



Staff Report

RESOLUTION AMENDING ART IN PUBLIC PLACES POLICY

Honorable Mayor and Council Members:

Summary

The Art in Public Places Policy designates the City's Art Commission as the body responsible for reviewing and making recommendations to the City Council relating to the acquisition, loan and placement of art in public places. Since the Art Commission was dissolved in 2004 it is necessary to designate another city body to perform this function. Staff is recommending the Parks & Recreation Commission be designated to replace the Art Commission in this capacity.

Background

In July 2002 the City Council approved the Art in Public Places Policy. The policy included sections on procedures for the acquisition of donated artworks and procedures for the loan of artwork.

In November 2003 the Council amended the policy to include a section for procedures for the purchase of artwork.

The policy designates the Art Commission as the body to review and make recommendations to the City Council on matters pertaining to the policy.

Discussion

In October 2004 the Arts Commission was dissolved due to staffing and budget considerations. In order to implement the goals of the policy a new body needs to be designated. The Parks & Recreation Commission is recommended to take over this responsibility.

Fiscal Impact

There is no fiscal impact related to the recommended change to the policy.

Public Contact

Posting of City Council Agenda.

Recommendation

It is recommended that Council adopt the attached Resolution designating the Parks & Recreation Commission as the body responsible for implementing the Arts in Public Places Policy.

Alternatives

1. Deny the Resolution.
2. Refer back to staff for additional information and direction.

Attachments

- A. Resolution
- B. Art in Public Places Policy (Exhibit A)

Respectfully submitted,

Karl Mittelstadt
Director of Parks & Recreation

Daniel Rich
Interim City Manager

RESOLUTION NO. _____

**CITY OF BELMONT
SAN MATEO COUNTY, CALIFORNIA**

RESOLUTION AMENDING ART IN PUBLIC PLACES POLICY

WHEREAS, the City Council adopted the Art in Public Places Policy in July 2002; and

WHEREAS, the City Council amended the Art in Public Places Policy in November 2003; and

WHEREAS, since the Art Commission was dissolved in October 2004 it is necessary to amend the Art in Public Places Policy; and

WHEREAS, the Parks and Recreation Commission will be designated to provide recommendations to the City Council on art in public places consistent with the Art in Public Places Policy.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belmont hereby approves an amendment to the City’s Art in Public Places Policy as described in attached Exhibit “A”.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on April 26, 2005, by the following vote:

AYES, COUNCILMEMBER(S): _____
NOES, COUNCILMEMBER(S): _____
ABSTAIN, COUNCILMEMBER(S): _____
ABSENT, COUNCILMEMBER(S): _____

CITY CLERK of the City of Belmont

APPROVED:

MAYOR of the City of Belmont

DRAFT

EXHIBIT "A"

City of Belmont

Policy for Art in Public Places

The City of Belmont hereby establishes the following policy for the acquisition, maintenance and divestiture of artwork by the City through gift, loan or purchase.

This policy establishes a protocol and standard for the acquisition and divestiture of such proposed donations, loans or purchases of artwork. The purpose and intent of this policy is to ensure that works of art accepted or purchased by the City of Belmont are appropriate for the municipal collection.

I. Procedures for Acquisition of Donated Works of Art

Application

Each proposed donation or gift, of a work of art to the City of Belmont shall be the subject, of a written 'Municipal Art Donation Application' submitted to the City. No proposed donation shall be deemed accepted by the City until and unless all required approvals have been granted, including but not limited to action by the City of Belmont City Council. An application for each proposed donation shall be submitted in a form provided to the City of Belmont ~~Arts Parks & Recreation~~ Commission, in care of the ~~Director of Parks and Recreation~~ *Department*, and shall consist of the following items:

1. Completed application form.
2. Photographs, drawings, models or designs of the proposed donation.
3. Description of the work of art or designs of proposed donation, limited to artist rendering, maquettes, media representation, materials to be used (including support materials) lighting requirements, plans and colors.
4. Title, date, dimensions, weight and media of the proposed donation.

5. A site plan of the proposed location for the donation to be installed, if any, including, but not limited to photographs and drawings of the site.
6. Installation schedule.
7. Engineering requirements, if any.
8. Maintenance manual and schedule.
9. Cost of installation (with itemized budget).
10. Biography of the artist and examples of the artist's previous work.
11. Gift Deed executed by the donor.
12. Such other information or materials determined by the ~~Arts~~ *Parks & Recreation* Commission to be necessary or appropriate for consideration of the proposed donation.

Upon their submission, all applications, including all materials submitted therewith, shall become the sole and exclusive property of the City of Belmont and shall not be returned to the applicant under any circumstances.

B. Review Criteria and Process

Each proposed donation of a work of art to the City of Belmont shall require the initial

Review and recommendation of the ~~Arts~~ *Parks & Recreation* Commission. Upon such action of the ~~Arts~~ *Parks & Recreation* Commission, the proposed donation shall be submitted to all other boards and committees necessary for the City's approval of acceptance

The ~~Arts~~ *Parks & Recreation* Commission shall review all applications for proposed donations of works of art and shall consider and evaluate each work of art with regard to the following nonexclusive list of factors;

1. Technical feasibility and needs of the work of art.
2. Installation cost of the work of art.
3. Maintenance requirements of the work of art.
4. Durability and anticipated life of the work
5. Safety hazards and potential for vandalism of the work of art.
6. Proposed site (if any) of the work of art.

7. Artistic quality of the work of art.
8. Context of the work of art within the City collection.
9. Professional credentials of the artist.

review of a particular application. Upon its consideration and evaluation of the application, the ~~Arts~~ *Parks & Recreation* Commission shall prepare a written report addressing the above listed factors and shall vote to recommend that the City Council either accept or decline the proposed donation of artwork. A majority vote of a quorum of the ~~Arts~~ *Parks & Recreation* Commission shall be deemed sufficient to make a recommendation. All recommendations of the ~~Arts~~ *Parks & Recreation* Commission shall be presented to the City Council for final action on the application, and no proposed donation of a work of art shall be deemed to have been accepted by the City of Belmont until and unless the proposed donation is approved by the City Council.

C. Acceptance of the Donation

Acceptance of a gift of a work of art shall be acknowledged through a written "Notice of Approval" signed by the City of Belmont and conditional upon execution of a contract transferring title of the artwork donated in a "Notice of Acceptance".

D. Maintenance of Donated Artwork

All materials used in the creation of the artwork must be reasonably calculated to last in a public, non-archival setting to the extent intended by the artist, and announced in the application. Notwithstanding the foregoing, the City Council; retains and reserves the sole and exclusive discretion to temporarily or permanently modify, relocate or divest the donated artwork when deemed necessary or appropriate in furtherance of the public health, safety or general welfare.

From time to time, the ~~Arts~~ *Parks & Recreation* Commission may, by majority vote, recommend to the City Council that previously donated works of art accepted into the municipal collection be temporarily or permanently modified, relocated or divested.

In the event that the City Council considers the temporary or permanent modification, relocation or divestiture of donated work of art, the donor shall be provided with advance written notification of such consideration.

II. Procedures for the Loan of Artwork

A. Procedure

Each proposed loan of artwork to the City will follow the same principles and guidelines as the procedures for the acquisition of public artwork through donation.

1. The Agreement for Loan of Artwork shall be acknowledged through a written Agreement signed by the Artist and the City of Belmont.

III. Procedure for the Purchase of Artwork

A. Consideration and Evaluation

The ~~Arts~~ *Parks & Recreation* Commission shall review all proposed purchases of works of art and shall consider and evaluate each work of art with regard to the following non-exclusive list of factors;

1. Technical feasibility and needs of the work of art.
2. Installation cost of the work of art.
3. Maintenance requirements of the work of art.
4. Durability and anticipated life of the work
5. Safety hazards and potential for vandalism of the work of art.
6. Proposed site (if any) of the work of art.
7. Artistic quality of the work of art.
8. Context of the work of art within the City collection.
9. Professional credentials of the artist.

The ~~Arts~~ *Parks & Recreation* Commission, with the consent and authorization of the City Council, may d

Approval, Acquisition and Installation

Upon its consideration and evaluation of the purchase, the ~~Arts~~ *Parks & Recreation* Commission shall prepare a written report addressing the above listed factors and shall vote to recommend that the City Council purchase the artwork. A majority vote of a quorum of the ~~Arts~~ *Parks & Recreation* Commission shall be deemed sufficient to make a recommendation.

All recommendations of the ~~Arts~~ *Parks & Recreation* Commission shall be presented to the City Council for final action on the purchase, and no proposed purchase of a

work of art shall be deemed to have been accepted by the City of Belmont until and unless the proposed purchase is approved by the City Council.

During the review process, the ~~Arts~~ *Parks & Recreation* Commission may draft an interim report of the evaluation of the proposed purchase that shall be presented to the City Council for review and discussion prior to the finalization of the proposal for the City Council's decision.

Upon approval of the purchase, the ~~Arts~~ *Parks & Recreation* Commission shall work with City staff as necessary to inform the artist in writing of the City Council's decision, initiate a purchase order and a Deed of Purchase/Transfer, legally transferring the artwork and the copyright (as applicable) to the City of Belmont.

1. The Agreement for Purchase of Artwork shall be acknowledged through a written agreement signed by the Artist and the City of Belmont.

Upon completion of the purchase, the ~~Arts~~ *Parks & Recreation* Commission shall work with City staff as necessary to see that the artwork is properly installed, insured, photographed, catalogued and necessary maintenance scheduled.

The ~~Arts~~ *Parks & Recreation* Commission shall submit a final report to the City Council confirming the completion and installation of the purchased artwork

Maintenance of Purchased Artwork

All materials used in the creation of the artwork must be reasonably calculated to last in a public, non-archival setting to the extent intended by the artist. Notwithstanding the foregoing, the City Council; retains and reserves the sole and exclusive discretion to temporarily or permanently modify, relocate or divest the artwork when deemed necessary or appropriate in furtherance of the public health, safety or general welfare.

From time to time, the ~~Arts~~ *Parks & Recreation* Commission may, by majority vote, recommend to the City Council that previously purchased works of art accepted into the municipal collection be temporarily or permanently modified, relocated or divested.