

<b>COUNCIL POLICY</b>		<b>EXHIBIT A</b>	
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**BACKGROUND:**

This policy provides direction for the implementation of the Public Art Program.

**PURPOSE:**

The Public Art Program (“Program”) is intended to enrich civic life, give voice to the unique creative spirit of Santa Rosa, and galvanize the City’s reputation as an arts destination. The Program integrates a wide range of art into public spaces, creating a livable community and contributing to economic development.

The Program will provide the following core functions:

- A. Developing projects that focus on issues and places that are important to Santa Rosa civic dialogue.
- B. Developing projects in collaboration with other public agencies, non-profit cultural groups and curators.
- C. Reviewing projects, gifts and loans proposed by others for City property.
- D. Reviewing murals that are publicly funded or on City property.
- E. Facilitating community participation in the development of Public Art projects.
- F. Stimulating public awareness of Public Art.
- G. Reviewing projects initiated by developers.
- H. Organizing exhibitions in City facilities.
- I. Managing the existing Collection through assessment, maintenance, and conservation.

**DEFINITIONS:**

The following words and phrases, whenever used in this Policy, shall be construed as defined in this section:

- A. “Annual Work Plan” an outline of the work program for the Public Art Program in any given year, including an identification of the Creative Zone the Program will focus on during that year, and a list of new projects the Program will initiate, including where the projects will be located and the proposed budgets.
- B. “Art in Public Places Committee” and “APPC” a committee appointed by the City Council to advise the City Council and staff on the establishment and implementation of the Public Art Policy and expenditures from the Public Art Fund.
- C. “Artist” a person who has established a reputation of artistic excellence, as judged by peers through a record of exhibitions, public commissions, sale of works or educational attainment.

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- D. "Arts Coordinator" a City staff member who is responsible for coordinating the activities of the Public Art Program.
- E. "Artwork" a work of Public Art.
- F. "Collection" encompasses both the Public Art Collection and the Portable Collection.
- G. "Concept Design" an artist's preliminary idea for a project, presented in images and/or text, and approved by the APPC as the basis for further design exploration and community engagement in the development of a public art project.
- H. "Conservation" the examination, documentation, treatment and preventative care of an artwork conducted by a professional art conservator.
- I. "Creative Zone" specific City locations, general types of places, and/or topics that are a priority for public art.
- J. "Curator" a fine arts professional who assists in the development of a public art project, primarily by locating an artist suitable for a project, assisting the artist in developing their concept, and assisting in the implementation of the project.
- K. "Deaccession" the process by which an artwork is permanently removed from the Collection.
- L. "Final Design" an artist's final design for a public art project, presented after all design investigation and community engagement is complete, and including all renderings, drawings and certifications necessary for approval prior to fabrication and installation.
- M. "General Fund" the fund in the City budget that is the main operating fund used by default to account for and report all financial resources not accounted for and reported in another fund.
- N. "Maintenance" the routine care and repair of works of Public Art that does not require specialized expertise such as dusting, washing, changing light bulbs, storage, lubrication of moving parts, etc.
- O. "Portable Collection" artworks in a variety of media, such as sculpture, painting, mixed media, prints, photography and textiles that are owned by the City, movable, and primarily exhibited in interior spaces of City buildings.
- P. "Public Art" an original work of art in any media, produced by an artist or by a team of artists that has been planned and executed with the intention of being staged in the physical public domain, often outdoors and accessible to all.
- Q. "Public Art Collection" the body of artworks acquired by the City, through commission, donation, purchase or other means, and owned by the City.
- R. "Public Art Expenditure Plan" an outline of expenditures from the Public Art Fund in any given year. The Expenditure Plan is prepared by the Arts Coordinator in collaboration with the APPC in conjunction with the Annual

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Work Plan. The Public Art Expenditure Plan is reviewed by the APPC, and forwarded to the Director of Recreation and Parks, who includes it in the budget proposal that is submitted by the City Manager to City Council for approval.

- S. "Public Art Fund" a dedicated account established and maintained by the City of Santa Rosa for the purpose of funding public art and cultural programming consistent with the Public Art Policy.
- T. "Public Art Master Plan" a document adopted by City Council which sets the foundations for the Public Art Program, including vision, mission and overall goals, and broadly identifies the types of projects that the Program will undertake, and recommends policies, procedures and guidelines for implementing the Program.
- U. "Public Art Ordinance (Development Requirements Relating to Public Art) and "City Code Chapter 21-08" code requirements for public art in private development and requirements for City contributions to the Public Art Fund.
- V. "Public Art Program" the City of Santa Rosa program for the delivery of a broad range of art and cultural projects and activities throughout Santa Rosa and within the Santa Rosa Arts District, as designated in the Public Art Policy.
- W. "Public Art Project Plan" a document that guides the planning and execution of a specific public art project.
- X. "Request for Proposals (RFP)" a call to artists that asks for the submission of artist credentials and a conceptual proposal for an artwork, both of which are the basis of selecting an artist.
- Y. "Request for Qualifications (RFQ)" a call to artists that asks for the submission of artist credentials, which is the sole basis of selecting an artist.

**POLICY:**

- A. Art in Public Places Committee. The Art in Public Places Committee (APPC) is established to advise the City Council, the Director of Recreation and Parks and the Arts Coordinator on matters related to the City of Santa Rosa Public Art Program. The APPC advises on policies and goals for the selection, placement and maintenance of Artwork. APPC members participate in a sequence of steps to select Public Art projects.
  - 1. Composition. The committee shall consist of seven (7) voting members that either possess professional experience in the field of visual or public art including, but not limited to artists, arts administrators, curators or producers of public art, scholars or teachers; or possess experience including environmental design,

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placemaking, economic development, tourism, or a background or general interest in other aspects of the arts.

2. Requirement for Appointment. Requirements for appointment are established by Council Policy 000-06 "Appointments to Boards/Commissions/Committees."
3. Application. Application procedures shall follow the process established by Council Policy 000-06 (F).
4. Appointment. Appointment procedure shall follow the process established by Council Policy 000-06 (A) and (G) for Appointments by Individual Council Members. The Council Members may request recommendations from the APPC members.
5. Terms. Members appointed by individual Council members shall serve concurrently with the appointing Council member's term.
6. Chair/Vice Chair. The Mayor shall appoint the Chair in February of each year or as needed, with the approval of the majority of the Council. The Vice Chair shall be elected by the APPC members on an annual basis.
7. Attendance. Attendance shall be governed by Council Policy 000-06 (J).
8. Duties. The APPC will:
  - i. Review amendments to the Public Art Policy and provide recommendations to Council for approval.
  - ii. Review and adopt guidelines for decision-making processes and criteria.
  - iii. Review and approve the Annual Work Plan.
  - iv. Provide guidance to the Arts Coordinator in the development of the Public Art Expenditure Plan and recommend to Director of Recreation and Parks for approval through the annual budget process.
  - v. Review and approve Public Art Project Plans.
  - vi. Review and approve the selection of artists and development of concepts for Public Art projects commissioned through the Public Art Fund.

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- vii. Serve as the Selection Panel for certain projects commissioned through the Public Art Fund.
- viii. When recommended by the Director of Recreation and Parks, review and provide feedback on projects proposed by developers in fulfillment of the City’s Development Requirements for Public Art.
- ix. Review and advise on gifts and loans of Public Art to the City.
- x. Review and approve proposals for murals that receive City funding or are located on City property.
- xi. When requested by a City Council member or members, assist with recruiting applicants for APPC vacancies.

9. Conflicts of Interest/Ethics. Conflicts of Interest/Ethics requirements established by Council Policy 000-06 (K) shall apply to APPC members. In addition, no person serving on the APPC may submit for public art projects for which the APPC has approval authority during his/her term.

**B. Project Development Process.**

- 1. Annual Work Plan. An Annual Work Plan will be developed for each upcoming fiscal year, outlining which Creative Zone the Program will focus on and which new projects the Program will initiate. The Annual Work Plan shall be developed collaboratively by the Arts Coordinator, relevant City departments and the APPC, and shall be approved by the APPC.
- 2. Public Art Project Plan. For each public art project that is approved in the Annual Work Plan, the Program shall adopt a Public Art Project Plan, which shall guide the planning and execution of a project. The Project Plan shall include: goals, location, budget, timeline, artist selection process, community engagement process, and identification of internal and external stakeholders. Public Art Project Plans shall be developed by the Arts Coordinator, working with the APPC, City departments and other stakeholders, and shall be approved by the APPC.
- 3. Collaborating with Other City Departments. The Arts Coordinator shall maintain close liaison with staff in other departments in order to collaborate on commissioning public art that is integrated into new

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City Capital Improvement Projects, even if the projects fall outside of the Creative Zones. The Arts Coordinator shall bring opportunities to the attention of the APPC as they arise, and consider them during the development of the Annual Work Plan. The following criteria shall be used in evaluating collaborative opportunities:

- i. There is an opportunity to incorporate permanent Public Art during new construction or renovation that will result in a strong artistic outcome;
- ii. The site is visible and accessible to the public at least during regular business hours;
- iii. The City department that is responsible for the project (client/end user) supports including an artist in the project, brings additional resources to the project and is committed to maintaining the project;
- iv. There are appropriate resources available for the project to be successful.

**C. Project Approval Process.**

- 1. Artist Solicitation. The Program may solicit artists using a variety of methods, depending on the requirements of the project as determined by each Public Art Project Plan.
  - i. Open Competition. A call to artists for a specific project in which artists are asked to respond through a Request for Qualifications (RFQ) or Request for Proposals (RFP) process. Any artist may respond, subject to criteria established in the Public Art Project Plan.
  - ii. Limited or Invitational Competition. A call to artists in which a smaller number of artists are specifically invited to respond through a RFQ or RFP process. Artists should be invited based on their past work and demonstrated ability to successfully respond to the conditions of the particular project.
  - iii. Direct Selection. A direct selection of a specific artist for a particular project. Such a recommendation may occur for several reasons, but generally when circumstances surrounding the project make either an open or limited competition unfeasible.

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2. Artist Selection. The Program may choose from the following methods in selecting artists, depending on the requirements of the project:
  - i. Request for Qualifications (RFQ). A call to artists is issued asking for the submission of an artist’s credentials. A Selection Panel may select three to five finalists based on their qualifications alone to submit a proposal, or to interview. The Selection Panel may recommend selecting one of the finalists based on their qualifications and/or interviews, or not selecting any of the artists and going back to review qualifications of other artists.
  - ii. Request for Proposals (RFP). A proposal-based process may be used in a Limited Competition, or in the second phase of an Open Competition. A call to artists is issued to the short list of qualified artists under consideration asking for the artist’s credentials and a specific proposal in response to the RFP. An honorarium for artist time and expenses may be established in the RFP. The Selection Panel may recommend one or more of the artists based on their qualifications and proposal, or not selecting any of the artists and going back to review qualifications of other artists.
  
3. Selection Criteria. The following criteria shall be used by the Selection Panel in selecting an artist and artist concept:
  - i. Meets the definition of Artist, as defined in this policy;
  - ii. Demonstrates artistic excellence, innovation and originality as represented in past work and supporting materials;
  - iii. Demonstrates capacity for working in media and with concepts that are appropriate to the project goals and site;
  - iv. Demonstrates interest and capability in creating Public Art in collaboration with the City, design teams and other project partners;
  - v. Demonstrates interest and capability in engaging community representatives in a project;
  - vi. Demonstrates the ability to communicate effectively, possesses flexibility and problem-solving skills;
  - vii. Demonstrates experience in successfully completing works of similar scope, scale, budget and complexity, or articulates how he or she will bring the necessary artistic and technical skills to the project;

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- viii. Demonstrates interest in and understanding of the project as outlined in the Project Plan;
  - ix. Is available to perform the scope of work in a timely and professional manner;
  - x. Meets the definition of Public Art as defined in this policy;
  - xi. Demonstrates artistic merit, including excellence in aesthetic quality, workmanship, innovation and creativity;
  - xii. Demonstrates appropriateness in scale and form and is of materials/media suitable for the site;
  - xiii. Meets project goals as outlined in the Project Plan;
  - xiv. Demonstrates feasibility of construction and installation;
  - xv. Demonstrates feasibility in terms of budget, timeline, safety, security, durability, operation, maintenance, conservation, legal and ethical issues;
  - xvi. Builds the diversity of the Public Art Collection.
4. Additional Guidelines. The Arts Coordinator and APPC may develop additional guidelines and criteria based on the needs of the project and approved in the Public Art Project Plan.
5. Curators. As an alternative to issuing a call directly to artists, the Program may issue a RFQ or RFP to non-profit organizations or established curators. In selecting a non-profit or curator, the following criteria should be considered:
- i. Demonstrated interest and capability in working with artists to create Public Art;
  - ii. Demonstrated ability to identify, select and manage artists to produce public art of artistic excellence, innovation and originality that are appropriate for the project;
  - iii. Demonstrated interest in and understanding of the project and City goals;
  - iv. Demonstrated experience in successfully completing works of similar scope, scale, budget and complexity, or ability to articulate how he or she will to bring the necessary artistic and technical skills to the project;
  - v. Availability to perform the scope of work in a timely and professional manner.
6. Selection Panel. Once a project is funded as part of the Annual Work Plan and a Public Art Project Plan is adopted, a Selection



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Panel may be assembled. The APPC may serve as the Selection Panel, or opt to form a separate Selection Panel, based on recommendations from the Arts Coordinator and taking into account internal and external stakeholders. The Selection Panel shall advise on the selection of artists and approval of concept designs. The Selection Panel is responsible for selecting one or more artists, cultural organizations or curators based upon the process outlined in the Public Art Project Plan and recommending selections to the APPC for approval.

7. Artist Agreement. Upon recommendation of the APPC, the Arts Coordinator shall coordinate agreements with selected artists, curators and/or cultural organizations. The agreement may include the scope of work, fee, schedule and relevant terms and conditions. The scope of work will generally include final design, engineering, fabrication and installation of the artwork. The Director of Recreation and Parks shall have approval and signature authority for Artist Services Agreements, Artwork License Agreements, Talent Services Agreements, Artwork Loan Agreements and Artwork Gift Agreements. Approval for other agreement types shall follow current Award Authority for Contracts.

D. Public Art Fund. The Public Art Fund is a dedicated account established and maintained by the City of Santa Rosa for the purpose of funding public art and cultural programming consistent with this policy.

1. The Public Art Fund receives funding from sources established in City Code 21-08.090:
  - i. Annual appropriations from City Capital Improvement Projects (CIP), calculated as one percent of general fund CIP construction costs;
  - ii. Annual appropriations from Park Development Fees (PDF), calculated as one percent of the total PDF fees received by the City; and
  - iii. In-lieu fee payments from developers in the amount of one percent of the construction costs of projects covered by the requirement.
2. Public Art Funds may be used to acquire, place, and maintain Public Art on public property throughout the City, and to administer the Public Art Program. Eligible uses of public art funds include:

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- i. Public Art projects, including artist design fees, labor and materials, project-related travel, site preparation including permits, transportation of the artwork to the site, installation, plaques, documentation, marketing, and insurance;
      - ii. Cultural programming, including administrative and staff costs, marketing and promotions, equipment, logistics, artist fees;
      - iii. Maintenance and conservation of the Collection;
      - iv. Fees for consultants.
    - 3. Public Art Funds derived from Park Development Fees may be spent only on Public Art located in parks.
- E. Gifts and Loans to the Public Art Collection. Proposed gifts and loans of public art shall be evaluated to determine whether they are in keeping with Program goals and adopted plans and policies.
- 1. Proposals for all gifts and loans of public art made to any City official or department shall be referred to the Arts Coordinator.
  - 2. The Arts Coordinator shall oversee technical review to determine:
    - i. There is documentation that the artwork can be legally donated or loaned to the City;
    - ii. The durability, safety and anticipated maintenance needs of the artwork;
    - iii. The ongoing financial costs associated with accepting the gift or loan of artwork can be met;
    - iv. The availability of an appropriate site for the artwork.
  - 3. Additional criteria for technical review may be developed as necessary by the Recreation and Parks Department.
  - 4. Aesthetic review shall be undertaken by the APPC, according to the following criteria:
    - i. The artwork demonstrates excellence in aesthetic quality, workmanship, innovation and creativity;
    - ii. The artwork demonstrates appropriateness in scale and form, and is of materials/media suitable for the site; and
    - iii. The artwork builds the diversity of the Public Art Collection.

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5. The Arts Coordinator and APPC shall provide a recommendation to the Director of Recreation and Parks, who shall have final approval authority over gifts and loans of Public Art.

F. Relocation or Deaccession of Art in the Public Art Collection. The City retains the right to relocate or deaccession any artwork in the Public Art Collection, regardless of the source of funding or method of acquisition.

1. The Public Art Program may relocate or deaccession an artwork subject to any of the following criteria:

- i. The site of artwork is being eliminated or altered in such a way that the artwork is no longer compatible with it;
- ii. The security of the artwork can no longer be reasonably guaranteed;
- iii. The artwork has become a danger to public safety;
- iv. The cost of maintaining or updating the artwork is cost prohibitive;
- v. The artist or donor has failed to comply with the terms of any agreement with the City;
- vi. The de-accessioning of the artwork would otherwise be in the best interest of the City.

2. Relocating or deaccessioning a City owned public artwork will be reviewed:

- i. The Art Coordinator shall present a preliminary finding to the APPC that a work of public art should be relocated or deaccessioned. The APPC shall evaluate if the proposed relocation or deaccession meets the criteria for relocating or deaccessioning;
- ii. The Art Coordinator shall contact the artist to discuss the relocation or de-accession of the artwork, as provided for in the artist agreement;
- iii. If an artwork is to be relocated, the Art Coordinator will develop a plan for the relocation of the artwork, including analysis of the new location for the artwork, and consultation with other City departments as necessary;
- iv. The Art Coordinator shall present the APPC with a full report proposing the re-location or de-accessioning of the artwork for APPC review and recommendation.
- v. The APPC recommendation shall be forwarded to the City Council for approval.

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G. Gifts, Loans, Relocation or Deaccession of Art in the Portable Collection. The approval of gifts, loans, relocations or deaccessions of the Portable Collection shall be at the discretion of the Director of Recreation and Parks.

Amended by Resolution No. 28764  
 Amended by Resolution No. 27397  
 Amended by Resolution No. 25269  
 Amended by Resolution No. 24924  
 Amended by Resolution No. 24278  
 Amended by Resolution No. 23756  
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