



**City of Dallas**

## CULTURAL POLICY OF THE CITY OF DALLAS

October \_\_\_\_\_, 2018

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As recommended by the  
Cultural Affairs Commission of the City of Dallas

Approved by the  
City Council of the City of Dallas  
by Council Resolution No. 18-\_\_\_\_\_   
on October \_\_\_\_\_, 2018

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## Section 1. Vision, Mission Statement, and Guiding Principles

### A. Vision.

An equitable, diverse and connected community, whose residents and visitors thrive through meaningful arts and cultural experiences in every neighborhood across Dallas.

### B. Mission.

The Office of Cultural Affairs works to enhance the vitality of the city and the quality of life for all Dallas residents by creating an equitable environment wherein artists as well as arts and cultural organizations thrive; people of all ages enjoy opportunities for creative expression; and all celebrate our multicultural heritage.

Our mission is to support and grow a sustainable cultural ecosystem that ensures all residents and visitors have opportunities to experience arts and culture throughout the city.

### C. Guiding Principles.

#### (i) The Office of Cultural Affairs aims to:

- (1) Develop, implement, administer and promote programs or initiatives that support its mission and that reflect its commitment to cultural equity as well as the City of Dallas's core values of empathy, ethics, excellence, and equity.
- (2) Provide equitable access to artistic and cultural experiences that meet individual and community needs for residents across the city.
- (3) Recognize, honor, and celebrate the full breadth of Dallas' and Dallas residents' rich cultures and creative expression; these cultures and creative expression must flourish at all times in a democratic society.
- (4) Partner with artists, organizations, funders, and other government agencies to dissolve boundaries, promote better human relationships, build a sense of community, reduce conflict, encourage cooperation and promote harmony.

- (5) Understand and meet the needs of historically marginalized groups and individuals, including children, artists and organizations from ALAANA and LGBTQIA+ identities, those with disabilities, immigrants regardless of citizen status, and those who are socioeconomically disadvantaged.
- (ii) To accomplish this, the Office of Cultural Affairs will strive to:
- (1) Work in partnership with artists, organizations, the public, the Cultural Affairs Commission, and City Council to continuously improve policies, procedures and programs in recognition that the work is never done.
  - (2) Advocate for the necessary capital and operating resources within the City of Dallas to accomplish its mission.
  - (3) Encourage collaborations, communication, and community building between and among arts and cultural groups and artists, as well as connections to educational institutions, civic organizations, public agencies and private enterprises.
  - (4) Ensure that the perspective of arts and culture and artists is integrated into the planning and operations of relevant City of Dallas groups and services.
  - (5) Network among and convene artists, arts and cultural organizations, partners, and funders to build community, enhance communication, and work together to promote the sector as a whole and grow together as an ecosystem.
  - (6) Establish a long-range plan that proactively addresses and funds capital and operating needs of City-owned facilities, and periodically review or revise the plan, including a full review of the Cultural Policy every five years and a full review of the Cultural Plan in no more than ten years.

## Section 2. Commitment to Cultural Equity

### A. Statement on Cultural Equity.

In Dallas, we envision a city of people whose success and well-being are not pre-determined by their race, age, disability, sexual orientation, gender, social status, zip code, or citizen status. We recognize that artistic and cultural expression are fundamental to the development of our identity, as individuals and as a community at large. We assert the right for all people to have access to arts and cultural experiences throughout Dallas.

We recognize the historic legacies of racism, overt bias and injustice that shape our present reality. In fact, the City of Dallas' arts funding originated to support organizations of the Western European canon, collectively referred to as "The Big Six."<sup>1</sup> Going forward, we will strive to support the broadest range of art forms and creative producers, considering inclusivity, diversity and neighborhood impact to direct resources equitably to artists and organizations. We will work to build a robust arts ecosystem that continually evolves to better reflect the diverse composition of Dallas. Towards this end, we recognize and affirm the potential of new and emerging artists and organizations.

The Office of Cultural Affairs will serve as convener and connector to catalyze equity in the policies and practices of its partners across the Dallas arts ecosystem. Core to this is leading other organizations and private resource providers to advance diversity, equity and inclusion in concrete, measurable ways. Annually, the Office of Cultural Affairs will summarize its own support for artists and arts organizations, highlighting measures of equity and diversity.<sup>2</sup>

As we work together to create a more vibrant Dallas, the Office of Cultural Affairs is committed to nurturing the wide diversity of creative culture and experiences that make up this great city.

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<sup>1</sup> Note: "The Big Six" were the Dallas Ballet (no longer exists), the Dallas Opera, the Museum of Fine Arts (Dallas Museum of Art), the Dallas Health and Science Museum (Science Place, now part of the Perot Museum of Nature and Science), the Dallas Symphony Association, and the Dallas Theater Center. In 1977, these six organizations received over 90% of the OCA equivalent organizational support, and 1.26% of total funds were awarded to four "ethnic" organizations. The Office of Cultural Affairs was established in 1989.

<sup>2</sup> This annual report shall, at a minimum, appear in the Annual Report of the Cultural Affairs Commission.

B. Definitions (Based on Grantmakers in the Arts definitions as of 2018). In this section:

- (i) ALAANA means African, Latinx, Asian, Arab, and Native American. This also includes Native Hawaiian and Pacific Islander (category as defined by the US Census Bureau).
- (ii) ALAANA Organizations means an ALAANA organization is one whose primary intentions, practices, and mission are by, for, or about ALAANA artists, cultures, and communities. The word “for” refers to the intention of the organization to perpetuate, promote, and present art that is representative of an ALAANA culture and people and/or is given form by ALAANA artists.
- (iii) Cultural Services Funding mean funds awarded through contracts via annual cultural services funding programs, as defined in Section 5 of this Cultural Policy, whose funding guidelines are approved annually by City Council. This includes organizational support, project support for artists and organizations, neighborhood engagement support for artists and organizations, and artist residencies.
- (iv) Diversity (as relates to board goals) means indicates the percentage of non-majority (based on race/ethnicity) members of a board. For example, if the goal is at least 30% diversity on a board, an organization meeting that goal must have no more than 70% of any one racial/ethnic group on their board.
- (v) LGBTQIA+ means Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual and other associated communities.
- (vi) Urban Core Arts Destinations Neighborhoods means neighborhoods identified in the 2018 Dallas Cultural Plan that have a high concentration of OCA-funded arts and cultural experiences, and a high level of access to public art and dedicated cultural venues.

C. Five-year goals to advance equity, diversity and inclusion by 2023:

- (i) At least 40% of cultural services funding to ALAANA Organizations or artists.
- (ii) Renegotiate largest legacy facility master agreements to release more resources for equitable distribution.

- (iii) Begin measuring and tracking the number of funding applicants, funding recipients, and the amount of funds awarded to those who identify as members of other historically marginalized groups, e.g., LGBTQIA+.
- (iv) Pilot and track neighborhood impact of new programs that increase the number of cultural experiences outside of Urban Core Arts Destinations Neighborhoods.
- (v) For organizations funded through the Organizational Support funding program:
  - (1) 100% of organizations funded through this program have board-approved safe workplace policies (including, but not limited to, anti-discrimination and anti-harassment policies).
  - (2) 100% of organizations funded through this program have a policy and measurable goals related to equity, diversity and inclusion that is board-approved and published on their website.
  - (3) At least 30% board Diversity for organizations with an operating budget of \$5M and above.
  - (4) At least 20% board Diversity for organizations with an operating budget of \$1M-5M.
  - (5) At least 10% board Diversity for organizations with an operating budget of \$500K to 1M.
  - (6) Urge organizations with operating budgets over \$1M to offer paid internships with reasonable wages to increase the diversity of the pipeline for future arts leaders.

## Section 3. Procurement of Cultural Services

- A. Cultural services, as defined in this document under Section 4: Cultural Disciplines, shall be procured in accordance with Dallas City Code [*Section 2-162.3*], and this Cultural Policy. It is the intent of this policy that, to the greatest extent possible, artists and cultural organizations providing services through the Cultural Services Contract program be recommended by a review panel of individuals that have expertise, knowledge, or demonstrated interest in arts and culture.
- B. The process for selection of cultural services shall be defined in the funding program guidelines, calls-for-artists, or requests for proposals, whichever the case may be; however, at a minimum, the selection process shall conform to these guidelines:
- C. Review Panels.
  - (i) Diversity of all kinds shall be sought in the composition of review panels to encourage equity and inclusiveness of different perspectives, including but not limited to those from different ethnic and racial backgrounds, ability statuses, ages, gender identities, sexual orientations, and professional backgrounds.
  - (ii) Nominations to panels shall be provided by interested members of the public, the Public Art Committee, the Cultural Affairs Commission, and City staff. In no instance shall a City employee, Cultural Affairs Commissioner, or other City official be a voting member of a review panel, except in the following situation:
    - (1) On a panel for the consideration of a public art commission, one City employee who is a member of the funding department may serve as a voting member of the panel.
  - (iii) Panel members shall declare any conflict of interest as defined in Chapter XII of Dallas City Code and as defined in Section 8 below prior to the first applicant presentation and shall remove themselves from the panel room during the presentation, discussion, and voting related to the organization or individual with whom they have identified a conflict of interest.
  - (iv) Panels for consideration of Organizational Support funding shall consist of no fewer than five members, which shall be recommended by the Cultural Affairs Commission.

- (v) Panels for consideration of all other funding programs described in Section 5 (D) of this policy shall consist of no fewer than five members, which shall be recommended by the Allocations Committee of the Cultural Affairs Commission.
- (vi) Panels for consideration of public art commissions shall consist of no fewer than five members, which shall be recommended by the Public Art Committee.
- (vii) For other cultural services, including funding for services at OCA-managed neighborhood cultural centers and multi-year projects, ad hoc panels shall consist of no fewer than three members, which shall be recommended by the relevant OCA manager and approved by the Director.
- (viii) Conflict of Interest for Panelists.
  - (1) A panelist shall have a conflict of interest when he or she has a current relationship or a past relationship within the preceding 12 months with an applicant being reviewed by that panel; this conflict of interest also extends to panelists who have immediate family members who have a current or past relationship within the preceding 12 months with an organization being reviewed by the panel. In this section:
    - (a) Affiliate Relationship means a role as a director, trustee, salaried employee, ongoing volunteer, client or other affiliated exchange from the panelist's association with the applicant organizations or individuals
    - (b) Economic Relationship means a role in which the panelist or immediate family member is paid by an applicant (staff or contract work) or otherwise has a direct financial interest related to that applicant organization or individual.
    - (c) Adversarial Relationship means a relationship in which the panelist has an adversarial relationship with an applicant, including but not limited to, direct competition, and past or ongoing litigation.
  - (2) For situations not defined above or in which a question arises as to the nature of the conflict, the Director of Cultural Affairs shall have the authority to decide on whether a conflict between a panelist and an applicant exists.
  - (3) In all cases, the panelist, City staff, and the Director shall consider both whether a conflict exists as defined in this section and whether the appearance of a conflict exists as judged by a reasonable person.

#### D. Selection Process.

- (i) For Organizational Support funding, both the Allocations Committee and the full Cultural Affairs Commission shall consider applications and panel scores, and provide funding recommendations to the Director.
- (ii) For all other funding programs, at a minimum, the Allocations Committee of the Cultural Affairs Commission shall consider applications and panel scores, and provide funding recommendations to the Director.
- (iii) The Public Art Committee shall consider proposals and panel scores for public art commissions, and provide artist selection and design recommendations to the Cultural Affairs Commission.
- (iv) The Cultural Affairs Commission shall consider proposals, panel scores, and Public Art Committee recommendations, and provide artist selection and design recommendations for public art commissions to the Director.
- (v) The Director of Cultural Affairs may directly initiate cultural services contracts for projects at OCA-managed cultural centers and may, in order to be responsive to our cultural ecosystem or to seize opportunities that arise, initiate other miscellaneous cultural projects. However, City Manager approval and approval as to form by the City Attorney shall always be required.
- (vi) The Director may use a service order for cultural services under \$3,000, without review of the Cultural Affairs Commission.

## Section 4. Cultural Disciplines

- A. The following are recognized as artistic and cultural disciplines, and organizations and individuals proposing services related to any one of these fields or a combination of these fields are eligible for consideration for funding under these guidelines. The definitions are based on National Endowment for the Arts and National Endowment for the Humanities disciplines as defined as of August 2018 and may be updated in subsequent revisions to policy to reflect the latest definitions put forth by these organizations or by other qualified authoritative bodies.
- (i) Artist Communities – Artist Communities means organizations, whether focused on a single discipline or multidisciplinary, whose primary mission is to provide artist residencies. These organizations may provide space, time, and resources to artists for incubation, thought, or creativity in a retreat setting in an urban or rural location; foster and support the creative process of art making by providing studio facilities and assistance with living accommodations to enable artists to live and work concurrently; utilize a competitive application process to recruit and select participants; and rotate a wide range of artists in order to encourage the highest standards of creativity.
  - (ii) Art Conservation - Conservation encompasses actions taken toward the long-term preservation of cultural property. Conservation activities include examination, documentation, treatment, and preventative care, supported by research and education.
  - (iii) Arts Education – Arts education is learning through arts experiences. Arts Education may be in any artistic discipline.
  - (iv) Dance - American dance is encyclopedic in scope and international in its aesthetic traditions. This includes all forms of professional dance, and the work of dance companies and presenters. Dance projects may represent a multiplicity of forms, styles, techniques, and histories that come from every continent in the world and the many different styles -- ballet, modern dance, jazz, folkloric, tap, hip-hop, and other contemporary forms. Folkloric may encompass dance forms historically practiced by different ethnic or cultural groups.

- (v) Design - The design field encompasses many disciplines including, but not limited to, architecture, communications and graphic design, fashion design, historic preservation, industrial and product design, interior design, landscape architecture, planning, universal design, rural design, urban design, and stage design (e.g., scenery, costume, lighting, sound, projection, multimedia used in virtually all performance art).
- (vi) Folk & Traditional Arts - The folk and traditional arts are rooted in and reflective of the cultural life of a community. Community members may share a common ethnic heritage, cultural mores, language, religion, occupation, or geographic region. These vital and constantly reinvigorated artistic traditions are shaped by values and standards of excellence that are passed from generation to generation, most often within family and community, through demonstration, conversation, and practice. Genres of artistic activity include, but are not limited to, music, dance, crafts, and oral expression.
- (vii) Literature – Literature is writing considered to be an art form. Major forms include, but are not limited to, poetry, prose, drama, spoken word and storytelling.
- (viii) Media Arts - Media arts, as defined by the National Endowment for the Arts, includes screen-based and print projects presented via film, television, radio, audio, video, the Internet, interactive and mobile technologies, video game consoles, transmedia storytelling, and satellite as well as media-related printed books, catalogues, and journals.
- (ix) Museums – Museums are institutions that typically exhibit, preserve, and interpret visual material through exhibitions, residencies, publications, commissions, public art works, conservation, documentation, services to the field, and public programs.
- (x) Music - The City of Dallas recognizes and supports a wide range of music, from classical to contemporary to America's indigenous jazz. It supports both performing ensembles and music presenting institutions including chamber music ensembles, choruses, early music programs, jazz ensembles, music festivals, and symphony orchestras. Additionally, this discipline includes music production, presentation, and service projects.

- (xi) Opera - Opera is a multifaceted art form that comprises music and text to move a story or dramatic concept forward. The opera genre encompasses music of many periods from the works of Monteverdi, Pergolesi, Gluck, Rossini, Mozart, Verdi, and Puccini to the works of Benjamin Britten, Carlisle Floyd, Philip Glass, and beyond. This discipline includes the work of opera companies and other organizations that professionally produce fully-staged and concert operatic works.
  - (xii) Presenting & Multidisciplinary Works - This area supports artistic works and events that present multiple disciplines, combine and/or integrate art forms, explore boundaries between art disciplines, fuse or transcend disciplines, and look to new forms of expression. Multidisciplinary and cross-disciplinary art forms may include performance art, interactive and participatory works, multimedia performance, and arts/science collaborations that go beyond the boundaries of a traditional art form.
  - (xiii) Theater & Musical Theater – Theater and Musical Theater are the public presentation of plays and musicals from all cultures and periods. This encompasses the entire spectrum of the nonprofit theater and musical theater field, including the production or presentation of traditional or classical repertoire, new plays and musicals, development laboratories, showcases, artist residencies, work for young audiences, experimental work, community-based work, outdoor historical dramas, and puppetry.
  - (xiv) Visual Arts – Visual arts include painting, sculpture, photography, printmaking, drawing, craft, etc. Also included in this discipline is work that encourages individual artistic development, experimentation, and dialogue between artists and the public through the curation of exhibitions, residencies, publications, commissions, public artworks, conservation, documentation, services to the field, and public programs.
- B. In addition to the artistic fields listed above, Cultural Disciplines also includes other humanities-related fields. "The term 'humanities' includes, but is not limited to, the study and interpretation of the following: language, both modern and classical; linguistics; literature; history; jurisprudence; philosophy; archaeology; comparative religion; ethics; the history, criticism and theory of the arts; those aspects of social sciences which have humanistic content and employ humanistic methods; and the study and application of the humanities to the human environment with particular attention to reflecting our diverse heritage, traditions, and history and to the relevance of the humanities to the current conditions of national life. (National Foundation on the Arts and the Humanities Act, 1965, as amended)

## Section 5. Cultural Funding Programs

- A. Dallas' culture is our collective soul – it reflects our individuality, our heritage, our interests and our aspirations. It is what makes us different and brings us together. The totality of cultural practices from all residents and cultural organizations is Dallas culture. The City of Dallas, through the Office of Cultural Affairs, will offer an array of cultural funding opportunities for Dallas-based organizations and individual artists.
- B. Cultural disciplines which are generally eligible for consideration for funding are listed in the Cultural Disciplines section of this document and are based on National Endowment for the Arts and National Endowment for the Humanities definitions as of 2018. In the event a question arises as to the artistic or cultural merit of a proposal, the Director of Cultural Affairs, with the support of the Chair of the Cultural Affairs Commission, may affirm its nature.
- C. Because cultural services generally cannot be secured by the City of Dallas through the traditional procurement process, it is necessary for the City Council to approve the funding programs and methods of selection. Cultural funding programs will be authorized annually by resolution of the City Council, including approval of the various program guidelines. Action by the City Council will provide authorization for the City Manager or his designee to sign future agreements up to a maximum of \$50,000 each, approved as to form by the City Attorney, with qualified artists and organizations in accordance with the eligibility and criteria set forth in the various program guidelines. Agreements exceeding \$50,000 will require discrete authorization by the City Council.
- D. The cultural funding programs will have three areas of focus: Organizational Support, Project Support, and Neighborhood Engagement. Multiple funding programs may be initiated by the Office of Cultural Affairs within each or multiple of these core areas. Specific funding guidelines, including program names, will be defined and approved annually, but each funding program will generally conform to one or more core area as follows:
  - (i) Organizational Support.
    - (1) The Organizational Support funding category provides funding to established Dallas-based nonprofit arts and cultural organizations and institutions for general operating expenditures, including artistic and administrative expenses, directly related to a year-long program of events. Specific eligibility requirements, including organizational budget and matching funds requirements, will be provided in the program guidelines.

(ii) Project Support.

(1) The Project Support funding category supports nonprofit arts and cultural organizations and individual artists proposing seasonal support or specific arts/cultural projects that deliver quality arts and cultural programming. This program may also be made available to other nonprofit, non-arts/cultural organizations that meet the requirements for presenting quality arts programming for specific arts/cultural projects. Additionally, incorporated for-profit entities may also be allowed to apply, in partnership with a Dallas-based nonprofit organization, for non-commercial arts/cultural projects, as may be provided in the program guidelines.

(iii) Neighborhood Engagement.

(1) The Neighborhood Engagement funding category supports neighborhood-centered, publicly accessible programs and events that promote arts and cultural participation, celebrate diversity, build community connections, and enhance the visibility of Dallas neighborhoods through arts and culture. Programs and events should highlight and enhance the integration of arts and economic vitality of the specific neighborhood. This core area will be open to Dallas-based nonprofit arts and cultural organizations and to individual artists who both live and work in Dallas. Preference will be given to artists and organizations with deep and established ties to the neighborhood being served.

E. Arts Endowment proceeds may only be utilized for projects involving:

- (i) ALAANA Dallas-based nonprofit arts and cultural organizations and individual artists from an ALAANA background.
- (ii) Dallas-based nonprofit arts and cultural organizations with a history of primarily serving other historically marginalized groups, including but not limited to LGBTQIA+ groups and immigrant communities.
- (iii) Individual artists who identify as a member of the historically marginalized groups as described above.
- (iv) Projects must be non-recurring, and will generally be of limited duration, typically not exceeding one year. Special emphasis will be given to projects which substantially involve multiple individual artists and/or multiple organizations.

- F. A limit on funding through the Organizational Support core area shall be established by annual program guidelines, which may be scaled to be proportional, based on an organization's audited revenue. The limit may be adjusted periodically, as provided in the program guidelines, with recommendation by the Cultural Affairs Commission, and approval by the City Council. In no case, however, shall the funding limit be less than:
- (i) 25% for organizations with revenue less than \$1,000,000;
  - (ii) 15% for organizations with revenue between \$1,000,000 and \$5,000,000;
  - (iii) and 10% for organizations with revenue greater than \$5,000,000.
- G. Total support by the City in a fiscal year, whether cash or in-kind, regardless of the department from which the funds and support originate, shall not exceed:
- (i) 50% of an organization's audited revenue for organizations with revenue less than \$1,000,000.
  - (ii) 40% of an organization's audited revenue for organizations with revenue of \$1,000,000 or more.
- H. In-kind support includes, but is not limited to, utility payments made directly by the City, payments made to a third party, including other City departments, in support of the organization, and rent waivers at Cultural Centers. In extraordinary circumstances, upon recommendation by the Director of Cultural Affairs and the Cultural Affairs Commission, the City Council may authorize support above this limit.

## Section 6. Cultural Venues

### A. New City-Owned Cultural Venues.

- (i) Given the current backlog of deferred maintenance across many City-owned facilities, the high expense of capital maintenance for City-owned cultural facilities, and in recognition of ongoing expenses associated with operating its current cultural facilities, it is the policy of the City of Dallas to contribute finances for the construction, operation, and/or maintenance of new cultural facilities only when funding for both construction and ongoing maintenance and operations has been identified and secured.
- (ii) With respect to creating new cultural facilities, the City will first work to assess public and private facilities available for artistic and cultural experiences and creation, and will work with partners to increase utilization of existing facilities and spaces.

### B. New privately-owned cultural venues

- (i) The City may, at its discretion, contribute funding to a nonprofit entity in the capital/construction phase of a new privately-owned cultural facility which will provide a substantial public benefit to the residents of and visitors to Dallas. The City shall only consider contributing funding when the partner presents a viable business plan for long-term operations and proof of a significant amount of cash and/or pledges in hand toward the total capital costs of the project. In such cases, the City's participation shall not be more than 40% of the total capital costs of the new facility (including pre-construction and construction costs) and the contractual agreement with the private partner shall stipulate that the ownership of the facility and land shall revert to the City if the asset is no longer used for the benefit of the public or if intent is made to transfer ownership to a for-profit entity or an individual. The City's participation shall also be contingent on the private partner establishing an endowment fund for facility maintenance with a principal balance of not less than 10% of the total capital costs of the facility.
- (ii) The long-term responsibility for maintenance and operations of the building shall be with the private nonprofit partner, and this partner may apply on an annual basis for organizational support funding from the City, subject to funding program guidelines, this Cultural Policy, and future appropriations.

### C. Existing City-owned cultural venues

(i) As of 2018, there are 23 City-owned cultural venues under the custodianship of the Office of Cultural Affairs. Each venue has its own practices and procedures that may evolve with the approval of the Director and the applicable venue manager to: further the mission of the Office of Cultural Affairs; further the mission of each individual venue; and to serve the highest and best public use within the applicable constraints, such as state law and City ordinances, budget appropriations, public and private funding availability, and contractual obligations. In making these decisions, the Director and applicable venue manager will act in the best interest of the taxpayer and will serve as responsible stewards of the public trust and public dollars.

#### (ii) Neighborhood Cultural Centers

(1) As of 2018, there are four neighborhood cultural centers owned and operated by the City of Dallas: Bath House Cultural Center, Latino Cultural Center, Oak Cliff Cultural Center, and South Dallas Cultural Center, which manages the Juanita Craft Civil Rights House. Each has a mission to serve one or more defined communities. The neighborhood cultural centers provide City-subsidized spaces for community events, prioritizing arts and cultural events, and provide for cultural services in furtherance of their missions.

#### (iii) Performing Arts Venues

(1) As of 2018, there are three performing arts venues owned and operated by the City of Dallas: Majestic Theatre, Moody Performance Hall, and Morton H. Meyerson Symphony Center.

(a) The Majestic Theatre accommodates a wide range of commercial stage productions, including pop, rock, country, comedy, magic, Broadway and family shows. The venue's business model is to strive for full cost recovery and it also serves the local arts community at reduced rates.

(b) The Morton H. Meyerson Symphony Center is the home of the Dallas Symphony Orchestra and also serves the local arts community at reduced rates as dates are available.

(c) The Moody Performance Hall, formerly known as the Dallas City Performance Hall, is a performing arts theater designed to provide a venue in the Dallas Arts District for the City's emerging and mid-size performing arts and cultural organizations.

(iv) Partner-Managed Facilities

- (1) As of 2018, there are fifteen facilities owned by the City, under the custodianship of the Office of Cultural Affairs, which are managed by private nonprofit partner organizations in accordance with their respective management or lease agreements. They are: the African American Museum, Annette Strauss Square, Dallas Black Dance Theatre (the historic Moorland YMCA building), Dallas Heritage Village at Old City Park, Dallas Museum of Art facility, Museum of Natural History facility, Kalita Humphreys Theater, Heldt Administration Building (at the Kalita Humphreys Theater), Music Hall at Fair Park, Hall of State, Naomi Bruton Theater (at the Kay Bailey Hutchinson Convention Center), Sammons Center for the Arts facility, Elaine D. and Charles A. Sammons Park, Margot and Bill Winspear Opera House, Dee and Charles Wylie Theatre.
- (2) As opportunities arise, the Office of Cultural Affairs will work to negotiate or renegotiate these contracts to serve the highest and best use of these public assets.

## Section 7. Public Art Program

- A. The Public Art Program provides opportunities for experienced and emerging artists. to contribute to the visual environment of public spaces in Dallas.
  
- B. Artists will be selected on the basis of their qualifications as demonstrated by past work, appropriateness of the proposal to the scope of the project as advertised, the feasibility of successful completion for the budget advertised, and practicality of long-term maintenance.
  - (i) Specifically excluded are the design architect (or other design professional) or anyone who is a part of the design or construction team; City employees or their relatives; artists who are members of, or are related to members of the Public Art Committee or the Cultural Affairs Commission.
  
  - (ii) Artists under contract for public art with the City of Dallas will not be eligible until they have completed the commission for which they are under contract.
  
- C. Criteria for selecting an artist for a commission - the artist's concept must conform to the published scope of the project to be considered; additionally, the following criteria will be considered:
  - (i) Design, construction, style and media must be considered of good quality.
  
  - (ii) Media appropriate for the scope of the project or responsive to the defined media in the call for artists.
  
  - (iii) Suitability for site: artwork should be appropriate in scale, material, form and content for the social and physical environments where they will be sited.
  
  - (iv) Permanence: artist must demonstrate that the proposed artwork will have structural and surface integrity and stability for the duration of the defined lifespan of the artwork. Artwork must not be susceptible to theft, vandalism, and weathering. The artwork must be able to be maintained without undue costs.
  
  - (v) Safety: artworks must be free from unsafe conditions or factors, and where applicable, must be ADA (Americans with Disabilities Act) compliant.
  
- D. Public art projects to be located on property under the jurisdiction of the Park and Recreation Board must enhance the site by incorporating one or more of the following criteria:

- (i) The artwork must incorporate a utilitarian purpose such that the art becomes integral to the intended activities at the site (e.g., play area, seating area, lighting, entry way, signage).
  - (ii) The artwork compliments, enhances and reflects the immediate park environment.
  - (iii) The artwork reflects the history of the community and/or city. When applicable, consideration should be given to restoration/conservation of historical elements.
  - (iv) The artwork recognizes individuals who have made significant contributions to the park system or quality of life issues in Dallas.
  - (v) The artwork design must be presented to representatives from the community for comment. The design for artwork to be located at a recreation center must be presented to the recreation center advisory council and surrounding community.
  - (vi) The artwork must be approved by the Park Board as to its placement and appropriateness relative to the criteria for artwork in a park.
- E. On any City project including public artwork, the contract with the artist shall require the artist to warrant that:
- (i) The artwork, artplace, or art concept is the result of the artist's personal creative efforts, except in the case of design collaboration.
  - (ii) The art is unique and original and does not infringe upon any copyright. The artist must agree to hold the City harmless against any claims for copyright infringement.
  - (iii) The art or a duplicate has not been accepted for sale elsewhere.
  - (iv) The art is free and clear of any liens.
  - (v) The execution and fabrication of the art will be performed in a professional manner and adhere to normal safety standards.

- (vi) The art as fabricated and installed will be free of defects in material and craftsmanship, including, but not limited to, any defects constituting “inherent vice” or qualities which cause or accelerate deterioration. The artist will be responsible for any design defects within one year from the acceptance of the work by OCA staff.
- (vii) Reasonable maintenance of the art will not require procedures or materials substantially in excess of those described in the maintenance recommendations submitted by the artist(s).

F. Conservation and Maintenance of Public Art.

- (i) In the event it becomes necessary for the City to alter, modify, rearrange, remove or relocate a public artwork or artplace, the City shall endeavor to notify the artist of its intent to do so; this endeavor shall include providing written notification. The City recognizes that such changes may compromise the artistic integrity of the artwork or artplace, and also impact the appraised value of the artwork. To this end, the artist shall be given the opportunity to disclaim authorship and request the City not use his/her name in any connection with the given work. If the City’s reasonable efforts to contact the artists are unsuccessful, the City shall proceed with its plans. In all instances, the Office of Cultural Affairs must be provided 30 days’ advance notice of the intent of a City department to modify, rearrange, remove or relocate any City-owned public artwork or artplace. Nothing contained in this policy shall be construed as a grant of any right or property interest in the public artwork or artplace, as all such rights and ownership belong solely to the City of Dallas, except to the extent expressly stipulated in the original contract with the artist, or as set forth in this policy.
- (ii) Repairs, restoration and/or conservation shall be the responsibility of the City. The City shall make a good and reasonable effort to notify the artist(s) or collaborative team in writing before repairs or any treatment is performed, and to obtain input from them. If the artwork in question is a discrete object and not integral to the architecture, the City may offer the artist(s) or collaborative team the opportunity to perform or supervise the work. The City shall reserve the right to perform routine maintenance or make minor and/or emergency repairs without consulting the artist(s), provided this work is done according to maintenance and materials information provided by the artist at the time of acquisition and meets the approval of the relevant OCA staff.

- (iii) With regard to works for which no maintenance funding provisions have been made, it shall be the responsibility of the department (e.g., Park & Recreation, Fire-Rescue) occupying and/or responsible for the property on or in which the artwork(s) is/are located to ensure that the artwork(s) is/are properly maintained, and that when repair or conservation becomes necessary, such treatments are implemented with the advice and consent of the Office of Cultural Affairs.

#### G. Donations and Loans of works of art to the City of Dallas

- (i) The City of Dallas encourages donations and loans of works of art for public places. When gifts or donations of major artworks are proposed for placement with any City agency or department, the proposal shall be reviewed by the Public Art Committee and the Cultural Affairs Commission. This policy shall also apply to works of art proposed for long-term loan to the City. The objectives of this policy are:
  - (1) To maintain high artistic standards in works of art displayed by the City of Dallas.
  - (2) To vest in a single City agency the responsibility for ensuring the management and maintenance of the City's public artworks.
  - (3) To facilitate planning for the placement of works of art in City facilities.
  - (4) To provide for appropriate recognition of artists and of donors of works of art to the City of Dallas.
  - (5) To provide for conservation and maintenance plans and funds for the artwork.
- (ii) The City shall accept donated artworks only when accompanied by a legal instrument of conveyance of title, enumerating any conditions of the gift that the City has agreed to accept, and the appropriate warranty of originality. In general, gifts shall be accepted without restrictions as to future use or disposition. The Office of Cultural Affairs shall forward copies of the conveyance of title and the stated insurance value for donated artwork(s) to the appropriate City departments, and document the artwork(s) and accession number(s).
- (iii) Whenever artwork is proposed as a donation, the donor must provide not less than 10% of the currently appraised value of the artwork for future conservation and maintenance costs. In extraordinary circumstances, the Director may choose to waive this policy following review by the Public Art Committee and the Cultural Affairs Commission.

(iv) Deaccessioning. Because the City has the responsibility for conserving its public art collection, and because the disposal of artworks may have serious implications for the artists and the residents of Dallas, deaccessioning should be a deliberate and seldom-used procedure. No work of art will be deaccessioned within ten years after acquisition, unless necessitated by extenuating circumstances.

(1) Since deaccessioning of the City-owned collection maintained by the Dallas Museum of Art is governed by a separate City Ordinance (See Dallas City Code - Chapter 2, Article IV, Sec. 2-37.12), this policy shall not apply to the Museum.

#### H. Temporary Public Art.

- (i) By 2023, the Office of Cultural Affairs will initiate temporary public art projects under the administration of the Public Art Program. Temporary public art has been successful in advancing civic engagement and progress towards diversity and equity goals in Dallas' peer cities.
- (ii) Temporary public art is enabled via selection panels and is created in concert with a public process that involves residents at many levels. It is restricted to artworks that are installed in publicly accessible spaces, with preference given to spaces owned by the City of Dallas, and installation shall be of a limited duration, typically of less than two years. It is distinct from the type of permanent or semi-permanent City-funded public art that has been created, installed, and added to the City of Dallas's collection as provided in City Ordinance as of this policy's publication in 2018. The works commissioned will follow all relevant safety precautions, and comply with state laws and city ordinances.
- (iii) Due to its time-bounded nature, temporary public art can foster innovative and meaningful engagement between a specific place, current cultural dialogues, and the local community in relevant ways.

## Section 8. Other OCA Programs in Support of the Cultural Ecosystem

- A. The programs named in the previous three sections of policy (Cultural Funding, Cultural Venues, and Public Art) are the core services of the Office of Cultural Affairs which support the cultural ecosystem in the city of Dallas. However, providing funding and subsidized space, and contracting for cultural programming and the creation of art in collaboration with neighborhood communities only address some of the needs of a vibrant and healthy arts and cultural ecosystem.
- B. In support of the mission, the Director may initiate new programs or pilot new initiatives as named in or as addressing priorities in the 2018 Cultural Plan, subject to funding availability and all applicable laws, ordinances, statutes, and administrative directives. These programs and initiatives may include, but are not limited to: cultural venue rental subsidies; working with partners to increase arts and cultural programming for the youth of Dallas; programming across the city in a “pop-up” cultural center model outside of OCA-managed neighborhood cultural centers; and increasing cultural programming in the City’s black box/multiform theaters or other appropriate City spaces. These programs and initiatives may be in partnership with artists, other private organizations, and/or other governmental agencies.

## Section 9. Cultural Venue Naming Policy

### A. Policy Statement.

It is the policy of the City of Dallas to actively consider unsolicited proposals and/or seek naming opportunities for cultural facilities, including interior and exterior components, from individuals, foundations, corporations, nonprofit organizations, service clubs, and other entities in order to increase OCA's ability to maintain the City's cultural facilities, and/or provide enhanced levels of cultural services beyond the core levels funded from the City's general fund.

Honorific naming will be considered in extraordinary circumstances for individuals demonstrating a lifetime commitment to arts and culture in Dallas, with substantial community input and support as provided in this policy.

Naming recognition shall adhere to the aesthetic values and purpose of the City's cultural facilities. In addition, such recognition shall not detract from the visitor's experience or expectation, nor shall it impair the visual qualities of the site or be perceived as creating a proprietary interest. All costs that are not directly related to securing the naming rights (including but not limited to rebranding, signage, and events) shall be paid for by the non-City entity.

### B. Definitions. In this section:

- (i) Cultural Facility means a City-owned cultural facility in its entirety.
- (ii) Public Component means interior spaces and assets, including but not limited to lobbies, auditoriums, stages, seats, and lighting fixtures, and exterior spaces and assets, including but not limited to outdoor performance spaces, courtyards, and benches. These components may also include back-of-house or support spaces, for example, green rooms.
- (iii) Neighborhood Cultural Centers means the Bath House Cultural Center, Latino Cultural Center, Oak Cliff Cultural Center, and South Dallas Cultural Center including the Juanita Craft Civil Rights House, and future facilities of a similar nature.
- (iv) Performing Arts Centers means the Majestic Theatre, Moody Performance Hall, and the Morton H. Meyerson Symphony Center.

- (v) Partner-Managed Facilities means the African American Museum, Annette Strauss Square, Dallas Black Dance Theatre, Dallas Heritage Village at Old City Park, Dallas Museum of Art, Museum of Natural History Building, Kalita Humphreys Theater, Heldt Administration Building, Music Hall at Fair Park, Hall of State, Naomi Bruton Theater (at the Kay Bailey Hutchinson Convention Center), Sammons Center for the Arts, Elaine D. and Charles A. Sammons Park, Margot and Bill Winspear Opera House, Dee and Charles Wyly Theatre.

### C. Guiding Principles

- (i) Naming opportunities shall generally be for a period of forty (40) years, but in no case shall it exceed the useful life of the asset.
- (ii) Naming privileges shall not result in additional costs to the City, other than those costs associated with securing the naming rights.

### D. Specific Naming Opportunities

- (i) Naming in recognition of major gifts, sponsorships, and licensing agreements
  - (1) Existing and future City-owned cultural facilities may be considered for naming or re-naming, but only if the financial contribution is significant as related to the facility's current market value.
  - (2) No less than fifty (50) percent of the contribution related to naming of Neighborhood Cultural Centers and Performing Arts Centers, including public area components, shall be dedicated to a City special revenue fund for future renovations, major maintenance or other long-term improvements of the facility.
  - (3) Subject to the terms of the management and lease agreements, no less than forty (40) percent of the contribution related to naming of partner-managed cultural facilities, including public area components (e.g., lobbies, auditoriums, stages), shall be dedicated to a restricted fund for future renovations, major maintenance or other long-term improvements of the facility. Proposed expenditures from this fund shall be subject to the review and approval of the Director of Cultural Affairs (which approval shall not be unreasonably withheld or delayed).
  - (4) All cultural facility naming rights agreements must be considered by the Cultural Affairs Commission and receive final approval by the City Council. Prior to this consideration, naming rights proposals must outline the financial breakdown, including proposed revenues, costs, and an asset analysis and market valuation.

- (5) Capital campaigns related to naming facilities and components in new projects in City-owned facilities shall require that not less than ninety (90) percent of the contribution be dedicated to one or more restricted fund(s) related to that project.
- (ii) Naming in honor of individuals demonstrating a lifetime commitment to arts and culture in Dallas
  - (1) Facilities and public area components may be named for individuals who have made exceptional contributions to arts and culture in Dallas. Exceptional contributions include direct, significant, and sustained public service for the betterment of the community in which the cultural facility or facility component is located. This public service must have directly impacted the lives of a significant number of residents within the community. The individual must have established and maintained a positive relationship with the community at-large during their lifetime. Requests for honorific naming of cultural facilities or components submitted by individuals or groups that propose to name the asset after themselves shall not be considered.

E. Application and approval process.

- (i) An application for naming or re-naming a cultural facility and public area components shall be completed by the interested party, and shall be submitted to the Director of Cultural Affairs, in a manner prescribed by rule of the Director.
  - (1) Regarding partner-managed facilities, the partner may solicit naming proposals for the entire facility and components, however, the naming shall be governed by this policy unless otherwise provided in a facility management or lease agreement that exists prior to the adoption of this policy.
- (ii) Applications for honorific naming shall be accompanied by a petition stating the current name and address of the facility, the asset proposed for naming (i.e., the facility itself or the specific public component), and the proposed name. The petition shall be signed by no less than 750 qualified electors of the City of Dallas. The City Secretary shall assist with validating a sample of petition signatures consistent with processes established for other petitions.

- (iii) Applications shall be reviewed by OCA for accuracy and completeness. Applications not meeting this policy shall be dismissed by the Director, and a letter shall be transmitted to the applicant stating the reasons for dismissal.
- (iv) Applicants may appeal the director's decision to the Cultural Affairs Commission, which may, upon appropriate public notice, recommend to the Director by majority vote of the Commission, that the application be reconsidered.
- (v) Qualified applications for facility naming shall then be published on OCA's website, and public notice shall be published on the City's website and other applicable public forums for 30 days.
  - (1) Written public comments shall be accepted as prescribed by the Director during this period and made available to the Cultural Affairs Commission for review.
- (vi) The Cultural Affairs Commission may consider recommending the proposed facility names to City Council following the 30 day public notice period.
- (vii) Final approval of naming of cultural facilities shall be made by resolution of the City Council.
- (viii) Final approval of naming public components of cultural facilities shall be made by Administrative Action unless the establishment of a City special revenue fund is required, in which case final approval shall be made by resolution of the City Council.
  - (1) For components at partner-managed facilities, the Director may approve a fundraising plan with proposed gift levels for each type of component prior to the partner receiving gifts or offering naming rights to prospective donors for any components with a gift level below \$50,000. Upon receipt of approval, the partner may then solicit donors and name components so long as the donor's naming request does not undermine the image or reputation of the City. In cases for which there is doubt, the partner may confer with the Director as to the appropriateness of the proposed naming. The partner must submit an annual report to the Director for the duration of the naming rights campaign detailing the components named, the donors, the term of the naming right, and the use of the funds or donations secured.

## Section 10. Effective Date and Amendments To This Policy

- A. **Effective Date.** This policy was approved and became effective upon adoption of its authorizing resolution by the City Council. For the avoidance of doubt, this policy will remain in effect with respect to any successor position or office performing the functions of its predecessor until this policy is modified, revoked, or superseded by resolution of the City Council. In addition, this policy supersedes any prior policy or guidance with respect to the subject matter hereof.
- B. **Amendments To This Policy.**
- (i) This policy may be modified or amended at any time in writing with approval by resolution of the City Council.
  - (ii) On an annual basis the Director of Cultural Affairs will review this policy and may recommend revisions in order to keep the policy current and to respond to changing needs of Dallas' cultural ecosystem. The Cultural Affairs Commission will review proposed revisions and shall make a recommendation to the City Council regarding the proposed revisions. No amendment shall be effective until approved by the City Council.
  - (iii) Approved amendments shall be engrossed into a revised and restated edition of this policy. The policy's cover page shall state the effective date of the current version of this policy, and an introductory digest page shall state a summary of all amendments to the policy, the authorizing resolution number, and effective date. The digest page shall clearly state, "Current as of [DATE]. Previous editions are obsolete."