

**RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND  
 ESTABLISHING PUBLIC WORKS IMPROVEMENTS ARTS PROGRAM**

WHEREAS, the Richmond General Plan Update (the "Update"), adopted by the Richmond City Council ("Council") by Resolution No. 164-94 on August 15, 1994, establishes in its Community Facilities Element and its Land Use Element the following goals and policies with respect to arts and culture in the City of Richmond:

- CF-K: Provide community facilities for the arts and culture;
- CF-L: Provide a favorable environment for a flourishing arts community and promote the full range of artistic and cultural activities;
- CF-K.1: Support private, non-profit and other public agencies in providing community facilities and programs for the arts;
- CF-K.2: Preserve and enhance existing cultural and artistic artifacts and resources in the City;
- CF-L.2: Include art and cultural components in areas of new development and redevelopment;
- CF-L.3: Encourage new development to contribute to the arts and culture in Richmond;
- CF-M.2: Foster a heightened awareness and appreciation of the City's cultural resources and its variety of cultures;
- LU-A: Improve the aesthetic and economic value of individual sites, the adjacent properties, the neighborhoods and the entire City;
- LU-A.1: Evaluate project proposals for their contribution to improving Richmond's aesthetic and economic values;
- LU-A.2: Encourage a general awareness among developers and the community that attractive urban design improves the aesthetic and economic values of the entire City;
- LU-C.1: Require that new development establish a distinctive character, as expressed in the external design of buildings, works of art, and open space areas and in their relationship to the terrain, water, and the surrounding environment; and

WHEREAS, the Update, in addition to the above list of goals and policies, specifically establishes a policy of integrating an arts and cultural component in public places and facilities ( see Cultural Facilities Element, CF-L.1 and Land Use Element, LU-A.6); and

WHEREAS, the Council desires to implement these General Plan goals and policies by creating new and additional funding for the arts in the City of Richmond in order that a coordinated city-wide arts policy may be implemented that incorporates all arts and disciplines for the cultural, aesthetic and economic benefit of the City, its citizens and its visitors by including a percent for the arts in future public works construction in the City; and

WHEREAS, the Council by example wishes to encourage private developers to voluntarily implement public art projects in connection with private developments with the goal of further enriching Richmond's cultural environment;

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Certified as a True Copy  
*Cuba M. Brown*

NOW, THEREFORE, THE RICHMOND CITY COUNCIL DOES RESOLVE AS FOLLOWS:

1. Definitions

For purposes of this Resolution, the following definitions apply:

A. "City Capital Improvements Projects" includes any capital improvement project with a budget or anticipated costs of \$300,000 or more, including any acquisition, leasing, rental, construction or remodeling of any building, structure, park, utility, street, sidewalk or parking facility, or any other type of capital project or any portion thereof within the geographical limits of the City, paid for wholly or in part by the City or by any board, commission, agency or department of the City (including without limitation the Richmond Redevelopment Agency, the Richmond Housing Authority, the Port of Richmond and the Richmond Surplus Property Authority).

B. "Public Art" means any Work of Art integrated into the design of or placed in, on or about the site of the City Capital Improvement Project in a place accessible to the general public.

C. "Work of Art" means the work of a practitioner in the fine arts, generally recognized by peers as one who produces professional quality works of art.

2. Expenditures For Public Art To Be Included In Budgets And Appropriations And Grant Applications For Capital Improvement Projects

From the effective date of this Resolution, all budgets and appropriations for City Capital Improvement Projects and, where permitted, all City bond measures for the construction of City Capital Improvement Projects and all City applications for City Capital Improvement Projects to outside granting authorities shall include an allocation equal to One and One-Half Percent (1.5%) of the total cost of the City Capital Improvement Project for Public Art.

3. Method of Calculation

The amount to be allocated for Public Art with respect to each City Capital Improvement Project shall be a portion of the total cost of the City Capital Improvement Project, including all construction costs, architectural and engineering fees and site work expenses and excluding any budgeted costs of real property acquisition, demolition and financing, equal to 1.5% of such total cost. The 1.5% portion of the total cost of a City Capital Improvements Project allocated to Public Art may include, without limitation, costs of structural elements of the project which qualify as Public Art, the cost of acquisition and installation of Works of Art on, about or near the project site, the cost of the services of artists involved in the design of the project or in the production of Works of Art related to the project and the cost of administrative services provided by the Richmond Art Coordinator in connection with the Public Art component of the Project.

If any applicable law or the source of funding (such as, for example, FEMA) with respect to any particular City Capital Improvements Project prohibits use for the arts as an object of expenditure of certain funds, such funds shall be excluded from the total project budget for the purpose of calculating the expenditure for arts.

#### 4. Establishment of Richmond Public Art Projects Account

The Director of Finance is hereby directed to establish a non-General Fund account, which shall be known as the Richmond Public Arts Projects Account, into which will be deposited funds as contemplated by Sections 2 and 3 above, together with such other funds as the Council may from time to time appropriate for expenditures related to Public Art in the City of Richmond and any gifts or grants received by the City of Richmond and its boards, agencies, commissions and departments for the purpose of acquiring, creating, installing or maintaining Public Art.

Monies to be expended for Public Art in connection with City Capital Improvement Projects may be used to pay for all expenditures related to Public Art including payment for artists' services, the acquisition, installation, maintenance and conservation of Works of Art, and the administration of policies and programs established by this Resolution and other applicable Richmond Public Art programs and policies. In the case of City Capital Improvement Projects where the incorporation of Public Art into the design of the project or the inclusion of Public Art on the project site are infeasible or inappropriate, the City Manager may release the 1.5% of the project budget allocated to and appropriated for Public Art to be used for other Public Art projects in under-served neighborhoods of the City. However, if the transfer of monies from one project to another is not authorized, or if legal restrictions on the source of the funds prohibit such transfers, or if funds must be restricted to a specific site, the one and one-half percent (1.5%) appropriation shall be restricted to a specific City Capital Improvement Project and shall be placed in a project fund earmarked for that project.

Monies to be expended for Public Art in connection with specific City Capital Improvement Projects shall be deposited into the Richmond Public Arts Projects Account in accordance with Section 5 below.

#### 5. Procedures and Payments into Richmond Public Arts Projects Account

Except as provided in Section 6, no board, commission, agency or department of the City shall permit or cause work to be commenced on any City Capital Improvements Project prior to depositing the amount required by Sections 2 and 3 into the City of Richmond Public Arts Projects Account. The requirements of this section shall apply to all City Capital Improvements Projects, whether or not a final inspection or a certificate of occupancy is required for the project. Compliance with the requirements of this Section 5 shall be a condition precedent to design approval required by Richmond Municipal Code Sec. 15.04.205(D) and any successor provisions thereto and, whenever a building permit is required by applicable provisions of the Richmond Municipal Code, shall also be a condition precedent to the issuance of the permit.

Prior to hiring an architectural team for the design of any such City Capital Improvements Project, the project manager or managers shall meet with the Richmond Arts Coordinator for the purpose of determining how Public Art shall be incorporated into the proposed project. At the request of the Richmond Arts Coordinator, the project manager(s) shall include an artist in the architectural/design team for the proposed project. The Richmond Arts Coordinator shall assist the project manager(s) in the selection of an appropriate artist or artists for the project.

6. Annual Plan and Administration of Funds.

Within thirty (30) days after approval of the City's annual operating budget by the City Council, the Finance Director shall submit the authorized annual budget for capital improvements to the Richmond Arts Coordinator, specifying the total appropriation dedicated to the "Richmond Public Arts Projects Account" for the current fiscal year. Based upon this submission, the Richmond Arts Coordinator, with the advice of the Richmond Arts and Culture Commission and based on any meetings with project managers of City Capital Improvements Projects, shall develop a one-year plan for Public Art (the "Annual Plan") and shall submit this Annual Plan to the Richmond City Council for its approval within six (6) months of the date of approval of the City's annual operating budget.

The funds placed into the Richmond Public Arts Project Account shall be administered by the Richmond Arts Coordinator in accordance with the Annual Plan as approved by the Richmond City Council.. The Annual Plan shall reflect the policies established by this Resolution with respect to City Capital Improvement Projects.

7. Ownership of Public Art

All Works of Art, including design elements, and other objects acquired by the City of Richmond or any of its boards, commissions, agencies or departments pursuant to this Resolution shall be acquired in the name of the City of Richmond and title shall vest in the City of Richmond.

8. Implementation Guidelines

Procedures for the implementation of the policies adopted by this Resolution shall be developed by the Richmond Arts Coordinator, with the advice and approval of the Richmond Arts and Culture Commission, and shall be submitted to the Richmond City Council for approval.

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I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a meeting thereof held May 13, 1997, by the following vote:

AYES: Councilmembers Butt, McIntosh,  
Marquez, Anderson, Bates,  
Powers, Griffin and Mayor  
Corbin  
NOES: Councilmember Evans  
ABSTENTIONS: None  
ABSENT: None

EULA M. BARNES  
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

ROSEMARY M. CORBIN  
Mayor

Approved as to form:

MALCOLM HUNTER  
City Attorney

C:\ALT\JAT\POBART2.RES (April 30, 1997)

State of California        )  
County of Contra Costa   :  ss.  
City of Richmond         )

I certify that the foregoing is a true copy of Resolution No. 70-97 adopted by the Council of the City of Richmond at a regular meeting held May 13, 1997.

  
Juli M. Bissen  
Clerk of the City of Richmond  
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