

# City of San Ramon

## Art in Public Places Program

Accepted by the Parks and Community Services Commission 2/9/11

### VISION

The purpose of the Art in Public Places Program is to promote the acquisition, construction, installation, restoration and maintenance of public art pieces in San Ramon that will foster creativity, freedom of expression, cultural awareness, civic pride and a strong sense of community.

The National Endowment for the Arts recognizes – “Our need to make, experience and comprehend art is as profound as our need to speak. It is through art that we can understand ourselves and our potential... And it is through art that we will be understood and remembered by those who will come after us.”

### ART IN PUBLIC PLACES – PUBLIC ART

Public Art is defined as original visual works of art, which are accessible to the public. The artwork may be placed on private land within public view or access, or in public places such as City property, the exterior of any City owned facility, public areas, lobbies or public assembly areas.

Public Art includes, but is not limited to:

- Paintings of all media, including permanently affixed works such as murals
- Sculpture which may be in the round, bas-relief, high relief, mobile, fountain, kinetic, electronic in any materials or combination of materials including sound and performance
- Other visual media including but not limited to prints, drawings, stained glass, calligraphy, mosaics, photography, film, video, ceramics, fiber or textiles.
- Other works of a wide range of materials, disciplines and media including installation and performance arts which are documented for public viewing after the life of the piece has ended.
- Functional art works which possess practical functional qualities as well as aesthetic ones

The following items are not to be considered Public Art works:

- Directional elements such as super graphics, signage or color-coding except where these elements are an integral part of the original artwork
- Art objects which are mass produced from a standard design such as playground equipment, commercially produced fountains, flags or banners
- Unsigned or mass produced reproductions of original artworks
- Services or utilities necessary to operate or maintain the artwork over time
- Performing arts events which would normally be considered a part of the traditional performing arts (i.e. dramatic, theatrical productions, musicals, dance, ballet, music recitals, concerts, etc.)
- Works of art that are perceived by the review panel as offensive

## **ART IN PUBLIC PLACES – FUNDING**

### A. Private Developments

The San Ramon General Plan 2020 addresses “Community Image” under the Land Use Element (Section 4.8) and offers implementing policies to maintain and enhance San Ramon’s identity. Implementing Policy 4.8-I-11 states: “Require new office and commercial development to provide art that is clearly visible to the public.” All new developments are required through a condition of project approval to provide Public Art on the development site.

The requirement to provide public art is also applicable to significant expansions or modifications to existing office and commercial development projects, which do not currently have a public art feature. This requirement does not have a specific dollar amount; however, the proposed art should be commensurate with the scope and size of the project.

The proposed artwork is subject to review and approval by the Architectural Review Board, Arts Advisory Committee, Planning Commission, and the City Council.

### B. Public Developments

In order to have flexibility in size and scope of Public Art projects, \$30,000 will be allocated annually from the City’s Beautification Fund for Public Art in parks. Specific Projects will be identified and proposed through the CIP budget process. Dollar amounts and time frames will vary by project however the budget for the proposed piece should include design fees, artist fees, engineering fees, installation costs, an allocation to the public art restoration fund and a contingency amount for plaques and unanticipated project costs.

In new City of San Ramon capital building projects that will have access and visibility to the public artwork should be considered for the proposed site using a general budget guideline of 1% of the total capital project budget. Whenever possible an artist should be included as a part of the overall design team so that the art can be integrated into the space.

In the case of redevelopment of City facilities and parks, public art projects will be budgeted for through an annual appropriation in the CIP identifying the project as utilizing redevelopment funds. The dollar amounts will vary dependent on the size and scope of the projects as well as availability of redevelopment funds.

The City Council and/or the City Manager in conjunction with the submission of the annual capital budgets of the city may designate additional funds be utilized to place works of art in existing public places that have not been previously identified for Public Art through the budget process.

### C. Management of the Public Art Program

The Public Art Program will be managed and administered by City of San Ramon Staff with input from the Finance Department, Public Services Department, Engineering Department, Parks & Community Services Department and the Planning Department. Public Art Proposals for art on public land will not be moved forward until all affected City Departments have had the opportunity to review the proposed art and provide feedback prior to the proposed piece going to the Parks and Community Services Commission for approval.

## **ART IN PUBLIC PLACES – ARTIST SELECTION**

To ensure that artists commissioned under the City of San Ramon's Art in Public Places program produce work of the highest quality and public benefit, the following artist selection procedures shall apply.

### A. Public Process

Artists commissioned by the City will be selected through a public process overseen by City of San Ramon staff.

### B. Artist Selection Panels

If the art project is Sixty thousand dollars (60,000) or less, the Arts Advisory Committee will serve as the panel and bring in experts, as they deem necessary to select the artist.

For projects, over sixty thousand dollars (\$60,000), an artist selection panel not to exceed seven members will be established. The panel will have three to seven voting members and several nonvoting advisors including City Staff and a member of the Parks and Community Services Commission. The panel must include a majority of voting members who have a background or professional expertise in the arts such as:

- One or more practicing artists
- Other arts-related professionals or knowledgeable amateurs including curators, art historians, architects, designers, writers, critics, arts administrators, arts activists and arts volunteers
- Community representatives with a relationship to the proposed project. (For example, an adjacent property owner, a representative of the homeowners' association, etc.)
- The lead project designer

### C. Conflict of Interest

Anyone in position to receive financial gain from the selection of artists will be ineligible to serve on a selection panel. Panelists must declare any conflict of interest and abstain from voting if a conflict of interest arises. In addition, artists or members of their immediate family who serve on the Arts Advisory Committee will not be eligible for commissions or to receive any direct financial benefit from the Art in Public Places program during their tenure. This restriction shall extend for a period of one year following the end of service and indefinitely for projects that were developed or acted upon during the member's tenure on the Arts Advisory Committee.

### D. Panel Procedures

A City staff person will facilitate all artist selection panels. Prior to the panel's first meeting, staff will send each panelist a project description along with written instructions outlining duties and responsibilities.

Panelists will use the following general criteria in evaluating artists:

- Artistic excellence
- Ability to respond to the specific contextual issues and considerations of a particular project, its community and users
- Ability to successfully manage all aspects of the project including budgets, committees, sub-contractors, installers and other construction and administrative logistics
- Credentials including experience, training and critical or other professional recognition
- Local artists will be given special consideration.

If an artist is presenting a specific proposal, the following additional criteria may apply:

- Evaluation of the proposed materials and their appropriateness to the project, including issues of aesthetics, durability, ease of maintenance, protections against theft or vandalism, etc.
- Analysis of the artist's proposed method of installation and an evaluation of the safety and structural factors involved
- Evaluation of the proposed budget

Panelists will use a formal vote, determined by simple majority to make final selection of artists/projects. Conditions of approval may be included with the selection to outline timelines, permits and other details deemed necessary by the panel. Panelists may elect not to recommend any applicants for the project, in which case staff will recommend another round of artist selection or an alternative process to the Arts Advisory Committee.

#### E. Artist Selection Methods

During the development of the Public Art Master Plan, a City staff person will make a recommendation to the Arts Advisory Committee regarding the appropriate method to be used to select artists for each project and any artist eligibility requirements. For each new project, a City staff person will work with the affected departments and community representatives as appropriate to identify goals for the art, as well as potential issues and concerns that might impact artist selection. City staff may pre-screen applicants to verify that any minimum qualifications that may be established for the project have been met. All project proposals will be reviewed by the Engineering Dept to ensure public safety issues have been addressed and mitigated prior to final selection of the art piece.

- 1) Artist Registry – The Arts Advisory Committee may choose to develop a pre-qualified list from which to select artists for projects with limited lead times or where the City requires design teams to include an artist as a team member. If the Arts Advisory Committee chooses to maintain such a list, the City will issue an RFQ and appoint a panel of art professionals to review applicants' submissions. The pre-qualified list should be updated periodically or at least every three years. The list should include budgetary categories for established as well as emerging artists and should be open to local, regional and national artists.
- 2) Request for Qualifications (RFQ) and Request for Proposals (RFP) – When a specific art project is identified, the City will issue an RFQ or an RFP notifying artists of the project. Artists' responses should include credentials and past work for review by the panel. During the RFQ process finalists may be asked to develop a preliminary proposal which will be evaluated during an interview. If a preliminary proposal is requested, an honorarium may be paid to the artist.

The RFP process may be used for existing facilities or in the case of smaller budget projects for which entry level artists are being targeted. An RFP requesting conceptual proposals and detailing the proposal requirements would be distributed to local artists. The panel may choose to invite several finalists from the proposals received to interview prior to final selection.

- 3) Invitational Competition – An invitational competition may be appropriate in the case of complex projects where a limited number of artists may be capable of successfully competing or where there are severe scheduling restrictions. Based upon the project requirements, the panel will invite a limited number of artists to submit

qualifications or a proposal. The process may be done in two phases: the first phase based on qualifications and the second phase based on a proposal. Artists invited to develop proposals may be compensated.

- 4) Artist Eligibility – Specific artist eligibility requirements may be established for certain projects. For example, some projects may be restricted to artists living in San Ramon or the Tri-Valley, others may be open to artists from California, and still others may be open nationally. In addition, artists will not be eligible for consideration if they are currently engaged in a City public art project, nor will artists be eligible to receive more than one commission from the City in a one-year period since it is in the best interest of the City to build a broad and diverse art collection.

#### F. Artist Approval

Regardless of the selection method, the panel will forward its final recommendation to the Arts Advisory Committee. If the Arts Advisory Committee disagrees with the panel recommendation, it will direct staff to reconvene the panel and present specific concerns for consideration. If it agrees, it will forward a recommendation to the Parks and Community Services Commission. At the discretion of the Department Director the proposed project can be forwarded to the Architectural Review Board (ARB) prior to consideration of the piece by the Parks and Community Services Commission.

The Parks and Community Services Commission may approve the recommendation, or if the contract is for over fifty thousand dollars (\$50,000), may make a recommendation to City Council for approval and contract action.

G. Artist Agreement - Selected artists will have a specific contract with the City detailing the terms and conditions of the project including the rights of the City to deaccession the artwork if needed.

### **ART IN PUBLIC PLACES - PURCHASE ACQUISITION**

Completed Art Objects considered for purchase must meet at least one of the following criteria for consideration:

- 1) The proposed piece is being used to market a program, building or event in the City.
- 2) The proposed location for the piece is unique and none of the existing pieces in the collection are appropriate for the space.
- 3) More than 50% of the cost of the proposed piece is being privately funded through grants and or donations.

All objects considered for purchase must be recommended by the Arts Advisory Committee, approved by the Parks and Community Services Commission and have an approved allocation in the General Fund Budget or an approved allocation in the CIP budget.

### **ART IN PUBLIC PLACES – PUBLIC ART GIFTS**

The Arts Advisory Committee shall review any proposed donation of Public Art for artistic merit, site appropriateness, potential liability, safety, cost of installation, cost of maintenance and any donor stipulations. The review shall include consultation with all affected City departments and advisory boards per the Art in Public Places Guiding Procedures.

#### A. Monetary Gifts

Proposed monetary gifts to the City for the purpose of acquiring artwork shall be referred to the Arts Advisory Committee for review. The donor should provide a letter stating any stipulations regarding the use of funds for artwork. If there are no stipulations for use of the funds the Arts Advisory Committee may make a recommendation to accept the donation. If there are stipulations on the use of the funds the request will be reviewed by City Staff for feasibility and appropriateness and then forwarded to the Parks and Community Services Commission for a final decision whether or not to accept the donation.

#### B. Gifts of Public Art

A donor who wishes to make an offer of a gift of public art shall provide for review:

- Documented materials for the artwork being offered for donation including photographs, slides, renderings, descriptions of size, weight, medium, year of creation, maintenance requirements and a resume of the artist if possible
- Documentation establishing the donor as the clear and unencumbered titleholder of the artwork
- A release letter by the donor should the City decide to relocate or deaccession the artwork in the future
- Signed Art Donation Agreement that acknowledges that the City may decide to sell the artwork and or not to display the donated artwork in a civic building.

A legal document of transmittal, transferring title or loan of the artwork and defining the rights and responsibilities of all parties including deaccession, must accompany all gifts of artwork.

The City of San Ramon will acknowledge receipt of donated artwork without valuation for tax purposes. The donor must find other means of establishing the value of the artwork.

#### C. Gifts of State

Periodically the City of San Ramon, through its Mayor, City Council or various agencies, receives gifts of Public Art from official representatives of other cities, states and governmental agencies. All such "gifts of state" shall be referred to the Arts Advisory Committee for its recommendation as to site appropriateness, installation, maintenance, long-term conservation and funding requirements.

#### D. Review and Approval

Upon completion of its review, the Arts Advisory Committee shall have the authority to accept or reject the proposed donation and to recommend whether the proposed piece should be displayed in a public building or be deaccessioned from the collection. The recommendation will be forwarded to the Parks and Community Services Commission for final approval prior to display or sale of the piece. Any revenue received from the sale of deaccessioned artwork will be applied to restoration of the existing collection and or the purchase of new art not currently included in the operating or CIP budgets.

### **ART IN PUBLIC PLACES – MAINTENANCE OF PUBLIC ART**

#### A. Regular Maintenance

The City recognizes that maintenance of public artwork on a regular basis is essential to the integrity of the work. The City shall reasonably assure that all art work on public land is

properly cleaned and protected, taking into account the recommendations of the artist as stated in the maintenance criteria provided by the artist during installation.

#### B. Public Art Restoration

In the event that major repair work is required on Public Art installed on public land, the City shall give the original artist the opportunity to do that work at a reasonable fee. In the case of a disagreement between the City and the artist as to what constitutes a reasonable fee, staff will solicit bids for restoration from three other qualified sources. If the artist fee can be renegotiated within the range of the other bids, the artist will be contracted to do the repairs. If the fee is still deemed unreasonable given the other bids, staff will hire a separate contractor to do the repairs. Damage or vandalism to the base, plaque, frame, lighting or other elements not considered to be a part of the actual art piece may be repaired as needed by City Staff or contractors without consulting the artist. In the event that the damage constitutes a health or safety risk to the community, the City may remove the art or make emergency repairs as needed without contacting the artist.

#### C. Maintenance Funding for Art on Public Land

Monies from the Beautification Fund will be used in accordance with the annual Public Art project budget to repair and restore significantly damaged or vandalized artwork on public property. Money from the Beautification fund shall not be used for routine maintenance and cleaning of artwork. The City's annual park maintenance budget will include an annual appropriation to cover the routine maintenance of the City's public art collection located on public land. If there is not enough money to cover significant maintenance of the art in the collection, money from the City's Beautification fund may be allocated annually for this purpose.

#### D. Maintenance Funding for Art on Private Land

Art installed on private land will be the sole responsibility of the landowner. The artwork must be maintained at the sole cost of the landowner for the life of the development. If the property is sold the maintenance for the artwork will become the responsibility of the new owner.

In the event that the City during their annual inspection of the artwork deems that artwork on private land needs repair, a letter will be sent by the Planning Department to the landowner along with a copy of the original maintenance agreement and maintenance recommendations provided by the artist. Any disputes regarding maintenance of public art on private land will be referred to the Planning Commission to mediate.

In the event that a landowner wishes to remove a piece of artwork from the site, the landowner must move the artwork to another approved site in the City or replace the original piece with a new piece of artwork of a similar scope and size that has gone through the design and approval process outlined in the Public Art Guiding Procedures.

### **ART IN PUBLIC PLACES – REMOVAL OF ART**

All contracts for the acquisition of public art shall include a provision for a reasonable time period within which the City agrees to keep the piece of artwork in the place for which it was commissioned, purchased or donated. This provision shall also allow for removal, relocation or deaccession of the artwork in the event that the City Council determines that the location is needed for another public use or the piece is no longer of interest to the general public. Funds generated through the deaccession of existing Public Art will be used to acquire new art and/or maintain existing art in public places.

In the event that damage to the artwork constitutes a health or safety risk to the community, the City may remove, deaccession and or relocate the art as needed without contacting the artist.

## **ART IN PUBLIC PLACES – EDUCATION AND OUTREACH**

The Cultural Arts Division staff may initiate events and activities designed to provide a greater understanding of the visual arts and of art in public places.

Activities and events funded from the general fund may include, but are not limited to conferences, symposiums, workshops, artist lectures, public art tours and cooperative programs with schools and community organizations, the creation and distribution of promotional information for public art, including press releases, public service announcements, brochures and a public art newsletter.

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## **GLOSSARY OF TERMS**

Accession – the formal process used to accept artwork into the public art collection

Architectural Review Board - Often referred to, as the ARB is an official advisory body to the Planning Commission. They provide feedback regarding the architectural design of buildings, structures, and public art being constructed within the City.

Artist – individual, team of individual artists, or artist team leader of individuals from other disciplines whose body of work and professional activities demonstrate serious ongoing commitment to the fine arts

Annual Inspection – the annual inspection of the public art collection by the Cultural Arts Division staff or their designee to make recommendations on repairs, restoration or special needs related to the collection

Artist Registry – a list of artists maintained by the City Cultural Arts Division that is utilized to solicit, announce and promote public art projects

Arts Advisory Committee – the official advisory committee to the Parks and Community Services Commission This committee provides ongoing input to the City on the delivery of cultural arts services and programs.

CIP / Capital Improvement Project– the construction or alteration of a building, park or structure as defined in the annual operating budget for the City

Cultural Arts Division – the City of San Ramon is divided into departments, which are further divided into divisions. Within the Parks and Community Services Department, there is a Cultural Arts Division, which is responsible for visual and performing art programs.

Deaccession – the process of removing an object permanently from the collection, usually through sale or exchange or any other transactions by which title of the outgoing works of art



are transferred from the collection to another institution or individual. Under certain conditions, it may also include disposal by intentional destruction.

Parks and Community Services Commission – An official advisory body to the City Council on all issues related to Parks and Community Services within the City of San Ramon.

Planning Commission - An official advisory body to the City Council on all issues related to the general plan and implementation of the general plan within the City of San Ramon.

Public Art Master Plan – the citywide plan that identifies potential sites for public art projects.

RFP/ Request for Proposal – formal request by the City to submit proposals, including cost and fee estimates, to perform specific services or to undertake a specific project

RFQ/ Request for Qualifications – formal request by the City to contractors/consultants/artists to submit qualifications as part of a two step selection process for awarding a contract to undertake a project, not including any estimates of costs or fees