

Public Art Program Guidelines

City of Brentwood

I. PUBLIC ART PROGRAM GUIDELINES PURPOSE

These Public Art Program Guidelines establish procedures for implementing a public art program as adopted by the City of Brentwood City Council, Section 2.44.120 of Ordinance 2.44 Arts.

II. PUBLIC ART PROGRAM

The public art program is stipulated in Section 2.44.120 of the Brentwood Municipal Code as follows:

2.44.120 Purpose

- A. The City has formed an Arts Commission to encourage, stimulate, promote and foster programs for the cultural enrichment of the City and its inhabitants. The City accepts the responsibility for expanding the experience with visual art. Such art has enabled people in all societies to better understand their communities and individual lives. Therefore, a policy is established to require the inclusion of art in public capital projects and private construction and development projects.
- B. In the commissioning and approval of public art projects, through the establishment of a City public art collection, and/or in the establishment of a City art gallery, the public art should be in harmony with the City's heritage, vision, and/or opportunity. Public art should strive to say "this is Brentwood".
- C. Relating "Heritage" to public art can mean:
 - 1. Work that advances the public understanding of the arts in Brentwood's past or present.
 - 2. Work that enhances what has been Brentwood's aesthetic quality.
- D. Relating "Vision" to public art can mean:
 - 1. Work that can connect Brentwood's past to the future.
 - 2. Work that connects directly to the future of where Brentwood is going.
 - 3. Work that is visionary and captures the aspiration, imagination, or beauty of Brentwood
- E. Relating "Opportunity" to public art can mean:
 - 1. Work that provides interaction with people.
 - 2. Work that provides interaction with the place it is located.
 - 3. Work that can be placed in a key location in the community.
 - 4. Work that has a broad geographic distribution in the city to increase exposure.
 - 5. Work that is part of a collection in a city art gallery that encourages local artists from the Brentwood area.

III DEFINITIONS

Artists:

A practicing professional, skilled in the design and/or creative production of aesthetic objects whose qualifications is demonstrated by recognition or stature within their field and/or through reputation and/or exhibits.

Artworks:

The context of the work as related to its creation, content, and form.

City:

The city of Brentwood, a municipal corporation and general law city organized and existing under the Constitution and laws of the state of California.

City Council:

The City Council of the city of Brentwood.

Commission:

The Brentwood Arts Commission

Deaccession:

To remove an object from a permanent collection of the City, usually through a sale or trade.

Project Value:

The project valuation as calculated on a City of Brentwood building permit.

Public Art:

Artwork that is visually and physically accessible to the public and may include performing, musical, visual, cultural, physical, permanent, or temporary works.

Public Art Acquisition :

An amount equal to eighty percent (80%) of the monies allocated for public art through the public art program shall be utilized for all costs related to selection, acquisition, placement, installation, display and maintenance of artwork.

Public Art Collection: All City-owned artworks.

Public Art Plan:

The plan required by Section 2.44.150A of the Brentwood Municipal Code.

Public Art Program Administration:

An amount equal to eighty percent (20%) of the monies allocated for public art through the public art program shall be specifically designated for educational activities and administration of the public art program.

Public Art Program Fund:

A separate fund established by the City to receive monies for the public art program, generated through a percentage for art ordinance and contributions from private and public sectors.

Public Places: All City-owned spaces, indoor and outdoors, which are generally accessible to the public.

IV HOW MONEY IS APPROPRIATED/FUNDED

A. Public Art Plan:

- 1) The Commission, in consultation with appropriate staff from City departments shall develop a Public Art Plan, including budget and recommended design approaches for each project.
- 2) The Public Art Plan shall be submitted to the City Council for approval in July of each year.
- 3) The Commission may from time to time during the course of the year, recommend that the City Council modify the Public Art Plan.

B. Eligible and Exempt Projects:

See Section 2.44.130 (Requirement to provide artwork or pay in lieu contribution) of the Brentwood Municipal Code.

V USE OF FUNDS

All funds appropriated for public art shall be deposited into the public art program funds. The City Council shall authorize projects for funding as prescribed in the public art guidelines. In circumstances where it is not feasible to incorporate artistic features into a particular project, such money appropriate may be pooled and used for art in other projects. Disbursement of such funds shall be made in connection with projects approved by the City Council. Nothing herein prohibits the Commission or City from soliciting or receiving grants, donations, bequests or gifts from private or public sources from depositing monies received in the public art fund to be expended in a manner consistent with the public art guidelines.

A. Public Art Program Funds:

1) Public Art Program Acquisition Fund

Eighty percent (80%) of the fee shall be directed to the Public Art Program Acquisition and may be spent for the following purposes:

- i. Artists' services and fees.
- ii. Acquisition of art.
- iii. Artist selection processes, including jury selection costs and model or design fees.
- iv. Identifying plaques.
- v. Repair, maintenance, surveys, curatorial services, and other conservation work necessary to keep all artworks in the City collection in standard condition.

- 2) Public Art Program Administration Fund
Twenty percent (20%) of the fee shall be directed to the Public Art Program Administration account and may be spent for the following purposes:
 - i. Project administration.
 - ii. Community education programs, publicity, dedications, and other purposes as recommended by the Arts Commission to the city council for approval.

VI ARTWORKS

A. Eligible Artworks:

All artworks commissioned or acquired under the public art program shall be designed, or the process facilitated by, artist(s). Such artworks may include, but are not limited to:

- 1) Design work provided by the artists, including but not limited to:
 - i. Interior or exterior surfaces, fixtures and functional elements.
 - ii. Outdoor space design elements in areas such as plazas, arcades and pedestrian passageways.
 - iii. Artistic design of roadways, parkways, pedestrian or bicycle paths ways, transit system improvements, water and watershed facilities, solid waste transfer stations and sites with historic, archeological, and unique geological features.
- 2) Forms of visual art such as, but not limited to:
 - i. Sculptures, including but not limited to bas-relief, mobile, fountain, environmental, kinetic and electronic, in any material or combination of materials.
 - ii. Painting all media, including portable and permanently affixed works such as murals and frescoes.
 - iii. Photography, filmmaking, graphic arts; printmaking; drawing and calligraphy.
 - iv. Art forms in clay, fiber and textile woods, metal, plastics, glass mosaics and other material; mixed media; any combination or forms of media.
- 3) Other categories or new technologies that may develop through artistic pursuit such as computer-audio or video-generated work and/or use of lasers.
- 4) Elements such as sound-walls, utility structures, roadway elements and other items designed by an artist or design team that includes artists.

B. Ineligible Artworks:

- 1) "Art objects" which are mass-produced of standard design such as playground equipment, fountains, or statuary objects, unless incorporated into the artwork by a project artist.

- 2) Directional elements such as graphics, signage or color-coding except where these elements are integral parts of the original work of art or public art project.
- 3) Reproductions, by mechanical or other means, of original works of art, except in cases where such reproduction is inherent in the art-making process, such as films, video, photography, printmaking, computer imagery or other media arts.
- 4) Decorative, ornamental or functional elements or architecture except where these elements are designed by the artist and/or are an integral part of the artwork by the artist or are the results of collaboration among design professionals, including at least one artist.
- 5) Landscape architecture and landscape gardening except where these elements are designed by the artist and/or are an integral part of the artwork by the artist or are the result of collaboration among design professionals, including an artist.
- 6) Services or utilities necessary to operate or maintain the artwork in perpetuity.
- 7) For residential projects, artwork on dwelling units is excluded.

VII PROCESS FOR APPROVAL OF ART PROJECTS

- A. When a project is to be brought forward to the Commission by staff or a developer and an artist has already been recommended for the project, the following process applies:
 - 1) Developer or staff to have artist invited to a regular Commission meeting to make a presentation to the Commission related to their background and qualifications, and to present the proposed project(s).
 - 2) Commission votes to accept or reject the artist/concept/project and makes recommendation to City Council for approval.
- B. When there is a project that needs an artist to be chosen from a pool of artists, the following process applies:
 - 1) Staff to send out request for proposals (including required City contract) to artists.
 - 2) Commission to consider setting up an advisory group of no more than 4 persons to assist in choosing the artist, to include from the following categories:
 - i. One representative from the neighborhood in which the artwork will be sited.
 - ii. One artist and/or one arts professional such as a designer, curator, collector, or art administrator.

- iii. The design architect, if selected at this point.
 - iv. The project manager from the City department or agency collaborating on the project.
 - v. A representative from any organization partnering with the City on a capital project (e.g. government agency, school, or private developer).
- 3) Commission and advisory group review proposals and select artists to interview at a regular Commission meeting.
 - 4) Selected artists are invited to a regular Commission meeting to be interviewed by the Commission and advisory group.
 - 5) After interviews, the Commission will ask for input from advisory group. Advisory group members will have no final vote on the selection and recommendation to the City Council. The Commission will vote to recommend to City Council for approval.

VIII ARTIST QUALIFICATIONS

A. Artist Eligibility:

- 1) Artists may be selected on the basis of their qualifications as demonstrated by past work, appropriateness of the proposal to the particular project and probability of successful completion. Selection may be based on those factors listed below and any additional criteria set forth by the Commission.
- 2) Specifically excluded are artworks done by: students under the supervision of art instructors or done to satisfy course requirements; city employees; City Council members; Commission members; and/or, other board and commission members.

B. Artist Responsibilities:

- 1) Submit credentials, proposals, and/or materials as directed for consideration by the Commission.
- 2) Conduct necessary research, including attending project orientations and touring project sites and meetings with the public, when possible.
- 3) Sign an agreement with the City. This agreement will include language requiring that the artist waive rights under the Visual Artists Rights Act (VARA) and state law.
- 4) Complete project within the budget, including furnishing all labor, equipment, and materials.
- 5) If selected, execute and complete the work, or transfer title of existing work, in a timely and professional manner.

- 6) Work closely with the project manager and/or other design professionals on commissioned projects.
- 7) Submit to the Commission for review and approval any significant change in the scope of the project.
- 8) Be responsible for all phases of the project as stipulated in the contract.
- 9) If required by contract, make public presentation and/or, conduct a community education workshop where the artwork will be placed.

C. Criteria for Selection of Artworks:

The Commission and advisory group, if used, should consider how the piece meets the requirements of the public art program as follows:

- 1) The piece's relation to Heritage, Vision, and Opportunity as described in Section 2.44.120 of the Brentwood Municipal Code.
- 2) Quality: of highest priority are design capabilities of the artist and the inherent quality of the artwork.
- 3) Style: artworks of all schools, styles and tastes should be considered for the city's collection.
- 4) Nature: artworks should be in good taste, suitable for public viewing, and should be appropriate in scale, material, form and content for the immediate, general, social and physical environments with which they are to relate.
- 5) Permanence: consideration should be given to structural and surface integrity, and protection against theft, vandalism, weathering, excessive maintenance and repair costs.
- 6) Elements of design: consideration should take into account that public art, in addition to its aesthetic value, may also serve to establish focal points, modify, enhance or define certain spaces, or establish identity.
- 7) Public liability: artworks should be examined for unsafe conditions or factors that may bear on public liability.
- 8) Diversity: public art should strive for diversity of style, scale, media, and artists - including ethnicity and gender – and equitable distribution of artworks throughout the City.
- 9) Artist's workshop: the public art program encourages artist's involvement with the community and other design professionals. In general, artists who have experience working successfully on design teams and working with the public are preferred.

IX PUBLIC ART COLLECTION REVIEW STANDARD

- A. With the approval of City Council, at least once every ten years, the City art collection should be evaluated by the Commission for purposes of collection management and in order to assess it's future. The City shall retain the right to deaccession a work of art accessioned into the City's collection regardless of funding source for the work.
- B. A review shall be established by the Commission with City Council approval to meet the following objectives:
 - 1) Establish a regular procedure for evaluating artwork in the City's collection.
 - 2) Establish standards for the acquisition of artwork.
 - 3) Insure that the deaccessioning of artwork is governed by careful procedures.
 - 4) Insulate the deaccessioning process from fluctuations in taste.
- C. A review process for acquisitions to the City's art collection shall follow the City's stated purpose and use the following criteria:
 - 1) Acquisitions should be directed toward artwork of the highest quality.
 - 2) Acquisition of artwork implies a commitment to preservation, protection and maintenance, and display for public benefit.
 - 3) Acquisition of artwork, whatever the source of funds, should imply permanency within the City collection, so long as physical integrity, identity and authenticity are retained, as long as physical settings remain intact; and so long as they remain useful to the purpose of the people of the City.
 - 4) In general, artworks should be acquired without legal or ethical restrictions as to future use and disposition, except with respect to copyrights and certain clearly defined residual rights that are part of a contract with the artist.
 - 5) The acquisition procedures should insure that the interests of all concerned parties are represented, including the public, the arts community and the receiving agency.
 - 6) A legal instrument of conveyance, transferring title of the artwork and clearly defining the rights and responsibilities of all parties should accompany all acquisitions. Complete acquisition records should be made and maintained for all artwork.
- D. Artwork may be considered for review toward deaccessing if one or more of the conditions, such as the following apply:

- 1) The site of the artwork has become inappropriate because the site is no longer accessible to the public or the physical setting is to be destroyed.
- 2) It has received consistent adverse public reaction from a measurable number of individuals and/or organizations.
- 3) Deaccessing has been requested by the agency that displays the work.
- 4) It is found to be fraudulent or not authentic.
- 5) It possesses faults of design or workmanship.
- 6) It causes excessive or unreasonable maintenance.
- 7) It is damaged irreparably, or to an extent where repair is unreasonable or impractical.
- 8) It represents a physical threat to public safety.
- 9) A suitable place for display no longer exists.

X GIFTS OR LOANS OF ARTWORKS

- A. With the approval of the City Council, the Commission shall have the responsibility to accept or decline any artworks donated to the City, and they shall develop a review process to meet the following objectives:
- 1) Provide uniform procedures for the review and acceptance of gifts and loans of artwork. Financial considerations are based on cost of implementation, sources of funding, and estimated cost to the City over the life of the artwork.
 - 2) Be responsible for insuring the management and maintenance of the City's public artwork.
 - 3) Maintain high artistic standards in works of art displayed.
 - 4) Provide appropriate recognition of donor's artwork.
- B. The review process shall use the following criteria:
- 1) Aesthetic considerations, to assure the artwork are of the highest quality. Based on a detailed written proposal, or concept drawing for the project, photographs of the artwork if existing, and any other documentation.
 - 2) Environmental considerations based on physical appropriateness to the site and scale of the artwork.

C. Exceptions to the review process:

- 1) Gifts of state presented to the city by foreign governments, municipal, state or national, which may be accepted by the Mayor, the City Council, or the City Manager on behalf of the City.
- 2) Artwork or exhibitions loaned for display on City property for 60 days or less shall not be subject to the standard review process. However, the subject matter of the artwork will be reviewed to assure public decency for display.
- 3) Displays at cultural centers and art museums are not subject to review.

XI PROVISIONS FOR REVIEW AND AMENDMENT

The Commission will recommend to the City Council any amendment, additions, or deletions and repeal portions or all of these public art program guidelines.