"Art Around Arcata"
PUBLIC ART PROGRAM

ARTICLE I. PROCEDURE FOR ACQUISITION OF PUBLIC ART

Section 1. Purpose

This program is to provide an opportunity for the public to experience high quality art of enduring value that reflects the diversity of the region served by the City of Arcata.

This program is to establish a Public Art Program and guidelines and regulations for including public art into improvement projects, meeting the on-going and day-to-day maintenance and conservation needs to preserve the works of Public Art.

Section 3. Definitions

a. "Artist" shall mean a person who has established a reputation of artistic excellence in the visual, performing, media or literary arts, as judged by peers, through a record of exhibitions or performances, public commissions, sale of works, and/or educational attainment.

b. "Parks and Recreation Committee" shall mean the committee appointed by the City Council of Arcata to serve in an advisory capacity to City staff on matters pertaining to art, literature, music, theatre, and other related activities.

c. "Administrative Procedures" shall mean the process and procedures that govern the implementation of this Program, including detailed information on the composition and responsibilities of the Parks and Recreation Committee and criteria for artwork selection and approval.

d. "Removal" shall mean the procedure to remove artwork from a location on City property.

e. "Donor" shall mean an individual or group who proposed a donation of a work of art or funded project for placement on a public site under the jurisdiction of the City.

f. "Gift" shall mean an existing or proposed work of art or funded project offered as a donation by someone to the City for placement at a public site under the jurisdiction of the City.

g. "Maintenance" shall mean actions taken to retard or prevent deterioration or damange to artwork by control of the environment and/or treatment of the artwork on a routine basis.

h. "Program Administrator" shall mean the staff person designated by the City Manager to oversee all functions of the City of Arcata Public Art Program and to provide vision for the program.

i. "City of Arcata" or "City" shall mean the City of Arcata, a municipal corporation acting by and through its City Council and the officers, employees, volunteers and

agents, authorized to act for and on behalf of the City with respect to the matter for which the term is used.

j. "Public Art" shall mean original works of art accessible to the public and conceived in any discipline or medium, including visual, performance, literary, media and temporary works.

k. "Public Art Collection" shall mean all works of art owned by the City of Arcata, located on City property, and within the jurisdiction of the City.

l. "Public Facility" shall mean any publicly accessible, capital project paid for wholly or in part by the City of Arcata that results in the construction or remodel of any building, decorative or commemorative structure, parking facility or any portion thereof.

m. "Quality Artwork" shall mean the overall accomplishment in the art form, content and craftsmanship, as judged in accordance with accepted standards within the professional arts discipline.

n. "Removal" shall mean the procedure for removal of an artwork from a location on City property or within the jurisdiction of the City.

o. "Work of Art" shall mean a work of art created by an Artist and conceived in any discipline or medium, including visual, performance, literary, media and temporary works.

Section 4. Administration

a. Implementation Responsibility

The City Manager or his/her designee is responsible for the implementation of this Article.

b. Parks and Recreation Committee

The Parks and Recreation Committee will provide review responsibility for the provisions of this Program. The Parks and Recreation Committee shall:

1. Review proposed art and decide whether to accept or deny the Public Art donation.
2. Review stationed art on a regular basis and make recommendations to City Staff on whether art is to remain on display or not.

Section 4. Summary

When gifts of works of Public Art are proposed for placement on City of Arcata property, an artwork proposal is submitted by the potential donor for review by the Parks and Recreation Committee and a Public Art Committee that is comprised of local artists and art professionals. The objectives of this policy are to:

a. Provide uniform procedures for the review and acceptance of gifts of works of Public Art to the City of Arcata.

b. Insure that the works of Public Art is adequately maintained.

c. Facilitate planning for the placement of works of Public Art within the City of Arcata.

The Program Administrator or their designee is responsible for the implementation of this Article.

Section 5. Acceptance Conditions

a. The City will consider gifts of works of art for placement on City property and location under the ownership of the City with the understanding that no City funds will be required for production, sitting, installation or maintenance of the work of Public Art.

b. The City will be the owner of the work of Public Art and reserves the right to move or alter the work to meet public safety or other City concerns.

Section 6. Review Process

a. The donor discusses the nature of the gift and the City procedures with the Program Administrator. Working with City staff, the donor develops a proposal for review by the Parks and Recreation and Public Art Committee.

b. The Program Administrator will review each offer of a work of Public Art with City staff to determine whether it meets initial criteria as defined in the Article.

c. Each proposed gift of art is reviewed by the Parks and Recreation Committee and the Public Art Committee on the basis of the criteria established below. Evidence that all issues are satisfactorily addressed will be required from the donor before a recommendation for acceptance or rejection of the gift is made.

d. The Program Administrator may request further and more detailed information to be considered at additional review sessions. The City may attach conditions to its acceptance.

e. The City will accept donated works of Public Art only when accompanied by a legal instrument of conveyance of title.

f. In general, gifts will be accepted without restrictions as to future use or disposition.

g. If the gift of art is accepted, the division under whose jurisdiction the work of Public Art will be placed is responsible to oversee the installation of the work of Public Art.

Section 7. Placement

If the donor has not identified a site for the work of Public Art or if the site is deemed inappropriate in accordance with the criteria listed below, the Parks and Recreation Committee will determine the placement of works of art, in consultation with City staff.

Section 8. Costs

All costs of the proposed donation of art, including productions, acquisition, sitting, installation and maintenance must be provided by the donor and be detailed in the proposal.

Section 9. Timeline

If the proposed gift is not completed within the timeline originally established, or if significant changes in content, presentation, or financing of the gift of art occur, the panel must review the gift again. The City is authorized to request that a proposal be resubmitted.

Section 10. Legal

The Artist conveys by donation the Artwork, and its legal title, to the City, and the City hereby accepts the donation of the Artwork under the terms, qualifications and conditions as set forth in this Agreement. The Artist certifies that the Artwork is a unique work of art created by the Artist, and is not subject to third party claims of royalties, or copyright or trademark infringement. The Artist intends by this donation to relinquish all legal claim of right to title, royalties, copyright or trademark of the Artwork.

Section 11. Removal

Gifts of works of Public Art will be reviewed on a regular basis and removed if necessary, through steps provided in Article III.

Section 12. Donor Submittal Requirements

The donor must submit a cover letter explaining why she/he is offering the gift of artwork to the City.

a. Aesthetic Quality
    1. Written narrative proposal with detailed description of artwork.
    2. Detailed drawing of the site plan, elevation and section view of artwork as appropriate.
    3. Photographs, sketches and/or model of the artwork.
    4. Dimensions, materials and colors.
b. Installation
    1. Construction and installation method.
    2. Written commitment that the donor will cover all costs associated with the installation of the artwork.

Section 13. Parks and Recreation & Public Art Committee Review Criteria

a. Aesthetic Quality
    1. Does the proposed gift of art have strong artistic merit?
    2. Strong, inherent aesthetic quality as measured against the recognized standards of excellence in the field.
    3. Warranty of originality of the artwork.
    4. Durability and craftsmanship of the artwork.

b. Site and Environmental Considerations
    1. If a site for the artwork has been identified by the donor, it the relationship between the site and the artwork in the best interest of both?
    2. Appropriateness of artwork scale to the proposed site.
    3. Appropriateness of artwork to other aspects of its surroundings.
    4. Impact on ecology.

c. Relationship to other works of public art?
    1. Is the proposed gift compatible with the City of Arcata's public art collection?

2. Contribution to the diversity and breadth of the City of Arcata's art collection.
3. Current representation of the artist in the City of Arcata's art collection.

d. Liability and Safety Considerations

1. How susceptible is the artwork to vandalism and safety hazards?
2. Potential safety hazards and how they are being addressed.
3. Special insurance requirements if any?

e. Durability

1. How has the donor provided for maintenance during the lifetime of the artwork?
2. Expected life span of artwork in a public exhibition setting.
3. Durability of similar artworks constructed of the same materials.
4. Environmental conditions and suitability or artwork material's to the conditions of its proposed site.
5. Seismic safety considerations through report prepared by a licensed engineer, if necessary.
6. Adequate attention to unusual conditions of the site, such as poor drainage, steep slope etc..

f. Maintenance

1. Are the maintenance needs of the artwork reasonable and can the City adequately manage them.
2. On-going maintenance requirements and cost.
3. Provision of maintenance funds or maintenance agreement by donor.
4. Artwork installation and removal specifications.
5. Written permission granted by the artist for removal of the work for any reason.

ARTICLE III. POLICY AND PROCEDURE FOR THE REMOVAL OF PUBLIC ART

Section 1. Purpose

This Program is enacted to provide provision of procedures for periodic review and evaluation by the Parks and Recreation Committee of the City of Arcata's collection of Public Art.

Section 2. Removal Policy

The City retains the right to relocate or permanently remove the Artwork from public display for any reason, in the sole discretion of the City, including, but not limited to: hazards to public health, safety or welfare; unsightly or deteriorated conditions of the artwork; or the need to access, repair and maintain public facilities.

Section 3. Removal Procedure

a. City staff will review the City's Collection of Public Art at least twice a year.
b. City staff will review specific items proposed for removal and provide the Parks and Recreation Committee with a report and recommended action.
c. The removal of works of Public Art may be for one or more of the following reasons:

1. The condition or security of the work of Public Art cannot be reasonably guaranteed in its present location.
2. The work of Public Art has been damages or has deteriorated to the point that it can no longer be represented to be the original work of art.
3. The work of Public Art has been damaged and repair is impractical or unfeasible.
4. The work of Public Art endangers public safety.
5. Significant changes in the use, character or actual design of the site require a re-evaluation of the relationship of work of Public Art to the site.
6. The work of Public Art has been determined to be incompatible with the rest of the collection.
7. The work of Public Art required excessive maintenance or has faults of design or workmanship.

Section 4. Sequence of Action to Removal

a. City staff will review the City's Collection of Public Art at least twice a year.
b. City staff will prepare a report that indicates:
    1. An analysis of the reasons for removal.
    2. Options for other locations for removed work of Public Art.
c. The Parks and Recreation Committee review the report at its next scheduled meeting. The Committee may seek additional information before making an action.
d. Upon confirmation of the recommendation, the Artist shall have the option of reacquiring title and possession of the Artwork upon permanent removal of the Artwork by the City as follows: Prior to permanent removal of the Artwork, the City shall provide notice to the Artist addressed and delivered in accordance with Section 5 of this Agreement. Should the Artist choose to exercise its option to reacquire the Artwork, the Artist shall remove the Artwork at the Artist's own expense within 60 days of notification from the City. Legal title to the Artwork shall be deemed conveyed to the Artist at the time of removal. Failure by Artist to either respond to the City's notification or to remove the Artwork within the specified 60 day period shall be deemed a waiver by the Artist of the Artist's option to reacquire title and possession of the Artwork upon its permanent removal, and the City may thereafter use the Artwork for any purpose, including without limitation, dismantling, salvaging or sale.