

# CITY OF SONOMA

## ORDINANCE NO. 04 - 2009

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA ADDING CHAPTER 19.51, RELATING TO PUBLIC ART, TO THE CITY OF SONOMA MUNICIPAL CODE

Section 1. Chapter 19.51 is added to the Sonoma Municipal Code to read in full as follows:

#### CHAPTER 19.51 PUBLIC ART PROGRAM

Sections:

19.51.010	Purpose
19.51.010	Definitions
19.51.030	Funding
19.51.040	Cultural and Fine Arts Commission Responsibilities

#### **19.51.010 PURPOSE**

The purpose of the Public Art Ordinance is to authorize, fund, and establish procedures for artworks in the public realm within the City of Sonoma. It will help to guarantee the development of public art work as a whole in the City, ensuring a closer relationship between the landscape, buildings, community, and art. It creates a process for the community to work together to make Sonoma an even more interesting, memorable, and beautiful place to live, go to school, work, and visit.

The Public Art Program seeks to:

- A. Contribute to the City's civic pride and sense of identity, and enhance its physical and aesthetic environment;
- B. Augment Sonoma's reputation as a City that celebrates the arts;
- C. Enrich the lives of Sonoma residents and visitors by incorporating the visual arts into public spaces, and expand their concepts of art by encouraging site-specific works that engage the surrounding environment;
- D. Encourage collaboration between artists, landscape architects, urban planners, architects, engineers, and other designers;
- E. Integrate the work and thinking of artists into the planning, design, and construction of City facilities, buildings, and public spaces;
- F. Engage the citizens of Sonoma in creative partnerships with artists;
- G. Provide curatorial expertise and project management for the acquisition and maintenance of public art work in Sonoma.

#### **19.51.020 DEFINITIONS**

- A. Permanent Installation: artwork or art place with a permanent site as opposed to a temporary site.
- B. Public Art Annual Plan: a prioritized list of visual arts projects to be undertaken in any given year with budgets and recommended site and design approach, developed by the Cultural and Fine Arts Commission in conjunction with City officials.
- C. Public Art Fund: a fund within the City of Sonoma into which all monetary contributions for public art work shall be deposited.
- D. Public Art Guidelines: The regulations adopted by the Cultural and Fine Arts Commission and approved by the City Council which establish procedures to carry out

the purpose of this Ordinance. The guidelines shall include but not be limited to criteria for selection of artists and art works, procedures for maintenance of a file of interested artists, procedures for artistic competitions, and requirements for the maintenance of works of art. The Cultural and Fine Arts Commission may amend the guidelines from time to time with the approval of the City Council.

- E. Public Art Master Plan: a planning document including public art policies and guidelines, recommending sites and expenditures for public art work, and describing public art's relationship to the City of Sonoma's General Plan.
- F. Public Art Work: Public art works involve visual artists working through the public art process creating original works in public spaces that include, but are not limited to, paintings, murals, stained glass, fiber work, statues, reliefs or other sculpture, monuments, fountains, arches, or other structures intended for ornament or commemoration, carvings, frescos, mosaics, mobiles, photographs, drawings, collages, prints, crafts other decorative and utilitarian works in clay, fiber, wood, metal, plastics and other materials. Public art work includes media works such as film, video, photo projections, and computer generated artworks. Works of art may be temporary as well as permanent. Public art work projects also include artists serving on design and development teams to identify opportunities to incorporate art in the public space.
- G. Public Development Project: shall include, but not be limited to the construction or remodel of any City-owned building, structure, park, utility, street, sidewalk, or parking facility, or any portion thereof, within the limits of the City of Sonoma.
- H. Public Space: any place or property within the City limits which is open to the general public for its use, or which is in public view, or is generally accessible and visible to the public.
- I. Temporary Installation: artwork that is installed in a given place for a limited time.

#### **19.51.030 FUNDING**

- A. Establish a Public Art Fund: The City shall establish a special revenue fund designated as the "Public Art Fund" for the deposit of gifts, bequests to the City for public art work, and other funds for works of art in accordance with the Public Art Program. The Public Art Fund is used exclusively as a means of isolating and identifying all monetary transactions pertaining to the City Public Art Program. Appropriation of funds to support the Public Art Program shall be made to the Public Art Fund, consistent with the City's budget cycle, Capital Facilities Program plan, and major capital projects identified by the City Council.
- B. Public Development Projects: All public City-owned development projects with total building permit valuation costs in excess of \$250,000 shall devote an amount equal to one percent (1 %) of such costs for the acquisition of works of art for placement in the City. For public projects with Federal and/or State match requirements or grant-funded projects, the 1% shall only apply to the City's portion of the project funding.
- C. Annual City Allocation: an amount equal to one-quarter-of-one-percent (.25%) of the City of Sonoma's budgeted General Fund expenditures shall be appropriated annually to the City's Public Art Fund, provided that said appropriation shall be capped at \$25,000 per fiscal year. The City Council reserves the right to waive or reduce the annual allocation if the City's financial situation does not allow for the funding to be set aside. The City Council shall adopt such a waiver or reduction by adopting a resolution setting forth the findings for the waiver.

#### **19.51.040 CULTURAL AND FINE ARTS COMMISSION RESPONSIBILITIES**

The Sonoma Cultural and Fine Arts Commission shall:

- A. Establish guidelines to carry out the purpose of the ordinance. The guidelines shall include but not be limited to criteria for selection of artists and artwork, review criteria for proposed gifts of artwork to the city, commercial and industrial development project art

- selection guidelines, procedures for art competitions, and requirements for the maintenance of artwork.
- B. Develop and implement a Public Art Annual Plan for the City of Sonoma in conjunction with City officials.
  - C. Recommend the expenditure of funds for the purchase of public art work or for the commission of design, execution and/or placement of works of art, for maintenance of public art work, and for administration of the Public Art Program.
  - D. Collaborate with City staff in the identification and evaluation of potential sites for exterior artwork.
  - E. Approve artist or artists to be commissioned for a project; artist or artists to develop design proposals for a project; or artist or artists whose existing work is to be selected for a project.
  - F. Approve artist design proposals and sites for permanent public art work.
  - G. Approve design and sites for temporary public art work.
  - H. Appoint panels for the selection of public art work.
  - I. Recommend to the City Council the acceptance or rejection of gifts or loans of public art work.
  - J. Oversee the maintenance, care, and record of the public art work collection.

Section 2. Application. This Ordinance shall apply to any public development project as of the date the Ordinance takes effect.

Section 3. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines section 15060(c)(2) in that the Council finds there is no foreseeable possibility that the implementation of this ordinance may have a significant effect on the environment.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be invalid, the validity of the remaining portions of this ordinance shall not be affected.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Sonoma this 1<sup>st</sup> day of April 2009.



Ken Brown, Mayor

ATTEST:



Gay Rainsbarger, City Clerk

State of California )  
 County of Sonoma )  
 City of Sonoma )

I, Gay Rainsbarger, City Clerk of the City of Sonoma, do hereby certify that the foregoing ordinance was adopted on April 1, 2009 by the following vote:

AYES:	Sebastiani, Gallian, Barbose, Sanders, Brown
NOES:	None
ABSENT:	None



Gay Rainsbarger, City Clerk



# Public Art Policy and Procedures

## CITY OF SONOMA CULTURAL AND FINE ARTS COMMISSION

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### Reasons for the Policy

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The purpose of the Public Art Program is to:

1. Enhance the physical and aesthetic environment of the City of Sonoma by commissioning or acquiring works of art for public spaces inside or outside of buildings.
2. Expand people's notion of art by encouraging site-specific works of art that engage the surrounding environment.
3. Integrate the work and thinking of artists into the planning, design, and construction of City facilities, buildings, and public spaces.
4. Celebrate the diverse character of Sonoma.
5. Engage the citizens of Sonoma in creative partnerships with artists.

This policy establishes funding mechanisms, procedures, criteria, roles, and responsibilities for the administration and management of the City of Sonoma Public Art Program.

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## **Policy Statement**

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In the interest of making public art an integral element of the City of Sonoma built and cultural environment, the City of Sonoma shall establish and maintain a program for the creation and acquisition of public artwork.

The Cultural and Fine Arts Commission will be responsible for the development and maintenance of the Public Art Program, including but not limited to the approval of public art guidelines, policies and procedures, an annual public art plan, commissioned artists and artworks, and art acquisitions.

The Cultural and Fine Arts Commission will report to the City Council annually on the Public Art Program status.

The City of Sonoma will dedicate one percent (1%) of the estimated construction cost of new City owned facilities including buildings, parks, and renovation projects for eligible expenditures of public art. The 1% is based on a calculation of the totals of actual construction costs at the end of the year, which will be deposited into the Public Art Fund. Public art funds will not be included in projects less than \$250,000.

The Cultural and Fine Arts Commission may also seek grants and gifts of public art.

The City of Sonoma will set aside .25% (.0025) of estimated General Fund expenditures annually to create or acquire public art.

Any temporary or permanent works of art installed within the City of Sonoma are subject to City Public Art policies, procedures, and guidelines.

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## **Funding**

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### **Public Art Fund**

A special fund, designated as the "Public Art Fund," is established for the deposit of gifts, bequests to the City for public art, and other funds for works of art in accordance with the Public Art Program. The Public Art Fund is used exclusively as a means of isolating and identifying all monetary transactions pertaining to the City Public Art Program.

The City Manager, or his or her designee, is the custodian of the Public Art Fund.

A portion of the Public Art Fund shall be appropriated for administrative costs associated with the selection of public art and for maintenance of works of public art.

Staff salaries will not be funded from the Public Art Fund, except for repair and maintenance costs, as noted in the Appropriate Use of Public Art Program Funds section of these Guidelines, if performed by City employees, and as otherwise authorized by the Cultural and Fine Arts Commission in consultation with the City Manager.

Appropriation of funds to support the Public Art Program shall be made to the Public Art Fund, consistent with the City's budget cycle, Capital Facilities Program plan, and major capital projects identified by the City Council.

### **Funding Basis**

All City construction projects with total building permit valuation costs in excess of \$250,000, which are funded after the adoption of the Public Art Ordinance, will contribute to the City's Public Art Fund.

### **Calculation Base**

The amount of the annual appropriation for art shall be equal to .25% of annual General Fund expenditures, capped at \$25,000 in any one budget year, plus one percent (1%) of the estimated construction costs for eligible City construction projects, if allowed by the specified project funding source(s).

### **Appropriation**

At the time a City eligible construction project is proposed, the City staff responsible for preparing the construction budget shall calculate and include a budgeted line item for a contribution to the public art fund. Fund transfers to the Public Art Fund will occur at the end of the project when all construction costs are known.

### **Combining Funds from Multiple Projects**

In general, public art will be installed within or adjacent to the building or place for which the appropriation, bonds, or gift was received, if appropriate. Public art funds received from two or more capital projects may be combined or pooled to acquire or create a single artwork of higher quality or of greater City impact than could be achieved through two or more individual artworks. The Cultural and Fine Arts Commission must approve the combination of funds.

Combining funds affords the opportunity to look at the needs of the City as a whole and use the art monies only for those projects that may have the greatest impact on the community or offer the best opportunities for artist involvement. When appropriate, pooling affords the opportunity for the Cultural and Fine Arts Commission to ensure that art projects are adequately funded. The Cultural and Fine Arts Commission will determine which City construction projects will include an art project.

**Appropriate Use of Public Art Program Funds:**

1. Selection, acquisition, and installation of artworks;
2. Artist fees, design, planning, and pre-design service contracts and commissions;
3. Expenses for technical assistance provided to artists by architects and/or engineers in order to design, document, and/or certify the artwork;
4. Repair and maintenance of City public artworks benefited by the Public Art Fund;
5. Citizen forums and educational workshops organized to gather information and/or educate about public art and the City's public art collection; and
6. Documentation and public education material for the Public Art Program and public art projects.

**Ineligible Costs of Public Art Program Funds:**

Appropriations received for public art related to a specific City project may not be used for the following:

1. Artwork that is temporary or installed for a short duration or that has a life expectancy of less than 20 years;
2. Directional elements such as graphics, signage, or color coding, except where these elements are integral parts of a public art project;
3. Art objects that are mass produced and of standard design, such as playground equipment or fountains;
4. Reproduction of original works of art by mechanical or other means, except in cases of film, video, photography, printmaking, or other artistic media;
5. Decorative or functional elements designed by the building architect, except where deemed an integral part of the artist's work;
6. Landscape architecture, except when deemed an integral part of an artist's work.
7. Maintenance of artwork sited on private lands;
8. Artwork submitted by the project architect, landscape architect, or other project consultants;
9. Generally, costs not directly related to selecting, fabricating, and installing the artwork.

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## **Special Situations**

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### **Ownership of Artwork**

Once installed, all public works of art become the property of the City of Sonoma. The City may remove the artwork from public display, deaccession the artwork, or destroy the artwork. If it shall at any time decide to destroy the artwork, the City shall offer the artist a reasonable opportunity to recover the artwork. If the City causes the distortion, mutilation, or other modification of the artwork that would be prejudicial to the artist's honor or reputation, the artist shall have the right to prevent the City from attributing the authorship of the artwork to the artist. If it proposes to alter the site of the artwork materially and the alteration affects the intended character and appearance of the artwork, the City shall consult with the artist in the planning and execution of any such alteration and shall make a reasonable effort to maintain the integrity of the artwork.

### **Conflict of Interest of Panelists and Committee Members**

Any persons who would receive financial gain from the selection of artists or artworks are ineligible to serve on an Artist Selection Panel. Such persons include gallery dealers, artists' agents, and brokers. Relatives of the Cultural and Fine Arts Commission, or any persons who have a personal relationship with competing artists that could be identified as a conflict of interest, are not eligible to serve on Artist Selection Panels. Any artist selected to serve on the Artist Selection Panel is precluded from having his/her work considered for any public art project during his/her time of service. City of Sonoma staff is ineligible to apply for public art projects or commissions.

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## **MAINTENANCE**

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### **Durability and Maintenance Requirements**

All permanent public art must be durable and require minimal maintenance. All permanent works of art must have a life expectancy of 20 years or more. An analysis of anticipated maintenance requirements will precede the selection of each public artwork. The projected annual maintenance cost must not exceed five percent (5%) of the replacement value of the artwork.

Deferred maintenance on pre-existing public artworks in the City shall not be borne solely by the Public Art fund.

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## **Responsibilities**

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### **City Council**

1. Authorize funds for public art.
2. Accept or reject gifts, loans or public art on behalf of the City.

### **City Manager**

1. Approve the amount of each project budget to be designated for public art.
2. Approve the combination of public art funds from two or more projects.
3. Recruit and retain program staff and/or consultants as needed.
4. Notify the Cultural and Fine Arts Commission of the amount of each project budget to be designated for public art.
5. Authorize expenditures from the Public Art Fund.

### **Cultural and Fine Arts Commission**

1. Recommend to the City Manager the amount of each project budget to be designated for public art.
2. Administer the Public Art Program:
  - a. Develop and implement a plan for public art in the City of Sonoma.
  - b. Select artists and commission public artwork, as recommended by the Artist Selection Panel through their artist and artwork selection process.
  - c. Collaborate with City staff in the identification and evaluation of potential sites for exterior artwork.
  - d. Manage the overall processes of artist recruitment, screening, selection, and commissioning of artwork, working with the Artist Selection Panel procedures.
  - e. Coordinate the implementation of the public art projects with the artist, City staff, and the affected user group(s).
  - f. Verify and coordinate permitting requirements with the City Building Department prior to the fabrication of a public art project.
  - g. Monitor maintenance needs and refer maintenance requests to the City Manager. Recommend to the City Manager the combination or pooling of public art funds from two or more capital projects when deemed appropriate.
  - h. Provide annual reports to the City Council on the status of the Public Art Program.
  - i. Develop Public Art Annual Plan.
  - j. Approve artist or artists to be commissioned for the project; an artist or artists to develop design proposals for the project; or an artist or artists whose existing work is to be selected for the project.

- k. Approve artist design proposals.
- l. Approve sites for permanent public artwork.
- m. Artist Selection Panels.
- n. Provide recommendations to the City Council for the acceptance or rejection of gifts, loans or public art.

#### **Artist Selection Panel**

1. Recommend to the Cultural and Fine Arts Commission artworks or artists to be commissioned for the project; an artist or artists to develop design proposals for the project; or an artist or artists whose existing work is to be selected for the project.
2. Recommend to the Cultural and Fine Arts Commission artist design proposals.
3. Recommend to the Cultural and Fine Arts Commission sites for permanent public artwork.

#### **Planning Department**

1. Collaborate with the Cultural and Fine Arts Commission in the identification and evaluation of sites for exterior artwork.

#### **Public Works Department**

1. Work with Cultural and Fine Arts Commission to define site restrictions for public artwork into the design of each project.
2. Work with selected artist to choose and incorporate site requirements for public artwork into the design of each project.
3. Coordinate installation of the artwork with the implementation of building projects.
4. Upon recommendation by the Cultural and Fine Arts Commission, provide routine maintenance, such as dusting and sweeping for interior artwork and groundskeeping for exterior artwork.
5. Upon recommendation by the Cultural and Fine Arts Commission, provide non-routine maintenance services for a fee, which may be charged against the Public Art Fund. Services to be charged to the Fund may include but not be limited to labor, materials and vandalism repair.

#### **Public Art Staff/Consultant**

Under the supervision of the City Manager, and with guidance from the Cultural and Fine Arts Commission:

1. Recruit artists, write and disseminate Request for Proposals/Qualifications, and identify appropriate methods for the artist selection process.

2. Identify and recruit panelists for the selection panel.
3. Pre-screen the applicant pool for qualified candidates for review by the selection panel.
4. Schedule and facilitate meetings of the selection panel.
5. Submit the recommendations of the selection panel to the Cultural and Fine Arts Commission for approval.
6. Solicit comments and/or approvals for works of art from appropriate City departments relative to safety and maintenance.
7. Submit comments or recommendations made by City departments to the Cultural and Fine Arts Commission for review and resolution.
8. Convene and facilitate public meetings related to the project.
9. Collaborate with the user group(s) and other City departments to coordinate the roles and responsibilities of the artist, architect, engineers, general contractor, and other professionals involved in a project.
10. Coordinate the design, development, fabrication, and installation of public art with appropriate City departments, including, but not limited to the Planning Department, Building Department and the Public Works Department.
11. Prepare and maintain City Public Art project files.
12. Prepare an annual report to the City Council on the status of the Public Art Program.
13. Manage maintenance of public art and obtain maintenance services from Public Works Department and experts in the field of public art conservation.
14. Coordinate community outreach and education, publications, and promotion of Public Art Program.
15. Coordinate the development of the public art annual plan with appropriate City Planning and Public Works staff and the Cultural and Fine Arts Commission.

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## **Procedures**

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### **Selecting Artists**

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#### **Introduction**

The Cultural and Fine Arts Commission will select artists for public art projects via open competition, direct selection, or limited competition/invitational. The actual selection will be made according to the following steps and use the artist selection criteria indicated at the end of this procedure.

The process shall occur during the schematic design phase of a project to which the public art relates and the results reported to the City Council when the schematic design for the project is reviewed and approved by the Council.

#### **Competitive Selection**

##### **Artist Selection Panel**

Each Artist Selection Panel shall be comprised of a minimum of five (5) voting members, including two (2) members of the Cultural and Fine Arts Commission and one (1) member of the Design Review Board. The remaining members shall include, as applicable, the project architect, and members of the public at large appointed by the Cultural and Fine Arts Commission. Public Art staff/consultant, if any, and City staff shall serve in an advisory capacity to the Panel and artists with respect to the physical opportunities and constraints of the site, the historical background of the department(s) residing in the building where the artwork will occur, and other building design and structural information that may assist the panel in evaluating proposals.

##### **Artist Selection and Design Review Process**

The selection process will proceed as follows:

1. The Cultural and Fine Arts Commission shall issue written instructions to Artist Selection Panel members detailing their duties and responsibilities related to the selection.
2. The Panel shall choose one of the methods of selecting artists or artwork listed below.
3. The Panel shall use the credentials, proposals, and/or materials submitted by artists to evaluate them with the Artist Selection Criteria.
4. The Panel shall recommend to the Cultural and Fine Arts Commission an artist or artists to be commissioned for the project; an artist or artists to develop design proposals for the project; or an artist or artists whose existing work is to be selected for the project. In the case where an artist or artists

have been asked to prepare a specific design proposal, the panel shall review the proposals and shall select the artwork in accordance with the established criteria (Appendices 4 & 5).

5. If a consensus cannot be reached, a vote shall be taken with the majority carrying the decision. Panelists shall each have one vote, and no panelist shall have the right to veto. The panel shall have the option of making no selection.
6. The panel's recommendation shall be submitted to the Cultural and Fine Arts Commission for approval.
7. The Cultural and Fine Arts Commission shall review the panel's recommendation and vote to approve, reject, or refer the recommendation back to the Panel for further review with changes recommended by the Commission.
8. If approved, the Cultural and Fine Arts Commission will direct the artist to commence with the project.
9. If no selection is recommended, the Cultural and Fine Arts Commission shall determine whether to:
  - a. Initiate a new selection process
  - b. Revise the project
  - c. Abandon the project

**a. Methods of Selecting Artists or Artwork**

Artists or artwork may be selected for public art projects by one of the following methods:

**Open competition**

Any professional artist is eligible to participate, subject to limitations established by the Cultural and Fine Arts Commission.

A Request For Qualifications (RFQ) or a Request For Proposals (RFP) shall be developed. The RFQ or RFP shall be distributed as widely as possible through local media, the arts media, and through direct mailings to artists and arts organizations. The RFQ or RFP shall include:

1. A description of the project including its goals and the project parameters, including the characteristics of the site, potential approaches to the project and any physical or legal restrictions that may apply.
2. The anticipated scope of work for the artist.
3. Application procedures, including requested materials, eligibility factors, and timelines.
4. Selection procedures.
5. Criteria for the selection of artist(s) and artwork(s).
6. The project budget.

**Direct selection**

For public art projects that fall under the budget amount required for a competitive request for proposal (RFP) process pursuant to the City Procurement Policy, the Cultural and Fine Arts Commission may:

1. Select one or more artists to work on the project through direct invitation of qualified candidates by means of direct mailings of the RFQ or RFP, or through phone contact with artists, arts organizations, galleries, or other sources for the purpose of soliciting names of artists to be considered for a project.
2. Develop a short list of qualified artists to present to a selection panel for review and selection of one or more artists for the project. Artist(s) or completed artwork(s) may be chosen directly by the Cultural and Fine Arts Commission upon recommendation from a selection panel.

Any selection for professional services shall be in accordance with the City's Purchasing Ordinance and Procurement Policy.

**Limited competition or invitational:**

Artists are invited by the Cultural and Fine Arts Commission to submit proposals, a completed artwork, or otherwise participate in a public art project. Applicants may be pre-screened and evaluated relative to the minimum criteria and qualifications outlined in the RFQ or RFP. The Artist Selection Panel reviews the slate of qualified candidates.

**b. Artist Selection Criteria**

The Artist Selection Panel shall evaluate an artist through consideration of the following criteria:

1. Artistic quality, including excellence in the artwork's craftsmanship, originality in conception, and integrity of the materials used.
2. The appropriateness of the artwork to the surrounding community to include its scale, form, content, and design.
3. The relationship of the artwork to the social and cultural identity of the community where the artwork will occur.
4. The artist's proposed budget and the artist's ability to successfully complete the project on time and within the proposed budget.
5. The artist's proposed materials and their appropriateness to the project as regards structural and surface integrity, protection against theft, vandalism, public safety and weathering, and an analysis of long-term maintenance needs.
6. The artist's proposed method of installation of the artwork and an evaluation of safety and structural factors involved in the installation.

7. The durability of the materials and the projected cost of maintenance of the artwork.
8. Artists will be considered for commission on the basis of their professional qualifications, as demonstrated by past work, relevant professional experience, the appropriateness of a specific proposal to the project goal and parameters, and the probability that the artist can successfully complete the project.
9. Works of art or proposals submitted by the project architect and/or members of the design team and artists who are members of or related to the Cultural and Fine Arts Commission, the Artist Selection Panel or City employees will be excluded from consideration.
10. Artists shall not receive more than two commissions from the City of Sonoma in any five-year period, nor shall artists receive more than one commission in consecutive years. These restrictions shall apply to individual artists, artists who are commissioned as part of a team, and/or any artists who will receive credit for any commissioned project.
11. Artists may be selected on a national or international basis. Though preference may be given to Sonoma County-based artists on any given project, the Cultural and Fine Arts Commission shall encourage a wide diversity in style, scale, and media in public art, and encourages the exchange of ideas and creative skills from all artists.

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## **Identifying Sites for Artwork**

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At the initiation of schematic design for a project for which exterior artwork is recommended by the Artist Selection Panel, the Cultural and Fine Arts Commission, the selected artist(s), and City staff will collaborate to:

1. Identify possible sites for the artwork and if the artist(s) has been selected, sites for artwork.
2. Evaluate the site, or alternative sites, using the following criteria:
  - a. Visibility and public access to the site
  - b. Interior and exterior traffic patterns to and around the site
  - c. Existing architectural and natural features adjacent to the site
  - d. Existing works of art or design elements within the site's vicinity
  - e. Potential impact of the art on the surrounding environment
  - f. Potential impact of the art on other City departments, residents, and businesses
  - g. Future development potential of the site
  - h. Public safety
  - i. Maintenance requirements
3. Consult with affected City departments.
4. Advise the Cultural and Fine Arts Commission on the development requirements associated with the site.

Based on the preceding evaluation, the Cultural and Fine Arts Commission will approve the site for the artwork.

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## **Appendices**

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In support of this policy, the following appendices are included:

- Appendix 1: Gifts and Loans Policy
- Appendix 2: Definitions
- Appendix 3: Ownership and Maintenance Policy
- Appendix 4: Existing Public Artworks in Sonoma

## **APPENDIX 1: Gifts and Loans**

### **General**

The Gifts and Loans Policy provides a process for the review of proposed gifts and loans of artwork or other artistic objects to the City of Sonoma to be placed on public property, and for the placement, care, and preservation of artwork acquired through this process.

### **Conditions Governing the Donation of Artwork to the City of Sonoma**

Potential donors of artworks must submit the following information to the Cultural and Fine Arts Commission. The Cultural and Fine Arts Commission will review the materials and determine the feasibility of the proposed donation.

- A. Photographs and/or slides of the work of art that depict it from all sides.
- B. A written description of the artwork, including dimensions (height, width, depth and weight), materials used, and any frames, backings, mounts or anchoring systems to be used in installation of the artwork.
- C. A site plan that identifies and describes the proposed site for the artwork which accurately depicts the artwork in relationship to the surrounding environment.
- D. A written description and/or drawing of the proposed method of installation and a timeline for the transportation and installation of the artwork.
- E. An estimated cost for transporting and installing the artwork (to be done at the donor's expense, unless otherwise agreed to by the City of Sonoma).

### **Review and Acceptance Criteria**

Proposed gifts and loans of artwork shall be evaluated by the Cultural and Fine Arts Commission using the following criteria:

- A. An analysis of the relationship of the proposed artwork to its proposed location and its relevance to its primary audience.
- B. An evaluation of the work's artistic and aesthetic quality and integrity, relative to its form, materials, and craftsmanship.
- C. In consultation with City staff, the availability and appropriateness of an acceptable site for the artwork.
- D. An analysis of the financial impact of the proposed gift on the City of Sonoma, including costs related to the insuring of the artwork, any long-term maintenance or conservation costs, and routine operations or maintenance requirements.

### **Conditions of Acceptance**

Conditions governing the exhibition of artwork on City of Sonoma property:

- A. The Cultural and Fine Arts Commission encourages clear and unrestricted gifts to the City of Sonoma. Any conditions or restrictions attached to a gift or loan must be presented to the Cultural and Fine Arts Commission for review and approval. Restrictions and conditions will also be reviewed by City Attorney and/or City insurance entities.

- B. No work of art will be accepted with conditions deemed unacceptable by the Cultural and Fine Arts Commission, nor will any work of art be accepted with a guarantee in perpetuity.
- C. A legal document of transmittal, transferring title or loan of the artwork and defining the rights and responsibilities of all parties, must accompany all gifts of artwork.
- D. The City of Sonoma requires that the creator of the artwork (artist) waive any right to the preservation of the artwork under the conditions set forth in the 1990 Visual Artist's Rights Act. The artist may, however, retain any right to disclaim authorship of the artwork pursuant to any of these Acts. Before any gift is accepted by the City of Sonoma, the artist must acknowledge in writing his/her approval that the City of Sonoma may remove and/or destroy the artwork at its discretion. In the event the City of Sonoma should decide to remove or destroy the artwork, the City of Sonoma will provide the artist with 30 days' notice of its intent to do so. The artist may, upon written approval by the City of Sonoma and at his/her own expense, remove and retain the artwork in lieu of its being destroyed by the City of Sonoma.
- E. The CFAC's role with respect to acceptance of gifts is to provide recommendations to the City Council for the acceptance or rejection of gifts, loans or public art.

### **Conditions Governing Artwork on Loan to the City of Sonoma**

#### **Materials to be Submitted by Lender**

Persons or organizations requesting to temporarily exhibit a work of art in or on City-owned property must submit the following:

- A. Photographs and/or slides of the works of art to be exhibited.
- B. A description of the location where the artwork will be exhibited and a written authorization from the City of Sonoma that approves the proposed loan of the artwork in that location.
- C. A written description and/or drawing of the proposed method of installation and a timeline for the transportation and installation of the artwork.

#### **Lender's Agreements**

When exhibiting a work of art on City of Sonoma property, the lender must agree in writing to the following:

- A. Unless otherwise agreed to in writing by the City of Sonoma, the lender shall be responsible for all costs associated with the transportation, installation, de-installation, and insurance of the artwork, in accordance with City insurance guidelines.
- B. Upon removal of the artwork, the lender must return the site to its original condition and remove any debris caused by or resulting from the exhibition of the artwork. Such debris includes, but is not limited to, any parts or materials from the artwork purposefully or purposelessly removed from the body of the artwork.
- C. Unless otherwise agreed to in writing by the City, the lender must agree to exhibit the artwork at his/her own risk and to bear the expenses of any losses or damages to the artwork. The lender must agree to hold the City of Sonoma harmless from any and all liabilities or any damages or losses to the artwork.

- D. The lender must agree to produce and display an educational label next to or near the loaned artwork that meets the specifications of CFAC and City staff.
- E. The lender must agree to remove the artwork within three days notice to do so by the City if the artwork becomes damaged or destroyed and/or becomes a danger or visual impediment to the public.

**Acceptance of Monetary Gifts for the Acquisition of Artwork**

Proposed monetary gifts to the City of Sonoma for the purpose of acquiring artwork shall be referred to the Cultural and Fine Arts Commission for review, with ultimate decision for acceptance to be made by the City Council. Any monetary gifts shall be deposited into the Public Art Fund.

## APPENDIX 2: Definitions

**Artwork (Works of Art):** Original and unique creations in visual media produced by or under the control of practitioners generally recognized by their peers and critics as professional artists including, but not limited to:

- two-dimensional media such as graphics, calligraphy, drawing, painting, photography, collage, and printmaking and including both portable and permanently installed work (such as murals);
- three-dimensional sculptural media including work in relief, in the round, assemblages, constructions, and landscape environments;
- crafts and folk arts in clay, fiber, textiles, glass, wood, metal, stone, masonry, mosaics, and plastic;
- building and landscape features such as grates, lights, floors, and seating in unique or limited editions produced under the control of an artist;
- electronic media, including works such as film, video, photo projections, sound, light and computer generated artworks produced under the control of the artist.

**Artist Selection Panel:** Each Artist Selection Panel shall be comprised of a minimum of five (5) voting members, including two (2) members of the Cultural and Fine Arts Commission and one (1) member of the Design Review Board. The remaining members shall include, as applicable, the project architect, and members of the public at large appointed by the Cultural and Fine Arts Commission.

**City:** City of Sonoma.

**Commission:** Sonoma Cultural and Fine Arts Commission.

**Commissioner:** an individual appointed to serve on the Sonoma Cultural and Fine Arts Commission.

**Construction:** is the installation, alteration, repair or improvement of any public structure, road, building or other public improvement of any kind. For City construction projects that do not involve the construction of buildings, such as sidewalks, "construction" shall have its usual and customary meaning.

**City Construction Project:** any construction project that is paid for or funded wholly or in part by the City.

**Council:** Sonoma City Council.

**Cultural and Fine Arts Commission:** the standing City of Sonoma Commission responsible for matters relating to the enactment of the City of Sonoma Public Art Policy. The Cultural and Fine Arts Commission's purpose and role is defined in the Sonoma Municipal Code.

**Estimated Construction Costs:** the estimated value of construction contracts for a city construction project included in the budget submitted to the Sonoma City Council for the purpose of determining the one percent (1%) allocation for public art. "Estimated Construction Costs" shall not include the cost of sales tax, demolition, site preparation, property acquisition, financing, furnishings, fixtures, and equipment, design services, and environmental assessment and/or remediation and other similar costs associated with the project.

**Public Art Fund:** a fund within the City of Sonoma into which all monetary contributions for public art shall be deposited. Should the Public Art Fund be discontinued by act of the City Council, all remaining funds shall be deposited into the General Fund of the City.

**Public Art:** original visual creations, which are sited in a manner accessible and visible to the public.

**Public art collection:** any work of art, which has been accepted by the Sonoma Cultural and Fine Arts Commission into the collective body of artwork owned by the City.

**Permanent Installation:** artwork or art place with a permanent site as opposed to a temporary site. Permanent is considered at least 20 years in duration.

**Public Art Master Plan:** a planning document including public art policies and procedures as well as recommended sites and expenditures for public art and public art's relationship to the City of Sonoma's General Plan.

**Public Art Projects:** projects which involve visual artists working through the public art process that result in the creation of original works in public spaces that include, but are not limited to, paintings, murals, stained glass, fiber work, statues, reliefs or other sculpture, monuments, fountains, arches, or other structures intended for ornament or commemoration, carvings, frescos, mosaics, mobiles, photographs, drawings, collages, prints, crafts other decorative and utilitarian in clay, fiber, wood, metal, plastics and other materials. Public art includes media works such as film, video, photo projections, and computer generated artworks. Works of art may be temporary, as well as permanent. Public art projects also include artists serving on design and development teams to identify opportunities to incorporate art in the public space.

**Public Art Annual Plan:** a prioritized list of visual arts projects to be undertaken in any given year with budgets and recommended site and design approach, developed by the Cultural and Fine Arts Commission in conjunction with the City staff.

**Public Places:** all publicly- and privately-owned spaces, indoor and outdoors, which are generally accessible to the public.

**Temporary Installation:** artwork that is installed in a given place for a limited time, generally up to three months.

**Visual Art Professional:** any of the following who is respected in his/her field and knowledgeable about contemporary visual art: artist, curator, art critic, art historian, architect, landscape architect, urban designer.

### **APPENDIX 3: Ownership and Maintenance**

Unless otherwise agreed, routine maintenance of the artwork shall be determined by the City Manager in consultation with the Public Works Director. Routine maintenance shall include such tasks as dusting, sweeping, and other such activities. The Cultural and Fine Arts Commission will notify the City Manager of the definition and procedures of routine maintenance. Extraordinary maintenance and/or conservation of the artwork shall be defined and determined by the Cultural and Fine Arts Commission.

Any proposed work of art, which is deemed by the Cultural and Fine Arts Commission to require extraordinary operations or maintenance on the part of the City, is subject to review by the City Manager.

Public Art Program staff, in consultation with the City Manager and Public Works Department staff, shall develop an annual maintenance needs survey of the public art collection and shall determine appropriate budgets and procedures for the care and maintenance of the collection.

## **APPENDIX 4: Existing Public Artworks in Sonoma**

Both privately and publicly held (not limited to City ownership or responsibility).

### **Public Collection**

**Title:** Untitled

**Artist:** Jan Hansen

**Media:** tile mural

**Dimensions:**

**Date:** 2002

**Commission Amount:** \$25,000

**Commissioned by:** City of Sonoma

**Location:** Sonoma Fire Station, Second Street West

**Title:** Star of Honor

**Artist:** Robert Behrens

**Media:** granite, water, concrete

**Dimensions:** various

**Date:** 2004

**Commission Amount:** \$500,000

**Commissioned by:** Private donations

**Location:** Veterans' Cemetery, First Street West

**Title:** Bear Flag Monument

**Artist:** John A. MacQuarrie

**Media:** bronze

**Dimensions:** sculpture: 8x6x3', base: 9x9x9'

**Date:** 1914

**Commission Amount:** unknown

**Commissioned by:** unknown

**Location:** Sonoma Plaza

### **School District**

**Title:** unknown (dragon sculpture)

**Artist:** Abe Singer

**Media:** steel

**Dimensions:** unknown

**Date:** 2005

**Commission Amount:** unknown

**Commissioned by:** unknown

**Location:** Sonoma Valley High School, Chet Sharek Plaza

**Title:** unknown

**Artist:** Marsha Klein

**Media:** Painted mural  
**Dimensions:** unknown  
**Date:** 2004  
**Commission Amount:** unknown  
**Commissioned by:** unknown  
**Location:** Sassarini Elementary School

**Title:** unknown  
**Artist:** Diane Egger-Bovet  
**Media:** tile murals  
**Dimensions:** unknown  
**Date:** 2000  
**Commission Amount:** unknown  
**Commissioned by:** unknown  
**Location:** Prestwood Elementary School

**Title:** unknown  
**Artist:** Janey Mulas  
**Media:** tile murals  
**Dimensions:** unknown  
**Date:** 2000  
**Commission Amount:** unknown  
**Commissioned by:** unknown  
**Location:** Prestwood Elementary School

**Private**

**Title:** Untitled  
**Artist:** Gayle Manfre  
**Media:** painted mural  
**Dimensions:** 13 fence panels, approximately 6'x3' each  
**Date:** 1999-2005  
**Commission Amount:** \$13,000  
**Commissioned by:** Sonoma Valley Inn  
**Location:** City walkway fence adjacent to Sonoma Valley Inn

**Title:** Untitled  
**Artist:** Claudia Wagar  
**Media:** painted mural  
**Dimensions:** 16'x8'  
**Date:** 1989-90  
**Commission Amount:** \$5,000  
**Commissioned by:** Art Fichtenberg  
**Location:** Mercato 1 Building, 452 First Street East

**Title:** Untitled

**Artist:** Steffan Gold (restored three times by Foster and Kleiser)

**Media:** painted mural

**Dimensions:** approximately 42' long

**Date:** 1976

**Commission Amount:** unknown

**Commissioned by:** Cuneo Family

**Location:** 500 East Napa Street (facing Broadway)