

CITY OF HEALDSBURG

RESOLUTION NO. 141-2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HEALDSBURG ADOPTING A PUBLIC ART POLICY

WHEREAS, the City Council finds that artwork enhances public spaces, giving character to neighborhoods and business districts, and providing numerous opportunities for people to experience visual art; and,

WHEREAS, the City of Healdsburg has the responsibility to regulate the aesthetic conditions of the community; and,

WHEREAS, the City Council finds that the incorporation of public artwork into the City promotes the public interest and general welfare, and improves the quality of life for persons living, working and visiting the City; and,

WHEREAS, the City Council finds that exposure to public artwork increases the understanding, enjoyment and experience of the City amongst persons living, working and visiting the City; and,

WHEREAS, the City Council finds that the placement of artwork in public places creates a unique sense of place; and,

WHEREAS, it is important that procedures and policies be established and implemented for the process to acquire and select public artwork in the City; and,

WHEREAS, the Public Art Committee has worked diligently to prepare a Public Art Policy ("Policy") to provide guidelines for public artwork, including (i) procedures to review offers of donations and maintenance (ii) criteria for artwork selection, location, and site selection, and (iii) artistic freedom of expression and non-discrimination; and,

WHEREAS, the City desires to adopt the Policy to provide guidelines for public artwork;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Healdsburg hereby adopts the Public Art Policy, a copy of which is attached hereto as **Exhibit A** and incorporated herein, subject to any non-substantive changes as may be proposed by the City Attorney.

DATED: December 17, 2007

VOTE upon the foregoing resolution was as follows:

AYES: Councilmembers: (5) McGuire, Schaffner, Wood, Ziedrich and Mayor Plass

NOES: Councilmembers: (0) None

ABSENT: Councilmembers: (0) None

ABSTAINING: Councilmembers: (0) None

SO ORDERED:

/S/ GARY W. PLASS

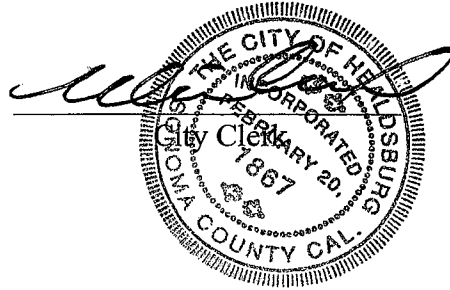
Gary W. Plass, Mayor

ATTEST:

/S/ MARIA CURIEL

Maria Curiel, City Clerk

I, MARIA CURIEL, City Clerk of the City of Healdsburg, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the City Council of the City of Healdsburg on the 17th day of December, 2007.



City of Healdsburg Public Art Policy

I. Purpose

Public art creates a unique sense of place and a strong civic identity for the City of Healdsburg (“City”). The City endorses the placement of Artwork in Public Places, recognizing the value of public art in creating a unique sense of place. The City recognizes that art provides cultural and economic benefits for residents and visitors. Therefore, it is important that procedures and policies be established and implemented for the process to acquire and select Artwork in the City. The purpose of the Public Art Policy (“Policy”) is to provide guidelines for Public Artwork, including:

1. Procedures to Review Offers of Artwork Placement and Maintenance
2. Criteria for Artwork Selection, Location, and Site Selection
3. Artistic Freedom of Expression and Non-Discrimination

II. Definitions

Appropriate Commission

The City Commission who oversees the subject Public Place where the Public Artwork will be displayed. The Parks and Recreation Commission will review applications for Public Artwork at Public Places not otherwise assigned to another Commission. The Airport Commission will review applications for Public Artwork at Airport Property. The Senior Advisory Commission will review applications for Public Artwork for the Senior Center Building. The Planning Commission has design review authority for Public Places as it relates to improvements including the placement of Public Artwork in Public Places.

Artist

1. One who works in, is skilled in, or conceptually creates in any area of the fine arts, such as painting, drawing, sculpture, etc., but also including whose skill and primary focus are cross-disciplinary.
2. A practitioner in the visual arts generally recognized by critics and peers as a professional possessing serious intent and ability.
3. A “professional artist” is any person who by virtue of professional training, exhibition, history, and/or critical review is recognized as skilled in creating works of art.
4. A person who has a reputation of artistic excellence, as judged by peers, through a record of exhibitions, public commissions, sale of works, educational attainment, or other means.
5. A person who is a working professional making the majority of their income from creating artworks.

Artwork

Any artwork which is intended to enrich the public environment for both City residents and visitors. Artwork shall include, but not be limited to, sculptures, murals, paintings, graphic arts, mosaics, photography, crafts, mixed media, and environmental works. It shall include all artwork that is to be displayed for an extended period of time in a City-owned or leased park, City-owned or leased open space, or City-owned or leased pathway or trail system.

Donor, Donate, etc.

The terms “donor”, “donate” and all derivations thereof (e.g., donation, donated, etc.) shall refer to the act of, and/or person responsible for, submitting proposal(s) for placement of Public Artwork in a Public Place, pursuant to this Policy and includes any form of proposal, including without limitation a proposed sale, lease, loan, license, gift, bequest, assignment or consignment, or as may otherwise be applicable for a given proposal.

Public Artwork

1. Artwork created by an Artist, Artists, and/or a collaboration of Artists and design professionals, for a public place for the public to experience, or for a public purpose.
2. Art or design that is created specifically for a public context or place which, through a public process, influences that context or place in a meaningful way.
3. Artwork that is publicly visible and accessible during regular operating hours of the City.

Public Place

Any structure or open space that is visible or accessible from a public right of way, such as sidewalks, streetscapes, plazas, parks, buildings, bridges, waterways, parking garages, sports and recreational facilities. This Policy shall govern **Artwork** and/or **Public Artwork** in the following Public Places:

1. City-owned or leased park, including Giorgi Park, Recreation Park, Barbieri Park, Badger Park, Plaza Park, West Plaza Park, Railroad Park, Foss Creek Pathway, Senior Center, Healdsburg Swim Center, Villa Chanticleer and the surrounding City-owned property, Byron Gibbs Park, and Carson Warner Memorial Skate Park.
2. City-owned or leased open space.
3. City-owned or leased pathway or trail system.

III. Review Of Offers of Public Artwork; Recommendations to City Council

1. Documentation for Offers of Public Artwork

Written offers to place Artwork in a Public Place shall be made to the Office of the City Manager and forwarded to the appropriate City Department for review and comment and to the Appropriate Commission. Such written offers shall be accompanied by information adequate to evaluate the proposed placement, including, but not limited to, the following:

- a) Drawings, photos or written descriptions of the Artwork(s) to be placed (including size, colors, weight, materials, and any information which will establish that the item has the requisite physical integrity to withstand public display and withstand exposure to the natural elements);
- b) A written description of the background/historical information associated with any art item, including but not limited to, information about the creation of the Artwork(s) and the artist (if applicable) who created it;
- c) Artist biography;
- d) A warrant of originality (if applicable);

- e) An explanation of why the item(s) should be displayed on a Public Place and how the display of such serves a purpose appropriate to the interests of the public and the City;
- f) Public support for the proposed display of Artwork;
- g) The estimated value of each Artwork (including appraisals of the Artwork(s) if available);
- h) The anticipated date for the placement to occur and the length of time proposed for public display;
- i) The anticipated life of displaying the Artwork(s) in a Public Place;
- j) Environmental effects of the Artwork(s);
- k) Proposed site and method of display (including any necessary hardscaping, landscaping, buildings, utilities, security devices, anchoring or other information necessary to insure public safety);
- l) Signage proposed for the Artwork, including size, lettering and material, signage shall be limited to the artist's name, title, and date of work, and where appropriate, a dedication, the name of the donor or lender may also be included in the installation;
- m) Estimates of the costs of installing the Artwork(s) for public display, including, but not limited to: physical anchoring of structures for public display, retrofit of existing buildings or improvements, landscaping, lighting, security and maintenance and whether the City or donor will pay for such costs;

A failure to provide the information outlined above may result in the City rejecting the offer to place Artwork in a Public Place as insufficiently documented to warrant City staff time to evaluate the offer. All information provided is a public record and will be available for review at the City Clerk's office during regular business hours.

2. Process for Review by Appropriate Commission and Planning Commission and Recommendations to City Council

Before making a recommendation to the City Council, the Appropriate Commission will consider the City Department's recommendation and/or comments, the criteria for Artwork selection, Artwork location and site selection, and documentation for placement of Artwork. When the Planning Commission must complete a design review and approval for the Artwork proposal, it shall be forwarded to the Planning Commission for such design review and approval before being considered by the City Council.

Once the Artwork proposal has been reviewed and approved by the Appropriate Commission, and if necessary the Planning Commission, the Artwork proposal shall be submitted to the City Council for final approval upon a recommendation for approval and Planning Commission review, where applicable. If the Council votes to accept an offer of to place Artwork in a Public Place, they will do so by adopting a formal resolution which will include any conditions to be placed on the Artwork(s) acceptance of the offer and a Memorandum of Understanding ("MOU") detailing the specific terms and conditions of the offer, acceptance, method of installation, and maintenance of the Public Artwork.

If the Appropriate Commission does not make a recommendation for approval to the City Council, the donor of the Public Artwork may appeal the Appropriate Commission's decision to the Council by submitting a written request for appeal to the Office of the City Manager. The

appropriate City Department Manager shall prepare in writing an explanation to the City Council establishing the reasons for denying the Artwork. Planning Commission consideration and review of Public Artwork will not occur unless the Appropriate Commission has first made a recommendation for approval to the City Council.

The City has no obligation to accept, display, or maintain any offer to place Artwork in a Public Place. The City has the right to determine, in its sole and absolute discretion, what Artwork(s) offered to it for public display will be accepted, displayed, or maintained by the City. If the City elects to accept, display and/or maintain Artwork, it may require the following information as conditions of acceptance:

- a) Proper documentation indemnifying and holding the City harmless to any liability as it relates to the Artwork, including documentation that the City will not be held liable to any damage incurred to the Artwork;
- b) Written explanation of legal issues, including but not limited to, identifying the current legal owner of the items, the existence of any copyrights, patents or other title rights in or to the Artwork(s)—such as any interests to remain with the artist or designer of the Artwork(s), and an explanation of conditions or limitations on the item(s) and whether the City or the donor will pay for such costs;
- c) Any additional information the City deems necessary or appropriate to analyze the offer.

The offer to place Artwork in a Public Place may be terminated by any party at any time prior to the later of acceptance of the offer by the City or the execution of an MOU.

IV. Maintenance

The City Clerk shall maintain a detailed record of all Artwork accepted by the City for placement in a Public Place. The Artwork shall be maintained with the same care as the City uses for maintaining similar City-owned property. City staff shall take into account recommendations for the appropriate method and frequency of maintenance for each Artwork made by the donor and/or Artist. The City shall:

1. Regularly inspect Artwork;
2. Provide regular maintenance on the Public Artwork and minor repairs such as removal of graffiti or bird guano.

The Artist and/or donor of the Artwork shall be responsible for any repairs or unusual maintenance to the Artwork. The Artist and/or donor shall be responsible for the normal wear and to the risk of damage, whether foreseeable or unforeseeable, to the Artwork.

V. Criteria for Artwork Selection, Location, and Site Selection

1. Artwork Selection

To effectively select Artwork for a Public Place, all offers to display Public Artwork shall be submitted to the Office of the City Manager. The Office of the City Manager shall forward the application to the Appropriate Commission for review. (Please refer to Section III “Review of

Offers of Public Artwork; Recommendations to City Council” for a complete description of the selection process.) The following criteria shall be used by the Appropriate Commission and City Council when considering the selection of Artwork for installation in Public Places.

- a) Qualifications: Artists shall be selected based on their qualifications as demonstrated by past work and the appropriateness of their concepts to the particular project.
- b) Quality: Of highest priority are the design capabilities of the Artist and the inherent quality of Artwork.
- c) Artistic Value: Public Artwork shall have a recognized aesthetic value.
- d) Media: All forms of visual arts should be considered.
- e) Style: Artists whose Artworks are representative of all schools, styles and tastes shall be considered.
- f) Appropriateness to Site: Artwork designs shall be appropriate in scale, material, form and content to their immediate social and physical environments.
- g) Size and Weight for Outdoor Artwork: Public Artwork located in an outdoor Public Place shall be of appropriate and suitable weight to sustain interaction with the public.
- h) Size and Weight for Indoor Artwork: Public Artwork located in an indoor Public Place shall not interfere with any activities the public would normally use for the public facility.
- i) Appropriateness to City’s Public Art Purpose: Artworks should address a commitment to enhancing Public Places, creating a sense of place and giving character to neighborhoods.
- j) Permanence: Consideration shall be given to structural and surface integrity, permanence and protection of the proposed artwork against theft, vandalism, weather, excessive maintenance and repair costs.
- k) Elements of Design: Consideration shall be given to the fact that Public Artwork is a genre that is created in a public context and that must be judged by standards that include factors in addition to aesthetic value. Public Artwork may also serve to establish focal points; terminate areas; modify, enhance or define specific spaces; establish identity; or address specific issues of urban design.
- l) Community Values: While free artistic expression shall be encouraged, consideration must be given to the appropriateness of Artwork in the context of local community and social values.
- m) Public Liability: Safety conditions or factors that may bear on public liability must be considered in selecting an Artist or Public Artwork.
- n) Diversity: Public Artwork shall strive for diversity of style, scale, media and artists, including ethnicity and gender of Artists selected.
- o) Communications: The ability of the Public Artwork to effectively communicate should be taken into consideration.
- p) Maintenance: Consideration shall be given to the type and scope of maintenance necessary to preserve the Public Artwork in a Public Place.

2. Artwork Location and Site Selection

Artwork shall be located in a Public Place specifically designated for such purpose. Installation of the Artwork shall be planned and implemented to enhance the work and allow for unobstructed public viewing from as many points of view as possible. The responsibility and method of

installation shall be described in a Memorandum of Understanding (“MOU”) between the City and the donor and/or Artist. Potential obstruction of growing trees, vegetation, shrubbery, or future construction shall be taken into account.

When selecting Artwork for Public Places, the Council, and Appropriate Commission, and responsible department(s) shall consider:

1. Installation: The Artwork shall be able to be properly installed in a Public Place where it can be viewed by the public in a safe manner.
2. Location: The Artwork shall be compatible with the design and location of the Public Place. The Artwork shall also be compatible with the historical character of the site as well as the preservation and integration of the natural features of the Artwork.
3. Site Infrastructure: The Artwork shall be compatible with the site infrastructure including, but not limited to, landscaping, drainage, grading, lighting and seating.
4. Impacts: The Artwork shall be compatible with adjacent property owners’ views and uses of their property and City operations. Consideration shall be given to noise, sound, and light of the Artwork.
5. Accessibility: The Artwork shall comply with American with Disabilities requirements in addition to related federal, state and local codes.

The City Council shall be vested with the final authority to determine the appropriateness and suitable location of the Artwork.

VI. Artistic Freedom of Expression

The City recognizes that free expression is crucial to making of works of Artwork of enduring quality. At the same time, Artwork must be responsive to its immediate site in community settings, its relatively permanent nature and the sources of its funding. It is the policy of the City to encourage free expression by artists consistent with due consideration of the value, aspirations, and goods of the City.

VII. Non-Discrimination

The City recognizes that cultural and ethnic diversity is essential in programs sponsored by the City and seeks to be inclusive in all aspects. The City will not discriminate against any artist or donor based on race, gender, ethnicity, age, socio-economic class, religion, sexual orientation, skills and abilities, and politics among other qualities.

VIII. Compliance with Laws

The City reserves the right to require that placement of Artwork in a Public Place comply with all applicable laws of California and the United States.