

# City of Davis Public Art Guidelines



## Art in Public Places Program

Since 1973, the City has set aside 1% of all funds allocated for Capital Improvement Projects to purchase art that enhances the quality of the Davis environment. The artists selected through this program represent a diversity of style and media. Sculpture, murals, paintings, tile work, and functional pieces are located around the city for your enjoyment.

The City's Civic Arts Commission (CAC) is charged to advise the city council and city staff on all matters relating to cultural arts and shall also:

- Encourage programs for the cultural enrichment of the city.
- Coordinate and strengthen existing organizations in the Arts and Culture sector.
- Propose methods to encourage private initiative and development in the arts.
- Advise and consult with other groups and individuals of the community, and coordinate with the state and federal cultural commissions in obtaining the benefits of this knowledge or experience and resources available in the arts and culture sector.
- Formulate programs and methods to encourage creative opportunities to the highest standards, as well as encourage increased public understanding, appreciation and enjoyment of all forms of public art and cultural activity.
- Review and make recommendations regarding all works of art to be acquired by the city—either by purchase, gift or otherwise—and their proposed locations.
- Review and make recommendations with reference to any existing works of art in the possession of the city in connection with the removal, relocation or alteration thereof. (Ord. No. 721, §2.)

In recognition of the increased demand to provide for, and maintain, quality public art throughout the city, the Civic Arts Commission has adopted the following procedural guidelines to direct the city's public art program in an equitable and consistent manner.

The Public Art Guidelines were developed to implement established city policies. While broad enough to steer most future public art activities, the guidelines may be revised by future Commission action as needed to ensure continuance of a high quality, expanding public art program.

The Public Art Guidelines are divided into four sections:

- I. Site-Specific Public Art Acquisition Guidelines (permanent and temporary artwork)
- II. Purchase Award Public Art Collection (PAPAC) Guidelines
- III. Gifts and Bequests Guidelines
- IV. Maintenance and Deaccessioning Guidelines

## **Section I. SITE-SPECIFIC PUBLIC ART ACQUISITION GUIDELINES**

**PURPOSE** The purpose of the city's site-specific public art collection is to acquire temporary and permanent works of art that are created in response to site-specific context.

The goals of the program are to enhance a sense of place and character of site, interact with the environment, reinforce neighborhood centers and pedestrian-oriented areas, enrich and enhance community character, improve quality of everyday life, and further Davis' standing as a regional cultural and educational center.

The CAC considers site-specific public art, both permanent acquisitions and temporary installations and activities, to be the city's highest priority for Municipal Art Fund expenditures.

**A. Permanent Site-Specific Artwork** Permanent site-specific artwork typically has a longevity of 20 years or greater. The city commits to maintaining the piece in perpetuity, subject to unforeseen problems, significant construction failure or extensive vandalism that might trigger a deaccessioning process.

### **1. Planning for Permanent Site-Specific Artwork**

Planning should be kept flexible enough to accommodate unusual or innovative projects. Criteria and approach may change depending on the needs of the specific project. On an annual basis, or more frequently as needed, Commission will:

- a) Review the Municipal Art Fund balance and set priorities for future public art locations. All locations will be accessible to the public, including persons with disabilities.
- b) Broadly publicize the planning process in print and electronic/social media to ensure that public has an opportunity to comment.
- c) Begin process as early as possible for new development projects to ensure that artists are involved with architects and/or landscape architects in new development and re-development projects from planning stages forward.
- d) Widen prospective applicant pools. Maintain local, regional, statewide and national mailing lists and send announcements to all eligible groups. Ensure that announcements are posted at the UC Davis and regional art departments and arts organizations, published through regional publications such as "ArtWeek" and "Studio Notes," and mailed to the city's dedicated mailing list of interested artists.
- e) Develop a draft project specific Art Plan as soon as possible. Art plan should include information on project goals, possible sites within general location, proposed budget, geographic eligibility requirements, panel membership, art selection process and timeline.

### **2. Process for Selecting Permanent Site-Specific Artworks**

The Commission generally runs a competition to select a pool of finalists who submit proposals for a project. The competition may be open to regional, national or international artists. The special needs and goals of each public art project will be

determined on a case-by-case basis; this may lead to various selection processes, including open, limited, or invitational competitions.

The commission is committed to the idea that artwork we fund in the future should enhance and contribute to the diversity of the city's collection, as well as represent the richness of the community. It is therefore suggested that, if awarded a public art commission, an artist should be required to wait five years before reapplying for a new permanent artwork.

The following is the model selection process approved for use in public art competitions. Changes to the model process, including pre-selection of artists prior to development of final art proposals, will be considered and approved by the Civic Arts Commission as needed to meet specific project goals. In no case will a contract to fabricate an artwork be awarded until final design is approved in accordance with all acquisition parameters. Staff will advise on budgets for specific projects.

- a) **Creation of a project-specific Art Panel:** After identifying a project, the Civic Arts Commission will convene an art panel. It should consist of 4-6 members from the following categories: project architect if applicable, a professional artist, site users and/or community members, and 1-2 CAC members.

The panel will be charged with reviewing and revising draft art plan and will serve as a jury to make recommendations to the CAC and the City Council of artwork to be installed.

- b) **Phase I:** With staff assistance, panel reviews draft art plan and approves a prospectus in the form of a "Request for Qualifications." The prospectus should include an art budget, the project timeline, a narrative description of sites, submission requirements and a description of the panel. Artists respond to the RFQ by submitting slides, resume, and artist's statement of interest in the project. Panel reviews submissions, interviews artists if possible and deemed necessary, selects three to five artists as finalists to develop art proposals, or a single artist if there is a clear consensus. The project schedule will be determined by staff and the needs of each particular project.
- c) **Phase II (if used):** Finalists are given a stipend to develop art proposals that include: drawings and/or models, a narrative description of the proposal, samples of materials to be used, a project budget, a written description of the fabrication and installation process and a list of subcontractors that will be involved for all work not directly performed by artist.

Each finalist shall receive a description of the following: building, zoning or other relevant regulations, complete plans, relevant environmental concerns or regulations, preferences regarding proposal format and content. It is recommended that all of the finalists meet with the architect if applicable prior to developing the proposal.

After a review of the finalists' proposals, the panel may select one proposal to forward to the CAC and then to the City Council for approval. If no proposals are deemed to have merit, the competition may be reopened or cancelled.

- d) **Phase III:** The city and the artist will enter an agreement for final design, fabrication and installation. The city will use the approved model art purchase agreement as the basis for all contracts.

Significant design changes, whether motivated by structural, safety, aesthetic, or financial concerns, must be approved by the CAC. If the total for all budget items increases by more than 10 percent, the CAC must be consulted. The CAC may vote to approve more funds to complete the piece or terminate the piece as per contractual terms agreed to by the city and the artist.

### **3. Permanent Site-Specific Artwork Evaluation Criteria**

In all competitions, the following criteria will be evaluated to determine if a proposed artwork will be accepted by the city:

- a) The aesthetic quality of the work of art
- b) The history, reputation and/or promise of the artist
- c) That the work enhances and expands the existing City collection, adds to the collection's diversity (in terms of media, artists, and/or aesthetic sensibilities), or contributes in a significant way to enriching the City cultural environment.
- d) That the work meets identified project goals as described in the project art plan, including but not limited to all site and maintenance requirements.
- e) That the artist has ability to manage project deadlines and budget.

**B. Temporary Site-Specific Artworks** Temporary site-specific artwork is work conceived as temporary in nature that includes, but is not limited to: a one-time event, a piece that is made of perishable materials, or a finished work that will be installed temporarily. A mural could be a temporary piece if a short-term longevity is agreed upon as part of the project goals. Temporary pieces may be very brief in nature, perhaps lasting less than one day, or remain on site for two to five years, depending on the project parameters.

#### **1. Planning Parameters for Temporary Projects**

- a) The CAC will form a Temporary Projects Advisory Committee to facilitate and do outreach with artists. Committee would include 1-2 commission members along with local artists. Temporary Project Advisory Committee would investigate alternative exhibit sites (i.e. existing map cases, billboards, art events, farmers' market, and DDBA sponsorship of temporary installations in store windows).
- b) Committee will plan for types of artwork that may not normally get funded. Performances, sound installations, and sculpture or other work made with ephemeral materials are but a few examples of impermanent projects that could be funded.
- c) The committee will determine a budget based on funding availability and develop competition process and timeline that respond to budget constraints.

- d) In addition to competition parameters established annually, the Committee will review unanticipated proposals generated by the community as needed in order to facilitate exemplary creative projects, based on city's funding availability.
- e) Committee will encourage dialog between the City and the University, as well as other arts and educational institutions in the region, encourage artists to broach ideas for possible projects with staff and foster emerging artists.
- f) Committee will seek alternative advertising opportunities by using social media, hanging flyers in relevant locations, and by word of mouth, as well as by announcing projects in the usual publicity venues.

## **2. Selecting Temporary Site-Specific Artwork**

It is anticipated that the selection process criteria for acceptance will be substantively less formal than the process used to select permanent works. At a minimum, the following factors should be required of all temporary projects:

- a) That the artist has found a creative, innovative and unusual way to incorporate artwork into already existing urban and suburban sites.
  - b) That the artwork is accessible to the public.
  - c) That the artist agrees in advance of funding to an exhibit period.
  - d) That the artwork will require minimal maintenance during its exhibit period or, that if extraordinary maintenance is required, artists agrees by contract to the artwork's removal.
- **A policy related to placing private temporary art on public property has been developed to meet the desires of parties wishing to request their art be placed on City property. This policy is as follows:**
    - a) Policies are applicable throughout the City of Davis and include all City property, with the exception of Central Park. Due to large quantities of permanent art placed in Central Park, this location will not be considered for temporary art placement.
    - b) A committee made up of a commission designee and two City staff will consult prior to approval on artistic craftsmanship, originality, diversity, authenticity, merit, and concept. If committee questions appropriateness they will refer back to the Civic Arts Commission for further review.
    - c) The piece may not include sexually explicit material, commercial, advertising, or other content unsuitable for display on public property. Material must be original and not copy righted.
    - d) The location must be suitable for the installation, and be vetted by the city's appropriate engineering staff. Placement of the piece may not block pedestrian walkways, accessibility ramps, vehicle line-of-sight, or entrances/signs of nearby businesses. Applicant to receive approval of any necessary encroachment permit

or site license for placement of the piece within the right-of-way, or building permit for construction.

- e) Applicant to provide the City with evidence of insurance naming the City of Davis as an additional insured, subject to review and approval by the City's risk management program and/or city attorney when deemed necessary.
- f) Applicant to be entirely responsible for the cost of installation and the cost of removal of the works of art including encroachment fee. The artwork to be removed, at applicant's expense, no longer than 12 months, upon City determination that the piece has fallen into disrepair, or upon 24 hours written notice to Applicant. Request for extension of time will be reviewed by the committee.
- g) Applicant to be responsible for maintenance of the artwork, including repairs due to graffiti or vandalism, or any damage caused to public property as a result of installation.
- h) Encroachment permit or license for any mural or other artwork attached to a City building shall allow removal or over covering by the City upon completion of the permit or license period, in accordance with the provisions of state and federal artists' rights laws. The City may require a bond or deposit for removal or over painting after the expiration of the permit or license term.
- i) All publicity and advertising for art piece shall include "Supported, in part, by the City of Davis Arts & Cultural Affairs".
- j) The Civic Arts Commission will be informed of and acknowledge all donations of temporary art.



## **Section II. PURCHASE AWARD PUBLIC ART COLLECTION (PAPAC) GUIDELINES**

**PURPOSE** The purpose of the PAPAC is to acquire a varied and representative collection of existing artworks of all media by local artists for display in City supervised spaces accessible to the public. The city does not intend to store artwork. The PAPAC is intended to complement, not replace, the city's site-specific collection, typically referred to as the "Art in Public Places Collection."

The artwork should go into the possession of the City under the "General Guidelines for Acquisitions". When maintenance requirements become excessive or the display conditions are no longer suitable for the artwork, the City needs to be free to move the artwork to another location, if possible, or to deaccession it in accordance to the "General Guidelines for the Deaccessioning of Artworks".

Because the artists identified by the Juried Art Show may be given preference for purchases, the Juried Art Show should allow for variety in media and size of accepted artworks.

### **A. Selection Criteria**

#### **1. The Artist**

- a) Qualifying artists must demonstrate proficiency in their field. This could be demonstrated through the artist's history, promise, or reputation.
- b) Qualifying artists must be "local". "Local" should be defined in a broad way, meaning that the artists have a strong Davis connection. Examples of qualifying artists are: a) Davis and Yolo County residents; b) UC Davis faculty and graduates, even if they no longer reside in the area; or c) Artists who no longer live in Davis or Yolo County but who have demonstrated a significant tie to the area through a sustained period of prior residence.
- c) Award winning artists in the annual juried art exhibition, currently supported by the City for the purpose of identifying local artists of merit, should get preference when purchases for the PAPAC are considered.

#### **2. The Artwork**

- a) Artwork must match and aesthetically enhance an identified display location that is accessible to the public.
- b) All media are acceptable.
- c) Artwork must enhance the diversity of the collection and not duplicate already existing holdings.
- d) Artwork must be in good condition, easy to maintain, and ready for display.

### **B. Recommended Actions**

1. **Create a Committee for the PAPAC.** Committee will consist of three members of the Civic Arts Commission, designating one as Chair, and a city staff member. The Committee will seek advice and assistance from art professionals, including the Juried Art Show jurors, as desired. Committee responsibilities include:
  - a) Identify City supervised, publicly accessible interior places suitable for the display of artwork of all media. Ways to accomplish this are a) to distribute a memo to City employees, asking them for suggestions, b) for the Civic Arts Commission members to tour City facilities and identify such locations.
  - b) Maintain and update a register of local artists. Commissioners and staff are encouraged to actively look for emerging as well as established local artists of merit and make recommendations.
  - c) The Committee will visit the studios of Juried Art Show award winners to consider recommending an artwork for inclusion in the PAPAC, including, but not limited to, the award-winning piece.
  - d) Actions pertaining to other opportunities to add to the PAPAC: The Committee will recommend other opportunities, in addition to the Juried Art Show, to purchase PAPAC pieces. All recommendations will include specific criteria for implementation.
2. **Selection Approval** All Committee recommendations to purchase PAPAC pieces will be approved by the Civic Arts Commission and the City Council.

### **Section III. GIFTS AND BEQUESTS GUIDELINES**

**PURPOSE** The purpose of these guidelines is to establish an acceptance process for all works of art proposed for gift or bequest to the city.

- A. **Criteria for Acceptance** It is essential that the donor involve the City early in the process to assure that the work can be accepted. Donor should submit a written proposal to the Civic Arts Commission for review. Acceptance of all permanent art gifts and bequests will be evaluated and recommended for final approval of the City Council by the Civic Arts Commission based on the following factors:
  1. The aesthetic quality of the artwork. If artwork has not been created, then a drawing will be requested presenting rough dimensions and design concept.
  2. The history, reputation and/or promise of the artist.
  3. The physical condition of the artwork.
  4. The technical and financial ability of the City to maintain the artwork to acceptable professional standards, including projected long-term maintenance and care.
  5. The work of art would enhance and expand the existing City collection, add to the collection's diversity, or contribute in a significant way to enriching the City cultural environment.



6. The work of art would complement existing public art or public amenities in the local area and aesthetically enhance and relate to the public space or built environment.
7. An appropriate site can be identified for the artwork, and the necessary supportive engineering can be placed by the City or donor to protect the integrity of the artwork.
8. The artwork would be accessible to the public, including persons with disabilities.
9. The security of the location for the artwork and costs related to the need for any special security systems for the work, considering pertinent insurance restrictions.

**B. Gifts intended for resale or as loans for temporary display.** Nothing in these criteria is intended to preclude the city from accepting work for resale in community auctions or other fund-raising activities or on loan for temporary display purposes.

#### **Section IV. MAINTENANCE AND DEACCESSIONING GUIDELINES**

**PURPOSE** The purpose of these guidelines is to ensure 1) that the city has established procedures to ensure that all artwork in the city's permanent collection receives appropriate regular and long-term maintenance and 2) that the city has adopted clear procedural guidelines for considering the deaccessioning of an artwork in response to extraordinary situations.

##### **Definitions:**

**Conservation** refers to the broad concept of care, and encompasses three activities: examination, preservation and restoration.

**Examination** is a preliminary investigation to determine the original structure and materials comprising an artwork (if that information is otherwise unavailable) and the extent of deterioration, alteration and loss, if any.

**Preservation** refers to actions to slow or prevent deterioration or damage in artworks by control of their environment and/or treatment of their structure; and to maintain them in as unchanging a state as possible. The maintenance function is therefore most closely aligned with preservation.

The overriding principle is to preserve as much as possible of the artist's original vision for the work. The vision may include transformational processes, which should be considered in any program of preservation.

**Restoration** is the treatment of deteriorated or damaged artwork to approximate as nearly as possible its original (or artist-intended) form, design, color and function, with minimal further sacrifice of aesthetic and historic integrity.

The guiding principles for the restoration include respect for the integrity of the artwork and reversibility - avoiding the use of materials or techniques that cannot be undone.

**Deaccessioning** is the process to remove an artwork from the city's collection. Deaccessioning is generally irreversible, and should only be undertaken when restoration or retention is considered financially or physically infeasible.

## A. Record Keeping

1. **Curatorial Record** The city shall develop a curatorial record for each piece in the permanent collection. Curatorial record will include title, date completed, provenance if an existing work, purchase or commission price, descriptive information including documentation, content/intent of the artist, context of the work, and published materials about the artwork.
2. **Conservation Record** The city shall establish a conservation record with information on fabrication techniques, personnel and materials, installation methods, the appearance of the artwork desired by the artist (in particular, relationship of artwork to site), and artist's conservation recommendations.

## B. Examination and Preservation

During each city budget cycle, the city shall set aside Municipal Art Funds or other funds from other sources as appropriate to ensure routine and cyclic maintenance. Nothing in the following procedures is intended to delay the city's actions to remove or repair an artwork in situations where health and safety concerns require immediate action.

1. **Examination** The city shall establish a regular examination process, in keeping with requirements for individual pieces in the permanent collection.
2. **Preservation** The city shall ensure that routine and cyclic maintenance are performed as needed,
  - a) Routine Maintenance includes the removal of accumulated dirt, the maintenance of protective surfaces (e.g. through waxing) and such mechanical activities as tightening, adjusting and oiling. With proper demonstration and documented instructions by either an artist or conservator, most such "housekeeping" activities can safely be performed by conscientious lay people. Some types of graffiti may even be removed by maintenance personnel, but only if appropriate solvents and methods are determined by a conservator.
  - b) Cyclical maintenance usually involves more extensive treatment, such as disassembly, inspection, barrier application and repainting. The artist's contract should give the artist first opportunity to carry out these critical maintenance functions, including repairs and restoration, for a reasonable fee. If the artist is unavailable, such functions should be performed by a conservator or a conservator-supervised technician or layperson.

## C. Restoration

City staff shall consult with the Civic Arts Commission prior to developing of budget and plans for restoration of permanent artworks.

1. **Consultation with artists.** The city shall consult with the artist if possible and a professional conservator. The city shall utilize the services of a professional conservator to develop a treatment proposal for any non-routine maintenance or restoration prior to approving work.
2. **Reversibility.** All restoration work will be guided by a respect for the artist's work and must be fully reversible.

- D. Deaccessioning Artworks** The removal and subsequent disposal of any work from the City's collection requires serious deliberation in as much as this action is generally irrevocable. While retention of all material can be justified, disposal on the grounds of taste, current or otherwise, is dubious and should be related to established policy rather than the expediencies of the moment. Should such action regarding works in the collection be undertaken, full justification should be provided to the Civic Arts Commission and the City Council by the Arts & Cultural Affairs staff.

Works of arts shall be defined as deaccessions when they are removed from the collection with legal transfer of title or other appropriate action. Should a city wish to dispose of a work previously acquired, the following procedures should apply:

- 1. Written proposal** The Civic Arts Commission should be presented with a request to dispose of the work of art. This written request should include a justification for the disposal of the artwork and a proposed destination for the work of art.
- 2. Consultation with living artists** The disposition of works by living artists will be accomplished in such a manner that it will not impugn the reputation of the artist or their body of work. Should the disposition of works by living artists be required, the feelings of the artist should be respected and whenever possible, the artist should be consulted regarding the disposition of the work.
- 3. Commission and City Council Action Required** If the Commission recommends, and the City Council approves, that the city does not desire to retain the work of art, the work should be disposed of using appropriate means. Consideration is to be given to placing the work of art through gift, exchange, or sale in another tax-exempt public institution. If the work of art is offered for sale, preference should be given to sale at public auction or in the public marketplace. Staff and officials of the city will be considered ineligible to purchase or otherwise acquire deaccessioned works of art.
- 4. Profits** If any profit is accrued through the sale of a work of art, it should be applied to the Municipal Arts Fund. The Civic Arts Commission should discourage the sale of works of art without clear justification and deter the sale of works of art for revenue.