



CITY OF CHICO - ARTS COMMISSION
ART IN PUBLIC PLACES PROGRAM
POLICY AND PROCEDURES MANUAL

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**City of Chico Arts Commission
Art in Public Places Program Policy and Procedures Manual**

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I. Purpose

The purpose of the City of Chico Art in Public Places Program is to expand the public experience with the visual arts, to promote the artistic and cultural development of the community, and to encourage the active participation of all citizens in making art a valuable aspect of their daily lives. This Program represents a key supporting element for the achievement of the goals and objectives of the City's Fine Arts Master Plan.

II. Goals

A successful public art program, through a variety of approaches to site-specific art projects, seeks to achieve the following goals:

- Humanize the built environment through “place-making” symbols of civic pride and community identity, and through artistic statements that create a vibrant sense of place in public spaces.
- Make art accessible to the community so that the public may expand its experience, awareness, sensitivity, enjoyment and understanding of art; that the lives of our citizens and visitors will be enhanced through interaction with public art.
- Foster the concept of artists as “aesthetic decision-makers” to be recognized and actively utilized in the development and planning of the built and natural environment, and by encouraging collaborations between artists, urban planners, building and landscape architects, engineers and other designers.
- Provide diverse and challenging employment opportunities for contemporary artists from all ethnic communities to ensure that a broad cultural heritage will be reflected in the community's public art collection.

III. Arts Commission Role

The City of Chico Arts Commission was formed in 1990. The subsequent adoption of the Fine Arts Master Plan by the City Council in 1993, and additional project and funding source commitments made by the Council, demonstrates the City's commitment to involve the arts in the daily lives of our residents.

As a result of these and future efforts, public art in Chico has a major impact on the built and natural environment, further contributing to the community as an attractive and aesthetically pleasing place in which to live, work and visit.

The role of the Commission is to serve as an advocate for the arts and as a partner in the community's artistic and cultural development. It is the Commission's intention to oversee this mission, recognizing the complexities of balancing the needs of artists and the public for an attractive, unique and humane urban environment.

The art work which becomes the City of Chico's public art collection includes a wide variety of styles, materials, scale and artists. The Art in Public Places Program will strive for solutions that ensure that the art work, whether purchased or commissioned, is appropriate for its site. It is also the Program's goal to involve the artist early in the design phase of the building or facility whenever possible to ensure a totally integrated artistic solution.

The Arts Commission believes that the public's involvement in the process should begin prior to the project being developed. In order to achieve this goal, recommendations regarding the type of art project and its proposed location would be solicited through meetings with the neighborhood where the art is proposed to be placed. The project would then be developed taking into consideration the ideas, concerns and comments received from the community. The resulting art work or art treatment will, as a result, reflect the interests of the Chico community.

The Arts Commission recognizes that public education is a necessary component in a good public art program. It is with this in mind that the Arts Commission will develop an education program for each commissioned art work. Projects might include an exhibition, artists' visits to schools, pamphlets describing the work, slide shows, television interviews, or artists' public appearances. All of these activities are designed to bring the general public into closer contact with the work of art and/or the artist, and thereby assist in promoting an understanding of the work of art and the Art in Public Places Program.

The Arts Commission respects, and seeks to achieve, cultural diversity in all of its programs and administration by: (1) ensuring demographically diverse representation in decision-making in the selection of panel members and committees; and (2) development of policies, guidelines and procedures which provide equitable distribution of funding to arts organizations, artists, and activities which represent the various cultural communities of the City.

IV. Funding

The following sources of funding have been identified to support the City's Art in Public Places program:

1. Chico Merged Redevelopment Project Area and Greater Chico Urban Area Redevelopment Project Area. One percent (1%) of the estimated Net Tax Increment (Total Tax Increment less mandated transfers and administrative costs) generated in the Chico Merged Redevelopment Project Area and Greater Chico Urban Area Redevelopment Project Area is allocated to provide a source of funding assistance for public art projects within the Areas. (RDA Budget Policy E-1)
2. Non-Redevelopment Public Projects Exceeding \$200,000. For any project, subject to certain exceptions, with a cost of \$200,000 or more, involving the construction, rehabilitation, remodeling or improvement of a City building or facility, an amount of money equal to one percent (1%) of the total project cost, is set aside for the commissioning, purchase and installation of works of art, either as an integral part of the construction project, or at another City owned site. In the alternative, such funds may be deposited in a City Art in Public Places Fund for

future expenditure on public art projects. (Administrative Procedure and Policy Number 11 - 54)

Exceptions: Projects which are funded wholly or in part with Redevelopment Agency funds; projects involving remodeling for maintenance purposes (such as roof repairs, elevator repairs, etc.); projects involving remodeling for health and safety reasons or compliance with the Americans with Disabilities Act; projects or portions of projects funded by the State or Federal government, when public art is not an eligible expense; or maintenance of City infrastructure (such as street improvements, sewer line replacement, etc.), are excepted from this 1% funding requirement.

3. Private Development Projects (Voluntary Program). Private developers are encouraged to consider a voluntary expenditure of an amount equal to one percent (1%) of the building project valuation on works of art or art treatments as part of the project. In the alternative, developers may choose to contribute funds to a City Art in Public Places Fund to be utilized for public art projects at sites within the City, as determined by the Commission after consultation with contributing developers, in lieu of funding art within their own projects.

V. Definition of Art Work for the Art in Public Places Program

For the purposes of the Art in Public Places selection process, artwork includes, but is not limited to, all paintings, murals, inscriptions, stained glass, terrazzo floors, fiber work, statues, reliefs or other sculpture, monuments, fountains, benches, arches, or other structures intended for ornament or commemoration. Also, included are carvings, frescoes, mosaics, mobiles, photographs, drawings, collages, prints, and works in clay, fiber, wood, metal, glass, plastics, electronic and other media. Landscape items including the artistic placement of natural materials or other functional art objects may be included. Works of art may be portable as well as permanent.

VI. Artist Selection Process

1. **Residency.** An appropriate residency preference is determined by the Arts Commission at the time of the determination of the artist selection method, and takes into consideration the cost, nature and scope of the proposed art project. In this regard, the following geographic regions are utilized, as appropriate:

- Region A: Butte County
- Region B: Butte, Colusa, Glenn, Plumas, Shasta, Sutter, Tehama, Yolo, Lassen and Yuba Counties.
- Region C: Add Amador, El Dorado, Nevada, Placer, Sacramento, San Joaquin and Solano Counties to the Region B Counties.
- Region D: Northern California, from (and including) Monterey County north to the Oregon border.
- Region E: California.
- Region F: Western Region: California, Arizona, New Mexico, Washington, Oregon, Idaho, Wyoming, Utah, Nevada, Montana and Colorado.
- Region G: The United States.

2. **Artist Eligibility.** The Arts Commission will attempt to distribute commissions among a wide number of artists and will strive for overall diversity in styles, scale and intent. For commissions of \$15,000 or more, a period of three years must lapse between the completion of one project and the anticipated signing date of a contract to perform another contract before the same artist may again be eligible for consideration. For projects less than \$15,000, a period of one year must lapse between the completion of one project and the anticipated signing date of another contract in order to be eligible.
3. **Art Selection Panels.** For projects with a budget of less than \$6,000, the Arts Commission serves as the selection panel. For projects with a budget between \$6,000 and \$20,000, a panel of seven members selects the artist or art work. For projects \$20,000 and over, a panel of nine members selects the artist or art work.

Artist selection panels are selected by the Arts Commission. Seven member panels will be comprised of 3 visual arts professionals, 2 community members, 1 facility user or neighborhood representative and 1 architect or project manager. Nine member panels will be comprised of 3 visual arts professionals, 3 community members, 2 facility users or neighborhood representatives and 1 architect or project manager. As used herein, visual arts professionals are defined as artists, curators, art critics, art historians, or architects with a visual arts background who are recognized in his/her field as knowledgeable about contemporary visual art. Community members are selected by the Arts Commission from a list of applicants.

A non-voting facilitator, typically a City staff member, is utilized to assist the panel through the selection process. Staff is also responsible for taking notes in order to establish a record of the process.

In order to ensure perspectives which reflect the diversity of the City of Chico, no panelist serves more than once in any two year period. The Arts Commission, through the staff, establishes and maintains a file of potential panelists, containing information on the experience of individuals wishing to serve in this capacity.

Panel meetings will be advertised and open to the public. The public will be informed of all meetings and kept current on developments arising out of the selection process. Any artist presentations that take place will include an opportunity for the public to ask the artist(s) questions. Models will be displayed in a public space in order to receive public comment which will be summarized and provided for the selection panel for its consideration. The selection panel will prepare a summary justifying the final artist selection for the public and provide background information on the artist(s) and the proposal.

4. **Artist selection results from one of the following methods:**

Open competition: site and program advertised; applications accepted from all artists; model preparation fee is paid to artists selected as finalists.

Limited competition: a small number of artists are paid to develop proposals.

Invitation: one artist is paid to develop a proposal.

Direct purchase: a completed work of art is purchased.

Juried Competition: site and program advertised; applications accepted from all artists; an arts professional selects finalist.

In all cases, the Arts Commission must approve the selections. Depending on the project, approval must also be obtained from the City Manager or City Council. Not eligible to be selected for commissions are the project architects or members of consulting architectural firms, members of the project selection panel, other project design professionals (interior designers, landscape architects, design subcontractors, etc.), members of the Arts Commission or City support staff.

5. Following is the proposal fee schedule to be used for paying artists who are selected to develop a proposal in an open or limited competition or by invitation:

<u>Commission Amount</u>	<u>Proposal Fee</u>
\$ 1,000-\$5,000	Up to \$250
\$ 5,000-\$25,000	\$250-\$500
\$ 25,000-\$50,000	\$500-\$1,000
\$ 50,000-\$100,000	\$750-\$3,000
\$100,000-\$300,000	\$1,000-\$5,000

The specific proposal fee amount will be determined by the Arts Commission at the time the issuance of a Call for Artist Entries is approved. The proposal fees are assumed to include travel expenses, cost of materials, artist's time and delivery of the model unless otherwise arranged.

6. Selection Process Interruption: At any stage, the artist selection process may be interrupted by a majority vote of the appropriate body. At that point, the following options are available:

Selection Panel may:

- Ask artist for clarification or redesign of proposal.
- Select another artist
- Make no selection.

Arts Commission may:

- Ask panel for clarification.
- Ask panel for new artist.
- Develop new program.
- Convene new panel.
- Abandon project entirely.

In reviewing the panel's recommendations, the Commission takes into account the City's goal for developing a diverse art collection, its commitment to the panel process, the breadth of appeal to the community of the proposed art work and the Commission's role as a bridge between the arts community, the general public and the built environment. These considerations should outweigh individual personal preference in the Commission's decision-making process.

VII. Eligible Costs for the Art in Public Places Program

Eligible Costs for the Art in Public Places Program Include:

All art work described in the “Definition of Art Work for the Art in Public Places Program” set forth in Section V is an eligible expense for the Art in Public Places Program as well as the following:

1. Structures which enable the display of art work.
2. Administrative costs for project administration, artist selection, community education, publicity and other related costs.
3. Documentation (color slides and black and white photographs) of the artwork fabrication and installation and a plaque to identify the art work.
4. Artists fee for serving on a design team with the project architect.

Examples of eligible project costs include:

- Professional fees for the artist(s).
- Labor of assistants, materials, and contracted services required for the design, preparation and production and installation of the work of art.
- Coordination with project architect/manager/advisory group.
- Permit or certificate fees.
- Business and legal costs directly related to the project.
- Insurance as required by contract.
- Studio and operating expenses.
- Dealer’s fees, if necessary (the Arts Commission, in concurrence with the recommendation of the National Endowment for the Arts, recommends that no more than 10% of the artist’s fee be paid as a dealer/gallery commission).
- Hiring of consultants, if needed.
- Communication and other indirect costs (insurance, utilities).
- Travel expenses of the artist for site visitation and research.
- Preparation of the site to receive art work.
- Installation of the completed work of art.
- Contingency for unanticipated cost overruns.
- Other related costs not specified above.

Ineligible Costs for the Art in Public Places Program Include:

1. Directional elements such as supergraphics, signage, or color coding except where these elements are integral parts of the original work of art.
2. “Art objects” which are mass produced of standard design such as playground equipment or fountains unless defined as an integral part of the design and concept of the art work.
3. Reproductions, by mechanical or other means, of original works of art, except in cases of film, video, photography, printmaking or other media arts.
4. Decorative, ornamental, or functional elements which are designed by the building architect as opposed to an artist commissioned for this purpose.

5. Landscape architecture and landscape gardening except where these elements are designed by the artist and are an integral part of the work of art by the artist.
6. Services or utilities necessary to operate or maintain the art work over time.

VIII. Capital Improvement Projects Art Treatment Program

To implement Policy 1 of Objective 1 of Goal 4 of the City of Chico Fine Arts Master Plan - 1993, which states that, "Visual art and art treatments should be integrated into the design of public works projects undertaken by the City, including bridges, streets and sidewalks, parks and public buildings," the following process for systematically incorporating art treatments into appropriate City capital improvement projects is established:

1. Sites for potential Capital Projects art treatment(s) are identified by the following methods:
 - A. Regular review of the City of Chico 5 year Capital Improvement Program by the Arts Commission.
 - B. Public Works Director and staff recommend sites, using a checklist of criteria established by the Arts Commission.
 - C. Identification of sites or projects after consultation with the Park Commission and Airport Commission.
 - D. Interested citizens make suggestions to the Arts Commission.
2. Once the location or potential design opportunity is identified, an artist appropriate for the project is brought in during the pre-development or design stage of a project. A registry of artists who can bid on the project or be referred to the project designer to associate into the project team will be used for this purpose. The Arts Commission and staff will review the site and identify:
 - A. Potential locations within a site.
 - B. Types of art or art treatments appropriate to each location.
 - C. Vendors, fabricators, artists, and/or designers appropriate to complete the work.
3. The Arts Commission recommends proposed art treatment and implementation to the City Council for approval. Funding for the art work or art treatment is included in the funding for the Capital Project.

IX. Private Development Projects (Voluntary Program)

It is the desire of the City of Chico that public art be incorporated into new development projects in accordance with the guidelines set forth in this section. Given the broad definition of public art encompassed by the Art in Public Places Program and the potential economic benefits which can be achieved from incorporating art into private projects, the City suggests private developers consider a voluntary expenditure of an amount equal to one percent (1%) of the building project valuation on works of art or art treatments as part of the project. In the alternative, developers may choose to contribute funds to the City Art in Public Places Fund to be utilized for public art projects at sites within the City, as determined by the City.

If the developer decides to participate in the City's Art in Public Places Program, the proposed work of art needs to meet the goals of the program. Developer art projects will then be included in all City generated education programs and promotional campaigns. All works of art in private development projects are selected by the developer in accordance with the City's Art in Public Places Program and the Guidelines for the Installation of Art in Private Development Projects set forth below.

Developers will be informed of the City's willingness to assist them in the public art process at the time they make an application to the City of Chico. Information on the public art program will be placed in the applicant's information packet which is made available to all developers at the start of the development review process. Developers may arrange to meet with a member of the City staff, who will explain the public art program. It is the desire of the City that the public art for a project be developed early in the design process; however, a developer may wait until all project approvals have been received before proposing public art for a project.

Guidelines for the Installation of Art in Private Development Projects:

1. The work of art will be installed prior to issuance of a certificate of occupancy or other time frame specified in the approved arts plan.
2. The developer may use any of the art selection methods listed in Section VI 4.
3. If the artist is required to develop a proposal, he/she should be paid.
4. The selection of a site is as important as the selection of the artist. Often, works of high quality fail in public situations because they are out of scale in their location, hidden by an architectural feature, situated in an unused site, or improperly lighted. Developers are encouraged to consult artists in the selection of sites for their art work and in arranging for proper lighting at the site.
5. Exterior sites are encouraged for maximum public access.
6. All permanent installations of art work should have a plaque of durable material adjacent to the art work listing the title of the art work the artist's name and the date completed.
7. All financial arrangements are negotiated between the developer and the artists. The City has sample contracts that can be used as models and is also willing to assist in the negotiations between the artist and developer.

8. Site specific artwork is encouraged. Ideally the artist should be involved in the development project at the conceptual stage.

Upon the request of a participating developer, staff will assist the developer in obtaining approval of the art installation in the Development Review Committee or the Architectural Review Board process.

Once the art is installed, the developer/landowner of the site or building maintains ownership of the work of art and is responsible for maintenance and conservation.

The developer will receive formal recognition as a participant in the City's Art in Public Places Program, which can be used in promoting or marketing the development project.

1. Development projects which are included in this program include:
 - A. Multi-family residential projects of all types with more than 25 units.
 - B. Single-family detached developments of 25 or more units. The phasing of artwork installation within single-family development projects may be included as part of the art plan.
 - C. Commercial, industrial, institutional and public building projects with a building valuation exceeding \$200,000.
 - D. Any remodeling project of an existing building in excess of \$200,000, which improves or enlarges spaces in the building regularly frequented by the general public, or which is located in a highly visible public area.

2. Development Projects Not Recommended for the Program:
 - A. Projects involving remodeling for maintenance purposes (roof repairs, elevator repairs, etc.).
 - B. Projects involving only remodeling for health and safety reasons or compliance with the Americans with Disabilities Act.

X. Loan of Art Works to the City

1. In accordance with Administrative Procedure and Policy No. 11-51, approved by the City Council on November 21, 1995, the following policy regarding donations of art works to the City applies:

Policy: the City of Chico will accept works of art on a loan basis from individuals, firms or corporations subject to the provisions and conditions set forth below.

2. A person desiring to loan a work or works of art to the City shall do so in the form of written offer to the Arts Commission. In addition to the offer, the letter will include the following:

- A. Description of the work or works of art.
 - B. Documentation materials of the art work being offered, to include pictures, slides, dimensions, medium, title, year of creation, and a resume of the artist.
 - C. Maintenance requirements.
 - D. Installation requirements.
 - E. In the event the City agrees to insure the work of art, an appraisal of the value of the work shall be submitted.
3. Acceptance of the loan of works of art is subject to approval of the City Council upon recommendation of the Arts Commission.
4. Such acceptance is subject to the following conditions and provisions:
- A. That the work of art is loaned the City at no cost or expense to the City.
 - B. Upon reversion of possession of the work of art to the owner at the end of the loan term, costs associated with the removal of the work from City's premises including, but not limited, to transportation and storage costs, are at the sole expense of the owner.
 - C. That at all times during the time that the work of art is on loan to the City, title of the work remains vested in the owner.
 - D. That the period of time that the work of art is on loan to the City is determined by mutual agreement of the Arts Commission and the person, firm or corporation offering the loan.
 - E. That the City has the right in its sole discretion to publicly display the work of art in any manner and location consistent with the type of art work being loaned. The City retains the right to not display the work of art.
 - F. That, unless otherwise provided for in the loan agreement, the City is not liable for damage or loss of the work of art, and the owner is responsible for insuring the work of art.
5. A written agreement between the owner and the City, which includes the above provisions and conditions, shall be entered into between the parties prior to the City accepting possession of works of art.
6. Variations from the above requirements shall be made only upon the recommendation of the Arts Commission and approval by the City Council.

XI. Donations of Art Works to the City

In accordance with Administrative Procedure and Policy No. 11-52, approved by the City Council on November 21, 1995, the following policy regarding donations of art work to the City applies:

Policy: the City of Chico will accept donations of works of art from individuals, firms or corporations, provided that such works of art are free and unencumbered. Acceptance of such donations shall first be considered by the Arts Commission for recommendation to the City Manager as to acceptance or rejection. In considering the donation, the Commission will be guided by the inherent quality of the object or work offered for donations, and its appropriateness. Acceptance of the donation shall be made by the City Manager in accordance with the applicable Annual Budget Administration Policy adopted by the City Council. Pursuant to such policy, donations with an appraised value in excess of \$10,000, shall require City Council approval. All donations accepted become the sole property and responsibility of the City of Chico which shall have the unlimited right to install, display, store, donate, sell or otherwise dispose of donated work or works of art.

1. A donor who wishes to donate a work or works of art shall do so in the form of a letter to the Arts Commission. In addition to the offer, the letter will include the following:
 - A. Description of the donation being offered.
 - B. Documentation materials for the art work being offered, to include pictures, slides, dimensions, medium, title, year of creation, and a resume of the artist.
 - C. Maintenance requirements for the art work.
 - D. Installation requirements for the art work.
 - E. A statement indicating that the art work is free from any and all encumbrances.
 - F. A copy of an appraisal of the value of the art work, if available.
2. The Arts Commission will consider the offer of donation and provide a recommendation the City Manager as to acceptance or rejection, and any other appropriate matters such as location for placement, etc.
3. In the event that the donation is accepted by the City, the donor shall be required to sign a release letter for the work or works of art.

XII. Title/Ownership of Art Work

The City of Chico maintains ownership of any art work that is part of the Art in Public Places Program and the maquette (model) or a mutually agreed upon portion of the commissioned proposals.

XIII. Maintenance

The ongoing upkeep and maintenance of art work, except for art work placed in private development projects, is the responsibility of City staff.

XIV. Definitions

Advisor: A volunteer of recognized competence in a specialized field asked by the Arts Commission to provide advice on some aspect of the project.

Architect/Engineer: A principal or his/her licensed representative of the firm who is responsible for designing the improvement project to which the policy applies.

Arts Commission: The seven member body appointed by the Chico City Council responsible for recommending the selection process and the specific expenditures of funds for each project.

Art in Public Places Fund: The fund administered by the City's Finance Department into which all money designated for the public art program originating from private development projects or other non-city sources will be deposited.

Artist: A practitioner in the visual arts, recognized by peers as a professional of serious intent and ability, who produces works of art.

Building Valuation: The valuation of the project, as determined by the City Building Official, based on square footage.

Capital Improvement Projects: The annual program for City financed new construction or remodeling of any public buildings, places, or parks.

Consultant: A paid person of recognized competence in a specialized field of regional, national or international status, hired by the City to provide advice on some aspect of the project.

Contract to Purchase Art Work: The contract into which an artist must enter to be contracted for an Art in Public Places commission. This contract is an agreement between the artist and the City which defines the conditions under which the art work is designed, fabricated, and installed. It also defines the project schedule, payment schedule, and copyright for the art.

Panelist: A person appointed by the Commission to assist in the selection of artists and artwork. The expertise of peers, architects, engineers, facility users and community representatives will be utilized.

Proposal: A written narrative and a model, drawings or other appropriate plan which gives a clear presentation of the proposed art work. The proposal will indicate the size, materials, colors, and finishes of the work, as well as how the work is to be integrated into the site aesthetically, and how it will be permanently installed. The fabrication and installation process is described, and an approximate schedule for design, fabrication, and installation is included. The proposal also contains a detailed budget, including estimates for all of the items covered in the commission amount.

Public Art Collection: All works of art owned by the City of Chico, either site-specific or part of the portable collection.

Public Place: Any area on public property which is accessible and visible to the general public.

Request for Qualifications/Request for Proposals (RFQ/RFP): Types of announcements issued as calls for artists. An RFQ asks the artist to describe his or her qualifications through a narrative about relevant experience as an artist and working with others such as architects, contractors, and community members. An RFP asks for a proposal to be submitted describing the artist's idea or concept for a particular project. The artists will also provide a current resume, current slides, and general concepts or ideas he/she may have for the project.

Site Specific Art Work: A work of art that is created with a "sense of place" for a particular location. "Sense of Place" refers to the physical location of the facility within a particular community, the history and function of the facility, the community's history and its current demographics.

Visual Arts Professional: A paid professional in the visual arts field including curators, visual artists, critics, historians, and educators.