



CITY OF SALINAS
ART IN PUBLIC PLACES
POLICIES AND PROCEDURES MANUAL

May 16, 2017

Introduction

Public art results from the creative expression of artists in public places throughout the City. To fulfill the City's responsibility for expanding opportunities for the City's residents and its visitors to experience public art, the City Council has established and funded a public art program. The City Council has determined that 0.5% of the total cost of certain capital improvement program projects should be set aside for public art. The total contribution from any single project is limited to a maximum amount of fifty thousand dollars and the total amount which may be collected from capital improvement program projects annually is one hundred thousand dollars.

Accession Policy

The purpose of the accession policy is to establish an orderly and consistent process for reviewing artwork for acceptance into the Municipal Art Collection, ensuring that the collection is comprised of artwork of the highest quality. Accessioned artworks shall be of distinctive artistic merit and aesthetic quality and will enhance the diversity of the Municipal Art Collection. Accessioned artwork shall be appropriate in and for its site, scale, material, form, and content for both its immediate and general social and physical environment. Accessioned artwork shall be reasonably durable against theft, vandalism, weather, and excessive maintenance costs.

Accession implies the responsibility to preserve, protect, and display the artwork for the public benefit, as well as a work's permanency within the Municipal Art Collection, providing that the work retains its physical integrity, identity, and authenticity.

Accessioned artworks will be acquired without restrictions as to its future use and disposition except with respect to copyrights and certain clearly defined residual rights contained in agreements with artists. Artwork will be accessioned into the City's Municipal Art Collection only upon completion of all facets of the commissioning or purchasing agreement.

Each accessioned work will be documented to the fullest extent possible, including artist's last known address and, when available, photographs.

The artist's signed agreement transferring title for the artwork and clearly defining the rights and responsibilities of all parties will accompany every accessioned work and shall be in the documented records of the work. The artist's copyrights will be maintained in accordance with applicable law.

Deaccession Policy

The purpose of the Deaccession Policy is to establish a process for the removal, sale, relocation, and/or disposal of public works of art in the Municipal Art Collection, including removal of the artwork from its public site.

An artwork may be considered for deaccession only under the following conditions:

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

Theft - all stolen artworks will be documented through an official police report and a report prepared by the agency responsible for the site of loss.

Inauthentic - the work is discovered to be inauthentic, fraudulent, or stolen.

Damage beyond repair - the work has been damaged beyond repair, damaged to the extent that it no longer represents the artist's intent, or damaged to the extent that the expenses of restoration and repair is found to exceed current market value of the artwork. In the event the artwork is damaged, staff will prepare a report that documents the original cost of the artwork, estimated market value, and the estimated cost of repair.

Loss of site - Every attempt will be made to find a suitable location for every artwork in the municipal art collection; however, lack of siting or proper storage could merit deaccessioning.

Site alteration - for site-integrated artwork, if the site for which a piece of artwork was specifically created is structurally damaged or otherwise altered so that it can no longer accommodate the work, or if the piece is made publicly inaccessible by a change in its surrounding environment such as new construction or demolition, that artwork may be considered for deaccession.

Temporary acquisition - the artwork was purchased as a semi-permanent acquisition and the city's obligation is terminated.

Safety - the artwork endangers public safety.

Excessive representation - the work is duplicative, or excessive in a large holding of work of that type or of that artist.

Aesthetic value - the work has not withstood the test of time. It has been professionally determined to lack aesthetic or artistic value to justify its continued upkeep and storage within the municipal art collection.

Once the artwork has been accessioned into the Municipal Art Collection, it may not be deaccessioned on the basis of content.

At the conclusion of each biennial cyclical maintenance survey, in the event that works of art are threatened by any of the above criteria, staff will prepare a recommendation for deaccession of artwork from the Municipal Art Collection for review, evaluation, and action by the Public Art Commission and the City Council.

It is the obligation of the Public Art Commission to ensure that all disposals with regard to the Municipal Art Collection be formally and publicly conducted and adequately documented.

Artists whose work is being considered for deaccession shall be formally notified by mail using the current address of record originally provided by the artist.

All artwork under consideration for deaccession will be accompanied by a staff report that includes:

1. Reasons for the suggested deaccession.
2. Accession method, cost, and current market value.
3. Documentation of correspondence with the artist.
4. Photo documentation of site conditions (if applicable).
5. Official police report (if applicable).

A permanent record of the artwork's inclusion in Municipal Art Collection, and reasons for its removal, shall be maintained in a deaccessioned collection file, and will be kept as a separate section of the Municipal Art Collection records.

The artwork, or its remains, shall be disposed of by the Library and Community Services Department staff or its agents upon deaccession action. The artist will be given the opportunity to purchase the artwork, or its parts, before disposal by sale, donation, trade, or destruction.

The City Council will deaccession artwork from the Municipal Art Collection by approval of a resolution; however, the City Manager is authorized to remove artwork from the collection if the value of the art is equal to or less than his purchasing authority.

The Public Art Commission's action regarding deaccessioned artwork will be transmitted to the City Manager's Office.

Distribution of sales funds. In the event that the removed artwork is sold, pursuant to the subsections above, the proceeds of such sale shall be deposited into the Municipal Art Fund of the City of Salinas.

No current member of the Public Art Commission or staff to the commission or any member or staff who has served on or for the Commission within the most recent two years from the date of consideration of deaccession shall be allowed to bid and/or purchase a deaccessioned artwork.

Funding Policies and Procedures

The following projects are eligible for contribution to the public art program:

Eligible Projects. Construction-related capital improvement program projects included in the City's adopted Capital Improvement Program Budget paid for wholly or in part by funds appropriated by the City of Salinas. Maintenance projects and non-construction related projects are not considered eligible projects for purposes of funding public art. Projects which are funded by restricted funds, i.e., from funding sources which prohibit expenditure of funds for public art, are also not considered eligible projects.

Public Art Fund. A Municipal Art Fund is maintained by the Finance Department to fund public art projects and to support performing arts. The Account is credited annually with all funds allocated to this Account to be used *exclusively* for public art and the maintenance and/or the repair thereof. Funding will be transferred from this Account once the City Council determines that the expenditure is appropriately in support of a public art project.

Public Art Commission. The Public Art Commission is advisory to the City Council and in that capacity has a number of duties with respect to the public art program, as set forth in Article 1 of Chapter 5 of the Salinas City Code. Among those duties, the Public Art Commission shall review proposed public art and public art projects and make recommendations to the City Council. The Public Art Commission's recommendations will be presented to the City Council for final approval. The Public Art Commission will provide a report stating the reasons for its selection(s), addressing the purpose and the intent of the City's public art program and the policies and procedures expressed herein. A staff report accompanying the recommendation will be presented to the City Council. The City Council shall approve or disapprove or modify the recommendation of the Public Art Commission.

Allocation of Public Art Funds to Projects. The Public Art Commission's role is limited in the sense that it has no independent authority to direct the funding of public art projects and no independent authority to establish a budget for any project or projects or to otherwise direct the expenditure of funds maintained in the Municipal Art Fund. The funding of public art and the use of funds maintained in the Municipal Art Fund is exclusively the role of the City Council.

Artist Compensation. Artists can be paid on an hourly basis, with fixed payment tied to a performance schedule, by lump sum, or on some other basis, similar to other types of consultants.

Whatever the approach, payments should be tied to a clearly defined and agreed upon schedule of performance.

Selection of Artists and Artwork

Public art is often a prominent visual feature, consequently, it is important that each piece of public art, and its proposed location, be thought through carefully. Public art may be either publicly funded, i.e., funded by the City, or privately funded. Both publically funded and privately funded art which is installed or placed in public spaces throughout the City, shall be subject to these policies and procedures.

A majority of public art commissions or acquisitions shall be awarded to Salinas-based artists. This shall mean those artists who reside in Salinas, have an art business located in Salinas, or whose primary professional employment is in Salinas. Similarly, a majority of funds allocated for public art shall go to Salinas-based artists.

Selection Strategies. An artist is selected in one of the following manners:

- (a) Request for Qualifications. A Request for Qualifications (RFQ) followed by a Request for Proposals (RFP) is the most common method for selecting an artist.
- (b) Sole Source. This approach reflects the fact that public art is fundamentally different from most other types of projects. With art, we are looking for individual expression or unique idea—not price comparisons for one plan or idea. In some cases, a specific artist or type of art may be desired and the Public Art Commission or the City Council may choose to request a proposal from an individual artist without going through competitive selection. **This approach requires City Council approval and needs to be clearly justified as to why competitive selection is not needed or desirable and how sole sourcing will better meet the City’s objectives.**
- (c) Acquisition. Acquisition of an art piece that has already been completed by an artist may be appropriate in some circumstances. **City Council approval is required for direct acquisition of pieces of art.**

One of the City’s goals is to promote the involvement of local artists and residents in the public art program. To that end, the origin of the art or the residence of the artist, are factors which will be taken into consideration. Preference will be given to art which originates in the tri-county area (Monterey County, Santa Cruz County, and San Benito County) and to artists which reside within the tri-county area.

In cities throughout the United States, there has been growing support for public art. However, some projects have been criticized as being “plop art”—meaning elements are simply “plopped” down in a location without sensitivity to the site or the people who use the space. To help combat this problem, all public art and public art projects shall be reviewed by the Public Art Commission and the City Council to determine whether any issues may arise out of the placement of art or the choice of materials for the artwork for the particular site.

In their consideration of public art projects, the Public Art Commission and the City Council shall, in addition to those other matters addressed herein, consider the following and shall consider the

criteria set forth in Article 1 of Chapter 5 of the Salinas City Code during the process for selecting artists and public art projects.

Public Art Installation

Plans and Specifications. Like most other construction projects, public art requires plans and specifications. Although these may vary in terms of detail and complexity, even the simplest art project requires plans and specifications. Plans for public art projects require much of the same information as other types of new developments. Depending on the type of public art project, the following information is typical:

- (a) site plan
- (b) grading plan (if appropriate)
- (c) elevation/section drawings (if appropriate)
- (d) design, attachment, and/or fabrication details
- (e) structural calculations
- (f) material and performance specifications
- (g) maintenance program

Each project is different and the Public Art Commission and the City Council will need to determine how much and what type of information is needed to successfully fabricate and install the work.

Plan Check, Permit, and Inspections. Most types of freestanding public art are treated as structures in the building code and require a construction permit; however, the City is not legally required to get a building permit for its own capital projects.

Inspections are required to ensure that the project is built as approved. For small projects, like sculptures, murals, or similar projects where structural safety is not a concern, one inspection is usually sufficient upon completion. For larger or more complex projects, several inspections may be needed. All new public art projects require a final inspection by the City Manager or his/her designee. After the public art project has been signed off by the City Manager or his/her designee, a formal letter will be prepared accepting the artwork.

Gifts and Loans

The gifts and loans policy provides a process for the review of proposed gifts and loans, and for the placement, the care, and the preservation of an artwork acquired through this process.

Proposed gifts or loans of artwork shall be referred to the Public Art Commission for review. All recommendations on the acceptance or the rejection of proposed gifts or loans of artwork shall be referred to the City Council for approval.

Proposed monetary gifts to the City for the purpose of acquiring artwork shall be referred to the Public Art Commission for review. All recommendations on the acceptance or the rejection of proposed gifts of money shall be referred to the City Council for approval.

1. Each proposed gift or loan of artwork will be reviewed according to the following:

Aesthetic Quality—the proposed artwork has significant aesthetic merit.

Appropriateness of chosen site or proposed location—scale of the artwork is appropriate for the site including relationship between the artwork and the site and obstacles of the site.

Restrictions from the donor—any restrictions must be clearly identified and, if accepted, expectations must be met by the City.

Originality of artwork - artworks must be one-of-a-kind or part of an original series. Reproductions of originals are not considered eligible for acceptance.

Relationship to the collection as a whole - The proposed gift must be compatible with the municipal art collection without being over-represented.

Technical feasibility -The realistic ability for the proposed project to be built and installed as proposed.

Technical specifications - The actual work must be viewed, if available, or scale drawing and/or model(s) consisting of a site plan and elevation describing the following:

- (a) surrounding site conditions, if applicable
- (b) dimensions
- (c) materials and finishes
- (d) colors
- (e) electrical, plumbing, or other utility requirements
- (f) construction and installation method
- (g) additional support material such as text verbally describing the artwork and specifications, models, or presentation drawings by a licensed engineer may be required

Budget - cost to manage project, prepare the site, deliver and/or install the work, funds for signage/recognition, and any other cost should be disclosed by the donor in a budget. The donor must clearly delineated responsibility for all costs associated with the project.

Timeline - expected timeline for donation or installation should be proposed by the donor.

Expected lifetime and staying power of the material used to create the artwork especially if set in the out-of-doors or in a non-archival exhibition setting and exposed to elements.

Warranty - the donor agrees to be responsible for a warranty period of one (1) year from the date of final installation of the artwork to insure the integrity of the materials, fabrication and installation of the work.

Vandalism and safety - the artwork will not be prone to vandalism or pose a safety hazard. precautions against vandalism, specifically anti-graffiti, will be taken.

Maintenance and preservation - donor's agreement to provide a technical and maintenance record including a plan for routine care with estimated costs. the donor must indicate if there are any unusual or ongoing costs.

Community process - community groups who generate artwork proposals must show that their surrounding community has been involved and consulted in the process.

2. Donors proposing gifts will be informed of the importance of the above criteria in the Public Art Commission and City Council's consideration.

3. The Public Art Commission will have the authority to review and recommend to the City Council to accept or reject donated artwork on behalf of the city.
4. All gifts that are recommended for acceptance will only be accepted into the municipal art collection pursuant to the accession policy.

Conditions of Acceptance

The City Council encourages clear and unrestricted gifts to the City of Salinas. Any conditions or restrictions attached to a gift or a loan of artwork must be presented to the Public Art Commission for review and to the City Council for approval. No work of art will be accepted with conditions deemed unacceptable by the City Council, nor will any work of art be accepted with an attribution or circumstance guaranteed in perpetuity.

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

Visual Art Display Guidelines

On November 27, 2012, the City Council approved Resolution No. 20297 which established guidelines for the display of visual art at City facilities, including City Hall and other public facilities owned or controlled by the City. This policy shall remain in effect and shall be incorporated into these Policies and Procedures by reference.

Legal Considerations.

Ownership. In most instances, the City will own the public art installed in the City's public spaces. Ownership interests will be resolved prior to the installation of public art in the City's public spaces.

Insurance Requirements. Because of the uniqueness of each piece of public art, the City Attorney needs to be consulted to determine the appropriate type and level of insurance that must be carried by an artist during the time the artwork is being fabricated and installed. Once a permanent artwork is formally accepted, the City assumes responsibility and liability for the art.

Relocation, Alteration, or Removal. From time-to-time, permanent City-owned artworks may need to be relocated, altered, or removed from public display. Reasons for such changes could be (1) significant changes occur in the design or the function of the site or the facility where the artwork is located; (2) to avoid damage to the artwork; (3) to allow repairs or restoration that could not effectively be done in place; (4) to improve or to protect the public's health, safety, or welfare; or (5) to promote the public interest and the City's public art program goals. To ensure that all parties' needs and rights are considered, **City Council approval must be secured before a permanent piece of City-owned public art is relocated, altered, or removed.**