

## **City of Larkspur Public Art Policy**

### **INTRODUCTION**

The City of Larkspur ("City") recognizes the critical value that public art brings to our community. Public art is accessible and free for all to enjoy, offering cultural enrichment and contributing to economic development. It plays an essential role in fostering vibrant, thriving communities and creating a unique sense of place.

Public art creates a unique sense of place and contributes to a sense of civic identity for the City of Larkspur. The City endorses the placement of artwork in public places, recognizing the value of public art in enhancing its cultural and economic landscape. Therefore, it is important that procedures and policies be established and implemented for the acquisition and selection of artwork within the City.

In response to the increasing interest from individuals and groups across Larkspur, the City is committed to supporting and facilitating these initiatives. To manage and oversee this growing interest effectively, the City has established a Public Art Policy.

The Parks and Recreation Commission will oversee the Public Art Policy, responsible for reviewing and approving public art proposals. The Commission will ensure that each project aligns with the City's goals and community values, evaluating criteria for artwork selection, location, and site selection.

#### **1. PURPOSE**

The purpose of the Public Art Policy ("Policy") is to provide clear guidelines for the acquisition, placement and maintenance of public art within the City. This Policy establishes:

1. Procedures to Review Offers of Artwork Placement and Maintenance
2. Criteria for Artwork Selection, Location, and Site Selection
3. Principles of Artistic Freedom of Expression and Non-Discrimination

This document outlines the responsibilities of the Parks and Recreation Commission and details the process and criteria for submitting and reviewing public art proposals.

#### **2. DEFINITIONS**

##### **Art, Work(s) of Art or Art Works**

The objects or activities resulting from the application of skill and taste to production of tangible objects, designs, performances, and/or environments according to aesthetic principles, including, but not limited to: painting, sculptures, engravings, carvings, frescoes, murals, collages, mosaics, statues, tapestries, photographs, drawings, crafts, installations, digital and light-based works, fabric, and textile works, earthworks, performance art, and conceptual works.

##### **Appropriate Commission**

The Parks and Recreation Commission shall serve as the primary body responsible for reviewing and approving artwork in public places. The Commission is responsible for overseeing the development, management, and use of the City's parks and recreational facilities. The Commission advises the City Council on matters related to recreational programs, facilities, and activities, and plays a key role in shaping policies that enhance the community's recreational and outdoor spaces. As appropriate, other departments

or governing bodies, such as the Planning Commission, may also review specific aspects of the artwork, including design review authority as applicable.

### **Public Art**

Works of art, both publicly and privately owned, which are located on property that is owned, occupied, or managed by the City.

### **Public Place**

Any structure or open space that is visible or accessible from a public right of way, such as sidewalks, streetscapes, plazas, parks, buildings, bridges, waterways, parking garages, sports and recreational facilities. This Policy shall govern artwork and/or public artwork in the following public places:

- City-owned or leased park, including Piper Park, Niven Park, Bon Air Landing Park, Greenbrae School Park, Doherty Park, Centennial Park, Dolliver Park, Hamilton Park, Neighborhood Park, and Remillard Park.
- City-owned or leased open space.
- City-owned or leased pathway or trail system.

## **3. CONFLICT OF INTEREST**

A member of the Commission who has a financial, business, familial or personal relationship regarding a matter coming before the Commission shall disqualify themselves from all participation in that matter.

## **4. REVIEW OF OFFERS OF PUBLIC ARTWORK**

### **Documentation for Offers of Public Artwork**

Written offers to place artwork in a public place shall be made to the Office of the City Manager and forwarded to the appropriate City Department for review and comment and to the appropriate Commission. Such written offers shall be accompanied by information adequate to evaluate the proposed placement, including, but not limited to, the following:

- a) Drawings, photos or written descriptions of the artwork(s) to be placed (including size, colors, weight, materials, and any information which will establish that the item has the requisite physical integrity to withstand public display and withstand exposure to the natural elements);
- b) A written description of the background/historical information associated with any art item, including but not limited to, information about the creation of the artwork(s) and the artist (if applicable) who created it;
- c) Artist biography;
- d) A warrant of originality (if applicable);
- e) An explanation of why the item(s) should be displayed on a public place and how the display of such serves a purpose appropriate to the interests of the public and the City;
- f) Public support for the proposed display of artwork;
- g) The estimated value of each artwork (including appraisals of the artwork( s) if available);
- h) The anticipated date for the placement to occur and the length of time proposed for public display;
- i) The anticipated life of displaying the artwork(s) in a public place;
- j) Environmental effects of the artwork(s);
- k) Proposed site and method of display (including any necessary hardscaping, landscaping, buildings, utilities, security devices, anchoring or other information necessary to insure public safety);
- l) Signage proposed for the artwork, including size, lettering and material, signage shall be limited to the artist's name, title, and date of work, and where appropriate, a dedication, the name of the donor

- or lender may also be included in the installation;
- m) Estimates of the costs of installing the artwork(s) for public display, including, but not limited to: physical anchoring of structures for public display, retrofit of existing buildings or improvements, landscaping, lighting, security and maintenance and whether the City or donor will pay for such costs;

A failure to provide the information outlined above may result in the City rejecting the offer to place artwork in a public place as insufficiently documented to warrant City staff time to evaluate the offer. All information provided is a public record and will be available for review at the City Manager's office during regular business hours.

### **Process for Review by Parks And Recreation Commission**

Before making a decision on a proposed artwork, the Parks and Recreation Commission will consider the City Department's recommendation and/or comments, the criteria for artwork selection, artwork location and site selection, and documentation for placement of the Artwork.

Once the artwork proposal has been reviewed and approved by the Parks and Recreation Commission or appropriate commission, the proposal shall be finalized and any necessary documentation or agreements, such as a Memorandum of Understanding ("MOU"), will detail the specific terms and conditions of the acceptance, method of installation, and maintenance of the public artwork.

If the Parks and Recreation Commission does not approve the artwork proposal, the donor or proposer of the public artwork may appeal the Commission's decision by submitting a written request for appeal to the Office of the City Manager. The City Manager shall provide a written explanation outlining the reasons for denying the artwork.

The City has no obligation to accept, display, or maintain any offer to place artwork in a public place. The City retains the right to determine, at its sole discretion, what artwork(s) offered for public display will be accepted, displayed, or maintained. If the City elects to accept, display, and/or maintain artwork, it may require the following information as conditions of acceptance:

- Proper documentation indemnifying and holding the City harmless from any liability as it relates to the artwork, including documentation that the City will not be held liable for any damage incurred to the artwork;
- A written explanation of legal issues, including, but not limited to, identifying the current legal owner of the item(s), the existence of any copyrights, patents, or other title rights in or to the artwork(s), such as any interests retained by the artist or designer, and an explanation of conditions or limitations on the item(s), including any costs to be covered by the City or donor;
- Any additional information the City deems necessary or appropriate to analyze the offer.

The offer to place artwork in a public place may be terminated by any party at any time prior to the later of acceptance of the offer by the City or the execution of an MOU.

## **5. PUBLIC ART SELECTION CRITERIA**

The Parks and Recreation Commission will use the following criteria when reviewing and prioritizing submissions for art on public property.

**Project Readiness:** Projects can demonstrate readiness through completeness of design, skill/experience of the artist(s) or project manager(s), secured funding for art piece and cost of installation, successful

community engagement, identification of an appropriate site, and proposed schedule. The Parks and Recreation Commission may encourage an applicant to reapply, if they deny a proposal as not sufficiently ready but with specific promise to demonstrate future readiness.

**Qualifications:** Artists, artist teams, or project manager must be able to demonstrate, through past work – as evidenced in a resume, portfolio, and reference – their ability to create quality artwork and act with the utmost professionalism. In most cases, artists have considerable training and experience working professionally at and have been compensated for their art. For certain projects, the City will consider emerging or non-professional artists, who are working under the guidance of a professional mentor or art teacher.

**Funding:** Projects should have a funding source identified and project implementation will be contingent upon receipt of full funding for the project. The City does not provide project funding for public art.

**Community Engagement:** Proposed projects that have completed their own public engagement process will be prioritized.

For long-term projects (installation planned for more than one (1) year):

- A minimum of one (1) public meeting and three (3) letters of support are recommended. Successful public meetings might involve the local homeowner's association (HOA), neighborhood associations, or business owners. The Parks and Recreation Commission must be informed of these meetings ahead of time and allowed the opportunity to attend.

For short-term projects that are viewable within the public right-of-way:

- A minimum of two (2) letters of support is recommended.

In both instances, it is recommended that one of the letters of support be from the local HOA or neighborhood association(s), if applicable. Short-term projects inside a public facility are not required to conduct community engagement, outside of that undertaken through the Parks and Recreation Commission process.

**Maintenance:** Works of art will have reasonable maintenance requirements and these requirements shall be compatible with routine City maintenance procedures. For projects that require more maintenance than current City budgets and staffing allow or a specific expertise, the project must set aside sufficient maintenance funding for the duration of the project and must develop an agreement for maintenance to be performed by private parties, as approved by City staff.

**Design:** Works of art will be designed in consideration of the relevance and appropriateness of the work to the context of the site and in alignment with public safety and decency.

- The artwork will not portray themes that may be interpreted as derogatory as to race, religion, sexual orientation, natural origin, or physical or mental disability. The artwork will not contain content, signage, names, logos, or subject matter that could be construed as advertising or as religious or sexual in nature nor will it promote a political candidate or include political text. Any content considered obscene or indecent by community standards will be denied.
- The design of the artworks will take into consideration issues associated with public spaces such as security, theft, vandalism, etc.
- The design of the artworks will consider the specific needs and use patterns of the public space in which they will be located. For example, in parks, works of art will not block critical view corridors or impede public usage of key open space.

**Diversity:** Artists and the City's public art collection should reflect the diversity of Larkspur's community. The Parks and Recreation Commission shall monitor the overall development of public art projects, encouraging balance in the City's collection over time with respect to background, gender, and other identities of artists selected and with respect to styles of expression, media, and genre.

## **6. TIMEFRAME FOR ARTWORKS**

For artworks on City property, all works approved by the Parks and Recreation Commission shall be considered temporary installations, with specific provisions regarding future disposition. The Commission shall determine the timeframe for the artwork to be displayed with input from the artist, after which the artwork will be reviewed and the timeframe extended, the work purchased, donated, removed, or moved. Setting a timeframe allows for both artist and the City to define the terms of display and to reassess the work within its larger context, such as changes to the site/location, in the community, to the artwork itself, and other factors. The Commission shall set review criteria for reviewing future actions in relation to the artwork at the end of the work's timeframe.

## **7. CRITERIA FOR REVIEWING ARTWORK UPON COMPLETION OF TIMEFRAME**

When the negotiated timeframe for a work of art has expired, the City will act in accordance with the terms of the artist agreement. Under the agreement it may, in its discretion, choose to extend the time period of the work, make it a permanent part of the collection, accept it as a donation, or purchase, remove, or move it. The Commission will decide according to the following criteria, which would support continuation of the artwork.

- The community supports the continued presence of the artwork.
- The artwork is of high artistic quality and/or offers alternative artistic value, such as an educational piece.
- The artwork and/or artist add to the diversity of the collection.
- Maintenance and conservation of the artwork are manageable.
- The site is and will continue to be City property and a suitable location for the artwork.

## **8. MAINTENANCE**

The City shall maintain a detailed record of all artwork accepted by the City for placement in a public place. The artwork shall be maintained with the same care as the City uses for maintaining similar City-owned property. City staff shall take into account recommendations for the appropriate method and frequency of maintenance for each artwork made by the donor and/or artist. The City shall:

- Regularly inspect artwork;
- Provide regular maintenance on the public artwork and minor repairs such as removal of graffiti or bird guano.

The artist and/or donor of the artwork shall be responsible for any repairs or unusual maintenance to the artwork. The artist and/or donor shall be responsible for the normal wear and to the risk of damage, whether foreseeable or unforeseeable, to the artwork.

## **9. CRITERIA FOR REMOVAL OF ART WORKS**

At any time, a work of art may be removed at City's sole discretion for one or more of the following reasons:

- The condition or security of the artwork cannot be reasonably guaranteed.

- There is an emergency event such as a fire, storm, or other climate-related event.
- The artwork is damaged, and repair is infeasible, or the cost of repair is disproportionate to the value of the artwork.
- The artwork requires unanticipated, excessive maintenance due to design flaws or other factors.
- The artwork endangers public safety.
- The site of the artwork is so severely altered or there are planned renovations/site improvements such that the artwork is no longer compatible or relevant.
- The property on which a site-specific artwork is located is no longer owned by the City of Larkspur.
- There has been sustained and overwhelming public objection to the artwork over a period of time.
- The artwork has been stolen or destroyed.