

## **SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET**

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**ITEM NO:** A-4  
**DATE:** September 10, 2009  
**SUBJECT:** Display and Exhibit Policy  
**CONTACT PERSON:** Deborah Knight, City Administrator

**ISSUE:**

The issue before the city council is review and approval of the draft policy on displays and exhibits at city-owned properties. The policy is needed to accommodate recent requests to display materials in the Community Center lobby.

The city attorney recommends the city council adopt a set of policies and procedures to provide fair and consistent standards for the use of exhibit areas in the Community Center.

**STAFF RECOMMENDATION:**

City staff recommend the city council take action to approve the draft policies as written or with any proposed amendments.

This recommendation will accommodate a request from the Sultan Pirates Football organization to use the Community Center to display items from their youth athletic club.

**SUMMARY:**

The City of Sultan has received requests from time to time to display items in the Community Center lobby. The city has approved these requests on a case-by-case basis without the benefit of an overarching policy. By hosting exhibits and displays, the City provides both individuals and groups with a means of public expression and also makes those public expressions available to the community.

The purpose of adopting a policy is to ensure use of the city's public spaces in a manner consistent with the city's service needs and requirements.

## Proposed Policy

The draft policy combines a template provided by the city attorney's office with some more specific procedures from a library district policy.

In developing a policy the city cannot discriminate on the basis of message or viewpoint but may discriminate on the basis of perceived aesthetic or historical value or other criteria unrelated to any viewpoint.

In light of laws applicable to public buildings, the proposed policy does not allow items that:

- promote political fundraising,
- promote or oppose a matter placed, or to be placed, before voters at the polls
- political campaigns
- endorse religion or any particular religion, or opposition to religion or to any particular religion.

In addition, items selected or approved for display must be appropriate for a general audience of all ages. Accordingly, the policy prohibits groups or individuals from displaying items that a reasonably prudent person applying contemporary community standards would find offensive, including items that:

- contain material that, taken as a whole, appeals to prurient interests or depicts or describes nudity or sexual conduct in an offensive or lewd manner
- contain material depicting graphic violence

Under the proposed policy, the City would not accept commercial notices for any group unless they have a special education, information, or cultural value to the community.

The City would not accept any materials being offered for sale to the public unless the proceeds were intended directly to benefit the City.

## Proposed Procedures

Parties interested in displaying items in the Community Center would need to submit an application to the city. The Public Works Director, would serve as the Display Coordinator, Exhibit scheduling would be managed through the City Clerk's Office.

Requests would be processed on a first-come, first-serve basis. Displays would be limited to two months but could be extended if there are no other requests for space.

## **FISCAL IMPACT:**

There is no fiscal impact with adopting this policy. Responsibility for installation, maintenance and repair of city facilities associated with an exhibit are the responsibility of the exhibitor.

Groups and individuals wishing to display items must indemnify the city against injuries or losses caused by a art work or object. The city would not be responsible for loss or damage to items displayed or exhibited.

**ALTERNATIVES:**

1. Review and discuss the draft display policy and direct staff to implement the policy.

This alternative implies the City Council supports the draft policies as presented and is prepared to enact policies and procedures for hosting exhibits and displays in the Community Center.

2. Review and discuss the draft display policy. Direct staff to amend sections of the draft policies prior to final approval.

This alternative implies the City Council has minor questions and/or concerns regarding the proposed policies and procedures. The Council may make amendments to the policies and procedures at the meeting prior approval.

3. Do not approve the draft policies and procedures and direct staff to areas of concern.

This alternative implies the City Council has major questions and/or concerns regarding the proposed display policy and would like to delay action until the changes directed by Council are incorporated into the document.

**RECOMMENDED ACTION:**

Review and discuss the draft display policy and direct staff to implement the policy.

**ATTACHMENT**

A – City of Sultan Policy on Displays and Exhibits at City-Owned Properties

**CITY OF SULTAN  
POLICY ON DISPLAYS AND EXHIBITS  
AT CITY-OWNED PROPERTIES**

**I. Purpose**

1. The City of “Sultan” (“City”) values the role of art in enhancing the quality of life in the community, strengthening civic identity and cultural heritage, creating an attractive environment, and bringing enjoyment to residents.
2. The City also recognizes the interest of City residents and community groups in displaying art, objects of historical significance, and other items in or on City-owned property and welcomes such forms of civic participation. The City Council (“Council”) adopts this Policy on Displays and Exhibits at City-Owned Properties (“Policy”) for application at City-owned properties
3. For purposes of this Policy, “art” means works or objects owned by the City, or works or objects owned by others but displayed in or on City-owned properties on a temporary or permanent basis, including, but not limited to, two- and three-dimensional works of art such as paintings, drawings, photographs, graphics, fabric art, collages, ceramics, and sculptures and objects of historic significance.
4. For purposes of this Policy, “curatorial responsibility” means tasks related to the selection and exhibition of art, and other matters relating to the display of art, including responsibility for designating spaces for the display of art, designating days and times for public viewing of such displays, and determining whether or not to make such spaces available for an exhibition.
5. This Policy does not address the City’s acquisition, through gift or purchase, of works of art or of other objects, or its de-accessioning of such. In the event questions or issues arise concerning such matters, they should be directed to the Mayor and other City departments and officials.
6. It is the City’s intention that all areas on or in City-owned buildings or spaces and designated pursuant to this Policy for display or exhibits be deemed limited public forums.

**II. Policy**

**A. Selection Criteria and Procedures**

1. City spaces designated for displays and exhibits include rooms intended primarily to be the site of public functions, such as public hearings and meetings, internal City staff meetings, and meetings of or with community organizations. While some displays and exhibits may also provide the opportunity for viewing, for example, works of art in a setting similar to a gallery or museum, at other times the display or exhibit will inevitably be seen in the context of the primary public functions of the room and therefore must take such primary functions into account when determining whether the exhibit or display is suitable for such locations.
2. In making decisions on whether or not to approve a display or exhibit, the City shall not discriminate on the basis of message or viewpoint but may discriminate

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- on the basis of perceived aesthetic or historical value or other criteria unrelated to any viewpoint.
3. Priority will be given first to displays by the City itself or other governmental agencies, second to residents of Sultan or groups based in Sultan and third to other individuals and groups.
  4. To be eligible for selection, items must be in stable condition and suitable for hanging or for display otherwise, shall not require extraordinary procedures or equipment for maintenance or display, and shall not have the potential to create unsafe conditions as determined by the Director of Public Works, City Administrator or Mayor as appropriate.
  5. In light of laws applicable to public buildings, the following types of items shall not be selected or approved for display:
    - a. items that
      - i. promote political fundraising
      - ii. promote or oppose a matter placed, or to be placed, before voters at the polls or that otherwise promote a political campaign; and
    - b. items that endorse religion or any particular religion, or opposition to religion or to any particular religion.
  6. In addition, items selected or approved for display shall be appropriate for a general audience of all ages. Accordingly, the delegated entity shall not select for display items that a reasonably prudent person applying contemporary community standards would find offensive, including the following:
    - a. items that contain material that, taken as a whole, appeals to prurient interests or depicts or describes nudity or sexual conduct in an offensive or prurient manner;
    - b. items that contain material depicting graphic violence, including, but not limited to:
      - i. the depiction of human or animal bodies or body parts in states of mutilation, dismemberment, decomposition, or disfigurement, and
      - ii. the depiction of weapons or other implements or devices being used in an act or acts of violence or harm on a person or animal.

**B. Responsibilities for Displays and Exhibits**

1. The Council designates the following areas of City-owned properties as areas available for displays and exhibits:
  - a. Sultan Community Center lobby

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2. The Council reserves the right to change such designations on a temporary or permanent basis.
3. No exhibits may be mounted by the public outside of exhibit areas specified by the City, as they may interfere with other Community Center operations and public safety, and result in an appearance of clutter. For example, no exhibits or displays may be mounted on the doors to the Community Center.
4. The City will not act as an agent for the exhibitor. Exhibitors are encouraged to post a statement about their display, but price tags or the posting of price lists are not permitted.
5. In general, the City does not accept commercial notices for any group unless they have a special education, information, or cultural value to the community. The City does not accept any materials being offered for sale to the public unless the proceeds are intended directly to benefit the City.
6. The fact that an organization or person is permitted the use of a Community Center exhibit area does not in any way constitute an endorsement of the City of its policies or beliefs and no claim to that effect may be used in advertising.

**C. Installation / Removal**

1. Displays and exhibits will be accepted as long as they do not interfere with the daily conduct of Community Center business and as long as it is made clear that the City does not necessarily endorse their contents or points of view.
2. Displays and exhibits will be approved and scheduled as space permits. The sponsoring group or individual is responsible for creating the display, setting it up on schedule, and removing it before the next scheduled display or exhibit.
3. Installation and removal of items for display or exhibition shall be conducted by, or under the direct supervision of, the responsible entity specified in Section II(B) above, with the consultation of the appropriate City department(s) as appropriate.
4. The person(s) whose items are accepted for display by the City shall be ultimately responsible for safe installation and removal of works or objects.

**D. Waiver and Indemnification**

1. The City shall not be responsible for loss or damage to items displayed or exhibited in or on a City-owned property pursuant to this Policy.
2. The City shall not be responsible for injuries or losses caused by the work or object.
3. Prior to the City's acceptance of an object for display, the owner of such work or object shall sign a Waiver, Release and Indemnification Agreement in a form that has been approved by the City Attorney's Office, holding the City harmless from

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liability for lost or damaged work and for any harm or losses caused by the work or object.

**Procedures**

**A. Application and Review**

1. Persons interested using a display space at the City of Sultan must first read the City's Exhibit and Display Policy and complete an application form. This form is available at City Hall. Questions should be addressed to Connie Dunn, Public Works Director.
2. Displays will be approved for a prescribed time, with the understanding the owner is responsible for installation and removal.
3. The City of Sultan will not be responsible for damage or theft that may occur during transport, setup, or removal of an exhibit.
4. Limited exhibit space should be taken into consideration when applying to display works of art, artisanship, or craft.
5. The Public Works Director, who serves as the Display Coordinator, coordinates all exhibit scheduling through the City Clerk's Office. Community Center exhibit areas are available to the public on a first come, first serve basis, and are available to individual and groups if the City has not previously scheduled the use of those exhibit spaces. City sponsored exhibits and displays will have priority.
6. It is not the intent of the City to provide permanent or continuous exhibit space to any specific individual or group. Up to two exhibits may be scheduled at the same time.
7. Reservations for exhibit space may be requested in advance
8. Exhibits normally are scheduled for two months, from the first day of the first month to the last day of the second month. Extensions may be granted on a case-by-case basis if no other requests for space have been previously scheduled.
9. Displays must conform to the space restrictions of the assigned areas and be securely affixed to display surfaces.

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**B. Installation and Removal**

1. Responsibility for setting up and dismantling exhibits lies with the exhibitor. The exhibitor will supply all tools and other materials needed for the exhibit.
2. Exhibitors are asked to be respectful of the multipurpose community use of the Community Center; thus conversations and noise should be kept to a minimum. Exhibits are to be installed with all deliberate speed. Entrances and aisles may not be obstructed.
3. Exhibitors may not move any existing exhibit or Community Center materials during the installation of their exhibit, unless permission to do so is granted by the Public Works Director.
4. Individuals or groups using the Community Center's exhibit spaces may not install their works prior to the dates on which their space reservations begin. They may not mount their artworks in a manner that defaces the space provided.
5. Damage to the premises, equipment, or furnishings as a result of exhibitor use will be charged to the individual or group responsible. The exhibitor or organization and its members, jointly and severally, assume and shall bear full responsibility for loss of, or injury or damage to, any property of the City of Sultan as shall be caused or inflicted by the using individual or organization.
6. Groups and individuals using the exhibit areas are responsible for basic clean up and return of the space to good order.
7. Exhibit owners should visit the Community Center exhibit space periodically during the times their exhibits are on display to assure that no portions have become unkempt.
8. Each exhibitor will supply and display descriptive information regarding the purpose, title, and ownership of the exhibit.
9. All displays shall be set up and removed on the assigned dates under the supervision of the Display Coordinator.
10. The City does not have space for storage of the property of exhibitors in the Community Center building; therefore, exhibitors are asked to deliver and pick up display items on the dates established in advance. Insurance covering the value of the exhibit will be the responsibility of the exhibitor. Prior to the display, the exhibitor will sign a disclaimer releasing the Community Center from all responsibility for the works displayed. See attached Display Agreement.

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**C. Responsibility for Loss or Damage**

1. Each approved exhibitor will supply a complete inventory of the exhibit and the reasonable estimated value of each item.
2. Items on display in the Community Center enjoy the same security as City collections and equipment, but irreplaceable items or items of great value should not be included in a display

**D. Cancellation**

1. The City reserves the right to cancel any exhibit should conditions or situations, such as a unique exhibit opportunity or unforeseen need, warrant such action.
2. If an exhibit is canceled, the exhibitor will have the right to display his or her exhibit again, for the full duration of the exhibit time originally scheduled, at the earliest convenience of the exhibitor and the City.

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**EXHIBIT/DISPLAY APPLICATION**

Please fill out all blanks and return to Connie Dunn, Public Works Director.

**Display Information**

Describe what will be displayed: (Title, number of items, etc.)

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Date to be Installed: \_\_\_\_\_ Removal Date: \_\_\_\_\_

Contact  
Name: \_\_\_\_\_

Contact  
Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Who will be responsible for removal of display? \_\_\_\_\_  
\_\_\_\_\_

Have you read the City's exhibit and display policy?

Yes     No

Signature of applicant: \_\_\_\_\_

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FOR STAFF USE ONLY: Approved by: \_\_\_\_\_ Date: \_\_\_\_\_