



DATE: February 24, 2022

AGENDA ITEM # 8

TO: Public Arts Commission

FROM: Jon Maginot, Staff Liaison

SUBJECT: Will You Dance With Me

RECOMMENDATION: Discuss the status of Will You Dance With Me

BACKGROUND

The sculpture Will You Dance With Me by artist Ed Hart was installed at the corner of State Street and Second Street in 2013. The artist donated the sculpture to the City.

DISCUSSION

In the years since installation, the sculpture has started to show signs of wear and deterioration. As the sculpture is owned by the City, maintenance of the sculpture is the responsibility of the City. There are several options the City could consider including repair of the sculpture or decommissioning of the artwork. The City's guidelines for decommissioning an artwork are attached.

Attachments:

1. City of Los Altos Guidelines for Public Art Section 5
2. Photos of Will You Dance With Me

Section 5:

Policies and Procedures for Artwork Decommissioning and Removal

OBJECTIVE

Maintain an artwork decommissioning and removal program that supports and continues to refresh our high-quality, City-owned public art collection.

- Eliminate artworks that are unsafe, not repairable, or no longer meet the needs of the City of Los Altos.
- Respect the creative rights of artists.
- Implement an artwork decommissioning process that is straightforward and simple.
- Support an efficient workload for staff.

DEFINITIONS

The term *Decommission* means to remove a work from the City's collection by selling, donating or destroying it.

LIFE SPANS

- *Temporary* means up to 5 years.
- *Medium-Term* means 5 to 25 years.
- *Long-Term* means 25+ years.
- *Permanent or Site-Integrated* means part of the site and/or structure and cannot be removed.

GENERAL POLICIES

Integrity of Artworks

The goal of the Los Altos Public Arts Program is to maintain the ongoing integrity of the artwork as well as the sites for which they were created, to the greatest extent feasible, in accordance with the artist's original intentions, and consistent with the rights afforded by the 1990 Visual Artists Rights Act.

Access to Artworks

The City provides the public with access to artworks however; the City may limit availability due to circumstances such as funding, public safety, display space and decommissioning processes.

Artwork Life Span

Life spans have been assigned to the work during the acceptance/installation process. These will be taken into consideration as part of any request for decommissioning or removal. For artworks that have not been assigned a life span, the Staff Liaison to the Public Arts Commission may engage experts to assist in assigning

the artwork a life span, based on the life expectancy of the artwork's materials, fabrication methods and location of installation.

ART DECOMMISSIONING APPLICATION PROCESS

Preliminary Request

Permanent artworks must be in place for a minimum of five years before decommissioning or removal requests will be considered. Decommissioning or removal requests may be submitted by one of the following groups:

- Neighborhood organization
- City Department
- City Independent Board or Commission
- City Council Member
- Public Arts Commission Member

The Public Arts Commission reviews a preliminary decommissioning or removal request from the applicant. If the Commission votes in favor of considering the request, the Staff Liaison will then work with the applicant to bring a full proposal before the Los Altos Public Arts Commission.

DECOMMISSIONING AND REMOVAL FORM

The Staff Liaison to the Los Altos Public Arts Commission will provide applicants with an application form which will serve as the applicant's formal request for consideration by the Los Altos Public Arts Commission.

REVIEW PROCESS

The Los Altos Public Arts Commission will review requests and make a decision regarding the decommissioning and removal of the specific artwork.

PUBLIC MEETING

The Los Altos Public Arts Commission will hold at least one public meeting for the purpose of gathering community feedback on a proposed decommissioning or removal. The Commission may also decide to hold additional public meetings or gather community input through other methods.

ARTIST INVOLVEMENT

If artwork decommissioning or removal is recommended, the artist (if available) will be contacted and invited to provide input to the Los Altos Public Arts Commission.

RECOMMENDATION

The Los Altos Public Arts Commission's recommendation may include dismissing the request and/or modifying, moving, selling, donating, disposing or storing the artwork.

PROCEEDS OF SALE

If the Public Arts Commission recommends that the retired artwork be sold, any net proceeds from the sale shall be returned to an appropriate Public Art Program account to acquire (through the standard public art processes) or maintain other artworks for the City Public Art Collection.

COSTS

If decommissioning accommodates the applicant's personal interests or project, they may be required to cover the costs of decommissioning.

COMPLIANCE WITH APPLICABLE POLICIES AND REGULATIONS

Decommissioning and removal of artwork will be done in a manner that complies with all other applicable City, State and Federal procedures, policies, and regulations. For example, decommissioning and removal actions must comply with applicable procedures and laws relating to the disposition of City property and with laws protecting artists' rights. In addition, when artwork is to be removed for relocation or repair, only authorized representatives or contractors of the City are to handle the artwork.

REVIEW CRITERIA

The following criteria will be used for evaluating requests for decommissioning or removal.

Stimulate Excellence in Urban Design and Public Arts

- Is the artwork of inferior quality in concept or construction compared to other artwork commissioned by the City?
- Is the artwork fraudulent or not authentic?
- Is the artwork not unique and/or a reproduction?
- Is the artist over-represented in the City's collection?
- Does the applicant wish to replace the artwork with a more appropriate work by the same artist?
- Does the artist lack a significant or engaging body of work?

Enhance Community Identity and Place

- Is the artwork significantly less appropriate given changes in the function or character of the setting or the community?
- Does the artwork lack historical value?
- Is the artwork contrary to adopted policy and historic use or master plans?
- Is the artwork incompatible with the current site design and function and/or the design and function of other possible sites?
- Is the site going to be demolished or adapted, or is it not possible to successfully incorporate the artwork into redevelopment of the site?
- Is no suitable new site available for the artwork?

Contribute to Community Vitality

- Is the site no longer publicly accessible?
- Has the artwork been the source of significant adverse public reaction over at least five years?
- Has the artwork failed to contribute to the overall community dialogue about civic issues?
- Is the artwork unsafe?

Involve a Broad Range of People and Communities

- Has the applicant gathered input from various people and groups in considering removal of the artwork?
- Does a broad range of people support the removal of the artwork?
- Does the current artwork or site fail to meet ADA regulations and is it impossible to modify the artwork or site to do so?
- Is the artwork a source of contention among various cultural communities?
- Has the artwork failed to generate interest as a gathering place?

Value Artists and Artistic Processes

- Does the artist have an inappropriate cultural, geographic or artistic perspective?
- Is the original artistic integrity of the artwork no longer intact or can it no longer be maintained?
- Does continued display of the artwork undermine the artist's intention or reputation?
- Has the artist been involved in discussions about removal of the work?
- Did someone other than a practicing artist create the artwork?

Use Resources Wisely

- Does the artwork require excessive maintenance or repair, have faults of design or workmanship, or is repairing or securing the artwork impractical or unfeasible?
- Are the terms of the original contracts unfulfilled?
- Is the cost of repair or conservation more than fifty percent of the original commission costs or current appraised value?
- Can the City no longer meet the donor's restrictions (for gifts) or other obligations?
- Does removal of the artwork provide an opportunity for a new project that could be supported privately?
- Is another governmental or nonprofit agency better suited to provide care and maintenance?





