

**RESOLUTION NO. 2019-32**

A RESOLUTION of the City Council of the City of Ellensburg declaring its intent to adopt the 2019 Ellensburg Arts Commission (EAC) Art Policy.

WHEREAS, the EAC desires to update and replace the Art Policy approved by City Council in 2009; and

WHEREAS, in 2016 the City Council adopted Ellensburg City Code Section 1.33.240, which created funding support for community art in an amount the greater of either 10% of the previous calendar year of construction sales tax revenue, or \$25,000, not to exceed \$50,000; and

WHEREAS, the EAC desires to be good stewards of these funds and of the City's permanent art collection; and

WHEREAS, the EAC envisions a future where artists and the arts thrive through robust public support; and

WHEREAS, the EAC advises the Ellensburg City Council on matters relating to the arts; and

WHEREAS, the EAC values community, artistic empowerment, impact and stewardship as it relates the arts; and

WHEREAS, the City Council desired that the EAC create policies for the City's existing and expansion of the public art collection, community engagement, and arts enrichment; and

WHEREAS, the City Council now desires to declare its intent to adopt the 2019 Ellensburg Arts Commission Arts Policy as set forth herein;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ellensburg, Washington, as follows:

Section 1. Resolution of Intent. The City Council declares its intent to adopt the 2019 Ellensburg Arts Commission Art Policy, attached hereto and incorporated herein.


Section 2. Further Authority; Ratification. All City officials, their agents, and representatives are hereby authorized and directed to undertake all action necessary or desirable from time to time to carry out the terms of, and complete the actions contemplated by, this Resolution. All acts taken pursuant to the authority of this Resolution but prior to its effective date are hereby ratified.

Section 3.     Effective Date. This Resolution shall take effect immediately upon its adoption.

ADOPTED by the City Council of the City of Ellensburg this 4<sup>th</sup> day of November 2019.

27/11-  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

# **City of Ellensburg**

## **Ellensburg Arts Commission Arts Policy**

This document is the foundation for the mission, vision, core values and focus areas for the work of the Ellensburg Arts Commission (EAC), which is established and governed in Chapter 1.33 of the City of Ellensburg Code.

### **Vision**

The EAC envisions a future where artists and the arts thrive through robust public support.

### **Mission**

The EAC advises the Ellensburg City Council on matters relating to the arts to:

- Support local artists through professional development and organized events;
- Acquire and maintain public art for the City of Ellensburg;
- Broaden and deepen arts education for all ages to help improve educational outcomes;
- Celebrate the depth and richness of our culture within our unique and creative community to help foster civic engagement;
- Strengthen awareness and understanding of the value of artists and the arts as an economic driver for Ellensburg.

### **Core Values**

The EAC values:

- Community
- Artistic Empowerment
- Impact
- Stewardship

### **Focus Areas**

The areas of focus for the EAC, in order to realize the vision, mission, and core values are:

1. Public Art Collection
2. Community Engagement
3. Arts Enrichment

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# Focus Area 1

## City Art Collection



The EAC stewards and builds the City Art Collection. Recognizing that tastes in art vary, works of art selected for public display in the City of Ellensburg should:

- *reflect the interests of our community, its setting, and its unique characteristics, such as our history, identity, geography, and cultures, and/or*
- *allow Ellensburg citizens to experience varied and innovative modes of expression as presented by accomplished artists in the regional and national arts scene.*

### 1.1 Definitions:

- A. **Artwork(s):** Works of art that are mobile in nature and can be moved from location to location, are not permanently fixed to, or in response to, a specific site.
- B. **Public Art:** A work of art that is either affixed or specifically related to place, and is not intended to be moved or relocated.
- C. **City Art Collection:** Works of art that are owned by the City of Ellensburg.
- D. **Call for Artists:** A notice that gives artists the information they need to know, in order to be considered for a project. Calls can be done through invitation, open or limited call.
- E. **Invitation:** When a specific artist or artists are invited to submit a proposal.
- F. **Open Call:** When a project is widely publicized and proposals are accepted from all artists.
- G. **Limited Call:** When a small number of artists are invited to submit proposals.
- H. **Art Selection Panel:** A voting body consisting of arts commissioners, the City, art professionals and the public that make recommendations to the EAC on Calls for Artists and City Art Collection purchases.

### 1.2 Responsibilities:

#### A. Responsibilities of the EAC:

1. Participate in City Council meetings where public art is discussed and make recommendations to the Council in regards to acquisition, site selection, and overall display;
2. Draft and distribute Calls for Artists;
3. Convene Selection Panels (see section 1.6(B)(2)) as needed;
4. Manage the City Art Collection and artwork loans, coordinating with City staff, City Council and other City Commissions as necessary.
5. Maintain an inventory of the City Art Collection, noting any changes in condition, with recommendations for future preservation and restoration;
6. Provide and maintain appropriate signage for the City Art Collection, such as interpretive labels and plaques;
7. Annually conduct a mapping assessment of existing public art and a list of potential locations, or sites, that are considered opportune sites for public art. Sites may include city-owned land, buildings, easement in the public right-of-way, other government buildings or schools. This location list will be submitted to the City Council with the EAC annual report. The EAC will refer to Section 1.6 and select the sites based on

availability, access and timing. Input from the public and City Council will be sought periodically, to keep the list updated with potential sites.

**B. Responsibilities of the City**

1. Make reasonable efforts to protect artwork from theft, vandalism, and other damage;
2. Maintain insurance coverage for public art and artworks in the City Art Collection;
3. Maintain a record of official written acknowledgement of receipt of artwork to artist/donor;
4. Make reasonable efforts to ensure that acquired artwork is available for view by the public and displayed in an appropriate and respectful manner;
5. Make reasonable efforts to maintain artwork according to the design and intentions of the artist(s) as agreed to by contract. If an alteration is made to an artwork after it is received by the City, the artist may request that it no longer be attributed to him/her.
6. Promote the City Art Collection with input from the EAC.

**1.3 Acquisition Methods:** The City, through the EAC, can acquire artwork via donations, EAC driven commissions and acquisitions, proposals and loans.

**1.4 Ownership:** Artwork purchased, commissioned, or accepted as a donation will become the property of the City of Ellensburg and part of the City Art Collection. Title will be legally transferred to the City as part of the acquisition process. The relationship between the City and artist(s) or donor will be defined by a standard contract addressing the terms of the acquisition. The contract will address any special terms such as the display and maintenance of the artwork, as well as issues of copyright and reproduction, and the potential future relocation or deaccession of the artwork.

**1.5 Criteria:** The EAC and any selection panels (see 1.6 B.2.) engaged in an artwork or public art project, will use the following criteria when considering acquisition:

1. Compliance with definition of “public art” and “artworks”
2. Artistic merit: concept, design, craftsmanship
3. Context: architectural, historic, geographic, cultural
4. Maintainability: structural and surface soundness, durability and resistance to vandalism, weathering, excessive maintenance/repair costs
5. Diversity: work of art from artists of diverse cultural, geographic, racial, and gender backgrounds; of varied scale and media; exploratory and well established art forms
6. Public safety
7. Accessibility
8. Consistency with Request for Proposals for commissioned work
9. Feasibility: artist’s ability to complete the work of art on time and within the budget
10. Originality: edition of one or part of a limited edition
11. Artist’s proven ability to collaborate with design professionals (for design team opportunities)
12. The work of art may also be an integral part of a larger project design and may serve to establish focal points, define spaces, and other design oriented purposes.

**1.6 Selection Process:** The EAC utilizes the following process for all Donations, City Commission or Direct Acquisition, Proposals, Loans of Artwork and Public Art, and Murals

**A. Donations of Artwork or Public Art:** The EAC will review and accept or reject proposals to donate artwork or public art.

1. Potential donors must submit a proposal with necessary supporting documents such as images, relevant provenance information, condition, any related expenses, and a proposed site for the work(s) of art.
2. Potential donors may be asked to provide additional documentation confirming their ownership of the work(s) of art, and/or a written appraisal indicating its market value.
3. The EAC will review the proposed donation. If the EAC votes to accept the donation, the EAC will submit a formal recommendation to the City Council for approval. If the proposal is approved, the donor must complete the City's Donor Acquisition form including copyright information, provenance and all necessary details to the City Attorney's office. If the EAC does not vote in favor of accepting the donation, the request will proceed no further.

**B. City Commission or Direct Acquisition of Artwork or Public Art:** Artworks or public art will be selected through invitation, open call or limited call, or a combination.

1. **For open and limited calls, proposals will be created by the EAC and publicized by the EAC and City of Ellensburg. For invitations for the direct acquisition of artworks or public art, the EAC create a Selection Panel to review the acquisition proposal.**
2. **The EAC will create a Selection Panel ("Panel") of an odd number of panelists with no less than 5 and no more than 9 members, based on project criteria, which must include:**
  - Artist or arts professional
  - City staff from a department with direct interest or involvement in the project
  - Member of the City Council
  - Three Arts Commissioners, at least one member being from the Public Art Subcommittee who will act as lead of the Panel.

If the project is warranted, due to the criteria below, the Panel may also include, at the discretion of the EAC:

- Project architect (if applicable) as a non-voting member if the project impacts City infrastructure or improvements.
  - Member of the Parks and Recreation Commission if sited in a city park or other City Commissions appropriate to the project
  - An additional artist or other member of the public if the panel would otherwise be composed of an even number of participants
3. The EAC will provide the Panel with the appropriate background information, objectives, scope, budget, and selection criteria for the project.
  4. The Panel will meet as often as necessary to review the proposal or proposals to reach a decision by consensus.
  5. If the Panel cannot reach a consensus decision, then a vote of the EAC will be taken at a public meeting with all members of the Panel invited to attend the meeting.
  6. The Panel will have the option of making no selection if, in its opinion, there is insufficient merit or information to make a final selection. In this event, the EAC will initiate a new selection process or cancel the call.
  7. For artwork selected during the Kittitas County Juried Art Show costing less than \$2,500, the Panel will make a recommendation, based on the consensus (or vote if necessary), to the EAC, and the EAC will have the final decision. The selection is considered final provided that:

- The selection process was consistent with acquisition policies, procedures and selection criteria.
  - The selection is reviewed with the City staff, and other applicable departments, to determine that installation is feasible.
  - The EAC finds that the process was correct and no legitimate installation problems are demonstrated.
  - The EAC approves the recommendation.
8. For purchase of artwork, with the exception of the Kittitas County Juried Arts Show, the EAC will submit a formal written recommendation, with all supporting documents and appropriate City Department approval, to City Council for final approval. If the City Council does not approve the project, the selection will be voided, and the EAC will begin a new selection process or cancel the call.
9. Once selected, the artist(s) will:
- Enter into a contract with the City to execute and complete the work of art in a timely and professional manner, or transfer title of an existing work.
  - Maintain a close working relationship with the EAC, and if appropriate, the project architect and the staff for the EAC.
  - Deliver and install the work of art, unless specified otherwise in the contract.
  - Provide necessary documentation to any City commissions and/or departments on request.
  - Be available for at least one public presentation, if requested by the City.
  - Should the artist propose any significant change to the scope of work, including the design, materials, budget or siting, the artist will submit a request in writing to the EAC for review and approval. EAC will consult with the City Manager on whether the change is significant enough to be taken to the City Council.
- C. Proposals:** Artists or community members may submit a proposal that the City purchase or commission specific works of art. Proposals must include necessary supporting documents such as images, related expenses, provenance information, value, and a proposed site for the artwork for consideration. Proposals are subject to the same Selection Process as above.
- D. Loans of Artwork to the City of Ellensburg:** Individuals or community groups may submit a proposal that the City accept a specific artwork(s) on loan for a specified period of time. Proposal must include necessary supporting documents such as images, related expenses, provenance information, value, and a proposed site for the artwork for consideration by the EAC. Proposals are subject to the same Selection Process as outlined in Section B.2.
- E. Murals:** Section 15.720 of the Ellensburg City Code provide standards and guidelines, as well as submittal requirements and approval process, for new murals within the City of Ellensburg. This process will begin with permit application through the Community Development office, requires review by the EAC, and may, if applicable, require a Certificate of Appropriateness (COA) from the Landmarks and Design Commission.

## 1.7 Deaccession of City-Owned Artwork

### A. Criteria for Selecting Artworks or Public Art for Deaccession:

1. The City cannot properly care for, display, preserve, or restore the work of art;



2. The poor condition of the work of art would require a restoration fee in excess of its actual market value;
3. The security of the work of art cannot be reasonably guaranteed;
4. The work of art poses risks to public safety not identified during the selection process;
5. There is no suitable site for an artwork that must be relocated;
6. The work of art is determined to be a forgery, fake or of uncertain provenance.

**B. Procedures for Deaccession:**

1. The EAC will prepare a written report for each work of art it recommends for deaccession.
2. The City Attorney will review the EAC's recommendation to verify that no legal restrictions prevent deaccession. The City Attorney's written approval must be obtained before a work of art is deaccessioned.
3. The EAC will then forward its report and the City Attorney's approval to the City Council for action.
4. When the deaccession of a work of art is approved, it will be removed from the City's insurance coverage and its acquisition file will be marked "deaccessioned."
5. For donated works of art, once the decision has been made to de-access, reasonable efforts will be made to locate the donor or donor's heirs and notify them in writing, as a courtesy. If a deaccessioned work of art that was donated is sold, funds will go back into the Public Art Fund. If the work of art is unable to be sold, it will be donated back to the original donor or other organization. Otherwise, if it is unclaimed, it will be disposed of appropriately.

**1.8 Loans of City Art Collection:** The EAC strives to promote awareness and appreciation of the visual arts by offering temporary art exhibits at community venues and on City property. The EAC may loan pieces of the City Art Collection to the following at their discretion: non-profits, businesses, museums, and public education facilities, government agencies for the purpose of making them available to the public that might otherwise not be able to view them in a City facility.

**A. Process for Loans of City Art Collection:**

1. Qualified entities interested in displaying a piece of the City Art Collection, must complete a City Art Collection Loan Application and submit it to the EAC for consideration.
2. If approved, proof of insurance that includes coverage for the artwork must be submitted prior to the artwork being moved to that location.
3. A member of the EAC or City Staff must oversee the transference, displaying, and return of the artwork. Staff will track deadlines and keep a worksheet of loans.
4. Artwork cannot be moved or transferred once it is placed, without the consent of the EAC.
5. Loaned artwork cannot be deaccessioned or sold without following the provisions set forth in Sections 1.7.A and 1.7.B.
6. Artwork on loan for more than one year will be reevaluated and reviewed by the EAC on an annual basis or as the Loan Agreement dictates.
7. Anyone invited by the EAC to display artwork will complete a loan agreement form outlining their responsibilities for the exhibition, such as providing the agreed-upon artwork in a timely fashion, and displaying the artwork in a professional manner.

# Focus Area 2

## Community Engagement

The EAC enhances the quality of life in the Kittitas Valley by supporting the arts and artists, to bring engaging arts programming that highlights the EAC's core values. This is accomplished through:

- Direct programming, such as the monthly First Friday Art Walk;
- Advocacy with elected officials and other policymakers;
- Recognition of those in the community that enhance the arts; and
- Oversight of the Grant Funding (see Focus Area 3.1).



*Margaret Coffin Homes Memorial*  
by Nancy Hutton, Steve Vingo, Jon Hutton

**2.1 First Friday Art Walk:** The Ellensburg First Friday Art Walk is a monthly event designed to showcase performing and visual arts in local businesses, galleries, and non-traditional spaces. The Art Walk brings together artists, local residents, and tourists for an evening of art and community. The EAC manages the monthly First Friday Art Walk. The Art Walk occurs from 5:00 pm to 7:00 pm on the first Friday of each month except for January, coordinating with the venues, City staff, the City Council and other City Commissions as necessary.

**A. Responsibilities of the EAC:**

1. Review applications for new venues and ensure that current venues follow Art Walk policies;
2. Distribute monthly Art Walk information and coordinate publicity, including submitting information to the City for inclusion in social media posts;
3. Provide venues with sign boards to advertise their participation in the Art Walk;
4. Provide additional publicity for the Art Walk, as needed
5. Cancel or reschedule regularly scheduled dates to accommodate holidays or special purposes.

**B. Responsibilities of the Art Walk Venues:** Neither the City of Ellensburg, nor its officers, officials, agents or employees assume any responsibility or liability whatsoever for the damage, destruction, theft or loss of any nature or kind, of artwork from any cause, or any form of personal injury which may occur in conjunction with the Ellensburg First Friday Art Walk.

1. Each venue must provide proof of insurance policy coverage that is available on their premises, to understand how and if that coverage would apply to damaged, destroyed, or stolen artwork, and then communicate potential risks to Art Walk artists.
2. Each venue must sign a participating venue agreement, which the EAC will review at their next meeting, in order to be included in the Ellensburg First Friday Art Walk. In accordance with the criteria stated on the participating venue agreement, each venue will:
  - Pay \$50 each calendar year, which will be prorated for new venues who join part way through the year;

- Hold visual and/or performing art events that are open to the general public during the First Friday of each month, beginning at 5:00 p.m.;
  - Rotate different artwork and/or feature a different performing artist at a minimum of four times each year;
  - Email the EAC with the name and medium of featured artists on or before the Friday prior to the First Friday of each month.
3. Should a venue fail to email their artist information to the EAC within the deadline, the venue may be excluded as a venue from that month's publicity. Any venue that fails to follow the above criteria will receive notice in writing from the EAC. The venue will be given at least one month prior to the time period between when the letter is sent and the next First Friday Art Walk (whichever time period is greater) to correct the problem. After that time period elapses, if the venue still does not fulfill the Art Walk criteria they will no longer be able to participate in Art Walk and their name will be removed from all publicity.
  4. Any venue that has been removed from the Art Walk may reapply after six months have passed; any reinstatements are subject to the vote of the EAC.
  5. Conflict resolution between a venue and the EAC will take place at an EAC meeting. Venue representatives are encouraged to bring questions or concerns before the EAC.

**2.2 Advocacy:** The EAC promotes the value of arts through maintaining communication with local and regional advocates and representatives. The EAC, on occasion, produces public events in celebration of arts award recipients and artistic community such as Arts Hurrah!

**A. Publicity:**

1. The EAC will provide photos and content to the City Government Relations staff for social media and press releases related to First Friday Arts Walk, Arts Hurrah!, arts education, City Art Collection, and other City arts related matters.
2. The EAC will provide arts related content and photos, as well as compile and provide content for a comprehensive list of area artists and musicians to the City Government Relations staff for website updates.
3. Meetings with legislators and policymakers: The EAC will meet with state legislators, and local elected official policymakers, to promote the City of Ellensburg and define policies and discuss initiatives as needed.

**B. Promotion of the Arts:** The EAC will, through various means including website, radio advertising and other platforms, promote the productions and activities of civic and arts organizations and encourage a greater understanding of the value of the arts to the community.

**2.3 Awards and Distinctions:**

**A. Arts Treasure Award:** The Ellensburg Arts Treasure award may be given annually to a local artist who has contributed significant service to the community. The award is presented each year to recognize a Kittitas County resident artist in their discipline(s). The EAC will receive and consider nominations from EAC members, or the public, for this honor. A \$500 grant will be available to the recipient to support a future event or creation ("effort").

The criteria and grant process is as follows:

1. All nominations will be reviewed, considered and selected at a meeting of the EAC.

2. Criteria will include: artist's professional background and history of creative excellence; artist's role in creating works of art, exhibiting, giving workshops, serving on board, or otherwise playing an active role in the community.
3. Nominees may not be employees of the City or members of the EAC or their relatives.
4. The EAC presents the Arts Treasure Award at Arts Hurrah! and announces a grant award for a future event, which must be scheduled within one year of the grant award.
5. The recipient presents a proposal for the future effort to the EAC.
6. The EAC deems that the effort would satisfy the obligation both for its value and public benefit, and the EAC votes on the proposal.
7. A grant contract is signed to perform the future effort in return for the \$500 grant award.
8. The recipient performs the effort.
9. The EAC confirms that the effort was produced and agrees that the terms of the grant contract have been satisfied.
10. An invoice is created and submitted for payment of the grant to the recipient.

B. **Poet Laureate:** On a periodic basis, the EAC may select a Poet Laureate to represent the City in an official capacity. The Poet Laureate will be responsible for promoting poetry in the community via school engagement, creation of a city poem, performances and/or projects that are community based. Selection process, qualifications, and award are as follows:

1. The EAC will create and publicize an Open Call.
2. Proposals could include:
  - Ability to present publicly
  - Travel and participation in regional festivals
  - Participation in local festivals and events
  - Creation of a poem about Ellensburg or the surrounding region
  - Proof of residency in Kittitas County
  - Body of existing work
  - Proposed budget for funds
4. Stipend for the Poet Laureate will not exceed \$2,500 for the first year. Poets Laureate are invited to resubmit for additional funds up to \$2,500 for each subsequent year of the term.
5. The term is three years.
6. The EAC and a qualified poet, which may include a former poet laureate, will review proposals.
7. The Poet Laureate will be selected by the EAC with a recommendation and final approval from City Council.
8. The Poet Laureate and the City will enter into a contract outlining the aforementioned responsibilities.
9. The Poet Laureate will be evaluated for completion of contract on an annual basis.

C. **Other Distinctions:** The EAC may, on occasion, recognize other individuals, groups, or organizations for their contribution to the arts in the community.

1. Any Commissioner of the EAC may nominate an individual, group, or organization for recognition. All nominations will be made with a recommended citation that highlights the contributions that warrant recognition.
2. Other distinctions will be approved by the EAC.
3. Approved distinctions will be submitted to the City Council for approval along with a request for an official proclamation recognizing the individual, group, or organization.
4. The EAC will generate a certificate or other appropriate token of recognition.

# Focus Area 3

## Arts Enrichment

Projects that involve community members or organizations in the design, concept, or creation of artwork are enhanced through the support of the EAC. Through project support, artists and organizations are encouraged to apply for project funding on an annual basis. Awards are granted based on budget feasibility, experience of candidate(s), artistic merit and public benefit. Grants are part of the annual budget of the EAC and approved by City Council.



*Fantasee* by Ernest Norling

The EAC recognizes that professional development for Commissioners, City Government, citizens, and artists is important to the sustainability and growth of the arts, and therefore may fund appropriate activities or provide scholarships within their annual budget. When at all possible the EAC will strive to be a partner to enhance and encourage the arts in the public schools through partnerships, loans of the City Art Collection, or other opportunities as they arise.

**3.1 Grant Funding:** EAC Grants are designed to provide financial support for arts programs and projects in Ellensburg that merit public funding. Because EAC Grants are supported with public tax dollars, the EAC places a priority on those programs that best reflect the EAC's mission and core values, and serve the residents of Ellensburg. The EAC invites artists and organizations annually to submit requests for funding. Funding may be awarded for grants between \$100 and \$2500.

Projects support:

1. The development of new artwork
2. Arts-related events
3. Interpretation of existing artwork
4. Presentation of new artworks or collection of artworks

A. **Grant Process** is as follows:

1. In February, the EAC will review application criteria and questions and make recommendations for changes.
2. The application process will open on April 1 and close on August 31 annually.
3. Budget for grants will be set in May and submitted to City Council in June.
4. The EAC will review applications, make award recommendations, and submit grant awards to City Council for approval by October. Council may request additional information, accept or reject any or all proposals.
5. Letters will be mailed to award recipients, and to applicants who did not receive funding, by December 31 of the application year.
6. Staff will mail contracts in January to recipients and execute contracts with City Administrators.
7. All documentation for reimbursements, project write-up, and photos are to be submitted to staff by grant recipients, and stored electronically, by December 31 of the grant year.

8. The EAC will review grant usage for previous year in January.
- B. **Criteria:** Applicants are evaluated in four distinct categories:
1. Experience of the applicant to execute the project: This can be demonstrated in past work, in a resume, or narrative.
  2. Public benefit of the project: This can be demonstrated by projected attendees, the visibility of the project, and/or other means.
  3. Artistic excellence: This can be demonstrated by work samples and/or resume of experience and awards.
  4. Budget feasibility: This can be demonstrated by an articulated budget of the project, clearly identifying the income sources and expenses, including the amount requested of the EAC.