



## **COUNCIL POLICY 1.30**

### **CAMPBELL PUBLIC ART POLICY**

#### **I. PURPOSE**

The purpose of this policy is to establish uniform guidelines and procedures for the inclusion of publicly accessible visual art on public property, and to establish consistency related to art in municipal construction projects.

This policy also provides a process by which the City can accept artwork either on loan, consignment, or as a gift as part of a public art program.

Public art should reflect Campbell's culture and history, and provide opportunities for education and learning, as well as encourage civic pride and add value to the community.

Uniform procedures and guidelines for the permanent removal or deaccession of a City-owned public art piece are included herein.

#### **II. POLICY SCOPE**

This policy applies to the design and installation of all artwork loaned, gifted, purchased or commissioned by the City for public display that is publicly accessible or visible. This includes all above ground, publicly funded buildings or public open space projects within City boundaries, and includes the development or renovation of all public facilities such as parks, street medians, City gateways, public plazas, and any other areas identified by City staff, master plan, or developed in accordance with Council direction.

#### **III. APPLICABILITY**

This policy applies when public art is located on City property that is viewable and accessible from the public right-of-way. Public art will be required when design and construction of a City project on a development site exceeding one (1) acre in size.

#### **IV. LOCAL PREFERENCE**

Applicant artists from Campbell should receive preferred consideration under this policy. However, artists and artwork from other geographic areas may also be considered for inclusion.

#### **V. PUBLIC ART APPLICATION PROCEDURE**

A. Application Process (Public Projects)

The Civic Improvement Commission shall be the lead advisory body to the City Council on reviewing and making recommendations to the City Council on proposed public art. This does not preclude, however, other advisory boards and commissions, such as the Parks and Recreation Commission and the Historic Preservation Board, from reviewing and commenting on proposed public art.

In overseeing applications for new public art, the Civic Improvement Commission may consider the following aspects, unless there is specific direction from the City Council:

- Open Competition
- Invitational Competition
- Direct Selection
- Unsolicited Proposals

#### B. Selection Criteria

Prior to providing general comments, concerns and/or recommendations to the City Council, the Civic Improvement Commission may consider the following criteria in reviewing new or proposed public art requests:

- Aesthetics
- Quality
- Style
- Durability
- Public safety and City liability
- Cultural/historical relevance
- Technical feasibility (i.e., artists' ability to successfully complete the artwork as proposed)
- Prevention of duplication

#### C. Review and Appeals Process:

The Directors of Public Works, Recreation and Community Services, Community Development, or their designees, shall be responsible for identifying public art construction and renovation projects that align with this policy's requirements.

To this end, the following internal protocols should be established:

- **Public Art Review Committee (PARC):** Staff from the Departments of Public Works, Recreation and Community Services, and Community Development will lead the public art review requirement of a capital improvement project or renovation project. A public art expert should also be a member of PARC.
- **Location and Artwork Review:** The PARC will provide input on possible locations and type of artwork to be considered.

- Artwork should complement the public space and surroundings for which it is proposed as to not appear as a mere add-on. Artwork should also be a focal point within its surroundings because such pieces serve as communal meeting points.
- Recommendation: After conducting review and oversight, the PARC will forward its recommendations to the Civic Improvement Commission for determination.
- Review artists' qualifications and artwork proposal.

The following steps are to be followed:

1. As part of its evaluation, the CIC may request staff to develop an RFP or RFQ for comparable artwork at the same proposed location (if applicable). The RFP/RFQ should include, but not be limited to:
  - a. Artist's timeline beginning with the project design phase.
  - b. Any restriction and requirement of the project as defined by staff and/or project manager.
  - c. Artist's responsibilities to the project regarding time and involvement with the project manager and project team.
  - d. Potential sites and material for the artwork(s).
  - e. Necessary community outreach efforts for the design development.
  - f. Purpose of the project, identification of stakeholders, and vision for the artwork(s).
2. Selection of the artist and artworks will fall into one of three processes:
  - a. Open Competition: For most projects.
  - b. Invitational Competition: For small projects, typically using a prequalified artist pool.
  - c. Direct Selection: Commission an artist(s) for specific projects that lend themselves to a specific stylistic approach.
  - d. Unsolicited Proposals: Such proposals need to be presented to the Civic Improvement Commission for initial consideration consistent with this policy, after which will be reviewed by the PARC. The PARC will submit written recommendation to the Civic Improvement Commission for final review. The CIC will then submit written recommendation to City Council for consideration.
3. If the Civic Improvement Commission determines that the proposed installation would have an impact on the Campbell community, the Commission may hold a public meeting for community feedback.

4. The Civic Improvement Commission will recommend the selected artist's proposal to the City Council for consideration with the concurrence of the Public Works Director, Director of Recreation and Community Services, Deputy City Manager, or their designees.
5. The selected artist will work with the appropriate department(s) and project manager as noted in the RFP/RFQ and contract.
6. Every effort should be made to conduct the artist selection and contract process in a timely manner to optimize coordination during the construction phase.
7. The City Manager or his/her designee will work closely with the project manager to coordinate efforts and ensure smooth management of the art installation.
8. The City Council shall make the final decision regarding proposed installation of artwork including its location.
9. No acquisition or acceptance of artwork loaned, gifted, purchased or commissioned shall occur without written approval from the City Council.
10. Acceptance shall result in a contract between the lender, donor or artist, which will include a clearly defined time period where applicable with the lender retaining ownership of the artwork.

## **VI. UNVEILING AND DEDICATIONS**

- A. Public unveiling and dedication ceremonies are optional at the City's discretion.

## **VII. OWNERSHIP AND MAINTENANCE**

The City of Campbell owns and maintains all art on City property and in the public right of way, and has sole fiscal and legal responsibility for artwork and maintenance of the artwork in these locations.

## **VIII. DE-ACCESSION (REMOVAL)**

- A. Public art may be removed by recommendation of City staff and followed by the City Council for approval for the following reasons:
  - Security
  - Public safety
  - Inauthentic
  - Stolen art
  - Theft

- Damage beyond repair
- Loss of site (alteration/sale of site)
- Temporary acquisition
- Excessive/duplicative representation
- Aesthetic value
- Content

## IX. DEFINITIONS

**APPROVED PUBLIC SITES:** Approved sites include all publicly funded buildings or public open space within city boundaries, including the development or renovation of all public facilities such as parks, street medians, City gateways, public plazas and any other areas identified by City staff, master plan or developed in accordance with Council direction.

**ARTIST:** A practitioner in the visual or fine arts, generally recognized by critics and peers as one who produces works of art.

**ART WORK:** All forms of original creations of visual arts including, but not limited to:

- Sculpture in any material or combination of materials
- Painting—all media including portable and permanently affixed works, such as murals and frescoes
- Graphic Works—print making and drawing
- Mosaics
- Photography
- Crafts in clay, fiber and textiles, wood, metal, plastic and other materials
- Stained glass
- Mixed media—any combination of forms or media, including collage
- Earthworks—use of the natural landscape to create structures, art forms and sculptures to the extent that landscape and art are inextricably linked.

**CAPITAL IMPROVEMENT PROJECT:** A capital improvement project is a City improvement or construction project valued in excess of \$25,000.

**CONSULTANT:** A consultant is any firm, individual, joint venture or team of firms or individuals with which the Developer/City or Agency contracts for design or other consulting services related to the Public Art Program.

**DESIGNER:** Is any consultant providing design services for the execution of a public art project or subsequent renovation projects.

**ELIGIBLE ART PROJECT MATERIALS:** Under this policy, eligible art project materials shall include, but are not limited to, sculptures, paintings, murals, and art materials and crafts made of clay, wood, metal, plastic, or any combination therein.

**MUNICIPAL CONSTRUCTION AND RENOVATION PROJECTS:** Examples include, but are not limited to, the Community Center, City Hall, Heritage Theatre, City parks, focal points or gateways into the community and any future buildings that are comparable in nature.

**PROJECT:** Means a proposal for the development of improved or unimproved real property including, but not limited to, offices, hotels, motels, commercial property and/or planned development.

**PUBLIC ART:** Artwork purchased, commissioned, displayed and/or maintained and located on public property that is fully funded, owned and maintained by the City.

**PUBLIC PLACE:** Is any area of property that is accessible or visible to the public.

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