



## Public Art Program Policies and Procedures<sup>1</sup>

*Note: This document is made up of three separate documents: (1) Public Art in City Capital Improvement Projects Information – adapted from Palo Alto with language from the 1999 Public Art Program Policies and Procedures (2) Process Chart and (3) Amended 1999 Public Art Program Policies and Procedures*

### Public Art in Municipal Projects Information

#### POLICY STATEMENT

This policy implements Richmond Municipal Code Section X.XX "Public Art for Municipal Projects," which provides that the City will budget one percent (1.5%) of the annual CIP budget for eligible projects for public art.

#### GOALS OF PUBLIC ART PROGRAM

It is the goal of the City's public art program to:

- Use art in public places to enhance the City's identity and the quality of public spaces.
- Increase the quantity and quality of public art in the City.
- Create integrated public art, that is, art that is designed to relate to or be incorporated with the design of public facilities.

#### PROJECTS INCLUDED

All appropriations for City of Richmond capital improvement projects, including all bond projects and all other capital projects funded from other eligible sources, shall include an amount equal to one and one-half percent (1.5%) of the total capital improvement project cost to be dedicated to the City of Richmond Public Art Projects Account. The 1.5% appropriation applies to all municipal property owned, leased, rented, or under construction by the City of Richmond. The 1.5% appropriation shall include, but is not limited to, the following capital improvements:

- a. All municipal capital improvement projects funded from the City's General Fund.
- b. Public Works, including, but not limited to, street and sidewalk construction, underground water and sewage lines, where eligible, electrical sub-stations, and water pump stations.
- c. All capital improvement projects funded from other county, state, and Federal sources where the source allows for a percent for arts.
- d. Off-street parking funds (limited to parking construction or rehabilitation).
- e. Gas-tax funded capital improvements.
- f. Privately funded capital projects, where eligible

The Arts and Culture staff will work with the appropriate City departments (which may include but are not limited to Community Development, Public Works, and Community Services) to implement RMC section X.X.X by identifying the projects that are subject to the 1.5 percent for public art requirement.

Salaries and benefits of public employees supporting these CIP projects shall not be considered part of the CIP budget subject to the public art program. The 1.5% percent requirement will be based on the initial CIP budget and adjusted if the CIP budget is later increased through the annual budget process. If the CIP budget is later decreased, the art contract shall be adjusted as much as allowed depending upon the status of the art design and/or fabrication.

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<sup>1</sup> This document is pending legal review.



## EXEMPTIONS TO POLICY

If the project is deemed ineligible for a public art appropriation, the Finance Director and Participating Bodies must submit a letter of explanation to the Arts and Culture Commission explaining

- (i) why the project has been deemed ineligible, or why funds must be restricted to a specific site.

## TRANSFER OF FUNDS

Within 30 days after approval of the City's annual operating budget, the Finance Director shall submit the authorized annual budget for capital improvements to the Richmond Arts and Culture Commission, specifying the total appropriation to be made to the City's "Public Art Projects Account." The minimal amount to be appropriated for art shall be based upon a 1.5% appropriation of the total City-funded portion of the construction costs, including architectural and engineering fees, and site work expenses.

## PROCEDURE FOR IDENTIFYING AND SELECTING PUBLIC ART PROJECT SITES

- A. The Arts and Culture Manager shall have the authority to pool funds, and may propose funds for use at a current CIP site or any other public or publicly-accessible site.
- B. The City Manager or designee, in consultation with the Public Art Advisory Committee, shall identify sites for public art funded by this program. CIP or other sites that merit further consideration for integration of artwork will be presented to the Public Art Advisory Committee. Consideration will include, but not be limited to:
  - Visibility and public access
  - Public safety
  - Interior and exterior traffic patterns.
  - The relationship of the proposed public art project to the site's existing or future architectural features and to its natural features.
  - The function and uses of the facility or site.
  - The nature of the site's surrounding neighborhood and potential impact of the public art project on residences or businesses.
  - Future development plans for the area which may affect the public art project.
  - The relationship of the proposed public art project to existing works of art or design elements within the site's vicinity.
  - The proposed public art project's impact on the surrounding environment.
  - The social or cultural context of the proposed artwork or design element relative to the site and its surrounding environment.
- C. Identification of project sites and establishment of an art budget early in the process allows the artist to be hired at an early stage of design so that the art can be better incorporated with the design. For projects in which art will be integrated on site, the project manager, in consultation with the Arts and Culture Manager, will determine the final public art plan for the site.
- D. For projects in which it is determined that artwork will not be incorporated on site, the Arts and Culture staff will coordinate with the Richmond Arts and Culture Commission to determine the allocation of those funds to another municipal public art site or publicly-accessible site.
- E. Every effort should be made to identify and select projects in a timely manner.
- F. Arts and Culture Staff shall solicit review, comment, and/or approvals for works of art from appropriate City departments relative to safety and maintenance.
- G. Some projects may not have a public art requirement but may voluntarily choose to include a

public art element.

### PROCEDURE FOR IDENTIFYING AND SELECTING ART WORKS

Artworks may include permanent or temporary art, including performance-based and experiential art.

The Arts and Culture staff will develop the RFP or RFQ for the artwork, with input from the Commission, Project Manager and designer/architect. The 1.5% percent will be subject to change during the design phase with the determination of final cost estimates for construction. The RFP/RFQ will include, but not be limited to:

- A description of the project, including its goals; the project parameters, including the site's physical description, potential approaches to the project, and any physical or legal restrictions which may apply to the project.
  - The artist's potential scope of work.
  - Application procedures, including materials requested eligibility factors, and timelines.
  - Selection procedures (if appropriate).
  - Criteria for the selection of artist(s) and artwork(s)
  - Project budget.
- A. Selection of the artist and artworks will fall into one of three processes:
- Direct selection: artist(s) or completed artwork(s) chosen directly by the Public Art Advisory Committee or by a Selection Panel.
  - Limited competition or invitational: artists are invited by the Public Art Advisory Committee or by a Selection Panel to submit proposals, a completed artwork, or otherwise participate in a public art project.
  - Open competition: any professional artist is eligible to participate, subject to limitations established by the Public Art Advisory Committee.
- B. Selection of the artists and artworks will be made through submittals reviewed by a selection panel composed of representatives of the Public Art Advisory Committee, arts professionals, community representatives and appropriate City department representatives or architect/designer. Considerations in selecting the artist and/or proposed work of art will include:
- Context
  - Artistic quality
  - Media
  - Permanence
  - Public Safety
  - Diversity of artists represented in Richmond
- C. The Public Art Advisory Committee will recommend the selected artist and artist's proposal to the Richmond Arts and Culture Commission, who will then decide on approval.
- D. The selected artist will work with the appropriate department(s) and project manager as noted in the RFP/RFQ and contract.
- E. Every effort should be made to conduct the artist selection and contract process in a timely manner to optimize coordination during the construction phase.
- F. The Arts and Culture Manager will work closely with the Project Manager to coordinate efforts and ensure smooth management of the art installation.

### OWNERSHIP AND MAINTENANCE

The City of Richmond owns and maintains all art in City projects and has sole fiscal and legal responsibility for the artworks and the maintenance of the works, including graffiti removal. Project



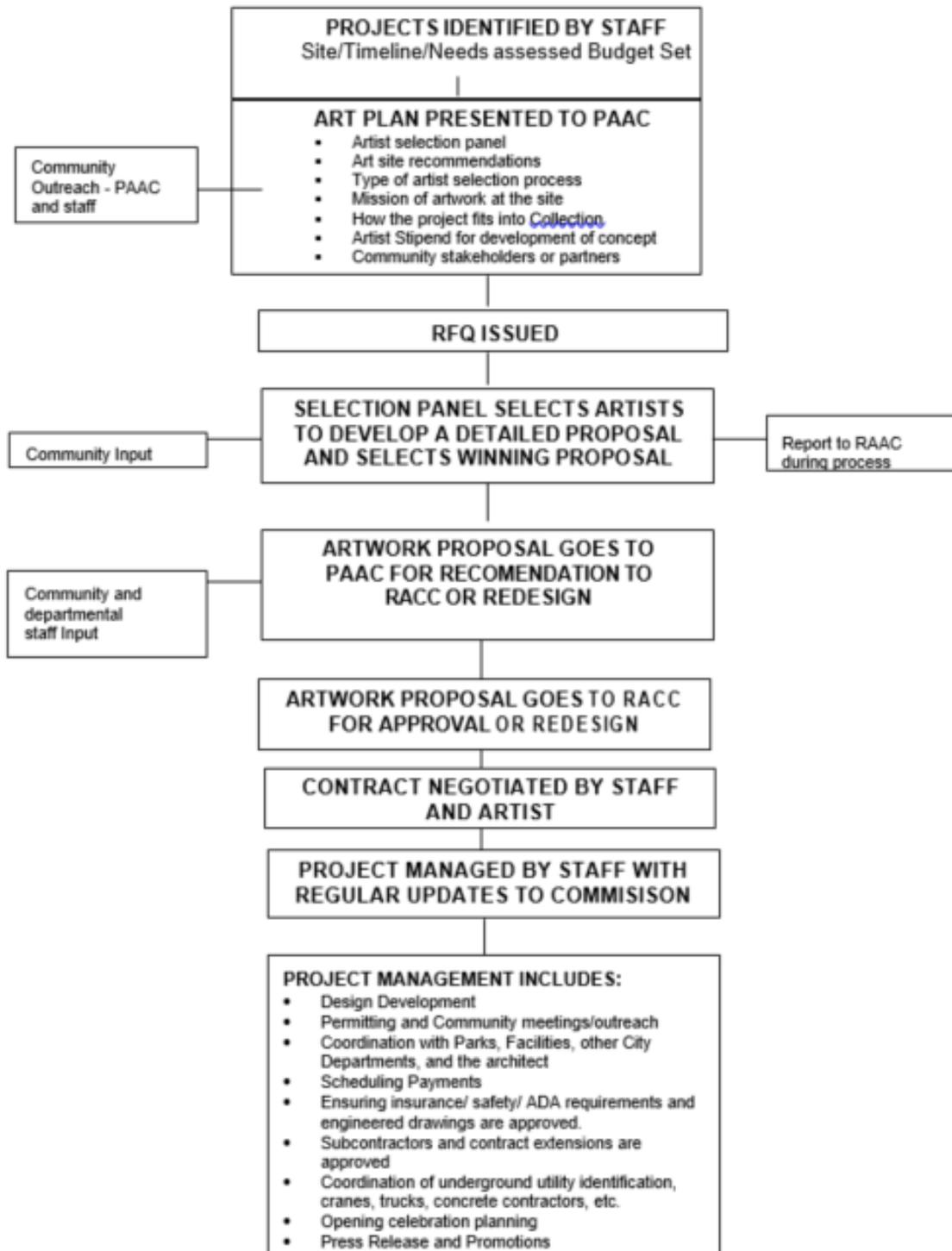
managers with existing art, including murals, sculpture or land art, within their project site or within 100 feet of their project site must contact the Arts and Culture staff to ensure the proper precautions are taken for the care and protection of the artwork. A comprehensive inventory of all art shall be maintained and updated by the City going forward and will be made available for review. Copyright shall be maintained by the artist. For more information, visit [Americans for the Arts](#).

NOTE: Questions and/or clarification of this policy should be directed to the Arts and Culture Manager. The Public Art Program is a program of the City Manager's Office, Arts and Culture Division.

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# PUBLIC ART SELECTION AND APPROVAL PROCESS

## Percent for Art in Municipal Projects





## **CITY OF RICHMOND, ARTS AND CULTURE COMMISSION PUBLIC ART PROGRAM POLICIES AND PROCEDURES**

**Amended X, XX, 2021**

### **SECTION ONE: ENABLING LEGISLATION**

On May 13, 1997 the City of Richmond adopted a “Percent for Art” Resolution 70-97 authorizing the allocation of 1.5% of the City’s capital improvement project costs for the commissioning of public artworks and artists’ services in the construction of public works; establishing a method for calculating public art appropriations for capital improvement projects; establishing a Public Art Projects Account; establishing methods of administering the resolution; and establishing general guidelines for the administration of a Public Art Program.

The intent of the Public Art Resolution was to establish a Public Art Program in order to create a diverse and stimulating cultural environment for citizens of, and visitors to, the City of Richmond, and to promote greater economic vitality through the aesthetic enhancement of the City’s public spaces, thereby making Richmond a more attractive environment for regional and local businesses. The purpose of this Resolution was to increase public access to such works of art in Richmond by the imposition of a requirement that certain public development projects within the City of Richmond include or provide such works of art in areas on public property that are accessible and visible to the general public.

On \_\_\_\_\_, \_\_, 2021, RMC X.XX Public Art Program ordinance was adopted by City Council and replaced the 1997 “Percent for Art” Resolution. On July 18, 2017, the One Percent for Public Art on Private Development ordinance was adopted by the City Council (RMC 12.62) and on \_\_\_\_\_, \_\_, 2021, the Public Art in Private Development Policies and Procedures was established.

### **SECTION TWO: MISSION STATEMENT**

Mission Statement: The City of Richmond Public Art Program will enliven and beautify the City environment, creating community pride for city residents. The program will encourage and promote awareness of the City’s rich ethnic, social, and cultural diversity as expressed through visual, literary, performing, and design arts.

### **SECTION THREE: FUNDING SOURCES**

#### **3.1 APPROPRIATIONS**

All appropriations for City of Richmond capital improvement projects, including all bond projects and all other capital projects funded from other eligible sources, shall include an amount equal to one and one-half percent (1.5%) of the total capital



improvement project cost to be dedicated to the City of Richmond Public Art Projects Account. The 1.5% appropriation applies to all municipal property owned, leased, rented, or under construction by the City of Richmond. The 1.5% appropriation shall include, but is not limited to, the following capital improvements:

- a. All municipal capital improvement projects funded from the City's General Fund.
- b. Public Works, including, but not limited to, street and sidewalk construction, underground water and sewage lines, where eligible, electrical sub-stations, and water pump stations.
- c. All capital improvement projects funded from other county, state, and Federal sources where the source allows for a percent for arts.
- d. Off-street parking funds (limited to parking construction or rehabilitation).
- e. Gas-tax funded capital improvements.
- f. Privately funded capital projects, where eligible

### 3.2 METHOD OF CALCULATION

- a. The minimum amount to be appropriated to the Public Art Projects Account to fund artists' services and/or artworks, maintenance, conservation, education, and program administration, shall be the total capital project appropriation, including all construction costs, architectural and engineering fees, and site work expenses, multiplied by .015, excluding amounts budgeted for real property acquisition, demolition, and financing costs.

### 3.3 ONE PERCENT PUBLIC ART ON PRIVATE DEVELOPMENTS IN-LIEU CONTRIBUTION

- a. All in-lieu contributions for the One Percent Public Art on Private Development program, as described in RMC 12.62.100, unless specified for specific use, shall be deposited into the Public Art Projects Account and the process for selecting art shall follow the process described in this Public Art Program Policies and Procedures.

## **SECTION FOUR: BUDGETING PROCEDURES**

### 4.1 FUNDING DESIGNATIONS

- a. City of Richmond Public Art Projects Account

Within 30 days after approval of the City's annual operating budget, the Finance Director shall submit the authorized annual budget for capital improvements to the Richmond Arts and Culture Commission, specifying

the total appropriation to be made to the City's "Public Art Projects Account." The minimal amount to be appropriated for art shall be based upon a 1.5% appropriation of the total City-funded portion of the construction costs, including architectural and engineering fees, and site work expenses as defined herein.

- (i) Concurrent with the appropriation to fund eligible City construction projects, the City shall deposit the one and one-half percent (1.5%) appropriation in the Public Art Projects Account. If the transfer of monies from one project to another is not authorized, or if legal restrictions on the source of the fund prohibit such transfers, the one and one-half percent (1.5%) appropriation shall be restricted to a specific City project and the monies shall be placed in a project fund so designated for that project.
- (ii) On an annual basis, the Public Art Advisory Committee and the Richmond Arts and Culture Commission shall develop a PUBLIC ART ANNUAL PLAN that will identify specific public art projects to be implemented with the City's public art allocations.
- (iii) All in-lieu contributions from the One Percent for Public Art on Private Development program, as described in RMC 12.62.100, unless specified for a specific use, may be utilized for all eligible use of funds described below.
- (iv) Exemptions: If the project is deemed ineligible for a public art appropriation, the Finance Director and Participating Bodies must submit a letter of explanation to the Arts and Culture Commission explaining why the project has been deemed ineligible, or why funds must be restricted to a specific site.

#### 4.2 FUNDING AGGREGATIONS

Funds appropriated as part of any project, including City projects, but deemed not necessary or appropriate in total or in part for public art at said project site, by the Richmond Arts and Culture Commission in consultation with the Public Art Advisory Committee (PAAC) and the capital improvement project manager(s), may be expended on other projects approved under the Public Art Annual Plan when such funds are eligible to be so used.

#### 4.3 EXCLUSIONS

If any applicable laws or regulations with respect to any particular capital improvement project or portion thereof prohibits or restricts the use of the 1.5% dedication of such funds for public art, this ordinance shall not apply to the project expenses so prohibited or restricted.

#### 4.4 USE OF FUNDS

It is the intent of the Public Art Resolution that the Public Art Projects Account will be appropriated in the annual budget of the City to purchase or commission works of art or design elements created by artists to enhance Richmond's public spaces; to maintain, repair, or relocate public art or design elements; to fund staffing, administrative costs, and contingency costs for the implementation of the Public Art Program, and to defray such other expenses which are, or may become, an integral part of the Public Art Program, including community education and outreach. The funds may also be utilized for inclusion of space that is generally open to the public during regular business hours and is dedicated for regular use as a rotating art gallery, free of charge and/or space within the project, to be made available to the public for the primary use of arts and cultural programming. This does not include those items which contribute to the asset base and normal operating expenses of a resident agency, such as a city museum or gallery, or a private cultural institution.

#### 4.5 ELIGIBLE COSTS

In general, after administrative expenses, including funding staffing for the Public Art Program, have been appropriated, public art allocations may be used for the following:

- a. Approximately two-thirds of funds shall be earmarked for artist(s) fees and costs directly related to the selection of artists or artwork, for the fabrication and installation of artwork, and for costs associated with displaying and identifying the artwork. Public Art funds in this category may be expended on, but are not limited to use for, the following:
  - (i) honorarium fee to develop the artist's design concepts
  - (ii) the purchase or commissioning of artwork
  - (iii) costs associated with the placement, installation, and display of artwork
  - (iv) costs related to the selection of artists or artwork
  - (v) selection panelist fees (not including City of Richmond staff or PAAC or RACC members)
  - (vi) Inclusion of space that is generally open to the public during regular business hours and is dedicated for regular use as a rotating art gallery, free of charge and/or space within the project, to be made available to the public for the primary use of arts and cultural programming
- b. Approximately one-third of funds shall be earmarked for maintenance and conservation of the City's public artwork, community outreach and education, and documentation, publicity, promotion, and contingency costs. Contingency costs, which account for unplanned expenses, shall not exceed 10% of the total budget. Any remaining contingency at the completion of the

project will revert to the City.

#### 4.6 INELIGIBLE COSTS

Monies appropriated under this ordinance may not be used for the following:

- a. Directional elements such as supergraphics, signage, or color coding except where these elements are integral parts of a public art project or are executed by artists in unique or limited editions.
- b. Art objects which are mass produced and of standard design, such as playground equipment or fountains.
- c. Reproduction, by mechanical or other means, of original works of art, except in cases of film, video, photography, printmaking or other media arts.
- d. Decorative or functional elements that are designed by the building architect or landscape architect.
- e. Landscape architecture, except when deemed to be an integral part of an artist's work and relevant to a project under consideration.
- f. Those items which contribute to the asset base and normal operating expenses of a resident agency, such as a city museum or gallery, or a private cultural institution.
- g. Artwork acquired through third party owners, such as private collectors or auction houses.
- h. Architects' fees, except in such cases where the public art component significantly changes a project architect's scope of services.

### **SECTION FIVE: ADMINISTRATION**

#### 5.1 RICHMOND CITY COUNCIL

The Richmond City Council shall:

- a. Appropriate 1.5% of all eligible capital improvement project costs to the Public Art Projects Account on an annual basis.
- b. Review and approve the Public Art Program Policies and Procedures.
- c. Review and approve the Public Art Annual Plan.
- d. Approve contracts over \$10,000.
- e. Approve appointments to the Arts and Culture Commission
- f. Approve acceptance of gifts or loans of artwork to the City, and approve loans of City-owned artwork to other organizations or institutions.

#### 5.3 RICHMOND ARTS AND CULTURE COMMISSION



The Richmond Arts and Culture Commission shall administer the Public Art Program and shall be responsible for reporting Public Art Program activities to the Richmond City Council. The Commission shall:

- a. Recommend Public Art Program policies and procedures to the City Council.
- b. Submit the Public Art Annual Plan to the City Council after review and approval of the plan as submitted by the Public Art Advisory Committee.
- c. Administer all aspects of the Public Art Program.
- d. Review and accept (or reject) proposals for public art acquisitions, as recommended by the Public Art Advisory Committee, and forward a recommendation to the City Council if over \$10,000 .
- e. Review and recommend to the City Council the acceptance or rejection of all proposed gifts or loans of artwork to the City, and make recommendations for the lending of City-owned artwork to other organizations or institutions.
- f. Solicit funds from foundations, corporations, public agencies, and other appropriate sources.
- g. Revise Public Art Program policies and procedures as necessary.
- h. Administer and coordinate the Neighborhood Public Art mini-grant program designated to stimulate arts and culture in the Richmond community, help emerging artists of all ages and ethnicities, and fund local visual, literary and performing arts projects.
- i. Administer and coordinate the appointment of a Richmond Poet Laureate who provides a focus for the appreciation and dissemination of poetry in Richmond, promotes the appreciation and knowledge of poetry among our youth, and acts as a spokesperson for the growing number of poets and writers in Richmond.

#### 5.4 PUBLIC ART ADVISORY COMMITTEE

The Public Art Advisory Committee (PAAC) shall be a subcommittee of the Richmond Arts and Culture Committee composed of a maximum of seven members. Volunteers may be added to assist as needed. Terms shall be staggered to ensure a degree of continuity. The Commission shall strive for ethnic, social, and professional diversity in the PAAC's membership.

The Public Art Advisory Committee shall:

- a. Recommend program policies and procedures to the Arts and Culture Commission.
- b. Recommend public art projects and budgets, in the form of a Public Art Annual Plan, to the Arts and Culture Commission.
- c. Review for acceptance (or rejection) proposals for public art acquisitions, as recommended by selection panels, and forward a recommendation for acceptance or rejection to the Arts and Culture Commission.
- d. Review and recommend to the Arts and Culture Commission the acceptance or rejection of all proposed gifts or loans of artwork to the City, and make recommendations for the lending of City-owned artwork to other organizations or institutions.

- e. Serve as community liaisons and provide advocacy for the Public Art Program and its activities in all of Richmond's neighborhoods.
- f. Review for acceptance (or rejection) proposals for public art in private development, as recommended by selection panels, and forward a recommendation for acceptance or rejection to the Arts and Culture Commission.

## 5.5 ARTS AND CULTURE STAFF

Arts and Culture staff shall be responsible for the overall management and administration of the public art program. The Arts and Culture Manager shall be responsible for managing, or overseeing the management of, public art projects from inception to completion. The Arts and Culture Manager's responsibilities shall include, but are not limited to, the following:

- a. Review and evaluate the City Annual Capital Improvement Projects list and identify potential projects to be implemented in conjunction with projects described therein. Maintain ongoing contact with, and if possible attend meetings of, all City Agencies that may have projects generating Public Art funds.
- b. Review other planned or existing City projects to determine other appropriate public art project opportunities.
- c. Prepare and submit, with the Public Art Advisory Committee, a Public Art Annual Plan to the Arts and Culture Commission, and the City Council.
- d. Develop project parameters, budgets, and timelines for each adopted project.
- e. Develop and implement an artist recruitment plan, including writing and disseminating Requests for Proposals/Qualifications, and identify appropriate methods for the artist selection process.
- f. For selection processes involving a selection panel, identify and recommend to the PAAC qualified panelists, drawing from City agencies and organizations such as the Richmond Neighborhood Coordinating Council, Chamber of Commerce, City Council, PAAC, and the community at large.
- g. Review artists' application materials and pre-screen the applicant pool to select a slate of qualified candidates for review by the selection panel.
- h. Maintain an artists' pool of qualified and interested artists
- i. Prepare artists' materials for presentation to the panel.
- j. Schedule, facilitate, and oversee the artist selection process.
- k. Submit panel's recommendations to the PAAC and Commission.
- l. Solicit review, comment, and/or approvals for works of art from appropriate City departments relative to safety and maintenance.
- m. Solicit and submit appropriate comments or recommendations made by other City agencies to the PAAC for review, and, if required, for resolution.
- n. Convene and facilitate any public meetings related to the project.
- o. Negotiate and administer contracts; review and approve general contractor bid documents as they pertain to the implementation of the public art project.

- p. Collaborate with the Client Agency and other City departments to coordinate the roles and responsibilities of the artist, architect, engineers, general contractor, and other professionals involved in the project.
- q. Prepare and distribute press and publicity materials related to the Public Art Program.
- r. Prepare and maintain project files. This includes a comprehensive inventory, a database of artists, as well as ongoing records of maintenance.
- s. Prepare grant requests to outside funding sources, as appropriate.
- t. Review the Public Art collection to evaluate and make recommendations for maintenance or conservation needs.

## 5.6 CITY DEPARTMENTS/CLIENT AGENCIES

All City Agencies and Departments collaborating on public art projects with the Arts and Culture Commission and the Public Art Program shall:

- a. Deposit public art allocations in the City Public Art Projects Account.
- b. Provide information to the Arts and Culture staff ("staff") identifying existing or planned sites under the Department's jurisdiction that may be appropriate for public art projects.
- c. Include the cost of architectural services related to the coordination and implementation of the Public Art Program in the total construction budget. Incorporate into bid packages and contracts language describing the architect's scope of services relative to the public art project, closely coordinated with the artist's design.
- d. Direct the Project Architect to work within the intent of the program as described in the Public Art Program Ordinance and in these guidelines.
- e. Assist staff in the development and implementation of public art projects at departmental sites, attending and/or requesting meetings as necessary.
- f. Inform staff of the relationship of any advisory groups, neighborhood groups, or other groups which may be impacted by or be interested in the development of a public art project. Collaborate with staff to develop and ensure collegial relationships for each project.
- g. Inform staff of any proposed or planned project involving construction, renovation, or further development of a site or facility at the earliest possible point, in order to allow for adequate review of the project's potential for incorporation of artwork, and for planning of an appropriate artwork project or design team effort. Ensure open lines of communication regarding all projects.
- h. Advise staff of any municipal, division, or departmental ordinances, resolutions, or regulations which may affect or be affected by proposed public art projects.
- i. Inform staff of planning projects for neighborhood improvement, redevelopment area projects, private or public planning studies and/or long- range policy recommendations that have the potential to incorporate

public art.

## **SECTION SIX: ACQUISITION OF PUBLIC ARTWORK**

### **6.1 CRITERIA FOR THE ACQUISITION OF ARTWORK**

Criteria to be used in the acquisition of public artwork or design elements, whether by commission, purchase or gift, shall include, but not be limited to, the following:

- a. **Context.** Works of art must be compatible in scale, materials, form and content with their surroundings. Consideration shall be given to the architectural, historical, geographical, and social/cultural context of the site.
- b. **Artistic Quality.** Quality shall include excellence in the artwork's craftsmanship, originality in conception and integrity of materials used.
- c. **Media.** All forms of media may be considered. Works may be portable, permanently affixed, or incorporated in the design and/or function of a public space. Temporary exhibits or installations may also be considered for commissions.
- d. **Permanence.** For permanent works of art or design elements, due consideration shall be given to the work's structural and surface soundness, and to inherent resistance to theft, vandalism, weathering, and excessive maintenance or repair costs.
- e. **Public Safety.** All works of art, design elements, or temporary installations shall be evaluated to ensure their compliance with public safety requirements
- f. **Diversity.** The Public Art Program recognizes the cultural, ethnic, and social diversity of Richmond's population, as well as that of the greater Bay Area, and shall incorporate diversity in every aspect of the Program. Means by which the Program may realize the goal of cultural and aesthetic diversity shall include, but is not limited to:
  - (i) Achieving an equitable distribution of commissions, acquisitions, and temporary exhibitions from artists who represent Richmond's multi- ethnic, multi-cultural population.
  - (ii) Commissioning artworks, design elements, and temporary exhibitions throughout Richmond's various neighborhoods.
  - (iii) Emphasizing and encouraging the acquisition of artwork and design elements which include a wide variety of styles, scale, and media.
  - (iv) Encouraging community participation in the public art process, when appropriate.
  - (v) Encouraging the exploration and understanding of new and experimental art forms as well as established and traditional art forms.

## 6.2 FEASIBILITY

Before a proposal for a public art project is given final approval, it shall be evaluated for its feasibility relative to:

- a. The project budget and its estimated time line.
- b. Convincing evidence that the artist can complete the project on time and within budget.
- c. Approval of the project by the appropriate city agencies, relative to safety, maintenance, and code requirements.

## 6.3 SITE CRITERIA

Prior to recommending a site for a public art project, Arts and Culture staff, in collaboration with appropriate city agencies and the Public Art Advisory Committee, shall evaluate the site for the following factors:

- a. Visibility and public access
- b. Public safety
- c. Interior and exterior traffic patterns.
- d. The relationship of the proposed public art project to the site's existing or future architectural features and to its natural features.
- e. The function and uses of the facility or site.
- f. The nature of the site's surrounding neighborhood and potential impact of the public art project on residences or businesses.
- g. Future development plans for the area which may affect the public art project.
- h. The relationship of the proposed public art project to existing works of art or
- i. design elements within the site's vicinity.
- j. The proposed public art project's impact on the surrounding environment.
- k. The social or cultural context of the proposed artwork or design element relative to the site and its surrounding environment.

## **SECTION SEVEN: SELECTION PROCESSES**

### 7.1 METHODS OF SELECTION

Artists (or artwork) may be selected for public art projects by one of the following methods:

- a. Direct selection: artist(s) or completed artwork(s) chosen directly by the Public Art Advisory Committee or by a Selection Panel.
- b. Limited competition or invitational: artists are invited by the Public Art Advisory Committee or by a Selection Panel to submit proposals, a completed artwork, or otherwise participate in a public art project.

- c. Open competition: any professional artist is eligible to participate, subject to limitations established by the Public Art Advisory Committee.

## 7.2 ARTIST RECRUITMENT METHODS

### a. Competitive Processes

For competitive projects, staff shall develop a Request for Qualifications (“RFQ”) or a Request for Proposals (“RFP”). The RFQ or RFP shall be disseminated as widely as possible through local media, the arts media, and through direct mailings to artists and arts organizations. The RFQ or RFP shall include the following information.

- (i) A description of the project, including its goals; the project parameters, including the site’s physical description, potential approaches to the project, and any physical or legal restrictions which may apply to the project.
- (ii) The artist’s potential scope of work.
- (iii) Application procedures, including materials requested eligibility factors, and timelines.
- (iv) Selection procedures (if appropriate).
- (v) Criteria for the selection of artist(s) and artwork(s)
- (vi) Project budget.

### b. Direct Recruitment

The Public Art Program may utilize Direct Recruitment methods to solicit qualified arts for a project. Direct Recruitment shall be defined as the direct solicitation of qualified candidates by means of direct mailings of the RFQ or RFP, or through phone contact with artists, arts organizations, galleries or other sources for the purpose of soliciting names of artists to be considered for a project.

## 7.3 ARTIST SELECTION PROCEDURES

### a. Pre-Screening

Arts and Culture staff shall pre-screen applications, and evaluate them relative to the minimum candidate criteria and qualifications outlined in the RFQ or RFP. Staff shall then present the slate of qualified candidates for review to the selection panel. Along with the candidates recommended for review, the panel will receive a list of all project applicants. Panelists may request the inclusion for review any artist previously eliminated by the staff if they believe that the artist does meet the stated minimum qualifications.

b. Selection Panel

Selection panels are ad-hoc panels assembled for specific projects. The role of the selection panel is to assist the Public Art Program in identifying qualified artists to be considered for a project. The number of panelists and the composition of the panel appointed for projects will depend upon the size, location, and complexity of each project. In general panels shall comprise a minimum of three persons from the categories listed below. There shall be an odd number of voting members on the panel to remove the possibility of a tie.

1. Voting Members

- a. At least one artist or arts professional (curator, educator, etc.)
- b. At least one representative of the neighborhood in which the artwork will occur.

2. Non-voting advisors.

c. Project Advisory Committees

For certain projects, the PAAC may elect to establish a project “advisory” committee. An advisory committee is an ad hoc group which provides staff and artists with information regarding the physical parameters of the site, the site’s users or audience, the social, historical, or cultural history of the neighborhood where the artwork will occur, and other types of information which may assist the art in preparing a design proposal.

Advisory Committee members shall be identified through existing community organizations and by referrals from other agencies, public or private, which are familiar with the neighborhood in which the art project will occur. The Advisory Committee will represent residents or facility or site users who will be most affected by the art project and who can provide the artist with useful information in the development of his or her project. The Advisory Committee, as a whole, does not retain the right to vote, and should neither advise nor influence the selection panel during their deliberations. However, one or more Advisory Committee members may serve on the selection panel if requested by the PAAC to do so. The Advisory Committee may consist of one or more of the following persons:

- (i) The design architect, if selected. (Note: when the projects calls for an artist or artists to participate on a design team, the project architect may be asked to serve as voting member of the selection panel).
- (ii) The project manager or designee from the City agency collaborating on the project.
- (iii) Other design team members, if appropriate.
- (iv) A member of the Public Art Advisory Committee.

d. Selection of Panelists

Arts and Culture staff shall recommend panelists for each project and shall submit these recommendations to the PAAC for review. Selection of panelists shall be made based on an analysis of the following: experience in implementing or administering public art projects; knowledge of current trends and issues in public art; knowledge of local, regional and national arts; experience and interest in working with Richmond's multi-cultural community; ability assess the creativity, design skills, and problem-solving abilities of artist under review; knowledge of materials and methods of fabrication used in public art projects and an ability to assess their appropriateness to a particular site, ability to represent a particular neighborhood or area of Richmond in which the artwork will be sited, ability to work cooperatively and effectively in a panel process.

- (i) To expedite the recruitment and approval of panelists, staff shall develop a list of qualified panelists. The panelists list shall be reviewed and approved by the PAAC. Or projects under \$50,000, staff shall be authorized to convene a panel based on this list. Panelists representing the client agency or community representatives shall be included on the panel at the staff's discretion.
- (ii) Any persons who would receive financial gain from the selection of artists or artworks are ineligible to serve on a Selection Panel. Any artist selected to serve on the Selection Panel is precluded from having his/her work considered for any Public Art project during his/her time of service.

e. Modified Panel Process

For some projects, such as those with budgets of \$50,000 or less, or where time is of the essence in recruiting, selecting, and commissioning an artist, the PAAC shall retain the option of:

- (i) Selecting one or more artists to work on the project through direct invitation.
- (ii) Developing a short list of qualified artists to present to a selection panel and/or convening a selection panel comprised of a staff representative, a representative of the client agency or facility, and one guest panelist. This panel will review the short list of qualified artists and select one or more artists for the project.

f. Eligibility Criteria

In general, any professional artist may be considered for a public art purchase or commission. Specific eligibility requirements will be established at the initiation of each project and will be described on the RFQ/RFP. In general:

- (i) Artists will be considered for commission on the basis of their professional qualifications, as demonstrated by past work, relevant

- professional experience, the appropriateness of a specific proposal to the project goals and parameters, and the probability that the artist can successfully complete the project.
- (ii) Excluded from consideration are the works of art or proposals submitted by the project architect and/or members of the design team, and artists who are members of or related to the Arts and Culture staff, the PAAC, Commission, or the City Council. There shall be at least a minimum of two years between serving on the RACC or PAAC and consideration of works of art or proposals.
  - (iii) Artists shall not receive more than two commissions from the City of Richmond in any five-year period, nor shall artists receive more than one commission in consecutive years. These restrictions shall apply to individual artists, artists who are commissioned as part of a team, and/or any artists who will receive credit for any commissioned project.
  - (iv) Artists may be selected on a national or international basis. Though preference may be given to Richmond-based artists for any given project, the Public Art Program shall encourage a wide diversity in style, scale and media in public art, and encourages the exchange of ideas and creative talent from all artists.

#### 7.4 Selection Process

When formal selection panels are convened, the Selection Process will be facilitated under the following processes:

- a. The Selection Panel shall meet in open session.
- b. Staff shall issue written instructions to panelists detailing the duties and responsibilities related to the project before the first panel meeting.
- c. The panel shall review credentials, proposals, and/or materials submitted by artists.
- d. The Panel shall recommend to the Public Art Advisory Committee an artist or artists to be commissioned for the project; an artist or artists to develop a design proposal for the project; or recommend an artist or artists whose existing work is to be selected for the project. In the case where an artist or artists have been asked to prepare a specific design proposal, the Panel shall re-convene to review the proposals and shall select the artwork following the same procedures as outlined in steps A, B, and C above.
- e. If a consensus cannot be reached, then a vote shall be taken, with the majority carrying the decision. Panelists shall each have one vote, and no Panelist shall have the right of veto.
- f. The Panel shall have the option of making no selection. In the event that no selection is made, the PAAC shall determine whether to:
  - (i) initiate a new selection process
  - (ii) revise the project

- (iii) abandon the project
- g. The panel's decision shall be recorded by the Arts and Culture Manager in the form of a written record to the Public Art Advisory committee. If approved, the Panel's decision will be given formal approval by resolution of the Committee. If rejected, the decision to reject the Panel's decision will be voted on by the Public Art Advisory Committee and an alternative process for project development will be determined.
- h. Upon approval of the panel's recommendation by the PAAC, the PAAC shall forward a recommendation to the Arts and culture Commission. The Commission shall review and approve or reject the PAAC's recommendation.
- i. If the Commission approves the PAAC's recommendation, it shall forward a recommendation to the City Council (for acceptance of projects over \$10,000).
- j. If the Commission rejects the PAAC's recommendation, it will provide a written report to the PAAC with the reasons for the rejection. The PAAC shall then determine whether to 1) revise or modify the project; 2) initiate a new review and selection process; or 3) abandon the project.
- k. If the City Council accepts the Commission's recommendation, it shall approve the proposals by means of a formal resolution authorizing staff to enter into contract with the selected artist(s).
- l. If the City Council rejects the Commission's recommendation, the PAAC shall determine whether to 1) revise or modify the project; 2) initiate a new review and selection process; or 3) abandon the project.

## 7.5 Artist Selection Criteria

The Panelists shall select artists based on the appropriateness of their proposal to the particular project and the probability of its successful completion, as indicated by the artist's past work or by his/her ability to procure appropriate resources to ensure successful completion of the project. In evaluating proposals for public art projects, panelists shall consider:

- a. Artistic Quality. Quality shall include excellence in the artwork's craftsmanship, originality in conception, and integrity of the materials used.
- b. The Appropriateness of the artwork to the surrounding neighborhood, to include its scale, form, content and design.
- c. An evaluation of the artwork's relationship to the social and cultural identity of the neighborhood where the artwork will occur.
- d. An evaluation of the artist's proposed budget and the artist's ability to successfully complete the project within the proposed budget.
- e. An evaluation of the artist's proposed materials and their appropriateness to the project as regards structural and surface integrity, protection against theft, vandalism, public safety and weathering, and an analysis of long-term

maintenance needs.

- f. An analysis of the artist's proposed method of installation of the artwork and an evaluation of safety and structural factors involved in the installation.

#### 7.6 Panelist's Compensation

In general, panelists shall be compensated for their time reviewing application materials and attending panel meetings. Compensation shall be paid at the rate of \$100 per day, or \$50 per half-day. City employees and members of the PAAC and the Commission shall not be compensated for participation in the review and selection process.

#### 7.7 Conflict of Interest

Any persons who would receive financial gain from the selection of artists or artworks are ineligible to serve on a selection panel. Such persons include gallery dealers, artist's agents, brokers, etcetera; relatives of Public Art Advisory Committee members, Commission members, and the City Council are not eligible to serve on selection panel. There shall be at least a minimum of two years between serving on the RACC or PAAC and serving on a selection panel.

#### 7.8 Role of the Arts and Culture Commission and the City Council in reviewing artist's design proposals.

In general, the Commission and the City Council shall reject the PAAC's recommendation for the selection of an artist, artwork, or design proposal only if there are compelling reasons to do so. Compelling reasons shall be if the Commission or Council determines and substantiates that the artwork or design proposal:

- a. constitutes a public safety threat
- b. presents long-term maintenance problems
- c. creates a negative image or depiction of Richmond's residents, visitors, or neighborhoods

### **SECTION EIGHT: PROJECT MANAGEMENT**

#### 8.1 Inter-Agency Procedures

- a. The Arts and Culture Commission will negotiate the contract with the artist and with other consultants as necessary, for the purchase or design, fabrication, and installation of the artwork. Contracts will be executed by the City Manager, or his designee.

- b. Disbursements from the Public Art Projects Account shall be made only after authorization from the Arts and Culture Commission.
- c. On-site activity related to the installation of the artwork will be coordinated between Arts and Culture staff and the appropriate City official(s) within the Department having jurisdiction over the site and/or construction.
- d. In the case of sites under development, the appropriate City official(s) within the Department will coordinate the concurrent site development and the artwork installation in the most efficient manner possible.
- e. In the case of existing sites, staff and the appropriate city official(s) shall oversee and facilitate the installation of the artwork. In such cases, the cost of necessary site alteration or restoration shall be borne by the Public Art Program unless otherwise agreed upon by the appropriate City official(s).
- f. Unless otherwise agreed, routine maintenance of the artwork shall be the responsibility of the Department where the artwork is sited. Routine maintenance shall include such tasks as dusting, sweeping, and other such activities. Extraordinary maintenance and/or conservation of the artwork shall be the responsibility of the Arts and Culture Commission. No City Agency or Department shall be responsible for the conservation of artwork, and no conservation or repair work shall be performed by the user department without the prior written consent of the Arts and Culture Commission.
- g. Any proposed work of art, which is deemed by the Commission and the Department head to require extraordinary operations or maintenance on the part of the host Department, shall be subject to review by the Department head. Arts and Culture staff, in consultation with other City agencies, shall develop an annual maintenance needs survey of the public art collection and shall determine appropriate budgets and procedures for the care and maintenance of the collection.
- h. In general, Departmental staff and consultants hired by the Department in connection with projects where an artwork is included shall not receive additional compensation for time spent in connection with the implementation of artwork projects. However, where a specific technical or professional task is performed by such staff or consultant(s), solely in connection with the artwork, and where the task is necessary to the execution or installation of the artwork, and where it is not feasible to include it as the responsibility of the artist under the terms of the Public Art Program, such Departmental staff and/or consultants may receive compensation for work performed provided that reimbursement is requested prior to establishment of the project budget and is approved by the appropriate City departments.

## 8.2 Project files and records

Arts and Culture staff shall maintain records of each project, which shall include, but not be limited to, the following:

- a. Contract(s) with the artist(s) and consultants participating in the project.
- b. Records of City Council, Commission, and Public Art Advisory Committee actions bearing on the project
- c. Interdepartmental agreements relating to the siting or implementation of the project.
- d. Correspondence, announcements, memoranda, and publicity information relating to the project.
- e. Records of all billings made in connection with the project.
- f. All proposals submitted and other visual or written materials relating to the artist's design or method of execution as they are submitted or become available.
- g. Digital image(s) of the artwork

## **SECTION NINE: EDUCATION AND OUTREACH**

In order to stimulate and encourage public awareness of the visual arts, the Arts and Culture Commission will, to every extent possible, initiate events and activities designed to provide a greater understanding of public art. The activities and events may include, but are not limited to, the following:

- a. Conferences, symposia, workshops, artists' lectures, public art tours
- b. Development of cooperative programs with educational and arts institutions and community organizations
- c. Regular distribution of promotional and publicity packets, to include press releases, public service announcements, and public art newsletter.
- d. Educational material written specifically for Richmond schools at appropriate levels for elementary, middle and high school students.

## **SECTION TEN: GIFTS AND LOANS**

The Gifts and Loans Policy provides a process for the review of proposed gifts and loans of artwork or other artistic objects to the City of Richmond, and for the placement, care, and preservation of artwork acquired through this process.

### **10.1 Conditions Governing the Donation of Artwork to the City of Richmond**

Potential donors of artwork must submit the following information to the Public Art Program. Staff will review the materials and, if the information is complete, will forward them to the Public Art Advisory Committee for review. The PAAC shall determine the feasibility of the proposed donation and shall forward a recommendation to the Arts and Culture Commission for review. If the Commission recommends acceptance of the proposed artwork, a recommendation will be made to the City Council for final approval and acceptance of the artwork.

a. Materials to be submitted by Donor

- (i) Digital images of the work of art which depict it from all sides
- (ii) A written description of the artwork, including dimensions (height, width, depth and weight), materials used, and any frames, backings, mounts or anchoring systems to be used in the installation of the artwork.
- (iii) A site plan which identifies and describes the proposed site for the artwork and which accurately depicts the artwork in relationship to the surrounding environment
- (iv) A written description and/or drawing of the proposed method of installation and a timeline for the transportation and installation of the artwork.
- (v) An estimated cost for transporting and installing the artwork (to be done at donor's expense, unless otherwise agreed to by the City).
- (vi) Written authorization from the City agency with jurisdiction over the site, approving the installation of the artwork.

b. Review and Acceptance Criteria

Proposed gifts of artwork shall be evaluated on the following criteria:

- (i) An analysis of the relationship of the proposed artwork to its proposed location, and its relevance to its primary audience.
- (ii) An evaluation of the work's aesthetic quality, relative to its form, materials and craftsmanship.
- (iii) The availability and appropriateness of an acceptable site for the artwork.
- (iv) An analysis of the financial impact of the proposed gift on the Public Art Program, including costs related to the insuring of the artwork and to any long-term maintenance or conservation costs.
- (v) An analysis of the impact of the proposed gift on other City departments, to include any routine operations or maintenance requirements.

c. Conditions of Acceptance

- (i) The Public Art Advisory Committee and the Arts and Culture Commission encourage clear and unrestricted gifts to the City of Richmond. Any conditions or restrictions attached to a gift or loan must be represented to the Public Art Advisory Committee for review and to the City Council for approval. No work of art will be accepted with conditions deemed unacceptable by the Public Art Advisory Committee or the City Council, nor will any work of art be accepted with an attribution or circumstance guaranteed in perpetuity.

- (ii) A legal document of transmittal, transferring title or loan of the artwork, and defining the rights and responsibilities of all parties, must accompany all gifts of artwork.
- (iii) The City of Richmond requires that the creator of the artwork (artist) waive any right to the preservation of the artwork under the conditions set forth in the California Art Preservation Act and the 1990 Visual Artists Rights Act (VARA). The artist may, however, retain any right to disclaim authorship of the artwork pursuant to and these Acts. Before any gift is accepted by the City, the artist must acknowledge in writing his/her approval that the City may remove and/or destroy the artwork at its discretion. Should the City decide to remove or destroy the artwork, the City will provide the artist with 30 days' notice of its intent to do so. The artist may, upon written approval by the City and at his/her own expense, remove and retain the artwork in lieu of its being destroyed by the City.

## 10.2 Conditions Governing the Exhibition of Artwork on City Property

### a. Materials to be submitted by lender:

Persons or organizations request to temporarily exhibit a work of art in or on City-owned property must submit the following:

- (i) Photographs, digital images, and/or slides of the works of art to be exhibited.
- (ii) A description of the location where the artwork will be exhibited and a written authorization from the City agency with jurisdiction over the site which approves the proposed loan of the artwork in that location.
- (iii) A written description and/or drawing of the proposed method of installation and a timeline for the transportation and installation of the artwork.

### b. Lender's Agreements

When exhibiting a work of art on City property, the Lender must agree in writing to the following:

- (i) Unless otherwise agreed to in writing by the City, the lender shall be responsible for all costs associated with the transportation, installation, de-installation, and insuring of the artwork.
- (ii) Upon removal of the artwork, the lender must return the site to its original condition and remove any debris caused by or resulting from the exhibition of the artwork. Such debris includes, but is not limited to, any parts or materials from the artwork which have been purposefully or unpurposefully removed from the body of the artwork.
- (iii) Unless otherwise agreed to in writing by the City, the Lender must agree to exhibit the artwork at his/her own risk and to bear the expenses of any losses or damages to the artwork. The Lender must agree to hold the City harmless from any and all liabilities and

- for any damages or losses to the artwork.
- (iv) The Lender must agree to produce and display an educational label for display next to or near the loaned artwork.
  - (v) The Lender must agree to remove the artwork within three days' notice to do so by the City if the artwork becomes damaged or destroyed and/or becomes a danger or visual impediment to the public.

c. Acceptance of Monetary Gifts for the Acquisition of Artwork

Proposed monetary gifts to the City for the purpose of acquiring artwork shall be referred to the Arts and Culture Commission for review. All recommendations on the acceptance or rejection of proposed gifts of money shall be referred to the City Council for final approval and acceptance.

DRAFT

**CITY OF RICHMOND, ARTS AND CULTURE COMMISSION PUBLIC ART PROGRAM  
POLICIES AND PROCEDURES ~~APRIL 13, 1999~~**

**Amended X, XX, 2021**

**SECTION ONE: ENABLING LEGISLATION**

On May 13, 1997 the City of Richmond adopted a “Percent for Art” Resolution 70-97 authorizing the allocation of 1.5% of the ~~City and Richmond Redevelopment Agency’s~~ City’s capital improvement project costs for the commissioning of public artworks and artists’ services in the construction of public works; establishing a method for calculating public art appropriations for capital improvement projects; establishing a Public Art Projects Account; establishing methods of administering the ~~ordinance~~ resolution; and establishing general guidelines for the administration of a Public Art Program.

The intent of the Public Art Resolution ~~is~~ was to establish a Public Art Program in order to create a diverse and stimulating cultural environment for citizens of, and visitors to, the City of Richmond, and to promote greater economic vitality through the aesthetic enhancement of the City’s public spaces, thereby making Richmond a more attractive environment for regional and local businesses. The purpose of this Resolution is ~~was~~ to increase public access to such works of art in Richmond by the imposition of a requirement that certain public development projects within the City of Richmond include or provide such works of art in areas on public property that are accessible and visible to the general public.

On \_\_\_\_\_, 2021, RMC X.XX Public Art Program ordinance was adopted by City Council and replaced the 1997 “Percent for Art” Resolution. On July 18, 2017, the One Percent for Public Art on Private Development ordinance was adopted by the City Council (RMC 12.62) and on \_\_\_\_\_, 2021, the Public Art in Private Development Policies and Procedures was established.

**SECTION TWO: MISSION STATEMENT**

Mission Statement: The City of Richmond Public Art Program will enliven and beautify the City environment, creating community pride for city residents. The program will encourage and promote awareness of the City’s rich ethnic, social, and cultural diversity as expressed through visual, literary, performing, and design arts.

**SECTION THREE: FUNDING SOURCES**

**3.1 APPROPRIATIONS**

- a. All appropriations for City of Richmond ~~and Richmond Redevelopment Agency~~ capital

improvement projects, including all bond projects and all other capital projects funded from other eligible sources, shall include an amount equal to one and one-half percent (1.5%) of the total capital improvement project cost to be dedicated to the City of Richmond/~~Richmond Redevelopment Agency~~ Public Art ~~Project Accounts~~.Projects Account. The 1.5% appropriation applies to all municipal property owned, leased, rented, or under construction by the City of Richmond ~~and its Redevelopment Agency~~. The 1.5% appropriation shall include, but is not limited to, the following capital improvements:

~~b.a.~~ b.a. All municipal capital improvement projects funded from the City's General Fund.

~~c.b.~~ c.b. Public Works, including, but not limited to, street and sidewalk construction, underground water and sewage lines, where eligible, electrical sub-stations, and water pump stations.

~~d.c.~~ d.c. All capital improvement projects funded from other county, state, and Federal sources where the source allows for a percent for arts.

~~e.d.~~ e.d. Off-street parking funds (limited to parking construction or rehabilitation).

~~f.e.~~ f.e. Gas-tax funded capital improvements.

~~3.2f.~~ 3.2f. Privately funded capital projects, where eligible

~~3.3~~

~~3.4~~ 3.2 METHOD OF CALCULATION

a. a. The minimum amount to be appropriated to the Public Art ~~Project~~Projects Account to fund artists' services and/or artworks, maintenance, conservation, education, and program administration, shall be the total capital project appropriation, including all construction costs, architectural and engineering fees, and site work expenses, multiplied by .015, excluding amounts budgeted for real property acquisition, demolition, and financing costs.

~~This method of calculation shall also apply to funds appropriated from the Redevelopment Agency for the acquisition of public art. Such funds will be maintained in a separate Redevelopment Agency Public Art Project Account.~~

3.3 ONE PERCENT PUBLIC ART ON PRIVATE DEVELOPMENTS IN-LIEU CONTRIBUTION

- a. All in-lieu contributions for the One Percent Public Art on Private Development program, as described in RMC 12.62.100, unless specified for specific use, shall be deposited into the Public Art Projects Account and the process for selecting art shall follow the process described in this Public Art Program Policies and Procedures.

**SECTION FOUR: BUDGETING PROCEDURES**

4.1 FUNDING DESIGNATIONS

- a. a. City of Richmond Public Art Projects Account

Within 30 days after approval of the City's annual operating budget, the Finance Director shall submit the authorized annual budget for capital improvements to the Richmond Arts and Culture Commission, specifying the total appropriation to be made to the City's "Public Art ~~Project~~Projects Account." The minimal amount to be appropriated for art shall be based upon a 1.5% appropriation of the total City-funded portion of the construction costs, including architectural and engineering fees, and site work expenses as defined herein.

- (i) Concurrent with the appropriation to fund eligible City construction projects, the City shall deposit the one and one-half percent (1.5%) appropriation in the Public Art ~~Project~~Projects Account. If the transfer of monies from one project to another is not authorized, or if legal restrictions on the source of the fund prohibit such transfers, the one and one-half percent (1.5%) appropriation shall be restricted to a specific City project and the monies shall be placed in a project fund so designated for that project.
- (ii) On an annual basis, the Public Art Advisory Committee and the Richmond Arts and Culture Commission shall develop a PUBLIC ART ANNUAL PLAN that will identify specific public art projects to be implemented with the City's public art allocations.

(iii) All in-lieu contributions from the One Percent for Public Art on Private Development program, as described in RMC 12.62.100, unless specified for a specific use, may be utilized for all eligible use of funds described below.

(iv) Exemptions: If the project is deemed ineligible for a public art appropriation, the Finance Director and Participating Bodies must submit a letter of explanation to the Arts and Culture Commission explaining why the project has been deemed ineligible, or why funds must be restricted to a specific site.

~~4.2~~

~~4.3 — Richmond Redevelopment Agency Public Art Project Account~~

~~4.4 —~~

~~4.5 — After approval of the Agency's annual operating budget, the Agency Director shall submit the authorized annual budget for capital improvements to the Richmond Arts and Culture Commission, specifying the total appropriation to be dedicated to the Agency's "Public Art Project Account." The minimal amount to be appropriated for art shall be based upon a 1.5% appropriation of the total eligible project costs, including architectural and engineering fees, and site work expenses, as defined herein.~~

~~4.6 —~~

~~4.7 — Concurrent with the appropriation to fund eligible Agency construction projects, the Agency shall deposit the one and one-half percent (1.5%) appropriation in the "Public Art Project Account." If the transfer of monies from one project to another is not authorized, or if legal restrictions on the source of the fund prohibit such transfers, the one and one-half percent (1.5%) appropriation shall be restricted to a specific Agency project and the monies shall be placed in a project fund so designated for that project.~~

~~4.8 —~~

~~4.9 — On an annual basis, the Public Art Advisory Committee and the Richmond Arts and Culture Commission shall develop a PUBLIC ART ANNUAL PLAN that will identify specific public art projects to be implemented with the Agency's public art~~

allocations.

4.10—

4.11— ~~Exemptions: If the project is deemed ineligible for a public art appropriation, the Agency Director and Participating Bodies must submit~~

4.12— ~~a letter of explanation to the Arts and Culture Commission explaining why the project has been deemed ineligible, or why funds must be restricted to a specific site.~~

4.13—

4.14 4.2 FUNDING AGGREGATIONS

Funds appropriated as part of any project, including ~~both City and Redevelopment Agency~~ City projects, but deemed not necessary or appropriate in total or in part for public art at said project site, by the Richmond Arts and Culture Commission in consultation with the Public Art Advisory Committee (PAAC) and the capital improvement project manager(s), may be expended on other projects approved under the Public Art Annual Plan when such funds are eligible to be so used.

4.15 4.3 EXCLUSIONS

If any applicable laws or regulations with respect to any particular capital improvement project or portion thereof prohibits or restricts the use of the 1.5% dedication of such funds for public art, this ~~resolution~~ ordinance shall not apply to the project expenses so prohibited or restricted.

4.16 4.4 USE OF FUNDS

It is the intent of the Public Art Resolution that the Public Art ~~Project Accounts, for both the City of Richmond and the Richmond Redevelopment Agency,~~ Projects Account will be appropriated in the annual budget of ~~each agency~~ the City to purchase or commission works of art or design elements created by artists to enhance Richmond's public spaces; to maintain, repair, or relocate public art or design elements; to fund staffing ~~and~~ administrative costs, and contingency costs for the implementation of the Public Art Program, and to defray such other expenses which are, or may become, an integral part of the Public Art Program, including community education and outreach. The funds may also be utilized for inclusion of space that is generally open to the public during regular business hours and is dedicated for regular use as a rotating art gallery, free of charge and/or space within the project, to be made available to the public for the primary use of arts and cultural programming. This does not include those items which contribute to the asset base and normal operating expenses of a resident agency, such as a city museum or gallery, or a private cultural institution.

4.17 4.5 ELIGIBLE COSTS

In general, after administrative expenses, including funding staffing for the Public Art Program, have been appropriated, public art allocations may be used for the following:

a. a. Approximately one percent (1%) two-thirds of ~~eligible~~ funds shall be earmarked

for artist(s) fees and costs directly related to the selection of artists or artwork, for the fabrication and installation of artwork, and for costs associated with displaying and identifying the artwork. ~~Public Art funds in this category may be expended on, but are not limited to use for, the following:~~

~~be expended on, but are not limited to use for, the development of following:~~

~~(i) (i) honorarium fee to develop the artist's design concepts~~

~~(ii) (ii) the purchase or commissioning of artwork~~

~~(iii) (iii) costs associated with the placement, installation, and display of artwork~~

~~(iv) (iv) costs related to the selection of artists or artwork~~

~~(v) selection panelist fees (not including City of Richmond staff or PAAC or RACC members)~~

~~(vi) Inclusion of space that is generally open to the public during regular business hours and is dedicated for regular use as a rotating art gallery, free of charge and/or space within the project, to be made available to the public for the primary use of arts and cultural programming~~

~~b. b. Approximately ~~.5%~~one-third of ~~eligible~~ funds shall be earmarked for maintenance and conservation of the City's public artwork, community outreach and education, and documentation, publicity, ~~and promotion~~promotion, and contingency costs. Contingency costs, which account for unplanned expenses, shall not exceed 10% of the total budget. Any remaining contingency at the completion of the project will revert to the City.~~

#### 4.18 4.6 INELIGIBLE COSTS

Monies appropriated under this ordinance may not be used for the following:

~~a. a.~~ Directional elements such as supergraphics, signage, or color coding except where these elements are integral parts of a public art project or are executed by artists in unique or limited editions.

~~b. b.~~ Art objects which are mass produced and of standard design, such as playground equipment or fountains.

~~c. c.~~ Reproduction, by mechanical or other means, of original works of art, except in cases of film, video, photography, printmaking or other media arts.

~~d. d.~~ Decorative or functional elements that are designed by the building architect or landscape architect.

- e. e. Landscape architecture, except when deemed to be an integral part of an artist's work and relevant to a project under consideration.
- f. f. Those items which contribute to the asset base and normal operating expenses of a resident agency, such as a city museum or gallery, or a private cultural institution.
- g. g. Artwork acquired through third party owners, such as private collectors or auction houses.
- h. h. Architects' fees, except in such cases where the public art component significantly changes a project architect's scope of services.

## SECTION FIVE: ~~\_\_\_\_\_~~ ADMINISTRATION

### ~~5.4~~ 5.1 RICHMOND CITY COUNCIL

The Richmond City Council shall:

- a. Appropriate 1.5% of all eligible capital improvement project costs to the Public Art Project Account on an annual basis.
- ~~b.a.~~ Review and approve the Public Art Program Policies and Procedures.
- ~~c.b.~~ Review and approve the Public Art Annual Plan.
- ~~a.~~ ~~Approve appointments to the Public Art Advisory Committee.~~
- ~~b.c.~~ Approve contracts over \$10,000.
- d. Approve appointments to the Arts and Culture Commission
- ~~c.e.~~ Approve acceptance of gifts or loans of artwork to the City, and approve loans of City-owned artwork to other organizations or institutions.

### ~~5.2~~ ~~5.3~~ RICHMOND REDEVELOPMENT AGENCY

~~5.3~~

~~5.4~~ ~~The Richmond Redevelopment Agency shall:~~

~~5.5~~

~~5.6~~ ~~Appropriate 1.5% of all eligible capital improvement project costs to the Public Art Projects Account on an annual basis.~~

~~5.7~~

~~5.8~~ ~~Review and approve Public Art Program Policies and Procedures as they may relate to Agency Policies.~~

~~5.9~~

~~5.10~~ ~~Review and approve the Agency's Public Art Annual Plan as it relates to Agency projects.~~

~~5.11—~~

~~5.12— Assist in the coordination of public art projects on Agency properties.~~

~~5.13—~~

#### 5.14 ARTS AND CULTURE COMMISSION

The Richmond Arts and Culture Commission shall administer the Public Art Program and shall be responsible for reporting Public Art Program activities to the Richmond City Council ~~and the Richmond Redevelopment Agency.~~ The Commission shall:

- a. Recommend Public Art Program policies and procedures to the City Council.
- b. Submit the Public Art Annual Plan to the City Council ~~and/or Agency~~ after review and approval of the plan as submitted by the Public Art Advisory Committee.
- c. Administer all aspects of the Public Art Program.
- d. Review and accept (or reject) proposals for public art acquisitions, as recommended by the Public Art Advisory Committee, and forward a recommendation to the City Council if over \$10,000.

~~e.—~~

~~f.e.~~ Review and recommend to the City Council the acceptance or rejection of all proposed gifts or loans of artwork to the City, and make recommendations for the lending of City-owned artwork to other organizations or institutions.

~~g.f.~~ Solicit funds from foundations, corporations, public agencies, and other appropriate sources.

~~h. Recommend to the City Council persons to serve on the Public Art Advisory Committee.~~

~~i.g.~~ Revise Public Art Program policies and procedures as necessary.

h. Administer and coordinate the Neighborhood Public Art mini-grant program designated to stimulate arts and culture in the Richmond community, help emerging artists of all ages and ethnicities, and fund local visual, literary and performing arts projects.

i. Administer and coordinate the appointment of a Richmond Poet Laureate who provides a focus for the appreciation and dissemination of poetry in Richmond, promotes the appreciation and knowledge of poetry among our youth, and acts as a spokesperson for the growing number of poets and writers in Richmond.

#### 5.15 5.4 PUBLIC ART ADVISORY COMMITTEE

The Public Art Advisory Committee (PAAC) shall be a subcommittee of the Richmond Arts and Culture Committee composed of a minimum of five and a maximum of seven members ~~who shall serve a maximum of two, two-year terms.~~

Volunteers may be added to assist as needed. Terms shall be staggered to ensure a

degree of continuity. ~~The PAAC shall include a maximum of three members of the Richmond Arts and Culture Commission.~~ The Commission shall strive for ethnic, social, and professional diversity in the PAAC's membership.

The Public Art Advisory Committee shall:

- ~~a.~~ a. Recommend program policies and procedures to the Arts and Culture Commission.
- ~~b.~~ b. Recommend public art projects and budgets, in the form of a Public Art Annual Plan, to the Arts and Culture Commission.
- ~~c.~~ c. Review for acceptance (or rejection) proposals for public art acquisitions, as recommended by selection panels, and forward a recommendation for acceptance or rejection to the Arts and Culture Commission.
- ~~d.~~ d. Review and recommend to the Arts and Culture Commission the acceptance or rejection of all proposed gifts or loans of artwork to the City, and make recommendations for the lending of City-owned artwork to other organizations or institutions.
- ~~e.~~ e. Serve as community liaisons and provide advocacy for the Public Art Program and its activities in all of Richmond's neighborhoods.
- ~~f.~~ f. Review for acceptance (or rejection) proposals for public art in private development, as recommended by selection panels, and forward a recommendation for acceptance or rejection to the Arts and Culture Commission.

#### 5.16 5.5 ARTS AND CULTURE STAFF

~~Public Art Program~~ Arts and Culture staff shall be responsible for the overall management and administration of the public art program. ~~The Public Art Program Coordinator~~ The Arts and Culture Manager shall be responsible for managing, or overseeing the management of, public art projects from inception to completion. ~~The Public Art Program Coordinator's~~ The Arts and Culture Manager's responsibilities shall include, but are not limited to, the following:

- a. Review and evaluate the City/~~Agency~~ Annual Capital Improvement Projects list and identify potential projects to be implemented in conjunction with projects described therein. Maintain ongoing contact with, and if possible attend meetings of, all City Agencies that may have projects generating Public Art funds.
- b. Review other planned or existing City/~~Agency~~ projects to determine other appropriate public art project opportunities.
- c. Prepare and submit, with the Public Art Advisory Committee, a Public Art

Annual Plan to the Arts and Culture Commission, ~~the Richmond Redevelopment Agency,~~ and the City Council.

- d. Develop project parameters, budgets, and timelines for each adopted project.
- e. Develop and implement an artist recruitment plan, including writing and disseminating Requests for Proposals/Qualifications, and identify appropriate methods for the artist selection process.
- f. For selection processes involving a selection panel, identify and recommend to the PAAC qualified panelists, drawing from City agencies and organizations such as the Richmond Neighborhood Coordinating Council, Chamber of Commerce, City Council, PAAC, and the community at large.
- g. Review artists' application materials and pre-screen the applicant pool to select a slate of qualified candidates for review by the selection panel.
- h. Maintain an artists' pool of qualified and interested artists
- i. Prepare artists' materials for presentation to the panel.
- j. Schedule, facilitate, and oversee the artist selection process.
- k. Submit panel's recommendations to the PAAC and Commission.
- l. Solicit review, comment, and/or approvals for works of art from appropriate City agencies, departments relative to safety and maintenance.
- m. Solicit and submit appropriate comments or recommendations made by other City agencies to the PAAC for review, and, if required, for resolution.
- n. Convene and facilitate any public meetings related to the project.
- o. Negotiate and administer contracts; review and approve general contractor bid documents as they pertain to the implementation of the public art project.
- p. Collaborate with the Client Agency and other City departments to coordinate the roles and responsibilities of the artist, architect, engineers, general contractor, and other professionals involved in the project.
- q. Prepare and distribute press and publicity materials related to the Public Art Program.
- r. Prepare and maintain project files. This includes a comprehensive inventory, a database of artists, as well as ongoing records of maintenance.
- s. Prepare grant requests to outside funding sources, as appropriate.
- t. Review the Public Art collection to evaluate and make recommendations for

maintenance or conservation needs. ~~Work with appropriate City personnel to identify and refurbish murals as needed.~~

## ~~5.17~~ 5.6 CITY DEPARTMENTS/CLIENT AGENCIES

All City Agencies and Departments collaborating on public art projects with the Arts and Culture Commission and the Public Art Program shall:

- a. Deposit public art allocations in the City/~~Agency~~ Public Art ~~Project~~Projects Account.
- ~~b.~~ b. Provide information to the ~~Public Art~~Arts and Culture staff ("staff") identifying existing or planned sites under the Department's jurisdiction that may be appropriate for public art projects.
- ~~c.~~ c. Include the cost of architectural services related to the coordination and implementation of the Public Art Program in the total construction budget. Incorporate into bid packages and contracts language describing the architect's scope of services relative to the public art project, closely coordinated with the artist's design.
- ~~d.~~ d. Direct the Project Architect to work within the intent of the program as described in the ~~Percent for~~Public Art Program Ordinance and in these guidelines.
- ~~e.~~ e. Assist staff in the development and implementation of public art projects at departmental sites, attending and/or requesting meetings as necessary.
- ~~f.~~ f. Inform staff of the relationship of any advisory groups, neighborhood groups, or other groups which may be impacted by or be interested in the development of a public art project. ~~Collaborate with staff to develop and ensure collegial relationships for each project.~~
- ~~g.~~ g. Inform staff of any proposed or planned project involving construction, renovation, or further development of a site or facility at the earliest possible point, in order to allow for adequate review of the project's potential for incorporation of artwork, and for planning of an appropriate artwork project or design team effort. Ensure open lines of communication regarding all projects.
- ~~h.~~ h. Advise staff of any municipal, division, or departmental ordinances, resolutions, or regulations which may affect or be affected by proposed public art projects.
- ~~i.~~ i. Inform staff of planning projects for neighborhood improvement, redevelopment area projects, private or public planning studies and/or long-range policy recommendations that have the potential to incorporate public

art.

## SECTION SIX: ACQUISITION OF PUBLIC ARTWORK

### ~~6.4~~ 6.1 CRITERIA FOR THE ACQUISITION OF ARTWORK

Criteria to be used in the acquisition of public artwork or design elements, whether by commission, purchase or gift, shall include, but not be limited to, the following:

- a. a. Context. Works of art must be compatible in scale, materials, form and content with their ~~surrounding~~ surroundings. Consideration shall be given to the architectural, historical, geographical, and social/cultural context of the site.
- b. b. Artistic Quality. Quality shall include excellence in the artwork's craftsmanship, originality in conception and integrity of materials used.
- c. c. Media. All forms of media may be considered. Works may be portable, permanently affixed, or incorporated in the design and/or function of a public space. Temporary exhibits or installations may also be considered for commissions.
- d. d. Permanence. For permanent works of art or design elements, due consideration shall be given to the work's structural and surface soundness, and to inherent resistance to theft, vandalism, weathering, and excessive maintenance or repair costs.
- e. e. Public Safety. All works of art, design elements, or temporary installations shall be evaluated to ensure their compliance with public safety requirements
- f. f. Diversity. The Public Art Program recognizes the cultural, ethnic, and social diversity of Richmond's population, as well as that of the greater Bay Area, and shall incorporate diversity in every aspect of the Program. Mans by which the Program may realize the goal of cultural and aesthetic diversity shall include, but is not limited to:
  - (i) (i) Achieving an equitable distribution of commissions, acquisitions, and temporary exhibitions from artists who represent Richmond's multi- ethnic, multi-cultural population.
  - (ii) (ii) Commissioning artworks, design elements, and temporary exhibitions throughout Richmond's various neighborhoods.
  - (iii) (iii) Emphasizing and encouraging the acquisition of artwork and design elements which include a wide variety of styles, scale, and media.
  - (iv) (iv) Encouraging community participation in the public art process, when appropriate.
  - (v) (v) Encouraging the exploration and understanding of new and

experimental art forms as well as established and traditional art forms.

## 6.2 FEASIBILITY

Before a proposal for a public art project is given final approval, it shall be evaluated for its feasibility relative to:

- a. a. The project budget and its estimated time line.
- b. b. Convincing evidence that the artist can complete the project on time and within budget.
- c. c. Approval of the project by the appropriate city agencies, relative to safety, maintenance, and code requirements.

## 6.3 SITE CRITERIA

Prior to recommending a site for a public art project, ~~Public Art Program~~ Arts and Culture staff, in collaboration with appropriate city agencies and the Public Art Advisory Committee, shall evaluate the site for the following factors:

- a. Visibility and public access.
- b. Public safety
- c. Interior and exterior traffic patterns.
- d. The relationship of the proposed public art project to the site's existing or future architectural features and to its natural features.
- e. The function and uses of the facility or site.
- f. The nature of the site's surrounding neighborhood and potential impact of the public art project on residences or businesses.
- g. Future development plans for the area which may affect the public art project.
- h. The relationship of the proposed public art project to existing works of art or ~~h.i.~~ design elements within the site's vicinity.
- i-j. The proposed ~~public~~ public art project's impact on the surrounding environment.
- j-k. The social or cultural context of the proposed artwork or design ~~elements~~ element relative to the site and its surrounding environment.

## **SECTION SEVEN: SELECTION PROCESSES**

## 7.4 7.1 METHODS OF SELECTION

Artists (or artwork) may be selected for public art projects by one of the following methods:

- ~~Direction~~ a. Direct selection: artist(s) or completed artwork(s) chosen directly by the
- ~~a.~~ Public Art Advisory Committee or by a Selection Panel.
  - b. Limited competition or invitational: artists are invited by the Public Art ~~b.~~ Advisory Committee or by a Selection Panel to submit proposals, a completed artwork, or otherwise participate in a public art project.
  - ~~c.~~ c. Open competition: any professional artist is eligible to participate, subject to limitations established by the Public Art Advisory Committee.

## 7.2 7.2 ARTIST RECRUITMENT METHODS

### ~~a.~~ a. Competitive Processes

For competitive projects, staff shall develop a Request for Qualifications (“RFQ”) or a Request for Proposals (“RFP”). The RFQ or RFP shall be disseminated as widely as possible through local media, the arts media, and through direct mailings to artists and arts organizations. The RFQ or RFP shall include the following information.

- (i) A description of the project, including its goals; the project parameters, including the site’s physical description, potential approaches to the project, and any physical or legal restrictions which may apply to the project.
- (ii) The artist’s potential scope of work.
- (iii) Application procedures, including materials requested eligibility factors, and timelines.
- (iv) Selection procedures (if appropriate).
- (v) Criteria for the selection of artist(s) and artwork(s)
- (vi) Project budget.

### ~~b.~~ b. Direct Recruitment

The Public Art Program may utilize Direct Recruitment methods to solicit qualified arts for a project. Direct Recruitment shall be defined as the direct solicitation of qualified candidates by means of direct mailings of the RFQ or RFP, or through phone contact with artists, arts organizations, galleries or other sources for the

purpose of soliciting names of ~~artist~~artists to be considered for a project.

### 7.3 ARTIST SELECTION PROCEDURES

#### ~~a.~~ a. Pre-Screening

~~Public Art~~Arts and Culture staff shall pre-screen applications, and evaluate them relative to the minimum candidate criteria and qualifications outlined in the RFQ or RFP. Staff shall then present the slate of qualified candidates for review to the selection panel. Along with the candidates recommended for review, the panel will receive a list ~~of~~ all project applicants. Panelists may request the inclusion for review any artist previously eliminated by the staff if they believe that the artist does meet ~~the stated minimum qualifications.~~  
the stated minimum qualifications.

#### ~~b.~~ b. Selection Panel

Selection panels are ad-hoc panels assembled for specific projects. The role of the selection panel is to assist the Public Art Program in identifying qualified artists to be considered for a project. The number of panelists and the composition of the panel appointed for projects will depend upon the size, location, and complexity of each project. In general panels shall ~~be comprised of~~comprise a minimum of three persons from the ~~following categories:~~listed below. There shall be an odd number of voting members on the panel to remove the possibility of a tie.

#### ~~4.~~ 1. Voting Members

~~a.~~ a. At least one artist or arts professional (curator, educator, etc.)

~~b.~~ b. At least one representative of the neighborhood in which the artwork will occur.

#### ~~e.~~ 2. Non-voting advisors.

#### ~~e.~~ c. Project Advisory Committees

For certain projects, the PAAC may elect to establish a project “advisory” committee. An advisory committee is an ad hoc group which provides staff and artists with information regarding the physical parameters of the site, the site’s users or audience, the social, historical, or cultural history of the neighborhood where the artwork will occur, and other types of information which may assist the art in preparing a design proposal.

Advisory Committee members shall be identified through existing community organizations and by referrals from other agencies, public or private, which are

familiar with the neighborhood in which the art project will occur. The Advisory Committee will represent residents or facility or site users who will be most affected by the art project and who can provide the artist with useful information in the development of his or her project. The Advisory Committee, as a whole, does not retain the right to vote, and should neither advise nor influence the selection panel during their deliberations. However, one or more Advisory Committee members may serve on the selection panel if requested by the PAAC to do so. The Advisory Committee may consist of one or more of the following persons:

- (i) (i) The design architect, if selected. (Note: when the projects calls for an artist or artists to participate on a design team, the project architect may be asked to serve as voting member of the selection panel).
- (ii) (ii) The project manager or designee from the City agency collaborating on the project.
- (iii) (iii) Other design team members, if appropriate.
- (iv) (iv) A member of the Public Art Advisory Committee.

d. d. Selection of Panelists

Public Art program Arts and Culture staff shall recommend panelists for each project and shall submit these recommendations to the PAAC for review. Selection of panelists shall be made based on an analysis of the following: experience in implementing or administering public art projects; knowledge of current trends and issues in public art; knowledge of local, regional and national arts; experience and interest in working with Richmond's multi-cultural community; ability assess the creativity, design skills, and problem-solving abilities of artist under review; knowledge of materials and methods of fabrication used in public art projects and an ability to assess their appropriateness to a particular site, ability to represent a particular neighborhood or area of Richmond in which the artwork will be sited, ability to work cooperatively and effectively in a panel process.

- (i) (i) To expedite the recruitment and approval of panelists, staff shall develop a list of qualified panelists. The panelists list shall be reviewed and approved by the PAAC. Or projects under \$50,000, staff shall be authorized to convene a panel ~~abased~~ based on this list. Panelists representing the client agency or community representatives shall be included on the panel at the staff's discretion.
- (ii) (ii) Any persons who would receive financial gain from the selection of artists or artworks are ineligible to serve on a Selection Panel. Any artist selected to serve on the Selection Panel is precluded from having his/her work considered for any Public Art project during his/her time of service.

e. Modified Panel Process

For some projects, such as those with budgets of \$50,000 or less, or where time is of the essence in recruiting, selecting, and commissioning an artist, the PAAC shall retain the option of:

- (i) (i) Selecting one or more artists to work on the project through direct invitation.
- (ii) (ii) Developing a short list of qualified artists to present to a selection panel and/or convening a selection panel comprised of a staff representative, a representative of the client agency or facility, and one guest panelist. This panel will review the short list of qualified artists and select one or more artists for the project.

f. Eligibility Criteria

In general, any professional artist may be considered for a public art purchase or commission. Specific eligibility requirements will be established at the initiation of each project and will be described on the RFQ/RFP. In general:

- (i) Artists will be considered for commission on the basis of their professional qualifications, as demonstrated by past work, relevant professional experience, the appropriateness of a specific proposal to the project goals and parameters, and the probability that the artist can successfully complete the project.  
~~the project goals and parameters, and the probability that the artist can successfully complete the project.~~
- (ii) Excluded from consideration are the works of art or proposals submitted by the project architect and/or members of the design team, and artists who are members of or related to the Public Art Program Arts and Culture staff, the PAAC, Commission, or the City Council. There shall be at least a minimum of two years between serving on the RACC or PAAC and consideration of works of art or proposals.
- (iii) Artists shall not receive more than two commissions from the City of Richmond in any five-year period, nor shall artists receive more than one commission in consecutive years. These restrictions shall apply to individual artists, artists who are commissioned as part of a team, and/or any artists who will receive credit for any commissioned project.
- (iv) Artists may be selected on a national or international basis. Though preference may be given to Richmond-based artists for any given project, the Public Art Program shall encourage a wide diversity in style, scale

and media in public art, and encourages the exchange of ideas and creative talent from all artists.

#### 7.4 7.4 Selection Process

When formal selection panels are convened, the Selection Process will be facilitated under the following processes:

- a. a. The Selection Panel shall meet in open session.
- b. b. Staff shall issue written instructions to panelists detailing the duties and responsibilities related to the project before the first panel meeting.
- c. c. The panel shall review credentials, proposals, and/or materials submitted by artists.
- d. d. The Panel shall recommend to the Public Art Advisory Committee an artist or artists to be commissioned for the project; an artist or artists to develop a design proposal for the project; or recommend an artist or artists whose existing work is to ~~b~~be selected for the project. In the case where an artist or artists have been asked to prepare a specific design proposal, the Panel shall re-convene to review the proposals and shall select the artwork following the same procedures as outlined in steps A, B, and C above.
- e. e. If a consensus cannot be reached, then a vote shall be taken, with the majority carrying the decision. Panelists shall each have one vote, and no Panelist shall have the right of veto.
- f. f. The Panel shall have the option of making no selection. In the event that no selection is made, the PAAC shall determine whether to:
  - (i) (i) initiate a new selection process
  - (ii) (ii) \_\_\_\_\_ revise the project
  - (iii) (iii) \_\_\_\_\_ abandon the project
- f. g. The panel's decision shall be recorded by the ~~Public Art Coordinator~~Arts and Culture Manager in the form of a written record to the Public ~~art~~Art Advisory committee. If approved, the Panel's decision will be given formal approval by resolution of the Committee. If rejected, the decision to reject the Panel's decision will be voted on by the Public Art Advisory Committee and an alternative process for project development will be determined.
- g. h. Upon approval of the panel's recommendation by the PAAC, the PAAC shall forward a recommendation to the Arts and culture Commission. The Commission shall review and approve or reject the PAAC's recommendation.

- h. i. If the Commission approves the PAAC's recommendation, it shall forward a recommendation to the City Council (for acceptance of projects over \$10,000).
- i. j. If the Commission rejects the PAAC's recommendation, it will provide a i. written report to the PAAC with the reasons for the rejection. The PAAC shall then determine whether to 1) revise or modify the project; 2) initiate a new review and selection process; or 3) abandon the project.
- j. k. If the City Council accepts the Commission's recommendation, it shall approve the proposals by means of a formal resolution authorizing staff to enter into contract with the selected artist(s).
- k. l. If the City Council rejects the Commission's recommendation, the PAAC shall determine whether to 1) revise or modify the project; 2) initiate a new review and selection process; or 3) abandon the project.

#### 7.5 7.5 Artist Selection Criteria

The Panelists shall select artists based on the appropriateness of their proposal to the particular project and the probability of its successful completion, as indicated by the artist's past work or by his/her ability to procure appropriate resources to ensure successful completion of the project. In evaluating proposals for public art projects, panelists shall consider:

- a. a. Artistic Quality. Quality shall include excellence in the artwork's craftsmanship, originality in conception, and integrity of the materials used.
- b. b. The Appropriateness of the artwork to the surrounding neighborhood, to include its scale, form, content and design.
- c. c. An evaluation of the artwork's relationship to the social and cultural identity of the neighborhood where the artwork will occur.
- d. d. An evaluation of the artist's proposed budget and the artist's ability to successfully complete the project within the proposed budget.
- e. e. An evaluation of the artist's proposed materials and their appropriateness to the project as regards structural and surface integrity, protection against theft, vandalism, public safety and weathering, and an analysis of long-term maintenance needs.
- f. f. An analysis of the artist's proposed method of installation of the artwork and an evaluation of safety ~~and~~ structural factors involved in the installation.

#### 7.6 7.6 Panelist's Compensation

In general, panelists shall be compensated for their time reviewing application materials and attending panel meetings. Compensation shall be paid at the rate of \$100 per day, or \$50 per half-day. City employees and members of the PAAC and the Commission shall not be compensated for participation in the review and selection process.

#### 7.7 7.7 Conflict of Interest

Any persons who would receive financial gain from the selection of artists or artworks are ineligible to serve on a selection panel. Such persons include gallery dealers, artist's agents, brokers, etcetera; relatives of Public Art Advisory Committee members, Commission members, and the City Council are not eligible to serve on selection panel. There shall be at least a minimum of two years between serving on the RACC or PAAC and serving on a selection panel.

#### 7.8 7.8 Role of the Arts and Culture Commission and the City Council in reviewing artist's design proposals.

In general, the Commission and the City Council shall reject the PAAC's recommendation for the selection of an artist, artwork, or design proposal only if there are compelling reasons to do so. Compelling reasons shall be if the Commission or Council determines and substantiates that the artwork or design proposal:

- a. a. constitutes a public safety threat
- b. b. presents long-term maintenance problems
- c. c. creates a negative image or depiction of Richmond's residents, visitors, or neighborhoods

## **SECTION EIGHT: PROJECT MANAGEMENT**

#### 8.4 8.1 Inter-Agency Procedures

- a. a. The Arts and Culture Commission will negotiate the contract with the artist and with other consultants as necessary, for the purchase or design, fabrication, and installation of the artwork. Contracts will be executed by the City ~~Manger~~ Manager, or his designee.
- b. b. Disbursements from the Public Art ~~Project~~ Projects Account shall be made only after authorization from the Arts and Culture Commission.
- c. c. On-site activity related to the installation of the artwork will be coordinated between ~~Public Art Program~~ Arts and Culture staff and the appropriate City official(s) within the Department having jurisdiction over the site and/or construction.

- d. d. In the case of sites under development, the appropriate City official(s) within the Department will coordinate the concurrent site development and the artwork installation in the most efficient manner possible.
- e. e. In the case of existing sites, staff and the appropriate city official(s) shall oversee and facilitate the installation of the artwork. In such cases, the cost of necessary site alteration or restoration shall be borne by the Public Art Program unless otherwise agreed upon by the appropriate City official(s).
- f. f. Unless otherwise agreed, routine maintenance of the artwork shall be the responsibility of the Department where the artwork is sited. Routine maintenance shall include such tasks as dusting, sweeping, and other such activities. Extraordinary maintenance and/or conservation of the artwork shall be the responsibility of the ~~arts~~Arts and Culture Commission. No City Agency or Department shall be responsible for the conservation of artwork, and no conservation or repair work shall be performed by the user department ~~with~~ without the prior written consent of the Arts and Culture Commission.
- g. g. Any proposed work of art, which is deemed by the Commission and the Department head to require extraordinary operations or maintenance on the part of the host Department, shall be subject to review by the Department head. ~~Public Art Program~~Arts and Culture staff, in consultation with other City agencies, shall develop an annual maintenance needs survey of the public art collection and shall determine appropriate budgets and procedures for the care and maintenance of the collection.
- h. h. In general, Departmental staff and ~~consultant(s)~~consultants hired by the Department in connection with projects where an artwork is included shall not receive additional compensation for time spent in connection with the implementation of artwork projects. However, where a specific technical or professional task is performed by such staff or consultant(s), solely in connection with the artwork, and where the task is necessary to the execution or installation of the artwork, and where it is not feasible to include it as the responsibility of the artist under the terms of the Public Art Program, such Departmental staff and/or consultants may receive compensation for work performed provided that reimbursement is requested prior to establishment of the project budget and is approved by the appropriate City departments.

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## 8.2 8.2 Project files and records

~~Public Art Program~~Arts and Culture staff shall maintain records of each project, which shall include, but not be limited to, the following:

- a. a. Contract(s) with the artist(s) and consultants participating in the project.
- b. b. Records of City Council, Commission, and Public Art Advisory Committee actions bearing on the project

- ~~e.~~ c. Interdepartmental agreements relating to the siting or implementation of the project.
- ~~d.~~ d. Correspondence, announcements, memoranda, and publicity information relating to the project.
- ~~e.~~ e. Records of all billings made in connection with the project.
- ~~f.~~ f. All proposals submitted and other visual or written materials relating to the artist's design or method of execution as they are submitted or become available.
- ~~g.~~ Photo documentation in the form of black and white photographs, color slides, and transparencies of the completed project.
- g. Digital image(s) of the artwork

## SECTION NINE: EDUCATION AND OUTREACH

In order to stimulate and encourage public awareness of the visual arts, the Arts and Culture Commission will, to every extent possible, initiate events and activities designed to provide a greater understanding of public art. The activities and events may include, but are not limited to, the following:

- a. Conferences, symposia, workshops, artists' lectures, public art tours
- ~~a.~~ b. Development of cooperative programs with educational and arts institutions and community organizations
- ~~b.~~ c. Regular distribution of promotional and publicity packets, to include press releases, public service announcements, and public art newsletter.
- d. Educational material written specifically for Richmond schools at appropriate levels for elementary, middle and high school students.

## SECTION TEN: GIFTS AND LOANS

The Gifts and Loans Policy provides a process for the review of proposed gifts and loans of artwork or other artistic objects to the City of Richmond, and for the placement, care, and preservation of artwork acquired through this process.

### 10.1 Conditions Governing the Donation of Artwork to the City of Richmond

Potential donors of artwork must submit the following information to the Public Art Program. Staff will review the materials and, if the information is complete, will forward them to the Public Art Advisory Committee for review. The PAAC shall determine the feasibility of the proposed donation and shall forward a recommendation to the Arts and

Culture Commission for review. If the Commission recommends acceptance of the proposed artwork, a recommendation will be made to the City Council for final approval and acceptance of the artwork.

~~a.~~ a. Materials to be submitted by Donor

- (i) ~~photographs and/or slides~~ Digital images of the work of art which depict it from all sides
- (ii) ~~a~~ A written description of the artwork, including dimensions (height, width, depth and weight), materials used, and any frames, backings, mounts or anchoring systems to be used in the installation of the artwork.
- (iii) A site plan which identifies and describes the proposed site for the artwork and which accurately depicts the artwork in relationship to the surrounding environment
- (iv) A written description and/or drawing of the proposed method of installation and a timeline for the transportation and installation of the artwork.
- (v) An estimated cost for transporting and installing the artwork (to be done at donor's expense, unless otherwise agreed to by the City).
- (vi) Written authorization from the City agency with jurisdiction over the site, approving the installation of the artwork.

~~b.~~ b. Review and Acceptance Criteria

Proposed gifts of artwork shall be evaluated on the following criteria:

- ~~(i)~~ (i) An analysis of the relationship of the proposed artwork to its proposed location, and its relevance to its primary audience.
- ~~(iii)~~ (ii) An evaluation of the work's aesthetic quality, relative to its form, materials and craftsmanship.
- ~~(v)~~ (iii) The availability and appropriateness of an acceptable site for the artwork.
- ~~(vii)~~ (iv) An analysis of the financial impact of the proposed gift on the Public Art Program, including costs related to the insuring of the artwork and to any long-term maintenance or conservation costs.
- ~~(ix)~~ (v) An analysis of the impact of the proposed gift on other City departments, to include any routine operations or maintenance requirements.

e. c. Conditions of Acceptance

(i) \_\_\_\_\_ The Public Art Advisory Committee and the Arts and Culture Commission encourage clear and unrestricted gifts to the City of Richmond. Any conditions or restrictions attached to a gift or loan must be represented to the Public Art Advisory Committee for review and to the City Council for approval. No work of art will be accepted with conditions deemed unacceptable by the Public Art Advisory

(i) \_\_\_\_\_ Committee or the City ~~council~~ Council, nor will any work of art be accepted with an attribution or circumstance guaranteed in perpetuity.

(iii) (ii) \_\_\_\_\_ A legal document of transmittal, transferring title or loan of the artwork, and defining the rights and responsibilities of all parties, must accompany all gifts of artwork.

(iii) \_\_\_\_\_ The City of Richmond requires that the creator of the artwork (artist) waive any right to the preservation of the artwork under the conditions set forth in the California Art Preservation Act and the 1990 Visual ~~Artist's~~ Artists Rights Act- (VARA). The artist may, however, retain any right to disclaim authorship of the artwork pursuant to and these Acts. Before any gift is accepted by the City, the artist must acknowledge in writing his/her approval that the City may remove and/or destroy the artwork at its discretion. Should the City decide to remove or destroy the artwork, the City will provide the artist with 30 ~~days~~ days' notice of its intent to do so. The artist may, upon written approval by the City and at his/her own expense, remove and retain the artwork in lieu of its being destroyed by the City.

10.2 10.2 Conditions Governing the Exhibition of Artwork on City Property

a. a. Materials to be submitted by lender:

Persons or organizations request to temporarily exhibit a work of art in or on City-owned property must submit the following:

(ii) (i) \_\_\_\_\_ Photographs, digital images, and/or slides of the works of art to be \_  
\_\_\_\_\_ exhibited.

(iv) (ii) \_\_\_\_\_ A description of the location where the artwork will be exhibited and a written authorization from the City agency with jurisdiction over the site which approves the proposed loan of the artwork in that location.

(vi) (iii) \_\_\_\_\_ A written description and/or drawing of the proposed method of installation and a timeline for the transportation and installation of the artwork.

~~b.~~ b. Lender's Agreements

When exhibiting a work of art on City property, the Lender must agree in writing to the following:

~~(ii)~~(i) Unless otherwise agreed to in writing by the City, the lender shall be responsible for all costs associated with the transportation, installation, de-installation, and insuring of the artwork.

~~(iv)~~(ii) Upon removal of the artwork, the lender must return the site to its original condition and remove any debris caused by or resulting from the exhibition of the artwork. Such debris includes, but is not limited to, any parts or materials from the artwork which have been purposefully or unpurposefully removed from the body of the artwork.

~~(vi)~~(iii) Unless otherwise agreed to in writing by the City, the Lender must agree to exhibit the artwork at his/her own risk and to bear the expenses of any losses or damages to the artwork. The Lender must agree to hold the City harmless from any and all liabilities and for any damages or losses to the ~~artw2ork~~artwork.

~~(viii)~~(iv) The Lender must agree to produce and display an educational label for display next to or near the loaned artwork.

~~(x)~~(v) The Lender must agree to remove the artwork within three ~~days~~days' notice to do so by the City if the artwork becomes damaged or destroyed and/or becomes a danger or visual impediment to the public.

~~c.~~ c. Acceptance of Monetary Gifts for the Acquisition of Artwork

Proposed monetary gifts to the City for the purpose of acquiring artwork shall be referred to the Arts and Culture Commission for review. All recommendations on the acceptance or rejection of proposed gifts of money shall be referred to the City Council for final approval and acceptance.