



AGENDA REPORT

CITY MANAGER'S OFFICE

DATE: May 4, 2021

TO: Mayor Butt and Members of the City Council

FROM: Shasa Curl, Deputy City Manager, Economic Development
Winifred Day, Arts and Culture Manager

SUBJECT: INTRODUCE A PUBLIC ART PROGRAM ORDINANCE, APPROVE PUBLIC ART POLICIES AND PROCEDURES AND AMEND RICHMOND MUNICIPAL CODE CHAPTER 3.59 REGARDING THE ARTS AND CULTURE COMMISSION

STATEMENT OF THE ISSUE:

The City would like to formally adopt policies and procedures for Richmond's public art programs and update and combine the programs into one ordinance, titled "Public Art Program" Ordinance. In addition, staff drafted amendments to Richmond Municipal Code Section 3.59 titled "Arts and Culture Commission" such that the Public Art Advisory Committee shall be established as a subcommittee of the Richmond Arts and Culture Commission and all current Public Art Advisory Committee members will now be Arts and Culture Commissioners.

RECOMMENDED ACTION:

INTRODUCE an ordinance (first reading) repealing Chapter 12.62 "One-Percent for Public Art on Private Projects Program" and Resolution 70-97 "Establishing Public Works Improvements Arts Program" and adding Chapter 6.50 entitled "Public Art Program" to the Richmond Municipal Code; AMEND Chapter 3.59 of the Richmond Municipal Code entitled "Arts and Culture Commission," and ADOPT a resolution approving "Public Art Policies and Procedures."

FINANCIAL IMPACT OF RECOMMENDATION:

There is no financial impact at this time. It is anticipated that revising the Richmond Arts & Culture Division's ordinances, policies, and procedures will improve efficiency and transparency and increase community engagement city-wide.

DISCUSSION:

Background

In 1987, the Richmond Arts and Culture Commission was established to promote and encourage the development of and interest in the fine and performing arts, and to act in an advisory capacity to the City concerning its artistic and cultural development and the preservation of Richmond's heritage. In 1997, the City of Richmond adopted Resolution 70-97 entitled "Establishing Public Works Improvements Arts Program," which allocated 1.5% of Capital Improvement Project costs for Public Art and established the Richmond Public Art Projects Account. In 1999, the Public Art Program Policies and Procedures were developed, describing the process for selecting Public Art and established the Public Art Advisory Committee. In 2017, the City Council adopted the One-Percent for Public Art on Private Projects Program Ordinance (RMC 12.62), which established that 1% of the building development costs of a private development must be dedicated to public art. The City would like to formally adopt policies and procedures for the City's public art programs and utilize best practices from cities across the Bay Area to update the ordinances and combine the programs into one ordinance, titled Public Art Program.

Arts and Culture Ordinances, Policies, and Procedures Update Process

City staff members proposed updates to the City's arts and culture ordinances, policies, and procedures, which were reviewed by City staff members, the Richmond Arts and Culture Commission, the Public Art Advisory Committee, and community members. The proposed updates and review process were discussed during the following meetings:

- PAAC meeting on February 9, 2021.
- RACC meeting on February 23, 2021.
- A meeting of the RACC and PAAC Chairs and Co-Chairs on March 2, 2021.
- A Special Meeting of PAAC and RACC on March 9, 2021.
- A Special Meeting of PAAC and RACC on April 27, 2021.

The draft documents were also posted on the [Arts and Culture](#) webpage on March 23, 2021. In addition, two city-wide community engagement meetings were conducted on March 30, 2021 and March 31, 2021 to seek public input. Information about the workshop was posted on multiple City list serves, including the City Manager's Weekly Report, Environment and Health Initiatives, and Community Event Calendar, as well as on the City's Facebook Page, the Environment and Health Initiatives Facebook Page, and the Love Your Block Facebook Page. Additionally, City staff reached out to stakeholders including past and present RACC and PAAC members, NIAD, Richmond Art Center, CC County Art Commission, RYSE, Art of the African Diaspora, RNCC, East Bay Center for Performing Arts and many more organizations and individuals. At these meetings, the City received valuable input and feedback from the attendees, much of which the City incorporated when updating the documents. Ultimately, the documents were restructured from 6 documents to 3 documents to provide a more comprehensive process and to remove confusion about

Arts and Culture programs. During this process, the City proposed additional updates to the program. The three proposed documents are as follows:

- (1) Richmond Municipal Code Chapter 3.59 - Arts and Culture Commission;
- (2) Richmond Municipal Code Chapter 6.50 Public Art Program; and
- (3) Public Art Policies and Procedures.

1. Amendments to RMC 3.59 -Arts and Culture Commission

City staff proposes various amendments to Chapter 3.59 of the Municipal Code, "Arts and Culture Commission." A summary of the significant proposed amendments are below:

- Define a term as 4 full years from appointment by the City Council. (3.59.050)
- Clarify that all PAAC committee members now serve as Arts and Culture commissioners and PAAC is a formal sub-committee of RACC. (3.59.100)
- Increase number of RACC commissioners to 15 and add that there must be a minimum of 2 years between serving on the RACC and being compensated by the City for services to avoid any conflicts of interest. (3.59.040)
- Add that RACC and PAAC members shall reflect demographic, cultural, social, and professional diversity of Richmond. (3.59.040)

2. Added Public Art Program Ordinance

The proposed ordinance would add a new Chapter 6.50 to the Richmond Municipal Code, "Public Art Program." This ordinance would replace both RMC 12.62 "One Percent for Public Art in Private Developments" and Resolution 70-97 "Public Works Improvements Arts Program."

The ordinance provides the standards and requirements for the 1% Public Art contribution for Private Development Projects. (6.50.030). Some significant changes to this requirement include:

- Added tenant improvements above \$500,000 as eligible for contribution requirement.
- Added Designated Public Art Space as a method of satisfying the Public Art contribution requirement.
- Added a requirement for the Private Developer to ensure that a declaration of covenants, conditions and restrictions shall be recorded against the property, to ensure future compliance with Public Art contribution requirements.

Additionally, the proposed ordinance addresses the Public Art appropriation requirements for City Capital Improvement Projects (6.50.020), Public Art funds (sources, eligible uses, etc.) (6.50.040), restrictions on artwork on the City right-of-way (6.50.050), and various standards and regulations for artwork on all other City Property (6.50.060).

Since the last public review of the draft Public Art Ordinance, additional questions were raised regarding whether the Commission is the final approving body of all designs and plans for artwork under the City's Public Art program. To provide full clarity, section

6.50.080 was modified to make clear that the Commission, and not any other City board or commission, is the final approving body for art projects under the City's Public Art Program. Under limited circumstances, the City Council can approve or reject certain Public Art projects above \$10,000.

3. Proposed Public Art Policies and Procedures

City staff proposes the City Council approve by resolution the attached Public Art Policies and Procedures. The requirements provided in the Public Art Policies and Procedures provide the process and details for implementing the Richmond Municipal Code Chapter 6.50 as well as other aspects of the City of Richmond's Public Art Program.

These policies and procedures include requirements and details regarding the following:

- Background and Purpose
- Public Art in Private Development Projects
- Public Art on City Property
- Public Art Gifts and Loans
- Records and Files for Public Art Projects
- City Capital Improvement Projects Appropriation for Public Art
- Neighborhood Public Art Mini-Grants
- Performing Arts and Temporary Artwork
- Public Art Funds
- Education and Outreach
- Exhibits:
 - Public Art in Private Development Application Form
 - Waiver and Release of VARA/CAPA and other Artists' Rights
 - Public Art in Private Development Process Chart
 - Public Art in Private Development Payment Chart

Attachments:

- Attachment 1 - Ordinance Repealing Chapter 12.62 "One-Percent for Public Art on Private Projects Program" and Resolution 70-97 "Establishing Public Works Improvements Arts Program" and adding Chapter 6.50 "Public Art Program" to the Richmond Municipal Code
- Attachment 2 - Resolution adopting the Public Art Policies and Procedures
- Attachment 3 - Ordinance Amending Chapter 3.59 to the Richmond Municipal Code