

## **CITY OF GILROY PUBLIC ART POLICY**

### **VISION STATEMENT:**

**The City of Gilroy's Public Art Committee promotes a bold vision which exemplifies the City's creativity and energy shaping the visual environment of our community.**

### **PURPOSE:**

The City of Gilroy (City) recognizes the importance of Public Art to the cultural, educational and economic well-being of its diverse population. These guidelines are for the purpose of establishing policies and procedures for implementing Public Art as recommended in the Arts & Culture Commission's Cultural Plan, developed in 1997, and 1999 General Plan Update.

### **GOALS:**

- To promote the City's interest in its aesthetic environment.
- To establish the Public Art Committee as an advisory committee to the Arts and Culture Commission to be responsible for developing the Public Art Plan; ensuring the quality of artworks created under the plan; and, developing budgets, funding strategies and scope of individual Public Art projects.
- To create an enhanced visual environment within the City and provide City residents with the opportunity to live with Public Art.
- To help build pride in our City and among its citizens.
- To promote tourism and economic vitality of the City by enhancing the City's public facilities and surroundings through the incorporation of Public Art.
- To encourage creative collaboration among community members.
- To encourage the creation of quality Public Art throughout the City by promoting locally, regionally, nationally and internationally recognized artists.
- To educate, preserve, reflect and celebrate the rich, unique history and cultural diversity of the City and its citizens.
- To promote and encourage art viewed by the public in all of the City's communities and neighborhoods and to support the residents' involvement in determining the character of their City.
- To ensure a program of procurement and maintenance of a quality Public Art collection.

## **DEFINITION OF TERMS:**

For purposes of this Public Art Policy:

**“Artist”** means the individual or individuals who create a work of art.

**“Public Art”** means an original painting, sculpture, or drawing, or an original work of art in any medium, of recognized quality, displayed in a public place, on the exterior of any City owned facility or inside any city owned facility in areas designated as public areas. Public Art includes original works of art that can be viewed by the public created for placement in public places, or integrated projects where the artwork is a part of the underlying architecture, landscape design or site. Public Art does not include items of commercial use such as advertising, or standard manufacture, reproductions or architectural elements unless co-designed by an Artist. Public Art encompasses the broadest range of expression, media and materials. Public Art may be permanent, temporary or functional. “Public Art projects may occur in any public location within the City and may be used as an incentive for commitments of Public Art in private sector developments”.

In determining whether a work of Public Art is of recognized quality, the City, Arts and Culture Commission and Public Art Committee (PAC) shall rely on the opinions of Artists, art dealers, collectors of art, curators of art museums, and other persons involved with the creation or marketing of art.

**“Public Art Committee”** (PAC) means a qualified citizen committee comprised of seven members to work in an advisory capacity to the Arts and Culture Commission. At least one, but no more than two, members of the Arts and Culture Commission shall be members of the Public Art Committee. The remaining members shall be nominated by the Arts and Culture Commission and appointed by the City Council. The members shall be chosen for their demonstrated background in fundraising, art education or expertise in the visual arts, public art, art management, architecture and related design professions, art history, art criticism, or arts advocacy. The PAC members shall serve staggered four year terms. No member of the PAC shall serve more than two consecutive full terms, plus any partial term to which the member may be appointed.

**“Public Art Plan”** means a prioritized check list of Public Art Projects, with any necessary budgeted and recommended design approaches, updated on an annual basis by the PAC, reviewed by the Arts and Culture Commission who will make recommendations to the City Council for potential adoption. The Public Art Plan should strive for diversity of style, scale, and media. The program will also strive for equitable distribution of artworks throughout the city, subject to sources of funding.

## **THE ROLE OF THE CITY STAFF WITHIN THE PUBLIC ART COMMITTEE:**

- To serve in a liaison capacity to facilitate the meetings of the Public Art Committee.

## **THE ROLE OF THE PUBLIC ART COMMITTEE:**

The **Public Art Committee (PAC)** shall:

- Develop and recommend the annual Public Art Plan, with any necessary budgets, selection processes, funding plan and timelines for projects.
- Recommend the selection, acquisition and placement of public art in the city's Public Art Collection; or, the implementation of a public art project.
- Oversee the development and review of the City's Public Art collection.
- Review and recommend proposed loans, donations and gifts of artworks to the City and long-term exhibitions on City owned property.
- Review and recommend changes in the Public Art policies, guidelines and procedures.
- At the direction of the Arts and Culture Commission, develop and implement fundraising activities to support Public Art Projects in and for the City of Gilroy.

## **PUBLIC ART SELECTION CRITERIA:**

All Public Art must be in compliance with all state, federal and local laws and ordinances, currently in effect. The City shall have the right to withhold acceptance of a work until it clearly meets standards of artistic achievement.

### **1. Eligible Public Art:**

Eligible Public Art may include, but is not limited to, the following:

- (a) Sculpture free-standing, wall supported or suspended, kinetic, electronic, in any material or combination of materials.
- (b) Murals or portable painting in any material or variety of materials, with or without collage or the addition of non-traditional materials or means. (See the City's Mural Guidelines.)
- (c) Earthworks; fiberworks, neon, glass, mosaics, photographs, prints, calligraphy, any combination of forms or media including sound, literary elements, film, holographic images, and video systems, hybrids of any media and new genres.
- (d) Furnishings or fixtures, including but not limited to gates, railings, streetlights, signage, seating, if created by Artists as unique elements or limited editions.

- (e) Artistic or aesthetic elements of the overall architecture or landscape design if created by an Artist or a design team that includes an Artist as a co-designer.
- (f) Temporary artworks or installations, if such artworks serve the purpose of providing community and education outreach purposes.
- (g) Media artworks, including video and film or other forms of electronic artworks.
- (h) The incremental costs of infrastructure elements, such as soundwalls, utility structures, roadway elements and other items if designed by an Artist or design team that included an Artist as a co-designer.

**2. Ineligible Public Art:**

Ineligible Public Art may include, but is not limited to, the following:

- (a) Reproductions, by mechanical or other means, of original works of art, except in the cases of film, video, photography, printmaking or other media arts or works created for commercial use such as advertising.
- (b) “Art Objects” that are mass-produced or of standard manufacture, such as playground equipment, fountains or statuary elements, unless incorporated into an artwork by a project Artist.
- (c) Decorative, ornamental, architectural or functional elements which are designed by the building architect, as opposed to elements created by an Artist commissioned for that purpose.
- (d) Landscape architecture and landscape gardening except where these elements are designed by an Artist and/or are an integral part of the artwork by an Artist.
- (e) Architectural rehabilitation or historical preservation, although works may be acquired in connection with such projects.
- (f) Services or utilities necessary to operate and maintain an artwork over time.
- (g) Public Art Projects which could have unsafe conditions or factors that could result in public liability.

### **3. Public Art Site Selection Criteria:**

When considering a possible site for Public Art, the PAC will determine the relative importance of each of the considerations listed below for a given proposal. The PAC shall compare a Public Art project to these considerations to assure that it contributes positively to the City's community. Site selection criteria may include, but is not limited to, the following:

- (a) The relationship of the art work and site shall be considered in terms of the physical dimensions, social dynamics, local character and surrounding context of the site, existing or planned.
- (b) The visibility of the site by the general public.
- (c) Public safety.
- (d) The contribution of the artwork's design to an area by emphasizing a particular location through landmarks, gateways and/or linkages to other parts of the community.
- (e) Interior and exterior vehicular and pedestrian traffic patterns.
- (f) Site design including landscaping, drainage grading, lighting and seating considerations.
- (g) Relationship of proposed artwork to existing artworks within the site vicinity.
- (h) Environmental impact such as noise, sound, light and odor.
- (i) Public accessibility to the artwork.
- (j) Impact on adjacent property owner's vistas.
- (k) Impact on operational functions (maintenance) of the City.
- (l) The probability of vandalism.
- (m) The cost of development.
- (n) Compatibility of the design and location with the historical character of the site.

## **ARTIST SELECTION CRITERIA:**

When the PAC considers the selection of an Artist to develop a piece of Public art, the artist criteria may include, but is not limited to, the following criteria:

- (a) Cooperation. Ability of the Artist to work closely and cooperatively with the PAC, Arts and Culture Commission, staff and community.
- (b) Artist's Presentation. The Artist must have the ability to clearly describe concepts verbally and through quality written materials. In addition, specific drawings of the artwork as placed at the primary site will be required.
- (c) 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. A plan from each Artist of installation and maintenance, as well as a bill of materials, will be required.
- (d) Aesthetic Standard. The PAC shall have the right to withhold acceptance of a work until it clearly meets standards of artistic achievement agreed upon by a majority vote of all members of the PAC. The work must be available for viewing in progress by the PAC in order to make this determination.
- (e) Quality. Priority is given to the design capabilities of the Artist(s) and the inherent quality of the artwork(s).
- (f) The Artist selection process and acquisition policies should encourage the interests of all concerned parties that are represented, including the public, the arts community and the City.
- (g) Selection of Artists will be without regard to race or gender.
- (h) Public Art Contracts: Following the final selection of an Artist whose work is to be either purchased, commissioned, or donated, that Artist shall enter into a written contractual agreement with the City. All agreements between the City and the Artist shall be in writing and shall go through the standard city approval process. All contracts, as to form, shall be subject to approval by the City Attorney. The completed and approved contract shall be filed with the City Clerk.
- (i) Conflict of Interest: Artists (or members of their immediate families) serving as members of the Arts and Culture Commission, the PAC, or City employees may not be commissioned under, or receive any direct financial benefit from, any City Public Art project during the term of their tenure on the Arts and Culture Commission or the PAC. This restriction shall extend for a period of one year following Arts and Culture Commission or PAC membership and shall extend indefinitely for any specific projects which were reviewed or otherwise acted upon during the Artist's membership on the Arts and Culture Commission or its PAC.

## **PUBLIC ART ACQUISITION PROCESS:**

The selection and placement of Public Art may be through direct selection, competition, donation, or trades or loans. Public Art may be acquired by the following methods:

**1. Direct selection:** A process used to acquire an existing exceptional work of inherent artistic or historical significance, or to provide for the unusual purchase circumstances such as a partial gift or unique economic advantage.

Submission for direct selection: Artists who have finished work available for direct purchase should submit the following to the PAC.

- (a) No more than five examples (photographs, models, illustrations) for each entry. Each example should be marked with the Artist's name and the title of the art work.
- (b) A proposal with the Artist's name including the following information on each piece: title of artwork, dimensions, medium, date produced, price, location, number of reproductions (if applicable), restrictions on reproductions, and other information the Artist deems pertinent.
- (c) Resume and references.

**2. Competition:** Open entry competitions are open to entries from all Artists within the geographic limits set by the PAC striving to maintain a balance between competitions involving local Artists only and Artists from a larger area. Invitational entry is the process used when the choice of the Artist is to be within special limitations of a project or when there is a need to provide a balance of media or styles. Examples of this type of acquisition may be a City art show or a mural commissioned by the City and/or Artist.

The submission process for open entry or invitational competitions is as follows:

- (a) The PAC shall provide a project description, budget, time schedule and a detail of duties and obligations of both the PAC and the Artist.
- (b) The Artist shall provide a maquette (small model) and site drawing (if appropriate), design, concept statement, budget, photographs, resume and references.
- (c) Proposals shall be considered by the PAC and a final choice(s) will be presented to the Arts and Culture Commission for acceptance.
- (d) Entry materials will be returned to the Artist only if appropriate packaging, postage and insurance are included with the entry by the Artist, if requested in the prospectus. Non-selected Artists will be informed of the final choice(s) when the entry materials are returned.

3. **Donations:** It is recognized that donations may become a large portion of the City's Public Art collection. It is also recognized that donations may be presented to the City in a variety of forms and that each donation proposed is unique. The Public Art Committee and Arts and Culture Commission are responsible for accepting only those works of art that will further the objectives of the Public Art Plan which include all the criteria set forth involving artwork selection, site selection, Artist criteria and installation.

4. **Trades or Loans:** Works of Public Art may be borrowed or traded for exhibition by the City.

### **INSTALLATION:**

At the time of acquisition, whether by donation or purchase, the PAC budget should cover costs of installation which may include:

- (a) Plinths (slab, base or support), or other display components
- (b) Site development
- (c) Identification plaque
- (d) Necessary permits and approval fees
- (e) Insurance requirements

### **MAINTENANCE:**

A review process shall be established by the PAC to meet the following objectives:

- To ensure regular maintenance of artworks in the City and Public Art collection to preserve them in the best possible condition.
- To provide for the regular inspection for condition and location of artworks in the City and Public Art collection.
- To establish a regular procedure for effecting necessary repairs to artworks in the City and Public Art collection.
- To ensure that alteration, refinishing and moving of Public Art shall be done with notice to and in consultation with the Artist whenever feasible.

### **PUBLIC ART ON PRIVATE PROPERTY:**

When public art is required as a condition of development project approval, the condition requiring the art remains in effect for the life of the development. Thus, if a mural were a condition of approval, the property owner would be obligated to maintain the mural. If the property owner painted over such mural, the mural would have to be repainted. Similarly, if a property owner removed a sculpture that was required as a condition of approval, the owner would have to replace the sculpture in-kind.

Prior to removal of Public Art on private property, originally required as a condition of development project approval, the planning department shall inform the Public Art Committee of such plans for removal.

### **PUBLIC ART DEACCESSIONING:**

Deaccessioning is the process used to permanently remove Public Art from the Public Art collection through sale, trade or other means. Deaccessioning requires the approval of a majority vote of all members of the PAC, with a public announcement of the proposed action to permit public input. Deaccessioning should be a seldom employed action that operates with a strong presumption against removing Public Art from the Public Art collection. No works may be deaccessioned unless they meet at least one of the following criteria:

- The City cannot properly care for or store the Public Art.
- The Public Art no longer has aesthetic and/or historical/cultural value.
- The Public Art collection represents in large quantity a single artist, and the PAC finds that it is sufficient and desirable to retain only a representative selection.
- The Public Art is a duplicate (e.g., prints, sculptures, multiples) of lesser quality of works already in the collection.
- The Public Art is a copy or pastiche (artistic composition made from various sources) without significant historical, documentary, or aesthetic value.
- The Public Art is found to be fraudulent or not authentic.
- The Public Art's condition requires restoration in gross excess of their aesthetic value or works in such a deteriorated state that restoration would prove either infeasible or misleading.
- The Public Art possesses demonstrated faults of design or workmanship.
- The Public Art causes excessive or unreasonable maintenance.
- The Public Art is damaged irreparably, or to an extent where repair is unreasonable or impractical.
- The Public Art represents a physical threat to public safety.
- Any sale from the Public Art Collection will go to the Public Art Committees 801 fund for future Public Art.

## **REVIEW OF CITY'S PUBLIC ART:**

At least once every ten years, the City's Public Art collection should be evaluated by the PAC for the purposes of collection management and in order to assess the collection's future. The City shall retain the right to deaccession any Public Art acquired by the City, regardless of the source of funding for the particular artwork, unless prohibited by contract.

## **FUNDS FOR PUBLIC ART:**

In keeping with its concern for the quality of its environment that Public Art provides, the City may establish policies and ordinances regarding the funding of Public Art

In support of the Cultural Arts Plan developed by the Gilroy Arts & Culture Commission in 1997, the City is encouraged to include an element of Public Art in all new parks and city facilities. In addition, the Arts and Culture Commission and the PAC may recommend a fundraising budget for the acquisition, implementation and maintenance of a Public Art project.

## **Eligible Public Art Locations:**

Public art can be placed in all aspects of Gilroy's public realm, community facilities and civic infrastructure, throughout the city.

- a. Public Realm includes public spaces designed and built for the use of the general public. These include spaces such as parks, playgrounds, sports fields, plazas, and trails.
- b. Community and civic facilities are buildings that provide space for public activities and services. These include buildings such as community centers, youth/recreation centers, sports facilities, police stations, fire stations, general government buildings, Gilroy's Cultural Art Center.
- c. Civic infrastructure includes facilities that support the health, functioning and environment and economic well-being of the city. These include bridges, parking lots and transit facilities.
- d. And in general, any other public use, service or public infrastructure that is visible to the public view.