

ADMINISTRATIVE PROCEDURES

CITY OF BURLINGAME

CATEGORY: Administration

July 23, 2007

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SUBJECT: Art in Public Places

I PURPOSE

Since public art is a cultural reflection of a community and its people, it is important that procedures be in place for the acquisition and acceptance of art in the city of Burlingame. The purpose of this policy is to serve as a guide when considering aspects of public art, such as:

- A Selection and acceptance of donated or loaned artwork,
- B Placement or site selection,
- C Funding projected maintenance, and
- D De-accessioning or removal of artwork

Changes to this Public Art Policy shall be directed, by Council, for review to a task force comprised of two (2) Beautification Commissioners, two (2) Library Board members and two (2) Parks & Recreation Commissioners.

II DEFINITIONS

Art as described in this policy is art intended to enrich the public environment for both residents and visitors. Art shall include, but not be limited to, sculptures, murals, paintings, graphic arts, mosaics, photography, crafts, mixed media, and environmental works. It shall include all artwork that is to be displayed for an extended period of time in a City- owned or leased facility or park, or a City- owned or leased open space.

In this policy, **Appropriate Commission** refers to the City Commission whose sphere of influence is most closely associated with the facility or site in question. For example, the Parks & Recreation Commission will review applications for placement at park facilities or recreational buildings; the Library Board will review applications for placement at Library property; and the Beautification Commission will review applications for other City property.

III SELECTION / ACCEPTANCE PROCESS

When reviewing works of art for loan or gift to the collection, the Council, appropriate commission, and responsible department(s) shall consider whether:

- A The artwork
 1. is thought-provoking, memorable or enduring and shall reflect the diverse social, cultural, or historic values of the City

2. is appropriate in terms of scale, form, content, and the environment
3. is durable relative to theft, vandalism and the environment

4. acknowledges and is sensitive to the importance of the contributions by local and regional artists to the City of Burlingame's art program
 5. can be displayed on City property under the Federal and State Constitutions
 6. meets the City of Burlingame's general library collection standards for appropriateness, and no depiction of specified sexual activities as defined in Chapter 10.58 of the Burlingame Municipal Code nor any advocacy of racism nor depiction of graphic violence shall be allowed.
- B The City already owns sufficient examples or better examples of this type of object or the objects by a particular artist in a particular style
 - C The City has the facilities and resources necessary to properly care for and safe keep the object. The City has limited facilities and must consider the cost of processing, insuring, and maintaining the new artwork.
 - D Whether the artist or donor is prepared to execute a contract or other document which, in the estimation of the City Attorney and City Manager, protects and serves the fiscal and other interests of the City in connection with the acquisition or donation of the artwork proposed for display in a public area.

IV SITE SELECTION

When selecting sites for works of art for loan or gift to the collection, the Council, the appropriate commission, and responsible department(s) shall consider:

- A Whether the artwork can be properly installed, placed to be seen, and displayed with patron safety in mind
- B Compatibility of design and location within unified design character or historical character of site, preservation and integration of natural features of the project
- C Site design including landscaping, drainage, grading, lighting and seating considerations
- D Environmental impacts such as noise, sound and light
- E Public accessibility to the artwork, particularly handicapped areas
- F Impact on adjacent property owner's views
- G Impact on operational functions of the City

After consideration of the above, final selection of site location is the decision of the City Council.

V FORM OF RECOMMENDATION TO COUNCIL

Applications to donate artwork to the City will be made to the City Manager's office and will be routed to the Appropriate Commission. The Appropriate Commission will consider the staff's recommendation or comments, the criteria above, including written documentation, and, after a 30-day review period, will conduct a public hearing before making a recommendation to the City Council. The notice of the proposed public art will be published in the local newspaper at least fifteen (15) days before the end of the review period and will be delivered to property owners who live within 300' and are in view of the artwork. The documentation of the proposed public art will be available for review at the City Clerk's office during this period.

Three members of the City Council must vote affirmatively in order to approve the decision. The City Manager will notify donors of the City Council's decision. The notification, if the donation is approved, will include a description of the location where the art will be placed.

The donation offer may be withdrawn at any time up until execution of an agreement between the City and the donor(s).

VI MAINTENANCE OF ART IN PUBLIC PLACES:

The City Clerk shall maintain detailed records of all artworks acquired. The records shall include all items outlined in the application attached to this policy.

The work of art will be maintained with the same care as the City does in keeping and maintaining other similar City property. Upon receipt of the work of art pursuant to this policy, the City will be responsible for insuring the work of art as it determines appropriate in its sole discretion; however, nothing in this policy shall imply that the City has any obligation to purchase or obtain any insurance regarding the work of art of any kind. Staff will take into account the donor's or artist's recommendations for the appropriate method and frequency of maintenance for each work of art.

It shall be the responsibility of the City to:

- A Provide for the regular inspection of public artworks
- B Ensure that all maintenance of public artworks is completed with the highest standards of professional conservation
- C Report on the location and condition of each artwork to the City Council each year in time for budget preparation, including recommendations for the restoration, repair, or maintenance of artworks, and estimated costs

In the event repair, alteration, or refinishing of the artwork is required, the City shall first give the artist the opportunity to do the work for a reasonable fee if possible. However, it is recognized that the insurer of the artwork may require the repair, alteration, or refinishing to be done by the insurer's contractors. In the event the artist is unable or refuses to do the work for such a fee, the City may proceed to contract for the work with another qualified artist.

VII REMOVING (DEACCESSIONING) ARTWORK

Artwork may be removed from the City of Burlingame's art collection following review by the Appropriate Commission if:

- A The artwork's physical or structural condition poses a threat to public safety.
- B The artwork requires excessive maintenance, has faulty design or workmanship, and repair or remedy is impractical or unfeasible.
- C The artwork has been damaged and repair or remedy is impractical or unfeasible.
- D The condition or security of the artwork cannot be reasonably guaranteed.
- E Significant changes in the use, character or design of the site have occurred which affects the integrity of the artwork.

- F Significant, adverse public reaction has continued unabated over an extended period of time
- G Removal is requested by the artist or donor.

Removal should be a seldom-employed action that operates with a strong presumption against removing works from the collection. Removal will be undertaken only in extreme circumstances, and primarily when the condition of the artwork makes conservation impossible for technical or financial reason.

Removal Procedures

Prior to removing artwork, the Appropriate Commission shall prepare a written report for each object it recommends to be removed. The report shall include:

- A Title, artist medium, dimensions, and present location of the artwork
- B The origin/source of the artwork
- C Slide(s) and/or photograph(s) of the artwork
- D Report on the condition of the artwork
- E Estimated value of the artwork
- F Justification for disposal of the artwork
- G Recommendation for method of disposal of the artwork

A copy of this report shall be distributed to each member of the Appropriate Commission for review at least one month prior to the meeting at which the removal of the work will be considered. Each member of the Appropriate Commission shall physically inspect the work and the Commission shall conduct a public hearing before voting on whether or not to remove the artwork. Prior to the Commission meeting, staff shall make a reasonable effort to locate the donor or his/her heirs to advise them of the City's consideration to remove the artwork and reasons for the decision.

A report of the decision to remove the artwork will be given to the City Council. The decision of the Appropriate Commission will be deemed final, unless called up by a member of the City Council for Council approval. Disposition of artwork shall be handled in accordance with the requirements of Civil Code sections 987 and following and City procedures for disposition of surplus property.

VIII ON-LOAN POLICIES

The City Council may wish to accept donated artwork to the City for display on a temporary basis. Policies in addition to those listed in this document should be developed prior to the acceptance of artwork on a temporary basis.

IX FUNDING FOR ART IN PUBLIC PLACES

The City of Burlingame shall establish a special reserve account designated as the *Art in Public Places Fund*. This reserve account shall be credited annually, with funds allocated by the City through the budgetary process and monies received through donations or grants or otherwise obtained. The fund is to be maintained and administered by the City's Finance Director.

This account shall be used for the maintenance of public art. Expenditures of funds may include, but are not limited to, the following uses: costs associated with the transportation, installation, insurance, maintenance, repair, or restoration of artwork, and any costs to administer the art in Public Places program or purchase objects necessary for the proper presentation of the artwork.

If individuals, entities, or groups donate undesignated funds to the Art in Public Places Program, the funds shall be deposited into the *Art in Public Places Fund*. The City Manager shall direct an Appropriate Commission to designate the funds for either the maintenance or purchase of artwork.

X PUBLIC ART PROPOSAL

Any person wishing to donate artwork to the City of Burlingame must complete a Donation of Public Art Application, available in the City Manager's office.

The application and accompanying materials shall include the following:

- A Photo, plans, model or other representation of proposed artwork
- B Proposed location of the artwork
- C Statement of reason for donation
- D Description of the artwork, including dimensions, weight, finish, and color, and system for mounting or displaying the artwork
- E Any special maintenance, mounting or display requirements
- F Artist biography
- G Statement of the approximate value of the proposed donation
- H Signage proposed for the artwork, including size, lettering and material
(Note: signage shall be limited to the artist's name, title, and date of work, and where appropriate, a dedication. The name of the donor or lender may be part of the installation)

James Nantell
City Manager



City of Burlingame's Donation of Public Art Application

(Please complete this application as fully as possible)

Date: _____

Project Name _____

Proposed Location/Address _____

Proposed by _____

Phone _____ **Email** _____

Address _____ **City** _____ **Zip** _____

Reason for donation _____

Artist Name _____

Phone _____ **Email** _____

Address _____ **City** _____ **Zip** _____

Description of Artwork (Include finish and color) _____

Approximate Weight _____ **Approximate Dimensions** _____

System for Mounting of Displaying Artwork _____

Maintenance, Mounting or Display Requirements _____

Approximate Value: \$ _____ **Approximate Annual Maintenance Costs: \$** _____

Please attach

- Photo, plans, model or other representation of proposed artwork
- Artist biography
- Signage proposed for the artwork, including size, lettering and material