". I would like to see a sunset clause added to each piece.	Hook	9/9/2025	Temporary pieces and murals specifically will have a display period within the agreement. Not allowing any permanent pieces would severely impact the city's budget by budgeting for removal of artwork.
General	I would like to suggest that the artwork that is presented replicates exactly (coloration, shape, wording, font, symbols, etc) and is shown in a full 8 X 10 colored page.	Hook	8/19/2025	This is being added in several places, including as part of the proposal process, approval process, part of the adopting resolution, and part of the agreement.

General I recommend. the city should take unsolicited projects without competitive bids (or call for submission). Also recommend we4 set up a. Line item in the budget for Public Art. No money from third parties accepted for specific projects by specific artists but donations can be accepted and deposited into the art fund. All projects should be paid for out of the fund. All projects Must be final approved by city staff/legal.

Acree

9/24/2025 We currently have a budget for public art. The city does not currently accept money from a third party. Visit Bentonville does fund some public art. All projects will be approved by city council - as is the current process.

ARTICLE 2-IX ART IN PUBLIC PLACES ART ON CITY PROPERTY

Proposed Amendments

Underlined red text = additions
~~Strikethrough grey text~~ = deletions

Sec 2-548 Purpose

Art enhances Bentonville's identity as a community that values creative and diverse expressions. It builds our sense of pride and enriches our lives. Public art supports ~~the creative industries,~~ enriches public places, boosts tourism, strengthens the local economy, and inspires creativity and innovation. ~~creating opportunities for artists, designers and fabricators. In recognition of the importance~~ Acknowledging the value of integrating public art into the daily lives of the citizens of Bentonville, the city council ~~establishes the following policy for the purpose of~~ enacts this article to provide ~~ing opportunities for displaying public art~~ on city property and to create exciting and attractive public spaces.

The goals of the policy are:

- ~~(a) To ensure that artwork and the creative concepts of artists are supported.~~
- ~~(b) Serve as an act of public trust and stewardship for public art.~~
- ~~(c) To increase public awareness and enjoyment of the visual arts.~~
- ~~(d) Establish a process for selecting and exhibiting art on city owned property.~~
- ~~(e) Guide the city staff in the implementation of a public art program.~~

Sec 2-549 Applicability

This article applies to all public art on display, installed, placed or otherwise located on city property. This article does not apply to art installed on private property, including art on privately owned structures that sit on land leased from the city or temporary art installed on construction safety fencing as part of an active right-of-way permit. ~~These regulations perhaps broadly falling within the definition of "public art," these regulations are not intended to apply to and shall not apply with respect to pictures, decorations, or other displays placed or allowed by city or other government officials or employees on public property. The control of such displays shall be solely within the discretion of city staff or other governmental officials based on city policies, procedures, agreements, and customs as well as any applicable law.~~

Sec. 2-550 Exemptions ~~Definitions~~

The following art on city property is exempt from this article.

- (a) Art mass produced or created primarily for media, merchandising, advertising, promotion or commercial purposes or employee office décor, pictures or other displays not readily visible to the public. The control of such displays shall be solely within the discretion of city staff or other governmental officials based on city policies, procedures, agreements, and customs as well as any applicable law.

(b) Temporary displays of student artwork inside city buildings, if authorized for display by the applicable city department.

(c) Art recognized in an ordinance adopted by the city council as being outside the scope of this chapter.

Sec 2-551 Prohibitions~~Public Art Advisory Committee~~

(a) Obscenity. Art that is obscene as defined by A.C.A. 5-68-302 et seq. is prohibited on city property.

(b) Violation of law. Art that violates any local, state or federal laws is prohibited on city property.

(c) Advertising. Art that includes but is not limited to images, text, logos, patterns, etc. that are in any way affiliated with non-city entities, organizations, businesses, and groups are prohibited on city property. Such determination will be made by the Planning Director taking into consideration city sign regulations. Artist signatures are not considered advertising.

(d) Sales. Sales information for artwork approved for display is prohibited on city property.

(e) Revenue generation. Art approved for display on city property shall not be used by any non-city entity to generate revenue, including fundraising.

(f) Bentonville Square. Artwork, other than works of art currently in place at the time of adoption of the ordinance codified in this section, shall not be displayed on the Bentonville Square, which is the area bounded on the south by E. Central Ave., on the east by SE A St., on the north by NE 2nd St, and on the west by N Main St.

~~1. Role. The public art advisory committee (PAAC) serves in an advisory capacity to:~~

- ~~1. Review artist proposals for placement of artworks on city maintained property, making recommendations for fabrication and acquisition.~~
- ~~2. Serve as a jury for artwork competitions, making recommendations of finalists to the city council.~~
- ~~3. Provide technical advisement to staff to develop a public art program.~~

~~2. Membership.~~

- ~~1. Appointed, voting members. At least five (5) and no more than seven (7) residents of Bentonville, recommended by the mayor and approved by the city council, shall serve as voting members of the public art advisory committee (PAAC). At least four (4) of the members shall be arts professionals. Arts professionals for these purposes are defined as: curators, visual artists, art critics, art historians, art collectors, art fabricators, architects, landscape architects, art educators, graphic artists, and other persons with a visual arts or design background.~~
- ~~2. Ex officio, non-voting members. The Bentonville Convention and Visitors Bureau, Crystal Bridges Museum of American Art, and The Momentary may designate a~~

~~representative to serve as an ex-officio, non-voting member. One member of city council, as appointed by the mayor and approved by the city council may serve as an ex-officio, non-voting member.~~

~~3. *Terms.* Terms shall be limited to three years. No member shall serve more than two, three year terms.~~

~~4. *Bylaws.* The public art advisory committee shall adopt bylaws and rules of order.~~

~~5. *Staff support.* City of Bentonville staff shall provide support to the public art advisory committee to establish meeting date, times, and locations; prepare agendas, provide necessary documents, and provide meeting minutes. At least one representative from the Bentonville Parks and Recreation Department and at least one representative from the community development department shall serve on the public art advisory committee as staff support, non-voting members.~~

~~6. *Meetings.* The public art advisory committee shall meet at least quarterly.~~

Sec 2-552 Public Art Policy Selection Criteria

The city will adopt a public art policy to establish policies, procedures and evaluation criteria for accession, loans, project administration, public education and outreach, maintenance and conservation, deaccession, and reconsiderations.

The public art advisory committee (PAAC) will use the following criteria in reviewing works of art:

- ~~1. *Artistic quality and merit.* Due consideration will be given to the strength of the artist's concept, vision, innovation, execution and craftsmanship.~~
- ~~2. *Context.* Consideration should be given to the architectural, historical, geographical and socio-culture of the city. The PAAC may also take into consideration the theme and context of the display in terms of scale, form, content, and materials.~~
- ~~3. *Prohibitions.* The PAAC shall reject for display works of art that are obscene (as defined by A.C.A. § 5-68-302 et seq.) or violate other state or federal laws.~~

Sec. 2-553 Public Art Advisory Board Displays of Art On City-Owned Property

(a) *Role.* The public art advisory Board (PAAB) serves in an advisory capacity to:

- (1) *Review and recommend artwork.* Review, evaluate, and recommend to city council art for placement on city property.
- (2) *Advise.* Provide technical advisement and make recommendations to staff, mayor, and city council concerning plans, goals, and priorities of the public art program including the creation, review and updating of a public art policy to be approved by city council.
- (3) *Educate.* Raise public awareness of the benefit and value of public art, support promotion of new installations, and advocate for the public art program.

(b) *Membership.*

(1) Appointed, voting members. At least five (5) and no more than seven (7) residents of Bentonville, recommended by the mayor and approved by the city council, shall serve as voting members of the PAAB. At least four (4) of the members shall be arts professionals. Arts professionals for these purposes are defined as: curators, visual artists, art critics, art historians, art collectors, art fabricators, architects, landscape architects, art educators, graphic artists, and other persons with a visual arts or design background. All members of the PAAB shall serve without compensation.

(2) Ex-officio, non-voting members. The Bentonville Convention and Visitors Bureau, Crystal Bridges Museum of American Art/The Momentary, and OzArt may designate a representative to serve as an ex-officio, non-voting member. One member of city council, as appointed by the mayor and approved by the city council, may serve as an ex-officio, non-voting member.

(c) Terms. Terms shall be limited to three (3) years. No member shall serve more than two (2), consecutive three (3) -year terms. Past members are eligible to serve again one (1) year after the date their last term expired.

(d) Bylaws. The PAAB shall adopt bylaws and rules of order.

(e) Meetings. The PAAB will meet at least quarterly, or as frequently as monthly when there is business to review.

~~1. Approval.~~ All requests to display artwork on city maintained property shall be approved by the Bentonville City Council, the public art advisory committee and if required, the parks and recreation advisory board and/or other city boards and commissions.

~~2. Insurance.~~

~~1. Temporary works of art.~~ The city is self insured and does not insure temporary artwork displayed on city maintained property. The artist who loans temporary artwork for display on city maintained property shall bear the risk of loss from damage, destruction, or theft of the artwork while it is in the care of the City of Bentonville. The artist shall agree in writing to assume sole liability or responsibility for loss, damage, or theft of the artwork.

~~2. Permanent works of art.~~ Insurance details relating to permanent works of art shall be outlined in the contract agreement.

~~3. Assumption of risk and public safety.~~ Display of artwork shall not create an unnecessary safety hazard to the public or city employees and shall be displayed in a manner that does not unreasonably impede traffic or interfere with public safety.

~~4. Types of display.~~ Art displays hosted or coordinated by the city may include competitions sponsored by the city, art displays featuring individual artists, themes and art displays featuring groups of artists.

- ~~5. *Location.* Artwork may be displayed in public places approved by city council. Artwork may be physically separated from the main exhibit when, in the opinion of the city council, warranted under current community standards. Artwork, other than works of art currently in place at the time of adoption of the ordinance codified in this section, shall not be displayed on the Bentonville Square.~~
- ~~6. *Compatibility.* Proposed public art shall be evaluated for its compatibility relative to the following:
 - ~~1. Visibility and public access.~~
 - ~~2. Public safety.~~
 - ~~3. Traffic patterns.~~
 - ~~4. The relationship of the proposed public art project to the site's existing or future architectural features, its natural features, its historical, geographic and social/cultural context.~~
 - ~~5. The function and use(s) of the facility of site.~~
 - ~~6. The nature of the site's surrounding neighborhood and potential impact of the public art project on residents, businesses, existing works of art or design elements within the site's vicinity.~~
 - ~~7. Future development plans for the area which may affect the public art project.~~~~
- ~~7. *Identification of artwork.* Works of art should be identified in an appropriate manner to the context of the artwork consistent signage details shall be outline in the contract.~~
- ~~8. *Sales prohibited.* Art shall not be sold on city maintained property, except as part of an city approved organized event. Sales information shall not be posted or displayed with a work of art; interested buyers shall contact the artist directly for sales information.~~
- ~~9. *Payments prohibited.* The city (or any organization or person affiliated with the city) shall not accept payments to have art displayed on city maintained property. Furthermore, the display of public art on city maintained property shall not be used by any organizations for fundraising.~~
- ~~10. *Presentation.* As outline in the contract, all art shall be finished and ready for display and artists shall remain responsible for all costs associated with presenting, setting up and taking down.~~
- ~~11. *Set up/take down.* As outlined in the contract, it shall be the responsibility of the artist to adhere to the details for presenting, set-up and take down.~~
- ~~12. *Pick up and delivery/abandonment.* As outlined in the contract, the artist shall adhere to the details for pick-up and delivery location and time. Any piece that is not picked-up by the deadline shall be treated as abandoned property subject to disposal without further notice under applicable laws.~~
- ~~13. *Complaints.* If the city receives signed, written complaints from ten or more employees or citizens of Bentonville about a work of art on display, then the city shall notify the artist about the complaint and allow the artist an opportunity to immediately withdraw the work. Should the artist choose not to withdraw the work, the city shall hold a meeting between the artist and complainants during which they will be given an opportunity to address the appropriateness of the display of the work of art. After the meeting, if the issue is still unresolved, the city council shall make the final decision on whether the work of art shall be removed, relocated, relabeled, or otherwise modified~~

~~giving due regard and consideration to the artists freedom of expression and due process under the First and Fourteenth Amendments in accordance with the forum in which that artwork is displayed.~~

~~14. *Removal.* As outlined in the contract, there shall be no removal or disguise of a work of art once it is placed on display unless and until the city council decides to do so, subject to the right of the artist to remove it.~~

Sec. 2-554 Approval of Art on City Property

(a) *PAAB action.* The PAAB will evaluate art proposals pursuant to the process and manner established in the adopted public art policy and will make a recommendation to city council.

(b) *Other reviewing entities.* If the artwork is to be placed on property managed by a specific city department or advisory board, that entity will also review and make a recommendation to city council.

(c) *City Council action.* Upon recommendation for approval by all applicable reviewing entities, city council will consider and vote on the art proposal at a regularly scheduled city council meeting. City council shall have the final authority to approve or deny the design and placement of art on city property.

Sec. 2-555 Removal

(a) *City Council approval.* Artwork approved for display shall not be removed unless and until city council decides to do so, following the deaccession process or reconsideration process as identified in the public art policy.

(b) *Exceptions.* This section does not apply to:

(1) Any applicable right of the artist to remove their artwork; and

(2) Artwork that will be temporarily removed or relocated to accommodate infrastructure or city improvement projects.

Sec. 2-556 Reconsideration

Concerns or objections from a Bentonville citizen about art approved for display will follow the reconsideration process established in the adopted public art policy. City council shall serve as the final decision-making authority for reconsideration requests.

Sec 2-557 Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Accession. The formal process by which an item is officially accepted and added to the city's permanent collection, formally establishing the city's ownership and responsibility for the artwork.

Approved for display means the artwork is approved by city council following the review and approval process established public art policy.

Art, artwork, work of art means all forms of original creations of visual art, including temporary and permanent, to include, but not be limited to:

- Paintings of all media, such as frescoes and murals;
- Sculpture of any form and in any material or combination of materials. To include statues, monuments, fountains, arches, or other structures intended for ornamentation or commemoration. Also included are reliefs, mobiles, kinetics, and electronic sculptures;
- Other works of visual art, such as inscriptions, stained glass, fiber works, carvings, mosaics, photographs, drawings, collages, assemblage, textile works, and prints. Also included are crafts, both decorative and utilitarian in clay, fiber, wood, metal, glass, stone, plastic and other materials;
- Artist designed landscapes and earthworks, including the artistic placement of natural materials or other functional art objects; and
- Media and electronic arts.

Artist means the person providing art to the city.

City property means any structure, land, infrastructure, or open space that is owned and maintained by the City of Bentonville, including, but not limited to, buildings, parks, trails, facilities, and street right-of-way.

Deaccession means the permanent removal of an art from the public art collection that follows the adopted deaccession policy and does not include art removed under the reconsideration policy or otherwise by city council.

Permanent art means art exhibited with the expectation of indefinite duration.

Public art means all forms of visual art located on city property, except as exempted in this article.

Temporary art means art exhibited for a limited duration.

On Loan means artwork temporarily given by its owner (the lender) to the city (the borrower) for display on city property.



City of Bentonville

Public Art Policy & Procedures

Recommended by the Public Art Advisory Board on: [DATE](#)

Approved by City Council on: [DATE with Resolution No.](#)

The Public Art Policy is recommended by the Public Art Advisory Board and adopted by city council by resolution. The policy is reviewed and updated as deemed necessary by the Public Art Advisory Board. All amendments must be approved by city council.

The purpose of Bentonville's Public Art Policy is:

1. To preserve and enhance the spirit of Bentonville through public art.
2. To increase public awareness and enjoyment of the visual arts.
3. Establish a process for selecting and exhibiting art on city property.
4. Set policies and procedures for budgeting, collection development including accession and loans, program administration, public education and outreach, maintenance and conservation, deaccession, and reconsideration of art installed on city property.

Contents

1. Public Art Advisory Board
2. Budgeting
3. Collection Development
4. Project Administration
5. Public Education & Outreach
6. Maintenance and Conservation
7. Deaccession
8. Reconsideration

1. Public Art Advisory Board

1.A Purpose

The Public Art Advisory Board (PAAB) was first established by City council with Ord. No. 2007-24 adopted on 2-13-2007. The role, membership, terms, and meeting frequency are in Bentonville Municipal Code, [Article 2-IV Art on City Property](#). The board has adopted [bylaws](#) which govern specific board operations.

1.B Agendas

Planning staff will prepare agendas for the PAAB. Agendas and supporting materials will be posted on the city website agenda center at least three days prior to the meeting.

1.C Meetings

Meetings will include a report on the progress of implementation of the various plans and programs approved by the board, mayor, and city council. The Board will review and recommend art proposals at such meetings. Meetings are open to the public.

DRAFT

2. Budgeting

2.A Purpose

The purpose of the budgeting policy is to identify funding to implement the expansion, maintenance, conservation, and promotion of art on city property.

2.B Budget Considerations

Bentonville Planning, with advisement from the PAAB, will make budget recommendations for the following items:

1. **Collection Expansion**

Recommend an annual budget to expand the public art collection. Budget amounts should be based on specific public art projects that implement city plans. These items will be included in the Planning Department capital budget.

2. **Maintenance and Conservation**

Recommend an annual budget to maintain the public art collection. Budget amounts should be based on estimates from condition reports and tied to the maintenance plans for each artwork. Costs for anticipated deaccession should be included in this budget request. These items will be included in the Planning Department maintenance budget.

3. **Promotions**

Recommend an annual budget for public education and outreach for the public art program. This will provide funding for promotions, printing, and signage. These items will be included in the Planning Department promotion budget.

4. **Insurance**

Recommend an annual budget for insuring city-owned artwork. The amount will be based on the premiums set by the city's insurance provider. This item will be included in the Planning Department insurance budget.

2.C City Council Approval

All budgets for the public art program must be approved by city council through the adoption of the annual budget or through budget adjustments.

3. Collection Development

3.A Purpose

The purpose of the collection development policy is to establish clear guidelines for the selection, acquisition, loan, and approval of art for display on city property. The collection development policy is designed to achieve the following.

1. Enrich the community through the integration of public art in public places.
2. Encourage community dialogue and participation in public art projects.
3. Allow for community values to be paramount.
4. Develop a collection of public art that is various in media, style, and scale.

3.B Accession of Artwork into Public Art Collection

The city may acquire art by any of the methods below. Each method must be accepted into the city's collection in accordance with Sec. 3.D Review and Approval Process, Sec.3.E Evaluation Criteria, and city procurement policies.

1. *Commission.* The city can hire an artist to create a specific piece of artwork based on unique requirements and preferences. This is a collaborative process where the city shares their vision, requirements and preferences with the artist prior to fabrication. Details of the commission must be established in an agreement between the city and the artist.
2. *Competition.* Upon recommendation by the PAAB or at the request of city council, the city can host a competition by publishing an open or limited Call for Artists (call) or Request for Proposals (request) in accordance with these standards.
 1. *Standard format.* The standard call or request will be modified to reflect the goals and anticipated outcomes of the project. The call or request should include the expected display period, budget, standard agreement and other details as necessary. Proposals must include a full-color rendering of the project scaled to fit 8 ½ x 11 paper.
 2. *Deadline.* The deadline for submittals should be a minimum of thirty (30) days from the date of publication on the city's website.
3. *Direct Purchase.* The city can directly purchase existing artworks.
4. *Donation or gift.* The city can accept art as donations or gifts in accordance with city donation policies.

3.C Artwork on Loan

The city can accept artwork as a loan or lease, that may or may not include payment by the city. Artwork on loan must be approved for display in accordance with Sec. 3.D Review and Approval Process, Sec. 3.E Evaluation Criteria, and city procurement policies. Details of the loan or lease

will be set forth in the agreement. Artwork on loan will be returned to the owner at the end of the display period and in the manner established in the agreement.

3.D Review and Approval Process

1. *Proposal submittal.* Proposals must be submitted to the city on the form and in the manner as prescribed by the city.
2. *Compliance check.* City staff will review proposals for compliance with city, state, and federal regulations and policies using the standard Compliance Review Form. The city reserves the right to disqualify proposals that are not complete or do not comply with city codes and policies.
3. *PAAB Recommendation.*
 - (a) *PAAB Agenda.* If the proposal passes the compliance check, staff will add the proposal to the next available PAAB meeting agenda. The full proposal will be included in the agenda packet published on the city website.
 - (b) *Evaluation.* At the meeting, PAAB will review and evaluate the proposal in accordance with Sec. 3.E Proposal Evaluation Criteria.
 - (c) *Recommendation.* By majority vote, PAAB will make a recommendation to city council from one of the alternatives in Sec. 3.F Decision Alternatives. Recommended proposals will proceed to other applicable reviewing entities. If other reviewing entities are not required, the recommendation proceeds to city council. Art that is not recommended for approval by the PAAB will not proceed through the review process.
4. *Other Reviewing Entities.*

If the proposed location is on city property managed by another department or board, that department or board will also review and make a recommendation to city council. The following boards will apply.

- Parks and Recreation Advisory Board for art located in a city park, trail, or facility.
 - Library Advisory Board for art located on library property.
 - Municipal Airport Advisory Board for art located at the municipal airport, except private hangars.
 - Traffic Safety and Signage Committee for art located in city right-of-way, to include streets, sidewalks, and roundabouts.
5. *City Council Action.*
 - (a) *City council agenda.* Upon recommendation for approval by all applicable reviewing entities, staff will add the proposal to the next available city council meeting, taking into consideration agenda request deadlines. The proposal, reviewing entity recommendations, agreement, and resolution that includes a full color rendering of the proposed artwork will be in the agenda packet published on the city website.

Bentonville Public Art Policy

- (b) *Evaluation.* At the meeting, city council will evaluate the proposal in accordance with Sec. 3.E Proposal Evaluation Criteria.
- (c) *Decision.* By majority vote, city council makes the final decision on the proposal from one of the alternatives in Sec. 3.F Decision Alternatives.

3.E Proposal Evaluation Criteria

The following criteria will be used to evaluate proposals of art on city property.

1. *Artistic quality and merit.* Consideration of the strength of the artist's concept, vision, innovation, execution, experience, and craftsmanship.
2. *Context.* Consideration of the suitability of the proposed art to the scale, character, natural features, historical, geographic, and social/cultural context of the display site which should be in a highly visible location.
3. *Durability and maintenance.* Consideration of the art's ability to withstand the environment of the display site, the extent of maintenance requirements, and anticipated maintenance costs.
4. *Public safety.* Finding that the artwork does not create an unnecessary safety hazard to the public or city employees and will be displayed in a manner that does not unreasonably impede traffic or interfere with public safety.
5. *Cost.* Finding that the cost for the artwork is reasonable for the proposal and that funding is available.
6. *Solicited Proposals.* If submitted in response to a Call for Artists or Request for Proposals, the proposal should reflect and meet the objectives and intent of the call or request.

3.F Decision Alternatives

All reviewing entities will make a decision by selecting one of the alternatives below:

1. Approve as proposed.
2. Request more information from the artist. Motion must identify the specific information being requested.
3. Approve with modifications. Motion must identify specific modifications to the art.
4. Approve with conditions. Motion must identify specific conditions.
5. Deny.

4. Project Administration

4.A Purpose

The purpose of this section is to identify the necessary actions and responsibilities for installing art on city property.

4.B Approved Design

The approved design is that which is shown in the attachment to the adopting resolution and in the agreement. Art must be installed per the approved design. Inspections will use the approved design to determine compliance with the agreement, city code and the public art policy.

4.C Agreements

Upon approval by city council, the artist or curator must enter into an agreement with the city. Agreements must include a full color rendering of the approved design scaled to fit 8 ½ x 11 paper. The city will create standard agreements for displaying art on city property and all agreements must be approved by the city's legal department.

4.D Installation

The Parks and Recreation Department will be the lead coordinator for art installations in parks, park facilities, and along trails. The Planning Department will be the lead coordinator for art installations on all other city properties. The artist/curator will be responsible for notifying the coordinating department of anticipated delivery and installation days and times to ensure city staff will be available at the time of installation.

4.E Inspections

The coordinating department, and other staff as applicable, will conduct routine inspections for consistency with the approved design using a standard inspection checklist. This will include a review of photos of the work in progress, on-site evaluation during installation, and on-site inspection upon completion. These inspections will be described in the standard agreement.

4.F Project Close-out

Staff will use the following criteria to issue the standard Notice of Acceptance form. When the artist receives the Notice of Acceptance, the project is closed.

1. *Inspection.* City staff have completed an inspection of the installed artwork which is found to be installed in strict compliance with the agreement.
2. *Final Payment.* The artist has received final payment, if applicable.
3. *Documentation.* The artist/curator has provided to the city all materials required by the agreement.
4. *Execution of the Agreement.* The city determines that the artist/curator has properly executed the agreement with the city.

4.G. Alterations to Approved Design

An alteration to the approved design is any change that affects creation, design, installation, scheduling, site preparation, or maintenance of the artwork or the concept of the artwork as represented in the agreement. Alterations to an approved design must follow the process below, unless specifically addressed in the agreement.

1. *Written request.* Prior to the execution of any change in the approved design, artist or curator must present proposed changes in writing to the city for review and approval. This must include a detailed description of any changes in the artistic expression, color, rendering, design, dimensions, materials from the approved design. Such notice will also include a detailed description of any additional costs that may be incurred.
2. *Review process.* Requests for changes to the approved design will follow the same process outlined in Sec. 3.C Review and Approval Process.
3. *Approval.* If the city approves the changes, the city will promptly notify the artist/curator in writing.
4. *Disapproval.* If the city disapproves of the changes, the city will promptly notify the artist/curator in writing and the work must be fabricated and installed in compliance with the original approved design.

4.H Records and Documentation

The city will establish and maintain records for all artwork displayed on city property. Such records will include the proposal, approvals, agreement, financials, and correspondence related to the project. For city-owned art, inspection reports, maintenance plans, and condition assessments will be documented

4.I Accession Numbering. The city uses the following numbering system for consistency and to create a distinct identifier for each piece of art added to its collection.

1. *First number:* The full year the artwork was acquired or accessioned.
2. *Second number:* A sequential number indicating the order of acquisition within that year.
3. *Third number:* (If applicable) To identify individual objects within a multi-item group.

Accession Numbering Example		
2024	.03	.02
Year of accession	Third artwork accessioned in 2024	Second piece of a multi-item group

4.J Loan Numbering. The city uses the following numbering system for consistency and to create a distinct identifier for each piece of art that is loaned to or leased by the city.

1. *Letter:* The letter “L” to indicate the art is on loaned from a separate entity and not part of the city’s collection.

Bentonville Public Art Policy

2. *First number*: Year the object was loaned.
3. *Second number*: A sequential number indicating the order of loaned art within that year.
4. *Third number (if applicable)*: A sequential number to identify individual objects within a multi-item loaned artwork.

Loan Numbering Example			
L	2022	.04	.03
Artwork is on loan	Year of accession	Fourth artwork accessioned in 2022	Third piece of a multi-item group

4.K Signage

Installed public art may be identified with signage. Signage will include at a minimum the title or theme of the art, the name of the artist(s), state or country in which the artist(s) reside, the year the art was created, and the accession or loan number. Signage may also include a brief description of the art and the name of funder, donor or owner. The signage will be designed and placed in a manner that does not distract from the art.

5. Public Education & Outreach

5.A Purpose

The public art program will provide public education and awareness to share the benefits and value of public art, promote artwork displayed on city property, announce Calls for Artists/Request for Proposals, and announce new public art installations.

5.B Calls for Artists / Requests for Proposals

Staff will prepare a promotional plan for Calls for Artists and Requests for Proposals that include the following assets and will share on the platforms identified in Sec. 5.E. Outreach Methods.

1. Call for Artists / Request for Proposals Document
2. Press Release
3. Social Media post
4. Direct Email

5.D Upcoming and New Installations

The city will coordinate with the artist, applicable departments, funders, and the owners of private artworks to prepare a promotional plan that includes the following assets and shared on the platforms identified in Sec. 5.E. Outreach Methods. The city may choose to hold an unveiling event or dedication if resources allow. All public engagement and outreach related to upcoming and new installations must be coordinated through city staff.

1. Creative brief that includes the title, artist name, artist location, display site, dimensions, materials and narrative, and approval dates. This will be distributed to PAAB and city council members as guidance for discussing the installation.
1. Press release with the information from the creative brief.
2. Add new installation to the public art map.
3. Social media posts with information from the creative brief.

5.E Outreach Methods

The city will use a variety of platforms to share information. Internal platforms include the city website, PAAB page, newsflash, direct email, social media platforms, and newsletters. External platforms include newspapers, civic organizations, and applicable art organizations.

6. Maintenance and Conservation

6.A Purpose

The purpose of the maintenance and conservation policy is to protect the city's investments and maintain a clean appearance of public art that is free from hazards.

6.B Generally

Nothing in this policy requires the city to maintain art. Maintenance and conservation actions are subject to resource availability and approval of city council.

City-owned public art is maintained by the City of Bentonville. Regular maintenance and inspections are conducted by staff or qualified contractors.

6.C Maintenance Plans

Maintenance plans for the public art collection will be implemented in accordance with the individual maintenance plan for each artwork, if resources allow. The city may update maintenance plans as needed or outsource the implementation of the maintenance plan for some or all of the city's public art collection.

6.D Annual Inspections

Subject to available resources, staff will conduct condition inspections on a minimum of five artworks annually. This will follow the condition inspection template as provided by the city. These reports will be documented with each artwork and used in determining maintenance needs with costs which may be included in the city's annual budget.

6.E Life Span of Art

Condition assessments and maintenance plans for new works will also include an estimated life span for each art. This life span shall be selected from one of these categories:

- 1 to 5 years
- 6 to 15 years
- 16-30 years
- 30 or more years

6.F Repair work

The city may solicit a contract for a qualified conservator for repair work on art in the city's inventory, in accordance with the city's purchasing policies.

7. Deaccession

7.A Purpose

This policy establishes a standard process for the review and possible removal ("deaccession") of public art from the city public art collection. It ensures that decisions are made in alignment with professional standards and community values.

7.B Applicability

This deaccession policy applies to all permanent art owned by the city but operates separately from the Reconsideration Process in Ch. 8.

7.C Deaccession Review Process

1. *Deaccession request.* A deaccession request may be initiated in writing with justification and supporting documentation (e.g., condition reports, photographs, public feedback) by staff, PAAB members or city council members.
2. *PAAB Recommendation.*
 - a. *PAAB Agenda.* Planning staff will prepare a report that includes the items below and add the deaccession request to the next available PAAB meeting agenda. The report will be included in the agenda packet published on the city website.
 - Condition and maintenance history
 - Legal or contractual obligations
 - Public feedback (if applicable)
 - Cost estimates for conservation or relocation
 - b. *Evaluation.* At the meeting, PAAB will evaluate and discuss the report in accordance with Sec. 7.D Deaccession Evaluation Criteria.
 - c. *Recommendation.* By majority vote, the board will make a recommendation to city council.
3. *City Council Action.*
 - a. *City council agenda.* Staff will add the report to the next available city council meeting. The full report will be in the agenda packet published on the city website.
 - b. *Evaluation.* At the meeting, city council will evaluate and discuss the report in accordance with Sec. 7.D Deaccession Evaluation Criteria.
 - c. *Decision.* By majority vote, city council makes the final decision for deaccession.

7.D Deaccession Evaluation Criteria

Finding of any of the following conditions may support deaccession.

1. The work is damaged or deteriorated beyond reasonable repair.
2. The condition or location of the art poses a threat to public safety.

Bentonville Public Art Policy

3. The work is no longer suitable for its site due to significant changes in the site's use, character, or design.
4. The art requires excessive maintenance or conservation that is no longer feasible.
5. The authenticity or attribution of the work is in doubt.
6. The artist requests removal and provides compelling justification.
7. Resources are available to complete the deaccession.

7.E Deaccession Alternatives

Once deaccession is approved by city council, the city may proceed with one or more of the following actions.

1. Give the artist the opportunity to buy back the work at its current appraised value, if allowed by agreement and following city policy.
2. If donated, return the work of art to the donor.
3. Seek bona-fide appraisal and advertise sale of the work, or sell through acceptable, sealed competitive bids following city policies.
4. Remove the art from public display and place it in storage.
5. Dispose of the work through city surplus property policy and procedures.

7.F Transparency and Recordkeeping

All deaccession decisions and justifications will be documented in the public art collection database. The artist, if known and reachable, will be notified in writing of the decision.

8. Reconsideration

8.A Purpose

The reconsideration policy establishes a clear process for citizens to formally raise concerns regarding art displayed on city property. This ensures that concerns are handled in a consistent and reasonable manner and evaluated objectively, in accordance with legal standards and established public art policies.

8.B Generally

1. Once public art has been approved by city council, concerns about the artwork will be addressed in accordance with this reconsideration process.
2. Items to be reconsidered are not removed during the review period.
3. City council is the only authority to approve the removal of artwork pursuant to the reconsideration process.
4. An individual piece of art shall only be evaluated for reconsideration once in a twelve-month period.
5. A single resident may not submit a reconsideration request for more than three (3) artworks in a twelve-month period.
6. Requests for reconsideration will be handled in an appropriate manner. It must be recognized that staff, the PAAB, and city council will require adequate time to review the artwork in question, research pertinent information, and make a determination.

8.C Reconsideration Process

1. *Official Request*
 - a. *Form.* A reconsideration request form provided by the city must be completed, signed, and returned to the Planning Department. The reconsideration process is triggered only when the Planning Department has received the completed, signed reconsideration request form. The form will be available on the public art webpage and may be dropped off at City Hall or submitted by email to publicart@bentonvillear.com.
 - b. *Bentonville resident.* The individual submitting the form must reside in Bentonville city limits.
2. *Compliance Check.* Staff will check that the form is complete, signed, and that the requestor is a Bentonville resident.
3. *PAAB Recommendation*
 - a. *PAAB Agenda.* If the request passes the compliance check, staff will add the request to the next available PAAB meeting agenda, taking into consideration notification timelines and scheduling conflicts.

Bentonville Public Art Policy

- b. *Notification of PAAB meeting.* A minimum of five (5) days before the meeting, City staff will provide written notification of the meeting time, date and location to the PAAB, city council, person requesting reconsideration, and the artist, curator or artwork owner. All parties are encourage to attend the meeting.
 - c. *Evaluation.* At the meeting, the PAAB will evaluate and discuss the reconsideration request in accordance with Sec. 8.D Reconsideration Evaluation Criteria. The board may decide by majority vote to allow public comment.
 - d. *Recommendation.* By majority vote, the Board will make its recommendation from one of the alternatives in Sec. 8.E Resolution Alternatives.
4. *City Council Action*
- a. *City council agenda.* Staff will add the request and the PAAB recommendation to the next available city council meeting agenda, taking into consideration agenda request deadlines.
 - b. *Notification of city council meeting.* City staff will provide written notification of the meeting date, time and location of the city council meeting to the person requesting reconsideration, and the artist, curator or owner.
 - a. *Evaluation.* At the meeting, city council will evaluate and discuss the reconsideration request in accordance with Sec. 8.D Reconsideration Evaluation Criteria.
 - b. *Decision.* By majority vote, city council is authorized to issue a final decision on the reconsideration request from one of the alternatives in Sec. 8.E Resolution Alternatives. The decision rendered by the City council pursuant to this policy shall be final and binding.
3. *Notification of final decision.* City staff will provide written notification of the decision to the PAAB, person requesting reconsideration, and the artist, curator, or owner.

8.D Reconsideration Evaluation Criteria

Reconsideration requests will be evaluated on the following criteria.

1. *Review and approval process:* Was the art selected, approved, and acquired in accordance with review and approval process of the public art policy?
2. *Legal compliance:* Has the artwork been found to violate local, state or federal laws or the city's public art policy?
3. *Public safety:* Does the artwork pose a physical safety hazard to the public or interfere with public infrastructure?
4. *Condition:* Is the artwork significantly damaged, deteriorated or degraded visually or structurally beyond what was originally approved?
5. *Artistic merit:* Does the request raise substantive questions about artistic quality or intent of the artwork? Is the request based solely on a subjective dislike?

Bentonville Public Art Policy

6. *Extent of concern:* Does the reconsideration request represent a significant community concern? Is this a single complaint or a recurring issue raised by multiple citizens?

8.E Resolution Alternatives

Based on its evaluation, the reviewing entity will make a determination to resolve the reconsideration request by selecting one of the following options taking into consideration the associated costs compared to the cost/value of the artwork and funding availability.

1. *No action.* Determine that no further action is warranted. This option is appropriate when the reconsideration request is found to be invalid, insubstantial, or not in violation of applicable standards or policies.
2. *Relocation.* Approve relocation of the art to an alternative site.
3. *Corrective actions/modification.* Approve specific, reasonable modifications to the art in direct response to the reconsideration request. The nature of the modifications and the party responsible for implementation and associated costs must be clearly identified.
4. *Removal.* Approve removal of the art.
5. *Other.* Other alternatives as approved by city council.

**BYLAWS OF THE
PUBLIC ART ADVISORY ~~COMMITTEE~~ BOARD OF THE
CITY OF BENTONVILLE, ARKANSAS**

Adopted by the PAAC on April 14, 2020

ARTICLE I PURPOSE

- 1.1 Ordinance No. 2007-24, amended with Ordinance No. 2013-40, adopts the Public Art Policy which establishes the Public Art Advisory Committee and authorizes it to adopt bylaws.
- 1.2 The within bylaws have been adopted by the Public Art Advisory ~~Committee~~ Board of the City of Bentonville, and all previously adopted bylaws are hereby repealed.
- 1.3 Pursuant to Ordinance No. 2007-42, as amended, this board shall be known as the Public Art Advisory ~~Committee~~ Board, hereinafter referred to as "~~Committee~~ Board" or "PAACB."
- 1.4 The purpose of these bylaws is to establish rules and procedures necessary to carry out the purpose and duties of this ~~committee~~ board as set forth in Ordinance No. 2007-42, as amended.

ARTICLE II ROLE OF PUBLIC ART ADVISORY ~~COMMITTEE~~ BOARD

- 2.1 ~~Role established.~~ The role of the Public Art Advisory Board (PAAB) is established by city code in Sec. 2-551 Public Art Advisory Board. Public Art Policy establishes the role of the Public Art Advisory Committee to serve in an advisory capacity to:
 - ~~(a) Review artist proposals for placement of artworks on city maintained property, making recommendations for fabrication and acquisition.~~
 - ~~(b) Serve as a jury for artwork competitions, making recommendations of finalists to the City Council.~~
 - ~~(c) Provide technical advisement to staff to develop a public art program.~~

ARTICLE III MEMBERSHIP

- 3.1 Membership of the PAAB is established by city code in Sec. 2-551 Public Art Advisory Board. ~~Members.~~ Voting and non-voting ex-officio members of the committee will be in accordance with Bentonville Municipal Code Sec. 2-551 (b) Public Art Advisory Committee
- 3.2 Staff^[sk1] ~~support.~~ The City of Bentonville shall provide staff support to the Public Art Advisory Committee.
 - (a) *Primary staff support.* At least one representative from the Planning Department shall serve as a non-voting member on the Public Art Advisory Committee as primary staff support, hereinafter referred to as the "staff liaison," responsible for the following support and assistance:
 - (1) Establish, notify committee and post online a schedule with meeting date, times and locations.
 - (2) Prepare, distribute to committee, and post online committee meeting agendas.

- (3) ~~Provide necessary documents for meetings and decision making.~~
- (4) ~~Ensure that minutes are taken and posted online.~~
- (5) ~~Ensure meetings are recorded in accordance with Arkansas state law.~~
- (6) ~~Ensure that actions and activities of the committee are consistent with policies and procedures of the city.~~
- (7) ~~Offer insights about city organization, policies and efforts.~~
- (8) ~~Notify the committee of events, meetings or circumstances when the staff support is asked to speak on behalf of the committee.~~
- (9) ~~Update the committee's presence on the city website.~~
- (10) ~~Act as point person for contact with other city liaisons, departments, or boards, unless otherwise designated.~~
- (11) ~~Facilitate communication among members in compliance with Arkansas open meeting laws.~~
- (12) ~~Assist the chairperson during the meeting, if necessary.~~
- (13) ~~Additional support. At least one representative from the Bentonville Parks and Recreation Department shall serve as a non-voting member on the Public Art Advisory Committee as staff support.~~

3.3 Compensation. ~~All members shall serve without compensation.~~

3.24 Conflict of Interest. ~~Members of the Public Art Advisory Committee shall not hold any other municipal office or position on a standing municipal board, commission or authority, except that members of the committee may serve on other temporary committees, task forces or similar ad hoc groups. This does not apply to the one member of the Bentonville City Council serving as an ex-officio, non-voting member.~~

3.35 Terms. Terms of PAAB members are established by city code in Sec. 2-551 Public Art Advisory Board. ~~Terms shall be limited to three years. No member shall serve more than two three-year consecutive terms. Past members may serve again three years after the date their last term expired.~~

3.46 Conflict of Interest. Members of the Public Art Advisory Committee shall not hold any other municipal office or position on a standing municipal board, commission or authority, except that members of the committee may serve on other temporary committees, task forces or similar ad hoc groups. This does not apply to the one member of the Bentonville City Council serving as an ex-officio, non-voting member.

3.5 Resignation. Resignation of members of the committee shall be made in writing to the primary staff liaison who shall forward such resignation to the City Clerk. The resignation of the committee member shall be effective immediately upon receipt and verification by the City Clerk's office.

3.67 Attendance.

- (a) *Notification of absence.* Members should advise the staff liaison before the meeting date if they expect to be absent or late.

- (b) *Multiple absences.* Any member who misses two consecutive regular meetings or three meetings in a six-month period shall receive a written notification from the staff liaison advising the member of his/her absences.
- (c) *Cause for removal.* Any member who misses three consecutive meetings or more than four meetings within a one-year period, except in extraordinary cases, may, at the recommendation of the committee, constitute cause for removal by the City Council.

3.8 Vacancy. A vacancy in a member position shall be filled by appointment by the Mayor upon approval by the City Council. The term of the member appointed to fill the vacancy shall be fulfillment of the term of the member being replaced.

ARTICLE IV. OFFICERS, TERMS, DUTIES AND ELECTIONS

4.1 Chairperson and Vice Chairperson. The officers of the committee shall be a chairperson and vice chairperson. Officers shall serve ~~one~~ two (2)-year terms and may serve a maximum of two consecutive terms in a single office.

4.2 Duties of Chairperson. The chairperson shall preside at meetings and shall decide points of order or procedure, following Robert’s Rules of Order. They shall call the meeting to order, call for votes when necessary, and call for adjournment. The chairperson may designate a parliamentarian to keep the meeting running in an orderly fashion. The chairperson shall serve as the primary contact between the committee and the staff liaison.

4.3 Temporary Chairperson. In case the chairperson is absent, the vice chairperson shall assume the duties as chairperson. If both are absent and a quorum is present, those members shall elect from among themselves a chairperson to proceed.

4.4 Elections. Officers shall be elected by a majority vote of the members present at the first regular meeting of the calendar year. Nominations for an officer position do not require a second. Nominees shall have an opportunity to speak to their nomination before the vote is taken. A voice vote shall be taken to elect all officers.

4.5 Vacancy. A vacancy in an officer position shall be filled by election at the next regular meeting of the committee among the board members present. Until such election, the Vice Chairperson shall serve as acting Chairperson if the chairperson position is vacant. All officers elected to fill a vacant officer position shall serve until the next officer election.

ARTICLE V. MEETINGS

5.1 ~~Minimum requirement~~ Frequency. The minimum frequency of PAAB meetings is established by city code in Sec. 2-551 Public Art Advisory Board. ~~The Public Art Advisory Committee shall meet at least quarterly.~~

5.2 Schedule. Meetings shall occur on the regularly scheduled meeting dates established for the ~~committee~~ board. Regular meetings may be postponed, rescheduled or cancelled by the staff support if necessary or if there is no business to conduct.

- 5.3 Meeting agendas.** The form of agendas shall be determined by the ~~e~~committeeboard and shall be posted on the city website. Meeting agendas shall include a designated time for public comments.
- 5.4 Notice of meetings.** Posting of meeting agendas on the city website shall serve as notice of the meeting. Notice of any regular or special meeting shall be posted no less than 24 hours prior to the holding of such meeting, unless an emergency requires posting within 24 hours of the meeting time.
- 5.5 Special meetings.** Special meetings may be called by the chairperson plus one regular member. When a special meeting is scheduled, all members must be notified at least 24 hours prior to the time set for such meeting by phone and written notice, including a listing of all items to be considered at the special meeting, unless an emergency requires posting within less than 24 hours prior to such meeting. Formal action taken at a special meeting called in accordance herewith shall be considered as though it were taken in a regular meeting for those, and only those, matters referred to in the agenda contained in the notice of the meeting.
- 5.6 Public meetings.** ~~C~~ommitteeBoard meetings shall be open to the public as provided by the Arkansas Freedom of Information Act. All meetings of a quorum ~~of~~ of two or more members of the ~~e~~committeeboard at which any public business is discussed or at which any formal action may be taken, shall constitute a meeting for purpose of this section.
- 5.7 Public participation.** All public comments must be made during the public comment segment of the agenda. Public attendees shall sit in the audience unless asked to sit with the ~~e~~committeeboard during their comments. The ~~e~~committeeboard may identify time limits for public comments at its discretion.
- 5.8 Quorum.** A quorum shall exist when a majority of the voting members of the ~~e~~committeeboard are present. When all seven positions are filled, a quorum shall consist of four members. Ex-officio member or staff support shall not be counted in arriving at a quorum. In absence of a quorum, no business shall be conducted by the ~~e~~committeeboard, except rescheduling of the meeting.
- 5.9 Order of business.** The order of business shall follow the distributed agenda unless otherwise agreed to by the members.
- 5.10 Rules of procedure.** The ~~e~~committeeboard may adopt ~~its~~ own rules of procedure, or may conduct ~~its~~ meetings in accordance with Robert's Rules of Order.
- 5.11 Decision making.** The affirmative vote of a simple majority of those members present shall carry any motion or resolution. All voting members of the ~~e~~committeeboard shall have equally weighted votes. Any member may make a motion, which must be seconded for further consideration. All voting shall be made by roll-call or voice vote.
- 5.12 Meeting minutes.** Written minutes shall be made for all ~~e~~committeeboard meetings. The minutes shall be posted to the city website when the agenda for the upcoming meeting is posted. The minutes of each meeting shall be approved by the ~~e~~committeeboard at its next meeting.

ARTICLE VI. SPECIAL AND STANDING COMMITTEES

- 6.1 **Special committees.** The chairperson may establish special committees to work on specific issues or projects as needed. Special committees may include persons other than members of the PAAB€. The special committee shall serve only until completion of the purpose for which it was formed. Recommendations of a special committee must be approved by the PAAB€ before being considered officially adopted.
- 6.2 **Standing committees.** There shall be no standing committee(s) of the PAAB€ unless authorized by City Council.
- 6.3 **Committee chairperson.** A member of the PAAB€ shall serve as the chairperson of any committee.

ARTICLE VII. COMMITMENT TO THE PUBLIC

- 7.1 **Commitment to the public.** ~~Committee~~Board members commitment to the public shall be demonstrated by adherence to all Arkansas and City of Bentonville laws, rules and regulations regarding conduct of public officials.
- 7.2 **Conflict of interest.** The ~~committee~~board and its members shall adhere to all Arkansas and City of Bentonville laws, rules and regulations that may pertain to the avoidance of conflict of interest.
- 7.3 **Communication among members.** ~~Committee~~Board members shall adhere to all Arkansas and City of Bentonville laws, rules and regulations governing government communications.
- 7.4 **Communications outside ~~committee~~board.** The ~~committee~~board may give individual members the authority to speak on behalf of the ~~committee~~board as needs arise. Individuals shall not speak for the ~~committee~~board without the ~~committee~~board's authorization and shall not make commitments on behalf of the ~~committee~~board unless the ~~committee~~board has formally approved such a commitment.

ARTICLE VIII. STAFF SUPPORT

8.1 Planning Department. The Planning Department will serve as the primary staff support to the public art advisory board and the public art program, with the following responsibilities.

- (a) Prepare and publish meeting dates, times, and locations on city website.
- (b) Prepare and publish board meeting agendas and supporting documents on city website.
- (c) Ensure meetings are recorded in accordance with Arkansas state law.
- (d) Ensure that actions and activities of the board are consistent with policies and procedures of the city.
- (e) Offer insights about city organization, policies, and efforts.
- (f) Notify the board of events, meetings, or circumstances when staff support is asked to speak on behalf of the board.

- (g) Update the board's presence on the city website.
- (h) Act as point person for contact with other city liaisons, departments, or boards, unless otherwise designated.
- (i) Facilitate communication among members in compliance with Arkansas open meeting laws.
- (j) Assist the chairperson during the meeting, if necessary.

8.2 Parks and Recreation Department. The Parks and Recreation Department will have staff attending regular PAAB meetings and are also responsible for coordinating installations in city parks, trails, and facilities.

ARTICLE ~~VIII~~IX. AMENDMENTS TO BYLAWS.

98.1 These bylaws shall be adopted, and later suspended, amended or canceled only after an affirmative vote of 2/3rds of the membership of the ~~committee~~board. Copies of the proposed amendment(s) shall be provided to each member at least one week prior to the date of any regular or special meeting at which the bylaw amendment(s) are on the agenda for consideration.

BY A 2/3 VOTE OF THE APPOINTED VOTING MEMBERS OF THE PUBLIC ART ADVISORY ~~COMMITTEE~~BOARD, THESE BYLAWS FOR THE PUBLIC ART ADVISORY ~~COMMITTEE~~BOARD OF THE CITY OF BENTONVILLE ARE HEREBY PASSED AND APPROVED **THIS FOURTEENTH DAY OF FEBRUARY 2023.**

Chairperson Signature

Date