

RESOLUTION NO. 2007-11

A RESOLUTION OF THE LODI CITY
COUNCIL APPROVING AMENDMENT
TO THE ART IN PUBLIC PLACES
POLICY FOR THE CITY OF LODI

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WHEREAS, the current Art in Public Places Policy requires that the purchase of small art pieces follow the same process as if purchasing major public artwork; and

WHEREAS, the Art Advisory Board recommends an amendment to the policy to allow the purchase of one or two pieces of fine art annually in an amount not to exceed \$5,000, which would streamline the process to take advantage of opportunities to have fine art acquired for display in Lodi's public buildings; and

WHEREAS, the Art Advisory Board would make the final approval as to the pieces of art to be purchased.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve amending the Art in Public Places Policy for the City of Lodi, as shown on Exhibit A attached and made a part hereof.

Dated: January 17, 2007

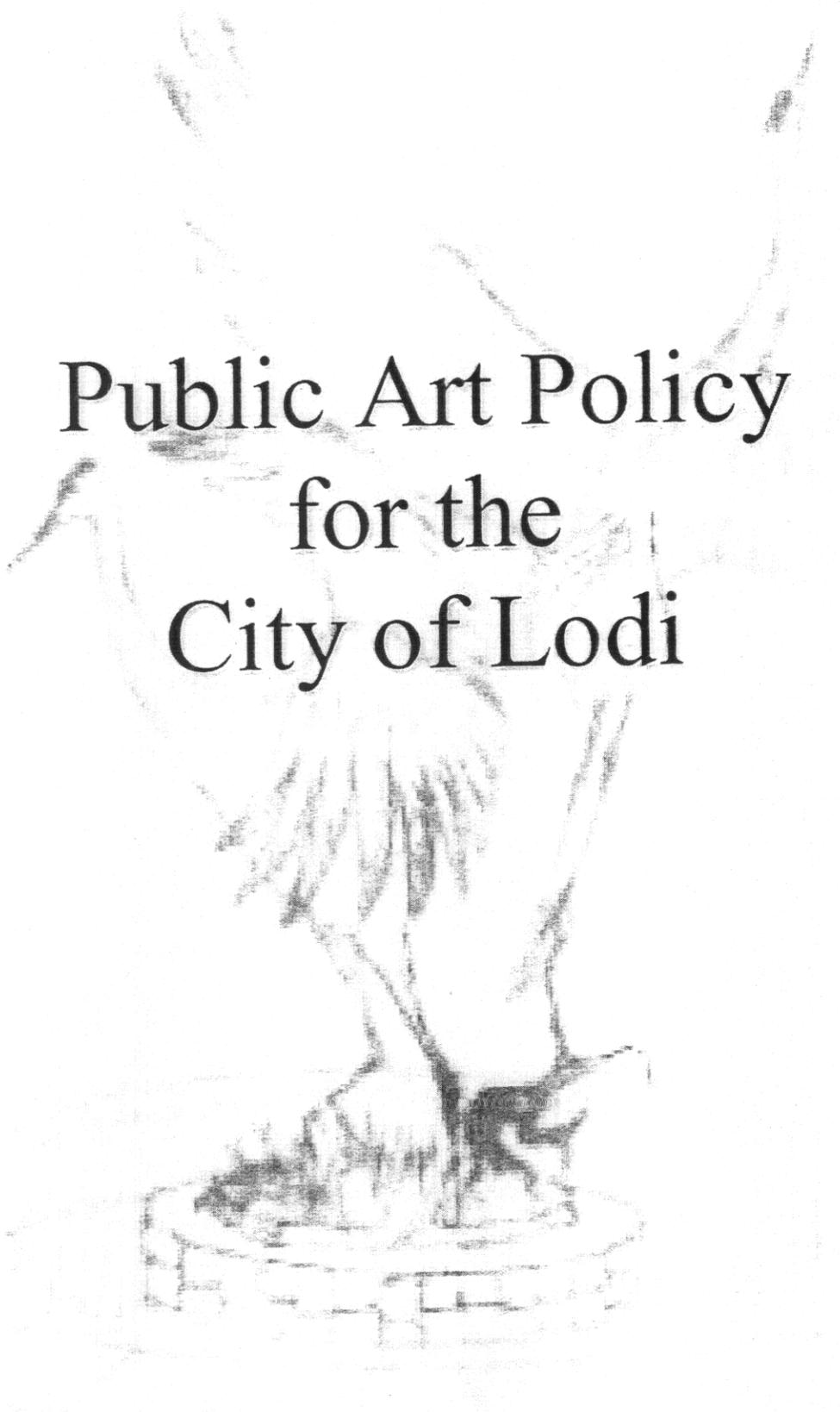
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I hereby certify that Resolution No. 2007-11 was passed and adopted by the Lodi City Council in a regular meeting held January 17, 2007, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Katzakian, and Mayor Johnson
NOES: COUNCIL MEMBERS – None
ABSENT: COUNCIL MEMBERS – Hansen and Mounce
ABSTAIN: COUNCIL MEMBERS – None



RANDI JOHL
City Clerk



Public Art Policy
for the
City of Lodi

January 2007

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Public Art Policy for the City of Lodi

1. GENERAL

A. INTRODUCTION

The Public Art Program has been established to promote permanent works of art accessible to the general public throughout the City. The program is intended to enrich the lives of residents and visitors by enlivening the visual quality of the built environment. The City Council believes that community amenities like cultural facilities, art and music festivals, open space, parks and restored historic areas promote the identity of Lodi. Amenities such as these add vitality to the City, attract business investment, stimulate visitor trade, and increase retail activity. Accordingly, the City Council has established these policies and procedures to implement a public art program.

With the mission to develop, sustain, and promote the visual arts, the goals of this program are to:

1. Preserve and enrich the City's environmental quality by encouraging the visual arts in public places for both public and private development.
2. Reflect the unique and diverse history, people, and geography of Lodi as an essential part of the City's identity and quality of life.
3. Promote opportunities for public participation in and interaction with public artworks and artists.
4. Expand access to the arts for residents and visitors, with special attention to the needs of under-served audiences, such as children, low-income families, senior citizens, and disabled persons.
5. Institutionalize the Public Art Program through policies, plans, and procedures to ensure the viability of the program and the public art collection.

B. DEFINITIONS

- A. Annual Public Art Plan: A budget plan for art projects approved by the Art Advisory Board following review of the proposed capital projects, including a prioritized list of projects with an art element approved annually by the City Council.
- B. Art Advisory Board: A Board of citizens made up of one representative from the Planning Commission, the Recreation Commission, the Site Planning and Architectural Review Committee (SPARC) and two representatives from the Art Commission to review public art projects for quality control and to recommend and approve artworks and artists for the public art program.
- C. Art Allocation: The percent of the total approved construction cost set aside for the design and installation of public art.
- D. Art Commission: A commission made up of citizens to advise the City Council on the overall arts and cultural activities in the City.
- E. Artist Selection Committee: A committee selected by the Art Advisory Board to develop a specific project by reviewing credentials, proposals, and/or materials submitted by artists.
- F. Artist: A practicing professional skilled in the design and/or creative production of aesthetic objects whose qualifications are demonstrated by recognition or stature within their field and/or through reputation and/or exhibitions.
- G. Artwork: A tangible creation by an artist, whether in a single art object, an environment, or landscape, created solely by that artist or in collaboration with a design team.

- H. Planning Commission: A commission made up of citizens to advise the City Council on the planning and development activities in the City.
- I. Public Art Collection: All City-owned artworks.
- J. Public Art Fund: A fund established to account for revenues to be used in the Public Art Program. The funds that are transferred to the Public Art Program include but are not limited to "2% of development impact fees", State and Federal grants and subventions for capital projects, gifts and donations from private individuals for public art, and appropriations to Capital projects from the City's capital project funds (general fund, electric, water, sewer, transportation).
- K. Public Places: All spaces, indoors or outdoors, which are generally accessible to the public.
- L. Recreation Commission: A commission made up of citizens to advise the City Council on the recreation and park activities in the City.
- M. Site Planning and Architectural Review Committee (SPARC): A committee made up of five citizens to assist the Planning Commission in reviewing development plans.

C. ADMINISTRATIVE POLICIES

The following administrative policies are intended to guide the City in managing the Public Art Program:

1. The City will encourage the inclusion of visual arts in new public and private development projects through the development review process.
2. The City will evaluate and where appropriate, revise the General Plan, Zoning and Subdivision Regulations and other pertinent policies and standards to provide incentives for and remove obstacles to public art.
3. The City will develop and implement administrative policies to fund public art acquisition and administration.
4. Funding for public art planning and development will be included in the City's Capital Improvement Budget. This may include matching funds to be used to encourage public art in private development.
5. Public art will be included as an element in City projects such as parks, City buildings, public plazas, and major street projects.
6. Two percent of the estimated cost of a public project, for appropriate projects, will be included in the project from revenues previously identified.
7. Projects receiving matching funds must provide a clear public benefit and advance the City's public art goals.
8. The City Council will approve all public art projects.

D. GUIDELINES FOR PUBLIC ART

The following guidelines are described to help artists, citizens, the Art Advisory Board, Council Members and staff understand the City's expectations for public art. They are not intended to unduly restrict creative expression or limit the types of public art possible. Rather, they are intended to achieve the best possible mating of site and artwork, and guide what is essentially a form of communication between the artist and the community. They are interpreted by the City Council and Art Advisory Board with assistance by the City's Art Coordinator and Art Commission.

1. Public art will be easily accessible from a public right-of-way.
2. The design and placement of public art will not impede pedestrian or vehicle traffic or conflict with public or private easements.

3. Public art will be compatible with the immediate site and neighborhood in terms of architectural scale, materials, land use, and the historical and environmental context of the site.
4. Public art will be integrated with the site and include landscaping, lighting, interpretive information and other amenities where appropriate.
5. Permanent public art will be constructed of durable, high-quality materials and require minimal or no maintenance.
6. A variety of artistic expressions is encouraged. Expressions of profanity, vulgarity, or obvious poor taste are inappropriate.
7. Artwork will reflect a high level of artistic excellence.
8. Public art will not directly or indirectly cause adverse environmental effects or otherwise jeopardize public health, safety, or welfare.
9. Artwork designed and/or sponsored by San Joaquin County residents, businesses, or organizations will be given a preference.

E. ELIGIBLE ARTWORKS

The City collection will represent a broad range of artistic styles, tastes, and media. It does not support exclusively artworks of any particular school, style, taste, or medium, and it takes into account a broad range of cultural backgrounds, gender, and ages.

F. INELIGIBLE ARTWORKS

The following artworks are not eligible under the City's Public Art Program:

1. Directional elements such as super-graphics and signage except where these elements are integral parts of the original work of art or public art project.
2. Art objects that are mass-produced of standard design such as playground equipment, fountains, or statuary objects.
3. Reproductions, by mechanical means, of original works of art, except in cases of film, video, photography, printmaking, or other media arts.
4. Decorative, ornamental, or functional elements or architecture except:
 - a) where these elements are designed by the artist, and/or
 - b) are an integral part of the artwork by the artist, and/or
 - c) are the result of a collaboration among design professional, including at least one artist.
5. Landscape architecture and landscape gardening except where these elements are designed by the artist and/or are an integral part of the artwork by the artist or are the result of collaboration among design professionals, including at least one artist.
6. Services or utilities necessary to operate or maintain the artwork over time.

II. RESPONSIBILITIES

A. GENERAL

The responsibilities described below are provided to ensure that art projects are developed in accordance with the policies of the City Council. They are reasonably broad and are intended to assist the responsible parties in developing an art project.

B. RESPONSIBILITIES

City Council

1. Review and approve the annual Public Art Plan submitted by the City Manager.
2. Approve contracts with selected artist for projects over \$5000.
3. Approve all public art projects.

Art Advisory Board

1. Responsible for the Public Art Program, including the recommendation of policies and guidelines, project oversight, and maintenance of the art collection. Advise the City Council on the annual Public Art Plan.
2. Advise the City Council on the annual Public Art Plan.
3. Review the annual Public Art Plan.
4. Review the annual maintenance needs.
5. Appoint the Artist Selection Committee.
6. Advise the City Council on proposed gifts, exhibitions and loans.
7. Approve Art Projects.
8. The Art Advisory Board has the authority to purchase 1 or 2 pieces of art annually to contribute to the City of Lodi Art Collection. This art is to be appropriate for displaying in public buildings and is not to exceed a total of \$5,000.00. Final approval of purchased art rests with the Art Advisory Board.

Art Coordinator

1. Develop the annual Public Art Plan with budgets and recommendations for design team collaborations for review by the Art Advisory Board.
2. Prepare a report on the maintenance needs for review by the Art Advisory Board.
3. Establish a review process for proposed gifts, exhibitions, loans of City artwork, long-term loans to the City and make recommendations to the Art Advisory Board.
4. Develop, when feasible, written instructions to each Artist Selection Committee that outlines objectives and parameters of the project without limiting which artist the panel may consider and that designates whether or not a project is to be a design collaboration.
5. Ensure that local and regional artists are given due consideration in every project.
6. Review and recommend to the Art Advisory Board the selection of the Artist Selection Committee.
7. Recommend public art policies and procedures to the Art Advisory Board.

City Departments

1. Determine, in consultation with the Art Coordinator, whether a project is to be developed by a design team.

2. Review the annual maintenance needs report to determine a work plan.
3. Include two percent for artist services; artwork and maintenance in all capital improvement plan requests, unless specifically excluded.

Artist Selection Committee

1. Be composed of at least three persons from the following categories:
 - a. Voting Members
 - i. One person from the neighborhood in which the artwork will occur
 - ii. One artist
 - iii. One representative of the City Department participating in the project
2. Non-Voting Advisors
 - i. Project Manager on the project
 - ii. Design team members, if selected
 - iii. Art Coordinator
3. Be chaired by the representative of the Department.
4. Meet in open session.
5. Develop the project based on the directions given by the Art Advisory Board, including site, medium/media, scope of the project, method of artist selection, and other relevant considerations.
6. Review credentials, proposals and/or materials submitted by artists.
7. Recommend to the Art Advisory Board, an artist or artists to be commissioned for the project or an artist whose existing work is to be purchased for the project.

Artist

1. Submit credentials, proposals, and/or materials as directed for the consideration by the Artist Selection Committee.
2. If selected, execute and complete the work, or transfer title of an existing work, in a timely and professional manner.
3. Work closely with the project manager and/or design professionals on commissioned projects.
4. Submit to the Art Advisory Board for review and approval any significant change in the scope of the project, color, material, design, or setting of the work.
5. Be responsible for all phases of the project as stipulated in the contract.
6. Make a public presentation, conduct a community education workshop, or do a residency at an appropriate time and appropriate forum in the community where the artwork will be placed or the project will occur, if required by contract.

Arts, Planning, and Recreation Commissions

1. Appoint one member to the Art Advisory Board.

III. FUNDING

A. GENERAL

1. The Art Advisory Board will review the new and projected capital projects to determine eligibility for the Public Art Program. Capital equipment purchases and capital maintenance projects, such as replacement of utilities, turf, and pavement are not eligible for this program.
2. The Finance Director will ensure that annual appropriations have been made and transferred to the Public Art Fund at the time the City Council appropriates funds for a capital project not including Development Impact Fee transfers. The transfer to the Public Art Fund will be two percent (2%) of the estimated project cost for eligible projects approved for construction with an estimated cost of \$50,000 or more.
3. The Finance Director will transfer funds from the Development Impact Fees (2%) to the Art Fund at the time fees are paid.
4. The Art Coordinator, in consultation with the appropriate City Departments, will develop a Public Art Project Plan that includes the budget and recommended design approach for each project.
5. The Public Art Fund may be used to provide matching funds for "public art" in private development projects.
6. The Annual Plan will be submitted to the Art Commission for review.
7. The Annual Plan will be submitted to the City Manager for review and approval.
8. All City Departments will be responsible for including two percent (2%) of a capital project budget for artists' services and artwork.
9. The Art Advisory Board may, from time to time during the course of the year, modify the Public Art Plan. The City Council will review and approve any significant changes in sites or dollar allocations in the approved Public Art Plan.

B. USE OF PUBLIC ART FUND

The funds allocated to the Public Art Program may be used for the following services and purchases:

1. Artist's services and fees.
2. Acquisition of original artwork.
3. Artist selection processes and model or design fees.
4. Extraordinary repair, maintenance, and other preservation work necessary to keep in standard condition all artwork in the City collection.
5. Funds may not be used for real property acquisition, demolition, remediation, equipment, or financing costs. Publicly assisted residential construction or rehabilitation projects, and site-survey-related costs will not be subject to the calculation.
6. As matching fund for private art projects.
7. Up to 10 percent (10%) of the Public Art Fund may be used for:
 - Project administration
 - Community education programs, publicity, and dedications
 - Identifying plaques
 - Other purposes as deemed necessary by the Art Advisory Board

C. INCENTIVES FOR PUBLIC ART

To promote the inclusion of public art in private projects, the City will undertake, as appropriate, the following steps to implement this Program:

1. Increase matching funds and allow unused funds to accrue from one budget cycle to the next.
2. Consider allowing density bonuses or height exceptions to projects that include public art tied to open space at ground level. For example, a project that includes a sculpture and mini-plaza might receive height or coverage exceptions to allow additional floor area comparative to the area devoted to public art.
3. Clarify sign regulations relative to public art.

D. GRANT FUNDING

The City may provide grant funding from the Public Art Program to encourage public art. For every dollar of private investment, the City may match the expenditure on a dollar-for-dollar basis. Art projects receiving matching funds should provide a clear public benefit and advance the City's public art goals.

Projects seeking matching funds will require City Council approval. The Council will use the following criteria in evaluating funding requests:

1. Artwork will be located:
 - a. On publicly owned property or right-of-way, or
 - b. On private property if the artwork is secured through a public art easement.
2. Artwork should promote the City's goals for public art.
3. The applicant has demonstrated sufficient experience and ability to successfully complete public art projects.
4. Projects that make creative and efficient use of resources will be given a preference.
5. Artwork designed and/or sponsored by San Joaquin County residents, businesses, or organizations will be given a preference.
6. The City will be named as an additional insured and indemnified during construction and installation of the artwork.
7. Permanent artwork receiving City funds will become City property.

E. DONATIONS

Although artwork is located in public view, the intent of the City's Public Art Program is that art located on private property be a part of the fixed assets of that property. The City does not encourage the donation of public art to the City. However, in rare special cases where it is impossible for a piece of art to remain on private property and/or be maintained by the property owner, the City may consider accepting the donation of the artwork.

Property owners may submit a written request to the City describing the unique circumstances and the reasons why they are requesting the City to accept the donation of the artwork. A review process will be established by the Art Advisory Board to meet the following objectives:

1. Provide uniform procedures for the review and acceptance of gifts and loans of artwork to the City of Lodi.
2. Assign responsibility to the appropriate department for the management and maintenance of the City's artwork.

3. Facilitate the placement of artworks in City facilities or in the public right-of-way.
4. Provide appropriate recognition to donors of artwork.

The review process will use the following criteria:

1. Aesthetic considerations, to assure artworks of the highest quality, based on a detailed written proposal, concept drawing for the project, photographs of the artwork, if existing, and documentation of the artist's professional qualifications.
2. Financial considerations based on cost of implementation, sources of funding, a maintenance agreement between the City and the donor and estimated cost to the City over the life of the artwork.
3. Liability based on susceptibility of the artwork to wear and vandalism, potential danger to the public, and special insurance requirements.
4. Environmental considerations based on physical appropriateness to the site and scale of the artwork.

Exceptions to the review process:

1. Artwork or exhibitions loaned for display on City property on a temporary basis will not be subject to the standard review process. Review and approval will be the responsibility of the department with jurisdiction over the space involved, based nevertheless, on standards delineated in the Public Art Program Policies.
2. Displays at cultural centers and art museums are not subject to the review process.

IV. MANAGEMENT OF PUBLIC ART

A. COLLECTION REVIEW STANDARDS

At least once, in every 10-year period, the City art collection should be evaluated, whether by the Art Coordinator or by an independent agent, for the purpose of collection management and in order to assess the collection's future. The City will retain the right to de-accession any work of art accessioned into the City's collection regardless of the funding source for that work.

A review process will be established by the Art Advisory Board to meet the following objectives:

1. Establish a regular procedure for evaluating artworks in the City collection.
2. Establish standards for the acquisition of artworks.
3. Insure that de-accessioning of artworks is governed by careful procedures.
4. Insulate the de-accessioning process from fluctuations in taste – whether on the part of the City, the collection's responsible body, or on the part of the public.

A review process for acquisitions to the City collection will use the following criteria:

1. Acquisition should be directed toward artworks of the highest quality.
2. Acquisition of artworks implies a commitment to preservation, protection, maintenance, and display for public benefit.
3. Acquisition of artworks, whatever the source of funds, should imply permanency within the City collection, so long as physical integrity, identity, and authenticity are retained; so long as physical settings remain intact; and so long as they remain useful to the purposes of the people of the City.
4. In general, artworks should be acquired with respect to copyrights and certain clearly defined residual rights that are part of a contract with an artist.
5. The acquisition procedures should ensure that the interests of all concerned parties are represented, including the public, the art community, and the City.
6. A legal instrument of conveyance, transferring title of the artwork and clearly defining the rights and responsibilities of all parties, should accompany all acquisitions. Complete accessioning records should be made and maintained for all artworks.

Artwork may be considered for review toward de-accessioning if one or more conditions, such as the following apply:

1. The site for the artwork has become inappropriate because the site no longer is accessible to the public or the physical setting is to be destroyed.
2. It has received consistent adverse public reaction for over a period of 10 or more years from a measurably large number of individuals and/or organizations.
3. The department that displays the artwork requests de-accessioning.
4. It is fraudulent or not authentic.
5. It possesses faults in design or workmanship.
6. It causes excessive or unreasonable maintenance.
7. It is damaged irreparably, to an extent where repair is unreasonable or impractical.
8. It represents a physical threat to public safety.
9. A suitable place for display no longer exists.

10. The work is not, or is rarely displayed.
11. A written request from the artist has been received.

B. MAINTENANCE AND CONSERVATION

A review process will be established by the Art Advisory Board to meet the following objectives:

1. To ensure regular maintenance of artworks in the City's collection in order to maintain them in the best possible condition.
2. To provide for the regular inspection for condition and location of artworks in the City's collection.
3. To establish a regular procedure for effecting necessary repairs to artworks in the City's collection.

C. RESPONSIBILITIES

Artist

1. Within the terms of a contract, the artist will guarantee and maintain the work of art against all defects of material or workmanship for a period of one-year following installation.
2. Within the terms of a contract, the artist will provide the Art Coordinator with drawings of the installation and with detailed instructions regarding routine maintenance of the artwork.
3. Within the terms of a contract, all repairs and restorations which are made during the lifetime of the artist will have the mutual agreement of the City and the artist and, to the extent practical, the artist will be given the opportunity to accomplish such repairs at a reasonable fee.

Art Coordinator and City Departments

1. All maintenance and repairs will be the responsibility of the Department in which the artwork is located.
2. The Department will not affect any maintenance or repairs to artworks without the prior consent of the Art Coordinator.
3. The Department will not move any artwork from the site for which it was selected, nor remove it from display without the consent of the Art Advisory Board.