

**PROCEDURES AND GUIDELINES
FOR ART IN PUBLIC BUILDINGS AND BUILDINGS SUPPORTED BY FEDERAL AND
GOVERNMENT OF GUAM FUNDS IN THE TERRITORY OF GUAM AND THE
PERCENT FOR THE ARTS GRANT ENHANCEMENT.**

CHAPTER I. THE LAW – POLICY

Chapter 8 of Title 1 of the Guam Code Annotated, relative to "Arts in Public Buildings and Facilities" as amended. Public Law 15-50:1 [July 6, 1979], amended by Public Law 20-27 [June 13 1989], further amended by Public Law 31-118:1 [September 20, 2011], §852 (f) (3) added Public Law 33-05 [February 25, 2015], §321 subsections (h) through (m) added by Public Law 33-325 [January 9 2017], §851 (n) added by Public Law 35-60 [1/2/2020]

CHAPTER II. PURPOSE

1 GCA Chapter 8 – Article 2 - § 850.

"The Art in Public Buildings program allocates a portion of federal and Guam government funds for public buildings to acquire artworks for these buildings and any publicly accessible spaces supported by federal or local tax incentives. Alternatively, the funds may be allocated to the Guam Council on the Arts and Humanities Agency to promote culture, support local artists, and benefit the community."

CHAPTER III. SCOPE

To implement the Arts in Public Buildings and Facilities program by facilitating the acquisition of art to be placed in eligible public buildings and facilities and/or incorporating, showcasing, featuring other art forms and/or implementing programs and activities that foster the development of local artists, children and the community as a whole that foster culture and the arts.

CHAPTER IV. DEFINITIONS

I. Definitions to Art in Public Buildings and buildings supported by the Federal and Government of Guam Funds in the Territory of Guam. As used in 1 GCA Chapter 8, Article 2, § 851.

A. art and arts mean the graphic arts and other arts having aesthetic value that is acceptable to the public;

B. artist means one who produces or aids in the production of art;

C. public building or public facility means a building or facility owned by the government of Guam or any of its instrumentalities;

D. department means the Department of Public Works or that agency of the government which supervises the design of a public building or public facility;

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E. native art means art produced by the pre-Hispanic indigenous people of Guam and any art work that is indigenous to Guam; and

F. public area means 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 of similar space to which the public generally has no access; and

G. local artists mean artists who are residents of Guam.

H. Literature, in its broadest sense, is any single body of written works. More restrictively, it is writing considered as an art form, or any single writing deemed to have artistic or intellectual value, often due to deploying language in ways that differ from ordinary usage. Contemporary definitions extend the term to include texts that are spoken (oratory) or sung (oral literature). Literature can be classified according to whether it is fiction or non-fiction and whether it is poetry or prose; it can be further distinguished according to major forms such as the novel, short story, or drama; and works are often categorized according to historical periods or their adherence to certain aesthetic features or expectations (genre). Literature is divided into the classic three (3) forms of ancient Greece, namely poetry, drama, and prose. Poetry may then be subdivided into the genres of lyric, epic, and dramatic. Kantan Chamorita, for example, can be classified under any of these genres, or as performing art. The lyric includes all the shorter forms of poetry, e.g., song, ode, ballad, elegy, sonnet.

I. Media art is a genre that encompasses artworks created with new media technologies, including digital art, computer graphics, computer animation, virtual art, internet art, interactive art, video games, computer robotics, 3D printing, cyborg art, and art as biotechnology. The term differentiates itself by its resulting cultural objects and social events, which can be seen in opposition to those deriving from old visual arts (i.e., traditional painting, sculpture, etc.). This concern with medium is a key feature of much contemporary art and indeed many art schools and major universities now offer majors in "New Genres" or "New Media" and a growing number of graduate programs have emerged internationally. New Media Art often involves interaction between artist and observer or between observers and the artwork, which responds to them. Yet, as several theorists and curators have noted, such forms of interaction, social exchange, participation, and transformation do not distinguish new media art but rather serve as a common ground that has parallels in other strands of contemporary art practice. Such insights emphasize the forms of cultural practices that arise concurrently with emerging technological platforms, and question the focus on technological media, per se.

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J. Performing arts are forms of creative activity that are performed in front of an audience, such as drama, music, song, dance, poetry, and oratory, to include recording(s) and in all media platforms. Performing arts may be further distinguished according to genre of dance, song, and chant, in traditional/folk or contemporary styles.

K. Traditional arts are part of the culture of a group of people, skills, and knowledge of which are passed down through generations from master craftsmen to apprentices. In an online art archive, any art created through the use of real or natural media, such as the following:

1. Canoe and Navigation – Demonstrations. Carving and modern adaptation of canoes; paddles and other general seafaring items; rope and binding displays, such as rope making and knot tying; adze skills and use; and weaving techniques used in creating traditional sails and woven containers used during open-ocean voyages. The art of navigation must record history of seafaring through storytelling of seafaring legends and lore; and recounts of voyages past, toward developing an apprenticeship program;

2. Fishing and Hunting Traditions – Demonstrations. The knowledge and tradition of fishing (Peskadot Tasi) and hunting (Peskadot Tano) through the use of nets and tools of the ways of the Peskadot Tasi and Peskadot Tano, also to develop an apprenticeship program;

3. Culinary – Food Preparation.

a) Hotnu (Oven) – Demonstrations. The building and development of the Hotnu oven and the use of it through an apprenticeship program.

b) Chahan. The making, cooking, and sharing of food cooked in an underground oven.

c) Other forms of food preparation will be determined by the CAHA presiding panel and must go through a justification and approval process that is passed by the CAHA Board of Directors before being added to the list of approved art forms. The arts of food preparation must develop as an apprenticeship program;

4. Healing Arts – Demonstrations. Healing arts practitioners are to gather, share, and perpetuate the art of healing and the use of local plant materials, etc., and the variety of tools used in the healing traditions, and to provide health and comfort information to everyday life of the Chamorro people. The arts of healing must develop an apprenticeship program;

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5. Weaving/Plaiting – Demonstrations. Weaving traditions that arise from the use of local plant materials to provide utility in everyday life of the Chamorro people. These plants include, but are not limited to, the âkgak (pandanus spp., cultivated pandanus tree); nipa (nypa fruticans, nipa palm); niyok (cocos nucifera, coconut palm); and the pi'ao (bambusa vulgaris, bamboo). Sharing the knowledge and tradition of weaving through, and the type of weaving tools used through an apprenticeship program;

6. Wood, Stone, Shell, and Bone Carving – Demonstrations. Carvers must continue to incorporate ancient and historic designs and symbols into their pieces and practice carving to produce objects of artistic excellence. Practitioners must develop an apprenticeship program;

7. Blacksmithing – Demonstrations. Blacksmithing is when an object is created from wrought iron or steel by forging the metal by using tools such as a hammer to bend, and cut into a certain form. Practitioners of blacksmithing must develop an apprenticeship program;

8. Performing arts are forms of creative activity that take place in front of an audience, who may participate and/or watch. These can include traditional music and making of musical instruments (such as bilembaotuyan), dance, chant, and poetry (such as kantan chamorita). Practitioners must develop an apprenticeship program; and

9. Other forms of traditional/folk arts submitted will be determined by the CAHA presiding panel and must go through a justification and approval process that is passed by the CAHA Board of Directors before being added to the list of approved art forms.

(l) Public educational institution means the Guam Department of Education, the University of Guam, or the Guam Community College.

(m) Visual arts are art forms such as ceramics, drawing, painting, sculpture, printmaking, design, crafts, photography, video, filmmaking, literature, and architecture. Many artistic disciplines (performing arts, conceptual arts, textile arts) involve aspects of the visual arts as well as arts of other types.

(n) Works of art shall include the arts as defined in Subsections (a), (e), (h), (i), (j), (k), and (m) of this Section.

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(o) "Contracting Agency": The owner of the building identified including either governmental or non-governmental.

*SOURCE: GC § 321. Subsections (h) through (m) added by P.L. 33-235 (Jan. 9, 2017).
Subsection (n) added by P.L. 35-060:3 (Jan. 2, 2020).*

II. Definitions as it applies to the Percent for the Arts Enhancement Grant Program.

- A. "Agency" means Guam Council on the Arts and Humanities Agency, government of Guam.
- B. "Director" means Director of the Guam Council on the Arts and Humanities Agency.
- C. "Board" means the council on the Arts and Humanities Agency Board, government of Guam.
- D. "Fund" means the Percent for the Arts Enhancement Grant Fund.
- E. "Grantee" means an applicant who is awarded a grant.
- F. "Grant" means an approved award of funds from the Percent for the Arts Enhancement Grant Program.
- G. "Government of Guam funds" means any funds received from a legislative appropriation, the Guam Visitors Bureau or from a government or autonomous agency.
- H. "Government" means the government of Guam.

CHAPTER V. HOW IT WORKS

- A. Art in Public Buildings and buildings supported by the Federal and Government of Guam Funds. *(1 GCA Chapter 8 -Article 2 -§ 852)*
 - 1. Plans for public buildings and buildings supported by federal or government of Guam subsidy 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, murals or objects relating to or consisting of native arts.

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2. Those required to adhere to this law can select one of two options:
 - a. Option 1: The inclusion of artwork in public buildings and facilities
The owner of the building or the Agency/Department head can select to utilize the required one percent (1%) of the overall construction, remodeling or renovation cost of a building for the provision to include artwork art by local artists if available, including, but not limited to, sculptures, paintings, murals or objects relating to or consisting of art as defined in §851 (a) through (m) of Article 2, 1 GCA Government Provisions Chapter 8 Government Facilities.
 - b. Option 2: Allotting funds to CAHA
The owner of the building or Agency/Department head can instead opt to allot the one percent (1%) of the overall construction, remodeling or renovation cost of a building to the Guam Council on the Arts and Humanities Agency (CAHA) in lieu of the inclusion of works of art.
3. Funds allocated to the Guam Council on the Arts and Humanities Agency (CAHA) in lieu of artwork shall be used for the stated purpose of fostering culture and the arts for the development of local artists, children and the community as a whole through new and existing programs of the Council applicable to these procedures and guidelines as well as the rules and regulations of the pertinent CAHA program or activity.
4. Funds allocated to CAHA in lieu of artwork shall be used for costs associated with the operation and expansion of programs of CAHA that increase access to art in public places such as, but not limited to, the CAHA Art Bank, any program that creates art in outdoor public spaces, and any grant program that funds art that is regularly accessible to the general public. Grants using funds from this program will be processed through the regular CAHA Grant Program and the Percent for the Arts Enhancement Grant Program.
5. Acceptable art forms are defined in 1 GCA Chapter 8 Government Facilities, Article 2: Arts in Public Buildings and Facilities §851 (a) and (h-k)

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6. If artwork plans are selected, however, a representation of the final selection shall be published in a newspaper of general circulation and/or the online version of the newspaper for public screening prior to implementation.
7. Before issuance of the occupancy permit for such construction, remodeling or reconstruction the owner of the building must obtain clearance from the Guam Council on the Arts and Humanities Agency that the provisions of this Chapter are being complied with.
8. 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 purpose of the design, construction, mounting, maintenance and replacement and administration of works of art by CAHA in the public area of such a building or the owner shall give the amount to CAHA.
9. The Director of Public Works shall ensure that CAHA is a signatory on the building and occupancy permit; that no construction, remodeling or renovating of a public building, or building supported by government of Guam funds, is granted an occupancy permit without this Chapter being complied with.
10. Such buildings with an overall construction cost of less than One Hundred Thousand Dollars (\$100,000) are exempted from the requirements of this Chapter unless inclusion of works of art in their design and construction is specifically authorized by the owner.
11. The artist who creates these works of art shall be selected as provided in Subsection (22) of this section.
12. "For the selection of works of art, the Director of CAHA shall open competition for awarding any art contract under this Chapter by:"
 - a. Soliciting proposals from local artists by a project announcement published no less than three (3) times in a local publication or general circulation in print or online versions;
 - b. 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' 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.

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- c. The final decision regarding the use of art work and the selection committee's recommendations shall be by the Director of CAHA, who shall be the contracting officer for any art contract executed pursuant to this Chapter.
13. With the addition of other disciplines to the program, the selection process should be the same as how visual arts are chosen for those facilities based on the percent for the arts.
14. ADMINISTRATIVE FEE – CAHA's administrative cost for running the program will be increased to 20% of the 1% total cost of building, remodeling or renovating.

"For the acceptance of funds, the Director of CAHA shall do the following:"

- a. *An account shall be established which shall be maintained separate and apart from other funds of the government of Guam, shall be kept in a separate bank account and shall not be subject to transfer authority of I Maga'alahan Guahan. Funds shall remain in such account and expended by CAHA for the purpose mandated in this Section. Said Fund shall be examined and reported upon as required by the law by the Director of CAHA who shall serve as the certifying officer of said Fund.*
 - b. *On the first (1st) day of each fiscal quarter, the CAHA Director shall provide to I Maga'Lahen Guahan and the Speaker of I Liheslaturan Guahan and post on the CAHA website, a detailed report of how funds were allocated and utilized.*
15. ENFORCEMENT
- a. *CAHA shall identify public buildings in non-compliance with this Section and send written notices within ten (10) working days. Upon receipt of the notice, recipients have two (2) weeks (fourteen (14) calendar days) to acknowledge in writing, receipt. Recipients will be given up to one (1) fiscal year to comply with Section.*
 - b. *The Guam Economic Development Authority (GEDA) shall ensure that current Qualifying Certificate (QC) program beneficiaries are in compliance with this Section.*
 - c. *For monitoring purposes, GEDA shall provide to CAHA a list of past and current QC recipients. CAHA will determine whether former QC*

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- d. *recipients complied with Subsections (a) and (c), and notify them in writing if non-compliance was determined. Upon receipt of the notice, recipients have two (2) weeks (fourteen (14) calendar days) to acknowledge, in writing, receipt. Recipients will be given up to one (1) fiscal year to comply with this section.*
- e. *Enforcement Penalties:*
 - 1. *CAHA shall provide to the Department of Revenue and Taxation a list of QC recipients who fail to comply with this Section. The Department of Revenue and Taxation shall refuse to grant renewal of business license for current and past QC recipients in noncompliance, until the CAHA Director issues a written confirmation of compliance.*

16. *1 GCA, Chapter 8, Article 2, §853 – Inclusion of Chamorro Artistry or
Guam History Elements in Government Building: Government of Guam
Buildings and Structures*

All government of Guam building and structures shall contain elements of either Guam History or of Chamorro artistry costing up to a maximum of three percent (3%) of the aggregate of the architectural and engineering, the construction or the renovation budgets therefore. Such elements may be made part of the internal or external physical structure of the building or structure and may be within the main part of the building or structure or separated from the main part. In complying with the provision of this Section, a contractor for the government agency constructing the building or structure may consult with CAHA as to the various types of Chamorro or historic Guam artistic elements.

The Department of Public Works (Department) shall monitor noncompliance with this Section during its plans approval process, unless such plans are exempted in accordance with Subsection (b) of this Section. If the Department determines that a non-exempted project does not comply with this Section, it shall refuse to issue either a building permit or an occupancy permit (as the case requires) for such project until compliance.

17. *EXCEPTIONS TO APPLICABILITY*

Buildings and structures constructed for use as shelters for utility facilities or utility operations are not subject to Subsection (a) of this Section.

18. *COMPLIANCE*

Government of Guam agencies found in noncompliance of this Section shall be

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given up to one (1) fiscal year to comply. CAHA shall ensure compliance with this Section.

19. EDUCATIONAL INSTITUTIONS
1 GCA, Chapter 8, Article 2- §852 (a) (2)

(A) Money collected from the construction, remodeling, or renovation of any building within or on the premises of any public educational institution shall be transferred no later than ten (10) days of receipt to the public educational institution with jurisdiction of said building.

(B) The public educational institutions shall utilize the money for art projects/programs described in § 851 of this Chapter subject to the approval of their governing boards.

20. GOVERNMENT LEASE SPACES

Government of Guam agencies leasing space are not exempt from this Section, and if found in noncompliance will be given up to one (1) fiscal year to comply. CAHA shall ensure compliance with this Section.

21. 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.

22. SELECTION PROCEDURE

The Selection Committee shall tour the site of the project and designate the various areas where artwork 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.

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23. SELECTION METHOD

Open Competition: The Selection Committee shall solicit artwork 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.

24. CRITERIA FOR SELECTION

- a. Style and Nature: Works of art that complement the environment where the art work is to be displayed. The size of the artwork must also be compatible to the size of the location designated.
- b. Quality: The inherent quality of the artwork is the most important criterion for selection.
- c. Media: All visual art forms will be considered along with objects relating to or consisting of indigenous art. The artwork can be either portable or permanently fixed. If the artwork is to be permanently placed the Selection Committee will decide if the location identified is structurally capable of maintaining the artwork in terms of relative maintenance of repair costs.
- d. Permanence: Due consideration will be given to structural and surface soundness and to permanence in terms of relative excessive maintenance or repair costs.
- e. Method of Acquisition: Existing works of art specifically commissioned are eligible.

25. OTHER DISCIPLINES AND GENRES

If the building owner decides to acquire art products and services from other disciplines and genres, they must adhere to the same procedures and processes as those used for acquiring visual arts, including the involvement of a selection committee.

26. BUDGET

The selection Committee shall identify the funds available for the project

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and approve expenditures. The funds will be dispersed as specified by §852, Article 2, Chapter 8 of Title 1, Guam Code Annotated.

27. USE OF FUNDS

a. Funds identified may be used for:

1. For the purchase of existing artwork 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 artwork.
4. Mounting: Expenses for the purposes of affixing the artwork onto the location specified.
5. Maintenance: Expenses incurred towards the mechanical maintenance of the artwork for up to one year after installation.
6. Replacement: Artwork that are to be replaced due to irreparable damage.
7. Administration: Expenses to cover any administrative costs incurred by the Selection Committee of GCAHA in the selection of artwork. Those costs include but are not limited to hiring of contractual staff, advertisements, supplies and professional services. At least twenty percent (20%) 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.
8. Plaques and Labels identifying the art work.
9. Frames, mats and pedestals necessary for the presentation of the artwork.
10. Waterworks and electrical and mechanical devices, equipment and site work which are integral parts of the work of art.
11. Reproductions of up to 50 high-quality limited-edition prints, numbered and signed by the artist. Exclusively used for

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12. 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 (28) on USE ON 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. Those elements generally considered to be components of a landscape architectural design.
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 super graphics, 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 of 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.

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

28. WHO IS ELIGIBLE

Selection preference may be given to local artists who have resided in Guam for at least 6 months by the announcement of the Request for Proposal and are registered with CAHA. Selection preference may be given to local artists.

29. 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 of art in consultation with the selection committee.
2. Appoint the selection committee.
3. Assist the contracting agency in contract negotiation with the artists.
4. In consultation with the contracting agency, CAHA may transfer works of art between public buildings, whenever, in its judgment, 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. All expenses incurred will be the responsibility of the contracting agency.
6. Identify and carry 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 in this

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instance must notify GCAHA upon approval of support by either government of Guam funds through tax abatements, rebates, loans, loan guarantees or bonds financing or by Federal Funds administered by the government of Guam.

2. Notify the Guam Council on the Arts Humanities Agency of the Project details.
3. Consult with GCAHA and 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 timelines 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.

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4. Assure that all service requirements for the work of art 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 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. Copyright: The artist retains those rights concerning the reproduction and of the original artwork for commercial purposes unless specified in the original contract agreed upon by the artist and the contracting agency.
4. Maintain a close working relationship with the architect and contracting agency on commissioned pieces.
5. Upon completion of the work (s) 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, high resolution digital files, scans and two 8x10 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.

30. SCOPE AND NATURE 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).

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The 1% figure is a minimum. If 1% of total funds appropriated for a particular project is not required for that project, such un-required 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 nonpublic 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:*

Supplies and services connected with public information, and artists' prospect for specific projects.

31. GENERAL PRINCIPLES AND PROCEDURES

Integration of Art and Architecture: So that artists and architects can gain from each other's 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.

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 ensure 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.

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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.

32. DOCUMENTATION

A. 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; if any; medium; and year completed.

B. Registration:

The Contracting agency shall maintain accurate inventory records. Copies will be filed with the Guam Council on the Arts and Humanities Agency.

C. 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.

**CHAPTER VI. HOW IT WORKS – The Percent for the Arts Enhancement Grant Program.
(P.L. 31-118 Section 2 subsection 852)**

Public Law 31-118 establishes the fund. It mandates the Guam Council on the Arts and Humanities Agency to set up the eligibility requirements governing usage of the fund. The Director of CAHA shall include in CAHA rules and regulations, pursuant to the Administrative Adjudication Law, for the disposition of funds to meet the purpose of fostering culture and arts for the development of local artists, our children and the community as a whole.

CHAPTER VII. Purpose of Grants

Grants are available to enhance art, cultural and artistic learning opportunities. Funds for individuals range from \$5,000 - \$10,000 while funds for organizations range from \$10,000 - \$20,000 (Awards of \$10,000 or more must have matching funds.) Grants will be awarded for projects to assist in areas of cultural and artistic development. These projects must demonstrate that they are vital to long term learning, education and development, and support the continued fostering of the arts and the promotion and perpetuation of the culture.

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CHAPTER VIII. Eligibility

A. Organizations

1. If the applicant is an organization, it must be registered with the government of Guam as a nonprofit organization, or be a bona fide Guam school program, sanctioned by the school's principal and endorsed by the Director of Education, school master or Superintendent of Parochial schools.
2. Organizations that apply for a grant must be in compliance with all applicable laws and regulations.

B. Individuals

1. If the applicant is an individual, he or she must be a permanent resident of Guam and registered with CAHA.
2. If the applicant is an individual under the age of eighteen years of age, their parent or legal guardian will be able to apply on the minor's behalf.

CHAPTER IX. Grant Criteria

Grants will be awarded only to individuals or organizations.

CHAPTER X. Application Process

A. Step One: Submission.

1. To qualify for a grant, an application must be filled out and submitted to the Agency, along with the following information:

A nonprofit organization requesting funds must provide a copy of its articles of incorporation or other proof of registration as a nonprofit organization with the government of Guam. A requesting school must submit a letter from the school's principal and the Director of Education, school master or Superintendent of Parochial Schools, endorsing the organization.

2. Grant applications which do not comply with the requirements of Step One shall not be considered complete and eligible for certification.

B. Step Two: Certification.

The Director will certify the grant application as to its completeness. If the

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application is not complete; the Agency will send a notification to the applicant either via email or by certified mail informing them of the application's status and that proper adjustment need to be made within 15 days of notification. The Director will certify the grant application as to its completeness. If the grant application is not complete, the Agency will mail a non-certification form to the grant applicant for proper adjustment.

C. Step Three: Consideration.

1. A certified grant application shall be submitted by the Director to the Board for consideration during the next grant review cycle for the program. Applications will be reviewed and considered by the Board on a biannual basis, every January and June of a calendar year.
2. The Board shall approve grant applications in accordance with the purposes stated in Chapter VII of these regulations.
3. The Board will not consider any grant application unless Steps One and Two have been completed.

CHAPTER XI. Disbursement of Funds

- A. The Director shall manage the Fund and the Agency's certifying officer shall be the Fund's certifying officer.
- B. Upon Board approval of the application, the Agency shall process the necessary paperwork for the grant.
- C. Within thirty days after completion of project/program, the grantee shall provide the Director with a report and an accurate expenses report reflecting the expenditure of all government of Guam funds.

CHAPTER XII. Misuse of Funds

- A. Any person who willfully misuses a grant received under these regulations will be referred to the Attorney General of Guam for appropriate legal action.
- B. If the grantee is delinquent in submitting the detailed narrative and expenditure report required by Chapter XI, Section C, the Agency shall send a written notice, certified mail, return receipt requested, to the grantee giving the grantee fifteen days from the date of receipt of the notice to submit the report. Grantee's failure to comply may be deemed a violation of said chapter.

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CHAPTER XIII. Grant Limitations

- A. Only one grant from the Fund can be awarded per organization program or individual per year.
- B. The maximum grant amount for grantee individuals or organizations cannot under any circumstances exceed the following amounts as follows:
 - 1. Individuals - \$5,000 to \$10,000 for individuals
 - 2. \$10,000 to \$10,000 for organizations.
- C. All grants awarded through the Agency are contingent upon the availability of funds and final approval by the governor.

CHAPTER XIV. Recording Requirements

Reporting Requirements – Art in Public Buildings and Buildings Supported by Federal and Government of Guam Funds in the Territory of Guam and the Percent for the Arts Enhancement Grants Program.

On the first (1st) day of each fiscal quarter the CAHA Director shall provide I Maga'lahen Guahan and the Speaker of I Liheslaturan Guahan and post on the CAHA website a detailed report of how the funds were allocated and utilized.

- A. The quarterly report for the Art in Public Buildings and Buildings Supported by Federal and Government of Guam Funds in the Territory of Guam shall include the following information concerning the use of the Fund:
 - 1. The number and names of projects.
 - 2. The amount allocated towards the program per project.
 - 3. Other pertinent data concerning management of the fund.
- B. The quarterly report for the Percent for the Arts Grants Enhancement Program shall include the following information concerning the use of the Fund:
 - 1. The number and names of applicants.
 - 2. The number, names of grantees and amounts of grants awarded.
 - 3. Other pertinent data concerning management of the fund.

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Furthermore, the Guam Council on the Arts and Humanities Agency shall annually make a public report on all Art in Public Buildings and Buildings Projects Supported by Federal and Government of Guam Funds in the Territory of Guam and the Percent for the Arts Enhancement Grants Programs of the previous year.

CHAPTER XV. SEVERABILITY P.L. 31-118 Section 4

If any provisions of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provision or applications of this Law which can be given effect without the invalid provision or applications and to this end the provisions of this Law are severable.

IN CONCLUSION

Guam's 1% Program is dedicated to placing 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 its people. Furthermore, it will enrich the lives of our children, local artists and the community as a whole.