



City of Valdez

212 Chenega Ave.
Valdez, AK 99686

Meeting Agenda

Beautification Commission

Monday, January 12, 2026

5:00 PM

Community Development Conference Room

Regular Meeting (Note Date and Location Change Due to Holiday)

REGULAR AGENDA - 5:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. PUBLIC BUSINESS FROM THE FLOOR

IV. NEW BUSINESS

1. [Discussion Item: Flash Vote and Public Outreach Options](#)
2. [Discussion Item: Wayfinding Project Phase 3](#)
3. [Discussion Item: Options for Creation of a Public Art Policy Working Group](#)

V. COMMISSION BUSINESS FROM THE FLOOR

VI. ADJOURNMENT



City of Valdez

212 Chenega Ave.
Valdez, AK 99686

Legislation Text

File #: 25-0501, **Version:** 1

ITEM TITLE:

Discussion Item: Flash Vote and Public Outreach Options

SUBMITTED BY: Elise Sorum-Birk, Deputy City Clerk

FISCAL NOTES:

Expenditure Required: n/a

Unencumbered Balance: n/a

Funding Source: n/a

RECOMMENDATION:

n/a

SUMMARY STATEMENT:

Communication Manager Sarah Jorgenson Owen will share information about the city's Flash Vote platform with the commission and how it might be used to gather public feedback on commission programs and priorities.

The commission may also discuss other ideas for public outreach and gathering public input.



City of Valdez

212 Chenega Ave.
Valdez, AK 99686

Legislation Text

File #: 25-0500, **Version:** 1

ITEM TITLE:

Discussion Item: Wayfinding Project Phase 3

SUBMITTED BY: Elise Sorum-Birk, Deputy City Clerk

FISCAL NOTES:

Expenditure Required: n/a

Unencumbered Balance: n/a

Funding Source: n/a

RECOMMENDATION:

n/a

SUMMARY STATEMENT:

Economic Development Director Martha Barberio shared initial plans for Phase 3 of the city's Wayfinding project with the commission via email. She has been seeking grant opportunities to offset cost of this project phase.

This is an opportunity to discuss these plans and provide feedback on materials provided.

Prior email and additional materials are attached.

Elise Sorum-Birk

From: Elise Sorum-Birk
Sent: Tuesday, October 7, 2025 4:09 PM
Subject: FW: Placemaking project- Economic Development
Attachments: Banners with community logo.pdf; Valdez Voices & Visions Grant Narrative and supporting information 1 (1).pdf

Good Afternoon Commissioners-

Please see the update for you from Economic Development Director Martha Barberio on the ongoing “placemaking” project.

If you have any questions or feedback please feel free to email me with them.

Best,
Elise

From: Martha Barberio <MBarberio@ValdezAK.Gov>
Sent: Wednesday, October 1, 2025 4:05 PM
To: Elise Sorum-Birk <ESorumBirk@ValdezAK.Gov>
Subject: Placemaking project- Economic Development

Dear Beautification Commission Members,

I am writing to provide an update on the *Valdez Voices & Visions* placemaking project. This is a multi-phase initiative that is included in both the **Ports & Harbors Master Plan** and the **Economic Development Strategic Plan**, underscoring its importance in advancing our community’s long-term goals.

Both the Economic Development Department and the Ports & Harbors Department have set aside funds in 2025 and 2026 to move this project forward in phases. In addition, the Economic Development Department has applied for outside funding through a **\$50,000 T-Mobile Hometown Grant** and a **\$35,000 Rasmusson Foundation Grant**. In partnership with the Valdez Museum, we have already successfully implemented the **“Old Town” signage phase**, establishing an important foundation for this broader vision.

This project clearly falls within economic development because it will enhance the visitor experience, increase cultural and historic interpretation, and create vibrant public spaces that benefit both our residents and visitors. By incorporating local artists throughout the process, we are ensuring that the story of Valdez is told authentically and creatively.

Attached to this email you will find the **banner designs** that will be installed next year along Egan Drive, around the Kelsey Dock and Harbor areas, and at the airport. I have also attached the **narratives submitted with the grant applications** to provide you with a more in-depth understanding of the project’s scope and impact.

We will continue to keep the Beautification Commission apprised as each phase progresses and before new elements are revealed. Thank you for your continued support of this important community project.



Martha Barberio, CEcD

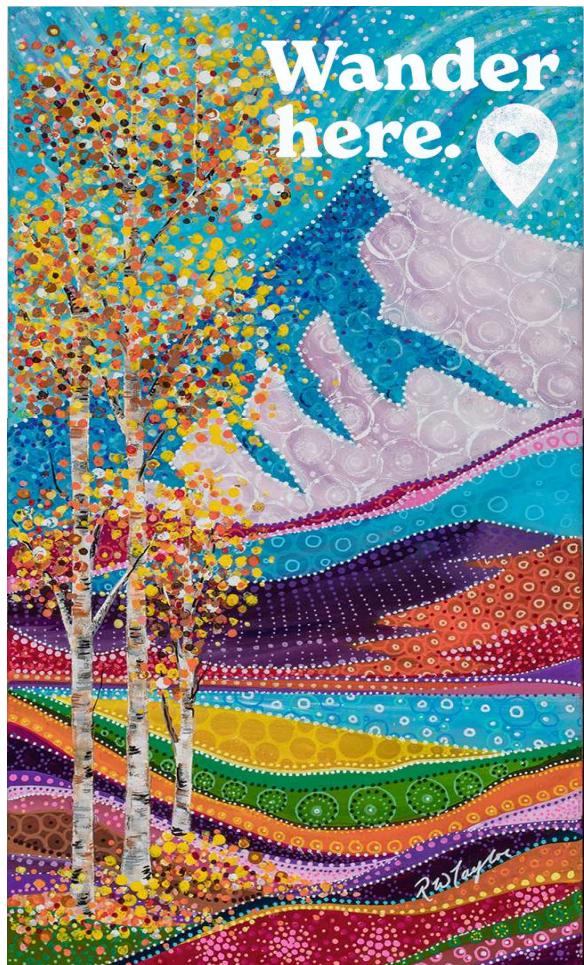
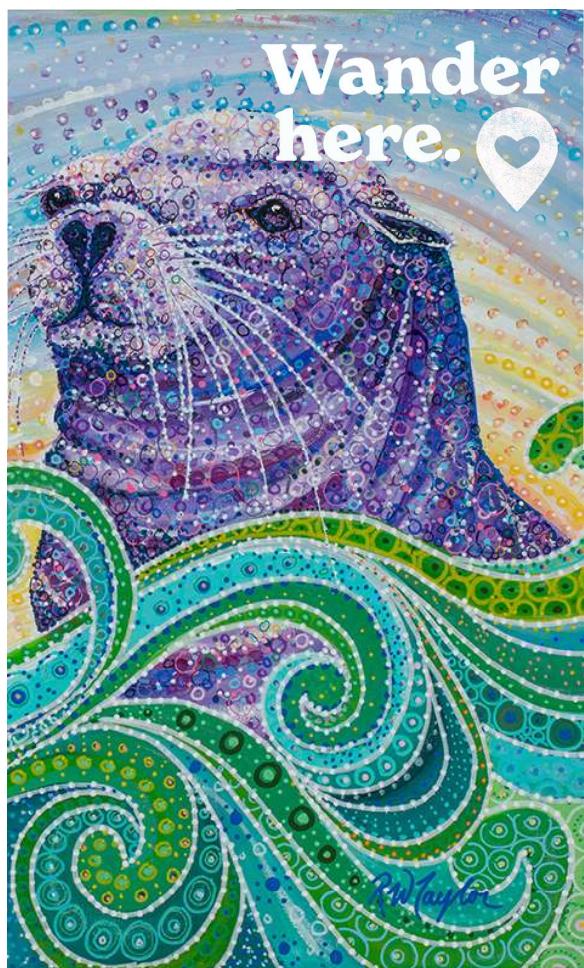
Director, Economic Development

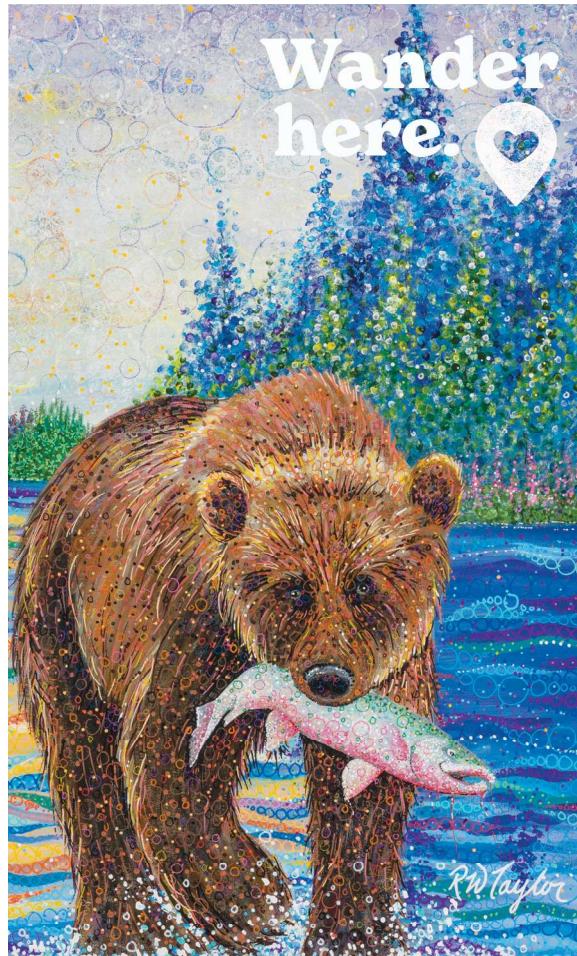
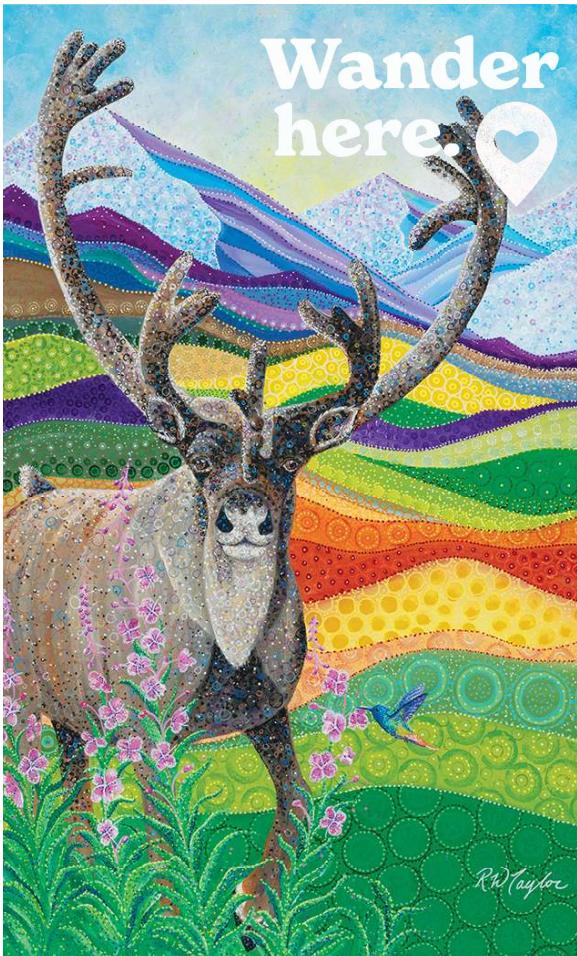
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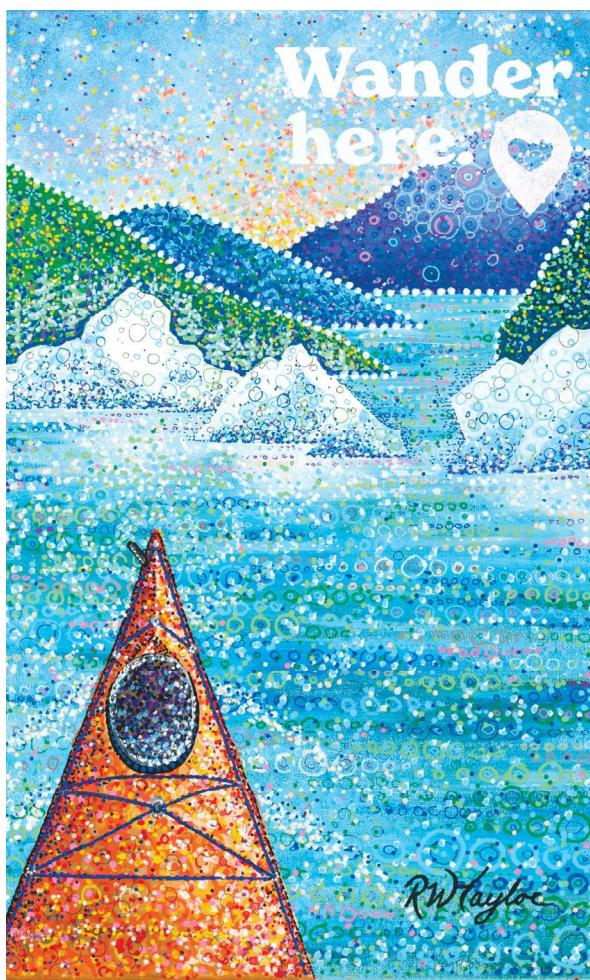
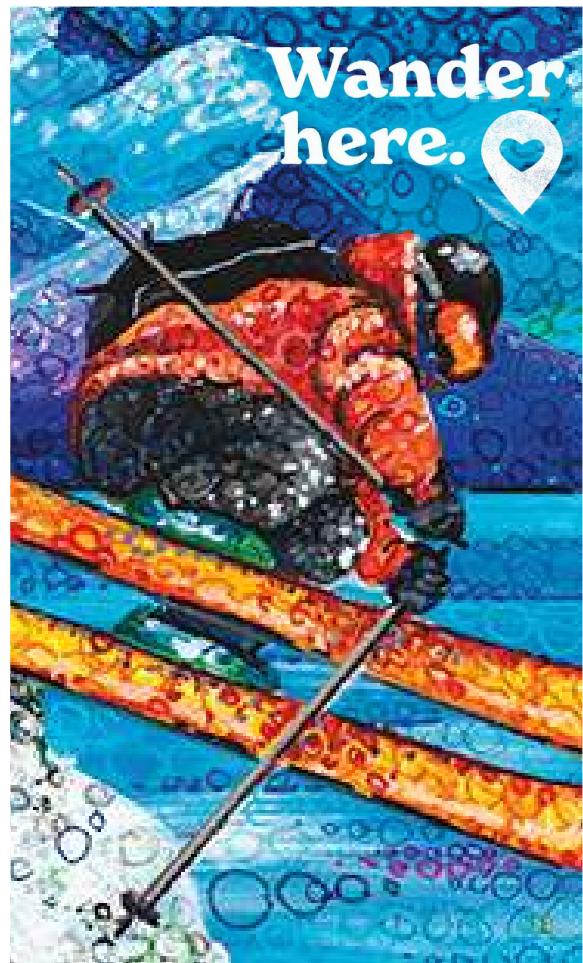
MBarberio@valdezak.gov ValdezAK.gov

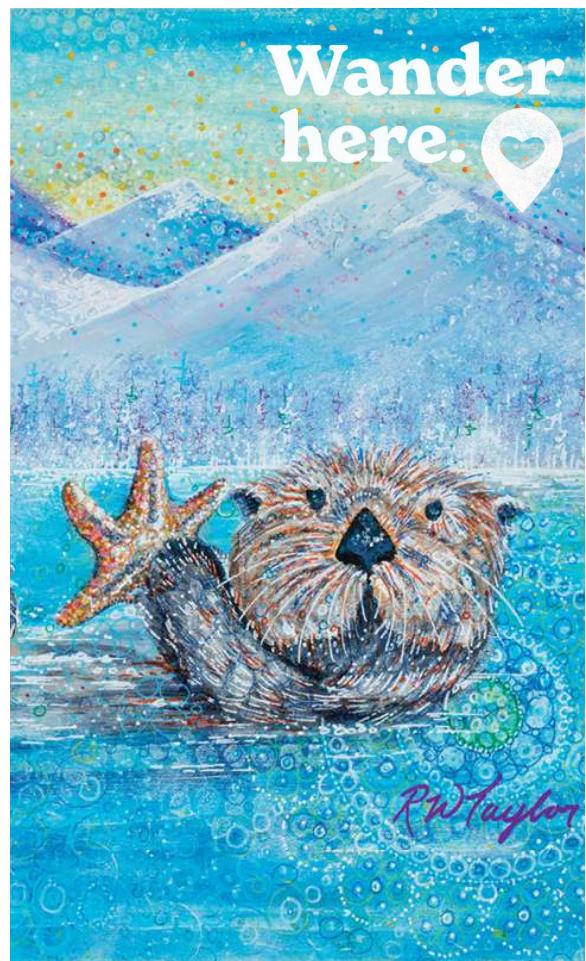
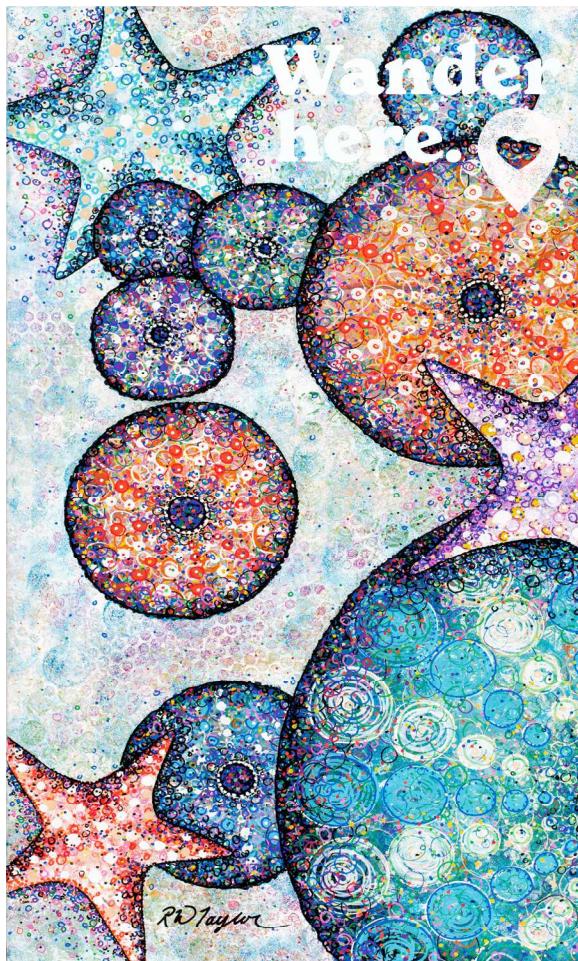
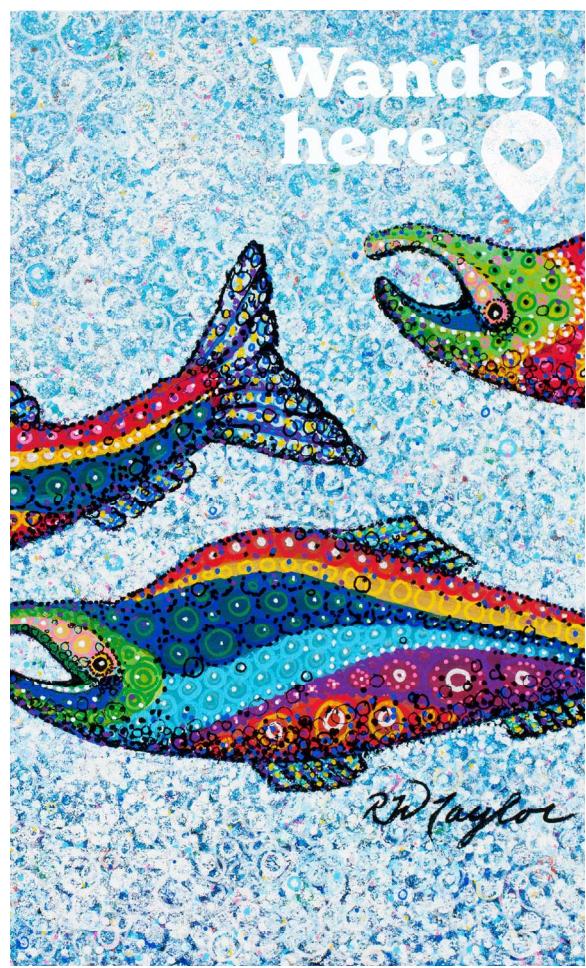
212 Chenega Avenue, Valdez, AK 99686

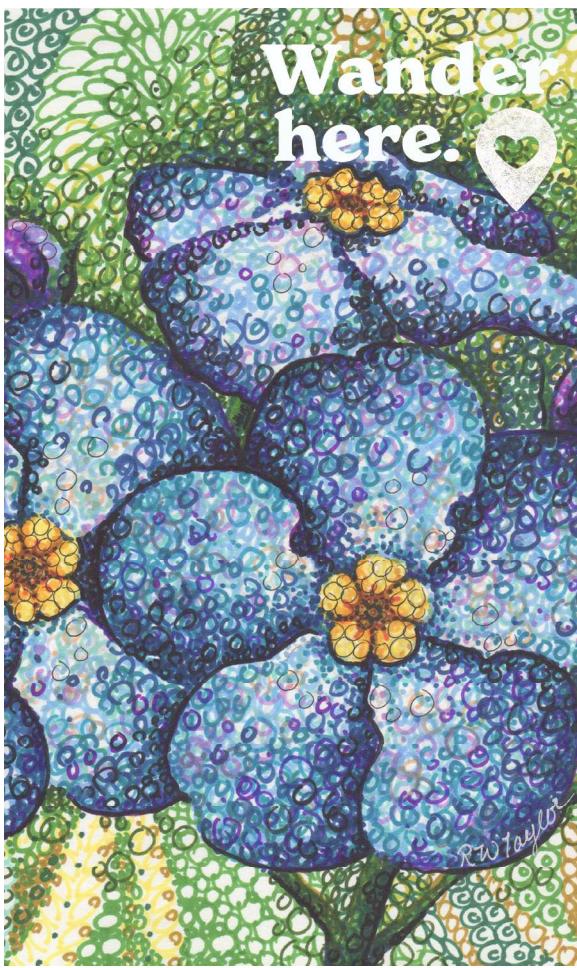












Valdez Voices & Visions

Project Narrative

Old Town Walking Tour
Interpretive Signage Concepts

Artistic Banner Designs

Public Art Renderings

Paint by number
community murals

Valdez Voices & Visions Project is a placemaking initiative designed to transform the cultural landscape of Valdez through an integrated system of art-infused public murals, banners and way-finding elements. At its core, the Project is about telling the story of Valdez’s past, present, and future through visually engaging, accessible, and meaningful works of art placed throughout the City’s pedestrian corridors and public spaces.

This Project aims to celebrate Valdez’s unique identity while enhancing the cultural experience for residents and visitors alike. Centered in our downtown and historic Old Town districts, the Project will include a series of interpretive markers, colorful “Wander Here” street pole banners, and professionally commissioned murals that visually narrate the story of Valdez’s past, present, and future.

The heart of the Project focuses on revitalizing the “Old Town Walking Tour” a self-guided outdoor museum that brings to life the original townsite of Valdez before its destruction in the 1964 Good Friday Earthquake and the subsequent relocation of the community. The Project’s way-finding elements will transform this quiet landscape into a more dynamic, accessible, and educational space. Newly designed signage will use archival images, QR codes, and interpretive content to walk visitors through time—connecting them to the people, cultures, and forces that shaped Valdez.

The “Wander Here” banner campaign will reinforce visual cohesion throughout the downtown core, encouraging exploration and reinforcing a sense of place. In addition, murals painted on outdoor canvas’ on select downtown buildings will feature local history, Indigenous culture, maritime life, and natural beauty—reflecting the stories and voices of our community and inviting deeper public engagement. These artworks will be developed through an open artist selection process, with strong community participation in design themes.

Valdez Voices & Visions represents an innovative approach to rural placemaking by blending heritage tourism, creative expression, and economic development in one unified effort. The Project is designed to be scalable and replicable by other small communities seeking to elevate underutilized public spaces into cultural assets. It aligns directly with the Valdez City Council's 2024 priorities to grow the local economy, support the arts, and enhance the community's sense of belonging.

The T-Mobile Hometown Grant will fund the creation and installation of banners and interpretive signage, artist stipends and mural materials, and community engagement events. Additional financial along with in-kind contributions from the City of Valdez and other local Alaskan partners will support the remaining implementation needs. With this support, Valdez Voices & Visions will launch a legacy of storytelling, pride, and economic vibrancy through the power of place.

Old Town site with 19 interpretive signage placements (red dots)



Original Valdez Town Site and beginning of the “Old Town Tour”



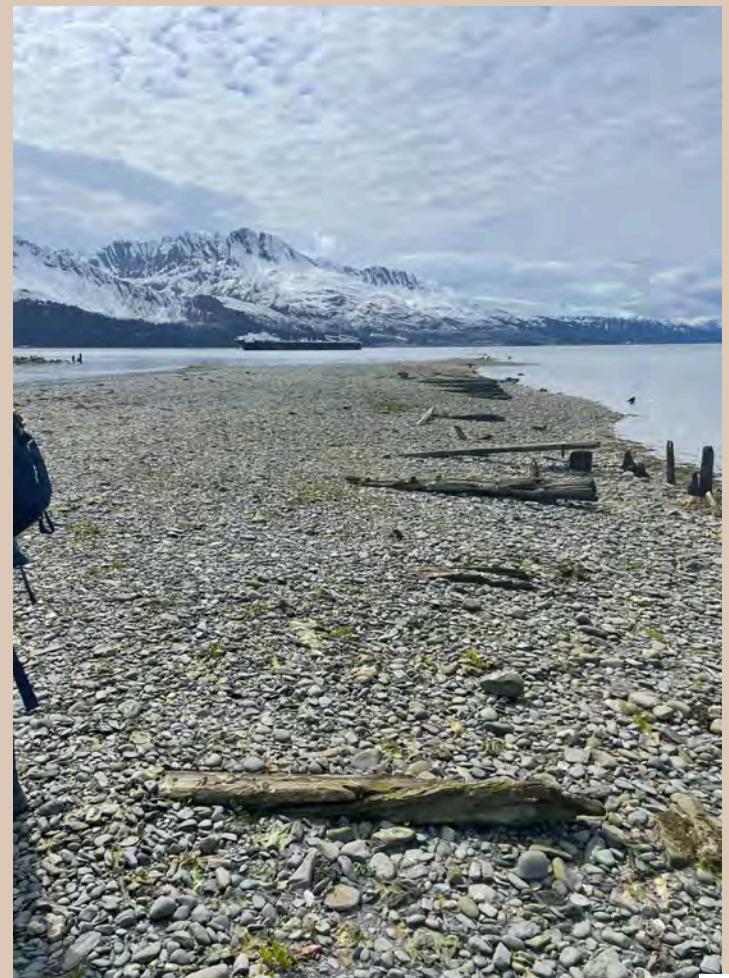
Old Post Office site



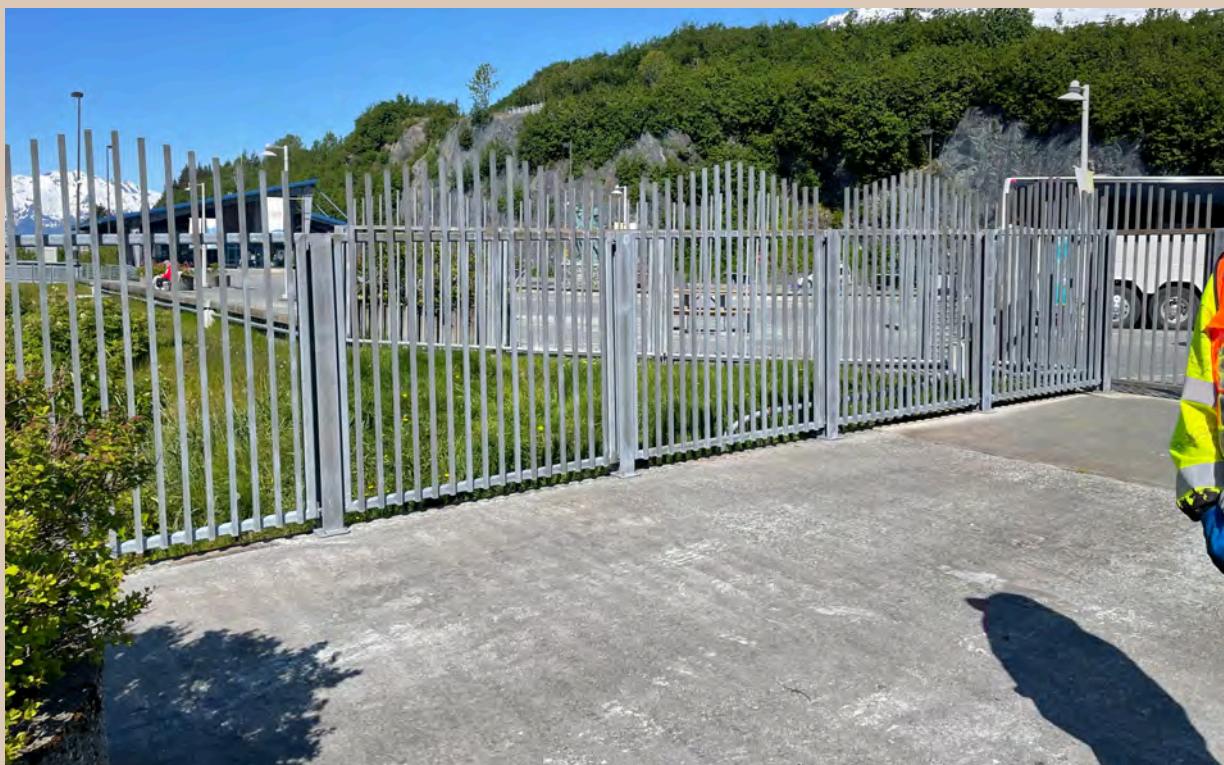
Corner of Alaska Ave & McKinley



Remnants of the old dock

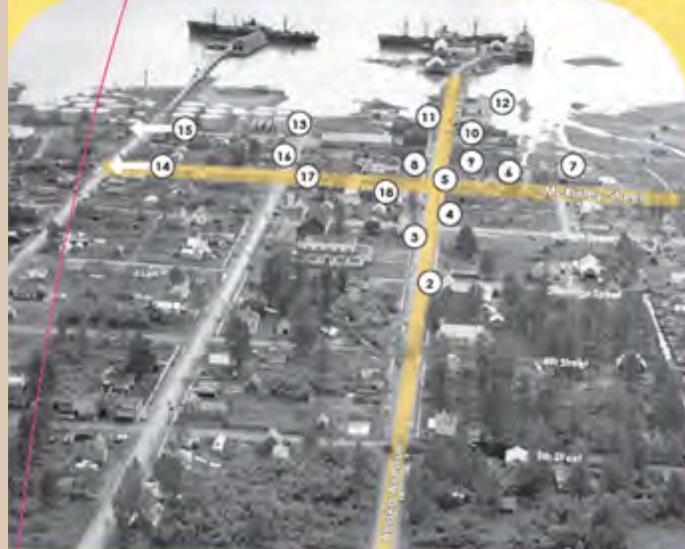


John Thomas Kelsey Municipal Dock Public Art placement



Old Town Wayfinding Panels design

Old Town Valdez Walking Tour



Tour Map

The aerial photo above shows the historical location for the stops on this tour. The light colored streets shown no longer exist. The map to the left shows where the interpretive panels are located for each of the stops.



1a Brief History of Valdez	16 Klip Joint
1b The Gold Rush Connection	11 Wells Commercial Company
2 Valdez Gospel Chapel	12 Village Morgue Bar
3 Pioneers of Alaska Inn	13 Standard Oil Tank Farm
4 Post Office & Earthquake Memorial	14 South Dike
5 Earthquake and Old Town	15 Union Oil Tank Farm
6 Hotel Valdez	16 William A. Egan Home
7 35th Motors	17 The Pinzon Bar
8 Valdez Dock Company	18 Giese Mercantile
9 Post Office	

Welcome

Welcome to the original Valdez townsite and Old Town Walking Tour. The 1.7 mile easy-walk is composed of eighteen stops. At each, an interpretive panel describes the history of Old Town Valdez and the impact of the 1964 Great Alaskan Earthquake on its structures and inhabitants.

The map on the panel to your left includes an aerial view of Valdez prior to the earthquake. Stop numbers indicate where original structures stood in the past. The smaller graphic map located at the bottom left identifies where the tour stops are located relative to the two streets still remaining in evidence today, Alaska Avenue and McKinley Street.

For each location, the stop number is situated in the lower right corner and centered within the QR code. The code, when read via your phone or tablet, links you to the Valdez Museum's website, www.valdezmuseum.org, and extended tour content.

You are at stop 1. Here, Alaska Avenue intersects with mile "0" of the Richardson Highway and signals the start of the tour.

Thank You!
The Valdez Museum gratefully acknowledges Robert and Linda Felland, Conoco Phillips, Pioneers of Alaska, Valdez Igloo #7 and #2, and the City of Valdez for their generous support of this project.



OLD TOWN VALDEZ WALKING TOUR



1
SCAN ME
FOR ONLINE ACCESS TO ALL PANELS

Old Town Wayfinding Panels design

Brief History of Valdez

Land Acknowledgement

Valdez is located on the ancestral lands of the Ahtna/Sugpiaq Peoples. We honor and uphold all Alaska Native Peoples and their values and recognize the important role they played in the overland trade route that linked Interior Alaska to Prince William Sound.

Earthquake History and Impact

Established in 1898 by gold seeking prospectors and incorporated in 1901, Valdez was home to citizens until 1967. Today, little evidence remains of this lively port after the impact of the 1964 Great Alaskan Earthquake, the second largest quake on record.

Old Town Valdez was not destroyed during the earthquake, but was condemned and deemed uninhabitable in the long term. A resilient community remained, while a new town emerged four miles west.

Transportation Hub

Valdez is the northernmost ice-free port in North America, making it accessible year round. The port weathered economic booms and busts and both thrived and survived because of its shipping and transportation industries. In the 1900s, the mail, supplies and people arrived from Seattle on steamships, then traveled via dog sled and sledge to northern Alaskan communities. Freight moved up the Richardson Highway from 1949-53 via the Alaska Freight Lines. The Richardson opened to year round travel in 1949-50. This single event solidified Valdez' position as "Gateway to the Interior."



OLD TOWN
VALDEZ
WALKING TOUR

Historic Valdez: Gold Rush Connection

A Town Takes Root

In 1898, an estimated 4000 ship-bound stampeders eager to take the All American route to the gold fields and make the arduous trek over the Valdez Glacier Trail flooded the Port of Valdez. According to prospectors, "They found neither wharf nor storehouse, nothing in fact but a snow bank." Their goods were cached on the sandy shore. A sea of canvas tents rose up at the mouth of Valdez Glacier Creek and the fledgling town, composed of "four log cabins, three frame houses, and many tents" was formed. "Three restaurants operated in full swing along with a number of stores and of course a saloon."

Keystone Canyon Opens

In 1899, the U.S. Army cut a new trail through Keystone Canyon, twelve miles east of Valdez. The route bypassed Valdez Glacier and proved easier for sojourners. Valdez soon became the supply center for copper and gold miners operating nearby.

Locals Struggle Against the Elements

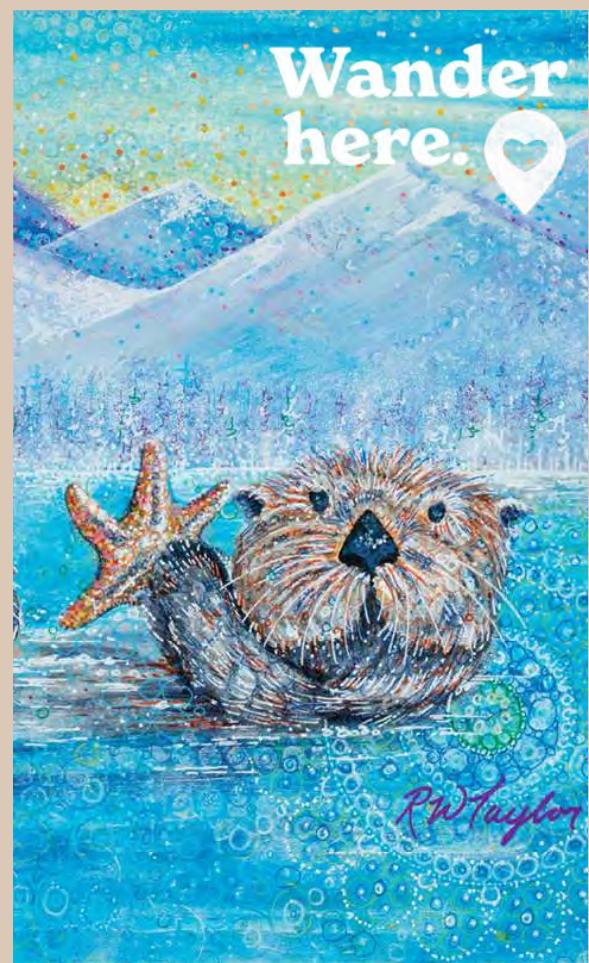
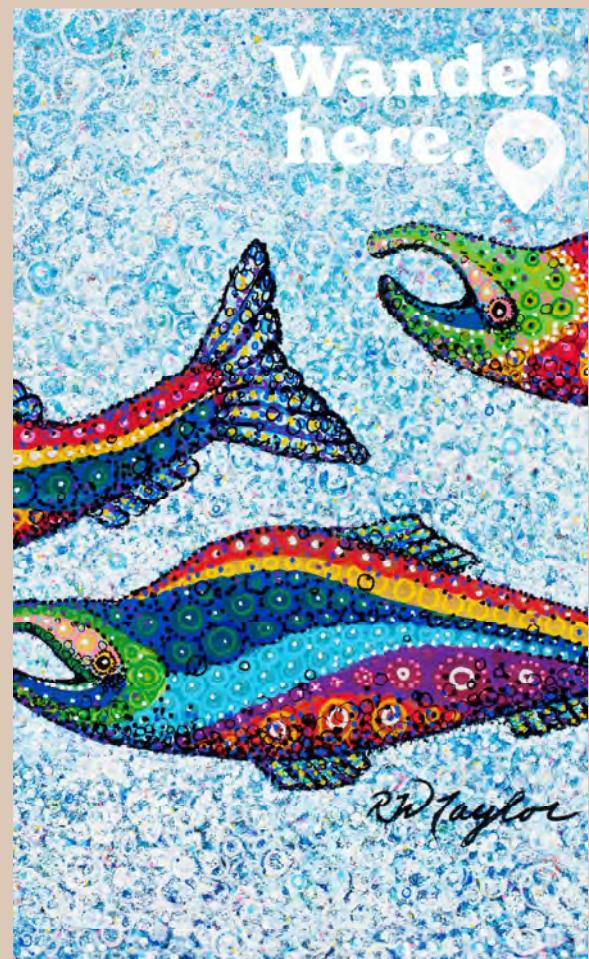
While convenient for supplying prospectors, the town's location on a sandy foundation situated at the base of the Valdez Glacier and a delta outwash plain proved a poor choice. Severe glacial winds, heavy snow falls, seasonal flooding, and unstable ground tormented the port and its inhabitants. In 1908 Valdez residents built a three-sided dike to divert glacier stream runoff and stem annual flooding.

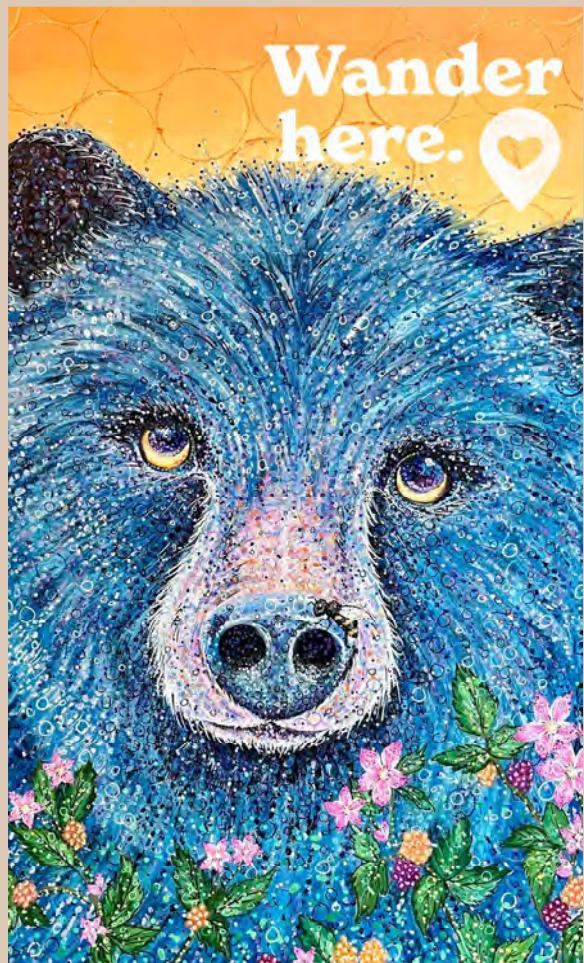


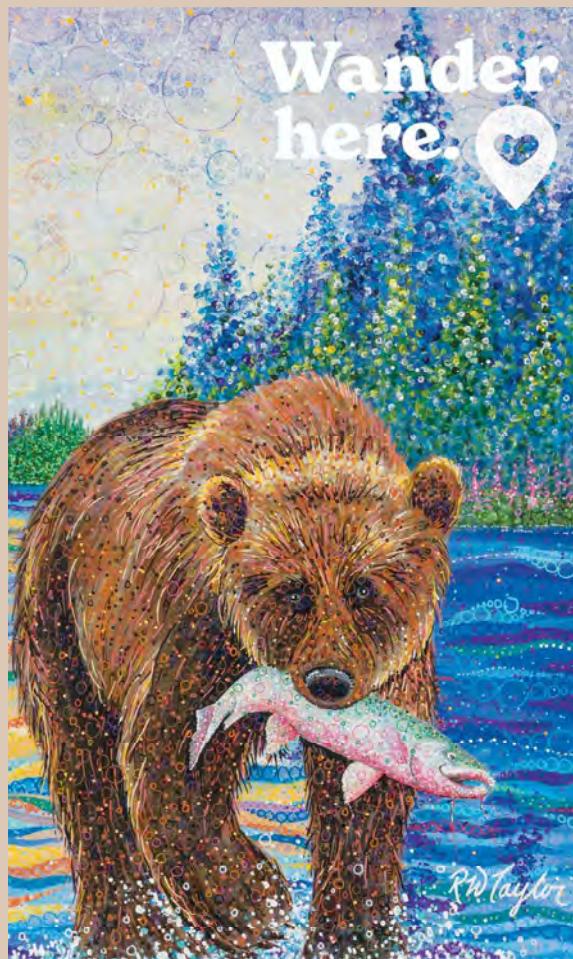
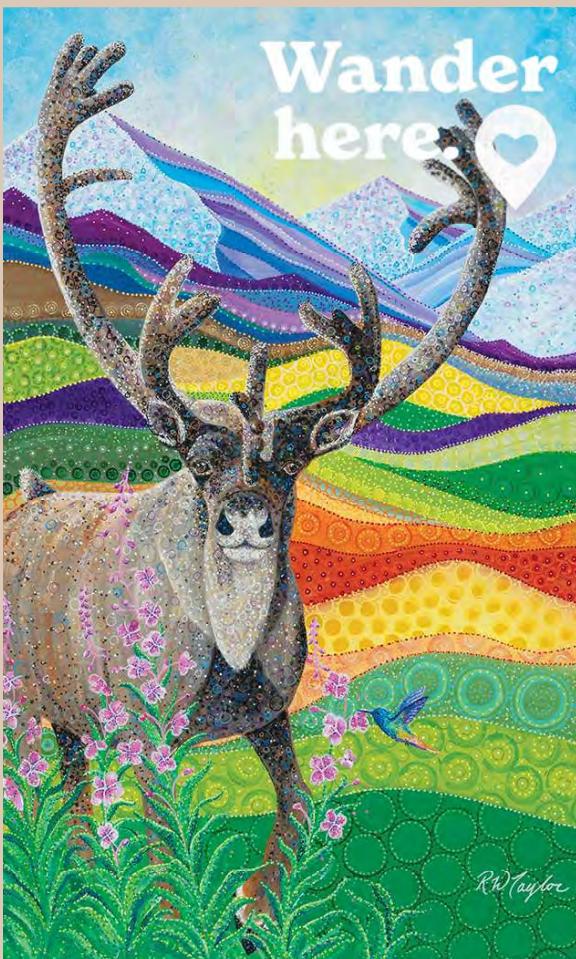
OLD TOWN
VALDEZ
WALKING TOUR

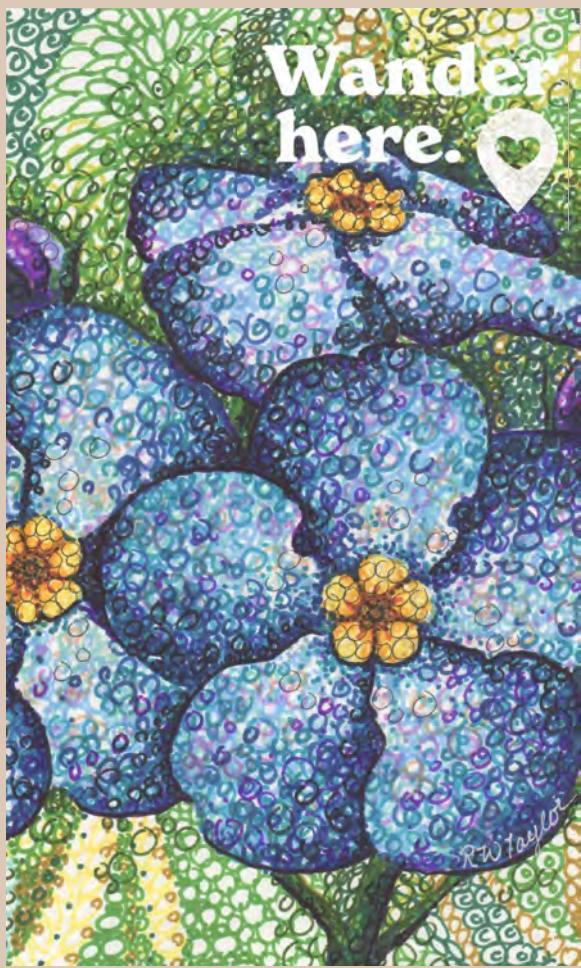
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Community branded banners





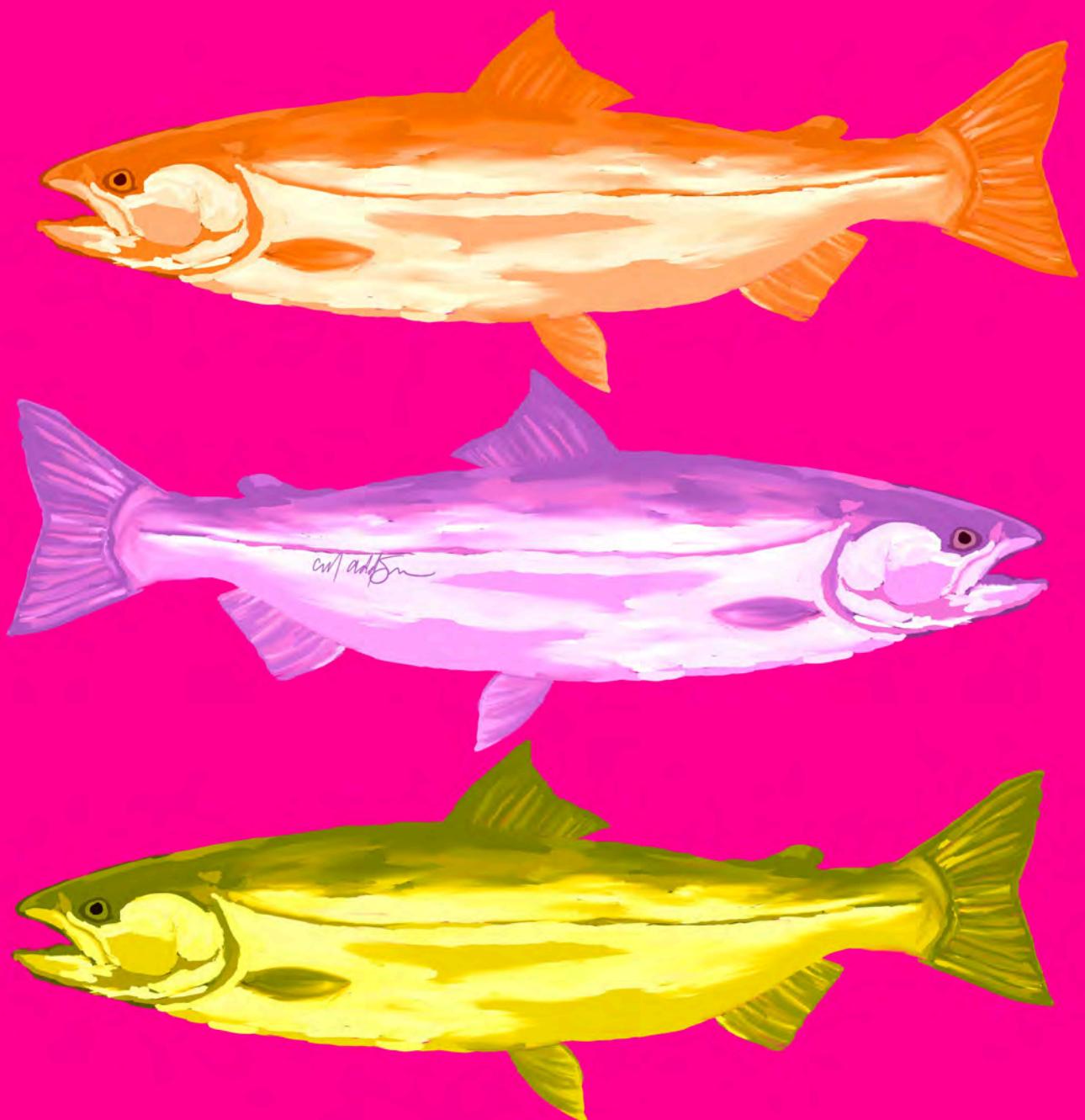




Public Art Designs







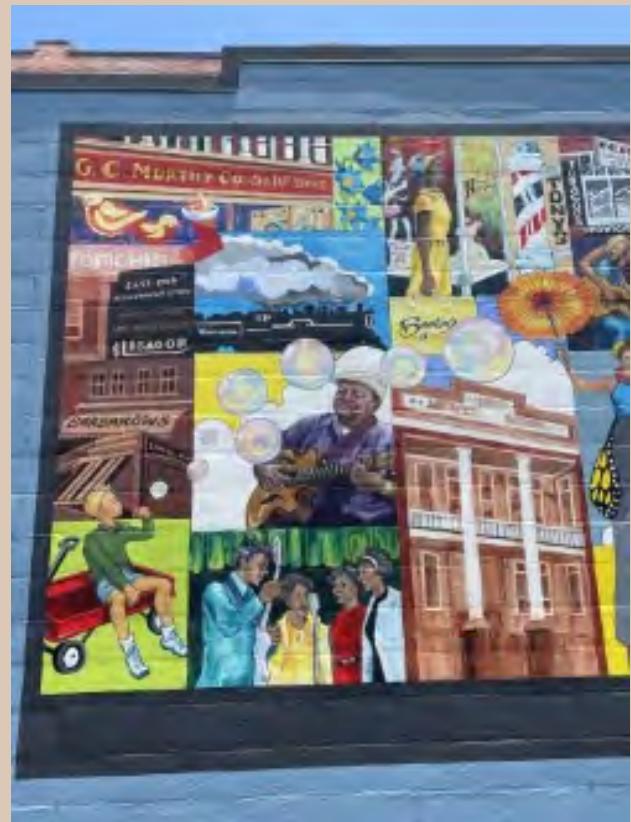
Public Art







Community paint by number mural Past, present, future





City of Valdez

212 Chenega Ave.
Valdez, AK 99686

Legislation Text

File #: 25-0502, **Version:** 1

ITEM TITLE:

Discussion Item: Options for Creation of a Public Art Policy Working Group

SUBMITTED BY: Elise Sorum-Birk, Deputy City Clerk

FISCAL NOTES:

Expenditure Required: n/a

Unencumbered Balance: n/a

Funding Source: n/a

RECOMMENDATION:

n/a

SUMMARY STATEMENT:

The Beautification Commission has had many discussions about the city's role in public art and potential for a mural program.

Current consensus of the commission is that it would be beneficial to have a select community group to draft a public art policy for the city so that there are clear guidelines and expectations around how, where and when public art projects are solicited, funded and maintained.

The goal of the discussion is to detail the following:

- Who are the key stakeholders or subject matter experts to engage?
- What core components should a policy contain/ what specific direction should be given to the group?
- How will selection of committee work - will this follow a formal task force process and appointment by city council or be a more informal group of volunteers?
- What is the timeline for developing a public art policy?
- What community outreach should take place during the policy development process?

Various examples of adopted municipal public art policies are attached for context as to what a finished product may include.

A memo providing examples of mural grant programs operated by other local governments is all attached for commission review and discussion.

To: City of Valdez Beautification Commission
From: Elise Sorum-Birk, Commission Staff Liaison
Re: Other Municipal/ Publicly Funded Mural Grant Programs

Introduction:

In researching municipally funded mural programs, many similarities between jurisdictions are evident. Similarities also exist with the structure of the existing City of Valdez Beautification Matching Grant Program and these programs. Common program components include:

- A match from the property owner or applicant being required.
- Governing body or advisory board review of the proposed projects and approval of artwork.
- Set maximum award amounts between \$2500 and \$10,000.
- Geographic restrictions related either to visibility or a desire to revitalize a specific area.
- Often murals must be completed on commercial or income producing properties.
- A requirement to maintain the artwork is set for between 5 and 10 years.
- Use or ownership rights are consistently considered and given to the city or other public organizations.

Reimbursement models are mixed – some jurisdictions pay directly to the artist, while some have the business pay and be reimbursed. Some are paid after completion and for others, a portion of funds is allocated up upon engaging the artist and signing a contract.

Other considerations include how to address defacement or damage to the mural, whether other mediums like vinyl wraps may be used, whether AI generated art can be used, if there is a specific theme or inclusion of QR codes and maps in overall programs.

Specific Examples:

City of Amarillo, TX – <https://www.amarillo.gov/city-initiatives/mural-grant-project/>

- 50/50 match
- Max award of \$6,000 per mural
- \$30,000 allocated to the program each year
- Eligibility:
 - Murals must be a minimum of 10 x 7 feet and located on income-producing properties.
 - Approved by Beautification and Public Arts Advisory Board.
- Other:
 - No use of AI or violation of intellectual property rights
 - Rights of reproduction by city and other public economic development and tourism entities

City of Melrose, CO – <https://www.cityofmontrose.org/733/Mural-Grant-Program>

- 50/50 match

- Max award \$10,000 per project
- Eligibility:
 - All nongovernmental commercial property owners are eligible.
 - Priority will be given to improvements that eliminate blight and make the greatest visual impact on the surrounding environment, particularly those with a prime location or community/social value, as determined by DART.
 - The property owner must submit the grant application unless permission is granted in writing to the tenant by the owner.
 - Grant-funded improvements are meant to be lasting in nature (i.e. approximately 10 years or longer)
 - Work must be completed within twelve months of approval. The city manager may grant extensions based on unforeseen circumstances.

City of Salem, VA – <https://www.salemva.gov/834/Mural-Grant-Program>

- 50/50 match
- Max award \$7,500 per mural
- Eligibility
 - The subject building must be visible from a city street.
 - The Economic Development Authority will approve the mural concept and artist.
 - The mural concept highlights the City of Salem, Roanoke Valley Region, and encourages visitation to the City of Salem.
 - The building owner or property tenant must submit the mural grant application.
- Other:
 - Once the mural is completed the artist and applicant shall provide a Transition of Rights on the mural to the City of Salem Economic Development Authority.
 - “The murals must highlight the city, and the Roanoke Valley Region, and encourage visitation to the City of Salem.”

West Columbia, SC – <https://westcolumbiasc.gov/grant-programs/>

- No required match or maximum
- Payment directly to the artist to cover the cost of supplies, design, and mural painting.
- Different eligibility criteria for applicant, building and expenditure/activity
 - Applicants: owners of commercial properties and owners/managers of businesses located within city limits. Business owners/managers who are leasing a building for which improvements are proposed must submit a property owner consent form with the completed application. Only businesses whose existing use is allowable by the City's current codes and regulations are eligible for funding through the WCMG. The City reserves the right to deny an application if the applicant's business is delinquent on payment of taxes, fines, or fees or has outstanding code violations.
 - Buildings: Commercial buildings with façades visible from the street, located in the eligible areas.
 - Eligible Expenditures/Activities: Murals must be painted on the exterior of the building and visible to the street. All murals must be pre-approved by the City of

West Columbia, and artists will be paired with building owners at the City's discretion.

City of Germantown, OH -

<https://germantown.oh.us/assets/pdf/Mural%20Grant%20Guidelines.pdf>

- 20% match (max of \$500)
- Maximum \$2500 grant toward Artist Fee – Vinyl wrap not to exceed \$1000 total
- Includes murals and vinyl wraps.
- Eligibility:
 - Must be a commercial building owner or a business owner leasing a storefront within the Germantown Historic District (Gunckel's Town Plan Historic District).
 - Priority use of the funds will be for commercial properties with significant exterior wall space for a mural art and/or vinyl wrap that will be very visible for the street or interior alleys.
 - City pays the artist directly - 33% upon receipt of the contract and 66% once the mural is successfully completed and proof shown that all art supply invoices were paid.
 - Approved by the Germantown Mural Committee/City
 - Grant Applicants will need to complete a grant application and mural permit.
- Other:
 - Very limited geographic area
 - Goal of completing 6 projects total by 2025
 - If an Artist is not making progress, the city reserves the right to pull and reallocate funding.
 - Willingness of the owner to maintain the artwork for a period of not less than 5 years is sought when applicant doesn't own the property.

City of Toronto - <https://www.toronto.ca/business-economy/business-operation-growth/business-improvement-areas/bia-financial-incentives/mural-street-art-program/>

- No required match
- Up to \$7,500 for murals in commercial or employment districts.
- Eligibility:
 - Business Improvement Areas (BIAs)
 - Business associations
 - Community groups that include strong business participation are eligible
- Other:
 - Eligible expenses for murals include artist fees, materials, installation and equipment rental.
 - Maintenance of the murals is the responsibility of the applicant.

County of Fairfax, VA - <https://www.fcrevite.org/paint-it-fairfax>

- Separate “Call for Artists” database application process and “Call for Project Submissions” process.
- A building owner must not destroy or paint over the mural for a minimum of five years.
- If the building changes ownership, a reasonable effort will be made to ensure that the mural remains part of the community.
- Building owner will report any vandalism or damage to the mural to the Murals program manager. If the mural is vandalized or damaged, the artist is contractually obligated to repair it or designate an artist to complete the work in their stead.

PUBLIC ART AND PRIVATE DEVELOPMENT RESOURCE GUIDE FOR DEVELOPERS

“States have an opportunity to both improve livability and boost state and local economies by investing in the arts and culture.”

National Governors Association

1. WHY IS THE CITY REQUIRING THAT MY DEVELOPMENT INCLUDE PUBLIC ART?

Public art is an integral element in private development that offers a city or municipality many possibilities: the opportunity to make a place exceptional, to honor local tradition and/or history, to illuminate the City's aspirations. Art can bring its viewers joy, surprise, stimulation, and reflection in a way that is unique to a specific place. Notable art projects can put a City "on the map" in a way that brings national, and even international attention to a site. This can make the City a more competitive location for business and tourism alike. In addition, public art supports the local economy through the processes of design, fabrication, and installation.

Development is good, but thoughtful development is even better. Private development is critical to a City's growth: thoughtful development that respects local history, culture, and customs can be integrated into the life of the City's citizens,

as well as its urban landscape in a way that adds to the City's cultural as well as its economic life. Successful public art projects have the ability to infuse new development with a strong connection to the community, giving both residents and visitors a vibrant sense of place, and helping to both express and forge local identity.

2. WHAT IS A WORK OF PUBLIC ART?

City codes typically specify that the public art project is an original, site-specific work of art, constructed of durable materials such as, but not limited to, metal, glass, stone, light, or mosaic.

The most important aspect of a work of public art is that it is created by a professional working artist of recognized achievement in the field of public art. The artist may work *with* architects, landscape architects, engineers, lighting designers and/or other professionals, but he or she must be the primary designer of the project, and must hold the contract with the developer for the work of art.



Richard Deutsch
Chevy Chase Center, MD
Photograph: Joseph Romeo

Against the Day

3. WHAT ARE THE CITY'S REQUIREMENTS FOR PUBLIC ART PROJECTS?

Understanding the City's requirements for public art projects is the critical first step in any successful project. Nearly 100 cities and municipalities across the U.S. have a requirement for public art in private development, and no two programs are the same. Therefore, it is important to research the particular requirements in the jurisdiction in which your development is located.

Requirements for public art projects generally fall into three categories: **Guidelines, Policies, and Ordinances.**

Guidelines are typically suggestions issued by City staff and approved by elected officials. Guidelines state desired outcomes concerning new private developments. Guidelines may address matters such as FAR (foot/area ratio), public space amenities, illumination, the character of the architecture, and the inclusion of public art. Guidelines may be flexible, and they may not be enforceable. Guidelines often require discussion with City representatives to ensure that there is a clear understanding of what is expected. There may be some flexibility regarding the placement of the art project, the scale of the work, etc.

Policies are typically more specific; they are spelled out in municipal documents, and are often designed to address a particular area where

several independent developments are being planned. They are meant to affect the character of an existing community, or create a new area of the City.

Policies express "the way we do things" within a community. They are often used to help give cohesion to a private development area in which several independent developments will be affecting the character of a neighborhood, or in redevelopment or new developments in expanding city boundaries.

Policies are more enforceable than guidelines, particularly when a precedent has been set by past developments. For the developer they also allow for some flexibility, as explained?

Ordinances are enforceable laws passed by elected officials. Ordinances are used to define very specific requirements for public art projects, such as the artist selection process; options for the nature of the project (materials and methods); maintenance requirements; and other matters pertaining to the creation and life of the public art project.

Building permits are issued only when compliance with these city codes is met. Ordinances can be very definite about matters such as the look of a building. The benefit of ordinances is that they are objective, clear, and enforceable: the drawback is that they are rigid,

which can discourage innovation and in some cases may present obstacles to choosing the best options for solving problems or challenges that arise.

Reviewing the existing public art projects in the City or municipality may help developers come up with creative ideas for various possibilities and opportunities, while also giving them an overview of the City's public art collection. This can help the developer see how the new public art project may complement other works in the City's collection.

"Arlington's program is governed by a Public Art Policy, not ordinance, and public art on private property is always negotiated, never required. The strength of the program is the long cultivated expectation for public art." Brooks Barwell, Arlington County, Virginia

4. WHAT IS THE CULTURAL LANDSCAPE OF THIS CITY?

When a developer understands the cultural landscape of a City or municipality, a more positive outcome is likely to result, both for

the developer and for members of the community.

Here are a few good questions for developers to ask:

- a. Does the City, Town, or Municipality have a Cultural Arts Department? If so, who is the Director?
- b. Is there an appointed Arts Commission, or an established cultural council?
- c. Does the Commission have legal authority?
- d. Has the Commission been involved in previous public art projects (or is it a new program)?
- e. Do the City and /or community produce an annual program of cultural events?
- f. Who are some of the artists living and working in this community?
- g. Are there any local or regional organizations that can help foster connections between local artists (particularly artists working in public art), nationally known artists, and the entities charged with supervising the installation of public art?

- h. Does the City/municipality/ area have a Public Art or Cultural master plan?

5. “How can I do the right thing for my project and for the City?”
(In other words, how can a developer go about meeting the City’s requirements in a way that benefits his or her development project as well as the City?)

The developer has a vision for what his or her development will be. For its part, the City has created public art policies that support its vision for future growth, with hopes of gaining visibility in a national and international market, and a global world. By deciding to develop a project within a particular City, the developer accepts responsibility for being an active and informed citizen of that community even if he or she does not live there.

Investing in public art may offer benefits in the form of opportunities for trade-offs regarding, for example, flexibility in FAR requirements, expedited permitting, additional building height, massing options, and a range of other possibilities.

There are many other benefits for developers to realize in creating public art, including gaining visibility, making their properties more attractive to both business and residential markets, and promoting good relationships within the community.

“The arts are the best insurance policy a city can take out on itself.”

Woody Dumas, Mayor of Baton Rouge

6. How can a public art requirement become an asset for the developer?

Many developers and owners who were initially skeptical about the requirements of public art projects have become unequivocal in their support for such projects, and the benefits to their developments, after participating in the process.

A public art project that is generated by thorough discussions first between the developer and the City staff, and then with the artist; and that follows a clear and

transparent process, can often enhance the vision of the developer, and make the development both a destination and a local landmark.

“Don’t just pay for art because it is required. Work hard to get the best possible solution for the site and project. The end result of this should be something you will enjoy seeing every time you visit the project. If you are not proud of the art, it is just an expense.”

**David Jury | Vice President, Support Services &
Facilities Development | Palo Alto Medical
Foundation**



7. Why is it a good idea to hire a public art consultant?

Many developers are understandably unfamiliar with the process of commissioning and supervising the construction of a work of public art. An experienced public art consultant brings a unique set of skills to oversee the process, from the initial discussions, to selection of the artist, to design development, and throughout the approval process, fabrication, and installation.

Commissioning an artist to create a work of public art is different than working with architects, landscape architects, engineers and contractors. The public art consultant can bring an invaluable amount of professional experience and insight to the process. The public art consultant is the owner's (or developer's) representative in all phases of the project, ensuring that the work of public art is achieved within budget and on schedule, and that it meets the aesthetic goals of all involved.

A public art consultant has the expertise needed to work with the developer, the developer's team, the artists, and City staff to commission and create a unique, site-specific public art project for either a public or private development. The public art consultant is retained to oversee the selection of an artist and to ensure that the finished project is of the quality promised by the artist and meets the expectations of the commissioning entity. His or her experience includes coordinating and

managing a variety of personalities, skills, interests, and regulations. The specific experience and expertise of the public art consultant (which is quite different from that of a corporate art consultant) can save the developer considerable time and effort, and will contribute to the realization of an exemplary project.

An experienced public art consultant is invaluable in assuring that communication among the various participants is clear, and that all stages of the process are anticipated and discussed well in advance. The public art consultant can assist the client in a range of ways.

For example:

- Recognizing opportunities within the public art project, such as a shade structure, or a seating element, or the enhancement of a planned water feature;
- Understanding and coordinating the municipal approval process;
- Communicating with the City staff to insure a smooth process from beginning to completion;
- Soliciting portfolios from a variety of artists to consider for the project.
- Working closely with the artist to ensure the highest quality of work;
- Ensuring that deadlines are met;
- Helping to manage budget issues.

In addition, the public art consultant can ensure that the work is successfully integrated into the built environment of the development project, in cooperation with the developer's design team and contractors.

For public art projects in private development, the public art consultant is paid by the developer, and the fee is negotiated between the two parties. It is important to confirm with the City representatives whether this fee is an allowable expense within the art budget. Payment is either based on an hourly fee with an upset limit, or a set fee based on a percentage of the overall budget. For example, an ordinance may limit the consultant's fee to 5% of the overall art budget. Of course, fees paid to the public art consultant must be transparent. An art consultant's fee is not a percentage of the artist's contract for the commission.

The public art consultant represents the developer's interests and concerns throughout the project, including the final achievement of the best possible public art project for the owner, the artist, and the community.

8. What specialized experience does an experienced public art consultant bring to the developer's team?

- Experience in and understanding of the building construction process.
- Experience in timely decision-making and negotiating skills.
- A detailed and comprehensive understanding of the unique challenges and opportunities in creating a site-specific work of public art.

- Experience in dealing with the dynamics of City politics.

9. What are some of the key questions to ask a public art consultant you are considering hiring?

- Do you have experience in overseeing a range of public art projects (different budgets, locations, sites)?
- Can you provide references from developers or city administrators with whom you have worked?
- What are some of your initial thoughts about possible ways to achieve my goals for this project?

The City's Arts and Culture Council should be able to recommend a few qualified public art consultants.

10. What makes for a good public art process? And how does this contribute to the realization of a successful public art project?

A well-considered public art process includes a thorough, transparent artists' search and selection process. It is essential to a good project outcome that this process is clear, that everyone involved knows the steps in the process, and that they understand how and why they are there. As in construction projects, this is the critical underlying infrastructure of the public art project.

Questions to ask:

- **Does the City define the process?**
Some City ordinances and guidelines

specify that City staff, as well as the developer's team, must be involved in the selection of both the site for the work and the project artist, and may have a clear process for including them in place. Other Cities and municipalities may have less well-defined requirements. It is very important that the developer work closely with the City staff to become familiar with the process and understand the requirements.

- **If the City has not specified the steps in the public art process, an experienced public art consultant can be very helpful in working with the developer and the City to achieve a positive process and outcome.**



Lynn Basa *The Grove* (with wedding party)
Village Square, Claremont, CA
Photograph by Artist

11. Who should the developer include on his team?

It is of crucial importance for the developer to assemble a team of knowledgeable, engaged, experienced individuals to participate in the public art process. These individuals may include:

- A public art consultant;
- City officials;
- Art educators and curators;

- An architect (the project architect, and/or an architect not directly involved in the development project);
- A landscape architect experienced in public art,
- Other experienced artists.

While it is understood that the developer will make final decisions about the public art project, the input, discussion, and counsel of the advisory group and City staff can be invaluable in creating a positive outcome. The role of the advisory team is to help the developer gain knowledge of and insight into a range of possibilities in selecting both the public art site and the artist.

Commissioning a work of public art is a major decision that will have a long-term impact on the development, as well as on the community. The advisory team can assist the developer by making the City approval process more streamlined, and by providing professional support throughout the selection and approval process and throughout the project's development.

12. How is the cost of the public art project determined?

Typically, the cost of the public art project is calculated as a percentage of the hard construction costs of the development project. Each City or municipality sets its own percentage, usually (but not always) 1%. This number represents the total budget for the public art project, and covers all costs related to the public art project, including artist selection and fees, the artist's consultants and engineers, fabrication, shipping and transportation,

installation, and construction costs related to installation of the public art project.

It is important to discuss the budget with City staff, to ensure that all the costs that are to be included in the budget are understood and accounted for.



Richard Deutsch *Fragments*
Blu Plaza, San Francisco, CA
Photograph by Artist

13. How is the best and most appropriate site for public art determined?

Even if sited on private land, the public art project will become an important part of the City's landscape. Depending on the available siting for the public art project, City codes often require that the work of art work is visible and/or accessible to the public.

Each development project and site area is unique, and determining the best location for the work of public art in a way that also enhances the development project should be a part of early discussions. The developer's concept and goals for the development project are a critical part of this discussion. By reviewing the project site plan, the developer's advisory group, working with City staff, may find unique ways of realizing opportunities that are not apparent during the initial review.

Sometimes there will be several different possible sites to consider: in other cases, one site will be immediately apparent as the best location. Most experienced artists will want to be able to contribute to this discussion. For many artists who do public works, understanding a site with as much clarity and perception as architects and landscape designers is an important part of their professional expertise. Bringing an artist onto the development team early in the design phase allows for his or her vision to be optimally realized.



Anne Marie Karlsen *Wheels*
Santa Monica Place Parking Garage, CA
Photographer: William Short

14. How is the artist selected?

Through a site plan review process, with the developer, advisory committee and City staff working together, typically several possible location(s) for the public art project are selected.

Some locations will suggest a particular type of public artwork (landscape, lighting, mosaic, metal, etc.). When this is the case, the search for an artist or group of artists experienced in that particular medium marks the beginning of the search process.

In other projects there may be various possibilities for both the site and the type of work, thereby allowing for a wider range of potential artistic opportunities.

Some experienced artists work in a variety of media. Another way of approaching this process is to bring an artist or artists to meet with the team prior to selecting a site.



Larry Kirkland Around About
Westgate Center Pasadena, CA
Photograph by Artist

There are several ways to seek appropriate, experienced artists. Public art consultants have comprehensive knowledge of and experience with qualified artists. Typically, the advisory team, as well as the City's arts and culture staff, will also have recommendations for artists to consider. In some cities there is a pre-qualified pool of artists to be considered for art commissions, selected by a jury process.

One type of selection process, coordinated by the public art consultant or City Staff, might include the following steps:

- Request for qualifications (RFQs) from artists to be considered for the project are collected.
- The developer, the advisory committee, City staff, and the public art consultant review artists' materials submitted.
- Working together, the advisory team and City staff determines a short list of 3-5 artists to be considered.
- The short-listed artists visit the site, meet with the developer and the team, and review the site plan and architectural drawings for the project.
- Artists present their concepts and ideas to the selection committee (the developer, members of Advisory Committee, City officials and staff)
- After discussion by the selection committee, the artist is selected. (If additional information is needed before a decision can be made, the committee decides next steps.)

In another approach to the selection process an artist is selected after a review of his or her qualifications and an interview with the Committee. This artist is then retained to develop a concept, working with the design team of architects and landscape designers. The concept is then subject to review and acceptance by the developer, the Advisory Committee, and City officials and staff.

decision-maker for the public art project.

15. How can developers and artists do their best work together?

“During the design process it is important to create opportunities for discussions about budget, theme, size, colors, materials, style and how to best work with whatever approvals are necessary. A very collaborative relationship will result in a product that is far better for both parties than a project created in a vacuum. If the developer does not have the temperament for working with an artist in this fashion, recognize that fact and appoint someone else to do so.”

David Jury | Vice President, Support Services & Facilities Development | Palo Alto Medical Foundation

- Begin to discuss the project with City staff and the public art consultant as early in the process as possible -- the earlier, the better, to allow for proactive planning.
- Establish a clear and transparent process and schedule for reviews of the project. (Typically the reviews are related to contract phases and the payment schedule outlined in the artist's contract.)
- Articulate the vision for the development project, and express ideas about how the public art project might be best integrated into the development project overall.
- Clarify the roles of members of the advisory team. This is particularly important if the developer has designated someone on his/her staff as a key representative and

16. What should be included in the artist's contract?

- The public art consultant and/or City staff will have experience with public art contracts. Unlike other building, design, and construction contracts, the artist's contract includes the artist's right to retain intellectual property rights to his or her ideas, concepts, models, samples, drawings as well as the finished work of art.
- The artist is responsible for the supervision and/or execution of all aspects of the public art project.
- The contract must be directly between the developer and the artist (not through a third party, such as the project architect or general contractor).
- Once the art project is complete, the title of ownership passes to the developer. The artist or artist's estate retains the copyright in perpetuity.



Larry Kirkland *Wonder Wander*
Gateway Center at Potomac Yards,
Arlington County VA.

Photographer: Craig Collins

17. What happens after the artwork is installed and approved?

- The finished and installed public art project is part of the developer's agreement with the City. The project's Certificate of Occupancy may depend upon the completion of the art project and its acceptance by the City.
- As part of the developer's agreement with the City, the art project and the entire site must be maintained in accordance with guidelines supplied by the artist.
- No alterations, removal, relocation, or de-acquisition may take place without the approval of both the City and the artist.
- Should the property be sold, these requirements remain in place as part of the property, and are the responsibility of the new owner.
- City codes specify the process when a work of art is damaged or removed due to mitigating factors, as determined by the City.

18. Frequently asked questions:

- ***Is it preferable to hire a local artist?***
This often depends upon the scale and scope of the project. Smaller project budgets suggest that, to hold down costs, an artist from the region should be sought. Larger projects may attract an artist of greater reputation and expanded vision. Finding the right artist for a particular project may mean expanding beyond the region.
- ***Should the artist be required to use local fabricators?*** Artists create their artworks in many ways: some in their own studios, and some using a variety of artisans and fabricators. Artists often develop strong working relationships with these fabrication teams. These specialists are uniquely qualified to help realize the vision of the artist. A local fabricator might be suggested to a good end result, but this decision should be left up to the artist.
- ***What happens if the developer and the developer's team are not satisfied with the artist's proposals?***
A good contract will define the process. Most often if the developer or City is not satisfied with the proposed concept, a frank discussion among all involved will help define the problematic issues. The artist is then offered the opportunity to refine or reconceptualize the proposal, for an additional fee. If the new concept is still unacceptable, the developer has

the right to release the artist from the contract and find another artist.

mutually respectful relationship between owner and artist is very important.

- ***What are some safeguards for ensuring that the public art project will stay within budget and on schedule?*** Be very clear what the established budget is. Have a thorough understanding of the artist's previous projects, the budgets for them, and whether there were budget over-runs in the past. Ask for a complete budget breakdown of all materials, labor, overhead, crating, shipping, consultant fees, installation, and artist oversight and fee. Insist that the artist carry a contingency, and make sure the developer has a contingency as well. As with all building projects, running into the unexpected is to be expected.
- ***Are artists hard to work with?*** Artists ask the reverse: "Are these people hard to work with?" Artists, like many others, are creative, visionary, hardworking and dedicated people. Those who are involved in creating works in the public arena understand the complicated demands of schedules, reviews, and working with large, complex groups of people. Prior to hiring an artist, it is important to talk with those who have worked with him or her previously. It is also important to understand that artists are not like traditional construction workers. Artists make one-of-a-kind objects, and it requires great skill and attention to realize their visions. Establishing an involved and



Michael Stutz *Flamethrower*
Westin Gaslamp Quarter, San Diego, CA
Photograph by Artist

This document was written by Susan M Miller, with contributions by Janet Hulstrand, Janet Kagan and Larry Kirkland

www.AmericansForTheArts.org/PAN

PUBLIC ARTS POLICY

City of Suisun City, Recreation, Parks, and Marina Department





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CHAPTER 1 – INTRODUCTION



CHAPTER 1 INTRODUCTION

Public art plays an important role in increasing the understanding and enjoyment of art by the community. Art is more accessible and visible to people when displayed in public areas. A key feature of public artwork is the importance of integrating art into the urban fabric of the city in order to enrich and enhance the physical attractiveness of the city. Public art transforms spaces and makes a valuable contribution to our appreciation of the city and the quality of public places.

In addition, public art located in public places reflects the unique environment and cultural identity of the city to visitors and to residents of Suisun City. It often provides a link with our history and can contribute to development of tourism.

The process outlined in this policy will be managed by the staff of the Recreation, Parks, and Marina Department with the Recreation, Parks, Marina, and Arts (RPMA) Commission providing oversight and recommendations to the City Council of Suisun City.

Purpose of Public Art Policy and Guidelines

The Suisun City Public Art Policy is a key strategy in the management of the City's current collection of public artwork, the commissioning of new artwork, and inclusion of new public artwork in private development.

The strategy aims to provide a clear policy and guidelines for the commissioning, creation, placement, maintenance and promotion of the City's Public Art. The policy guides and informs the criteria for the assessment of all public art commissioned by or proposed to the Commission for the Arts, as well as management and promotion of the existing collection. This Public Art Policy is a dynamic document that will be reviewed by the RPMA Commission and The City Council on an annual basis.

City of Suisun City Public Art Ordinances

The City of Suisun City may adopt ordinances to include public artwork in its public parks, streets, and plazas, and within City owned buildings, as well as policies that support the inclusion of public artwork in private development. In both commercial and residential developments, the builder could contribute a percentage to securing and the installation of public art as part of their project.

What is Public Art?

The term "Public Art" is defined as artistic works created by artists as unique and original works for, gifted to, or located in part of a public space or facility and/or accessible to members of the public. Public Art includes works of a permanent or temporary nature located in the public domain.

Public Artwork can include:

- Artwork created for specific locations.
- Temporary exhibits, exhibitions, events, performances, and/or artwork installations located in a public space.
- Artwork produced through involvement of the community.
- Integration of art and architecture to enhance the design of urban or public spaces.
- Collaboration of artists, architects or urban designers to create unique physical environments or features which integrates art into the urban fabric of the city.

Eligible mediums include but are not limited to:

- Sculpture, painting, drawing, printmaking, photography, calligraphy, ceramic, murals, glass or water features, landscaping, literary arts, spoken word, uniquely designed or site specific paving, furniture and parts of buildings, sound and light works, organic form, works that are designed to be temporary in nature, memorabilia or ceremonial objects related to civic activities.

Ineligible mediums include but are not limited to:

- Mass produced or standardized art objects, unless incorporated into an artwork by the project artist.
- Mechanical reproductions of original works of art.
- Directional elements and signage unless where integral to an overall concept created by a professional artist.

What is a Public Space?

A Public Space is defined as a space, which is easily accessible and clearly visible for public view; this includes, but is not limited to parks, streets, squares, promenades, public plazas and foyers. If located on private property, the area must be open to the general public and clearly visible from adjacent public property such as a street or other public thoroughfare or sidewalk.



CHAPTER 2 POLICY AND PROCEDURES

Policy Scope and Objectives:

- Increase the awareness of public art and promote opportunities to further advance public art.
- Contribute to the unique identity of the City of Suisun City including the Historic Waterfront District and throughout the City.
- Encourage the involvement of artists in the design and development of public spaces by facilitating collaboration between artists, planners, architects, landscape architects, and urban designers whenever possible in the total design process.
- Develop a public art strategy that integrates art into the urban design fabric of the city in order to create high quality public spaces through the integration of art, urban design and architecture.
- Encourage artworks, which are accessible to the public either visually or physically.
- Involve the community.
- Excite the imagination of the public and increase the understanding and enjoyment of public art.
- Encourage artworks which have relevance to their site.
- Enhance the economic and cultural vitality of the City.
- Ensure recognition that Suisun City's art activities are valuable and a significant component of the City's culture, heritage and economic vitality.
- Recognize the diversity of the City and support this diversity through a range of publicly accessible opportunities for all residents, businesses and visitors.

Selection of Artists – Commissioned Works

The policy encourages the commission of works by artists from the Suisun City community but also greater Solano County. The encouragement of Suisun City residents to participate is an integral part of the policy, and will contribute to the unique identity of the City of Suisun City as an outstanding city in Solano County. However, this policy does not preclude consideration given to commissioning of Bay Area, regional and international artists where appropriate.

The selected artist(s) will be commissioned to carry concepts proposed by the Commission and through completion of the work. The contractual arrangements between the City of Suisun City and the artist will define certain agreed parameters for the work and the process will be monitored by Staff to the RPMA Commission, with any major changes to concept, scale and materials being negotiated prior to contract signing.

Requests for Proposals from the RPMA Commission will define:

- The audience and/or community the artwork will engage
- Concept development
- The process by which the contract design will be monitored
- Responsibilities of contractual parties
- Technical requirements
- Site information (including plans)
- Budget

Artists' proposals will be presented to the Commission prior to contracting with the artist. The Commission has the option to display the proposal in a public location for public comment.

Artists considered should have the credentials and/or track record and the ability to execute works of the scale conceived, but this does not exclude opportunities for other artists of merit. The Commission or its representatives may choose to visit the artist's workspace or request that the artist present their portfolio of commissioned works prior to contract with the City.

Methods of selecting artists for public artwork may be based on the following:

- Open Competition - Publicly advertised calls for entries; any artist may submit proposals and/or qualifications.
- Limited Competition - between invited parties.
- Specific commission or acquisition by Commission for the Arts - This method would apply where limited or open competition would be impractical or inappropriate.

In many cases, a short list of applicants will be briefed on the project, and will be required to make initial design proposals for the site. A stipend may be given to each submitting artist for this stage of the process as funds are available.

From the submissions and this process an artist will be selected by the Commission.

Criteria for the Selection of Artwork

Criteria for the selection of public works of art may include, but will not be limited to artwork that:

- Is specifically designed for its site and is commensurate in scale with its surroundings;
- Adds to the local identity and profile in the context of the City of Suisun City;
- Is durable (where applicable) and reasonable to maintain in terms of time and expense;
- Is a permanent fixed asset to the property;
- Is designed and constructed by persons experienced in the production of such artwork and recognized by critics and by his or her peers as one who produces works of art;
- Aesthetically enhances the public space or built environment to which it relates or otherwise interacts with its surrounding environment;
- Is suitable by way of form and quality for public viewing and accessibility taking into consideration the possibility of an unsecured public space;

- Is free of unsafe conditions or factors;
- Is a suitable addition to the public space proposed;
- Contributes to a sense of civic pride;
- Involves the local community;
- Addresses, but is not limited to, aspects of the city's history and/or culture; and/or
- Recognizes the broad intent and objectives of the Cultural Arts Master Plan and Suisun City Public Art Policy.

Specific criteria will be determined on an individual project basis and detailed in the RFP.

Project Management

Once a public art project has been funded, staff, along with representatives of the Commission for the Arts, will coordinate each project considering the following tasks:

- Develop project descriptions and contract;
- Receive necessary approvals as required;
- Describe and mitigate any public safety requirements;
- Work with the artist to develop a timeframe;
- Seek relevant project consultation as needed;
- Work with the artist and Staff to define long term maintenance;
- Establish ownership; and
- Define any other relevant factors and tasks associated with a project.

In developing strategies for each project the following will be considered:

- Whether the artwork is to be permanent or temporal work;
- The materials to be used must be durable and vandal resistant as the public will have access to the works at all times; and
- The proposed site, including usage and scale of the work.

Artist Responsibilities will include:

- The artist commissioned to carry out a public work will creatively interpret the proposal given in terms of his/her craft, skills, and vision.
- The artist must ensure the artwork is unique as a result of the artist's personal creative efforts except in the case of a design collaborative.
- The artist must ensure the art does not infringe upon any copyright, and agrees to hold the City harmless for any copyright infringement.
- The artist must comply with all City procedures, including but not limited to, artist signature, sponsor acknowledgements, and finishes, which will be provided to artist along with the City's agreement for services.
- The artist shall, without additional compensation, correct or revise any errors, omissions or deficiencies in his/her work.
- The artist agrees to release ownership of the artwork to the City unless otherwise called for in the City's Agreement for Commissioned artwork. Any marketing of reproductions shall only be permitted with the prior written approval of the artist and the City.

- The artist will provide a general maintenance plan for the artwork. The City reserves the right to have this plan reviewed by a certified conservator or require technical documents or warranties on the product.
- Artist agrees to maintain minimum insurance levels acceptable by the City as follows:

Insurance

Artist shall, during times in which the artist is working on City property, and until the artwork is accepted by the City, maintain the following insurance to cover Artist in connection with the performance of Work under this Agreement. This Agreement identifies the minimum insurance levels with which Artist shall comply; however, the minimum insurance levels shall not relieve Artist of any other performance responsibilities under this Agreement (including the indemnity requirements), and Artist may carry, at its own expense, any additional insurance it deems necessary or prudent. Concurrently with the execution of this Agreement by the Artist, and prior to the commencement of any Work, the Artist shall furnish written proof of insurance (certificates and endorsements), in a form acceptable to the City. Artist shall provide substitute written proof of insurance no later than 30 days prior to the expiration date of any insurance policy required by this Agreement.

- Commercial General Liability (with coverage at least as broad as ISO form CG 20 01 04 13) coverage in an amount not less than \$1,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.
- If Artist will be driving while conducting business on behalf of the City, Automobile Liability with \$1,000,000 per accident for bodily injury and property damage.
- If Artist has employees, Workers' Compensation/Employer's Liability as required by State of California statutes. A waiver of subrogation is required for Workers' Compensation insurance.
- Fine Arts Insurance or other insurance against loss in an amount sufficient to cover the contract value of the Artwork.

Endorsements - The insurance policies shall be endorsed as follows:

- For the commercial general liability insurance, the City of Suisun City (including its elected officials, employees, and agents) shall be named as additional "insured."
- For the fine arts or property insurance, the City of Suisun City shall be named as loss payee.
- Artist's insurance is primary to any other insurance available to the City with respect to any claim arising out of this Agreement. Any insurance maintained by the City shall be excess of the Artist's insurance and shall not contribute with it.

Additional responsibilities will be listed in the solicitation of proposals by the City and the Contract for Commissioned Artwork.

Upon reasonable written notice, the artist shall comply with any changes in the amounts and terms of insurance as may be required from time-to-time by the City's Risk Manager.

Public Art Asset Management Plan

The development of a Public Art Register shall be completed to establish the extent and condition of the City's existing artwork collection.

Once this work has been undertaken the next step is to develop a plan for the maintenance of existing and new works once commissioned.

Funding

Funding for activities proposed in the Public Art Policy is anticipated to come from a variety of sources:

- Sponsorship
- Private funding
- Budgeted funds
- Grants

Public Art Subcommittees of the RPMA Commission

A Subcommittee may be responsible for:

- Coordinating public art activity within public spaces, including making recommendations to the RPMA Commission on the commissioning of public art projects, and recommending to the Commission approval of works of art obtained through development agreements.
- Reviewing and making recommendations regarding gifts and loans of art following the guidelines outlined in the public arts policy.
- Reviewing and making recommendations regarding the de-accessioning of artworks following the guidelines outlined in this policy.
- Reviewing proposals for projects.
- Determining selection process (as described above in Selection of Artists).

Composition and Term of subcommittees:

- A subcommittee consists of no more than three (3) voting members of the RPMA Commission and will be appointed by the RPMA Commission Chair on a project-by-project basis. They will remain on the subcommittee until the project is completed.
- Each project shall have at least one (1) design review workshop that is open to the public to garner public input.

Conservation and Maintenance

An important part of the management of the city's public art collection is the recognition of the conservation and maintenance required for both the existing and new artworks. When new works are commissioned or the Commission accepts gifts of art works the Commission must consider not only the capital costs of acquisition but also the ongoing commitment for maintenance and repairs. All items recorded in the Public Art Register shall be assessed as part of the condition report and an ongoing maintenance plan formed.

Donors of items may be required to provide funds or be responsible for the maintenance and upkeep of the donated work for a designated period of time.

Where new works are commissioned or accepted, written details of warranties (where these apply) detailing service should be provided with the completed work. This may cover details such as cleaning, lighting, servicing, circuit diagrams, manufacturer, and/or agents. This information will be entered into the Public Art Register as well. Allowance for the cost of ongoing maintenance of new works will need to be planned for and may need to be reviewed by a certified conservator for care and maintenance plan. Artwork shall be maintained by the

property owner in a neat and orderly manner acceptable to the City, unless the artwork is installed on property owned by the City, in which case the City shall maintain the artwork.

Ownership

In most cases the artwork will become the property of the City of Suisun City. Public art may be placed on land owned by the City provided that ownership of the work is vested in the City. The ownership of artwork on privately owned sites may also be transferred to the City. If the City accepts ownership it may be responsible for maintenance, insurance and any contractual agreement related to the art as outlined by this policy or City Council may require the site owner to be responsible for those items.

Documentation

All new works will be documented and this information will form part of the Public Art Registry database.

The information should include:

- Artists name, curriculum vitae, artistic statement
- Any warranties, maintenance details including name of agent and manufacturer (if applicable)
- Construction/maintenance details
- Relevant dates
- Site/display information
- Any other relevant details
- Photographic Record

Review and Deaccessioning of Artwork

The RPM Department staff shall review the entire public art collection at least once every five-years to assess condition and shall make appropriate recommendations to the RPMA Commission. The City shall dispose of works of art in its collection only in the public interest and as a means of improving the overall quality of the collection after approval of the City Council is given. Since artworks are acquired by the City through a thorough review process by City staff and the Commission for the Arts, based on the quality of the artwork and the value of the work to the collection as a whole, deaccessioning should be considered only after five years following acceptance unless unforeseen concerns arise. The need for relocation or the temporary removal from public display does not automatically necessitate deaccession.

Deaccessioning should be cautiously applied only after careful and impartial evaluation of the artwork to avoid the influence of fluctuations of taste and the premature removal of artwork from the collection. Prior to the deaccession of any work, the Commission for the Arts must weigh carefully the interests of the public, the intent in the broadest sense of the donor (if any), and the interests of the cultural community.

All proceeds from any sale or auction of a work of art will be used for the purpose of acquiring or maintaining one or more other works of art for the same public art program or purpose for which the original work of art was acquired. If that is not possible, then the proceeds shall be used to acquire or maintain a work of public art, or support another City Public Art program.

Removal of an Artwork from Public Display

1. Cause for Review

While the intent of acquisition of artwork is for permanent public display, circumstances and/or conditions may arise that make it prudent for the Commission, on behalf of the public interest, to remove an artwork from public display. One or more of the following conditions must apply in order for an artwork to be considered for permanent removal or deaccession:

- a) The work presents a threat to public safety.
- b) The condition or security of the work cannot be guaranteed, or the City cannot properly care for or store the work.
- c) The work requires excessive or unreasonable maintenance.
- d) The work has serious or dangerous faults in design or workmanship.
- e) The condition of the work requires restoration in gross excess of its monetary value, or is in such a deteriorated state that restoration would prove either unfeasible, impractical or would render the work essentially false.
- f) The work is of poor quality.
- g) A similar but superior example exists in the collection.
- h) The work is a forgery.
- i) No suitable site for the work is available.
- j) Significant adverse public reaction is documented over an extended period of time (5 years or more)
- k) Signed public petition with a minimum of 100 signatures which would create the need for official review
- l) The work is judged to have little or no aesthetic and/or historical or cultural value.
- m) The RPMA Commission wishes to replace a work with a more appropriate work by the same artist.
- n) The work can be sold to finance, or can be traded for, a work of greater importance.
- o) Written request from the artist requesting removal of the work from public display.
- p) The work is not, or is rarely displayed.
- q) The artwork has been determined to be incompatible with the rest of the City's collection.

2. Review Process

Prior to deaccession, RPM staff must observe the following procedures.

- a) Prepare a report which indicates:
 - i. Acquisition method and purchase price.
 - ii. Any restrictions that may apply to the specific work based on contract review.
 - iii. An analysis of the reasons for deaccessioning.
 - iv. Alternatives to deaccessioning.
 - v. Suggested methods of deaccession.
 - vi. Appraised value of the work by two independent consultants, if obtainable.
 - vii. Documentation of correspondence, press or other evidence of public debate documenting extended adverse public reaction.
- b) Discuss with the artist or donor the circumstances prompting the review.
- c) Discuss the circumstances with the affected City department and document input.
- d) Make all reasonable efforts to ascertain that the City is legally free to dispose of the work in question.
- e) RPM Department staff may seek additional information regarding the work from the artist, art galleries, curators, appraisers or other professionals.
- f) The report shall then be presented to the RPMA Commission for

recommendation at a regular public meeting.

g) Receive approval for deaccessioning from City Council.

3. Deaccession Process

- a) Upon a recommendation of deaccession, staff will work with the Commission for the Arts to determine the manner of disposition. Every effort will be made to ensure that this process is fair and open. Sale at public auction is strongly encouraged. Whenever works are deaccessioned by means other than public auction, staff will secure no fewer than two independent estimates of fair market value.
- b) Artwork may not be given or sold privately to City employees, officers, volunteers or members of City commissions, committees, boards, affiliate groups or their representatives unless they are sold at public auction and with appropriate disclosures.
- c) Consideration should be given to placing the artwork, through gift, exchange or sale, in another tax-exempt public institution wherein it may serve the purpose for which it was acquired initially by the City. RPM staff may exchange a work of art on such terms as the Commission determines appropriate.
- d) A work of art may be sold privately under the following circumstances:
 - i. If the work is offered at public auction and no bids are received, or if the bids are rejected. A work of art on which bids have been rejected shall not thereafter be sold through private sale for less than the amount of the highest bid received.
 - ii. If the Commission determines that the work may be sold on terms more advantageous to the City if sold through private sale.
 - iii. If the artist of the work chooses to purchase it at the original purchase price.
- e) An adequate record of the conditions and circumstances under which objects are deaccessioned and disposed of should be made and retained as part of the records of the RPM Department.
- f) All recommendations for deaccession are subject to appeal to the City Council. All appeals must be made in writing to the City Clerk within ten days of the decision by the RPMA Commission.



CHAPTER 3

ARTS GIFT POLICY

The City of Suisun City is committed to enhancing Suisun City's art and cultural activities for all residents and to establish Suisun City as the premier destination in the Tri-Valley region.

Definition of Public Artwork

The term art is used to describe a particular type of creative production generated by human beings, and the term usually implies some degree of aesthetic value. An artist makes a work of art for various purposes, such as creating an experience for others. There is no general agreed-upon definition of art, since defining the boundaries of "art" is subjective, but the impetus for art is often called human creativity. Some examples as described in the Public Art Ordinance include:

Public Artwork can include:

- Artwork created for specific locations.
- Temporary exhibits, exhibitions, events, performances, and/or artwork installations located in a public space.
- Artwork produced through involvement of the community.
- Integration of art and architecture to enhance the design of urban or public spaces.
- Collaboration of artists, architects or urban designers to create unique physical environments or features which integrates art into the urban fabric of the city.

Eligible mediums include but are not limited to:

- Sculpture, painting, drawing, printmaking, photography, calligraphy, ceramic, murals, glass or water features, landscaping, literary arts, spoken word, uniquely designed or site specific paving, furniture and parts of buildings, sound and light works, organic form, works that are designed to be temporary in nature, memorabilia or ceremonial objects related to civic activities.

Ineligible mediums include but are not limited to:

- Mass produced or standardized art objects, unless incorporated into an artwork by the project artist.
- Mechanical reproductions of original works of art.
- Directional elements and signage unless where integral to an overall concept created by a professional artist.

Gifts of Public Artwork Considered

The City will consider a donor's offer of an existing public artwork, commission of an artwork by a specific artist or artists, or to commission an artwork through a competitive public process. Alternately, the City will consider a gift that is monetary for the purpose of acquiring public art for the community.

Review Process for Proposed Gifts

All proposed gifts will be referred to the City of Suisun City RPMA Commission. The Commission's recommendation on the acceptance or rejection of proposed gifts will be referred to the City Council for final action.

If the City Council approves the acceptance of a gift, a formal agreement will be executed between the City and the donor and/or artist. This agreement will include costs, responsibilities, and schedule of all aspects of the project, including project funding, fabrication, installation, maintenance and budget requirements, transfer of title, donor's and/or artist's rights, project supervision, documentation, an identification plaque, City's rights of ownership (including deaccessioning), and other requirements established by the City.

Review Criteria

The proposed artwork will be reviewed based a variety of factors, including, but not limited to the following:

- Aesthetic quality. Consideration will be given to the inherent quality of the proposed artwork as assessed by the criteria review of the RPMA Commission.
- Relationship to the collection and the community. The proposed artwork will be analyzed for its potential relationship to the City's present public art collection and whether it will enhance the aesthetic quality of the community.
- Compatibility. Conceptual compatibility and appropriateness of the proposed artwork to the surrounding built and/or natural environment will be factors of consideration, and will include scale, form, content, and design.
- Materials, fabrication, and installation. The Commission will evaluate the existing artwork's material or the artist's proposed materials and their appropriateness as regards to structural and surface integrity, protection against theft, vandalism, public safety, and weathering, and an analysis of long-term maintenance needs. The Commission will also evaluate the proposed method of installation and an evaluation of safety and structural factors involved in the installation.

Standards for Acceptance of a Gift

- Budget. Consideration will include an evaluation of the donor's proposed budget and the artist's ability to successfully complete the project within the proposed budget, and review to assess realistic estimates and comprehensiveness of the budget as it addresses all the costs of the proposal.

- Unrestricted gifts. Proposed gifts to the City will be clear and unrestricted unless otherwise agreed to in writing by the City.
- Unique artworks. Only one-of-a-kind artworks will be considered, with the exception of prints, photographs or other limited edition artworks of high quality.
- Cost of artwork. Acceptance is contingent upon receipt by the City of payment from the donor for all costs associated with the gift not covered by the donor directly, such as transportation, installation and maintenance, unless otherwise agreed to in writing by the City.
- Alterations to proposed artwork design. Any change to the design or concept made by the artist or donor of the gift must be reviewed by the RPMA Commission and approved by the City Council.
- Review of fabrication and installation. Artworks accepted from a maquette or drawings will be subject to City review throughout fabrication and installation. Specific plans for the site design, installation, maintenance and protection will be submitted to the City for approvals.
- Ownership of accepted artwork. Gifts of public artwork that are accepted by the City will be owned by the City as part of its collection. In accepting an artwork into its collection, the City will not be bound by any agreement with a donor of artwork that restricts its ability to act in the City's best interests. Nothing in the acceptance of an artwork will prevent the City from approving subsequent disposal (removal, relocation, and/or sale) of such artwork if it serves the City's best interest to do so. If disposal is proposed, the RPMA Commission will make a recommendation to the City Council for final action. The City will deaccession and sell or otherwise dispose of artworks in its collection in accordance with the limitations of the California Preservation Act (Civil Code 987) and the Visual Artist's Act of 1990 (17 U.S.C. 1064 and 113(d)).

PROPOSAL FOR A GIFT OF ARTWORK TO THE CITY OF SUISUN CITY

To propose an artwork gift to the City of Suisun City, please complete the following information and provide your signature at the bottom of this page. The completed form and other information should be submitted to:

Recreation, Parks, & Marina Director
City of Suisun City
701 Civic Center Blvd. Suisun City, CA 94585
Email: screc@suisun.com
Questions: (707) 421-7200

Donor Information

Name: _____ Phone: _____
Address: _____ Email: _____

If the Artwork is existing:

Title of artwork:

Artist:

Artwork medium/materials:

Maintenance procedure/schedule:

Current owner of artwork:

Date of artwork:

Current location of artwork:

Value of artwork: \$ _____

Please attach photographs of the artwork. Attach any other information you would like the city to know about the artwork (for example, artist resume, examples of other artworks in other collections, press clippings, history of artwork).

If the artwork will be commissioned:

Provide a written proposal with the following information:

- resume of the artist and photographs of his/her work;
- details about the artwork that would be commissioned, including subject of the artwork, medium/materials, approximate size; and
- sketch or maquette of the artwork.

I have read the City of Suisun City Artwork Gift Policy.

Signature: _____ Date: _____



CHAPTER 4 DEVELOPER GUIDELINES

Requirements and Procedures to Install Public Art – Public Private Partnership

The requirements and procedures for processing a request to install public art shall be as follows:

- a. If the developer chooses to provide artwork, an Application including a site plan showing the location of the artwork, complete with landscaping, lighting and other appropriate accessories to complement and protect the artwork, the artist's concept and representation, such as a drawing, photograph, or maquette of the artwork, must be submitted. Developers should indicate what medium or materials will be used and should also include maintenance plans for the artwork. Information on the artist chosen to create the art may also be attached.
- b. The Planning Division staff and the RPM staff will review the proposal to ensure that the artwork is generally compliant with these Guidelines and other applicable city ordinances, e.g., a mural proposal will be reviewed to ensure that it does not infringe on the signage ordinance.
- c. To the maximum extent possible, processing the request to install public art shall be concurrent and coordinated with the project application.
- d. Proposals will be forwarded to the RPMA Commission.

RPMA Commission Recommendation Guidelines

The RPMA Commission will review the proposed project to ensure that the project does not include subject matter such as the apparent representation of violence, inappropriate nudity, denigration of individuals or cultures, or desecration of significant cultural symbols.

The Commission will approve the proposed art, conditionally approve, or deny the request to install public art based upon these guidelines including the following criteria:

- a. The artwork shall be placed on public or private property which is easily accessible and clearly visible to the general public. If located on private property, the area must be open to the public and clearly visible from adjacent public property, such as a street or other public thoroughfare or sidewalk.
- b. The application shall include a site plan showing the location of the artwork, complete with landscaping, lighting and other appropriate accessories to complement and protect the artwork.

- c. The composition of the artwork shall be of permanent-type of materials in order to be durable against vandalism, theft, and weather, and in order to require a low level of maintenance.
- d. The artwork shall be related in terms of scale, material, form and content to immediate and adjacent buildings and landscaping so that it complements the site and surrounding environment.
- e. The artwork shall be designed and constructed by persons experienced in the production of such artwork and recognized by critics and by his or her peers as one who produces works of art.
- f. The artwork shall be a permanent, fixed asset to the property and be maintained for not less than 30 years.
- g. The artwork shall be maintained by the property owner in an orderly manner acceptable to the City, unless the artwork is installed on property owned by the City, in which case the City shall maintain the artwork with funds provided by the property owner.

The Commission may make recommendations to the developer for changes to the project proposal in order to maintain the City's artistic vision.

When the project applicant has elected to acquire and install artwork, the building permit for the development project shall not be issued until the Commission has approved the request to install public art, and the certificate of occupancy shall not be issued until the approved work of art has been installed. The developer shall enter into an agreement with the city, which shall be recorded against the property, to ensure that the public art is maintained for a minimum period of 30 years.

The project applicant may appeal any decision rendered hereunder by the Commission to the City Council for final decision.

Definition of Public Space

A Public Space is defined as a space, which is easily accessible and clearly visible for public view. The area must be open to the general public and clearly visible from adjacent public property such as a street or other public thoroughfare or sidewalk.

Permitted Types of Artwork

Types of artwork permitted as public art in Suisun City include:

- Paintings-all media including both portable and permanently affixed works, such as murals.
- Sculpture-in the round, bas-relief, mobiles, fountains, kinetic or other, in any materials or combination of materials
- Other visual media-including but not limited to prints, drawings, stained glass, calligraphy, mosaics, photography, video, ceramics, fiber and textiles.
- Mixed media combination of forms and media such as collage, etc, other works of materials, disciplines and media which are of temporary duration, including installation of performance arts that are documented and archived.

Eligible Mediums

Eligible mediums include but are not limited to:

- Sculpture, painting, drawing, printmaking, photography, calligraphy, ceramics or clay, murals, stained glass, wood, metal
- Glass or water features
- Landscaping
- Uniquely designed or site specific paving
- Furniture and parts of buildings including bike racks
- Sound and light works
- Enhancement of average use features

Ineligible Mediums

Ineligible mediums

include:

- Mass produced or standardized art objects, unless incorporated into an artwork by the project artist.
- Mechanical reproductions of original works of art
- Landscape and ornamental features designed by the architect builder without the commission of a professional visual artist.
- Organic form
- Works that may decompose or melt
- Memorabilia or ceremonial objects related to civic activities
- Directional elements and signage unless where integral to an overall concept created by a professional artist.

Submittal Requirements

The following documents must be submitted to the Commission as part of consideration of the proposal for artwork:

- Landscape and site plans showing the proposed location and orientation of the artwork, its integration into the overall design of the project, and accessibility to the public.
- A statement of the in-place value of the proposed artwork.
- A sample, model, photograph, drawing, or other exemplar of the proposed artwork.
- A resume of the artist including slides or photographs of the artists previous work

Art in Public Space Policy

City of Sioux Falls, South Dakota

SIOUX FALLS VISUAL ARTS COMMITTEE OVERVIEW

Mission and Duties

The Visual Arts Committee (hereby referred to as “the VAC”) shall act as an advisory body to the Arts Commission (hereby referred to as “the Commission”) on matters pertaining to visual art in public settings. Its duties may include:

1. Establishing criteria for visual art in city owned property that is compatible with the general, social, and physical environment of the site. Criteria should also contemplate originality, diversity of style, technical mastery of medium, quality, scale, form, material, and durability;
2. Reviewing visual art projects as requested;
3. Identifying sites and recommending the placement of visual art in or on City property, and in the public right-of-way;
4. Encouraging integration of visual art at the inception of City design and building projects;
5. Encouraging the incorporation of visual art into the design of commercial, residential, and public projects;
6. Maintaining an updated directory and inventory of the City's public visual art collection;
7. Providing review and oversight for of the City's annual plan for conservation and maintenance of public owned works of art;
8. Developing and recommending policy for works of art to be acquired by the city, either by purchase, gift, or otherwise;
9. Developing and recommending policy related to any proposed alteration, removal, or dismantling of visual works of art or art projects owned by the City or located on City property.

All proposals for art on City property must be approved by the VAC, regardless of funding sources. The Arts Commission shall have final approval of all policies, guidelines and public art projects recommended by the VAC.

DEFINITIONS

Acquisition: The process of acquiring a work of art for the City's public art collection. This may involve purchase, donation, bequest, exchange, or any other method through which ownership is transferred to the City of Sioux Falls.

Administrators: Refers to the Sioux Falls Arts Commission, the Visual Arts Committee and any representatives authorized by the Commission.

Agreement: Any written instrument related to the planning, design, fabrication, purchase, installation, maintenance, or deaccessioning of a work of art. This includes memoranda of understanding (MOUs), commission agreements, construction contracts, and other legal documents.

Artist(s): An individual or group with sustained practice in creating fine art or craft. For the purposes of this program, "Artist" does not apply to project design architects, landscape architects, or other design professionals.

Artwork: A physical object or artistic design element incorporated into the built environment, that is an original work of creative expression created by an artist(s).

Built Environment: The constructed physical surroundings in the city, including buildings, infrastructure, and public spaces.

Commission: The Sioux Falls Arts Commission, established by the City Council under the relevant city ordinance.

Committee: The Sioux Falls Visual Arts Committee, established by the City Council under the relevant city ordinance.

Deaccession: The formal process of removing or relocating a work of art from the City's public art collection, for any reason including but not limited to public safety, deterioration, damage, freshening the collection, or determining art no longer makes sense at a location.

Public Art: Works of art displayed in public spaces. Public art includes, but is not limited to, murals, sculptures, memorials, architectural elements, community art projects, digital media, and performance art. It excludes landscaping, signage, historical artifacts, and objects of uncertain authorship.

Public Art Collection: The collection of art that has been purchased, commissioned, donated, or otherwise acquired by the City of Sioux Falls for public display.

Public Art Collection Program: The collection of art that has been purchased, commissioned, donated, or otherwise acquired and is currently owned by the City of Sioux Falls for public display.

ENABLING DOCUMENTS

The Sioux Falls Arts Commission was established in alignment with City Ordinances Chapter 154 which was passed by the City Council on September 12th, 2024. These ordinances effectively dissolved the Visual Arts Commission and a committee of the commission, The Visual Arts Committee, was put into place.

This document provides a comprehensive overview of the Sioux Falls Visual Arts Committee, its role, and the mechanisms that ensure the effective stewardship of public art in the city. By fostering a thriving arts community, Sioux Falls seeks to build a more dynamic, creative, and visually appealing environment for all who live, work, and visit the city.

RIGHTS AND RESPONSIBILITIES

Ownership of Artwork

All works of art acquired through the Sioux Falls Public Arts Program will be acquired in the name of, and the title will be held by, the City of Sioux Falls.

Exemptions

The following works are exempt from the provisions of this policy:

1. Works of art in the collections of, or on display at, facilities under 3rd party management agreements ; and
2. Works of art displayed in private City offices or areas within City-owned facilities not regularly accessible to the public.

Digital Images

When images of public artwork are displayed on the City's website, appropriate credits will be given. This includes acknowledging the artist, photographer, commissioning agency, date of creation, location, and copyright ©.

Intellectual Property and Copyright

Copyright Ownership:

The artist retains full copyright ownership as outlined in the Copyright Act of 1976 (17 USC § 101). The copyright duration is the life of the artist plus 70 years unless contractually modified.

Transfer of Title:

While the City may "own" the physical artwork, the artist retains the copyright unless contractually modified. Upon written acceptance and payment for the work, title to the artwork passes to the City, but copyright remains with the artist unless contractually modified.

Licensing for Reproduction:

The City may request permission to use images of the artwork for non-commercial, educational, or promotional purposes. Artists will be credited for these reproductions, and copyright notices will be included.

Visual Artists Rights Act (VARA):

The Visual Artists Rights Act of 1990, known as VARA, (17 USC Section 106A) assures an artist's protection of his/her "visual art" especially as it effects post-sale rights including all drawings, sketches, and prototypes. Under VARA, artists have the right to prevent any intentional distortion, mutilation, or other modification to their work. In some cases where the art is integrated (building, landscape, infrastructure, etc.) the client or commissioning agency/organization may ask the artist to waive their VARA rights.

Alteration or Relocation of Artwork:

Due to the evolving nature of public spaces, artwork may need to be relocated or altered. If an artwork is accidentally damaged, the artist has the right to request that their name be removed from the piece until it is restored.

Insurance Requirements:

Artists may be required to maintain appropriate insurance coverage for the duration of the project, including:

- General Liability Insurance: A minimum of \$1,000,000 per incident.
- Automobile Insurance: For artists using vehicles in the course of their work, with minimum state-required coverage.
- Additional Insurance: Artists may also be required to carry Worker's Compensation Insurance if they have employees or provide coverage for potential losses.
- Subcontractors: Any subcontractor employed by the artist (e.g., engineers, architects) must also provide proof of insurance.

Payment Schedule:

The payment schedule will be contractually established between the City and the Artist.

Conservation and Maintenance of Artwork:

The City will assume responsibility for the care and maintenance of public artworks. Each artwork will be evaluated periodically to ensure proper conservation, with a maintenance schedule developed for each piece. The artist is required to provide maintenance instructions and necessary documentation to The City prior to final acceptance of the artwork.

Regular Inventory:

The VAC will maintain an inventory and condition report for all artworks in the City's collection, consulting with conservators as needed.

Maintenance and Conservation Plans:

Artists must submit detailed maintenance plans, including construction documents, site plans, warranties, and instructions on preserving the artwork.

Conflict of Interest:

No Commission member, Committee member, City staff, or elected official may use their position for personal financial gain, or to benefit others connected to the City.

Acquisition Ethics:

No Commission member, Committee member, or City official may acquire artwork for the collection in exchange for personal or financial gain, and no one may offer appraisals of artworks under consideration for acquisition.

Public Disclosure:

All meetings of the VAC are open to the public. Meeting agendas, minutes, and related materials will be posted in accordance with City and state regulations, and can be accessed via the City's official arts and culture website:
[www.siouxfalls.gov/artsandculture]

SIOUX FALLS PUBLIC ART ACQUISITION POLICY

Background:

The Sioux Falls Visual Arts Committee has developed this policy to guide the acquisition of public art for the city. The committee is responsible for overseeing the commission, acquisition, installation, maintenance, and preservation of public art throughout Sioux Falls. The goal is to create a public art collection that reflects the city's cultural vibrancy, celebrates its artistic community, and enriches the experience of residents and visitors alike.

Criteria for Public Art Projects:

All public art projects funded or supported by the City of Sioux Falls and the Sioux Falls Visual Arts Committee must meet the following criteria:

- 1. Collaboration:** Promote meaningful collaboration between the artist, the City, and any other relevant stakeholders, ensuring a shared vision for the project.
- 2. Quality and Durability:** The artwork should be crafted from high-quality materials and constructed using best practices, ensuring that it remains in good condition with minimal maintenance requirements over time.
- 3. Context and Integration:** The artwork should be thoughtfully integrated into the surrounding environment, taking into account the area's history, nearby architectural features, landscape, public pathways, and the expected audience for the piece.
- 4. Accessibility:** The artwork must be accessible to all individuals, including those with disabilities. It must comply with the Americans with Disabilities Act (ADA) and any other applicable accessibility standards.

5. Artistic Integrity: The artwork should demonstrate artistic merit and originality. It should not serve as an advertisement or be primarily of historical, religious, or commercial significance.

Selection of Artists:

The VAC is responsible for overseeing the selection of artists for public art projects. For each project, the committee will establish an Artist Selection Panel, which may include the following members:

- VAC members
- A representative from the host site or relevant department
- A project architect or landscape architect (if applicable)
- Arts professionals or practicing artists
- Community representation

The primary objective of the selection process is to identify an artist whose experience, artistic vision, and collaborative skills align with the goals and context of the project. The process will be transparent, competitive, and conducted in accordance with established procedures.

Selection Process Model:

The Committee may use one of the following models for selecting artists based on the scope and budget of the project:

1. Open Call (required for projects over \$50,000):

The VAC will issue a Call for Art or Request for Qualifications (RFQ) open to all interested artists. Applicants will be asked to submit samples of their past work and qualifications. The Selection Panel will review the applications, and in some cases, narrow the pool to a short list of finalists, and invite these finalists to submit detailed project proposals. An honorarium will be provided for proposal development. After reviewing the proposals, the panel will make a recommendation for the VAC's approval.

2. Direct Call (for projects under \$10,000 or for specialized needs):

In cases where the budget is below \$10,000, or when an artist is uniquely qualified for a specific project (e.g., repair or restoration of an existing artwork), the VAC may make a direct call to an artist without a formal selection process as long as state bid laws are followed and as long as the City complies with its purchasing manual.

General Requirements for Submissions:

- All submissions must include evidence of the artist's previous work and credentials.
- The Call for Art should provide clear and sufficient information about the project to help artists assess whether their work aligns with the goals of the project.
- All entrants must agree to the terms and conditions of the selection process, including the permission for the VAC to photograph or reproduce submitted work for promotional purposes, in promotional materials, websites, media, and archives.
- The VAC may request to view the original work (if available) during any phase of the selection process.

Artwork Selection Criteria:

Each artwork will be evaluated based on the following factors:

1. **Quality of Construction:** The technical and aesthetic quality of the work.
2. **Artistic Merit:** The originality, creativity, and technical mastery of the work.
3. **Contribution to the Public Art Collection:** How the work enhances and diversifies the City's public art collection.
4. **Financial Considerations:** The availability of funding, as well as the expected costs for installation, maintenance, and long-term care.
5. **Vandalism Risk:** The susceptibility of the artwork to damage, theft, or vandalism.
6. **Safety:** The potential risk to public safety posed by the artwork's design, placement, or materials.
7. **Technical Feasibility:** The feasibility of executing the project within budget and time constraints.
8. **Timeline:** The availability of the artist and the timeline for project completion.
9. **Donor Restrictions:** Any conditions set by donors (if applicable).
10. **Site Availability:** The availability and appropriateness of the proposed site for the artwork.
11. **Site Appropriateness:** How well the site supports the intended vision for the artwork and integrates into the surrounding environment. The work's scale, materials, and design should complement the proposed location.

Work that includes the following will not be considered for selection:

1. **Incites Violence:** Speech that incites imminent lawless action or violence is not protected.
2. **Is Obscene:** Material that is considered obscene is not protected. Obscenity is defined as material that is sexually offensive and lacks serious literary, artistic, political, or scientific value.

3. **Defamation:** Defamation is a false statement of fact that harms another person's reputation.

Department Input and Collaboration:

The Arts Coordinator seeks input from relevant City departments when selecting artwork or determining installation sites. This input may include considerations of building design, public safety, site accessibility, and departmental operations. Relevant departments may include those responsible for the building or site where the artwork will be placed, as well as departments that may be impacted by the installation.

The Arts Coordinator will work with these departments to ensure that the site and artwork are compatible with City operations and goals. The Director of the relevant department will be invited to participate in the selection process and to provide feedback on site considerations.

Conclusion:

This policy ensures that the VAC's acquisition process remains transparent, inclusive, and focused on the long-term success of public art projects. By carefully selecting high-quality artwork and considering the needs of the community, the VAC aims to create a lasting impact on Sioux Falls' cultural landscape.

SIOUX FALLS PUBLIC ART DONATION POLICY:

Background:

The City of Sioux Falls recognizes the value of donations as an essential part of its public art collection. Donations contribute to the cultural richness of the city while allowing the City to expand its collection with works that enhance the community's aesthetic and cultural landscape. However, due to limited resources for staffing, maintenance, and installation, the VAC adheres to a policy of selective acquisition. This policy ensures that only artworks that align with the City's goals, collection priorities, and available resources are accepted.

Criteria for Donations:

The VAC is committed to acquiring works that meet the following criteria:

1. **Artistic Merit:** The artwork must demonstrate significant artistic quality, originality, and relevance to the cultural and artistic goals of The City.

2. **Relevance to Sioux Falls:** The work should align with the city's evolving history, culture, and public art priorities. Preference is given to pieces that reflect or enhance the community's identity.
3. **Quality and Suitability:** The Committee prioritizes works that can be displayed and maintained with minimal risk of deterioration or damage. Artworks must be suitable for the City's available public spaces and meet the City's collection standards.
4. **Feasibility of Maintenance:** Due to limited funds and resources for maintenance, the Committee will only accept donations that do not require extensive upkeep or pose significant maintenance challenges. The Committee will not accept donations that are currently damaged.
5. **Appropriateness of Site:** Suitable locations for public art are limited in Sioux Falls. The Committee will evaluate the availability of appropriate sites for installation before accepting any donation.

Donation Process:

1. **Donation Proposal:** Individuals, organizations, or corporations interested in donating artwork to the City must submit a Donation Proposal to the Sioux Falls Arts Coordinator. The proposal should include detailed information about the artwork, including its artist, dimensions, materials, condition, and any other relevant information. The Donation Proposal Form is available on the City's website.
2. **Review and Evaluation:** Upon receiving a donation proposal, the Committee will review the artwork during its regularly scheduled public meetings. These meetings are announced in advance and open to the public. The Committee will evaluate whether the proposed donation aligns with the City's public art goals, collection priorities, and available resources.
3. **Maintenance Agreement or Endowment:** Due to limited resources for the care of public art, the VAC may require the donor to enter into a Maintenance Agreement or establish a Maintenance Endowment to ensure the artwork is properly cared for over time. This will help ensure that the artwork can be maintained to a high standard without placing undue burden on the City's resources.

Gift Acceptance Policy:

After reviewing a donation proposal, the VAC may take one of the following actions:

1. **Accept the Donation:** If the artwork meets the criteria and is deemed appropriate for inclusion in the City's collection, the VAC will accept the donation and arrange for its installation, maintenance, and care.

2. **Decline the Donation:** If the VAC determines that the artwork does not meet the City's criteria or is not a suitable addition to the collection, the donation will be declined.
3. **Defer the Offer:** In some cases, the VAC may choose to defer the offer for further consideration at a future meeting.
4. **Recommendations:** In some cases, the VAC may provide insights and recommendations to the donor for parties who might be interested in the donation.

Conclusion:

The VAC values the generosity of donors who wish to contribute to the City's public art collection. However, due to limited resources for management, maintenance, and installation, the VAC must carefully evaluate each donation to ensure it aligns with the City's artistic vision and practical limitations. By adhering to this donation policy, the VAC seeks to build a collection that is meaningful, sustainable, and representative of Sioux Falls' culture.

For more information or to submit a donation proposal, please visit www.siouxfalls.gov/artsandculture or contact the Arts Coordinator.

SIOUX FALLS PUBLIC ART DEACCESSIONING POLICY:

Background:

Deaccessioning refers to the formal process of removing a work of art from the City of Sioux Falls' public art collection. As part of the ongoing management of the City's public art collection, the Visual Arts Committee conducts periodic reviews of the collection to ensure its relevance, integrity, and sustainability. This policy provides the criteria and procedures for deaccessioning artworks, ensuring that each decision is made with careful consideration and adherence to established guidelines.

The Committee may deaccession any artwork, regardless of its acquisition date, in accordance with the procedures outlined in this policy.

Criteria for Deaccessioning:

An artwork may be considered for deaccessioning:

1. **Deterioration or Damage:** The artwork has significantly deteriorated or been damaged in a way that restoration is impractical, infeasible, or would compromise the integrity of the work.
2. **Loss or Destruction:** The artwork is no longer in the City's possession due to theft, accident, or natural disaster.

3. **Excessive Maintenance Needs:** The artwork requires excessive maintenance or repair that is beyond reasonable means, or it is found to be of inferior workmanship.
4. **Fraudulence or Inauthenticity:** The artwork is determined to be fraudulent, a reproduction, or in violation of copyright laws.
5. **Safety Concerns:** The artwork presents a threat to public safety or security, posing a liability to the City or the public.
6. **Incompatibility with the Site:** Significant changes to the artwork's location (such as environmental, architectural, or community changes) prevent it from being displayed in its original site, and no suitable alternative site is available.
7. **Security Concerns:** The artwork cannot be reasonably secured, and there is a risk of damage, theft, or vandalism.
8. **Lack of Display or Future Plans:** The artwork is rarely displayed, and no plans exist for its future display or integration into public space.
9. **Incompatibility with the Collection:** The artwork is deemed incompatible in the context of the City's broader public art collection.
10. **Any Other Lawful Reason:** Any lawful reason not already discussed.

Deaccessioning Procedure:

Deaccession of any artwork will be carried out after careful and impartial evaluation by the Visual Arts Committee. The process includes the following steps:

1. **Artist or Estate Notification:** A good faith effort will be made to inform the artist or their estate that the artwork is under consideration for deaccessioning.
2. **Review of Documentation:** The Committee will review all pertinent accession documents, including legal and financial records, with the assistance of the City Attorney as necessary.
3. **Independent Evaluation:** The Committee will seek a written recommendation from an independent art professional (such as a curator, conservator, historian, or architect) to evaluate the artwork's condition and its appropriateness for deaccessioning.
4. **Public Opinion Consideration:** The VAC will review relevant public feedback, including media coverage and any written correspondence, to assess the artwork's public value or impact.

Disposal Options for Deaccessioned Artwork:

If the Visual Arts Committee deems deaccessioning appropriate, the artwork will be disposed of in the following manner:

1. **Artist or Estate First Option:** The artist or their estate will be given the first option to acquire the work through purchase, exchange, or other terms negotiated by the Commission.
2. **Sale:** The artwork may be sold in accordance with all relevant laws governing the disposal of public property.
3. **Loan:** The artwork may be loaned to a gallery, museum, or similar institution for temporary or permanent display.
4. **Donation:** The artwork may be donated to a gallery, museum, or cultural institution that is equipped to care for and display it appropriately.

The City of Sioux Falls will be responsible for the costs associated with the removal or relocation of the artwork, unless another party assumes these costs.

A permanent record of all deaccessioned artwork will be maintained as part of the City's public art collection documentation. This record will include detailed information about the artwork, its original acquisition, and the reason for deaccessioning.

Alteration, Modification, or Destruction of Artwork

The Visual Arts Committee is committed to preserving the integrity of the City's public art collection. However, in certain circumstances, the VAC may approve the alteration, modification, or destruction of an artwork in accordance with the Visual Artists Rights Act of 1990 (VARA) or with the artist's written consent. These actions will only be considered under the following conditions:

1. **Faults of Design or Workmanship:** The artwork has defects or damage that make repair impractical or infeasible, or where repair would compromise the work's original intent.
2. **Safety or Liability Concerns:** The artwork poses a risk to public safety, the environment, or creates a liability for the City.
3. **Imminent Safety Hazard:** In the case of an emergency, where the artwork poses an immediate risk of harm and cannot be safely removed or relocated, the City may proceed with the necessary action without prior approval, in consultation with the Director of Planning and Development and City Attorney.
4. **Emergency Removal:** In situations where the condition of an artwork presents an immediate safety concern, the Director of Planning and Development may approve the removal, alteration, or destruction of the artwork with the advice of the City Attorney. In such cases, the VAC will be informed as soon as feasible, and any potential long-term plans for the artwork will be discussed.

5. **City Operations or Public Works:** The artwork must be altered or removed to allow for City operations or public improvements.

Artist Notification

If, for any of the above reasons, the City finds it necessary to pursue plans that would modify, remove, destroy or in any way alter an artwork, and the VAC approves such action, then the VAC shall make a reasonable effort to notify the artist by certified mail of the City's intent, and outline possible options, which include, but are not limited to the following:

1. **Transfer of Title to the Artist:** The artist will be given the first option of having the title to the artwork transferred to them. If the artist elects to pursue title transfer, they are responsible for the object's removal and all associated costs.
2. **Disclaim Authorship:** In the case where the City contemplates action which would compromise the integrity of the artwork, the artist shall be given the opportunity to disclaim authorship and request that their name not be used in connection with the given work.
3. **Alteration, Modification or Destruction:** If alteration, modification, or destruction of an artwork protected under the Visual Artists Rights Act of 1990 is contemplated, the VAC must secure a written waiver of the artist's rights under this section. In the case of an emergency removal that may result in destruction or irreparable damage, the Director of Planning and Development will act in accordance with the advice of the City Attorney.

Conclusion

The Sioux Falls Visual Arts Committee is dedicated to the ongoing preservation and enhancement of the City's public art collection. Deaccessioning, while a necessary part of collection management, will be carried out thoughtfully and transparently, with consideration given to the artwork's history, public significance, and the City's resources. All deaccessioned artworks will be disposed of in a manner that best serves the community and adheres to legal and ethical guidelines.

APPEALS PROCESS

Background:

The purpose of this section is to provide a transparent and equitable process for individuals or organizations to appeal official decisions made by any committee of the Sioux Falls Arts Commission regarding public art proposals, donations, deaccessioning, or other related actions.

Committee Decisions Subject to Appeal

Appeals may be filed for Visual Arts Commission (VAC) decisions involving:

- Approval or denial of public art proposals or donations;
- Decisions to relocate, alter, or deaccession, artworks; or
- Procedural or ethical concerns (such as conflict of interest or policy violations).

Decisions that are purely advisory in nature to the Sioux Falls Arts Commission are not subject to appeal, as the Commission serves as the final approving authority for all committee recommendations.

Who May Appeal

Appeals may be submitted by the artist, donor, sponsoring organization, or any party directly affected by the decision.

How to File an Appeal

Appeals must be submitted in writing to the Arts Coordinator within 30 calendar days of the committee's decision. The appeal must include:

1. Contact information;
2. The decision being appealed;
3. Grounds for appeal;
4. Supporting documentation.

Review Process

- The Arts Coordinator reviews the appeal for completeness and eligibility.
- The Sioux Falls Arts Commission serves as the appeal body. The Commission will review the record, hear relevant input, and decide the appeal during a public meeting.
- The Commission may:
 1. **Affirm** the VAC decision,
 2. **Modify** the decision, or
 3. **Return** the matter to the committee for reconsideration.

The Commission's decision is final and will be communicated in writing within 15 business days of the meeting.

Recordkeeping

All appeal materials and decisions will be kept on public record in accordance with City policy.

Conclusion

This Appeals Policy ensures that decisions regarding the City's public art program are transparent, fair, and consistent with established guidelines. By providing a clear process for appeals, the Sioux Falls Arts Commission reaffirms its commitment to responsible stewardship of public art and meaningful engagement with the community.

City of Fredericksburg **Public Art Policy**

Public art is any work of art or structural design element situated in a public place and open for the public to experience, including installations, sculptures, murals, and other pieces designed by artists. The City's public arts program is for the benefit of all citizens.

The Fredericksburg Arts Commission

The Fredericksburg Arts Commission is responsible for carrying out this public art policy. General responsibilities of the Commission include:

- Facilitating public art in public buildings and spaces;
- Informing City residents and visitors about public art;
- Guiding the subject matter and aesthetic direction of public art projects;
- Advancing the City as an “arts destination” and attracting artists, cultural tourism, and economic development through public art;
- Developing procedures for selection of art and artists, to include input from the public and City staff; and
- Making recommendations to City Council, including recommendations on public art policy and recommendations on acquisitions of works of art.

Specific responsibilities of the Commission include:

- Making recommendations to the City Council on acceptance of gifts and loans of artwork;
- Recommending sites for public art projects;
- Raising funds for public art projects;
- Granting funding for privately-owned art projects, such as murals visible to the general public;
- Making recommendations to the Economic Development Authority on potential EDA grants for art projects;
- Promoting privately-funded and owned art that benefits the public;
- Maintaining an inventory and documentation of the City's collection of public art; and
- Surveying the City's collection of public art to determine if works require maintenance or other attention.
- Developing and following Public Art and Implementation Guidelines, reviewing these Guidelines every five years, and modifying if appropriate.

Goals of Public Art

The goals of the public art program are to:

- Make Fredericksburg known as a haven for works of significant artistic merit;
- Integrate public art into all aspects of the community and make art openly available to all citizens;
- Create distinct places, spaces, and objects that distinguish the character of the City;
- Educate the public about local history, culture, and values through public art;
- Increase the City's standing as both a tourism destination and a desirable place to live; and
- Highlight the efforts of local artists as well as featuring works of regionally, nationally, and internationally notable artists.

Community Participation

Community involvement is fundamental to any public art project. All efforts should be predicated on active community participation and open dialogue with the artist. Specifically, community conversations should help direct the early identification and development of public art. Once a project is underway, there should be mechanisms for citizens to express their opinions on the project as it evolves. The Commission will take efforts to involve the community via methods such as:

- Hosting public meetings with the artist to discuss proposed works
- Advertising planned projects in media outlets such as city websites and local newspapers
- Presenting at Council meetings to explain the vision and scope of recommended projects
- Consulting with local businesses, nonprofits, landowners, and City departments; in particular the Architectural Review Board and the Department of Public Works
- Enlisting neighborhood involvement in the conception, construction, and maintenance of projects
- Establishing educational and internship opportunities as an integral part of projects
- Disseminating information about the City's public art collection through tourism outlets

Forms of Public Art

The form that public art can take is as open as the definition of "art" itself. Public art may be:

- Indoors or outdoors
- Commemorative
- Educational
- Interactive
- Representational or abstract
- Functional, symbolic, or merely decorative
- A single work, or a whole plaza or park
- Incorporated with landscape elements
- Integrated with architecture or infrastructure
- Of a non-visual nature (e.g. poetry on buses, or community history programs on radio)
- Technological (e.g. employing light, sound, or motion).

Criteria for Public Art Projects

All public art projects accepted or funded by the Commission or the City must:

- Promote meaningful collaboration between the artist, the City, and any other relevant parties.
- Be in an area where residents and visitors commonly congregate or travel, to achieve high visibility.
- Be composed of the highest quality materials and constructed according to best practices, to achieve results that endure without requiring unusual maintenance.
- Be well-integrated into the context of the surrounding environment. Current usage, historic significance, nearby building materials, foliage and landscape features, public rights-of-way, and potential audiences are all relevant.
- Be accessible to all, with special consideration to those with special needs. Access to public art must meet all requirements of the Americans with Disabilities Act and other relevant laws.
- Be primarily a work of artistic merit, and not an advertisement for any commercial establishment.

Selection of Artists

The Commission is responsible for selecting artists for public art projects. Additional art professionals may be consulted as necessary.

The primary objective of the selection process is to select an artist whose experience, aesthetic, commitment to collaboration, and community fabrication skills align with the needs of a given public art project. The selection process will be conducted in an open and consistent manner.

Potential selection process models include:

- Open competition: public solicitation for project proposals open to all artists
- Limited competition: public solicitation for project proposals from a select group of artists
- Direct selection: contracting a specific artist for a particular project or evaluating a request to submit art to the public from an artist

All submissions must include evidence of previous work, credentials, and a specific project proposal. Calls for entries must be sufficiently detailed to permit artists to determine if their work is appropriate for the project under consideration. All solicitations must state that entry into the selection process constitutes an agreement to all conditions set forth during the process, and that entry constitutes permission for the Commission to photograph or scan any accepted work, photo, or slide for use in promotional materials, websites, films, television programs, videos, or archival records produced by the City.

Acquisition of Public Art

The Commission is responsible for reviewing all proposed acquisitions of art, in consultation with outside art professionals as needed. These guidelines govern the acquisition of public art:

All artwork under consideration must be completely and thoroughly documented, to include:

- Past and current certificates of ownership;
- A detailed written description of the artwork, and photographs, video, sketches, and models (as appropriate) to best describe and document the work of art;
- Its value;
- All relevant information on the artist-of-record;
- A warrant of originality;
- Recommended sites, if any;
- Annual maintenance procedures and estimated budget;
- Any other fees associated with ownership (e.g. insurance or installation costs);
- If the acquisition is a loan, duration of ownership.

Artwork will be selected based on:

- Whether the work meets the City's criteria for public art projects
- Quality of the work's construction
- Aesthetic merit and originality of the work
- Benefit to the City's public art collection
- Appropriateness of the work's scale, materials, and content for the proposed site
- Financial considerations, including sources of funding and maintenance costs
- Susceptibility to damage, vandalism, or theft
- Potential for public endangerment
- Technical feasibility

- Timeline for acceptance of the work
- Donor restrictions
- Availability of proposed site
- Suitability of available site

At any time during the selection process, the Commission may request to see the original work (if it exists at the time).

Every acquisition carries with it an explicit responsibility that it be displayed, maintained, preserved, and documented. This is a permanent, ongoing commitment unless otherwise specified.

Methods:

The City may acquire art by commission, purchase, loan, gift, or private partnership. The role of the Commission is to advise the City on matters pertaining to art acquisition.

Commissions:

The City hires an artist to create original artwork for a specific project. Commissions may be funded wholly by the City or funded in partnership with the Economic Development Authority or private partners.

Purchases:

The City acquires artwork via a direct financial obligation to do so.

Loans:

The owner of a work of art places the artwork in the temporary care of the City, without transferring ownership. The City and owner must sign a Loan Agreement for each loaned work of art, to include an explicit loan expiration date and either a provision holding the City harmless or an insurance policy for the declared value of the artwork. Before the loan expiration, the Commission (or an appointed representative) and the owner must agree whether 1) the artwork will be returned; 2) the loan period will be extended; or 3) the loan will be converted to a gift.

Gifts:

The City accepts legal title to a work of art when the owner of the art offers it without a request for compensation and an authorized City official formally accepts the gift on behalf of the City. A Deed of Gift form must accompany each gifted work of art. The City Council, with the Commission's recommendation, can accept or refuse a gift.

Private Partnerships:

The City uses private property for the installation of a public art project. Private partnerships may be funded wholly by the City or funded in partnership with the EDA or private partners. The City and any partners to a project must sign an agreement, whose terms must include:

- The minimum duration of the project's installation;
- An assurance that the project will remain openly accessible to the public;
- Assignment of any care and maintenance duties that the artwork might require;
- An assurance that the project will continue in its original form if its site is sold, leased, removed, or repurposed in any manner.

Documentation of the City's Collection

Each artwork will have an accession number applied to it in an inconspicuous, reversible manner. The accession number format is the year accessioned, followed by an accession number for that year (e.g. 2013.01 for the first 2013 accession). All documentation for a work must reference its accession number.

The Commission will maintain documentation on the City's public art collection in the office of the Clerk of City Council. Documentation for each work of art in the City's collection must include:

- An accession form documenting:
 - Accession date
 - Title
 - Artist
 - Medium
 - Dimensions
 - Location
 - Donor contact information, if applicable
- An artist information sheet documenting:
 - Accession date
 - Contact information for the artist or estate of the artist
 - Information regarding the fabrication, installation, and maintenance requirements of the artwork
- A photographic record of the artwork
- The Deed of Gift or Loan Agreement, as applicable
- Any applicable copyright agreements
- Conservation or historical records, if applicable

The Commission will maintain an accession ledger containing for each accession all information listed on the accession form.

Maintenance and Conservation

The acquisition of artwork for the benefit of the public entails a legal and moral commitment to long-term stewardship. The Commission, in conjunction with City Departments such as Parks, Recreation and Public Facilities, Public Works, and the City Attorney, assume this responsibility. The Commission will coordinate maintenance and conservation in conjunction with these departments.

Once every four years, the Public Arts subcommittee will conduct a condition survey for each item in the City's collection. The survey will be the basis for prioritizing maintenance and conservation needs. If necessary, the subcommittee may solicit an independent art professional to perform a more detailed inspection. The subcommittee will submit a report of the survey's findings to City Council.

The Commission will coordinate routine maintenance in conjunction with others, including organizations, art professionals, and City departments. Routine maintenance must be conducted in accordance with any instructions on the artwork's artist information sheet unless otherwise authorized by the Commission. This authorization may only be given upon the recommendation of an art professional with authoritative experience regarding the type of artwork under consideration. All maintenance procedures must be documented (including pre- and post-maintenance photographs) and kept with the artwork's documentation.

Deaccession of Public Art

Decassession is the procedure for the permanent removal of a work from the City's collection. An artwork may only be considered for deaccession for these reasons:

- It has deteriorated or has been damaged such that restoration is impractical, unfeasible, or would render the work false;
- It no longer exists due to theft, accident, or natural disaster;
- It requires excessive maintenance or is found to be of inferior workmanship;
- It is demonstrated to be fraudulent, not authentic, or in violation of copyright law;
- It endangers public safety;
- Its site has experienced significant changes that prevent its continual display and no suitable replacement site is available;
- Its security cannot be reasonably guaranteed;
- It is not regularly on display, with no plans for its future display; or
- It has been determined to be significantly incompatible or inferior in the context of the collection.

Artwork may only be removed from the City's collection through deaccession after careful and impartial evaluation of the artwork within the context of the City's collection by the Commission. The deaccession evaluation must include:

- A good faith effort to inform the artist or the artist's estate that the artwork is being considered for deaccession
- A review of all pertinent accession documentation, including a review of legal documents by the City Attorney
- A written recommendation on deaccession by an independent art professional such as a curator, conservator, historian, or architect
- A review of any pertinent written correspondence, media coverage, and other evidence of public opinion

If the Committee deems deaccession to be appropriate, it will submit a formal recommendation, including a written statement of findings, to City Council. If Council decides that deaccession is appropriate, the artwork will be disposed as follows:

- The artist or estate of the artist will be given first option for acquiring the work through purchase, exchange, or other terms as determined by the Commission
- The artwork may be sold in accordance with all relevant laws governing surplus public property
- The artwork may be loaned to a gallery, museum, or similar institution
- The artwork may be donated to a gallery, museum, or similar institution
- The artwork may not be sold, loaned, or otherwise transferred to any City staff or member of the Commission

The City is responsible for all costs associated with the removal or relocation of the artwork, unless another agrees to assume these costs. Any proceeds from the sale of public art belongs to the Commission. A record of deaccessed artwork will be kept with the documentation of the City's collection.

ART IN PUBLIC PLACES GUIDELINES | BROOKINGS, SD

The vision of the Brookings Public Art Guidelines is to
create public art spaces and experiences
that enrich the quality of life in
Brookings, South Dakota and beyond.

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INTRODUCTION

MISSION

The Brookings Public Arts Commission strives to enhance the built environment and reputation of the City of Brookings; enriches the lives of its residents and visitors; serves as a vehicle to attract new businesses and citizens; and encourages artists and the community to engage in creative activities and artistic development.

DEFINITIONS

Acquisition: The process used for acquiring a work of art for the City's public art collection. Artworks may be acquired by means of purchase, donation, bequest, exchange or other transactions by which title passes to the City of Brookings

Accession: the formal transfer of ownership of a work of art into the City's collection and subsequent cataloging of the work within the collection inventory.

Administrator: includes the Brookings Public Arts Commission and any representatives thereof.

Agreement: includes any written agreement pertaining to the planning, design, development, fabrication, delivery and/or installation, maintenance and deaccession of an artwork, including but not limited to letters of intent (LOIs), memoranda of understanding (MOUs), commission agreements, contracts and construction agreements.

Artist: Artist is a person(s) with a sustained practice in the creation of works of fine art or crafts, and includes individuals or artist teams. For the purposes of the Public Art Program, "Artist" may not apply to the project design architect, landscape architect, or other design professionals on the project design team.

Artwork: Original creative expression by an Artist(s).

Built Environment: The buildings, structures and improvements of the City.

Commission: The Brookings Public Arts Commission appointed by the City Council, pursuant to Ordinance No. 16-006.

Deaccession: the formal catalog process used for the removal or relocation of an object from the City's public art collection; for example, to protect public safety-when the artwork presents a hazard or liability through deterioration or damage, artwork may be deaccessioned.

Public Art: Public Art is art in public spaces. Public Art may include, but is not limited to, permanent or temporary works of art such as murals, sculpture, memorials, integrated architectural ornamentation, community art, digital new media, or performance art. Public Art would normally not include paving, incidental architectural ornamentation, landscaping, signs, plaques, or markers, historical or religious artifacts, or other objects of unknown authorship. The City reserves the right to enter into a memorandum of understanding or other agreements with community art partners for temporary or long-term installations on City-owned property.

Public Art Collection: the collection of art purchased, commissioned, gifted, or otherwise acquired by the City to display in public places.

Public Art Collection Program: the process, policies and procedures by which new Public Art is obtained by the Brookings Public Art Commission for the City of Brookings pursuant to Ordinances 16-005 and 16-006 and these guidelines.

ENABLING DOCUMENTS

Brookings City Ordinances 16-005 and 16-006, adopted on February 12, 2016, established the Dedicated Public Art Fund and the Brookings Public Arts Commission.

PUBLIC ART FUND

Purpose

The purpose of the Dedicated Public Art Fund is to provide funding for the advancement of a comprehensive public art appreciation and public displays program through design, purchase, acquisition, installation and maintenance of public art as well as other public art-related activities for the City of Brookings.

Funding

The Dedicated Public Art Fund receives an annual appropriation of one percent (1%) of annual capital expenditures from each revenue fund which is within the City Council's budgetary authority and which has an appropriation for capital expenditures. As part of the annual budget preparation process, the Capital expenditures used for purposes of establishing this annual appropriation includes equipment, infrastructure, construction projects and real estate that are either new acquisitions or replacements or enhancements of existing capital assets.

Administration

In accordance with Government Accounting Standards Board Statement No. 54 ("GASB 54"), the dedicated public art fund shall be reported as part of the general fund for financial reporting purposes, but shall be maintained individually for accounting purposes and budgetary comparisons. A Brookings Public Arts Commission, which is charged with the duty to recommend policies and guidelines for the advancement of public art throughout the community, shall also recommend to the city manager proposed expenditures of the public art fund which are less than \$25,000. The city council shall have final approval of all policies and guidelines recommended by the commission, and shall also approve proposed expenditures for public arts projects which equal or exceed \$25,000.

Effective Date

The effective date of the Public Art Fund is January 1, 2017.

BROOKINGS PUBLIC ARTS COMMISSION

Mission

The Brookings Public Arts Commission strives to enhance the built environment and reputation of the City of Brookings; enriches the lives of its residents and visitors; serves as a vehicle for attracting new businesses and citizens; and encourages artists and the community to engage in creative activities and artistic development.

Purposes

The role and purposes of the Brookings Public Arts Commission are as follows:

1. To develop a unified public art strategy for the City of Brookings;
2. To advise the City Council and other community groups and agencies who are initiating a public art project concerning the proposed site, selection of a professional artist and commissioning of a public artwork;
3. To oversee the Public Art Fund;
4. To guide and monitor design development process of public art projects through reviews at various stages to ensure artistic and design quality, integration with the site and relevance to the community;
5. To approve the final design of public art projects prior to fabrication;
6. To approve the final artwork, installation procedures, and maintenance plan of public art projects prior to installation; and
7. To prepare recommendations and report upon the design or proposed design of any municipal building, bridge, approach, fence or other structure containing public art elements and that is erected or to be erected upon land belonging to the City, and upon the design or proposed design of any arch, bridge, structure or approach which is the property of any person, firm or corporation, and extends in, over or upon any street, avenue, highway, park or public place.

Membership

Manner of Appointment, Composition, Terms, and Compensation: Members of the Brookings Public Arts Commission (Commission) will be appointed by the Mayor, with the advice and consent of the City Council, for three-year terms that commence in January. Members may be appointed for additional three-year terms. The initial terms of office shall be staggered in 1, 2 and 3 year increments. Any members whose term expires may be reappointed.

The Commission shall include specific professional expertise in public art or the visual arts, such as contemporary arts curator, museum director, professor of art or art history, and design professionals such as architects, landscape architects, and urban planners. The Commission shall consist of at least three art or design professionals. The Commission shall be comprised of eight (8) to ten (10) members who are representative of the following: Brookings Arts Council, SDSU School of Design, South Dakota Art Museum, Chamber of Commerce and/or Convention Visitor's Bureau Board, art professional, design professional, landscape architect/urban planner, representative from the Historical Preservation Commission, and two citizens-at-large.

Non-voting liaisons shall include, but are not limited to, Community Development Director, City Park and Recreation Director, City Clerk, and Finance Director.

All members of the Commission shall serve without compensation.

Qualification of Members: A majority of the members of the Commission shall be residents of the City.

Vacancies: If a vacancy on the Commission occurs prior to the expiration of a term, the vacancy may be filled by appointment for a term not exceeding three years. If a member is absent from three consecutive regular meetings without authorization from the chairperson, the member's seat may be considered vacant, and a new member may be appointed.

Officers: The Commission will designate from among its membership a chairperson, vice-chairperson and such other officers and subcommittees as it deems appropriate and necessary.

Meetings: The Commission will meet at such times and places as may be determined by the Commission. A majority of members of the Commission shall constitute a quorum. The Commission meetings shall be open to the public and shall comply with City open meetings policies.

Powers and Authority: The powers and authority of the Commission shall include, but are not limited to:

1. The Commission shall develop and recommend revisions to the Brookings Public Art Guidelines, which shall include criteria for accepting donations or gifts, both of cash and tangible art, a method or methods for the selection of artists and public art projects and for the placement of public art projects. The City Council shall have final approval of all Brookings Public Art policies and guidelines.
2. The Commission shall recommend to the City Manager and City Council proposed public art acquisitions and the placement, maintenance, relocation, and deaccessioning of artwork acquired through the public art program.
3. The Commission shall have the custody and care of all works of art owned by the City and under the control of any department of the City. The term "work of art" shall apply to and include all paintings, mural decorations, statues, bas-reliefs, sculptures, monuments, fountains, arches, ornamental gateways and other structures of a permanent character intended for ornament or commemoration.
4. No work of art shall become the property of the City by purchase, gift or otherwise, until it, or a design or model thereof, and a proposed plan for it shall have been approved by the Commission.
5. No work of art shall be erected or placed in, over or upon, or allowed to extend in, over or upon any street, avenue, square, park or other property belonging to the City without approval of the commission in consultation with appropriate city departments. The Commission may recommend the removal, relocation or alteration of any existing work of art owned by the City, and no such work of art shall be removed, relocated or altered without such recommendation and approval. The additional, removal, relocation, or alteration of any work of art shall be approved by the city manager or the city manager's designee.
6. The commission shall study, prepare recommendations and report upon the design or

proposed design of any municipal building, bridge, approach, fence or other structure erected or to be erected upon land belonging to the city, and upon the design or proposed design of any arch, bridge, structure or approach which is the property of any person, firm or corporation, and extends in, over or upon any street, avenue, highway, park or public place.

7. The Commission shall recommend the purchase or commission of public art projects, including the design, execution and/or placement of such public art with approval of expenditures by the City Manager and City Council consistent with Section 2-115 of Municipal Code.
8. The commission shall consult with the department responsible for a particular construction project regarding the design, execution and/or possible placement of a public art project in connection with such construction project.
9. The Commission shall review the inventory of public art, including assessing the status of maintenance, compile a list of potential sites for public art projects, and prepare recommendations as to location, relocation, and deaccessioning of public art.
10. The Commission may also initiate public forums when appropriate to determine thematic approaches and location options for public art.

BYLAWS | Brookings Public Arts Commission

ARTICLE 1. NAME.

The name of the commission is the Brookings Public Arts Commission (Commission).

ARTICLE 2. PURPOSE AND DUTIES.

The purpose of the Commission is to enhance the built environment of the City of Brookings and enriches the lives of its citizens through public art. A dedicated funding source for an established program of public art enhances the reputation of the City and serves as a vehicle for attracting new businesses and citizens. A public art program encourages the community's artists and citizens to engage in creative activities and artistic development. A public arts commission can develop and implement a unified public art strategy for the community.

The duties of the Brookings Public Arts Commission are as follows:

- A. To develop a unified public art strategy for the City of Brookings;
- B. To advise the City Council, the City Manager, and other community groups and agencies who are initiating a public art project concerning the proposed site, selection of a professional artist and commissioning of a public artwork;
- C. To oversee the Public Art Fund;
- D. To guide and monitor the design development process through reviews at various stages to ensure artistic and design integrity, integration with the site and relevance to the community; and
- E. To approve the final design prior to fabrication; to approve the final artwork, installation procedures, and maintenance plan prior to installation; and to approve deaccessioning procedures.

ARTICLE 3. MEMBERSHIP.

- A. The Commission is composed of eight to ten members appointed by the Mayor with the advice and consent of the City Council.

- B. Members shall serve for a term of three years beginning January 1 on the year of appointment. Any members whose term expires may be reappointed.
- C. Individual members may not act in an official capacity except through the action of the Commission.
- D. If a member is absent three (3) consecutive regular meetings without authorization from the chairperson, the member's seat may be considered vacant and a new member may be appointed. This does not apply to an absence due to illness or injury of the member, an illness or injury of a member's immediate family member, active military service, or the birth or adoption of the member's child for 90 days after the event. The member must notify the staff liaison of the reason for the absence not later than the date of the next regular meeting of the Commission. Failure to notify the liaison before the next regular meeting of the Commission will result in an unexcused absence.
- E. A member who wishes to resign shall submit a written notification to the Commission Chair. If a vacancy on the Commission occurs prior to the expiration of a term, the vacancy will be filled in accordance with City policies.

ARTICLE 4. OFFICERS.

- A. The officers of the Commission shall consist of a chair and a vice-chair and such other officers as it deems appropriate and necessary.
- B. Officers shall be elected annually by a majority vote of the Commission at the first regular meeting in January. In the event a current officer becomes ineligible to serve, the Commission may hold an emergency election as needed.
- C. A member may not hold more than one office at a time.
- D. The chair, vice chair, and City staff comprise the executive committee.

ARTICLE 5. DUTIES OF OFFICERS.

- A. The chair shall preside at all Commission meetings, appoint all committees, represent the commission at ceremonial functions, and approve all meeting agendas.
- B. In the absence of the chair, the vice-chair shall perform all duties of the chair.
- C. If the chair and vice chair will be absent, the chair may designate another member as acting chair for purposes of running a meeting.
- D. The chair, vice chair, and acting chair have the same voting privileges as any other member.

ARTICLE 6. AGENDAS.

- A. After first consulting with and receiving input from the staff liaison, the chair shall approve each meeting agenda.
- B. Commission staff shall submit the meeting agenda through the City meeting notification system for each meeting not less than 72 hours before the meeting.
- C. Posting of the agenda must comply with all state and City open meetings requirements.

ARTICLE 7. MEETINGS.

- A. All meetings shall be open to the public and shall comply with City open meetings policies. The Commission may not conduct a closed meeting unless it complies with SDCL 1-25-2. (*Executive and Closed Meetings*) and receives approval from city staff and the City Attorney.
- B. The Commission shall meet monthly. The Commission shall adopt a schedule of the meetings for the upcoming year.
- C. The chair may call for a special meeting or may cancel a meeting due to lack of business or

quorum.

- D. A majority of members shall constitute a quorum. A quorum is required to hold a meeting and to conduct business. Members may also attend via teleconference or video conference with prior arrangements with staff.
- E. All meetings shall be governed by Robert's Rules of Order.
- F. The Commission shall allow citizens to address the Commission on agenda items during a time set aside for citizen communications. The chair may limit a speaker's time as needed.
- G. The staff liaison shall prepare and maintain all Commission agendas, minutes, and all other documents and records.
- H. All members of the Commission shall observe decorum pursuant to the City Code of Ethics and other City policies.

ARTICLE 8. COMMITTEES

- A. The Commission may establish committees as needed. Those may include, but are not limited to, the following: Executive, Policy Review, Selection, Public Education/Public Relations, Special Projects, and Fundraising.
- B. Committees may be established by the chair, executive committee, or by an affirmative vote of the Commission.
- C. Committee membership cannot exceed quorum of the full Commission. Membership may include individuals not appointed to the Commission.
- D. Committees shall select a Commission member as chair.
- E. Requirements regarding quorum, meeting notice, staffing, and minutes do not apply to committees.
- F. All committees shall make an annual report to the full Commission at the November meeting for inclusion in the City's annual report.

ARTICLE 9. AMENDMENT OF BYLAWS.

A bylaw amendment requires an affirmative vote of the majority of members. The bylaws were approved by the Brookings Public Arts Commission at their meeting held on September 14, 2017.

RIGHTS AND RESPONSIBILITIES

OWNERSHIP

All works of art acquired pursuant to Brookings Public Arts Program shall be acquired in the name of, and title shall be held by, the City of Brookings.

EXEMPTIONS

The following are exempt from the provisions of this chapter:

- 1. All works of art in the collections of, or on display at, or under the auspices of the Brookings Arts Council; and
- 2. All works of art in display in private City offices or other areas of City-owned facilities that are not generally frequented by the public.

DIGITAL IMAGES

Whenever images are posted on the website, the City will acknowledge project credits: specifically, the name of the artist, the name of the photographer, the commissioning agency, the date of the work, and a copyright ©.

INTELLECTUAL PROPERTY

Copyright

The artist retains all rights under the Copyright Act of 1976 (17 USC Section 101) as the sole author of the work for the duration of the copyright. The duration of copyright in the United States is currently the life of the author plus seventy (70) years. Title to the artwork passes to the client or commissioning agency/organization upon their written acceptance of and payment for the work; copyright belongs to and remains with the artist.

Although the City may “own” the work of art, the artist who created the work owns the copyright to the work of art, including all ways in which the work is represented, other than in situ. Artists may wish to register their copyright with the Federal government. The City will not request that artists waive or share any of their legal copyright privileges as defined and awarded by the Federal government. The City may, however, as part of their contractual agreement with the Artist, require that the Artist grant the City license to use the image of the Artwork for purposes of publicity, promotion, educational and other city purposes (See Right to Reproduce the Work).

Rights to Reproduce the Work

The artist and the City must each agree to the right to reproduce the artwork in any and all forms. Typically, artists will be asked to grant the City or commissioning agency/organization license to make two-dimensional reproductions of the work for non-commercial and educational purposes. The City or commissioning agency/organization in turn~~s~~ agrees to include a credit to the artist and a notice of copyright on all such reproductions.

Visual Artists Rights Act (VARA)

The Visual Artists Rights Act of 1990, known as VARA, (17 USC Section 106A) assures an artist's protection of his/her “visual art” especially as it affects post-sale rights, including all drawings, sketches, and prototypes. Under VARA, artists have the right to prevent any intentional distortion, mutilation, or other modification to their work. In some cases where the art is integrated, (building, landscape, infrastructure, etc.) the City may ask the artist to waive their VARA rights in favor of a negotiated agreement.

It is standard professional practice that agencies agree not to intentionally alter, modify, change, destroy, or damage the work of art without first obtaining permission from the artist. However, the Commission recognizes that due to the ever-changing nature of cities, it may be impossible to guarantee that any work of art will remain where originally installed and may need to be relocated. Necessary changes to buildings and other infrastructure may require that artwork that cannot be removed may be altered, damaged or even destroyed. Artist's contracts with the City must address this possibility as part of their agreement with the City by waiving VARA rights in favor of a negotiated agreement. If the artist's work is accidentally damaged or altered, the artist has the right to request that the work not be attributed to the artist until such time as the work is fully restored.

CONTRACT INDEMNIFICATION

Indemnity refers to the party with ultimate responsibility for liability. In the event that there are injuries, damages and/or lawsuits, an indemnity clause will establish who will be responsible for paying the costs and any judgment.

Indemnification language could require a party to be responsible regardless of that party's actions or involvement in a situation that leads to liability. However, generally, indemnification responsibilities are limited to the scope of the work to be performed under the initial agreement and only apply when the indemnifying party somehow contributed to the situation that created the liability.

The City of Brookings endorses Mutual Indemnification for liability resulting from negligent or willful behavior because this is the best compromise between artist and client or commissioning agency. Suggested indemnification language may include, "The Parties shall and hereby agree to defend, indemnify and hold harmless the other party from liability that arises out of the Party's negligent or willful action.

INSURANCE REQUIREMENTS

Contracting agencies may request that the selected artist carry General Liability Insurance and Automobile Insurance. It is standard practice for artists to hold \$1,000,000 (one million dollars) in General Liability coverage per incident regardless of the size of the contract or project budget until final acceptance into the public arts program. If the Artist is an individual and not a company or corporation, Automobile Liability Insurance may be limited to the minimum required for individuals in the state. General Liability and Commercial Automobile Liability policies must be endorsed to name the City of Brookings as additionally insured.

Other insurance that may be required is Worker's Compensation Insurance (if Artist is an employer), Insurance Against Loss. Artists' subcontractors must provide the same insurance. Licensed professionals that the Artist may subcontract with, such as engineers, architects or landscape architects who sign and stamp construction documents shall also provide proof of professional liability insurance upon request.

PAYMENT SCHEDULES

Per the national art organization recommendations, the Public Arts Commission recommends payment of approximately 10% upon signing the contract and a retainage of approximately 5% until title is transferred to the City and a maintenance schedule has been submitted.

CONSERVATION AND MAINTENANCE OF ARTWORKS

Care of a public art collection is a continuing responsibility in which the City preserves the work of art as well as the collection in its entirety. It is recommended that all public artworks be maintained with attention to their unique materials. The Commission shall establish a regular maintenance schedule for each work in the collection and the artist of record shall provide maintenance instructions to the City of the work. The Commission will conduct an artwork inventory and evaluate the condition of the art annually to determine if any extraordinary maintenance is required. Maintenance and conservation treatment plans shall be part of the Commission's annual plan submitted to Council for approval.

The City will withhold final acceptance of the artwork until the artist has provided a maintenance plan or maintenance document because not all project elements will be overtly obvious to those

charged with evaluation (i.e.: projects in which landscape, water, and media made be integrated with the final project). The Artist shall be required to provide the City with copies of all construction documents, shop drawings, site/architectural plans and drawings, product specifications, warranties, and the names of all subcontractors, vendors and suppliers along with a statement of intent, so that it is understood how to maintain the site as conceived by the artist.

The Commission will manage an integrated Collections Management Program, including conducting regular inventory of artworks within the City's collection, evaluation of the collection condition; initiate treatment proposals and consult with professional conservators as necessary and complete or contract for the maintenance, conservation and/or restoration of the works of art. Where feasible or desirable, the Commission will oversee the training of maintenance personnel by conservators and/or program staff to perform routine maintenance tasks like dusting or washing of an artwork or changing lightbulbs. The Commission shall also be responsible for updating project records and documentation, including the advice of a professional conservator during the development of design documents and prior to fabrication of the art, and maintaining documentation of all conservation treatments performed on artworks in the collection.

COMMISSION CODE OF ETHICS

The Brookings Public Arts Commission members and City staff are expected to adhere to transparent accountability while implementing the City's public arts programs. In doing so, the Commission and the staff will not accept any work of art that violates clear title or transparent provenance or is in potential conflict with the United Nations Educational Scientific and Cultural Organization Convention ([UNESCO](#)), Native American Graves Protection and Repatriation Act ([NAGPRA](#)), or national protection acts, or the laws of the State of South Dakota. No Commission member, administrator, or collection staff may use his or her position for personal financial gain, to benefit another on the Commission, or to benefit an individual associated with the City. No Commission member, administrator, or director may use their position to allow use or transport of collections objects for private purposes. No Commission member or staff shall purchase objects for the collection from each other or take advantage of privileged information to compete for collections, acquisitions or donations. No Commission member, administrator, City staff, or elected official may obtain a tax benefit for a donation to the public art collection, nor offer formal written appraisals for objects that are under consideration for acquisitions or donation.

PUBLIC DISCLOSURE

All Brookings Public Arts Commission ("Commission") meetings are open to the public. Meeting agendas and supplemental materials are posted according to City and state regulations and are open to the public. All agendas, minutes and other agenda materials are available on the City of Brookings website: www.cityofbrookings.org.

BEST PRACTICES/CORE VALUES

The City of Brookings will utilize Best Practices of the Public Art Network (PAN) Council and Americans for the Arts (AFTA) in managing its public arts projects and practices.

All organizations and entities commissioning Artwork should consider their process for developing projects and selecting artists in light of the principles in Americans for the Arts Statement on Cultural Equity.

ACQUISITION POLICY

BACKGROUND

This policy provides a framework for acquiring works of art through the Brookings Public Arts Program. The Brookings Public Arts Commission is responsible for the acquisition and maintenance of such art. The objective of the Commission is that the City of Brookings' public art collection represents Brookings' significance as an artistic community and aspires to touch the life of every citizen and visitor,

CRITERIA FOR PUBLIC ART PROJECTS

All public art projects accepted or funded by the Commission or the City must:

1. Promote meaningful collaboration between the artist, the City, and any other relevant parties;
2. Achieve high visibility, by being in an area where residents and visitors commonly congregate or travel.
3. Be composed of the highest quality materials and constructed according to best practices to achieve results that endure without requiring unusual maintenance;
4. Be well integrated into the context of the surrounding environment. Current usage, historic significance, nearby building materials, foliage and landscape features, public rights-of-way, and potential audiences are all relevant;
5. Be accessible to all, with special consideration to those with special needs. Access to public art must meet all requirements of the Americans with Disabilities Act and other relevant laws; and
6. Be primarily an artwork of artistic merit of known authorship, and not an advertisement for any commercial establishment, or be an object whose main identity is as an artifact of primarily historical or religious interest.

SELECTION OF ARTISTS

It is the Commission's responsibility to oversee and approve the selection of artists for public art projects. The Commission shall establish an Artist Selection Panel for each public art project. Representation on the panel shall include:

- 1-2 members of the Commission;
- A representative of the host site or department;
- A project architect or landscape architect if appropriate;
- 2-3 Arts Professionals or Artists;
- A Community Representative.

The primary objective of the selection process is to select an artist whose experience, aesthetic, commitment to collaboration and community fabrication skills align with the needs of a given public art project. The selection process will be conducted in an open and consistent manner. All selections will be awarded on a competitive basis.

Potential election process models include:

Open Call: For projects with an anticipated cost of over \$25,000 the Commission publishes a Request for Qualifications (RFQ) open to all interested artists. To apply, artists are asked to submit examples of their past work and qualifications for consideration. RFQ's may be issued for specific projects or to establish a pre-qualified pool for consideration for a number of projects. Upon establishing the applicant pool, the Selection panel may then proceed as follows:

The selection sub-committee will review the submissions to select a short list (3-5) artists who will be paid an honorarium to develop site proposals. The panel will then reconvene to review the project proposals and make a recommendation for the winning proposal to the Commission for approval. For the proposal phase, artists will be given 4-6 weeks to develop their proposal. Proposals should only be requested when the commissioning agency/organization is prepared to consider the proposal as a conceptual approach to the project and not the final design. All proposal materials should be returned to those artists not selected for the project, and the authority representing the commissioning agency/organization should assume that all ideas presented for the project, including copyright, belong to the artist. For some projects, it may be preferable to select finalists for interview before selecting one artist to recommend to the Commission to seek a full proposal, or the panel may make a direct selection of an artist based on the panelists' ranking of the applicants.

Select Call: For small projects (under \$25,000) the Commission may solicit proposals from a select group of artists without public advertisement. The selection sub-committee will review these submissions and make a recommendation to the Commission.

Direct Call: For projects with budgets below \$10,000 or for when the artist is, for some specified reason, the sole provider of the artwork, the Commission may make a direct call. Examples of sole source provider would be if, for instance, there is a need to repair, restore or expand that particular artist's artwork, or if the project calls for a media or approach for which there are no other qualified practitioners within a reasonable geographic area.

REQUEST FOR PROPOSALS (RFP)

Artist or Community-Initiated Projects: The Commission may consider funding for Artist-Initiated or Community-Initiated projects (for which the artist has already been selected) in addition to Commission-Initiated projects. Such projects will be evaluated on an annual basis so that proposals may be considered on a competitive basis. Funding such projects is entirely at the Commission's discretion and based on available funds and funding priorities. As per the Commission's authority, all proposals for art on City property must be approved by the Commission, regardless of whether or not City funding is awarded.

Purchases: The Commission may request the submission of pre-existing artwork for consideration for purchase for display in public sites. For such purchases, the Commission will issue an RFP, which will describe the criteria for the artwork and range of purchase price.

GENERAL REQUIREMENTS:

All submissions must include evidence of previous work and credentials but should not include a specific project proposal (except in the case of artist initiated proposals). Calls for entries must be sufficiently detailed to permit artists to determine if their work is appropriate for the project

under consideration. All solicitations must state that entry into the selection process constitutes an agreement to all conditions set forth during the process, and that entry constitutes permission for the Commission to photograph or scan any accepted work, photo or slide for use in promotional materials, websites, films, television programs, videos or archival records produced by the City.

At any time during the selection process, the Commission may request to see the original work (if it exists at the time).

Every acquisition carries with it an explicit responsibility that it be displayed, maintained, preserved and documented. This is a permanent, ongoing commitment unless otherwise specified.

Artwork will be selected based on:

1. Quality of the work's construction;
2. Aesthetic merit and originality of the work;
3. Benefit to the City's public art collection;
4. Appropriateness of the work's scale, materials and content for the proposed site;
5. Financial considerations, including sources of funding and maintenance costs;
6. Susceptibility to damage, vandalism, or theft;
7. Potential for public endangerment;
8. Technical feasibility;
9. Timeline for acceptance of the work;
10. Donor restrictions;
11. Availability of the proposed site;
12. Suitability of an available site.

DEPARTMENT INPUT

Whether working to select artwork for a designated site or selecting a site for an already acquired artwork, the Commission strives to get input from relevant City departments. Relevant departments will typically be either a department receiving artwork for its building/grounds or a department whose general responsibilities will be materially impacted by the placement of artwork at a particular site. The Commission and/or staff will contact the director of a relevant department(s) to discuss potential sites and will invite the director to serve on any formal selection committee. The Commission encourages participation by the relevant department director. Selection processes are determined by the Commission and vary by project. The Commission and/or staff will ask the director of the relevant department to provide any concerns they have concerning the sites and/or their impact on department operations before a selection process begins

DONATION POLICY

The City of Brookings subscribes to a policy of selective acquisition of art with preference for works of art that are of significant artistic merit, meet the city's collection guidelines, and are of relevance to the city's history, culture and collection priorities. Care and discernment are exercised in acquiring artworks because of limitations of staffing and finances to manage the public art collection and the desire to collect significant art of high quality.

Donations are an important part of the City of Brookings' art collection. The city has limited funds for administration, protection and maintenance. Likewise, there are a limited number of suitable municipal sites appropriate for the installation of artwork (see opportunities map). To ensure the quality of the collection, the Commission uses the guidance in this policy to decide whether a proposed donation is appropriate for addition to the City's collection. The Commission accepts only those works that will, in its discretion, further the goals of the Public Art Guidelines.

The Commission requests individuals or entities interested in donating artwork must follow the City's donation proposal process. Individuals or corporations interested in donating a work of art must complete an official donation application and submit it to the Brookings City Clerk. The donation proposal form is available on the City website.

Funds to maintain artworks in the City's collection are limited. Therefore, when accepting a gift into the City's collection, the Commission may require the donor sign a maintenance agreement or establish a maintenance endowment to ensure an adequate quality of care for the artwork. It is unlikely that the Brookings Public Arts Commission will consider any donation that requires immediate or extensive maintenance.

The Commission reviews gifts during their meetings, which are announced publicly on the City website. After review, the Commission may choose to accept or decline a gift, or to table an offer.

COLLECTIONS MAINTENANCE POLICY

INVENTORY

BACKGROUND

The Commission will develop an inventory of the public art program collection in Brookings. A copy of the public artworks inventory will be updated annually and made available on the City website.

PROCESS

Information regarding newly acquired artworks should be entered into the inventory and database by the Commission as the artworks are installed. The inventory should be structured and managed, so as to be a resource to community residents and visitors seeking to view Brookings' public art collection. Current information is included as an addendum.

Ideally, the following information will be recorded in the inventory and database:

1. Title of the artwork
2. Medium
3. Dimensions
4. Photograph(s)
5. Value, if available
6. Artist
7. Location
8. Year created
9. Year acquired
10. Donor, if donated
11. Maintenance/conservation instructions

MAINTENANCE POLICY

BACKGROUND

The goal of the policy is to maintain the City's collection of publicly owned artwork to ensure Brookings citizens' long-term enjoyment of the collection. The Public Art Maintenance Policy provides the documentation, preservation and maintenance processes, which will support this goal. The Public Art Maintenance Policy will be implemented on a piece-specific basis that recognizes the value of each work of art in the collection.

Documentation includes, but is not limited to, periodic condition reports, records of actual maintenance performed and an assessment of those efforts, photographs, artist's maintenance recommendation, methods and materials information, potential problems with the work, finishes information (e.g., painter's name; when, where, what, and how the piece was finished), quality of materials used, installation information, warranties and professional and other knowledgeable opinions regarding preservation and maintenance. The documentation may also include the artist's resume, artwork history, where the work has been exhibited, and a personal interview with the artist.

Preservation includes placement, installation, security, regularly scheduled maintenance and emergency repairs (with consideration of the natural process of aging).

Maintenance will be performed according to a scheduled piece-specific plan to clean, repair, and preserve each piece in the public collection. This plan will include measures to assess the ongoing effectiveness of preservation.

PROCESS

Documentation. The initial documentation will occur before a piece is accepted into the City collection. A standardized form will be used for this purpose. The Commission will identify appropriate City departments and staff, outside contractors, service people and experts to review this documentation.

Documentation will reside in the official City records. The Commission will be responsible for creating and maintaining the documentation. The Commission will use the projected cost of maintenance as one consideration in its final determination of acceptance and placement. Although documentation and maintenance recommendations alone will not be used to specifically exclude artwork from the City collection, the recommendation may play a role in that final determination.

Maintenance and Conservation Documentation: When an artwork is accepted into the City collection, an initial level of maintenance and a maintenance schedule will be established for it. The documentation will include a standard for regular maintenance (e.g., timing, type of maintenance) and will identify any maintenance issues that may require special attention. Each medium will require knowledgeable people to develop maintenance criteria. In addition, the maintenance criteria may include future historic and aesthetic considerations for each piece. The maintenance documentation may be reviewed and revised as needed with the artist's input and permission.

Annually, the Commission will initiate an inspection and condition report. Paid professional condition appraisers/conservators and/or knowledgeable volunteers, craftspeople or industry experts will perform the inspection of each piece. The inspection and condition report will become part of the permanent documentation of the specific piece and will be filed with the official records of the City.

Paid professionals and/or trained City staff will perform regular maintenance according to the maintenance schedule and condition report for each specific piece annually. The Commission will initiate and coordinate the regular maintenance activities.

Emergency Maintenance or Repair. The Commission will be notified of the need for emergency repair before any work is done. Paid professionals and/or trained City staff will perform emergency maintenance or repair on a timely basis.

Policy Implementation. Designated City staff and a sub-committee of the Commission will implement and monitor the Public Art Maintenance Policy and will report to the Commission annually, or more often if needed, on the status of art work maintenance. City staff will oversee the quality control, evaluation and corrective maintenance actions carried out by this policy.

Funding. Funding for maintenance will be established through a budget developed by the Commission and presented to the Commission each November. Funds will come from the Brookings Public Art Fund. Maintenance funding will take precedence over art purchases.

Contract Services. Contracts with paid professionals/craftspeople will follow established City guidelines and will be handled through the appropriate City department.

PUBLIC RIGHT-OF-WAY POLICY

BACKGROUND

This policy is to provide visual arts planners with general guidelines to consider when developing installations that impact the public right-of-way (PROW). The goal of this collaborative experience is to support the maintenance and growth of the public and private art collections within the City of Brookings and to enhance our community's quality of life.

STANDARDS

The City of Brookings utilizes the Manual of Uniform Traffic Control Devices (MUTCD) when determining uses, signage, visual sightline requirements, and other matters that impact the PROW. The MUTCD is nationally accepted as the primary standard for these requirements.

INSTALLATIONS ADJOINING THE PROW

When considering installations along the PROW, the following factors shall be considered in making a determination about a particular installation.

1. ADA requirements: For example: does the installation impact the egress of a person with disabilities;
2. Impact on flow of pedestrians, bicycles, or traffic: For example: does the installation cause undue interruption of the flow of individuals on a sidewalk or cross walk;
3. Safety impacts; and
4. Maintenance requirements that may be created by the installation.

INSTALLATIONS WITHIN THE PROW

When considering installations in the PROW, the following factors shall be considered in making a determination about a particular installation.

1. ADA compliance
2. Impact on flow of pedestrians, bicycles, or traffic
3. Safety impacts
 - a. Does the installation cause undue distraction for drivers, so that vehicles are more likely to cause accidents from slowing?
 - b. Does the installation cause a blockage of sightlines such that safety for drivers, pedestrians or cyclists is compromised?
 - i. These sightlines will be different in each installation, so size may be a factor at certain locations. For example, in an installation at a traditional intersection location close to the sightlines at the corners may create a significant hazard; or within a roundabout, installations that create blind spots for drivers related to pedestrians will create a significant hazard.
 - ii. The height of installations is not generally an issue except when a foundation structure is required that may limit visibility for pedestrians in wheelchairs or may cause drivers to “rubber neck” for better viewing.
 - c. In installations that are within the PROW, project planners must be sensitive to pieces that may draw pedestrians into the traffic flow for viewing. In roundabout situations, this is a critical factor as a round-about is developed to keep speeds relatively high and do not have clear locations for drivers to stop. Generally, roundabout islands are not designed in such a manner as to accommodate pedestrian traffic. If a piece is designed into a roundabout prior to construction, it may be possible to create and place design elements that can accommodate these issues. It is also recommended that recognition for pieces (artist signatures, piece descriptions, etc.) be placed outside of the roundabouts’ flow of traffic versus on the island itself.
4. Maintenance requirements that may be created by the installation.

COLLABORATIVE EFFORTS

In cases where the Commission is seeking to locate a piece adjoining the PROW or within the PROW, prior to final selection, the City Engineering Department requests a sketch drawing with estimated measurements be provided. The earlier in the process that detailed information can be provided, the better staff will be able to identify potential issues. Appropriate City staff will review the particular piece for the factors noted above. If the department has particular issues with one or several factors, the City Engineer will provide a detailed description of the issues to the Commission with recommendations concerning possible adjustments that may remedy the noted issues.

POST-INSTALLATION

If an issue arises, the City Engineering Department and the Commission will work collaboratively to develop a post-installation monitoring plan for traffic flow, accident data, and other factors to determine if future alterations to the installation are necessary. If site alterations are identified, staff will work with the Commission to develop possible remedies to alleviate the noted impacts.

DEACCESSIONING POLICY

BACKGROUND

Deaccessioning is a procedure for withdrawing the display of a work of art from the City of Brookings' public collection. As part of the ongoing evaluation of the collection, the Commission will review the Permanent Collection when deemed appropriate. Works of art that came into the City collection prior to adoption of this policy will be subject to this deaccessioning procedure. The Commission is responsible for deciding whether any piece(s) should be deaccessioned.

CRITERIA

Deaccession is the procedure for the permanent removal of a work from the City's collection. An artwork may only be considered for deaccession for these reasons:

1. It has deteriorated or has been damaged such that restoration is impractical, infeasible, or would render the work false;
2. It no longer exists due to theft, accident or natural disaster;
3. It requires excessive maintenance or is found to be of inferior workmanship;
4. It is demonstrated to be fraudulent, not authentic or in violation of copyright law;
5. It endangers public safety;
6. Its site has experienced significant changes that prevent its continual display and no suitable replacement site is available;
7. Its security cannot be reasonably guaranteed;
8. It is not regularly on display, with no plans for its future display; or
9. It has been determined to be significantly incompatible or inferior in the context of the collection.

Artwork may only be removed from the City's collection through deaccession after careful and impartial evaluation of the artwork within the context of the City's collection by the Commission. The deaccession evaluation must include:

1. A good faith effort to inform the artist or the artist's estate that the artwork is being considered for deaccession;
2. A review of all pertinent accession documentation, including a review of legal documents by the City Attorney;
3. A written recommendation on deaccession by an independent art professional such as a curator, conservator, historian or architect; and
4. A review of any pertinent written correspondence, media coverage, and other evidence of public opinion.

If the Commission deems deaccession appropriate, it will submit a formal recommendation, including a written statement of findings to the City Manager. If the City Manager decides that deaccession is appropriate, the artwork will be disposed as follows:

1. The artist or estate of the artist will be given first option to acquire the work through purchase, exchange, or other terms as determined by the Commission;
2. The artwork may be sold in accordance with all relevant laws governing surplus public property and all resulting proceeds will be allocated to the Public Art Fund;
3. The artwork may be loaned to a gallery, museum or similar institution; or
4. The artwork may be donated to a gallery, museum or similar institution.

The City is responsible for all costs associated with the removal or relocation of the artwork unless another person or entity agrees to assume these costs. Any proceeds from the sale of public art belongs to the Public Art Fund. A record of deaccessioned artwork will be kept with the documentation of the City's collection.

ALTERATION, MODIFICATION, OR DESTRUCTION OF ARTWORK:

It is the primary responsibility of the Commission to preserve and protect the art collections under its management for the City of Brookings. However, under certain conditions, and in accordance with the constraints of the Visual Artists Rights Act of 1990 (17 U.S.C. 106A and 113 (d), known as VARA, or in the case where the Artist has waived their rights under CAPA and VARA, in accordance with the City's contractual agreement with the artist, the Commission may authorize actions that would alter, modify or destroy an artwork.

CONDITIONS:

Removal and disposal, destruction, alteration or modification of an artwork may be considered under the following circumstances:

The work has faults of design or workmanship, or is damaged so that repair or remedy is impractical, infeasible or is an unjustifiable allocation of resources.

The work poses a threat to public safety, or in some other way poses a potential liability for the City. In the event that the condition of the artwork represents an imminent safety hazard, and cannot be removed without risk of damage or destruction, the Commission will proceed in accordance with the provisions specified under "Emergency Removal."

The Commission deems it necessary in order for the City to exercise its responsibilities in regard to public works and improvements, or in furtherance of the City's operations, or for any other good cause.

OPTIONS:

If, for any of the above reasons, the City finds it necessary to pursue plans that would modify, remove, destroy or in any way alter an artwork, and the Commission approves such action, then the Commission shall make a reasonable effort to notify the artist by certified mail of the City's intent, and outline possible options, which include, but are not limited to the following:

Transfer of Title to the Artist: The artist will be given the first option of having the title to the artwork transferred to them. If the artist elects to pursue title transfer, they are responsible for the object's removal and all associated costs.

Disclaim Authorship: In the case where the City contemplates action which would compromise the integrity of the artwork, the artist shall be given the opportunity to disclaim authorship and request that their name not be used in connection with the given work. **Alteration, Modification or Destruction:** If alteration, modification, or destruction of an artwork protected under the Visual Artists Rights Act of 1990 is contemplated, the Commission must secure a written waiver of the artist's rights under this section. In the case of an emergency removal that may result in destruction or irreparable damage, the City Manager will act in accordance with the advice of the City Attorney.

OPPORTUNITIES & PARTNERS

OPPORTUNITIES MAP

The Commission will initiate the development of an inventory of public property upon which public artworks may be located within the City of Brookings. A copy of the Public Art Opportunities Map will be made available on the City website. Information regarding public property on which public artworks may be located should be entered onto the Public Art Opportunities Map by the Commission as potential locations are identified. The map should be structured and managed so as to be a resource to the community as well as groups or individuals wishing to place artworks on public property.

INTEGRATION

In addition to its responsibilities of acquiring and maintaining public art, the Commission is a resource for the City of Brookings. Other City departments as well as the Brookings City Council are encouraged to seek input from the Brookings Public Arts Commission to integrate the arts throughout the City, in its building projects and in the City's master plan. Opportunities for input could include, but are not limited to:

1. Construction and maintenance of streets, boulevards and public right of ways
2. Construction of bike lanes and bike parking

3. Beautification of common items such as electric boxes, sidewalks, street signs, etc.
4. Public parks and spaces
5. Other building projects that may provide opportunities for public art including alleys, walls and underutilized spaces
6. Integrate public art opportunities in the City's 5 Year Capital Improvement Plan

PUBLIC-PRIVATE PARTNERSHIP

The successful creation and execution of a strategy for public art in Brookings, South Dakota requires a collaborative network of public and private partnerships. The City alone does not have the staff or resources to acquire an extensive inventory of public art. The private sector alone cannot place art on public or City property. Together, the public and private sectors can translate the community vision of supporting the creative class and high quality of life in Brookings into a systematic program for the selection, acquisition and display of public art, including pieces on City property.

No work of art financed or installed either wholly or in part with City funds or with grants procured by the City shall be installed on privately owned property without a written agreement between the Commission, acting on behalf of the City and the private property owner. The City shall specify the proprietary interests in the work of art and specify other provisions deemed necessary or desirable by the City Attorney. In addition, such written agreement shall specify that the owner of said private property shall assure:

1. That the installation of the work of art will be done in a manner which will protect the work of art and the public;
2. That the work of art will be maintained in good condition; and
3. That insurance and indemnification will be provided as is appropriate.

OWNERSHIP IN A PARTNERSHIP

It is anticipated that most of the public artworks displayed on municipal property or public art easements will be either owned by the City of Brookings, private foundations, charitable organizations, individuals, or displayed on municipal property through a license agreement. In some instances, privately owned artworks suitable for display on public property may be secured through a loan agreement.

Public artwork is to be identified with a plaque or marker identifying the City (e.g., "City of Brookings Public Art Collection") the artist's name, title of the work, and year created. The plaque or marker may include the name(s) of the donor. Corporate script or logos are not permitted.

MONETARY PARTNERSHIP

With these goals in mind, several mechanisms of public and private funding should be considered. Financial contributions and gifts by corporations, private individuals and foundations can leverage limited public dollars. Regardless of the source, it is important to know what constitutes usual and customary expenditures for public art projects. The following items represent the types of expenditures generally associated with the commissioning and placement of public artwork. The following are representative of expenditures to be considered:

1. Cost of actual artwork.
2. Artist and artwork selection related expenses, including proposal and project related honoraria.
3. Documentation and public education materials.
4. Pre-design, design, planning and service contracts.
5. Expenses for technical assistance provided by architects or engineers.
6. A designated fund for project costs, maintenance, restoration and conservation.
7. Site preparation.

With these considerations in mind, a combination of public and private investments as described above will allow the City of Brookings to develop a robust public art collection that will enhance its environment for generations to come.

Donors may contribute money to acquire, install and/or maintain art. Gifts should be directed to the City of Brookings - Public Art Fund. The City of Brookings serves as the entity that collects, controls and administers the investment of the contributed financial resources in public art.

Donations from the private sector or grants from the private or public sector shall be encouraged as a means to broaden the existing program potential. These funds shall be maintained in a separate fund for the public art program.

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.

Art in Public Places Program

POLICY & PROCEDURES MANUAL



“Peace Monument” by Don Homan



Community Development Department
Commission for the Arts

Adopted: April 28, 2008
Amended: July 13, 2009
Amended: January 25, 2016



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CHAPTER 1 INTRODUCTION

Public art plays an important role in increasing the understanding and enjoyment of art by the community. Art is more accessible and visible to people when displayed in public areas. A key feature of public artwork is the importance of integrating art into the urban fabric of the city in order to enrich and enhance the physical attractiveness of the city. Public art transforms spaces and makes a valuable contribution to our appreciation of the city and the quality of public places.

In addition, public art located in public places reflects the unique environment and cultural identity of the city to visitors and to residents of Livermore. It often provides a link with our history and can contribute to development of tourism.

Through artsALIVE!, Livermore's Cultural Arts Master Plan, the City endeavors to feature more works of art in public places as well as supporting art related activities that enhance and further develop the arts community of Livermore. In the City's existing collection, there are two main components:

- a. Private sector contributions which provide artwork as part of development or the entitlement process, for example the sculptures provided on site in the Station Square housing development and the statuary in Hanson Park;
- b. City collection housed in public buildings and on City grounds.

Purpose of Public Art Policy and Guidelines

The Livermore Public Art Policy is a key strategy in the management of the City's current collection of public artwork, the commissioning of new artwork, and inclusion of new public artwork in private development.

The strategy aims to provide a clear policy and guidelines for the commissioning, creation, placement, maintenance and promotion of the City's Public Art. The policy guides and informs the criteria for the assessment of all public art commissioned by or proposed to the Commission for the Arts, as well as management and promotion of the existing collection. This includes the expenditure of funds collected through strategies described in artsALIVE!

City of Livermore Public Art Ordinances

The City of Livermore has adopted ordinances to include public artwork in its public parks, streets, and plazas, and within City owned buildings, as well as policies that support the inclusion of public artwork in private development. On January 14, 2008, City Council adopted the following ordinances supporting the inclusion of public art throughout the City:

- For City of Livermore public works construction projects, one percent (1%) of the original estimated cost of the project shall be set aside and used for acquisition and/or installation of public art.
- All new construction of residential, industrial, and commercial private developments shall be required to allocate one third of one percent (0.33%) of the construction costs of a development project for acquisition and installation of Public Art in the development project in an amount to be determined by the building official. This ordinance also applies to substantial rehabilitation adding 25% or more square footage. In lieu of providing Public Art at the site, the developer at its discretion, may contribute the amount to the Livermore Public Art Fund.

What is Public Art?

The term "Public Art" is defined as artistic works created by artists as unique and original works for, gifted to, or located in part of a public space or facility and/or accessible to members of the public. Public Art includes works of a permanent or temporary nature located in the public domain.

Public Artwork can include:

- Artwork created for specific locations.
- Temporary exhibits, exhibitions, events, performances, and/or artwork installations located in a public space.
- Artwork produced through involvement of the community.
- Integration of art and architecture to enhance the design of urban or public spaces.
- Collaboration of artists, architects or urban designers to create unique physical environments or features which integrates art into the urban fabric of the city.

Eligible mediums include but are not limited to:

- Sculpture, painting, drawing, printmaking, photography, calligraphy, ceramic, murals, glass or water features, landscaping, literary arts, uniquely designed or site specific paving, furniture and parts of buildings, sound and light works, organic form, works that are designed to be temporary in nature, memorabilia or ceremonial objects related to civic activities.

Ineligible mediums include but are not limited to:

- Mass produced or standardized art objects, unless incorporated into an artwork by the project artist.
- Mechanical reproductions of original works of art
- Landscape and ornamental features designed by the architect builder without the commission of a professional visual artist.

- Directional elements and signage unless where integral to an overall concept created by a professional artist.

What is a Public Space?

A Public Space is defined as a space, which is easily accessible and clearly visible for public view; this includes, but is not limited to parks, streets, squares, promenades, public plazas and foyers. If located on private property, the area must be open to the general public and clearly visible from adjacent public property such as a street or other public thoroughfare or sidewalk.

What is the Public Art Fund?

The Public Art Fund consists of revenues, which can include, but are not limited to, developer in-lieu fees, bequests, gifts, other donations, and funding acquired from other sources by the Commission for the Arts. At the discretion of the developer, in lieu of providing artworks within the project, a developer may choose to contribute to the Public Art Fund in the amount equal to their public art requirement. A developer may choose to include artwork that costs less than what is required for their project but must pay the remainder of the fee to the public art fund. The Public Art Fund will be distributed through a variety of grant programs overseen by the Commission for the Arts.

What are Permissible Expenditures?

Expenditures of funds may include, but are not limited to, the following uses:

- a. The cost of the public art itself including the artist's fee for design, structural engineering and fabrication; transportation and installation of the work at the site; identification signs, if any; and mountings, anchorages, containments, pedestals, bases, or materials necessary for the proper presentation and installation of the art.
- b. Water works, lighting and other objects which are an integral part of the artwork.
- c. Walls, pools, landscaping or other architectural elements necessary for the proper aesthetic and structural placement of the artwork.
- d. Maintenance and repair of Public Art funded through the art in public places fund.
- e. The design, construction, operation and maintenance of art gallery space or cultural arts' display, demonstration and performance space to be utilized by individuals and non-profit arts organizations for arts and cultural programming.
- f. Building the functional capacity of eligible non-profit organizations devoted to the development of arts and culture in Livermore.
- g. Developing cultural programs for the enjoyment and appreciation of art, heritage and culture within the Livermore community.
- h. Funding the design, construction, operation and/or maintenance of cultural and/or arts' facilities, either at the development or off-site.



CHAPTER 2

POLICY AND PROCEDURES

Policy Scope and Objectives:

- The philosophy and processes of the Public Art Policy covers the area defined in artsALIVE! as the Cultural Arts District. They will also apply to projects and programs throughout the city.
- Increase the awareness of public art and promote opportunities to further advance public art.
- Contribute to the unique identity of the City of Livermore within the downtown Cultural Arts District and throughout the City.
- Encourage the involvement of artists in the design and development of public spaces by facilitating collaboration between artists, planners, architects, landscape architects, and urban designers whenever possible in the total design process.
- Develop a public art strategy that integrates art into the urban design fabric of the city in order to create high quality public spaces through the integration of art, urban design and architecture.
- Encourage artworks, which are accessible to the public either visually or physically.
- Involve the community.
- Excite the imagination of the public and increase the understanding and enjoyment of public art.
- Encourage artworks which have relevance to their site.
- Enhance the economic and cultural vitality of the City.
- Ensure recognition that Livermore's art activities are valuable and a significant component of the City's culture, heritage and economic vitality.
- Recognize the diversity of the City and support this diversity through a range of publicly accessible opportunities for all residents, businesses and visitors.

Identification of sites and opportunities

The Cultural Arts District Maps (see Appendices 7 - 10) identify existing artwork and proposed locations for new artwork in downtown locations. The commission maintains the proposed Cultural Arts District Maps to provide an overview of potentially desirable locations for public art; however, the places listed are merely suggestions. The Cultural Arts District Maps are not intended to be an exclusive list of locations for public art, and therefore do not preclude other locations, public or privately owned, from consideration. Opportunities for integral artistic development in new development projects and art related activities will be presented to the Commission as these opportunities arise. When identifying sites and opportunities the Commission shall consider the following:

- a. Cultural Arts District – Priority is given to the Cultural Arts District area, but art may be displayed anywhere within City boundaries.

- b. Access to the Public – Priority will be given to locations that are frequently visited or viewed by the public, including but not limited to the Cultural Arts District, the Civic Center, parks, transit centers, and open spaces surrounding public buildings.
- c. Public or Private Property – Public art may be located on public or private property. If located on public property, consideration must be given to the costs of maintaining the art. If located on private property, the property owner must enter into a written agreement with the City to assure the art is adequately secured and maintained as long as the artwork is displayed, but not less than 30 years.
- d. Maintenance – If art is affixed to a building or other structure, it must be reasonable to assume that the building or structure will remain standing and in good condition for 30 years. If the art is freestanding, it must be in a location that allows for necessary maintenance.
- e. Security – Artwork must be properly secured to ensure safety (structural and surface integrity, public safety, and public liability) and designed to be reasonably protected from environmental degradation, damage, vandalism or theft.
- f. Consideration should be given to diversity of locations, so that art is not bundled in one area, with little or no art in other areas that otherwise meet the criteria for public art locations.

Selection of Artists – Commissioned Works

The policy encourages the commission of works by artists from the Tri-Valley arts community. The encouragement of Livermore residents to participate is an integral part of the policy, and will contribute to the unique identity of the City of Livermore as an outstanding city of the Tri-Valley. However, this policy does not preclude consideration given to commissioning of Bay Area, regional and international artists where appropriate.

The selected artist(s) will be commissioned to carry concepts proposed by the Commission and through completion of the work. The contractual arrangements between the City of Livermore and the artist will define certain agreed parameters for the work and the process will be monitored by Staff to the Commission for the Arts, with any major changes to concept, scale and materials being negotiated prior to contract signing.

Requests for Proposals from the Commission will define:

- The audience and/or community the artwork will engage
- Concept development
- The process by which the contract design will be monitored
- Responsibilities of contractual parties
- Technical requirements
- Site information (including plans)
- Budget

Artists' proposals will be presented to the Commission prior to contracting with the artist. The Commission has the option to display the proposal in a public location for public comment.

Artists considered should have the credentials and/or track record and the ability to execute works of the scale envisaged, but this does not exclude opportunities for other artists of merit. The Commission or its representatives may choose to visit the artist's workspace or request that the artist present their portfolio of commissioned works prior to contract with the City.

Methods of selecting artists for public artwork may be based on the following:

- Open Competition - Publicly advertised calls for entries; any artist may submit proposals and/or qualifications.
- Limited Competition - between invited parties.
- Specific commission or acquisition by Commission for the Arts - This method would apply where limited or open competition would be impractical or inappropriate.

In many cases, a short list of applicants will be briefed on the project, and will be required to make initial design proposals for the site. A stipend may be given to each submitting artist for this stage of the process as funds are available.

From the submissions and this process an artist will be selected by the Commission.

Criteria for the Selection of Artwork

Criteria for the selection of public works of art may include, but will not be limited to artwork that:

- Is specifically designed for its site and is commensurate in scale with its surroundings;
- Adds to the local identity and profile in the context of the City of Livermore;
- Is durable (where applicable) and reasonable to maintain in terms of time and expense;
- Is a permanent fixed asset to the property;
- Is designed and constructed by persons experienced in the production of such artwork and recognized by critics and by his or her peers as one who produces works of art;
- Aesthetically enhances the public space or built environment to which it relates or otherwise interacts with its surrounding environment;
- Is suitable by way of form and quality for public viewing and accessibility taking into consideration the possibility of an unsecured public space;
- Is free of unsafe conditions or factors;
- Is a suitable addition to the public space proposed;
- Contributes to a sense of civic pride;
- Involves the local community;
- Addresses, but is not limited to, aspects of the city's history and/or culture; and/or
- Recognizes the broad intent and objectives of the Cultural Arts Master Plan and Livermore Public Art Policy.

Specific criteria will be determined on an individual project basis and detailed in the RFP or grant application.

Project Management

Once a public art project has been funded, staff, along with representatives of the Commission for the Arts, will coordinate each project considering the following tasks:

- Develop project descriptions and contract;
- Receive necessary approvals as required;
- Describe and mitigate any public safety requirements;
- Work with the artist to develop a timeframe;
- Seek relevant project consultation as needed;
- Work with the artist and Staff to define long term maintenance;
- Establish ownership; and
- Define any other relevant factors and tasks associated with a project.

In developing strategies for each project the following will be considered:

- Whether the artwork is to be permanent or temporal work;
- The materials to be used must be durable and vandal resistant as the public will have access to the works at all times; and
- The proposed site, including usage and scale of the work.

Artist Responsibilities will include:

- The artist commissioned to carry out a public work will creatively interpret the proposal given in terms of his/her craft, skills, and vision.
- The artist must ensure the artwork is unique as a result of the artist's personal creative efforts except in the case of a design collaborative.
- The artist must ensure the art does not infringe upon any copyright, and agrees to hold the City harmless for any copyright infringement.
- The artist must comply with all City procedures, including but not limited to, artist signature, sponsor acknowledgements, and finishes, which will be provided to artist along with the City's agreement for services.
- The artist shall, without additional compensation, correct or revise any errors, omissions or deficiencies in his/her work.
- The artist agrees to release ownership of the artwork to the City unless otherwise called for in the City's Agreement for Commissioned artwork. Any marketing of reproductions shall only be permitted with the prior written approval of the artist and the City.
- The artist will provide a general maintenance plan for the artwork. The City reserves the right to have this plan reviewed by a certified conservator or require technical documents or warranties on the product.
- Artist agrees to maintain minimum insurance levels acceptable by the City as follows:

Insurance

Artist shall, during times in which the artist is working on City property, and until the artwork is accepted by the City, maintain the following insurance to cover Artist in connection with the performance of Work under this Agreement. This Agreement identifies the minimum insurance levels with which Artist shall comply; however, the minimum insurance levels shall not relieve Artist of any other performance responsibilities under this Agreement (including the indemnity requirements), and Artist may carry, at its own expense, any additional insurance it deems necessary or prudent. Concurrently with the execution of this Agreement by the Artist, and prior to the commencement of any Work, the Artist shall furnish written proof of insurance (certificates and endorsements), in a form acceptable to the City. Artist shall provide substitute written proof of insurance no later than 30 days prior to the expiration date of any insurance policy required by this Agreement.

- Commercial General Liability (with coverage at least as broad as ISO form CG 20 01 04 13) coverage in an amount not less than \$1,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.
- If Artist will be driving while conducting business on behalf of the City, Automobile Liability with \$1,000,000 per accident for bodily injury and property damage.
- If Artist has employees, Workers' Compensation/Employer's Liability as required by State of California statutes. A waiver of subrogation is required for Workers' Compensation insurance.
- Fine Arts Insurance or other insurance against loss in an amount sufficient to cover the contract value of the Artwork.

Endorsements - The insurance policies shall be endorsed as follows:

- For the commercial general liability insurance, the City (including its elected officials, employees, and agents) shall be named as additional "insured."
- For the fine arts or property insurance, the City shall be named as loss payee.
- Artist's insurance is primary to any other insurance available to the City with respect to any claim arising out of this Agreement. Any insurance maintained by the City shall be excess of the Artist's insurance and shall not contribute with it.

Additional responsibilities will be listed in the solicitation of proposals by the City and the Contract for Commissioned Artwork.

Upon reasonable written notice, the artist shall comply with any changes in the amounts and terms of insurance as may be required from time-to-time by the City's Risk Manager.

Upon appointment of an artist, contractual arrangements will be made in accordance with contractual criteria established by the City of Livermore City Attorney's Office.

Municipal Projects – City-funded Capital Projects

The City Engineer's Office is involved in the initial phase of all municipal capital improvements through the Capital Improvement Plan (CIP) process over a two-year period. The City Engineer's office should forward a copy of the draft CIP to the Community Development Department staff and the Commission for the Arts for review to submit recommendations as to the inclusion of public art elements. This process will enable staff

and the commission to seek funding opportunities and have funding allocated prior to City Council approval.

Coordination between departments at the conceptual stage of projects is important as federal and state funds are available to public art projects included in redevelopment, parks, open spaces, and highway and transit projects.

Selection Procedures

Procedures for the selection of municipal art may include any of the methods outlined in Chapter 2, based on the ability to generate the best artwork for the project. Upon receipt of applications or proposals and recommendation of the Community Development Department staff, a subcommittee of the Commission for the Arts will review and make recommendations as to the selection of artists for the project. The Subcommittee might also include expert technical staff including architects, engineers and project design staff and may include a representative of the Design Review Commission and members of the public in proximity to the project.

Public Art Asset Management Plan

The development of a Public Art Register shall be completed to establish the extent and condition of the City's existing artwork collection.

Once this work has been undertaken the next step is to develop a plan for the maintenance of existing and new works once commissioned.

Funding

Funding for activities proposed in the Public Art Policy is anticipated to come from a variety of sources:

- Sponsorship
- Private funding
- Budgeted funds
- In-Lieu Public Art Fund
- Grants

Public Art Subcommittees of the Commission for the Arts

A Subcommittee may be responsible for:

- Coordinating public art activity within public spaces, including making recommendations to the Commission for the Arts on the commissioning of public art projects, and recommending to the Commission for the Arts approval of works of art obtained through development agreements.
- Reviewing and making recommendations regarding gifts and loans of art following the guidelines outlined in the public arts policy.
- Reviewing and making recommendations regarding the de-accessioning of artworks following the guidelines outlined in this policy.
- Reviewing proposals for projects.

- Determining selection process (as described above in Selection of Artists).

Composition and Term of subcommittees:

- A subcommittee consists of no more than three (3) voting members of the Commission for the Arts. Members will be appointed by the Commission for the Arts Chairperson on a project-by-project basis and will remain on the subcommittee until the project is completed.
- On a project-by-project basis, a subcommittee may also include voting and/or non-voting members that provide technical or creative expertise for the project, such as business, community, architectural, engineering or design consultants.

Conservation and Maintenance

An important part of the management of the city's public art collection is the recognition of the conservation and maintenance required for both the existing and new artworks. When new works are commissioned or the Commission accepts gifts of art works the Commission must consider not only the capital costs of acquisition but also the ongoing commitment for maintenance and repairs. All items recorded in the Public Art Register shall be assessed as part of the condition report and an ongoing maintenance plan formed.

Donors of items may be required to provide funds or be responsible for the maintenance and upkeep of the donated work for a designated period of time.

Where new works are commissioned or accepted, written details of warranties (where these apply) detailing service should be provided with the completed work. This may cover details such as cleaning, lighting, servicing, circuit diagrams, manufacturer, and/or agents. This information will be entered into the Public Art Register as well. Allowance for the cost of ongoing maintenance of new works will need to be planned for and may need to be reviewed by a certified conservator for care and maintenance plan. Artwork shall be maintained by the property owner in a neat and orderly manner acceptable to the City, unless the artwork is installed on property owned by the City, in which case the City shall maintain the artwork.

Ownership

In most cases the artwork will become the property of the City of Livermore. Public art may be placed on land owned by the City provided that ownership of the work is vested in the City. The ownership of artwork on privately owned sites may also be transferred to the City. If the City accepts ownership it may be responsible for maintenance, insurance and any contractual agreement related to the art as outlined by this policy or City Council may require the site owner to be responsible for those items.

Documentation

All new works will be documented and this information will form part of the Public Art Registry database.

The information should include:

- Artists name, curriculum vitae, artistic statement

- Any warranties, maintenance details including name of agent and manufacturer (if applicable)
- Construction/maintenance details
- Relevant dates
- Site/display information
- Any other relevant details
- Photographic Record

Review and Deaccessioning of Artwork

Community Development Department staff shall review the entire public art collection at least once every five-years to assess condition and shall make appropriate recommendations to the Commission for the Arts. The City shall dispose of works of art in its collection only in the public interest and as a means of improving the overall quality of the collection. Since artworks are acquired by the City through a thorough review process by City staff and the Commission for the Arts, based on the quality of the artwork and the value of the work to the collection as a whole, deaccessioning should be considered only after five years following acceptance. The need for relocation or the temporary removal from public display does not automatically necessitate deaccession.

Deaccessioning should be cautiously applied only after careful and impartial evaluation of the artwork to avoid the influence of fluctuations of taste and the premature removal of artwork from the collection. Prior to the deaccession of any work, the Commission for the Arts must weigh carefully the interests of the public, the intent in the broadest sense of the donor (if any), and the interests of the cultural community.

All proceeds from any sale or auction of a work of art will be used for the purpose of acquiring or maintaining one or more other works of art for the same public art program or purpose for which the original work of art was acquired. If that is not possible, then the proceeds shall be used to acquire or maintain a work of public art, or support another City Public Art program.

Removal of an Artwork from Public Display

1. Cause for Review

While the intent of acquisition of artwork is for permanent public display, circumstances and/or conditions may arise that make it prudent for the Commission, on behalf of the public interest, to remove an artwork from public display. One or more of the following conditions must apply in order for an artwork to be considered for permanent removal or deaccession:

- a) The work presents a threat to public safety.
- b) The condition or security of the work cannot be guaranteed, or the City cannot properly care for or store the work.
- c) The work requires excessive or unreasonable maintenance.
- d) The work has serious or dangerous faults in design or workmanship.
- e) The condition of the work requires restoration in gross excess of its monetary value, or is in such a deteriorated state that restoration would prove either unfeasible, impractical or would render the work essentially false.
- f) The work is of poor quality.

- g) A similar but superior example exists in the collection.
- h) The work is a forgery.
- i) No suitable site for the work is available.
- j) Significant adverse public reaction is documented over an extended period of time (5 years or more).
- k) The work is judged to have little or no aesthetic and/or historical or cultural value.
- l) The Arts Commission wishes to replace a work with a more appropriate work by the same artist.
- m) The work can be sold to finance, or can be traded for, a work of greater importance.
- n) A written request from the artist has been received to remove the work from public display.
- o) The work is not, or is rarely displayed.
- p) The artwork has been determined to be incompatible with the rest of the County's collection.

2. Review Process

Prior to deaccession, Community Development staff must observe the following procedures.

- a) Prepare a report which indicates:
 - i. Acquisition method and purchase price.
 - ii. Any restrictions that may apply to the specific work based on contract review.
 - iii. An analysis of the reasons for deaccessioning.
 - iv. Alternatives to deaccessioning.
 - v. Suggested methods of deaccession.
 - vi. Appraised value of the work by two independent consultants, if obtainable.
 - vii. Documentation of correspondence, press or other evidence of public debate documenting extended adverse public reaction.
- b) Discuss with the artist or donor the circumstances prompting the review.
- c) Discuss the circumstances with the affected City department and document input.
- d) Make all reasonable efforts to ascertain that the City is legally free to dispose of the work in question.
- e) Community Development Department staff may seek additional information regarding the work from the artist, art galleries, curators, appraisers or other professionals.
- f) The report shall then be presented to the Commission for the Arts for action at a regular public meeting.

3. Deaccession Process

- a) Upon a recommendation of deaccession, staff will work with the Commission for the Arts to determine the manner of disposition. Every effort will be made to ensure that this process is fair and open. Sale at public auction is strongly encouraged. Whenever works are deaccessioned by means other than public auction, staff will secure no fewer than two independent estimates of fair market value.
- b) Artwork may not be given or sold privately to City employees, officers, volunteers or members of City commissions, committees, boards, affiliate groups or their representatives unless they are sold at public auction and with appropriate disclosures.
- c) Consideration should be given to placing the artwork, through gift, exchange or sale, in another tax-exempt public institution wherein it may serve the purpose for which it was acquired initially by the City. Community Development staff may exchange a work of art on such terms as the Commission for the Arts determines appropriate.
- d) A work of art may be sold privately under the following circumstances:

- i. If the work is offered at public auction and no bids are received, or if the bids are rejected. A work of art on which bids have been rejected shall not thereafter be sold through private sale for less than the amount of the highest bid received.
- ii. If the Commission for the Arts determines that the work may be sold on terms more advantageous to the City if sold through private sale.
- iii. If the artist of the work chooses to purchase it at the original purchase price.
- e) An adequate record of the conditions and circumstances under which objects are deaccessioned and disposed of should be made and retained as part of the records of the Community Development Department.
- f) All recommendations for deaccession are subject to appeal to the City Council. All appeals must be made in writing to the County Clerk within ten days of the decision by the Commission for the Arts.



CHAPTER 3 GRANTS

Applications

Grant applications must be submitted on the grant application form, following the instructions provided by the Commission for the Arts.

Application forms can be downloaded from the Internet at <http://www.cityoflivermore.net/citygov/cdd/arts/grants.htm>. They can also be requested by e-mail at Arts@cityoflivermore.net or by calling 925.960.4400.

Types and Amounts of Grants

City of Livermore Public Art Grant – Applications will be accepted from individuals or organizations or may be solicited via a Request for Proposal (RFP) by the Commission for the Arts. The Commission for the Arts will review unsolicited Public Art Grant applications for grants over \$10,001 on an annual basis. Applicants must meet the definition of public art as defined in the City's Public Art Policy, or qualify under the list of permissible expenditures (page 5).

Project and Program Grants – Applicants must meet the definition of public art as defined in the City's Public Art Policy. Artists or organizations are eligible for up to \$10,000. The Commission for the Arts will review Project and Program Grants applications twice each year. The number of Project and Program grants available each year will vary depending on the resources of the Commission for the Arts. The number and ratio between public art and programs will be determined at the beginning of the grant cycle.

Mini Grants - Applicants must meet the definition of public art as defined in the City's Public Art Policy. Artists or organizations are eligible for up to \$1,000. The number of Mini grants available each quarter will vary depending on the resources of the Commission for the Arts. The number and ratio between public art and programs will be determined at the beginning of each grant cycle. Funding for Mini Grants may not be available every quarter.

Timelines

City of Livermore Public Art Grants – Timelines will be set out in the RFP. The Commission for the Arts will review unsolicited Public Art Grant applications annually. At the September meeting of the Commission for the Arts, a Public Art Grants Subcommittee will be appointed to review the applications. All unsolicited applications for funding in the following calendar year that are received by October 1st will be reviewed by the Community Development Department staff for eligibility. Eligible applications are then provided to the Subcommittee who will work with program staff to evaluate the applications for compliance with the Commission's current goals and priorities. This process may include an interview with the applicant, at the discretion of the Public Art Grants Subcommittee. The Subcommittee will make a recommendation to the Commission at the October meeting. The Commission will

make their final recommendations to the City Council annually in November. Events related to funded projects may not begin until grant agreements are fully executed.

Project and Program Grants – Applications will be due to the Community Development Department by 5:00 p.m. on the 1st of March and September for funding of projects which will begin after the 1st of May and November, respectively. At the February and August meeting of the Commission for the Arts, a Project and Program Grants Subcommittee will be appointed to review the applications. Eligible applications are first reviewed by the Community Development Department staff for eligibility and completeness. Eligible applications are then provided to the Subcommittee. Relying on the information provided in each application and its attachments, the Subcommittee will measure the strength of the applications and work with program staff to develop proposed grant awards. This process may include an interview at the discretion of the Project and Program Grants Subcommittee. All applications will be evaluated using the Evaluation Form found in Appendix 1. Funding proposals are submitted with recommendations to the full Commission for the Arts at its March and September meetings. The Commission will make its final recommendations to the City Council in April and October. Events related to funded projects may begin no earlier than two (2) months after the application deadline.

Mini Grants – Applications will be due to the Community Development Department by 5:00 p.m. on the 1st of March, June, September and December. Applications are first reviewed by Community Development Department staff for eligibility and completeness. A Mini Grant Subcommittee will be appointed on a quarterly basis. Eligible applications are then provided to the Mini Grant Subcommittee. The Subcommittee will make recommendations to the full Commission at its regularly scheduled meeting in March, June, September and December. The Commission will make the final approval. Events related to funded projects may begin no earlier than two (2) months after the application deadline.

Methods for Submitting Applications

Applications that are delivered to the Community Development Department (in person, or using a commercial delivery service such as Federal Express or United Parcel Service) must arrive by 5:00 p.m. on the deadline date.

Applications sent via U.S. Mail must be sent First Class or Priority Mail and postmarked by the U.S. Postal Service by the deadline date. (Please note: Applicants are encouraged to obtain a date-stamped receipt from the Post Office in case they need to document that they met the deadline. Self-generated Postage meter indicia are not sufficient to establish that the application was postmarked by the deadline.)

Please submit completed grant application packets to:

City of Livermore
Public Art Grants
Community Development Department
1052 S. Livermore Avenue
Livermore, CA 94550

Requests for Proposals may require applications to be submitted using the Western States Arts Federation's online website: www.callforentry.org, Café. Applicants must follow specific instructions outlined in each Request for Proposals.

Matching Funds

All Project and Program Grant applicants must provide at least a dollar-for-dollar (one-to-one) match for the grant award, no less than 50 percent of which must be a cash match. The cash match must be from sources other than the City of Livermore.

In-kind contributions are allowed as part of the match only on the following limited basis:

- a. In-kind contributions cannot be used for more than half of the required match, in other words, they cannot represent more than 50 percent of the value of the grant award; and,
- b. The value of in-kind contributions, i.e., goods and services, must offset line item expenditures in the project budget and their value must be documentable with invoices or billing statements.

General Instructions for Preparing Grant Applications

All applicants, especially first-time applicants, are strongly encouraged to consult with the Community Development staff at Arts@cityoflivermore.net or 925.960.4400 well in advance of the application deadline if they have any questions about any requirements of the grants.

Please read and follow or answer carefully all instructions for and questions on the Application Form.

Standards for Preparing Applications

Please read the following carefully. Applicants are responsible for completing and submitting the correct number of copies of the full application and all required attachments by the deadline. Incomplete applications will not be accepted for Commission evaluation.

- a. Applicants must not modify the format of the application form or exceed the maximum length of any section of the form, except where otherwise noted.
- b. All required attachments (except pre-printed ones) must be typed or computer-prepared in a type size that is no smaller than 12 pt. Times/Times New Roman, or 10 pt. Arial/Helvetica.
- c. Complete all pages of the application form and all required attachments. (Use "N.A." if a section does not apply to your organization.) Provide information that is current as of the application deadline. Budget pages and budget notes must be complete.
- d. The original of the Application Form must be signed by the organization's executive director, managing director, president or board chair, or the applying artist.

Amending an Application

In general, grant applications will be reviewed in the condition in which they were delivered. However, if an organization's circumstances change significantly between the submission of its application and the subcommittee's evaluation of applications, the organization may request to amend its application, provided this does not result in a substantially new

application. Acceptance of application amendments is at the discretion of the Chair of the Commission for the Arts.

Application Reviews and Grant Awards

Project and Program Grants - Applications are first reviewed by the Community Development Department staff for eligibility and completeness. Eligible applications are then provided to the Project and Program Grants Subcommittee. Relying on the information provided in each application and its attachments, the Subcommittee will measure the strengths of the applications and work with program staff to develop proposed grant awards. This process may include an interview at the discretion of the Project and Program Grants Subcommittee. All applications will be evaluated using the Evaluation Form found in Appendix 1. Funding proposals are submitted with recommendations to the full Commission for the Arts. The Commission for the Arts reviews and makes final recommendations to the City Council. Grant awards become final only if and when the City Council approves them.

Mini Grants - Applications are first reviewed by Community Development Department staff for eligibility and completeness. Eligible applications are then provided to the Mini Grant Subcommittee. Relying on the information provided in each application and its attachments, the Subcommittee will measure the strengths of the applications and work with program staff to develop proposed grant awards. This process may include an interview at the discretion of the Mini Grant Subcommittee. All applications will be evaluated using the Evaluation Form found in Appendix 2. Funding proposals are submitted with recommendations to the full Commission for the Arts. The Commission for the Arts reviews and makes final approval.

Appeals

Grounds for Appeal

An applicant may file an appeal of a Subcommittee's recommendation only if it believes that one or more of the following circumstances has occurred and has affected the grant recommendation for the organization filing the appeal:

- a. The Commission for the Arts, or one of its Subcommittees committed a material breach of published grant review policies and procedures;
- b. Required application materials that were submitted by the deadline were omitted from the materials the Subcommittee considered during the review process; or
- c. A member of the Grant Subcommittee did not recuse her/himself even though s/he had a conflict of interest in relation to an applicant; as such term is defined under state law, which should have resulted in the panelist's recusal from evaluating the applicant or participating in a discussion of the applicant.

The Commission for the Arts will not consider appeals that are based on:

- a. Correcting applicant errors and omissions in the application or review process;
- b. Disagreements about the merits of the application relative to others the Subcommittee considered; or

- c. Events and/or organizational developments that occurred subsequent to the meeting.

Appeals Process

Applicants wishing to appeal must submit their appeals in written form to the Community Development Department within one business week after notification of application denial has been sent.

A special Appeals Panel consisting of members of the Commission of the Arts will weigh eligible appeals. The Appeals Panel will report its findings to the full Commission. If an applicant is dissatisfied with the Panel's resolution of its appeal, the applicant may address its appeal further to the full Commission, as long as the appeal is based on the Grounds for Appeal described above.

An applicant who disagrees with the Commission's recommendation to not fund its Project and Program Grant application may attend the City Council meeting and provide input to the Council when Council will consider the Commission's recommendation for that Project and Program Grant.

Public Nature of Application Material

Applications submitted for arts grants become the exclusive property of the City. At such time as the Commission for the Arts reviews an application it will become a matter of public record and shall be regarded as public records, with the exception of those elements in the application which are defined by the applicant as business or trade secrets and plainly marked as Confidential, Trade Secret, or Proprietary. The City shall not in any way be liable or responsible for the disclosure of any such application or portions thereof, if they are not plainly marked as Confidential, Trade Secret, or Proprietary or if the disclosure is required under the Public Records Act. Any application which contains language purporting to render all or significant portions of the application Confidential, Trade Secret, or Proprietary shall be regarded as non-responsive and, therefore, not eligible for review.

Although the California Public Records Act recognizes that certain confidential trade secret information may be protected from disclosure, the City may not be in a position to establish that the information that an applicant submits is a trade secret. If a request is made for information marked Confidential, Trade Secret, or Proprietary, the City will provide the applicant who submitted the information with reasonable notice to allow the applicant to seek protection from disclosure by a court of competent jurisdiction.

Acknowledging City Support

Grant recipients must acknowledge the City's financial support in all appropriate materials and media. The acknowledgement should read, "Supported in part by a grant from the City of Livermore" or similar language, unless the City is a part of a list of supporters. In the latter case, the acknowledgement may say only City of Livermore. Grantees should display the City's logo whenever other sponsor logos are displayed, and in accordance with City logo use guidelines.

Eligibility Requirements

At the time of application, all grant applicants must meet the following eligibility requirements:

- The group and/or artist is in compliance with requirements pertaining to any previous grant it has received from the City.
- The group and/or artist have completed any previously funded project or program before they apply for a new grant.

Grant Awards

Past grant awards are no assurance of future awards. Recommendations and decisions are made fresh each year.

Grants are generally paid after the project or program is completed and upon receipt of the grantee's final report, on a form to be provided by the Commission for the Arts. In exceptional circumstances, grant monies may be issued in advance of a project or program. Applicants whose projects are dependent upon receiving monies in advance should submit documentation evidencing this fact to the Commission for the Arts.

Exclusions

Grants do not support:

1. Programs, projects or events not accessible to the public or that will be held outside Livermore;
2. Purchase of equipment or property, unless the equipment is required for the funded activity or project;
3. Events where fund-raising is the primary purpose;
4. Costs of receptions and social activities, except where they are an incidental and insignificant part of the project budget;
5. Deficit or debt reduction efforts;
6. Operating costs not directly related to carrying out the funded program or activity.

Work Samples

The Commission may request work samples on a case-by-case basis as part of the application. Work samples provide a valuable opportunity for the Commission to understand the quality of your project. Whenever possible, the work samples should illustrate what you propose to do in your project and show the quality of the work.

There is a limited time for the Commission to review the samples so it is to your advantage to cue your sample to the most relevant portion of the work. Keep in mind that the Commission may not see/hear the entire work sample, or they may fast forward if they desire. Whenever possible, provide samples of work done within the past two years.

Select samples that show your work to its best advantage, including image and sound clarity. In general, use excerpts from completed works but avoid montages. If your proposal is for a

work in progress, consider submitting an excerpt of the work in addition to an excerpt of a completed work.

After the grant review process, work samples will be discarded unless you request otherwise. For the return of your work samples, provide a self-addressed envelope with sufficient postage, and/or if necessary other arrangements can be made to return your work samples. The type of work sample required depends on the discipline that best fits your proposed project:

1. Dance: 2 continuous selections, each 2-4 minutes long. Put each selection on a separate memory stick, CD/DVD, or YouTube and cue to the beginning of each selection.
2. Literary Arts (publication): 3-5 publications (books, journals, magazines, etc.) from the past two years. One copy of each is sufficient. If appropriate, you may also include 7 copies of a manuscript excerpt. The excerpt must not exceed 20 double-spaced pages.
3. Literary Arts (readings): 1 selection of a continuous reading or staged interview 2-4 minutes long. Put on a memory stick, or CD/DVD, and cue to the beginning of the selection.
4. Literary Arts (publication & readings combined): Up to 2 publications or 1 manuscript excerpt prepared according to the instructions above, plus 1 selection of a continuous reading or interview, prepared according to the instructions above.
5. Media Arts, Film, and New Media: 2 selections on separate memory stick, CD, DVD, or YouTube. Cue each to the beginning of the selection. Each selection should be 2-4 minutes long.
6. Music: 2 continuous selections, each 2-4 minutes long. Put each selection on a separate CD or YouTube.
7. Theater/Musical Theater/Opera/Operetta: 2 continuous selections, each 2-4 minutes long. Put each selection on a separate memory stick, CD, DVD or YouTube and cue to the beginning of each selection.
8. Visual Arts: 1 set of 8 images, on CD. You may submit maquettes of relevant work-in-progress. Please call first if you wish to submit a maquette.
9. Heritage Projects: Photo documentation of heritage exhibit or re-enactment, research publications, descriptions of preservation activities, or news articles describing project implementations.
10. Interdisciplinary Arts and Multidisciplinary projects: Up to 2 selections of any appropriate combination of the above.
11. Infrastructure: Samples of work by any professional that you might engage to accomplish your goal.

How to Prepare Samples of Work for Submission

Except for manuscript excerpts, you need to provide only one copy of each sample. **Do not send originals or your only copy of work documentation.** Check that digital media works properly before you submit it.

CDs/DVDs

- Label each CD/DVD container with applicant's name, title of work and date.
- The description page should include the date/place of production and broadcast/release, if appropriate. If samples are still images, include an annotated list.

Other Media

If your work samples differ from the above, please consult with program staff to discuss alternatives before submitting. If your work sample is an interactive media work, be sure to include instructions for interacting with the sample.



CHAPTER 4

ARTS GIFT POLICY

The City of Livermore is committed to enhancing Livermore's art and cultural activities for all residents and to establish Livermore as the premier destination in the Tri-Valley region.

Definition of Public Artwork

The term **art** is used to describe a particular type of [creative](#) production generated by human beings, and the term usually implies some degree of [aesthetic](#) value. An artist makes a work of art for various purposes, such as creating an experience for others. There is no general agreed-upon definition of art, since defining the boundaries of "art" is subjective, but the [impetus](#) for art is often called human [creativity](#). Some examples as described in the Public Art Ordinance include:

- Artwork created for specific locations;
- Exhibitions, events, performances, temporary exhibits, and/or artwork installations located in a public space;
- Artwork produced through involvement of the community;
- Integration of art and architecture to enhance the design of urban or public spaces; and
- Collaboration of artists, architects or urban designers to create unique physical environments or features which integrates art into the urban fabric of the city.

Mediums include (but are not limited to) sculpture, murals, glass or water features, landscaping, uniquely designed or site specific paving, furniture and parts of buildings, sound and light works, organic form, works that may decompose or melt, memorabilia, or ceremonial objects related to civic activities.

The following items will not be considered as public artworks:

- Art objects which are mass-produced as public artwork,
- Reproduction of original artwork,
- Decorative, ornamental, or functional elements of a building which are designed by an architect as opposed to an artist commissioned for the purpose of creating an artwork, or
- Landscape architecture.

Gifts of Public Artwork Considered

The City will consider a donor's offer of an existing public artwork, commission of an artwork by a specific artist or artists, or to commission an artwork through a competitive public

process. "Artist" means a person who has an established reputation of artistic excellence in the visual, performance, literary, and/or media arts, as judged by peers, through a record of exhibitions, public commissions, sale of artworks, and/or educational attainment. Alternately, the City will consider a gift that is monetary for the purpose of acquiring public art for the community.

Review Process for Proposed Gifts

All proposed gifts will be referred to the City of Livermore Commission for the Arts. The Commission's recommendation on the acceptance or rejection of proposed gifts will be referred to the City Council for final action.

If the City Council approves the acceptance of a gift, a formal agreement will be executed between the City and the donor and/or artist. This agreement will include costs, responsibilities, and schedule of all aspects of the project, including project funding, fabrication, installation, maintenance and budget requirements, transfer of title, donor's and/or artist's rights, project supervision, documentation, an identification plaque, City's rights of ownership (including deaccessioning), and other requirements established by the City.

Review Criteria

The proposed artwork will be reviewed based a variety of factors, including, but not limited to the following:

- Conformance to the City's Cultural Arts Master Plan. The proposed artwork must conform to the goals and strands identified in artsAlive!, the City's Cultural Arts Master Plan.
- Aesthetic quality. Consideration will be given to the inherent quality of the proposed artwork as assessed by the criteria review of the Commission for the Arts.
- Relationship to the collection and the community. The proposed artwork will be analyzed for its potential relationship to the City's present public art collection and whether it will enhance the aesthetic quality of the community.
- Compatibility. Conceptual compatibility and appropriateness of the proposed artwork to the surrounding built and/or natural environment will be factors or consideration, and will include scale, form, content, and design.
- Materials, fabrication, and installation. The Commission for the Arts will evaluate the existing artwork's material or the artist's proposed materials and their appropriateness as regards to structural and surface integrity, protection against theft, vandalism, public safety, and weathering, and an analysis of long-term maintenance needs. The Commission for the Arts will also evaluate the proposed method of installation and an evaluation of safety and structural factors involved in the installation.

Standards for Acceptance of a Gift

- Budget. Consideration will include an evaluation of the donor's proposed budget and the artist's ability to successfully complete the project within the proposed budget, and review to assess realistic estimates and comprehensiveness of the budget as it addresses all the costs of the proposal.

- Unrestricted gifts. Proposed gifts to the City will be clear and unrestricted unless otherwise agreed to in writing by the City.
- Unique artworks. Only one-of-a-kind artworks will be considered, with the exception of prints, photographs or other limited edition artworks of high quality.
- Cost of artwork. Acceptance is contingent upon receipt by the City of payment from the donor for all costs associated with the gift not covered by the donor directly, such as transportation, installation and maintenance, unless otherwise agreed to in writing by the City.
- Alterations to proposed artwork design. Any change to the design or concept made by the artist or donor of the gift must be reviewed by the Commission for the Arts and approved by the City Council.
- Review of fabrication and installation. Artworks accepted from maquettes or drawings will be subject to City review throughout fabrication and installation. Specific plans for the site design, installation, maintenance and protection will be submitted to the City for approvals.
- Ownership of accepted artwork. Gifts of public artwork that are accepted by the City will be owned by the City as part of its collection. In accepting an artwork into its collection, the City will not be bound by any agreement with a donor of artwork that restricts its ability to act in the City's best interests. Nothing in the acceptance of an artwork will prevent the City from approving subsequent disposal (removal, relocation, and/or sale) of such artwork if it serves the City's best interest to do so. If disposal is proposed, the Commission for the Arts will make a recommendation to the City Council for final action. The City will deaccession and sell or otherwise dispose of artworks in its collection in accordance with the limitations of the California Preservation Act (Civil Code 987) and the Visual Artist's Act of 1990 (17 U.S.C. 1064 and 113(d)).

PROPOSAL FOR A GIFT OF ARTWORK TO THE CITY OF LIVERMORE

To propose an artwork gift to the City of Livermore, please complete the following information and provide your signature at the bottom of this page. The completed form and other information should be submitted to:

Staff Liaison to the Commission for the Arts
City of Livermore
1052 S. Livermore Ave., Livermore, CA 94550
Email: arts@cityoflivermore.net
Questions: (925) 960-4400, (925) 960-4104 TDD

Donor Information

Name: _____ Phone: _____

Address: _____ Email: _____

If the Artwork is existing:

Title of artwork: _____

Artist: _____

Artwork medium/materials: _____

Maintenance procedure/schedule: _____

Current owner of artwork: _____

Date of artwork: _____

Current location of artwork: _____

Value of artwork: \$ _____

Please attach photographs of the artwork. Attach any other information you would like the city to know about the artwork (for example, artist resume, examples of other artworks in other collections, press clippings, history of artwork).

If the artwork will be commissioned:

Provide a written proposal with the following information:

- resume of the artist and photographs of his/her work;
- details about the artwork that would be commissioned, including subject of the artwork, medium/materials, approximate size; and
- sketch or maquette of the artwork.

I have read the City of Livermore Artwork Gift Policy.

Signature: _____ Date: _____



CHAPTER 5 DEVELOPER GUIDELINES

On January 14, 2008, the City Council adopted the following ordinance supporting the inclusion of public art throughout the City:

All new construction of residential, industrial, and commercial private developments shall be required to allocate one third of one percent (0.33%) of the construction costs of a development project (the amount to be determined by the Building Official) for acquisition and installation of Public Art in the development project. This ordinance also applies to substantial rehabilitation of a structure, which adds 25% or more square footage. In lieu of providing Public Art at the site, the developer, at its discretion, may contribute the amount to the Livermore Public Art Fund.

Requirements and Procedures to Install Public Art

The requirements and procedures for processing a request to install public art shall be as follows:

- a. If the developer chooses to provide artwork, an Application including a site plan showing the location of the artwork, complete with landscaping, lighting and other appropriate accessories to complement and protect the artwork, the artist's concept and representation, such as a drawing, photograph, or maquette of the artwork, must be submitted. Developers should indicate what medium or materials will be used and should also include maintenance plans for the artwork. Information on the artist chosen to create the art may also be attached.
- b. The Planning Division staff will review the proposal to ensure that the artwork is generally compliant with these Guidelines and other applicable city ordinances, e.g., a mural proposal will be reviewed to ensure that it does not infringe on the signage ordinance.
- c. To the maximum extent possible, processing the request to install public art shall be concurrent and coordinated with the project application.
- d. Proposals will be forwarded to the Commission for the Arts staff liaison by the Planning Division.

Commission for the Arts Approval Guidelines

The Commission for the Arts staff liaison will review the proposed project to ensure that the project does not include subject matter such as the apparent representation of violence, inappropriate nudity, denigration of individuals or cultures, or desecration of significant cultural symbols.

After review, the Commission for the Arts staff liaison will schedule the application to be reviewed by the Commission for the Arts

The Commission for the Arts will approve the proposed art, conditionally approve, or deny the request to install public art based upon these guidelines including the following criteria:

- a. The artwork shall be placed on public or private property which is easily accessible and clearly visible to the general public. If located on private property, the area must be open to the public and clearly visible from adjacent public property, such as a street or other public thoroughfare or sidewalk.
- b. The application shall include a site plan showing the location of the artwork, complete with landscaping, lighting and other appropriate accessories to complement and protect the artwork.
- c. The composition of the artwork shall be of permanent-type of materials in order to be durable against vandalism, theft, and weather, and in order to require a low level of maintenance.
- d. The artwork shall be related in terms of scale, material, form and content to immediate and adjacent buildings and landscaping so that it complements the site and surrounding environment.
- e. The artwork shall be designed and constructed by persons experienced in the production of such artwork and recognized by critics and by his or her peers as one who produces works of art.
- f. The artwork shall be a permanent, fixed asset to the property and be maintained for not less than 30 years.
- g. The artwork shall be maintained by the property owner in a neat and orderly manner acceptable to the City, unless the artwork is installed on property owned by the City, in which case the City shall maintain the artwork.

The Commission for the Arts may make recommendations to the developer for changes to the project proposal in order to maintain the City's artistic message as outlined in artsALIVE!, the City's Cultural Arts Master Plan.

When the project applicant has elected to acquire and install artwork, the building permit for the development project shall not be issued until the Commission for the Arts has approved the request to install public art, and the certificate of occupancy shall not be issued until the approved work of art has been installed. The developer shall enter into an agreement with the city, which shall be recorded against the property, to ensure that the public art is maintained for a minimum period of 30 years.

A developer may choose to include artwork that costs less than what is required for their project but must pay the remainder of the fee to the public art fund.

The project applicant may appeal any decision rendered hereunder by the Commission for the Arts to the City Council for final decision.

Contribution to the Public Art Fund

If a developer chooses to contribute to the Livermore Public Art Fund, the Community Development Department staff will calculate the public art fees and notify the Commission for the Arts staff liaison with this information.

Definition of Public Space

A Public Space is defined as a space, which is easily accessible and clearly visible for public view. The area must be open to the general public and clearly visible from adjacent public property such as a street or other public thoroughfare or sidewalk.

Permitted Types of Artwork

Types of artwork permitted as public art in Livermore include:

- Paintings-all media including both portable and permanently affixed works, such as murals.
- Sculpture-in the round, bas-relief, mobiles, fountains, kinetic or other, in any materials or combination of materials
- Other visual media-including but not limited to prints, drawings, stained glass, calligraphy, mosaics, photography, video, ceramics, fiber and textiles.
- Mixed media combination of forms and media such as collage, etc, other works of materials, disciplines and media which are of temporary duration, including installation of performance arts that are documented and archived.

Eligible Mediums

Eligible mediums include but are not limited to:

- Sculpture, painting, drawing, printmaking, photography, calligraphy, ceramics or clay, murals, stained glass, wood, metal
- Glass or water features
- Landscaping
- Uniquely designed or site specific paving
- Furniture and parts of buildings
- Sound and light works

Ineligible Mediums

Ineligible mediums include:

- Mass produced or standardized art objects, unless incorporated into an artwork by the project artist.
- Mechanical reproductions of original works of art

- Landscape and ornamental features designed by the architect builder without the commission of a professional visual artist.
- Organic form
- Works that may decompose or melt
- Memorabilia or ceremonial objects related to civic activities
- Directional elements and signage unless where integral to an overall concept created by a professional artist.

Submittal Requirements

The following documents must be submitted to the Commission for the Arts as part of consideration of the proposal for artwork:

- Landscape and site plans showing the proposed location and orientation of the artwork, its integration into the overall design of the project, and accessibility to the public.
- A statement of the in-place value of the proposed artwork.
- A sample, model, photograph, drawing, or other exemplar of the proposed artwork.
- A resume of the artist including slides or photographs of the artist's previous work.



APPENDICES



Project & Program Grant

City of Livermore
Community Development Department
Commission for the Arts

Application Form, Instructions, and Checklist

Applications are due on March 1 and September 1 each year

Completed grant applications must be:

- ❖ Delivered (in person or by commercial service such as FedEx, UPS, etc.) to the Community and Development Department c/o Commission for the Arts by 5 p.m. on March 1 and September 1, or
- ❖ Sent First Class or Priority Mail by the US Postal Service to be received at the City no later than March 1 and September 1.

Send or deliver applications to:

**City of Livermore
Community Development Department
Staff Liaison for the Commission for the Arts
1052 S. Livermore Avenue
Livermore, CA 94550**

This packet contains the Application Checklist and instructions for completing the application.

Applicant Name: _____

APPLICATION CHECKLIST - This Checklist is required and must be submitted as part of the completed Application. All Project & Program Grant applicants are required to submit the following:

One original set of the Application, collated in the following order:

- 1. Application Checklist (this page).
- 2. Start date: Do(es) the event(s) related to this project begin at least two (2) months after the application deadline?
- 3. Organizational Summary, signed by the organization's executive director, managing director, president, board chair, or other authorized officer of the organization, or by the applying artist.
- 4. If you are an organization, submit a list of current officers and Board members with their term of office.
- 5. If you are a 501(c)(3), submit a copy of your 501(c) (3) determination letter from IRS.
- 6. Application Form, beginning on page 1, continuing through the Project Budget Summary.
- 7. Notes to the Project Budget, and a detailed list of In-Kind contributions.
- 8. List of key project individuals, including principal artists and project managers, with a very brief job description (e.g., a self-explanatory job title) for each.
- 9. Resumes/biographies of key project individuals, generally one page each.
- 10. Up to four items in any combination of brochures, catalogues, performance programs, or similar organizational publications/materials; if available.
- 11. Up to four recent press reviews or articles, or similar independently generated published materials, if available. (Note: Calendar listings are not suitable.)
- 12. NOTE: During the review process you may be requested to submit samples of other work you have produced (work samples). See Chapter 3 – Grants for more information about work samples.

Standards for Preparing Applications

Please read the following carefully. Applicants are responsible for completing and submitting a full application package with all required attachments by the deadline. Incomplete applications will not be accepted for Commission evaluation.

1. Applicants must not modify the format of the application form or exceed the maximum length of any section of the form, except where otherwise noted.
2. All required attachments (except pre-printed ones) must be typed or computer-prepared in a type size that is no smaller than 12 pt. Times/Times New Roman, or 10 pt. Arial/Helvetica.
3. Complete all pages of the application form and all required attachments. (Use "N.A." if a section does not apply to your organization.) Provide information that is current as of the application deadline. Budget pages and budget notes must be complete.

Certification

If applicant is an organization:

I certify that the by-laws of this organization or a resolution of its governing body authorizes me to enter into legal agreements for the organization and to submit this application. To the best of my knowledge and belief, this organization meets the appropriate eligibility requirements. I have reviewed the information in this application and all attachments, and I certify that they are true and correct.

Authorized Officer's Signature

Date

Print Name of Officer signing this form

Title of Officer signing this form

- or -

If applicant is an individual artist:

To the best of my knowledge and belief, I meet the appropriate eligibility requirements. I have reviewed the information in this application and all attachments, and I certify that they are true and correct.

Artist's Signature

Date

Print name of Artist signing this form

Application Form - Project & Program Grants

Deadline: Hand delivered or received via US Mail by 5:00 pm on March 1 or September 1

Submission Date: _____

Amount of Grant Request: \$ _____ Total Project Budget: \$ _____

Applicant/Organization: _____

Applicant/Organization's Address: _____

Applicant/Organization's Web site: _____

Preparer's Name and Title: _____

Preparer's Phone: _____ Preparer's E-mail: _____

Address (for formal notification): _____

Describe the art form of the project or program for which support is requested (i.e., Dance, Theater, Visual Arts, Heritage, Infrastructure, Media/Film/New Media, etc.):

Briefly describe the project or program for which support is requested:

Number of people intended to reach: Audience: _____ Participants: _____

For the purpose of this application, "audience" means the people who will attend the project or program; "participant" means someone who attends a workshop or class, or else has hands-on involvement in the project or program. If the project or program will have both audiences and participants as defined here, please enter both goals.

Date project or program is scheduled to begin: _____

Note: Project events may begin no earlier than two (2) months after the application deadline.

Date project or program is scheduled to end: _____

Application Form - Project & Program Grants

If needed, please use additional paper for this section.

1. State/describe your organization's mission or provide an artist's statement. Include the kind of arts work the organization or artist has done previously and does now. How does this work relate to the proposed project/program? If yours is not an arts organization, state briefly how the arts relate to its mission. (250 words or less)
2. Describe the project or program for which you are seeking the grant. Discuss the project's origins. Describe the venue/location, the implementation process, and the timeframe. Discuss the resources — people, money, etc. — you will need to implement the project, whether you already have those resources within your organization or, if not, how you plan to obtain them.
3. How will the requested grant be used in the planning and implementation of the project or program? (500 words or less.)
4. Describe how the program or project specifically addresses one or more of the main strands found in the Cultural Arts Master Plan, artsAlive! (Refer to the Cultural Arts Master Plan Executive Summary in the Public Art Policy Guideline manual.) (250 words or less.)
5. List the individual(s) or organization(s) you will be partnering with on this project. Be specific regarding the support, both financial and in-kind, they will be providing.

Application Form - Project & Program Grants

Project/Program Budget Worksheet (enter N/A if item does not apply. Attach Budget Notes if necessary.)

PROJECT SUPPORT (Do not include in-kind support)

Earned Revenue	Amount	Notes	
Ticket Sales/Admissions	\$		
Tuition/Workshop fees	\$		
Other:	\$		
Subtotal: Earned Revenue	\$		
Contributed Income	Amount	In-hand	Pending
Contributions (<i>Individuals/Businesses</i>)	\$	\$	\$
Grants (<i>Foundations/Government other than City</i>)	\$	\$	\$
City of Livermore (<i>other than this grant request</i>)	\$	\$	\$
Other:	\$	\$	\$
Subtotal: Contributed Income	\$	\$	\$
Project & Program Grant Amount Requested	\$		
Total Project Support (Revenue + Income + Grant)	\$		

PROJECT EXPENSE (Do not include in-kind expense)

Personnel	Amount	Notes
Artistic	\$	
Production	\$	
Administrative	\$	
Other: (<i>describe in Notes</i>)	\$	
Subtotal: Personnel	\$	
General	Amount	Notes
Venue Rental	\$	
Materials and Supplies	\$	
Marketing and Promotion	\$	
Transportation	\$	
Insurance	\$	
Other: (<i>describe in Notes</i>)	\$	
Subtotal: General	\$	
Total Project Expenses (Personnel + General)	\$	
Project Surplus (Loss) (Total Support minus Total Expense)	\$	

If Project Net is a negative value, explain in the Budget Notes how it will be covered.

Matching Funds

All Project and Program Grant applicants must provide at least a dollar-for-dollar (one-to-one) match for the grant award, no less than 50 percent of which must be a cash match. The cash match must be from sources other than the City of Livermore.

In-kind contributions are allowed as part of the match only on the following limited basis:

1. In-kind contributions cannot be used for more than half of the required match, in other words, they cannot represent more than 50 percent of the value of the grant award; and,
2. The value of in-kind contributions, i.e., goods and services, must offset line item expenditures in the project budget and their value must be documentable with invoices or billing statements.

In-kind contributions must be listed below or on a separate sheet attached to the Budget Notes.

Source	Description	Fair Market Value
		\$
		\$
		\$
		\$
		\$
		\$

Requested Grant Amount: \$ _____

Cash Match Amount: \$ _____

In-kind Match Amount: \$ _____

Project and Program Grant Application

Evaluation Criteria

Applicant: _____

Project: _____

Commissioner Evaluation (Items 1-6: maximum of 70 points)	Proposal Score
Application Submission Completed by Staff (Items 7-10 : maximum of 10 points)	
Minimum Point Threshold to be Considered for Funding	56

1. Applicant Evaluation (Maximum of 15) _____

- ♦ The applicant is qualified and has the capacity to produce this project/program.
- ♦ The applicant is able to achieve the stated goals and outcomes.
- ♦ The amount of dollars requested compared to the number of Livermore residents served is reasonable for this project/program.

2. Program Evaluation (Maximum of 15) _____

- ♦ The applicant possesses the credentials to provide a quality project/program.
- ♦ The project/program specifically addresses one or more of the main strands found in the Cultural Arts Master Plan.
- ♦ The project/program meets one or more of the Council's current cultural arts priorities and will be beneficial for Livermore's cultural arts community.

3. Funding/Budget (Maximum of 10) _____

- ♦ Project/program and administrative budgets are reasonable.

4. Alternative Funding Sources (Maximum of 10) _____

- ♦ The applicant has secured the required 1:1 matching funds at least 50% of which are from cash sources *other than* the City of Livermore.
- ♦ If applicable, will the applicant charge a fee and/or produce other income that may be used to support this project/program.
- ♦ The applicant has secured the funds necessary to complete the project or program.

5. Community Support and Collaboration (Maximum of 5) _____

- ♦ Does this applicant have overall program and financial support from Livermore residents?
- ♦ Has the applicant secured partners within the Livermore community to achieve the project/program goals?

6. Marketing and Outreach (Maximum of 5) _____

- ♦ Does this applicant have a well thought out and workable marketing and outreach plan?
- ♦ The project/program is accessible to the diverse population that is Livermore (lower income residents, disabled, the elderly, youth, cultural diversity, etc.).

TO BE COMPLETED BY STAFF

7. Application Process

- Has the application been completed according to the checklist? **Up to 10 points**
or,
- were extra materials added to the application or insufficient information provided? **0 points**

8. Has the applicant previously applied for funding from the Commission for the Arts under the Project and Program Grants program? _____
When? _____

9. Has the applicant previously applied for funding under any other City Art program? Yes/No _____ If yes, when? _____

10. Did the applicant receive funding for prior applications?
Yes/No _____

11. Did the applicant submit a Final Report for prior grants?
Yes/No _____

Mini Grant Application and Review Guidelines

City of Livermore, Commission for the Arts

Mini Grants are designed to help individual artists, arts organizations and arts non-profits in Livermore to expand or improve their services or programs to increase access to the arts.

Both the Livermore City Council and Commission for the Arts appreciate the hard work and creativity of our local arts community. Because this program is funded with public dollars, the Mini Grant program can only support programs that take place within Livermore.

[Link to Mini Grant Application](#)

Application and Review Process

1. The City's Commission for the Arts will accept applications for grants of up to \$1,000 to support a variety of artistic endeavors within our community.
2. Complete applications that include the required attachments must be submitted by the first day of March, June, September or December, by 5:00 pm, to be considered for funding. Events funded by mini grants may commence no earlier than two (2) months after the application deadline.
3. Incomplete applications will not be forwarded to the Subcommittee for consideration. Staff will notify you if the application requires additional information.
4. To complete the application, download it to your computer and complete all pages of the application form and all required attachments. (*Use "NA" if a section does not apply to you.*) Provide information that is current as of the application deadline. After you complete the application, save it to your computer.
5. On the Budget Form, only provide budget information regarding the project that you are requesting funding for. We do not need to review the entire organization's budget.
6. The Application Form must be signed by the organization's executive director, managing director, president, board chair, or the applying artist. If you are an organization, you must submit a list of current officers and Board members with their term of office.
7. Applicants must not modify the format of the application form or exceed the maximum length of any section of the form, except where otherwise noted
8. There are two ways to submit the documentation.
 - a. You can email it to arts@cityoflivermore.net. Indicate Mini Grant Application and your organization's name in the subject line of the email. Email size is limited to 10MB. Divide into multiple files and email each separately if entire file is larger than 10MB; or
 - b. Deliver (via hand or mail) one copy at City Hall, 1052 S. Livermore Avenue. The application packet should be addressed to the Community Development Department, Mini Grant Application and must be received by 5:00 pm on the 1st of March, June, September, or December in order to be considered for funding that month.

Evaluation Process

After submission, the application will be reviewed by staff and if eligible will be forwarded to the Mini Grant Subcommittee of the Commission for the Arts. The Subcommittee will consider all eligible grants received by the deadline and will make their recommendation at the next regularly scheduled meeting. City Staff will contact you to confirm the date, time, and location of the meeting.

Acknowledgement of funding from Commission for the Arts

All Mini Grant applications must identify how they will acknowledge any funding they may receive from the Commission. This can be accomplished in publicity, advertising of the event and/or program-related materials. The acknowledgement should read, *“Supported in part by a grant from the City of Livermore’s Commission for the Arts.”*

Application Checklist

All Mini Grant applicants are required to submit the following

- Application Form
- Project Description Information
- Signed Application Certification
- Project Budget with descriptions (*do not include full agency budget*)

Attachments:

- Resumes of key project individuals (*1 page per person*)
- If you are an organization, a list of current officers and Board members with their term of office
- If you are a non-profit organization, evidence of 501 (c)(3) status
- If available*, up to four items that describe your project such as a brochure, catalogue, performance program, press review, articles, or other publications.

NOTE: Work Samples may be requested by the Subcommittee during the review process. Staff will contact you if any of these materials are required.

If the Mini Grant Application is Approved

You will receive a letter and a contract for the Mini Grant funds. Return the signed contracts to the City as soon as possible to confirm your intent to receive funding.

Because the grants are funded with public dollars recipients are required to submit a Mini Grant Final Report describing the outcome of the project no later than 30 days after the event is completed. Email to arts@cityoflivermore.net. The Mini Grant Final Report [form](#) is available on the City’s website and a sample is included in this appendix.

If you have any questions regarding how to complete this application or the review process please contact City Staff at (925) 960-4400 or email arts@cityoflivermore.net

Mini Grant Application Form

Submission Date: _____

Select Application Deadline *Events for funded activities may not begin earlier than two (2) months after the application deadline*

March 1 (earliest event start date: May 1) Sept 1 (earliest event start date: Nov 1)
 June 1 (earliest event start date: Aug 1) Dec 1 (earliest event start date: Feb 2)

Amount of Grant Request: \$_____ Total Project Budget: \$_____

Project Title: _____

Applicant/Organization: _____

Applicant/Organization Address: _____

Applicant's Website: _____

Preparer's Name and Title: _____

Preparer's Phone: (____) ____-_____ Preparer's Email: _____

Address: (for formal notification): _____

Briefly (in one to two sentences) describe how the grant funds will be utilized for your project. Note: A full description of the use of grant funds will be requested in Question 4.

Briefly describe (in one to two sentences) the nature of your project, including any event dates and venues. Note: A full description of your project will be requested in Question 2.

Mini-Grant Application Certification

If applicant is an organization:

I certify that the by-laws of this organization or a resolution of its governing body authorizes me to enter into legal agreements for the organization and to submit this application. To the best of my knowledge and belief, this organization meets the appropriate eligibility requirements. I have reviewed the information in this application and all attachments, and I certify that they are true and correct.

Authorized Officer's Signature

Date

Print Name of Officer signing this form

Title of Officer signing this form

- or -

If applicant is an individual artist:

To the best of my knowledge and belief, I meet the appropriate eligibility requirements. I have reviewed the information in this application and all attachments, and I certify that they are true and correct.

Artist's Signature

Date

Print name of Artist signing this form

Mini Grant Application Project Description

All responses to be 500 words or less.

1. Describe the organization's or artist's experience and skill set for this project.
2. Summarize your project, including location, date(s), target audience/participants, and primary goals.
3. Describe how this project addresses the goals of the City's Cultural Arts Master Plan.
4. If funded, how will the grant proceeds be used?
5. If funded, how will you acknowledge funding from the City of Livermore Commission for the Arts? Grant recipients must acknowledge the City's financial support in all appropriate materials and media. Additionally, programs or other promotional materials crediting the City should be attached to the final grantee report upon project completion.

Commission for the Arts Mini Grant Budget Worksheet

Project Support (Do not include in-kind support)

Earned Revenue	Amount	Notes
Ticket Sales/Admission		
Tuition/Workshop Fees		
Other		
Subtotal: Earned Revenue	0	

Contributed Income	Amount	In-Hand	Pending
Contributions (<i>Individuals/Businesses</i>)			
Grants (<i>Foundations/Government other than City</i>)			
City of Livermore (<i>other than this grant request</i>)			
Other			
Subtotal: Contributed Income	\$0		

Mini Grant Amount Requested

Total Project Support **\$0**

Project Expense (Do not include in-kind expense)

Personnel	Amount	Notes
Artistic		
Production		
Administrative		
Other (describe)		
Subtotal: Personnel	\$0	

General	Amount	Notes
Venue Rental		
Materials and Supplies		
Marketing and Promotion		
Transportation		
Insurance		
Other (describe)		
Subtotal: General	\$0	

Total Project Expense **\$0**

Project Surplus (Loss) (Total Support minus Total Expense) **\$0**

Mini Grant Application Evaluation Criteria

Applicant: _____

Project or Program : _____

	Proposal Score
Commissioner Evaluation (<i>Items 1-4: maximum of 50 points</i>)	
Application Submission Completed by Staff	
Minimum Point Threshold to be Considered for Funding	25

1. **Project or Program Evaluation** (Maximum of 20) _____

- ♦ The applicant is qualified and has the capacity to produce this project/program.
- ♦ The applicant is able to achieve the stated goals and outcomes.
- ♦ The project/program specifically addresses one or more of the goals described in the Cultural Arts Master Plan.

2. **Funding/Budget** (Maximum of 10) _____

- ♦ Project/program and administrative budgets are reasonable.

3. **Alternative Funding Sources** (Maximum of 10) _____

- ♦ The applicant has secured other funds in either financial or in-kind support.
- ♦ If applicable, will the applicant charge a fee and/or produce other income that may be used to support this project/program.
- ♦ The applicant has secured the funds necessary to complete the project or program.

4. **Community Support and Collaboration** (Maximum of 10) _____

- ♦ Has the applicant secured partners within the Livermore community to achieve the project/program goals?
- ♦ The project/program is accessible to a diversity of Livermore residents? (lower income residents, disabled, the elderly, youth, cultural diversity, etc).

THIS SECTION TO BE COMPLETED BY CITY STAFF

5. Application Process

Has the application been completed according to the checklist? Yes No

6. Has the Applicant applied before under the Mini Grant Program?

If so, when? _____

7. Did the applicant receive recommendation for funding for prior applications?

8. Did the applicant submit a final report for prior project?

Commission for the Arts

Mini Grant – Grantee Final Report

Date: _____

Applicant/Organization: _____

Applicant's/Organization's Address: _____

Preparer's Name & Title: _____

Preparer's phone: _____

Preparer's email: _____

Address (for formal notification): _____

Describe completed project (including activity, date, and venue).

How were the goals of this project met?

Specifically, how did the Mini Grant funds support this project?

How was the City of Livermore's Commission for the Arts acknowledged in promotional materials? (Attach examples of this acknowledgment.)

Please share success stories about this project and photos from your event. (Add additional pages, if necessary.)

artsALIVE! Executive Summary

The community of Livermore, through its Commission for the Arts, has created this ambitious and visionary plan—artsALIVE!—to chart Livermore’s arts and cultural development in the coming ten years. The plan has been developed from the community’s expression of its cultural identity, needs, priorities, assets, aspirations and unique opportunities.

In 2004, the Livermore City Council recognized that the established and growing cultural arts organizations, artists and arts educators of the City made important contributions to the City’s quality of life, economic vitality, education system, and strong, diversifying communities. They created the Livermore Commission for the Arts and mandated the Commissioners to help the City “encourage programs for the cultural enrichment of the City; make recommendations to the City Council regarding local cultural arts needs, activities, facilities and programs, including needs for visual and performing arts facilities; receive input from the community on issues relevant to arts policies; develop and recommend to the City Council a 5-10 year cultural arts plan for the City, including goals, implementation strategies and financing methods; and review and approve public art.”

During its first meetings, the newly-created Livermore Commission for the Arts invested several months determining the shared values that brought the Commissioners to dedicate their time to the arts in Livermore. The resulting Belief and Mission Statements (see page 8) provide the organizing principals of this ambitious Cultural Arts Plan. The hope and expectation is that a lively conversation, and shared commitment to action, will continue among the leaders, residents and businesses who contribute to making Livermore the evolving, dynamic city it is and will continue to be for generations to come.

Strategies for Development of Livermore’s Arts and Culture

Four strands of engagement are proposed to further enhance Livermore’s art and cultural activities for all residents and to establish Livermore as the premier destination in the Tri-Valley region. Recommendations were created in response to community member input through interviews and workshops held in the development of this plan, and the Commissioners analysis of the City’s current needs and capacities for growth. These recommendations are supported by research, strategies and recommendations made in related City plans such as the Updated General Plan, Redevelopment Agency 5 Year Implementation Plan, Downtown Specific Plan, the Marketing Communications and Partnership Strategy and the Visioning process. The following are the proposed areas of action for the Livermore Commission for the Arts, the City Council, and those who care about the quality of life made visible through cultural arts engagement throughout the City:

- Strand 1: Promote the ***unique sense of place in Livermore***, including the creation of a Core Arts and Cultural District
- Strand 2: Ensure the ***visibility and vitality of cultural arts organizations, artists and arts educators for all residents and visitors to the City*** through facilitation of partnerships and support for organizational strengthening within the arts, culture and heritage communities
- Strand 3: Leverage the innate ability of arts engagement to create a sense of community and life-long learning by supporting ***a diverse range of publicly***

accessible opportunities for all residents, businesses and visitors to participate, with a special focus on youth

- Strand 4: Provide long-term, sustainable resources that enable the City to support the arts and culture community as a resource for all residents, visitors and businesses.

Strand 1: Promote the ***unique sense of place in Livermore***, including the creation of a Core Arts and Cultural District.

The downtown core in Livermore is rapidly becoming the cultural hub of the City. Designation of the core as a Cultural District can serve to reinforce the City's new marketing identity and encourage the retention and attraction of artists and arts-related businesses, thereby expanding and reinforcing the City's economic development goals. The establishment of a Cultural District that is home to diverse public activities meets expectations integrated in the strands of this plan by expanding residents' access to quality arts and cultural programming, serving visitors, and strengthening the arts and culture community ,

Specific recommendations associated with development of the Core over a planned period of implementation and on a resources-available model are to:

1. Create a Core Arts and Cultural District,
2. Develop and expand arts and cultural facilities and spaces in the core in the first 3 - 5 years and expand into other areas of the city in subsequent years as funding allows,
3. Support and provide seed funding for arts and cultural programming, with an emphasis on partnerships and accessibility (including widely dissemination marketing, free or affordable ticket pricing, diversity in offerings, time, and place of events),
4. Facilitate the provision of support services for arts, heritage and cultural organizations and related businesses (see more on this in Strand 2 below), and
5. Establish sustainable infrastructure and systems to manage and program the District, develop private funds, and provide other related services (more on this in Strand 4).

Strand 2: Ensure the *visibility and vitality of cultural arts organizations, artists and arts educators for all residents and visitors to the City* through facilitation of partnerships and support for organizational strengthening within the arts, culture and heritage communities.

Strengthening Livermore's many arts and cultural organizations was a consistent theme emerging from community input and analysis done for this plan. While some of these organizations are long-standing and well-established, nearly all have small budgets and rely heavily on volunteer management. They identify common needs for better coordination, funding, marketing (including ticketing services and calendar information), an expanded, better trained volunteer base, and facilities or space.

When a nonprofit organization is strengthened, it is better equipped to fulfill its mission, thereby strengthening the overall environment for growing the arts and culture community.

Specific recommendations encourage two ways of supporting organizational strengthening toward better visibility and vitality for Livermore's arts community: a) assisting individual organizations and b) fostering stronger community linkages among these organizations and between the arts and culture community and the wider community. Recognizing that implementation is dependent upon developing appropriate resources over time, it is recommendation that the City research and be alert to opportunities to:

1. Provide operating and project grants for organizations and individual artists,
2. Create or support an organizational strengthening program for nonprofit arts and culture organizations, and
3. Facilitate access to capital grants program for nonprofit cultural arts culture organizations.

Strand 3: Leverage the innate ability of cultural arts engagement to create a sense of community and life-long learning by supporting *a diverse range of publicly accessible opportunities* for all residents, businesses and visitors to participate, with a special focus on youth.

Rooted in the belief that art-making bonds communities, encourages individual expression, and celebrates the human spirit, the Commissioners and community forum participants demonstrated a strong consensus that ALL residents of Livermore have a right to experience the arts in their daily lives. This belief is embodied in the Public Art plan calling for works of art and opportunities for arts engagement in strategic Livermore locations. And it is reinforced in the recommendation to ensure wide public access to arts engagement for the many diverse communities of Livermore, including widely disseminated marketing, free or affordable ticket pricing, diversity in offerings, access for the disabled and the time and place of quality events.

*"Art introduces a whole new element for our business."**

Deepening and expanding cultural participation among all segments of the community builds on the unique qualities of Livermore. Greater participation also provides many

* This is the first of several quotes inserted throughout the plan from various interviewees.

community benefits, such as adding value to the lives of individual residents, improving education, inviting life-long learning, promoting economic development, and supporting downtown revitalization.

The specific recommendations facilitating access for participation are to:

1. Convene youth service providers and organizers throughout the City to evaluate and create opportunities for youth access to the arts and arts learning in and outside of school settings, in families, and in the juvenile justice system,
2. Facilitate creation of a downtown arts and culture festival, building upon existing opportunities and seeking partnerships for new arts engagements,
3. Encourage cultural events and opportunities for youth and young adults, including seeking mechanisms for mini-grants to cultural arts organizations, artists and their public and private partners,
4. Enhance implementation of the public art program, building on the current program vision of the Commission for the Arts,
5. Create arts and culture education partnerships with the Livermore Valley Joint Unified School District and Livermore Area Recreation & Park District, and Las Positas Community College, and
6. Develop a communitywide arts and culture marketing program (this also supports Strand 2).

Strand 4: Provide long-term, sustainable resources that enable the City to support the arts, heritage and culture communities as a resource for all residents, visitors, and business.

A study of 11 nearby cities with characteristics similar to Livermore shows that on average these cities currently devote \$4.16 per citizen per year to support arts and cultural activities (Dublin is at \$10/citizen and Walnut Creek is at a high of \$27). In comparison, Livermore spent between \$11 and \$12 per citizen over the last three years. Livermore has the opportunity to establish itself as center for arts and cultural engagement that will attract and sustain residents, business and families committed to creative, safe, tolerant and innovative communities.

"I like the idea of a workplace giving program – I think it would fly."

Livermore has only recently begun to use arts and culture as part of its long-term economic development strategy and devote substantial resources to that end, primarily in the form of support for the new performing arts center. Those seeking to do business in Livermore can recognize that public and private investments in the City's arts infrastructure is a benefit to all. Commitment to cultural arts facilitates 1) improvements to the quality of education (improved education systems that attract employees with families), 2) development of a creative workforce invested in the community, and 3) caring communities that meet and grow at public arts events. A sufficient and sustainable level of support for Livermore's arts and culture is an essential component of successful implementation.

The specific resource development recommendations are to:

1. Adopt a private development cultural arts enhancement fee (Art in Public Places)
2. Consider increasing the City's cultural arts staff, as funding is available
3. Create a united arts fund
4. Create a workplace giving program
5. Create a permanent endowment fund

Context and Planning Process

Livermore has a well-established and distinctive cultural identity. The city is home to an unusually large and diverse collection of cultural arts organizations and other cultural assets, including a symphony, opera, dance company, theater festival, chamber music series, performing arts center, poet laureate, organizations for visual arts, literary arts, vocal music, film, TV 30, heritage groups, arts educators, artisans and many individual artists. In addition, the community identifies with its Western heritage and its long history of agriculture including wine making, as well as the presence since the 1950's of the prestigious Lawrence Livermore National Laboratory and Sandia National Laboratory, two of the world's foremost scientific research facilities with more than 10,000 employees. Taken together, this combination of arts, culture, heritage, viticulture and science form a rich identity and way of life that is clearly acknowledged and celebrated by the community. artsALIVE! is based on this diverse and inclusive community sensibility of its own culture.

The purpose of the planning process for artsALIVE! was to allow the community to define its own cultural future. This involved an intensive and interactive community input process in which stakeholders not only expressed their opinions but also reflected on Livermore's identity and future options. The planning process included:

"Culture is how we live – the arts plan must reflect the changing nature of the community – ethnicity, culture, food, and our stories."

- Review of relevant plans and studies
- Community workshops, town hall meetings and interviews with stakeholders
- Comparative study of arts funding in comparable cities
- Development of a comprehensive plan
- Public review and analysis of the draft recommendations for final recommendation by the Livermore Commission for the Arts

Implementation

Implementation of this plan will occur as funds are available. As with all ambitious City plans, implementation must be flexible to allow the City and its implementing partners to respond to changing circumstances and new opportunities. It is recommended that the Commission reviews and makes annual recommendations to implement the plan. Some implementation costs can be estimated now while others must be defined in the future. Funding is anticipated through a variety of strategies outlined above, including a fee on private development. These funds would be augmented by private fundraising, volunteer services, and by the efforts and spending of partner agencies.

Connections to City Council and resident goals

Economic trends demonstrate that local economies depend greatly upon the creative and intellectual capital of their citizenry. To cultivate this capital, the City needs to nurture a cultural climate that will attract a creative and diverse workforce and to ensure that all residents have access to participate in arts and cultural activities. To this end, the Livermore City Council has made arts and culture a priority.

In their *Goals and Objectives for 2006-2008*, the Council has made a commitment to make Livermore a destination for cultural arts activities. The Council adopted its Downtown Specific Plan in February 2004, and created the Commission for the Arts later that year to support implementation of aspects of that plan. With vision, passion and dedication, the people of Livermore will be able to speak with additional pride of the beauty, humanity and natural harmony of the place they have chosen to call home. Their engagement with arts and arts learning will be a visible indication of their commitment to build on the innate possibilities of living in this unique community.

Livermore Commission for the Arts Belief and Mission Statements:

As the Livermore Commission for the Arts, we believe Livermore is a unique community of possibilities deeply rooted in a sense of history with a vision for the future. We believe that access to and engagement in the arts is essential to the continuing vitality of Livermore.

We value our natural environment, recognize our dependence on its gifts, and honor it through creative interactions.

We believe engagement in the arts enriches our community, enabling us to embrace and appreciate diversity and individual expression.

"We need to make people aware of opportunities and welcome them with open arms and be open to new ideas."

We invite all to participate in the arts and celebrate in our collective human experience.

The Livermore Commission for the Arts is committed to:

- Facilitating and convening partnerships and collaborations for the arts among city entities and community organizations, including mentoring, using creativity as a positive force and expanding the arts community in Livermore.
- Promoting the unique sense of place inherent in Livermore through developing a vibrant arts community.
- Ensuring publicly accessible arts events.
- Advocating the integration and presence of the arts in community design and other city activities.
- Developing and expanding opportunities for arts and cultural learning, growth and creativity for people of all ages, with an emphasis on children and youth.

"The arts really tie the community together."

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

AN ORDINANCE AMENDING LIVERMORE MUNICIPAL CODE CHAPTER 2.43, COMMISSION FOR THE ARTS, UPDATING THE MEMBERS AND DUTIES OF THE COMMISSION FOR THE ARTS, AND CHAPTER 12.51, ART IN PUBLIC PLACES PROGRAM, UPDATING THE ART IN PUBLIC PLACES PROGRAM PROCEDURES

The City Council created the Commission for the Arts (“Commission”) on July 12, 2004, in recognition of the continuing interest in the development and promotion of the arts in Livermore with the intent to provide a mechanism that would encourage long-range cultural arts planning for the community and encourage stronger cooperation, coordination, and partnership with local arts organizations.

The Commission’s role was to help the City “encourage programs for the cultural enrichment of the City; make recommendations to the City Council regarding local cultural art needs, activities, facilities and programs, including needs for visual and performing arts facilities; receive input from the community on issues relevant to public art policies; develop and recommend to the City Council a 5-10 year cultural art plan for the City, including goals, implementation strategies and financing methods; and review and approve public art.”

The City Council adopted a related ordinance to add Chapter 12.51 to Title 12 of the Livermore Municipal Code establishing an Art in Public Places Program. This ordinance established a public art requirement for new private developments, and a Public Art In-lieu Contribution for developments that choose not to include public art in their project. The Public Art In-lieu Contribution is currently at 1/3 of 1% of the project valuation.

Since the ordinance’s inception in 2007, eight pieces of public art have been installed and \$818,534 in in-lieu contributions have been collected, of which approximately \$102,150 has been used to fund various projects and programs throughout the City, and approximately \$520,025 has been proposed for Public Art funding priorities recommended by the Commission for the Arts with the setting of their annual Public Art priorities and budget development. This includes downtown murals, painting of utility boxes, and various Art in School programs.

While the Commission has been successful in implementing programs to further the arts, its focus has been on arts promotion and on the creation of Commission sponsored art and art programs.

The Commission has been successful in actively promoting the cultural enrichment of the City and arts awareness throughout the years which has led to overlapping roles and responsibilities between local arts organizations and the Commission, as well as confusion by the public as to the actual role of the Commission.

Staff proposes that changes be made to the Public Art Ordinance that will allow the Commission to focus on several key duties and responsibilities and eliminate those responsibilities that have led to confusion and conflict.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LIVERMORE DOES
ORDAIN AS FOLLOWS:**

Section 1. Amendment. *Chapter 2.43 Commission for the Arts* of the Livermore Municipal Code is hereby amended to incorporate the following changes, as set forth in Exhibit A, attached hereto:

- a) The mission of the Commission for the Arts will focus on being an advisory body that establishes arts funding priorities for the City, reviews requests for Public Art funds and recommends funding levels, recommends updates to the Art in Public Places Policy and Procedures Manual, and reviews and recommends public art installations as part of the Art in Public Places requirement of the Arts in Public Places ordinance.
- b) Persons who hold board or officer positions on art groups that apply for Public Art funds from the City shall not be eligible to serve on the Commission. Non-officer members, persons not on the board, and performers, however, are eligible to be Commission members.

Chapter 12.51 Art in Public Places Program of the Livermore Municipal Code is hereby amended to incorporate the following changes, as set forth in Exhibit B, attached hereto:

- a) The Commission for the Arts will act as an advisory body that establishes arts funding priorities annually for City Council review and approval.
- b) Development applicants will submit an application for Public Art if they choose to provide public art and the staff liaison for the Commission for the Arts will coordinate a Commission review of the proposed public art. The Commission will use guidelines contained in the Ordinance, as well as in the Art in Public Places Policy and Procedures manual, when reviewing the proposed public art.
- c) An agreement will be recorded against the property to ensure that the Public Art is maintained for a minimum period of 30 years.
- d) Removal of the biannual convening of a task force to make recommendations to Council on the amount of the Public Art In-lieu contribution.

Section 2. Environmental. The passage of this ordinance is not a project according to the definition in the California Environmental Quality Act and, therefore, is not subject to the provisions requiring environmental review.

Section 3. Severability. If any part of this ordinance is declared invalid by a court, such invalidity shall not affect any of the remaining parts.

Section 4. Publication. This ordinance shall be published once in a newspaper of general circulation of the city of Livermore within fifteen days after its adoption.

Section 5. Effective Date. This ordinance shall take effect 30 days after its adoption.

The foregoing ordinance was introduced at the meeting of the City Council of the City of Livermore held on January 25, 2016, by the following vote:

AYES: Council Members Spedowfski, Turner, Vice Mayor Gary, Mayor Marchand

NOES: None

ABSENT: Council Member Woerner

ABSTAIN: None

The ordinance was adopted at the regular meeting of the City Council held on February 8, 2016, by the following vote:

AYES: Council Members Spedowfski, Turner, Woerner, Vice Mayor Gary, Mayor Marchand

NOES: None

ABSENT: None

ABSTAIN: None



John Marchand
MAYOR, CITY OF LIVERMORE

ATTEST:



Susan Neer
City Clerk

Dated: February 9, 2016

APPROVED AS TO FORM:



Catrina Fobian
Assistant City Attorney

Chapter 2.43
COMMISSION FOR THE ARTS

Sections:

- 2.43.010 Members.
- 2.43.020 Duties and responsibilities.

2.43.010 Members.

The commission for the arts shall consist of nine members. Each member shall be appointed by the city council and must be a Livermore resident and be able to demonstrate an interest in and knowledge of the arts. In making appointments to the commission, the council shall also consider potential members with organizational, business or financial skills and members with an understanding of marketing techniques, as well as members who are representatives of local business or non-arts community groups. Potential members may not hold a board or officer position with any arts organization that applies for public art funds from the City. (Ord. 1918 § 1, 2010; Ord. 1786 § 2, 2006)

2.43.020 Duties and responsibilities.

The commission for the arts shall have the following duties and responsibilities:

- A. Act in an advisory capacity to the city council regarding art issues brought before them by city staff or council.
- B. Receive input from the community on issues relevant to arts policies.
- C. Review and make recommendations regarding the use of public art funds in accordance with established procedures.
- D. Develop and recommend to the council a five- to 10-year cultural arts plan for the city, including goals, implementation strategies and financing methods. The commission shall review the plan every five years and update it as necessary.
- E. Make recommendations to council updating the policy and procedures manual describing the process and criteria to be used by the commission to select which programs and projects shall receive public art funds.
- F. Commission for the arts members shall not currently be a board member or an officer of any group that would apply for funds for which the commission grants a recommendation.
- G. Review and approve or make recommendations regarding public art, in accordance with established procedures. (Ord. 1786 § 2, 2006)

Chapter 12.51

ART IN PUBLIC PLACES PROGRAM

Sections:

- 12.51.010 Public art in new commercial, industrial and residential construction.
- 12.51.020 Definitions.
- 12.51.030 Requirement to provide public art or pay in-lieu contribution.
- 12.51.040 Livermore public art fund.
- 12.51.050 Permissible expenditures.
- 12.51.060 Processing.
- 12.51.070 Guidelines for public art.
- 12.51.080 Location and relocation of public art.
- 12.51.090 Endowments.
- 12.51.100 Cultural arts fee task force.
- 12.51.110 Sunset.

12.51.010 Public art in new commercial, industrial and residential construction.

A. Cultural and artistic assets should be included in private development projects because it is important that those projects contribute to the development of private property in a manner that benefits the public.

B. The visual and aesthetic quality of development projects has a significant impact on property values, the economic well-being of the city and its orderly development.

C. The city of Livermore's general plan establishes cultural and historical, recreational, park and open space land use policies. This chapter is consistent with the cultural and historic component of the city's general plan by providing an opportunity for the design of new projects to incorporate public art. It is also consistent with the goals and objectives of the revitalization strategy of the downtown specific plan.

D. This chapter is also consistent with the city of Livermore successor agency 2004-2009 five-year implementation plan, which has as one of its goals the development of an arts and culture component to make Livermore's downtown a "center for the arts." This can be readily accomplished by the installation of public art within the Livermore successor agency project area and by the support through funding and setting of priorities of cultural arts programming in the downtown.

E. The public's understanding, enjoyment and experience of cultural diversity will be increased by the variety of artistic projects and cultural arts programs to be provided in compliance with this chapter.

F. The public art provided pursuant to this chapter shall include, without limitation, the preservation of Livermore's historic, artistic, cultural and agricultural traditions.

G. The incorporation of public art into private development will create a unique sense of community as well as public identity and will enhance the visual and aesthetic quality of such developments for commercial, residential and visitor activity, particularly in the downtown. The funding of cultural arts programs throughout the city will greatly benefit the citizens of the city of Livermore and will foster economic revitalization in the city.

H. A cultural arts fee task force was convened by the city council during the summer of 2007, made up of members of the cultural arts council, community groups, the chamber of commerce and the commission for the arts, to discuss the appropriateness of the fee amount, the duration of the fee and to consider the possibility of alternate funding sources for public art, which such suggestions have been incorporated into this chapter. (Ord. 1971 § 1(E), 2012; Ord. 1836 § 1, 2008)

12.51.020 Definitions.

A. "Construction costs" means the total value of the development project as determined by the community and economic development department and indicated by the building official on the building application submitted to the department in order to obtain a building permit, or permits, for the development project. Building permit

applications shall include, but not be limited to, all grading, building, plumbing, mechanical, and electrical permit applications for the project.

B. "Development" or "development project" means a project involving the construction of a new building or the rehabilitation, renovation, remodeling or improvement of an existing building. An existing industrial/commercial building that is added onto with a construction area greater than or equal to 25 percent of the original square footage of the building, as determined by the building official, shall also be subject to the requirements of this chapter.

"Development" or "development project" as herein defined shall include any and all residential development over four units, commercial development, including office and retail uses or office and residential uses, and industrial or light industrial uses throughout the city of Livermore, subject to the following exemptions: remodeling, repair or reconstruction of structures which have been damaged by fire, flood, wind, earthquake or other calamity; seismic retrofit projects as defined by the Livermore Municipal Code; fire sprinkler installation projects as defined by the Livermore Municipal Code; all residential remodeling; all commercial alterations; the installation of any accessory structures; below market rate housing units and structures designated as historic pursuant to the Livermore general plan, the Livermore Development Code or the downtown specific plan. As of the effective date of the ordinance codified in this chapter, those projects for which applications are deemed complete shall also be exempt from this chapter.

C. "Nonprofit agency" shall mean a corporation organized under Internal Revenue Code Section 501(c)(3), in good standing with the California Department of Corporations and in compliance with any and all federal, state, and local licensing, reporting, and tax requirements.

D. "Program allocation" shall mean the dollar amount equal to one-third of one percent of the construction costs of a development project covered by this chapter.

E. "Public artwork" means works of art created by artists as unique and original works, in any medium including but not limited to painting, drawing, printmaking, photography, calligraphy, ceramic, sculpture, glass, liquid, water features, murals, light earthworks, conceptual and temporal pieces, functional elements if designed by a professional artist, and art that is integrated into a project's architecture. It may include space for exhibitions, displays or demonstrations and public performances. The artwork may be created through collaboration between the commission for the arts, the artist and the community.

F. "Public art fund" means a fund established and maintained by the city of Livermore for the purpose of funding public art and cultural programming consistent with the public art policy, and administered by the commission for the arts.

G. "Public art in-lieu contribution" shall mean that payment by an owner or developer into the public art fund in an amount that is in lieu of installation of public art on site.

H. "Public art policy" means that policy adopted by the city council and which directs and guides the commission for the arts relative to the implementation of the public art program.

I. "Public place" means any area on public or private property which is easily accessible and clearly visible to the general public. If located on private property, the area must be open to the general public and clearly visible from adjacent public property such as a street or other public thoroughfare or sidewalk. (Ord. 2016 § 1(A), 2015; Ord. 1901 § 3 (Exh. A § 24), 2010; Ord. 1836 § 1, 2008)

12.51.030 Requirement to provide public art or pay in-lieu contribution.

A. Private developments shall devote an amount not less than the program allocation amount for acquisition and installation of public art in the development project, such amount to be determined by the building official. The

public art shall be installed on the development site in a location that allows the public art to be visible from a public right-of-way or from other public property.

B. In lieu of acquisition and installation of public artwork on the development site, an owner or developer, at its discretion, may deposit a public art in-lieu contribution in an amount equal to the program allocation into the Livermore public art fund established by LMC 12.51.040 for acquisition and installation of public art. The public art

in-lieu contribution shall be paid prior to the issuance of a building permit. Project applicants shall indicate on their entitlement application that they wish to make a public art in-lieu contribution.

C. Subject to the approval of the commission for the arts, an owner or developer may incorporate into the development public art that has a value lower than the program allocation, as determined by the commission for the arts, and pay a public art in-lieu contribution to the public art fund for the balance of the program allocation.

D. Deferred Fee Program. The city council may, by resolution, adopt administrative guidelines to provide a special fee deferral program in response to unprecedented conditions such as extraordinary economic changes. (Ord. 1879 § 7, 2009; Ord. 1836 § 1, 2008)

12.51.040 Livermore public art fund.

A. There is hereby created the Livermore public art fund to account for the public art in-lieu contributions made pursuant to LMC 12.51.030 and any and all other revenues appropriated or received for public art. The revenues in such fund shall be used solely for: (1) the acquisition, commission, design, installation, improvement, maintenance and insurance of public art; or (2) other expenses associated with implementation of the Livermore public art policy.

B. The Livermore public art fund shall be distributed annually as follows: no more than 10 percent of the annual Livermore public art fund shall be used as an administrative fee for processing the public art application, approving the public art, coordinating and developing cultural programs, monitoring, compliance, or any other administrative task related to the implementation of the Livermore public art policy.

C. The balance of the Livermore public art fund shall be distributed for public art as follows: (1) 80 percent designated for acquisition, commission, design, installation, improvement, maintenance and insurance of public art to be placed at locations determined by the city council; and (2) 20 percent designated for arts and cultural programming.

D. The commission for the arts shall recommend annually to the city council for approval a list of public art priorities to be used in the selection of applicants seeking public art funding consistent with the purpose of this section. The public art priorities shall be administered by the community and economic development department. (Ord. 1836 § 1, 2008)

12.51.050 Permissible expenditures.

Expenditures of funds may include, but are not limited to, the following uses:

A. The cost of the public art itself including the artist's fee for design, structural engineering and fabrication; transportation and installation of the work at the site; identification signs, if any; and mountings, anchorages, containments, pedestals, bases, or materials necessary for the proper presentation and installation of the art.

B. Waterworks, lighting and other objects which are an integral part of the artwork.

C. Walls, pools, landscaping or other architectural elements necessary for the proper aesthetic and structural placement of the artwork.

D. Maintenance and repair of public art funded through the art in public places fund.

E. The design, construction, operation and maintenance of art gallery space or cultural arts' display, demonstration and performance space to be utilized by individuals and nonprofit arts organizations for arts and cultural programming.

F. Building the functional capacity of eligible nonprofit organizations devoted to the development of arts and culture in Livermore.

G. Developing cultural programs for the enjoyment and appreciation of art, heritage and culture within the Livermore community.

H. Funding the design, construction, operation and/or maintenance of cultural and/or arts' facilities, either at the development or off site. (Ord. 1836 § 1, 2008)

12.51.060 Processing.

The requirements and procedures for the processing of a request to install public art shall be as follows:

- A. Upon submission of a project application subject to the requirement of the public art fee, the community and economic development department shall provide a copy of this chapter to the applicant and inform them of the requirement to submit an application form for public art if they choose to provide public art.
- B. When received, the community and economic development department shall forward the application form for public art to the staff liaison for the commission for the arts, indicating the valuation of the project calculated by the community and economic development department to determine building permit fees, if such valuation can be determined at the time of submittal. The staff liaison for the commission for the arts shall review the application for completeness and contact the applicant to coordinate a commission review of the proposed public art. The applicant shall enter into an agreement with the city, which shall be recorded against the property, to ensure that the public art is maintained for a minimum period of 30 years.
- C. To the maximum extent possible, processing of the request to install public art shall be concurrent and coordinated with the project application, if any, for the development project.
- D. The commission for the arts shall approve, conditionally approve or deny the request to install public art based upon these guidelines and guidelines contained in the art in public places policy and procedures manual. When the project applicant has elected to acquire and install an artwork, the building permit for the development project shall not be issued until the commission for the arts has approved the request to install public art, and the certificate of occupancy shall not be issued until the approved work of art has been installed.
- E. The project applicant may appeal any decision rendered hereunder by the commission for the arts to the city council for final decision. (Ord. 2016 § 1(A), 2015; Ord. 1836 § 1, 2008)

12.51.070 Guidelines for public art.

- A. Guidelines for the approval and maintenance of public art shall be adopted by the city council, upon recommendation by the commission for the arts. Guidelines shall be adopted within 60 days of the effective date of the ordinance codified in this chapter.
- B. The guidelines shall include standards for reviewing an application for the installation of public art in accordance with the following objectives:

1. The artwork shall be clearly visible and easily accessible to the public.
2. The art in public places application shall include a site plan showing the location of the artwork, complete with landscaping, lighting and other appropriate accessories to complement and protect the artwork.
3. The composition of the artwork shall be of a permanent type of materials in order to be durable against vandalism, theft and weather, and in order to require a low level of maintenance.
4. The artwork shall be related in terms of scale, material, form and content to immediate and adjacent buildings and landscaping so that it complements the site and surrounding environment.
5. The artwork shall be designed and constructed by persons experienced in the production of such artwork and recognized by critics and by his or her peers as one who produces works of art.
6. The artwork shall be a permanent, fixed asset to the property.
7. The artwork shall be maintained by the property owner in a neat and orderly manner acceptable to the city, unless the artwork is installed on property owned by the city, in which case the city shall maintain the artwork. (Ord. 1836 § 1, 2008)

12.51.080 Location and relocation of public art.

- A. The public art must remain on the project site for not less than 30 years from the original installation date. When and if the development project is sold within 30 years from the installation date, the public art must remain at the

development for which it was created and may not be claimed as the property of the seller or removed from the development or its location as approved by the commission for the arts. In the event that a property is to be demolished within said 30-year period, the owner must relocate the public art to another publicly accessible, permanent location that is approved in advance by the commission for the arts. In the event the property is redeveloped, the new project shall meet all of the requirements of this chapter and use the same approval process, or pay an amount equal to the remaining portion of the public art in-lieu contribution prorated over said 30-year period.

B. A property owner may petition the commission for the arts to relocate the public art to another publicly accessible location on the development project site.

C. In the case of removal of the public art for any reason prior to the expiration of the 30-year period, the developer or owner of the development project must notify the city at least 30 days in advance of the removal, and must replace the public art within six months of its removal, meeting all of the requirements of this chapter and using the same approval process, or pay an amount equal to the remaining portion of the public art in-lieu contribution prorated over said 30-year period.

D. Any removal, relocation, or replacement of the public art must be consistent with the California Preservation of Works of Art Act and the Federal Visual Artists' Rights Act and any other relevant law. The developer or owner shall execute a restrictive covenant in a form acceptable to the city attorney enforceable by the city, which shall be recorded against the project site and shall run with the land for a period of 30 years from the installation date.

E. In the event the public art is stolen, destroyed or vandalized within said 30-year period, the developer or owner must replace the public art within six months of its theft, destruction or vandalism, meeting all of the requirements of this chapter and using the same approval process, or pay an amount equal to the remaining portion of the public art in-lieu contribution prorated over said 30-year period. (Ord. 1836 § 1, 2008)

12.51.090 Endowments.

The art in public places fund shall also be used as a depository for endowments, bequests, grants or donations. Such sums may be expended as set forth in LMC 12.51.040 and 12.51.050 as recommended by the commission for the arts and approved by the city council. (Ord. 1836 § 1, 2008)

Glossary of Terms and Definitions

501(c) (3) – A nonprofit corporation organized under Internal Revenue Code Section 501(c) (3) in good standing with the California Department of Corporations and in compliance with any and all federal, state, and local licensing reporting and tax requirements.

artsALIVE! – Cultural Arts Master Plan.

Capital Improvement Plan (CIP) - Involves property acquisition, developer reimbursements, construction of public buildings, and rehabilitation and construction of major infrastructure, storm, water and sewer systems, transportation infrastructure, and other City infrastructure.

Cultural Arts District - Railroad Avenue on the north, Maple Street on the east, 4th Street on the south, and "P" Street on the west.

Deaccessioning of Artwork – To remove a work of art in order to install other works of art for any purpose identified in Chapter 2, Review and Deaccessioning of Artwork.

In-kind Support – A product or service, other than money.

Infrastructure – The basic facilities, personnel and activities needed for the functioning of an organization.

Maquette - A small preliminary model, i.e., as of a 3-dimensional object.

N.A. – Not applicable.

Public Art – Artistic works created for or located in part of a public space of facility and/or accessible to member of the public.

Public Art Subcommittee – Three (3) voting members of the Commission for the Arts will comprise any subcommittee. Members will be appointed by the Commission for the Arts Chairperson on a project-by-project basis and will remain on the subcommittee until the project is completed.

On a project-by-project basis, a subcommittee may also consist of voting and/or non-voting members that provide technical or creative expertise for the project, such as business, community, architectural, engineering or design consultants.

Any subcommittee will be considered an Ad Hoc Committee if appointed for a limited duration, limited purpose, and without attendance by any voting or non-voting outside member. Ad Hoc Committees are not subject to California Government Code 54950 (the Brown Act).

Public Art Fund - At the discretion of the developer, in lieu of providing artworks within the project, a developer may choose to contribute to the Public Art Fund in the amount equal to their public art requirement. A developer may choose to include artwork that costs less than what is required for their project but must pay the remainder of the fee to the Public Art Fund. The Public Art Fund will be distributed through a variety of grant programs overseen by the Commission for the Arts.

Public Art Register – A comprehensive list of the City’s existing artwork collection.

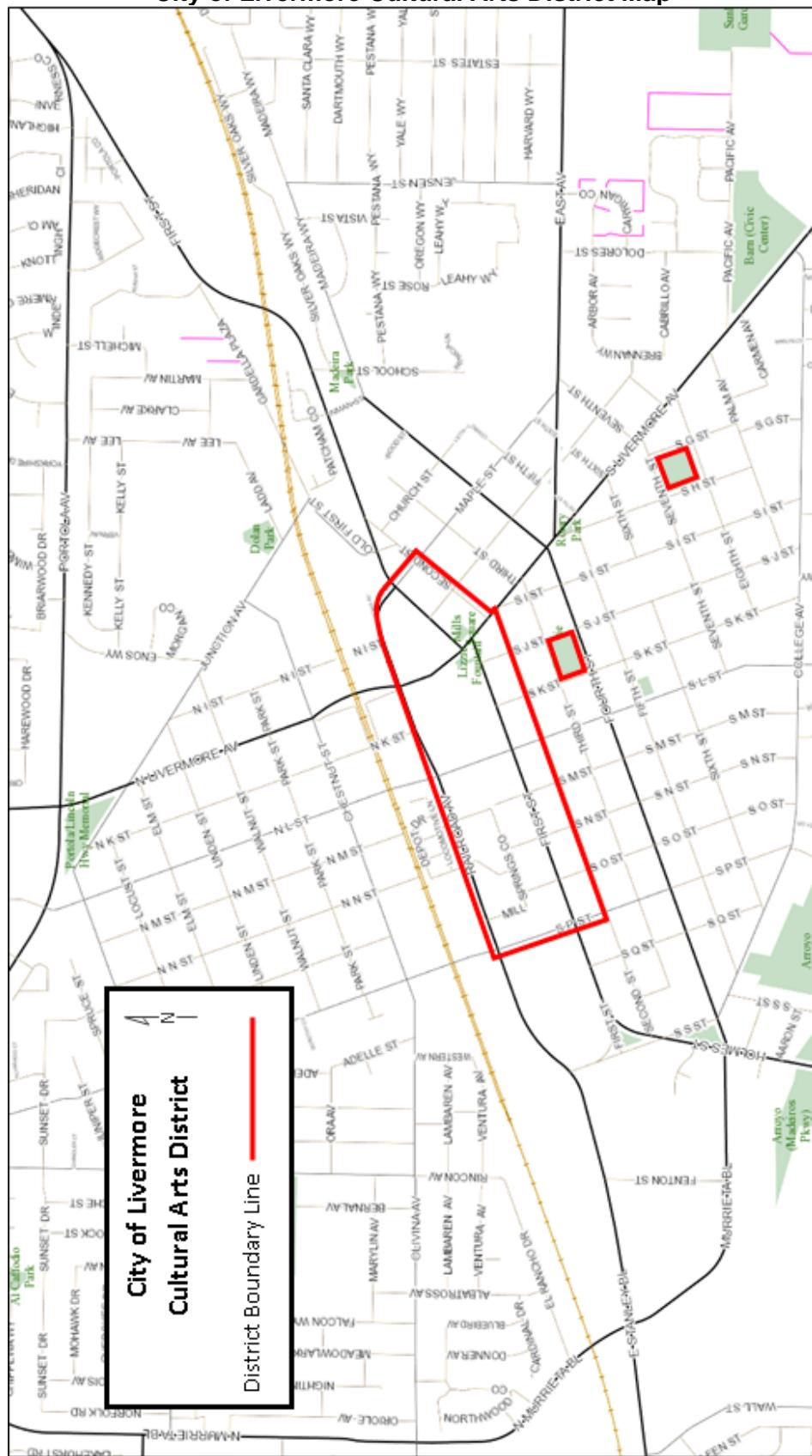
Public Space – Space which is easily accessible and clearly visible for public view; this includes, but is not limited to parks, streets, squares, promenades, public plazas and foyers.

RFP – Request for proposal

RFQ – Request for qualifications.

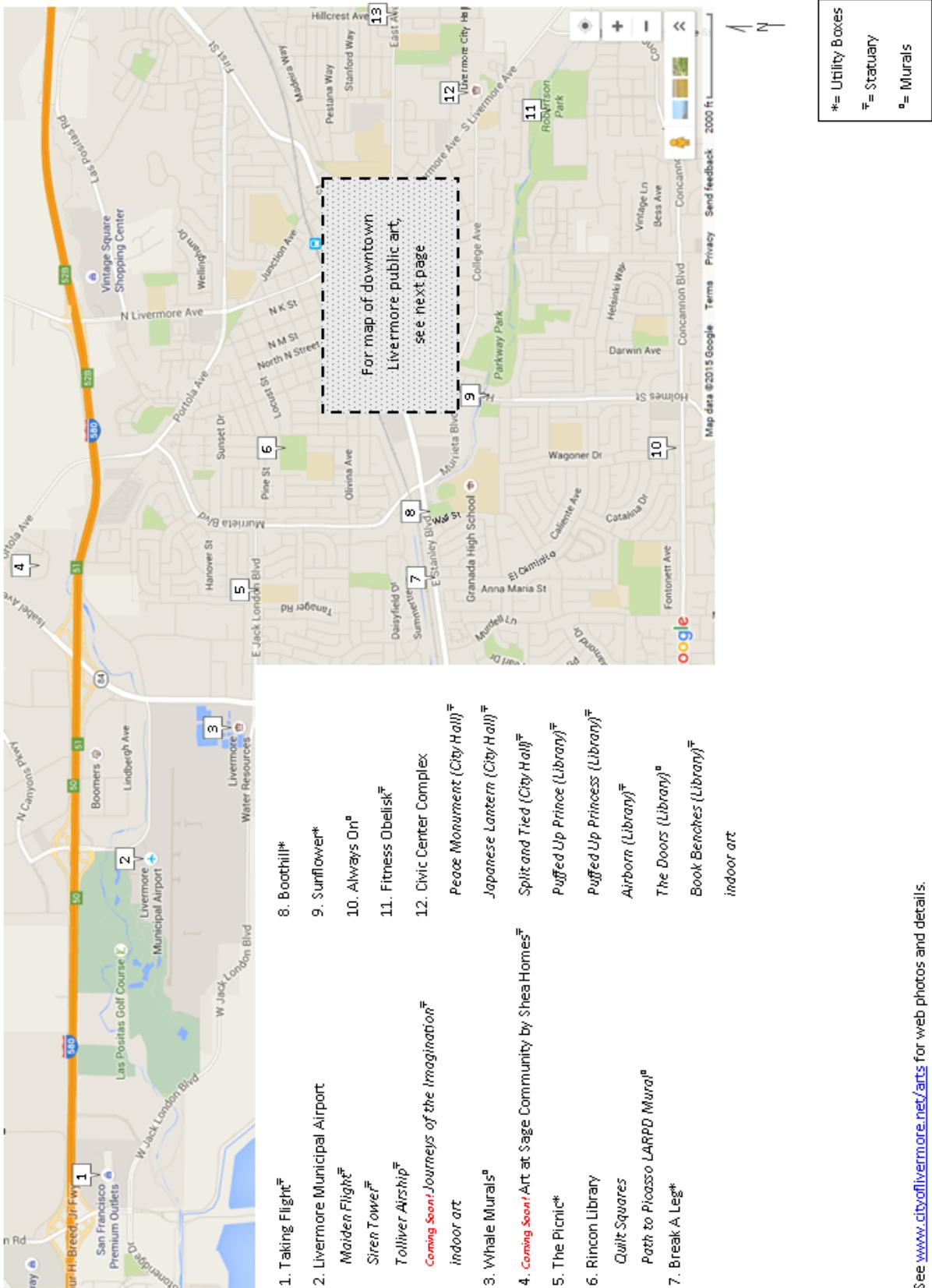
What is the Public Art Fund? - The Public Art Fund consists of revenues, which can include, but are not limited to, developer in-lieu fees, bequests, other donations, and funding acquired from other sources by the Commission for the Arts. At the discretion of the developer, in lieu of providing artworks within the project, a developer may choose to contribute to the Public Art Fund in the amount equal to their public art requirement. A developer may choose to include artwork that costs less than what is required for their project but must pay the remainder of the fee to the public art fund. The Public Art Fund will be distributed through a variety of grant programs overseen by the Commission for the Arts.

City of Livermore Cultural Arts District Map



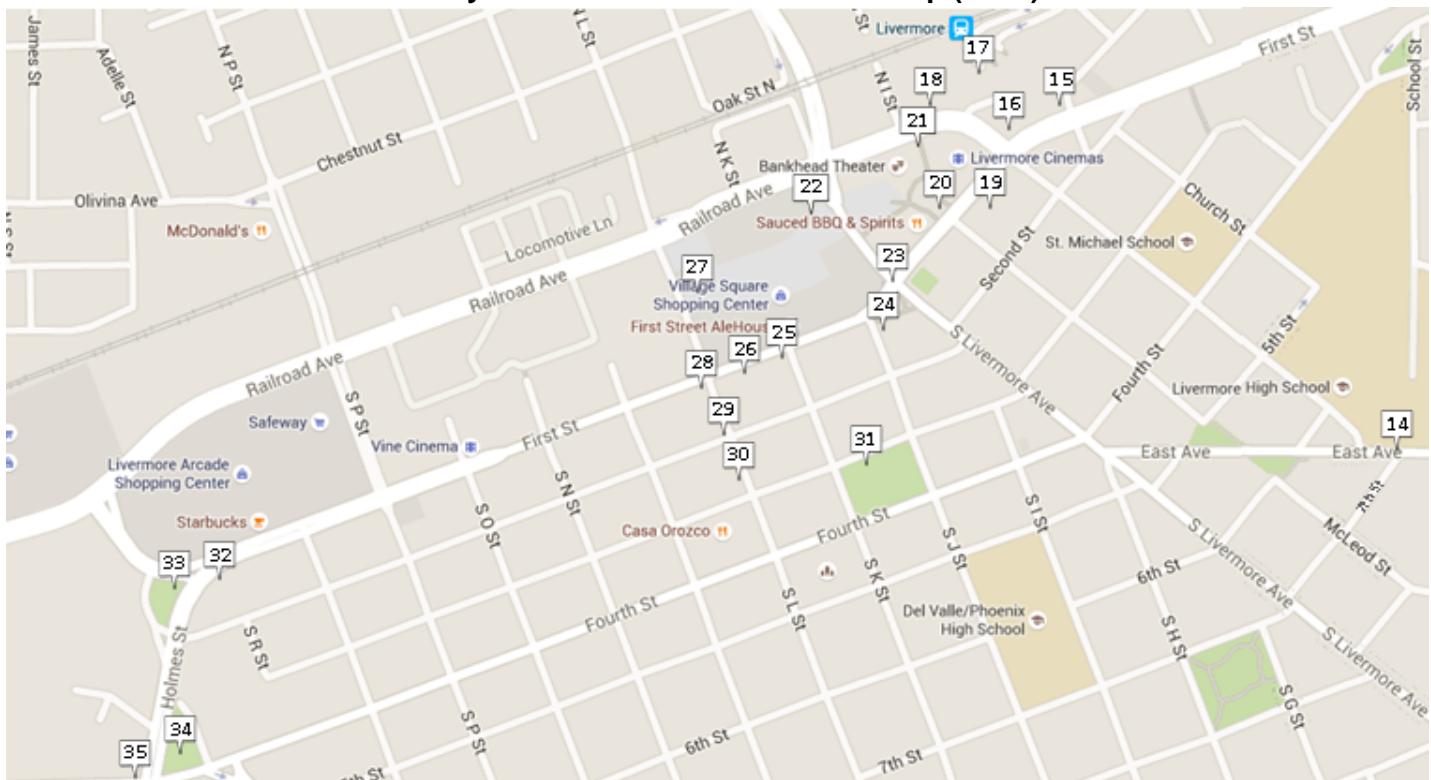
City of Livermore Public Art Site Map

Livermore Public Art Site Map



APPENDIX 8

City of Livermore Public Art Site Map (Inset)

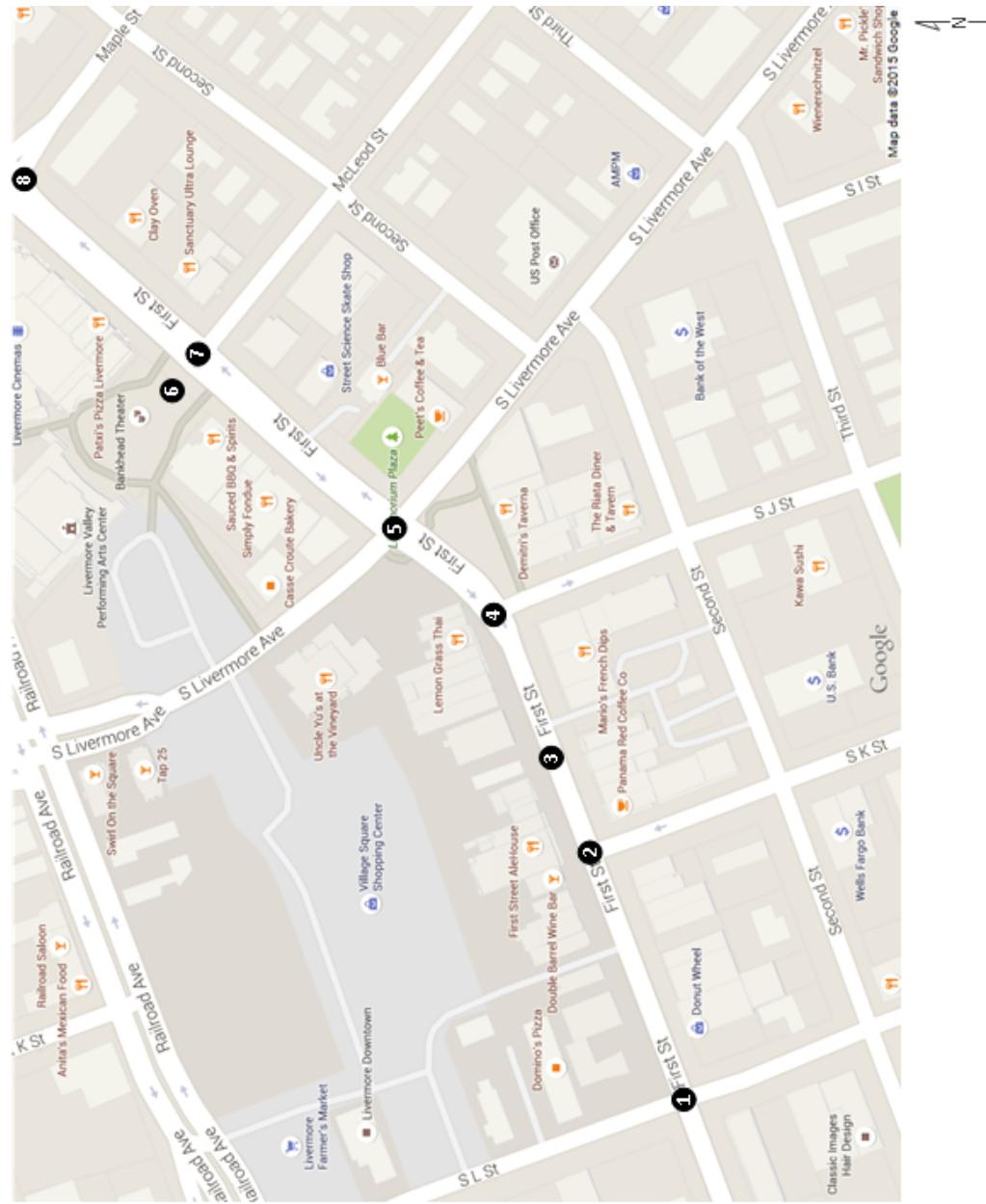


14. Under the Sea*	22. Cowboy Boot*	29. Hummingbird*
15. Dream*	23. First Street & S. Livermore Avenue	30. Livermore Valley Heritage Mural [®]
16. Diablo Dragonfly*	Blocked Out*	31. Metal Sundial [®]
17. Path to Picasso LAVTA Mural [®]	Bearded Iris*	32. Yellow Roses*
18. The Wall*	Livermorium Recycling Bins [®]	33. Circle of Peace [®]
19. Firehouse Mural [®]	Livermorium Park Benches [®]	34. Totem Pole [®]
20. Bankhead Theater	24. Wine Country Wall [®]	35. Dog*
<i>Faulkner Quote</i>	25. Lazy Daisy*	
<i>Water OverStone</i>	26. Argen Bike Mural [®]	
<i>Recycling Bins[®]</i>	27. Station Square Sculptures [®]	
21. Sunday with Jessie [®]	28. Catbots Come in Peace*	

*= Utility Boxes
 ®= Statuary
 ®= Murals

Proposed Statuary Locations

Proposed Statuary Locations



1 Intersection of First and L Streets

Northeast corner, east of crosswalk

Southeast corner, west or east of crosswalk

2 Intersection First and K Streets

Southeast corner, west of eastern crosswalk

Southeast corner, east of eastern crosswalk

North side of First, west of western crosswalk

3 First Street, north side between J and K

North side of First, opposite Chamber of

Commerce, replace potted plant

4 Intersection of First and J Streets

North side of First, west of crosswalk

Southwest corner, east of crosswalk

Southwest corner, west of crosswalk

5 Intersection of First and S. Livermore Ave.

Flagpole Plaza

Lizzie Fountain

6 Bankhead Theater

Planter area in front of theater

Eastwalkway, raised planter circle

Eastwalkway, to Railroad Ave

7 Intersection of First and McLeod Streets

North side of First, east of eastern crosswalk

Southeast corner, east of crosswalk

Northwest corner, west of crosswalk

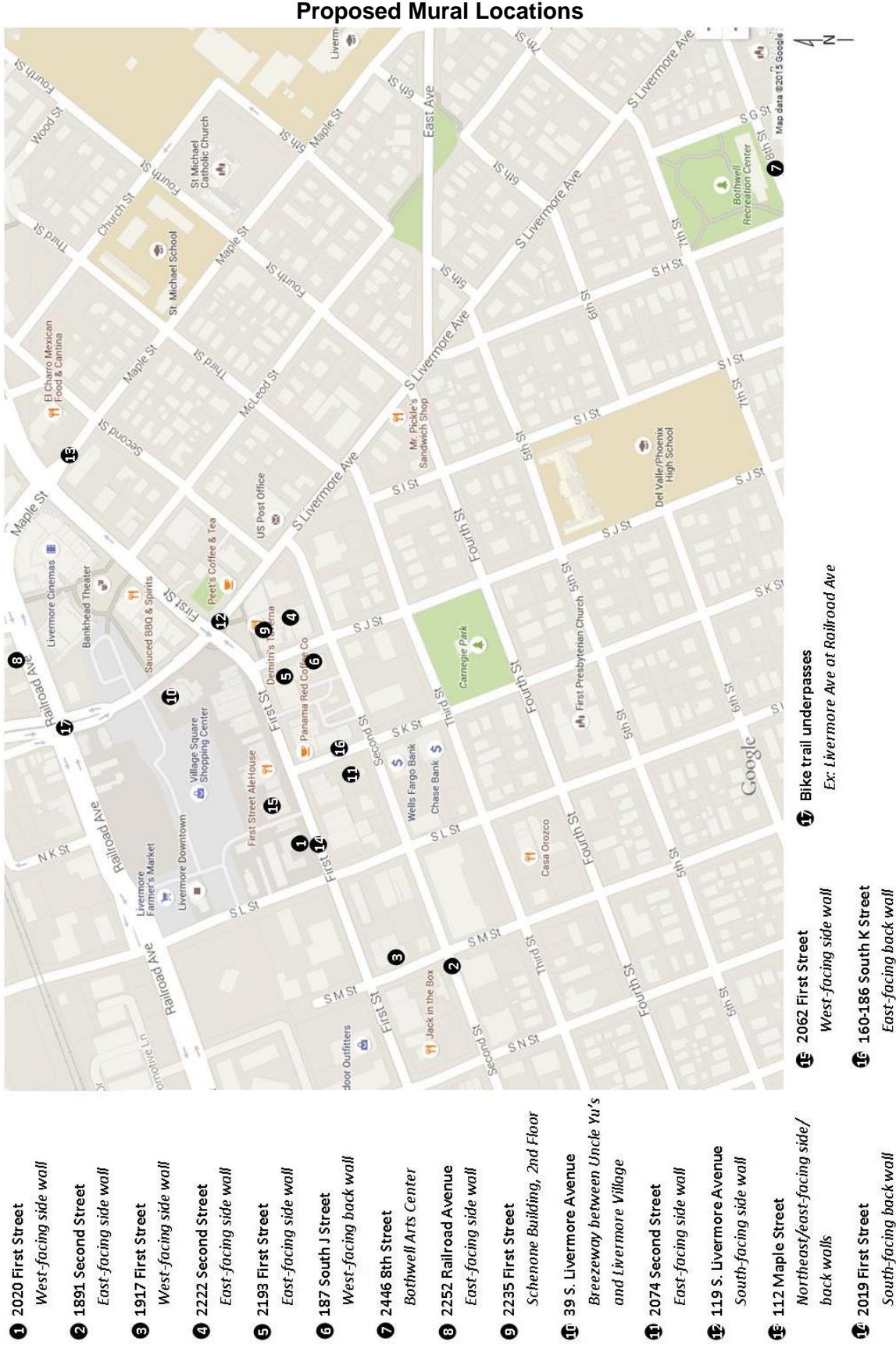
8 Intersection of First and Maple Streets

Map data ©2015 Google

Mr. Pickle
Sandwich Shop

A N

Proposed Mural Locations



APPENDIX 10



Photo by Chris Arend

Raven's Song
Cliff Garten
Begich Middle School
2008

Municipality of Anchorage

Public Art Program

Policies and Procedures Manual

Office of Economic and Community Development
632 West 6th Avenue, Suite 603
Anchorage, AK 99503

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Municipality of Anchorage

Public Art Program

Policies and Procedures

Many of the ideas and, in some cases, the wording of sections of this manual were taken from "Going Public: A field Guide to Developments in Art in Public Places" written by Jeffrey L Cruikshank and Pam Korza and published in 1988 by the Arts Extension Services, Division of Continuing Education, University of Massachusetts, Amherst, MA 01003.

Direct quotations from Anchorage Municipal Code, Chapter 7.40, Funds for Works of Art in Public Facilities, are printed in italics.

It was initially adopted unanimously by the Public Art Committee on July 20, 1994. Public Art Committee Chair, Suzie Stranik; Members: Thor Brandt-Erichsen, Carol Bryner, Mariano Gonzales, Marvin Mangus, Howard Partch, and Alexandra Stapish. The addendum of the Gifts Policy was added in 1997.

Jocelyn Young, Curator of Public Art
Office of Economic and Community Development
632 West 6th Avenue, Suite 603
Anchorage, AK 99503

907 / 343-6473
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Updated 2-28-2009

**Municipality of Anchorage
Public Art Program Policies and Procedures Manual**

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I. STATEMENT OF PURPOSE

The purpose of these policies and procedures is to establish a process for the selection, acquisition and care of works of art through the expenditure of funds generated through Chapter 7.40 of the Anchorage Municipal Code, generally referred to as the 1% for Art Ordinance. In this document, words in *Italics* indicate language quoted from AMC 7.40 and AMCR 7.40, the regulations accompanying the ordinance.

II. INTENT OF THE PUBLIC ART PROGRAM

The intent of the 1% for Art Ordinance is to enhance the aesthetic environment of the Municipality of Anchorage by including works of art in municipal construction projects, including Anchorage School District projects. The goal of the Public Art Program is to acquire a collection of works of art of redeeming quality that advance public understanding of visual art and enhance the quality of Anchorage's public spaces. The Public Art Program is managed by the Office of Economic and Community Development Department under the direction of the Curator of Public Art.

AMC 7.40.020. *The State of Alaska has recognized through the enactment of AS 35.27.010 and the Municipality of Anchorage hereby recognizes by the enactment of this chapter, the responsibility of government to foster the development of culture and the arts through the purchase or commissioning of works of art for municipal buildings, schools or other municipal facilities.*

It is therefore declared to be municipal policy that a portion of appropriations for capital expenditures for municipal buildings and facilities be devoted to the acquisition of works of art to be permanently placed or incorporated in such buildings and facilities.

This goal shall be realized through:

- A. The commission of artists and works of art of the highest quality that represent an expression of our time, contribute to a sense of Anchorage's identity, and speak to the community;
- B. The nurturing of the creative environment of Anchorage and the encouragement of local artistic endeavors;
- C. The expansion of Anchorage citizens' experience with visual art;
- D. The incorporation of art that encourages public interaction with and enjoyment of public spaces;
- E. The commission of a broad range of art reflective of the overall diversity of current works in the field of visual art;
- F. The commission of art varying in style, scale, medium, form and intent, representative of the local, regional, national and international arts communities;
- G. The encouragement of artists to reach creative solutions to the aesthetic opportunities they have been invited to solve;
- H. The broad distribution of commissions among artists;

- I. The broad geographic distribution of art in Anchorage; and
- J. The integration of artists and their work into the process of creating public spaces for the citizens of Anchorage.

III. NATURE OF THE PUBLIC ART COLLECTION

General considerations on the nature of the public art collection shall include the following principles:

- A. The function of the public art collection should be to enhance the environment of the Municipality of Anchorage and the quality of life of its citizens through the development of a collection of museum-quality works of art placed in public spaces. The collection should function as a public education tool, a means for engaging the people in dialogue, an opportunity for artists to interact with the Municipality and its communities, and as a method for providing that which no other municipal resource provides.
- B. The public art collection should not be exclusively a collection of internationally recognized names nor strictly that of local artists; it should reflect a healthy balance of interactive ideas.
- C. The public art collection should represent the diverse nature of the collector, the Municipality, by being responsive to the various communities and neighborhoods within the Municipality.

IV. DEFINITION OF TERMS

Accession: The procedure followed to log in, designate, and incorporate an artwork into an art collection.

Acquisition: The inclusion of an artwork in a permanent art collection whether through a commission, purchase, gift, or other means.

Artist: *AMCR 7.40.001A. A person who practices in the visual arts as a professional. Indications of a person's status as a professional artist include, but are not limited to, income realized from the sale of artwork, frequent or consistent art exhibitions, placement of artwork in public institutions or museums, receipt of awards and honors, and training in the arts.*

Artwork: A tangible creation by an artist. *AMC 7.40.010A. All forms of original creations of visual art, including but not limited to the following: sculptures—in the round, bas relief, high relief, mobile, fountain, kinetic electronic, in any material or combination of materials; painting—all media, including portable and permanently affixed works, such as murals; graphic arts—printmaking and drawing; mosaics; photography; crafts—in clay, fiber and textiles, wood, metal, plastics and other materials; calligraphy; mixed media—any combination of forms or media, including collage.*

Contract: A binding legal document by which parties agree to perform certain services.

Construction Project: **AMC 7.40.010.B.** *Any capital improvement project paid for wholly or in part by the Municipality of Anchorage to build, rebuild or improve any decorative or commemorative structure, park, parking facility or any building.*

AMCR 7.40.001B. *Any construction, remodeling or renovation of a municipal building, school or other facility.*

Curator of Public Art: A member of the staff of the Economic and Community Development Department staff is responsible for the administration of the Municipality's Public Art Program.

Deacquisition: The indefinite removal of an artwork from permanent display, whether it is disposed of or not.

Incorporated Artwork: **AMCR 740.001C.** *Artwork that is integrated into the design plan of a construction project.*

Jurors Registry: List of individuals who have volunteered to serve on art selection juries inclusive of all areas of the Municipality of Anchorage.

Percent for Art: A term which has come to mean a method of financing public art programs by a law requiring that a percentage of capital project budgets be appropriated for artworks and/or the services of artists as design consultants.

Project Designer: **AMCR 7.40.001D.** *The architect, engineer, designer or other consultant selected to design the construction project, including all members of the business or firm. A project designer cannot qualify as an "artist" as that term is used in AMC 7.40.*

Public Art: Visual art in a public place; art permanently installed in a public place, usually as a result of a law such as Anchorage Municipal Code 7.40.

Public Places: All privately or publicly owned spaces, indoors or outdoors, which are generally accessible to the public.

User Department or Anchorage School District: **AMCR 7.40.001E.** *The municipal department or departments which shall use or occupy the construction project upon completion.*

V. COMPOSITION AND FUNCTIONS OF THE PUBLIC ART COMMITTEE

A. POLICY STATEMENT

The Public Art Committee shall be responsible for the policies and procedures of the Public Art Program. The committee shall be responsible for the delegation of quality control on public art projects by recommending to the Mayor persons to serve on art selection juries. Members of the Public Art Committee shall serve as advisers to the Curator of Public Art on matters related to the Public Art Program. The Committee shall elect a Chair and Vice Chair.

B. COMPOSITION OF PUBLIC ART COMMITTEE

AMC 7.40.050C. *The Mayor shall appoint a Public Art Committee consisting of at least seven members including:*

1. At least one member of the Urban Design Commission
2. At least one member of the Anchorage Arts Advisory Commission
3. At least one member of the Historical and Fine Arts Commission
4. At least one licensed architect
5. At least one professional artist.

The commissions may recommend other candidates for appointment to the Public Art Committee.

C. FUNCTIONS OF PUBLIC ART COMMITTEE

AMCR 7.40.002. *The administration shall notify the Public Art Committee upon selection of the project designer for a construction project required by Chapter 7.40 to dedicate funds for the acquisition of artwork.*

For each construction project and after receiving notice the Public Art Committee shall:

1. Coordinate with the project designer to determine the number and location of publicly visible sites in which artwork may be displayed and the appropriateness of each site for incorporated artwork, unincorporated artwork or both;
2. Determine the size, type and maximum cost of the artwork which may be placed at each site identified;
3. Select a jury in the manner set forth in Section 7.40.003 of the regulations implementing the Municipal Code;
4. Choose a selection method as provided in Section 7.40.005 of the regulations for each work of art to be displayed;
5. In the case of Anchorage School District capital improvements, the Public Art Committee shall seek the advice of the school administration department charged with the project construction and/or interested residents or users of the facility.

If the Public Art Committee has failed to perform before the Municipality has accepted the final project design, the jury shall limit its consideration to

unincorporated artwork so that the construction project may proceed on schedule.

AMCR 7.40.003B. *The Public Art Committee shall act as a jury and select the artwork for any construction project with proposed capital expenditures in an amount less than \$1,000,000.*

AMCR 7.40.011. *The Public Art Committee shall prepare an annual informational report listing all acquisitions and art projects, whether completed or in progress, and submit it to the Assembly, the Mayor, the Anchorage School Board, the Urban Design Commission, the Historical and Fine Arts Commission and the Anchorage Arts Advisory Commission.*

AMCR 7.40.12. *Pursuant to AMC 7.40.070, the Public Art Committee shall investigate any request for exemption and recommend action to be taken thereon to the administration.*

AMCR 7.40.013. *The Public Art Committee shall undertake an annual review of AMC 7.40 and these regulations and may propose amendments as necessary to the Urban Design Commission, the Anchorage Arts Advisory Commission, and the Historical and Fine Arts Commission who shall develop amendments in accordance with AMC 3.40.*

AMCR 7.40.008B. *The Public Art Committee shall develop policies and procedures for recommending conservation practices and priorities.*

AMCR 7.40.008C. *The Public Art Committee shall develop policies and procedures for recommending removal, relocation or disposal of artwork acquired pursuant to AMC 7.40.*

VI. COMPOSITION AND FUNCTION OF ART SELECTION JURIES

A. POLICY STATEMENT

AMCR 7.40.050A. *Where the construction, creation, or commissioning of works of art is to be incorporated in the building or facility or its grounds, such works of art shall be chosen or approved by a jury consisting of the architect or project designer, a representative of the user department, and representatives of the Urban Design Commission and the Anchorage Arts Advisory Commission and other persons as may be designated by regulation.*

AMCR 7.40.050B. *Where there will be an acquisition of existing works of art or the commissioning of works of art which will not be incorporated into the project design, selection shall be made or approved by a jury consisting of representatives of the Urban Design Commission and the Anchorage Arts Advisory Commission and such other persons as may be designated by regulation.*

Because the art selection jury will be responsible for the quality and reputation of the Public Art Program, the members of the jury must be selected with consummate care in order to ensure excellence in product and fairness in process.

In recommending jurors to the Mayor for appointment, the Public Art Committee should be aware of:

1. The extent of the juror's knowledge of art and familiarity with local, regional, and national artists;
2. The juror's ability to assess the design and problem-solving abilities of an artist;
3. The juror's knowledge of and interest in architecture;
4. The juror's sensitivity to the unique qualities inherent in public art.
5. The juror's ability to work creatively and cooperatively.

In recommending the members of a jury, the Public Art Committee should be sensitive to a jury's "personality" to be created by the individuals who will make up that jury. Occasionally it may be desirable to include jurors from outside the region with a national perspective on public art. Jury members shall serve as volunteers, without compensation. A member of the Public Art Committee may serve on a jury.

B. COMPOSITION OF ART SELECTION JURY

It is recommended that each jury be:

1. A body of qualified individuals.
2. A body of vision and energy.
3. Balanced in professional and community activities.
4. Ethnically diverse, reflecting the diversity of the Municipality.
5. Balanced in gender and geography.
6. Statesmanlike in the face of criticism.

AMCR 7.40.003A. *A jury shall consist of at least seven members and include:*

1. One representative from the Urban Design Commission
2. One representative from the Anchorage Arts Advisory Commission
3. One representative from the Historical and Fine Arts Commission

4. The project designer
5. A representative from the user department or Anchorage School District
6. At least two interested residents.

C. PROCEDURES FOR JURY SELECTION

AMCR 7.40.003A. *The Public Art Committee shall recommend a panel of jurors to the Mayor who shall appoint a jury to select artwork for each construction project with proposed capital expenditures in excess of \$1,000,000.00.*

1. The Curator of Public Art shall develop a Jurors Registry from which the Public Art Committee can recommend individuals to serve on art selection juries. The Registry shall contain a letter of interest and resume of each person volunteering to serve on a jury and should be inclusive of potential jurors from all areas of the Municipality.
2. The Urban Design Commission, the Anchorage Historical and Fine Arts Commission and the Anchorage Arts Advisory Commission may select representatives for art selection juries from among their members. If a commission desires to do so, it may delegate representation to a volunteer listed in the Jurors Registry or to another individual of its choosing.
3. The Curator of Public Art shall facilitate the selection of each jury and subsequently serve as staff to that jury.

AMCR 7.40.003B. The Public Art Committee shall act as a jury and select the artwork for any construction project with proposed capital expenditures in an amount less than \$1,000,000.00 and greater than \$250,000.00.

1. The Chair of the Public Art Committee shall name an art selection subcommittee consisting of the following members:
 - a. At least one member of the Public Art Committee, who shall serve as the Chair of the subcommittee.
 - b. The project designer.
 - c. At least one representative from the user department or Anchorage School District.
2. An art selection subcommittee shall follow the same procedures for the acquisition of artwork as an art selection jury.

VII. ACQUISITION OF WORKS OF PUBLIC ART

A. POLICY STATEMENT

The enabling ordinance for Anchorage's Public Art Program designates the Office of Economic and Community Development Department as the municipal department responsible for acquisition of works of public art. To this end, the Public Art Program seeks to acquire works of art of the highest quality which are representative of the diversity of artistic expression.

AMCR 7.40.030. Plans and specifications for the original construction, remodeling or renovation of municipal buildings, schools and facilities resulting in proposed capital expenditures exceeding the sum of \$250,000.00 shall contain and provide for the inclusion of works of art of a value of one percent (1%) of the total cost of the construction, remodeling or renovation project.

B. PROCEDURES FOR FUNDING

Funding of works of public art is calculated at 1% of the construction, remodeling and renovation cost of the project. Construction monies include site preparation, landscaping, parking areas and similar accessories, building construction/remodeling/renovation, permanently installed equipment and construction contingencies. Excluded costs are land costs, professional fees, administrative overhead and removable equipment costs such as books and office equipment. Funding is allocated according to **AMC 7.40.080**:

1. Compliance with Section 7.40.030 shall be calculated on the basis of cost estimates available prior to construction or on actual construction costs, whichever figure is known at the time the final selection of artwork is made.
2. Sums allocated for the acquisition of works of art under the provisions of this chapter shall for all purposes be deemed to be part of the construction costs of the project.
3. Sums required to be allocated to works of art under the provisions of Section 7.40.030 shall be limited to all costs associated with design, construction and royalties, excluding all contract administration and project administration costs.
4. If there is a change order or amendment to a project budget after acceptance of a bid for the project, the amount of funding for the artwork may not be changed.

C. CRITERIA FOR SELECTING WORKS OF ART

Criteria to be used when evaluating artwork for acquisition shall include, but not be limited to the following:

1. **Quality.** The consideration of highest priority is the inherent quality of the work itself.
2. **Placement.** Each work shall be placed in a publicly accessible location and shall be visible to both users of and visitors to the site.
3. **Elements of Design.** Selection of art should proceed with an awareness and sensitivity to some of the special functions of public art such as its ability to add interest and meaning to an architectural environment.
4. **Style and Nature.** Works of art which are compatible in scale, material, form, and content with their surroundings and which form an overall relationship with the site may be considered. Particular attention shall be given to the social context of the work and the manner in which people may respond to and interact with it.
5. **Media.** All forms of visual art may be considered. Works should be installed with the intention of permanence, meaning for the life of the building (40 years).
6. **Permanence.** Due consideration shall be given to structural and surface soundness; inherent resistance to theft, vandalism and weathering; and the potential of excessive maintenance or repair costs.
7. **Public Liability.** Each work of art shall be examined for unsafe conditions or factors that may bear upon public liability.
8. **Diversity.** The overall program shall strive for diversity in style, scale, media and artists. There shall be encouragement of exploratory types of work as well as established art forms.
9. **Technical Feasibility.** Each work shall be examined for its feasibility and convincing evidence of the artist's ability to successfully complete the work as proposed.
10. **Duplication.** To assure that the artwork will not be duplicated, the artist will be asked to warrant that the work is unique and an edition of one unless stated to the contrary in the contract.

11. Equal Opportunity. The Public Art Program is clearly committed to equal opportunity in the purchase and commission of artworks from women and the ethnic groups that are significantly represented in the Municipality's population. Every project will be reviewed with this in mind before that project proceeds to a commitment for art or artists.

Each art selection jury member shall be provided with the following checklist for the selection of art:

1. Physical Attributes
 - a. Safety
 - b. Maintenance
 - c. Fireproof, waterproof
 - d. Durability—ability to withstand the elements (such as extreme temperatures, high winds, and low humidity levels inside and out)
 - e. Ability to withstand vandalism and theft
2. Technical Considerations
 - a. Artist's background and ability to carry out the proposed work
 - b. Lighting requirements
 - c. Complexities of installation.
3. Aesthetic Considerations
 - a. Scale
 - b. Color
 - c. Look
 - d. Feel
 - e. Message
4. Architectural / Artist Considerations
 - a. Relationship to the site
 - b. Relationship to the building
 - c. Relationship to the city
 - d. Artist's previous work

D. EXEMPTIONS

If the proposed building or facility falls into either of the following categories, it must comply with the requirements of AMC 7.40:

1. **Function.** The function of the building or facility is to provide a service to the general public which results in daily use of the building or facility by the public. Examples include but are not limited to:

- a. Libraries
- b. City Hall or other government office buildings
- c. Schools
- d. Fire department headquarters
- e. Police department headquarters
- f. Bus accommodation center.

2. **Location.** The building or facility does not meet the definition of Function but is located in an area which is visible to the public from the ground transportation system. Examples include but are not limited to:

- a. Solid waste transfer stations
- b. Well or pump houses
- c. District fire stations
- d. District police stations
- e. Telephone wire center.

Plans and specifications for the original construction, remodeling or renovation of municipal buildings, schools and facilities resulting in proposed capital expenditures less than the sum of \$250,000.00 are exempt from the requirements of AMC 7.40.

AMC 7.40.070. Exemptions. *If it is found by the Public Art Committee that inclusion of works of art in any specific project, as required by this chapter, would not provide any aesthetic benefit to the community or to the principal users of the building or facility, the committee may recommend to the administering department, division or individual designated in accordance with Section 7.40.060 that there be granted a waiver from the requirements of this chapter in whole or in part. The administering department, division or individual shall approve or disapprove the recommendation and so notify the user department. Any denial of exemption may be appealed to the administration within 10 working days. The Assembly will be advised of all recommendations for exemption.*

AMC 7.40.010B. *Where federal or state grant funds are to be used to match municipal funds, the grant application shall, where applicable and where permitted by the granting authority, be made for the “total cost of construction” including portions to be dedicated to art funding under the terms of this chapter. Unless prohibited by the terms of such grants, any money received may be used to implement the requirements of this chapter.*

VIII. ARTIST SELECTION

A. POLICY STATEMENT

Each art selection jury shall be unique, that is, a different jury will be impaneled for each public art project. The juries shall be given as much latitude as possible not only in selecting the artist(s) for the project but also in refining the definition of the site and the parameters of the artist's contribution to the project. For these reasons, the juries shall be named at the earliest possible time after a project has been identified in order to allow for adapting to a design collaboration if it is possible and preferable.

B. METHODS FOR ARTIST SELECTION

AMCR 7.40.005. *A jury may select an artist by any of the following three methods:*

1. **Open entry.** The jury may consider any artist for the project.
2. **Limited entry.** The jury may invite particular artists to compete for the project.
3. **Direct negotiation.** The jury asks a particular artist to submit a proposal for the project.

The Public Art Program shall establish and maintain an Artists Registry for the purpose of providing resumes, photographic documentation of past work, and other pertinent information to art selection juries. Artists shall be encouraged to provide information for the Registry. Every other year, artists listed in the Registry shall be asked to update the information; if they do not do so, their materials shall be returned and their names removed.

Art selection juries may review the materials of artists listed in the Registry before determining the art selection process (open entry, limited entry or direct negotiation).

Materials on file in the Artists Registry may be examined by government agencies, private businesses and individuals at the discretion of the Curator of Public Art.

C. PROCEDURES FOR ARTIST SELECTION

AMCR 7.40.006. *In its selection of an artist, a jury shall consider, among other things, the following:*

1. The quality of the artist's work.
2. Appropriateness of size, medium and form of the artwork to the site in which it shall be placed.

The process for selecting an artist is outlined in **AMCR 7.40.004**:

1. A jury shall review resumes, work product and other pertinent information, which artists have placed on file with the Alaska State Council on the Arts, or a juror may ask artists to submit resumes, work product or other pertinent information directly to the jury.
2. Each juror shall review educational materials as the Public Art Committee may require.
3. Only jurors may vote for the selection of an artist or artwork, and each juror shall have one vote.
4. A jury may meet to discuss and review the qualifications of artists or to select an artist only if a quorum is present. A majority of the authorized members of the jury shall constitute a quorum. An affirmative vote by a majority of the authorized jurors shall carry a motion.
5. A jury may take action only at meetings open to public observation.
6. A jury may reject all candidates and renew the selection process by choosing a different method set forth in AMCR 7.40.005.
7. A jury must conduct, as a minimum, one properly advertised public hearing prior to making a selection of any work of art. A model or appropriate representation of the work of art to be selected must be available for public review at the public hearing location. The public's testimony will be considered by the jury during the evaluation process.
8. A user department or the Anchorage School District may object to the selection of a particular piece of artwork for technical reasons related to maintenance or safety by filing that objection with the Public Art Committee before the Municipality has obligated itself to purchase or commission the work of art. If the Public Art Committee confirms the jury's selection, the user department or Anchorage School District may, within 10 working days, submit the matter to the administration (or the Anchorage School Board in the case of school facilities) for a final decision. The Mayor or his designee shall render a decision within 10 working days. If the Mayor or his designee rejects the jury's selection for technical reasons, the jury shall continue the selection process.

9. Within five working days after rendering a decision, a jury shall provide written notice of its selection to the Urban Design Commission, the Anchorage Arts Advisory Commission, the Historical and Fine Arts Commission, the Public Art Committee and the administration. Neither a commission nor the administration may reject a jury selection except for technical reasons related to *maintenance or safety*.

IX. CONTRACTING WITH ARTISTS

A. POLICY STATEMENT

After completion of the art selection process, the Municipality of Anchorage shall contract with the artist.

AMCR 7.40.010. *All commissioned artwork shall be acquired by formal contract which shall require the artist to perform to the reasonable satisfaction of the Public Art Committee. The Municipality may acquire completed works of art in accordance with municipal or Anchorage School District purchasing procedures.*

The following warranties shall be assured by artists contracted by the Municipality:

1. The art is unique and original and does not infringe upon any copyright.
2. The art or original multiple has not been accepted for sale elsewhere.
3. The execution and fabrication of the art will be performed in a professional manner.
4. The art as fabricated and installed by the artist will be free of defects in material and craftsmanship, including any defects or qualities, which cause or accelerate deterioration.

B. ARTISTS' RIGHTS

After final acceptance of the work of art by the Municipality, the following artists' rights shall be guaranteed:

1. Maintenance of public artworks shall be the responsibility of the Municipality, not the artist, and the Municipality shall make reasonable efforts to maintain the artwork in good repair.
2. Public artworks shall not be altered, modified, removed, or relocated from a site which is integral to the concept for the work without first consulting with the artist, if reasonably possible. If a work, nevertheless, has been significantly altered, the artist shall have the right to disclaim authorship.

3. Copyright of public artworks shall belong to the creator(s), but the Municipality must be granted in the contract the right to make two-dimensional reproductions for non-commercial purposes.

C. PROCEDURES FOR CONTRACTING WITH ARTISTS

1. **Payment.** A method and schedule of payment to the artist shall be provided by contractual agreement with the Municipality. The Municipality will make interim payments to the artist to assist the artist with financing the fabrication and installation of the work. Individual payments may be contingent upon a certificate of insurance, and/or review and approval of progress and completion. Final payment is made only after review and acceptance of the work by the Municipality.

2. **Ownership.** **AMCR 7.40.008A.** *All artwork acquired pursuant to AMC 7.40 shall be the sole property of the Municipality.*

AMCR 7.40.008B. *The Anchorage Museum of History and Art shall inventory, insure, maintain and repair artwork pursuant to AMC 7.40.*

3. **Copyright.** Copyright in the artwork, including the design, shall be owned by the artist subject to the following restrictions:

a. **AMCR 7.40.008A1.** *Should it be determined necessary to relocate the artwork in an alternate location, the Municipality may select the location. The Municipality may display the artwork in any place and manner so long as the integrity of the work is not violated. Prior to the relocation of the artwork which may become necessary during the life of the artist, the Municipality shall, to the extent practicable, first consult the artist.*

b. **AMCR 7.40.008A3.** *The artist will not copy or reproduce the work unless it is an original multiple. The artist shall agree not to recreate for another person or organization any drawings, models or the completed artwork created by him/her pursuant to the contract with the Municipality.*

c. **AMCR 7.40.008A2.** *The Municipality and the artist may photograph the artwork for documentary or archival purposes, and for informational publications, but not for profit.*

d. The artist shall be entitled to retain and utilize copies of the drawings and models, including photographs of the work, for his/her own exhibitions. The artist shall further be entitled to reproduce such drawings, models and photographs for use in his/her portfolio and in books and publications about his work, and to exercise all other reproduction rights provided under the U.S. copyright laws, except as otherwise restricted by the contract.

4. **Liability.** If the artist uses subcontractors or other trades to aid in the execution of the contract, the artist shall be responsible for the payment of such work done by these subcontractors and shall secure evidence of payment by waiver of lien by these subcontractors.

5. **Insurance.** The artist shall not commence work until all required insurance has been obtained and such insurance has been approved by the Municipality. Failure to furnish satisfactory evidence of insurance or lapse of coverage is grounds for termination of the contract.

6. **Termination.** The artist's services may be terminated:

- a. By mutual consent of the parties
- b. For the convenience of the Municipality, provided that the Municipality notifies the artist in writing of its intent to terminate at least 30 days prior to the effective date of termination.
- c. For cause, by either party where the other party fails in any material way to perform its obligations under the contract.

Termination for cause is subject to the condition that the terminating party notifies the other party of the intent to terminate, stating with reasonable specificity the grounds therefore, and the other party fails to cure the default within 30 days of receiving the notice.

7. **Installation.** *AMCR 7.40.007. The administration, the user department or the Anchorage School District and the artist shall coordinate installation of the artwork at the site. Installation expenses shall be paid from the funds allocated to the acquisition of the artwork pursuant to Anchorage Municipal Code 7.40.*

8. **Arbitration.** In the event of a dispute between the artist and the Municipality concerning the terms of the contractual agreement, the parties shall endeavor to arrive at a mutually acceptable solution. If they are unable to do so, either party may request that a mutually acceptable arbitrator familiar with artwork and construction settle the dispute. The cost of the arbitration process shall be borne equally. Any decision made as a result of such arbitration shall be enforceable in a court of law.

9. **Repair and Restoration.** The Municipality shall make reasonable efforts to maintain the artwork in good repair at all times after final acceptance by the Municipality.

X. PUBLIC EDUCATION AND COMMUNITY OUTREACH

A. POLICY STATEMENT

The works of art created as a result of the 1% for Art Ordinance will be an integral part of the daily experience of the citizens of Anchorage. Therefore, it is important that there be mechanisms for public involvement in each public art project, so that individuals who will be in daily contact with the resulting work of art participate in the project from the outset. At a minimum, this shall include the participation of at least two community representatives in the artist selection process. Additional efforts should be made to encourage other groups including community councils to participate.

Similarly, the Public Art Program shall develop and implement a municipal-wide public education program. This program should include efforts targeted at both the local visual arts community and the general public. Through such efforts, the intent of the Public Art Program should be explained and new forms of art should be discussed.

Policies governing public education/outreach shall take into consideration the following questions:

1. Have members of the public been contacted who will identify with the artwork throughout its development, completion, and life?
2. Has there been public representation/participation throughout the process?
3. Has affirmative action been given due consideration?
4. Have public education projects been designed and established?
5. Will the processes and projects serve to manage controversy?
6. Have a media program and a publication program been established?

B. PUBLIC INFORMATION SERVICES

Under **AMCR 7.40.009**, the Curator of Public Art shall:

1. *Within 10 working days after selection of a construction project architect and no less than 10 working days before the jury is selected, advertise the formation of a jury.*
2. *Distribute such information and applications as a jury may suggest and the Public Art staff deems necessary.*
3. *Announce the selection of an artist, the commission of a work of art or the acquisition of a work of art.*

4. *Perform such other public information services as the Public Art staff deems appropriate.*

Each work of art shall be identified by a permanently installed plaque which states the title of the work, the artist's name, the date of installation, and "Public Art Program/Municipality of Anchorage." The plaque may include additional information about the work.

C. PROCEDURES FOR PUBLIC EDUCATION

1. Activities such as the following shall be organized in order to encourage more people to become aware of and involved in the Public Art Program:
 - a. Presentations to community groups, government agencies, citizen committees and corporate service groups
 - b. Presentations to artists, arts organizations and other design professionals
 - c. Site visits by design professionals and citizen representatives
 - d. Media coverage.
2. An education program shall be established to help educate the public regarding the:
 - a. Diversity of public art
 - b. Importance of the creative process
 - c. Potential for artists to contribute to the improvement of the community.
3. Methods in which the public can be educated through:
 - a. Design awards
 - b. Talks by artists and arts administrators
 - c. Lectures and slide presentations on contemporary art/ public art
 - d. Tours of public art
 - e. Public art exhibitions
 - f. Symposia on subjects related to public art
 - g. Participation of artists in public relations.
4. A media program shall be developed and sustained through:
 - a. Press releases and media packages
 - b. Articles of national significance by public art persons
 - c. Promotion of high profile activities in public art.
5. A publication program shall be developed and sustained through Catalogs of public art projects and collections
6. Each work of art shall be extensively documented. Project files shall be kept in good order for reference, research, publication and promotion,

including color slides and black and white photographs of each work of art.

7. An education program shall be developed in coordination with the Anchorage School District called *Museum Without Walls*, which will incorporate visual and written materials about public art in general and public art projects in schools in particular.

XI. MAINTENANCE AND CONSERVATION OF PUBLIC ART COLLECTION

A. POLICY STATEMENT

Works of art in the Public Art Collection shall be maintained and preserved in the best possible condition.

AMCR 7.40.008B. *The Anchorage Museum of History and Art shall inventory, insure, maintain and repair artwork acquired pursuant to AMC 7.40.*

Municipal user departments and the Anchorage School District shall not provide any maintenance of a work of art, including cleaning, without the consent of the Museum. The building managers and other personnel shall be informed that the professional services of the Public Art staff are available for this purpose. Whenever possible, the department or School District shall be solicited for help and cooperation.

The objectives of the maintenance program shall be:

1. To inspect works of public art on a regular basis
2. To clean and provide other appropriate routine maintenance of the works of public art
3. To establish a regular procedure for effecting necessary repairs to works of public art, including emergency situations that endanger public safety.

B. RESPONSIBILITIES

1. Artist Responsibilities

- a. Within the terms of the contract, the artist shall guarantee the work of art against all defects of material and workmanship for a period of one year following installation.
- b. Within the terms of the contract, the artist shall provide the Municipality of Anchorage with drawings of the installation and with detailed instructions regarding routine maintenance of the artwork.
- c. The artist shall provide the Public Art Program with a current address so that prior to any repair and restoration of the artwork which may become necessary during the life of the artist, the Municipality shall, to the extent practicable, first consult the artist. To the extent practicable, the artist shall be given the opportunity to accomplish such repairs at a reasonable fee.

2. Municipality of Anchorage Responsibilities

- a. Works of public art shall be examined for condition at least once a year. A written report shall be prepared with photographic documentation as necessary.
- b. When a work of public art requires maintenance or repair, the Municipality will provide for such in cooperation with the agency that houses the work of art.
- c. The Municipality shall notify the artist before repair or restoration in order to provide an opportunity for comment. When appropriate, the Municipality will offer the artist the opportunity to do the work or to supervise it. The Municipality shall reserve the right to make minor and/or emergency repairs without consulting the artist, taking into consideration instructions provided by the artist at the time of acquisition.
- d. All works of art, after final approval and acceptance, shall be Insured by the Fine Arts Policy of the Municipality of Anchorage. The insurance value of a work of art is equal to its purchase or acquisition cost.
- e. **AMCR 7.40.008C.** *The Municipality of Anchorage shall not remove or alter artwork acquired pursuant to AMC 7.40 without first consulting the Public Art Committee.*

C. PROCEDURES FOR MAINTENANCE AND CONSERVATION

1. The Curator of Public Art shall provide for annual inspection and report on each work of art in the Municipality of Anchorage's collection, including the present condition of the artwork and recommendations regarding needed maintenance or repair.
2. Regular inspection may be accomplished by the Public Art staff or by another individual or group contracted to perform this service.

3. The Public Art Committee shall review the condition report and shall, for those works needing attention, recommend that:

- a. No action be taken.
- b. Staff negotiate maintenance and repairs with the Municipality department housing the artwork.
- c. Repairs be accomplished, in whole or in part, suggesting means of accomplishing the repairs.
- d. The work be relocated or removed from the collection.

XII. ALTERATION, RELOCATION, REMOVAL OR DEACQUISITION OF WORKS OF PUBLIC ART

A. POLICY STATEMENT

Public artworks generally enter the public environment through a careful process informed by the best available professional judgment and advice from affected public interests. They are created by artists specifically for the public context. In all circumstances, the Municipality should seek to insure the ongoing presence and integrity of the work at the site for which it is created, in accordance with the artist's intention. The primary concern should be to assure continuing access to the work by the public.

The user department and the Anchorage School District shall not move a work of art from its site or alter the site so that the work of art is obscured or jeopardized.

Public art has a long, historical tradition of controversy. Review of the status of a public artwork should be undertaken cautiously, in order to avoid potential influence of fluctuations in taste and the immediate pressures of public controversy. A work should not be removed from public view simply because it is controversial or unpopular. A decision may implicate basic questions of public trust, freedom of artistic expression, censorship, contractual obligations, copyright, moral rights, and the integrity of the artwork.

Consideration of removal should involve the same degree of careful review as a decision to acquire a work of art; informed by professional judgment and the interests of the public and proceeding according to carefully developed policies and procedures.

When the Municipality considers the possible relocation or removal of a public artwork, it must recognize its multiple responsibilities: to the artist, as represented in the original artist contract; to the community, through its legal mandate and stewardship role; and to our cultural heritage. Decisions about relocation and removal must include a deliberate and explicit review process, assistance from professionals, and thoroughgoing documentation of the process.

Because the Municipality has the responsibility for conserving the collection, and because the disposal of artworks may have serious implications, the

deacquisition of a work of art should be a deliberate and seldom-used procedure. It is the policy of the Municipality not to dispose of works simply because they are not currently in fashion and not to dispose of works whose worth might not yet be recognized.

Since the Municipality desires to have a diverse public art collection of the highest quality and the processes of acquiring works and disposing of them should reflect that desire, at least once every 10 years each artwork in the collection should be evaluated.

B. OBJECTIVES

1. To establish an orderly process for evaluating works of art in the Municipality of Anchorage's collection acquired as a result of the Public Art Program.
2. To establish procedures for removal or relocation of works of art.
3. To insulate the procedures from fluctuations in public opinion and from judgments made by the Public Art Committee.

C. PROCEDURES

1. **Conditions.** A work of art may be considered for deacquisition for one or more of the following reasons:
 - a. The work of art has received documented and consistent adverse public reaction from a measurable large number of individuals and/or organizations over a period of 10 or more years.
 - b. Deacquisition has been requested by the agency that displays the work.
 - c. The site has become inappropriate; for example, it is no longer publicly accessible, or the physical setting is to be destroyed.
 - d. The work is fraudulent or not authentic.
 - e. The work possesses faults of design or workmanship.
 - f. The work causes excessive or unreasonable maintenance.
 - g. The work is damaged irreparably, or to an extent where repair is unreasonable or impractical.
 - h. The work represents a physical threat to public safety.
 - i. Deacquisition has been requested in writing by the artist.

2. Process. The recommendation to dispose of a work of art shall be made by the Public Art Committee and shall require a site review and a majority vote of the full membership of the committee. If the artist whose work is being considered has an objection he/she shall be notified and invited to speak to the Public Art Committee. Final approval for deacquisition shall be granted by the three commissions initially approving the artwork, including the Historical and Fine Arts Commission, the Arts Advisory Commission and the Urban Design Commission. The following procedure shall be established to consider a work of art for deacquisition.

- a. Curator of Public Art shall prepare a report and submit it to the Public Art Committee, which shall include:
 1. Reasons for suggested deacquisition;
 2. Criteria for original selection, acquisition method and cost;
 3. Informed estimate of the current value of the work;
 4. Opinion of artist whose work is being deacquisitioned;
 5. Staff evaluation of the work;
 6. Public, school and agency feedback on the artwork; and,
 7. Suggested alternate courses of action and costs.
- b. If removal or deacquisition of the artwork is for reasons other than safety, maintenance, destruction or theft, the Public Art Committee shall conduct an advertised Public Hearing prior to rendering a decision.
- c. Upon approval of deacquisition by the Public Art Committee the report shall be submitted to the Historical and Fine Arts Commission, the Arts Advisory Commission and the Urban Design Commission.
- d. If there is objection by any of the committee members, commissions, or the artist, the Curator of Public Art shall seek the opinion of the Municipal Attorney.
- e. Upon receiving approval from the above commissions, the Municipal Manager shall be notified.

POLICIES AND PROCEDURES FOR GIFTS OF PUBLIC ART

A. POLICY STATEMENT

Gifts to the Municipality are an important part of the Municipality's growing public art collection. Proposed gifts of works of art to be permanently installed in public locations should be reviewed as carefully as works which are purchased or commissioned; that is, in light of the purposes, goals and selection criteria.

There are very limited funds to preserve and conserve these works of art. There are also a limited number of suitable sites on municipal property for these works and other future public art projects. Therefore a careful review process has been established to evaluate proposed gifts of public art.

The Public Art Committee is charged with the responsibility for evaluating the suitability of a proposed artwork and determining whether or not to accept it as a gift. If accepted, donated works become the responsibility of the Municipality of Anchorage, which will inventory, insure, maintain and repair them.

References are made throughout this policy to the **Public Art Program Policies and Procedures Manual of the Municipality of Anchorage**, passed by the Public Art Committee in 1994.

This policy does not apply to gifts of state (e.g., gifts from sister cities or visiting foreign dignitaries).

B. PROCEDURES

1. Gift Proposals

For each proposed gift of public art, a written proposal or letter of intent must be submitted to the Public Art program staff. The proposal must include specifications of the proposed gift (artist, title, dimensions, proposed location, etc.), information on the artist and a donor profile. **[See Addendum A]**

The Public Art program staff will refer the proposals to the Public Art Committee for review. Whenever possible the actual work of art will be presented for approval. Proposals for large or monumental works should include:

- a. A maquette of the three-dimensional work or complete drawing of the two-dimensional work.
- b. If applicable, photographs that demonstrate the relationship of the artwork to the architecture and/or site and a site plan that locates the artwork and a photograph board of the site and its surrounding environment.
- c. Materials samples for the artwork and any relevant construction materials.

- d. Installation details.
- e. A professional appraisal of its value.
- f. An estimate of maintenance costs.
- g. Instructions for maintenance.

2. Committee Review

The Public Art Committee will discuss the proposal and move to accept or reject the proposal. Proposals for public monuments require careful consideration and may require several meetings before a final decision is made. Gift offers will be judged by the criteria listed in this gift and loan policy. In cases where a donor has specified a site for the proposed artwork to be located, the artwork must have the endorsement of the municipal department which oversees the site.

Works of art that are accepted on the basis of maquettes or drawings will be subject to a review process, including inspection by a structural engineer, during fabrication and installation. Specific plans for site design, installation and maintenance will be submitted for approvals. The artwork may not deviate from the proposal approved by the Public Art Committee unless the Public Art Committee approves such change.

3. Acceptance/Accession / Acquisition

The Public Art Committee meeting at which a resolution is passed stating final acceptance constitutes the date of accession, and an accession number will be assigned to the artwork. The staff of the Public Art Program shall maintain a record of all works donated to and accepted by the Municipality. Staff shall maintain records of each project, which shall include, but not be limited to the following:

- a. Written agreement with the donor or source of the loaned artwork.
- b. Records of Committee action bearing on the project.
- c. Interdepartmental agreements relating to the siting or implementation of the project.
- d. Correspondence and memoranda relating to the project.
- e. Records of all billings made in connection with the project.
- f. All proposals submitted and other visual or written materials relating to the artist's design or method of execution as are submitted or become available.

4. Acceptance by Municipality

Approval of acceptance of gifts by the Public Art Committee with a value of \$50,000 or more shall be presented to the Mayor and the Assembly before construction or installation may begin. The Public Art Committee is responsible for preparation and submission of the approval and resolution to the mayor.

5. Removal, Relocation or Deacquisition of a Work of Art

Works may be relocated or removed if a gift becomes a hazard or liability or if the approved terms of acceptance are not fulfilled. The Public Art Committee shall

deaccession and dispose of works of art in its collection only in the public interest and as a means of improving the quality of the collection as outlined in *Section XIII: Alteration, Relocation, Removal or Deacquisition of Works of Public Art* of the Public Art Program Policies and Procedures Manual.

C. CRITERIA FOR ACCEPTANCE

1. Quality and Appropriateness

A determination of appropriateness will be based on the Criteria for Selecting Works of Art outlined in *Section VII: Acquisition of Public Works of Art*. In addition:

- a. **General:** Gift acceptance and placement should be in accordance with adopted policy and historic use or master plan and should be in keeping with general public art goals. The location and design of the gift should be consistent with the character and design intentions of the proposed site. The quality, scale, and character of the gift should be appropriate to the particular setting.

Donation of works that require the Municipality to pay installation, framing, restoration, or repair are not encouraged. The Public Art Committee will evaluate such expenditures at the time the work is considered. Works of art requiring high or excessive maintenance may be declined.

- b. **Memorial Gifts:** Memorial gifts will also be judged on the following items to determine appropriateness:

1. If a person or event is being memorialized they/it must be deemed significant enough to merit such an honor. The person so honored shall have been deceased for a minimum of five years. Events shall have taken place at least five years prior to consideration of a proposed memorial gift.
2. The memorial represents broad community values.
3. The memorial has timeless qualities that are meaningful to future generations.
4. The location under consideration is an appropriate setting for the memorial; in general, there should be some specific geographic justification for the memorial being located in a specific site.

2. Placement/Site

If a donor has specified a site, the gift should significantly contribute to the setting, from a functional or design standpoint, and significantly enhance the chosen location in a way meaningful to the public. The following factors will be considered:

- a. Visibility
- b. Traffic patterns (both interior and exterior)
- c. Public safety
- d. Relationship to existing planned architectural and natural features.
- e. Park or area users
- f. Future development plans for the area (if known)
- g. Landscape design
- h. Existing artwork within the proposed site vicinity

- i. Environmental concerns
- j. Public accessibility to the work
- k. Social context (intended use of the work if any)
- l. Significance to the proposed site

D. ASSOCIATED COSTS

The donor must underwrite the costs of fabrication and installation. If necessary to the project, the donor will also be responsible for engineering specifications, design and cost of pedestal, identification plaque, special lighting, base, structural support and landscaping of the site. Insurance, maintenance and repair will be the responsibility of the Municipality upon acceptance of the gift. The donor will be encouraged to contribute funding to the Public Art Fund to be used for maintenance of the Municipality's public art collection. See gifts proposals for specifics.

All works of art in the Public Art Collection shall be maintained and preserved in the best possible condition, as outlined in *Section XI: Maintenance and Conservation of the Public Art Collection* of the Public Art Program Policies and Procedures Manual.

Addendum A

PROPOSED GIFT OF PUBLIC ART TO THE MUNICIPALITY OF ANCHORAGE

1. Please describe the work of art and/or commemorative gift being proposed for donation. Attach photographic and other documentation relevant to its value or merit. If available, please also attach any biographical information relating to the artist, or any published material relevant to the artwork.

Artist: _____

Title: _____

Medium: _____

Year: _____

Dimensions: (height x width x depth) _____

Overall description: _____

History of object (provenance): _____

How did you/your organization acquire the artwork?:

Estimated value: \$ _____ Source: _____

Condition: Excellent Good Fair Poor

Installation requirements (method of attachment, lighting, etc.):

Maintenance requirements:

Are you/your organization willing/able to provide the funding necessary to install, light, and identify the artwork?

2. If you are proposing that the work of art be installed in a specific location, please describe why you feel that site is appropriate for the proposed donation.

3. Does the artwork and/or commemorative gift acknowledge a person(s), place, or event that warrants broad and enduring public recognition?

4. What stipulations, considerations, or modifications, if any, are necessary?

5. Would you be willing to include with your donation funding for maintenance? (Donations would be used for general maintenance of the public art collection).

6. Is there an existing plaque which accompanies the artwork?

Suggested wording for identification plaque:

7. Other information:

8. Donor profile:

Name of individual or organization donating proposed artwork (if an organization, please also state the contact person's name):

Address:

Phone: _____

Fax: _____

Description of group/organization:

Reason for donating artwork:

Tax Implications, if any: _____

Person completing this form: _____

Telephone: _____

Date form completed: _____