



## ***“Art Around Arcata”*** **PUBLIC ART REVIEW GUIDELINES**

### **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 visual art of enduring value that reflects the diversity of the region served by the City of Arcata.

This document establishes guidelines and regulations for the creation of new Public Art and meeting the on-going and day-to-day maintenance and conservation needs to preserve works of Public Art.

#### **Section 3. Definitions**

1. “Applicant” is defined as the Artist, Donor, or other agent submitting a proposal for a new piece of visual Public Art to the City.
2. “Artistic Merit” shall mean overall accomplishment in the art form, content, and execution.
3. “Arts Liaison” shall mean the staff person or persons designated by the City Manager to oversee review and approval of public art through implementation of these guidelines.
4. “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.
5. “Content Review Panel” shall mean the review group called together quarterly by the Arts Liaison to review public art proposals as described in Section 13 of the Guidelines. The Content Review Panel shall consist of members of Arcata’s arts community, such as the Local Arts Agency (LAA) and equity arcata’s JustArts working group, as well as City staff.
6. “Donation” shall mean an existing or proposed work of art or funded project offered as a gift or donation by someone to the City for placement at a public site under the jurisdiction of the City.
7. “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.
8. “Local Arts Agency” or “LAA” is a designation created by the National Endowment for the Arts to recognize an organization that cultivates and promotes the arts in an individual jurisdiction. The City of Arcata’s LAA is Playhouse Arts.
9. “Maintenance” shall mean actions taken to slow or prevent deterioration or damage to artwork by control of the environment and/or treatment of the artwork on a routine basis.

10. "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 planning, installation, and maintenance of Public Art in the City of Arcata.
11. "Proposal" shall mean a proposed visual Public Art project or program under the purview of the City by way of either proposed location in/on a public space or facility and/or utilizing public funds. Proposals are submitted to the City in the form of an application packet, thus "proposal" and "completed application packet" can be used interchangeably.
12. "Public Art" shall mean original works of visual art accessible to the public and conceived in any discipline or medium, including but not limited to painting, sculpture, and temporary works.
13. "Removal" shall mean the procedure for removal of an artwork from a location on City property or within the jurisdiction of the City.

#### **Section 4. Administration.**

1. Staff Responsibility
  - a. The Arts Liaison or their designee is responsible for the implementation of this Article.
2. Parks and Recreation Committee Responsibility
  - a. The Parks and Recreation Committee will provide review responsibility for provisions of this Program as specified in Section Six below. The Parks and Recreation Committee shall review and decide whether to accept or deny Proposals in adherence to Section 14 of this Article.

#### **Section 5. Summary**

When public art proposals are made, they must be submitted for review by the Parks and Recreation Committee and the Arts Liaison. The objectives of this policy are to:

1. Provide uniform procedures for the review and acceptance of Proposals of Public Art to the City of Arcata.
2. Ensure adherence to the adopted goals and vision of the ASAP.
3. Ensure that the works of Public Art are adequately sited and maintained.

#### **Section 5. Acceptance Conditions**

1. The City will consider proposals 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, siting, installation or maintenance of the work of Public Art unless otherwise agreed upon by the City in written agreement.
2. 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**

1. The applicant submits their proposal, consisting of a completed application packet, to the City. Submissions can be made directly to the Recreation office, or emailed to [rec@cityofarcata.org](mailto:rec@cityofarcata.org). If the applicant has questions about the application process, or requires assistance in completing their proposal, they can reach the Arts Liaison as identified by the Recreation Office.
2. On a quarterly basis, the City will convene a Content Review Panel consisting of members of Arcata's arts community, such as the Local Arts Agency (LAA), equity arcata's JustArts working group, and staff. Using the criteria outlined below and the Review Considerations rubric, the Panel scores each proposal received within the last quarter and selects proposals to move forward to the Parks and Recreation Committee for implementation over the next quarter.
3. After Content Review Panel recommendation, the applicant discusses the nature of the proposal and the City procedures with the Arts Liaison and, as needed, the Local Arts Agency (LAA). LAA involvement in proposals shall be on a case-by-case basis and at the discretion of the Arts Liaison; LAA involvement in early stages of proposals will primarily be in cases where the LAA is assisting the applicant with the proposal itself, assisting the applicant in sourcing funding for the proposal, and/or providing liability insurance for the applicant/proposal. Working with City staff and the LAA as necessary, the applicant develops a finalized proposal for review by the Parks and Recreation Committee using the adopted City of Arcata Agreement for Installation and Acceptance of Artwork for Display in a Public Place (available in Appendix F. Public Arts of the ASAP).
4. Each finalized Public Art proposal shall be reviewed by the Parks and Recreation Committee on the basis of the criteria established in Section 14 below. Staff and Content Review Panel analyses of the proposal—by the criteria outlined in Sections 13 and 14 below, provided in the form of the Review Considerations rubric—will be available to the Committee in the agenda packet for the meeting at which they will review. Evidence that all issues are satisfactorily addressed will be required before the Committee's acceptance of the proposal.
  - a. If possible, the Arts Liaison and the Applicant should attend/present the proposal to the Committee for review.
5. The Parks and Recreation Committee may request further and more detailed information to be considered at additional review sessions. The City may attach conditions to its acceptance.
6. The City reserves the right to require a conveyance of title when accepting donated works of Public Art
7. If the proposal is accepted, the entity under whose jurisdiction the work of Public Art will be placed is responsible to oversee the review, permitting, and installation of the work of Public Art. In the case of public art within the City limits of the City of Arcata but within another entity's jurisdiction, the City will facilitate the review, permitting, and installation processes.

## **Section 7. Placement**

If the applicant has not identified a site for the Public Art or if the site is deemed inappropriate in accordance with the criteria listed below, the Parks and Recreation Committee may provide direction on the placement of works of art, in consultation with City staff.

## **Section 8. Costs**

All costs of the proposal including productions, acquisition, siting, installation and maintenance must be considered and be detailed in the proposal.

## **Section 9. Timeline**

If significant changes in the proposal scope or timeline of the project occur, the City Manager and/or their designee shall review the proposal again and will retain the right to require the proposal's return to the Parks & Recreation Committee.

## **Section 10. Legal Donations**

In the case of donated works of public art, 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 these guidelines. 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**

Public Art will be monitored on as-needed basis and removed if necessary, through steps provided in Article II.

## **Section 12. Applicant Submittal Requirements**

Working with the Arts Liaison as necessary, the applicant must submit a written proposal to the City which includes the following elements. The proposal shall be reviewed by City staff through a proposal referral process prior to public review before the Parks and Recreation Committee.

1. Written proposal with detailed description of artwork (including dimensions, materials, and colors).
2. Narrative intention of the piece (if applicable, outlining proposal's adherence to the goals of the ASAP).
3. Plan for construction and installation. Any requests of the City, including assistance or materials needed from the City, shall be included in the proposal. If these requests are not included in the proposal, the City retains the right to deny the requests.
4. Detailed drawing of the site plan.
5. Designs, photographs, sketches and/or model of the proposed artwork.
6. Plan for maintenance, including identification of the longevity of the piece. How long is it expected to be in place? Is the piece permanent or temporary? If temporary, identify a clear timeline for when the piece will be taken down and parties responsible for removal.
7. Written commitment that the applicant will cover all costs associated with the installation of the artwork.
8. Written permission granted by the artist for removal of the work for any reason.
9. Liability coverage/insurance as required by the City's Contracts & Special Projects Manager.

## **Section 13. Content Review Panel Review Considerations**

The Content Review Panel shall review proposals and evaluate the merits of each using the following criteria:

1. Content and Form Considerations
  - a. Does the proposal in any way promote the use of alcohol, tobacco, or other drugs?
  - b. Does the proposal in any way promote or incite violence?
  - c. Does the proposal have strong technical and/or conceptual artistic merit?
    - i. Technical merit.
    - ii. Artistic merit as defined by its potential to impact the artistic/cultural development of the Arcata community.
  - d. Does the proposal adhere to one or more goals of the ASAP (some of which are listed below with examples of how proposals may adhere)?
    - i. *Public arts are increased equitably throughout Arcata*
      1. Will the proposal lead to public art in an area of Arcata which currently has less than other neighborhoods?
      2. Does it contribute to diversity (in medium, content, etc.) within the City of Arcata's art collection?
      3. Has it been submitted or led by a Black, Indigenous, Person of Color (BIPOC) community member (or members)/does it make visible historically excluded narratives?
    - ii. *Every Arcata resident has access to a quality arts education*
      1. Does the proposal involve partnership with local education partners?
    - iii. *The arts function as an avenue of connection between Cal Poly Humboldt and the broader community*
      1. Does the proposal involve partnership with Cal Poly Humboldt?

#### **Section 14. Parks and Recreation Committee Review Considerations**

The Parks and Recreation Committee shall review proposals and evaluate the merits of each using the following criteria:

1. Site and Environmental Considerations
  - a. Is the relationship between the site and the artwork in the best interest of both?
  - b. Is the scale of the artwork appropriate for the proposed site?
  - c. Is the artwork appropriate to other aspects of its surroundings (e.g. public spaces, commercial districts, neighborhoods, trails, etc.)?
  - d. Will the proposal have an impact on ecology (e.g. stormwater runoff, etc.)?
2. Liability and Safety Considerations
  - a. Is the artwork susceptible to vandalism and safety hazards?
  - b. Are there potential safety hazards associated with the proposed project? If so, are they adequately addressed?
  - c. Are the insurance requirements as identified by staff being met?
3. Durability and Maintenance Considerations
  - a. Is the artwork and/or the materials it is composed of suited to the conditions of its proposed site?
  - b. If there are unusual conditions of the site (such as seismic safety, poor drainage, steep slope etc.), are they being adequately addressed?
  - c. Has adequate consideration been given to the durability and lifespan of the artwork in a public place?

- d. Are the maintenance needs of the artwork reasonable and can the City adequately manage them?

## **ARTICLE II. POLICY AND PROCEDURE FOR THE REMOVAL OF PUBLIC ART**

### **Section 1. Purpose**

This section provides procedures for review and evaluation of the City of Arcata's collection of Public Art on an as-needed basis.

### **Section 2. Removal Procedure**

1. City staff will review specific items proposed for removal and provide the Parks and Recreation Committee with a report upon request.
2. 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:
  - a. The condition or security of the work of Public Art can no longer be reasonably guaranteed in its present location.
  - b. The work of Public Art has been damaged or has deteriorated to an unsightly condition, and repair is impractical or unfeasible.
  - c. The work of Public Art endangers public safety or welfare.
  - d. 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.
  - e. The work of Public Art has been determined to be incompatible with the rest of the collection.
  - f. The work of Public Art required excessive and/or costly maintenance
  - g. The work of Public art has been shown to have faults of design or workmanship.
3. Whenever possible, 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. Should the Artist choose to exercise their option to reacquire the Artwork, the Artist shall remove the Artwork at the Artist's own expense within 30 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 30 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.
4. If a report is requested by the Parks and Recreation Committee, City staff will prepare an after-the-fact removal report that indicates:
  - a. An analysis of the reasons for removal.
  - b. Options for other locations for removed work of Public Art.
5. The Parks and Recreation Committee's review of the report shall take place at its next scheduled meeting.