

**CHAPTER 6**  
**COUNCIL ON THE ARTS & HUMANITIES**

**NOTE:** The Insular Arts Council, created by Executive Order No. 75-23, was replaced by the Council on the Arts & Humanities, created by P.L. 16-122 (12/24/82). [Chapter 85, Title 5, Guam Code Annotated.] This law was amended by P.L. 17-81:5 and P.L. 18-2:1. Both amendments had the effect of making the Council permanent.

This became effective February 28, 1985.

**Article 1**

**Council Bylaws**

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**§6101. Preamble.** In order to acquaint the public with the functions of the Guam Council on the Arts and Humanities Agency, hereinafter referred to as the Council, and in order to provide an instructional and educational document for the public and for the Council members and employees setting forth rules governing the conduct of Council affairs and business, these by-laws are enacted.

**§6102. Purpose and Goals.** (a) Citizens of Guam often lack the opportunity to view, enjoy or participate in live theatrical performances, musical concerts, operas, dance and ballet materials, art exhibits, examples of fine architecture and the performing and fine arts. The Council desires to foster the opportunity for participation in arts and humanities programs designed to benefit citizens of all ages and from every facet of our multiethnic community. As it is the policy of the Government of Guam to stimulate the economic growth of the Territory through cultural activities, it is a goal of the agency to provide more opportunities for professional training and

practice in the arts and humanities to insure that their role in the life of the community will grow and play a more significant part in the welfare and educational experience of the people of the island. Coordinating and encouraging schools, organizations and individuals in their several artistic and cultural activities is in the best interest of the Territory of Guam and this Council. Finally, the Council will be making prompt application for federal funds in support of the arts and humanities and is charged with the expenditure of those funds.

(b) The purposes and charge of the Guam Council on the Arts & Humanities are:

(1) To stimulate and encourage the study and presentation of the performing and fine arts and public interest and participation therein;

(2) To help develop and sustain existing independent institutions of the arts by providing technical assistance in strengthening administrative and fund-raising techniques;

(3) To provide for the exhibition of art works in public buildings; to administer the art bank purchases and to make policies therefor;

(4) To bring the highest quality of arts to the territory; to promote the opportunity for people to experience, enjoy and profit from the arts and humanities;

(5) To join or contract with private patrons, individual artists, and ensembles, and with institutions, local sponsoring organizations and professional organizations;

(6) To enter into contracts to provide grants, loans or advances to individuals, organizations or institutions -- public or private -- engaged in artistic, humanistic and cultural programs;

(7) To accept gifts, contributions and bequests of funds, artifacts or property;

(8) To serve as the sole government agency for administering any state plan of the National Endowment for the Arts & Humanities;

(9) To make applications for federal funds from the National Endowment for the Arts & Humanities or to any office or agency of the United States for participation in or receipt of aid from federal programs;

(10) To receive requests for grants and to make grants to institutions, individuals, and agencies of government for the furtherance of the arts and humanities;

(11) To administer and disburse funds; [and]

(12) To administer appropriations made by the Legislature for arts and humanities programs.

**§6103. Governing Board.** (a) The Council shall be governed by a Board as hereinafter constituted and provided.

(b) The Board shall consist of eleven (11) members to be appointed by the Governor with the advice and consent of the Legislature. The Governor, when making initial appointments, shall designate six members to serve for two- year terms and five members to serve for four- year terms. Subsequent appointments shall be for terms of four years except that when a vacancy occurs, it shall be filled by appointment of the Governor with the advice and consent of the Legislature for the remainder of the vacating member's term. No person shall serve more than one four-year appointment without interruption.

(c) **Qualifications.** Members of the Board shall be appointed from among male and female residents of Guam, selected at-large, who have recognized professional interest and experience in or who are widely known for their interest in the arts and humanities. The Board shall have at least one member to represent each of the following areas: performing arts, visual arts, literature and folk arts.

(d) **Disqualifications.** While serving in office, no member of the Board or any of its committees, panels or advisory groups shall be eligible to receive in his or her own name, a grant, loan, or other form of

assistance from the Council. No Council Member shall receive direct or indirect compensation such as salary or stipend for implementing the Council's programs.

**§6104. Officers.** (a) The Board shall elect from among its members a chairperson and a vice-chairperson, both to serve in those capacities no longer than their term of office as a Board member. The chairperson shall preside at all meetings, shall act as the spokesperson of the Board and perform such other duties as the Board shall direct. The vice-chairperson shall succeed to the duties of the chairperson in the absence or inability of the chairperson. An annual election for the Board [and its] officers and any other officers which may be deemed necessary shall be held in April of every year.

(b) The Chairperson shall be the chief executive officer of the Council. The Chairperson's duties include:

- (1) Leading Council activities;
- (2) Working in close partnership with the Director;
- (3) Representing the Council between its meetings;
- (4) Preparing for and chairing Council meetings;
- (5) Making appointments to committees and panels;
- (6) Ensuring that the Council remains informed between meetings;
- (7) Communicating the views of the Council to the staff and the staff's to the Council;
- (8) Acting as a political buffer with the Governor's Office;
- (9) Being the primary spokesperson for the Council; and

(10) Miscellaneous other duties which arise from time to time as directed by the Council.

(c) The Council may contract for the service of professionals, experts, and other persons which the Council deems necessary to define and carry out its purposes.

**§6105, Executive Committee.**(a) There shall be an Executive Committee consisting of the Chairperson, Vice-Chairperson, Secretary and the Executive Director.

(b) The Executive Director is an ex-officio non-voting member of the Executive Committee.

(c) Any member of the Executive Committee may call an Executive Committee meeting.

(d) The recommendations made by [the] Executive Committee will be finalized by the Council at an open meeting.

**§6106. Powers and Duties.** (a) The Council shall have those powers necessary to carry out the duties imposed on it by [these By-laws], including but not limited to the following sections.

(b) The Council will prepare and submit an annual budget to the Governor and the Legislature which reflects the needs of the Territory; [will] apply for and accept for the arts and humanities on behalf of the Territory any federal funds granted by Act of Congress or by executive order for all or any of the purposes of [the Council], the Council being the sole and official agency of the Territory to apply for, receive and disburse funds from the National Endowment for the Arts and Humanities; [will] apply for and accept (with or without qualifications or limitations), and expend any gifts, donations, or bequests for all or any of the purposes of [the Council]; [will] accept and expend such funds as may be appropriated to it.

(c) To hire personnel and consultants for the staff of the Council; to formulate policies; to adopt such

reasonable by-laws, rules and regulations, operating guidelines and procedures consistent with the purposes and process [of the laws governing the Council], and to effectuate the provisions of [law and these by-laws]; to hold hearings, enter into contracts, make and sign agreements and perform any acts which may be necessary, desirable or proper to carry out the purposes [of the law, federal and local rules governing the Council.]

(d) To appoint committees, panels, and commissions in furtherance of its duties; to request from any department, division, board, bureau, commission, council or other agency of the Territory such reasonable assistance and data as will enable it properly to carry out its powers and duties under [applicable laws]; to advise, coordinate, to consult with, and enter into agreements and arrangements with foundations, charitable institutions, businesses, private individuals, local, state and federal departments and agencies on means by which to coordinate, assist and effectuate the powers and duties [of the Council]; to establish grant application criteria and procedure and to award prizes and direct grants to individuals and organizations in accordance with the criteria and procedure established.

(e) To act as advisor to the Governor concerning the arts and humanities.

(f) To carry out programs initiated by the Governor of the Territory for the interest of the people.

**§6107. Council Member Standards.** (a) Council members should represent the people of Guam. Council members should:

(1) Participate in all Council activities to the fullest extent including attendance at all meetings;

(2) Prepare for all Council meetings by reviewing available material in advance;

(3) Contribute from their experience and judgment to Council actions;

(4) Acquaint themselves with the full spectrum of the cultural resources in Guam to whatever extent possible;

(5) Feel free to raise questions and discuss problems with anyone;

(6) **Act without self-interest.** Although a Council member may be identified with a particular arts discipline, and/or institution, these loyalties must be subjugated to the broader purpose of acting in the best interest of island-wide arts promotion and development;

(7) Be an advocate for the Council's programs;

(8) Not commit the Council or themselves on behalf of the Council to any action without authorization from the Council.

(b) Regarding proposed grants, the Chairperson or any member of the Council must make it clear in talking to potential grantees that grants are contingent upon Council approval and allocation of funds. Members of the Council should encourage programs, but must make it clear that no program is approved except by the Council and is contingent upon the approval of the Governor and the availability of funds.

(c) A Council member shall abstain from voting on any funding to any organization of which s/he is a member, or employee, or when there may be a conflict of interest. When a grant is under discussion for such an organization, the Council member associated with that organization shall not promote funding but may answer questions put to him/her by other members of the Council for informational purposes. The Council member shall remove himself/herself from the Council meeting temporarily when such questions have been answered and before the voting takes place.

(d) **Revocation of Board Membership.** Any Board Member missing three consecutive, regular board meetings shall be dismissed from the Board.

**§6108. Correspondence.** (No entries)

**§6109. Meetings.** (a) The Council shall conduct meetings as deemed necessary to carry out Council programming and functions as required by law.

(b) Special meetings and hearings of the Council may be called for any purpose or purposes whatsoever and may be called by the Chairperson.

(c) The Chairperson shall call all Council meetings and hearings.

(d) The Chairperson shall preside at all meetings and hearings of the Council. In the absence of the Chairperson, the Vice-Chairperson will preside at regular meetings. In the absence of the Chairperson and Vice-Chairperson, the Council shall elect one of its members to preside at the meeting or hearing.

(e) There shall be an agenda for each regular meeting of the Council. The agenda shall be prepared by the Director in consultation with the Chairperson and be available to the Council members no less than one week before the meeting.

(f) The Board shall meet at least monthly, at such times and places as established (or by the Chairperson when the Board does not act), to transact such business as the Board determines. A quorum of the Board shall consist of a majority of members duly appointed and confirmed. The Chairperson shall be counted for a quorum but shall vote only in the case of a tie. Members of the Board shall serve without compensation, but each member shall be reimbursed for expenses incurred in the performance of official duties.

(g) There shall be no proxy votes by or for Council Members.

**§6110. Special Committees and Citizens Advisory Panels.** (a) Standing Committees composed of Council members and Citizens Advisory Panel committees composed of Council members and citizens at large may be established by the Council. Each Council member will head at least one Citizens Advisory Panel.

(b) The Chairperson, with consent of [the] Citizens Advisory Panel chairperson, shall appoint and may remove members of committees. Lists of potential panel members shall be made up from suggestions by Council members and staff.

(c) Each panel shall be composed of no less than four members.

(d) Panels shall report their activities to the Council at the request of the Chairperson.

(e) The Chairperson and Executive Director shall be ex-officio members, without vote, on all panels. The Chairperson and Executive Director shall not be considered panel members for quorum purposes.

(f) Members of panels shall receive no remuneration for their services with the exception of travel and per diem [at] prevailing Guam rates.

(g) Panels will review all grants and contracts and make recommendations to the Council as to artistic merit and suitability for funding.

**§6111. Staff.** (a) The Director shall be the Chief Administrative Officer of the Council. The Director shall carry out the policies established by the Board and shall employ, supervise and discharge such professional, administrative, technical, consultative, and other personnel as may be necessary to implement the policies established by the Council. The Director shall be knowledgeable in the arts and humanities by reason of education and expertise.

(b) (Omitted)

(c) The Board and/or Chairperson may delegate work to agency staff through the Director. The staff of the agency is not the staff of the Council. Only the Director reports directly to the Council.

**§6112. Miscellaneous.** (a) Information about the policies and procedures of the Council's programs and services shall be made available to potential applicants and users in clear and up-to-date form.

(b) In case of dispute or question as to the meaning of any word, phrase, section or article of these By-laws, the interpretation shall be decided by majority Council vote. In very important matters, legal counsel shall be sought.

(c) Written minutes and records shall be kept of all meetings and hearings of the Council. The minutes shall be available to the members of the Council within seven days from the meeting date.

(d) As members of the Council or one of its committees, Council members may enter minority reports. Minority reports shall be made a part of the minutes of the Council meeting or hearing at which the minority report is given.

(e) **Censorship.** In carrying out their duties and powers under [applicable law and rules], neither the Council nor its staff shall by action directly or indirectly interfere with or infringe on the freedom of artistic expression, nor shall they make any recommendation that might be interpreted to be a form of censorship.

(f) **Annual Report.** Within 90 days following the close of the fiscal year of the Territory, the Council shall transmit its annual report of activities to the Governor and the Legislature, which report shall be made to the public.

**§6113. Revolving Fund.** (a) The Governor shall establish a revolving fund for the Council on the Arts and Humanities. The Council may then deposit in the revolving fund income generated from gallery commissions, season tickets and other fund-raising activities to be used to further art projects. Individual accounts may be opened under the revolving fund for specific projects.

**§6114. Amendments.** (a) These By-Laws may, in whole or in part, be added to, amended, repealed, or reenacted by [a] two-thirds (2/3) majority affirmative vote of the Council: Provided, however, that no such change or addition to the By-Laws shall be made unless written notice of the proposed change or

addition shall have been given to the Council members no less than 14 days prior to the date of the meeting at which the change or addition is to be considered.

**NOTE:** A booklet describing the Grants and Services of the Guam Commission on the Arts and Humanities Agency is available from the Agency. The booklet also includes the proper forms for applying for such grants and services. The current booklet was promulgated effective October 1, 1988.

Article 2  
Arts in Public Places

§6101.	The Law
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§6103.	Definitions
§6104.	How it Works
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**§6101. The Law.** Title 1, Guam Code Annotated Chapter 8, Article 2.

**§6102. Purpose.** The territory recognizes its responsibility to foster culture and the arts and the necessity for the development of local artists. The Legislature declares it to be a territorial policy that a portion of appropriations for capital expenditures for public buildings be set aside for the acquisition of works of art to be used in such buildings and in any buildings intended for use of the general public to the extent that the construction or improvement of such non-public buildings is supported by either government of Guam funds through tax abatements, rebates, loans, loan guarantees or bond financing or by Federal funds administered by the government of Guam, unless restricted by the Federal Government.

**§6103. Definitions.** (a) *Art*: including but not limited to sculptures, paintings, murals, or objects relating to or consisting of native art as defined in P.L. 15-50.

(b) *Artist*: one who produces or aids in the production of art.

(c) *Public Building* or *Public Facility*: a building or facility owned by the government of Guam or any of its instrumentalities.

(d) *Non-Public Buildings*: Buildings that are supported by either government of Guam funds through tax abatements, rebates, loans, loan guarantees or bond financing or by Federal funds administered by the government of Guam.

(e) *Public Area*: That part of a public building or facility to which the public is generally admitted during certain hours of the day. Public area does not include any office space, shop space, warehouse space or similar space to which the public generally has no access.

(f) *Local Artist*: Artists who are residents of Guam.

(g) *Contracting Agency*: The owner of the building identified including either governmental and non-governmental.

**§6104. How It Works.** (a) Plans for public buildings and buildings supported by government of Guam funds which contain public areas and plans for remodeling or renovation of public buildings or facilities where the total cost of construction, remodeling or renovation exceeds the sum of One Hundred Thousand Dollars (\$100,000) shall contain provisions for the inclusion of works of art, by local artists if available, including, but not limited to sculptures, paintings, mural or objects relating to or consisting of indigenous art.

(b) Before issuance of the occupancy permit for such construction, remodeling or reconstruction the owner of the building must obtain clearance from the Department of Public Works and the Guam Council of the Arts and Humanities Agency (GCAHA) that the provisions of this Chapter are being complied with.

(c) At least one percent (1%) of the overall construction, remodeling or renovation cost of a building described in subsection (a) of this section shall be reserved for the design, construction, mounting, maintenance and replacement, and administration of works of art by CAHA in the public area of such a building. The Directors of the Guam Council on the Arts and Humanities Agency and the

Department of Public Works will ensure that no construction, remodeling or renovating of a public building or building supported by government of Guam funds shall be granted an occupancy permit without this Chapter being complied with.

(d) Buildings with an overall construction cost of less than One Hundred Thousand Dollars (\$100,000) are exempted from the requirements of the Chapter unless inclusion of works of art in their design and construction is specifically authorized by the owner.

(e) The artist who creates these works of art shall be selected as provided in subsection (f) of this section.

(f) The Director of GCAHA shall develop rules and regulations, pursuant to the Administrative Adjudication Law, for the selection of works of art under this Chapter, and shall open competition for awarding any contract under this Chapter by

(1) Soliciting art work samples from local artists by a project announcement published no less than three (3) times in a local publication of general circulation.

(2) Appointing a selection committee consisting of five (5) members to review all proposals and report to the Director the results of its deliberations regarding the proposed art contract. Such Committee shall include a representative of the building's owner or of the agency or department involved, the project architect, the municipal mayor from the project site, and at least two (2) practicing artists from Guam. The final decision regarding the use of art work and the selection Committee's recommendations shall be by the Director of GCAHA, who shall be the contracting officer for any art contract executed pursuant to this Chapter.

**§6105. Selection Committee.** The Selection Committee shall determine the scope, direction, and particular needs of each project. The Selection Committee shall include:

(a) A representative of the building's owner or of the agency or department involved

(b) The project architect

(c) The Municipal Mayor from the project site.

(d) At least two (2) practicing artists from Guam

Voting: Each member of the selection committee will have one vote. The majority vote shall determine selection.

**§6106. Selection Procedure.** The Selection Committee shall tour the site of the project and designate the various areas where art work is to be placed. The Selection Committee shall then consider the particular needs of the project including the budget, appropriate art forms, and the location and medium of the art form.

(a) **Selection Method. Open Competition:** The Selection Committee shall solicit art work samples from artists by a project announcement published no less than three (3) times in a local publication of general circulation.

The selection process may be in two stages whereby a limited number of finalists, selected from the competition will be asked to submit more detailed proposals. Each of the finalists will be paid a professional design fee.

(b) **Criteria for Selection**

(1) **Style and Nature:** Works of art that compliment the environment where the art work is to be displayed. The size of the art work must also be compatible to the size of the location designated.

(2) **Quality:** The quality of the art work is the most important criterion for selection.

(3) **Media:** All visual art forms will be considered along with objects relating to or consisting of indigenous art. The art work can be either portable or

permanently fixed. If the art work is to be permanently placed the Selection Committee will decide if the location identified is structurally capable of maintaining the art work in terms of relative maintenance or repair costs.

(4) **Acquiring of art work:** Existing works of art or works of art specifically commissioned are eligible.

(5) **Permanence:** Due consideration will be given to structural and surface soundness and to permanence in terms of relative excessive maintenance or repair costs.

**§6107. Budget.** (a) **Identification of funds:** The Selection Committee shall meet and identify the funds available for the project and how these funds will be dispersed as specified in P.L. 20-27 section 322 subsection c. Any funds unexpended for the purposes of maintenance, replacement and administration of art work shall be deposited into a special account for future use. Any expenditures made from this account must be approved by the Selection Committee and GCAHA.

**§6108. Use of Funds.** (a) Funds Identified may be used for:

(1) For the purchase of existing art work selected or commissioned by the Selection Committee.

(2) **Design:** Artist's professional design fee.

(3) **Construction:** The actual work and materials put into the creation of the art work.

(4) **Mounting:** Expenses for the purposes of affixing the art work onto the location specified.

(5) **Maintenance:** Expenses incurred towards the mechanical maintenance of the art work for up to one year after installation.

(6) **Replacement:** Art work that are to be replaced due to irreparable damage.

(6) **Administration:** Expenses to cover any administrative costs incurred by the Selection Committee or GCAHA in the selection of art work. These costs include but are not limited to hiring of contractual staff, advertisements, supplies and professional services. At least one percent (1%) of the identified funds will be awarded to the Guam Council on the Arts and Humanities Agency for the purposes of contracting administrative staff to coordinate and maintain the program.

(7) Plaques and Labels identifying the art work.

(8) Frames, mats or pedestals necessary for the presentation of the art work.

(9) Waterworks and electrical and mechanical devices, equipment and site work which are integral parts of the work of art.

(10) Reproductions of up to 50 high quality limited edition prints, numbered and signed by the artist. Exclusively used for exhibition purposes and will not be for sale. (Subject to approval by the Selection Committee)

**(b) Funds Identified may not be used for:**

(1) Reproductions, by mechanical or other means, of original works of art, unless mechanical means of reproductions are an integral part of the creative process. (Subject to approval by the Selection Committee as mentioned on section (11) on Use Of Fund: Funds Identified May be Used For).

(2) Decorative, ornamental, or functional elements which are designed by the building architect or consultants engaged by the architect, as opposed to an artist commissioned for this purpose.

(3) Decorative, ornamental, or functional elements which are designed by the building architect or consultants engaged by the architect, as opposed to an artist commissioned for this purpose.

(4) Art objects which are mass produced or of a standard commercial design, such as playground sculpture or fountains.

(5) Directional, or other functional elements, such as supergraphics, signage, color coding, maps, etc., except where these elements are an integral part of the original work of art.

(6) Those items which are required to fulfill the basic purpose of the contracting agency. Examples would be works of art in the collection of a state museum, or works of art fulfilling an interpretive or educational role in a college or university art museum or gallery.

(7) Preparation of the site necessary to receive the work of art.

(8) Energy and water costs for operation of electrical and mechanical systems.

(9) Art exhibitions and educational activities.

(10) In connection with the works of art after delivery: registration, dedication, unveiling, insurance and security.

(11) Architectural services.

(12) Artistic staff salaries, equipment and supplies employed by the building owner.

**§6109. Responsibilities.** (a) Guam Council on the Arts and Humanities Agency in consultation with the various Government agencies and departments needed to comply with the law and the building owner shall:

(1) Be responsible for the selection of the commissioning of artist for, reviewing the design, execution and placement of, and acceptance, of works art in consultation with the selection committee.

(2) Appoint the selection committee.

(3) Assist the contracting agency in contract negotiations with the artists.

(4) In consultation with the contracting agency, may transfer works of art between public buildings whenever, in its judgement, the transfer will be to the benefit of the citizens of Guam. This section only pertains to Government agencies and departments.

(5) Handle public information aspects of the project. Although all expenses incurred will be the responsibility of the contracting agency.

(6) Identify and carry out necessary maintenance procedures (for up to one year after installation), and maintain accurate records of the collection in partnership with the contracting agency.

(b) The Contracting Agency shall:

(1) Notify the Guam Council on the Arts and Humanities Agency upon Legislative approval of construction/renovation projects which costs over \$100,000. If the contracting agency is non governmental with construction/renovation project costs over \$100,000, the contracting agency in this instance must notify GCAHA upon approval of support by either government of Guam funds through tax abatements, rebates, loans, loan guarantees or bond financing or by Federal funds administered by the government of Guam.

(2) Notify the Guam Council on the Arts and Humanities Agency of the project details.

(3) Consult with GCAHA and the selection committee on the determination of budget and selection procedures.

(4) Contract with and pay for the architect for administrative and/or design services to be rendered in connection with the commissioning of works of art.

(5) See that payment is made for all costs, professional fees, purchases and commissions in

accordance with the Guam Law, these rules and GCAHA standards.

(6) Provide project coordination to assure timeliness of completion..

(7) Be responsible for inventory and security of the work; and with advice and consent of the Guam Council on the Arts and Humanities Agency for maintenance and repair.

(8) Assist GCAHA with public information aspects of the project, with assistance and approval from GCAHA.

(9) The Guam Council on the Arts and Humanities Agency and the Selection Committee must be informed of any changes in the proposed plans, costs, construction completion date or scope of the project before these changes are implemented.

(c) The Architect shall:

(1) Recommend to the Guam Council on the Arts and Humanities Agency and the contracting agency specific sites for works of art and the scale and type of work thought to be most appropriate.

(2) Act as a member of the selection committee.

(3) Work closely with the artist where required, provide engineering and technical assistance to the artist if requested from the contracting agency.

(4) Assure that all service requirements for the work of art are met in the design documents and that the work may be installed with relative ease.

(d) The Artist shall:

(1) Be commissioned by the contracting agency (Defined as both governmental and private developments) with the approval of the Director of the Guam Council on the Arts and Humanities Agency to execute and complete the work in a timely and professional manner. Be in close contact with the

contracting agency before and during installation, and transfer title of an existing work of art to the agency for incorporation in its building inventory.

(2) Deal personally with the other parties in all phases of the negotiations. However, the artist(s) may, at their option designate their dealers or agents to represent them in certain aspects of the project.

(3) Deal personally with the other parties in all phases of the negotiations. However, the artist(s) may, at their option designate their dealers or agents to represent them in certain aspects of the project.

(4) Upon completion of the work(s) commissioned or purchased, the artist shall submit to the Guam Council on the Arts and Humanities Agency a detailed description of the work(s) with instructions on its care and maintenance, two 35mm slides, and two 8 X 10 glossy photos. The description form shall be submitted concurrently with the final invoice.

(6) All plans, drawings, and other materials related to a proposed work of art are the property of the Guam Council on the Arts and Humanities Agency until the final work is installed, at which time such preparatory materials revert to the artist..

**§6111. Scope and Nature of Expenditures.** While no more than 1% can be dedicated from capital construction appropriations, it is possible that a dollar total greater than 1% can be expended for art in a project if funds are generated from other sources(i.e., governmental or private funds). The 1% figure is a minimum.

If 1% of total funds appropriated for a particular project is not required for that project, such unrequired amounts can be: a) used to acquire art for existing government buildings; b) transferred to another construction project, or both, as determined by the Guam Council on the Arts and Humanities Agency, in consultation with the contracting agency. If the contracting agency is a non public building the contracting agency may use these funds to purchase art pieces that will be donated to the people of the

territory of Guam, these funds can also be used to fund art related projects, although these expenditures must be approved by the Guam Council on the Arts and Humanities Agency.

Administrative costs of any particular project may be funded through the 1% appropriation and will be limited to the following area:

- (1) Supplies and services connected with public information, and artists' prospecti for specific projects.
- (2) Selection committee per diem, and artist professional fees.
- (3) Contractual Services.

**§6112. General Principles and Procedures.**

**Integration of Art and Architecture:** So that artists and architects can gain from each others' design insights and, thereby, produce a more integrated solution, all parties should strive for engagement of the artist as soon as possible after the approval of the architect's schematic design phase.

**Freedom of Expression:** Because of the bold attempt to meld together the imaginations and talents of so many individuals and groups, freedom to reach creative solutions must always be maintained. The artists, on their part, must be sensitive to the unique qualities of public art and the guidelines and parameters which, of necessity, may have been agreed upon.

**Exhibitions and Educational Aspects:** To serve the public more fully the contracting agencies should consider undertaking the following, funded with monies other than those made available under the Act:

- (1) Exhibition of sketches and maquettes created in open competitions.
- (2) Involvement of students and art instructors in workshops with artists creating works.

(3) Tours of those sites which exhibit many works, conducted by trained docents.

(4) Use of State educational and other facilities by the artist in developing concepts and creating the work, so that the people of the territory of Guam can better understand the creative process. Such facilities might include studio space, foundries, machine, welding, and woodworking shops, printing and photographic facilities..

(5) Filming or videotaping the creation and installation of the work.

The Guam Council on the Arts and Humanities Agency is available to provide consultative assistance with these matters.

**Accessibility of Information:** All parties will strive to publicize widely all aspects of the program. All meetings of the Selection Committee are open to the public.

**Community Support and advice:** While firmly committed to the principle of selection of artists by the Selection Committee, the Selection Committee welcomes advice from the interested public.

**Conflict of Interest:** All procedures will be conducted and all decisions will be made free of any conflict of interest. The Guam Council on the Arts and Humanities Agency will insure that members of the Selection Committee and the Contracting Agency are not related in any way to the artists submitting portfolios either through kin and/or business relations..

**Dedication:** If a dedication or "unveiling" of work is desired, arrangements shall be the responsibility of the contracting agency in consultation with the Guam Council on the Arts and Humanities Agency.

**§6113. Documentation and Evaluation. (a)**  
Documentation.

(1) **Identification:** The Guam Council on the Arts and Humanities Agency will assist the contracting agency with identification which will include plaques or labels identifying the work, which are securely affixed, unobtrusive, and well designed. included should be the name of the artist; title of work, if any; medium; and year completed.

(2) **Registration:** The contracting agency should maintain accurate inventory records. Copies should be filed with the Guam Council on the Arts and Humanities Agency.

(3) **Publications:** As collections grow, contracting agencies are encouraged to publish informative folders and booklets on works of art. The Guam Council on the Arts and Humanities Agency is available to assist with editorial and technical assistance.

(b) **Evaluation:** The Guam Council on the Arts and Humanities Agency shall annually make a public report on the projects of the previous year and shall conduct periodic evaluations of the program.

**§6114. In Conclusion.** Guam's 1% Program is dedicated to placing visual art of the highest quality by contemporary and traditional artists where the people of the Territory of Guam can appreciate. In so doing, the Territory of Guam is building a significant art collection of historic value for it's people.