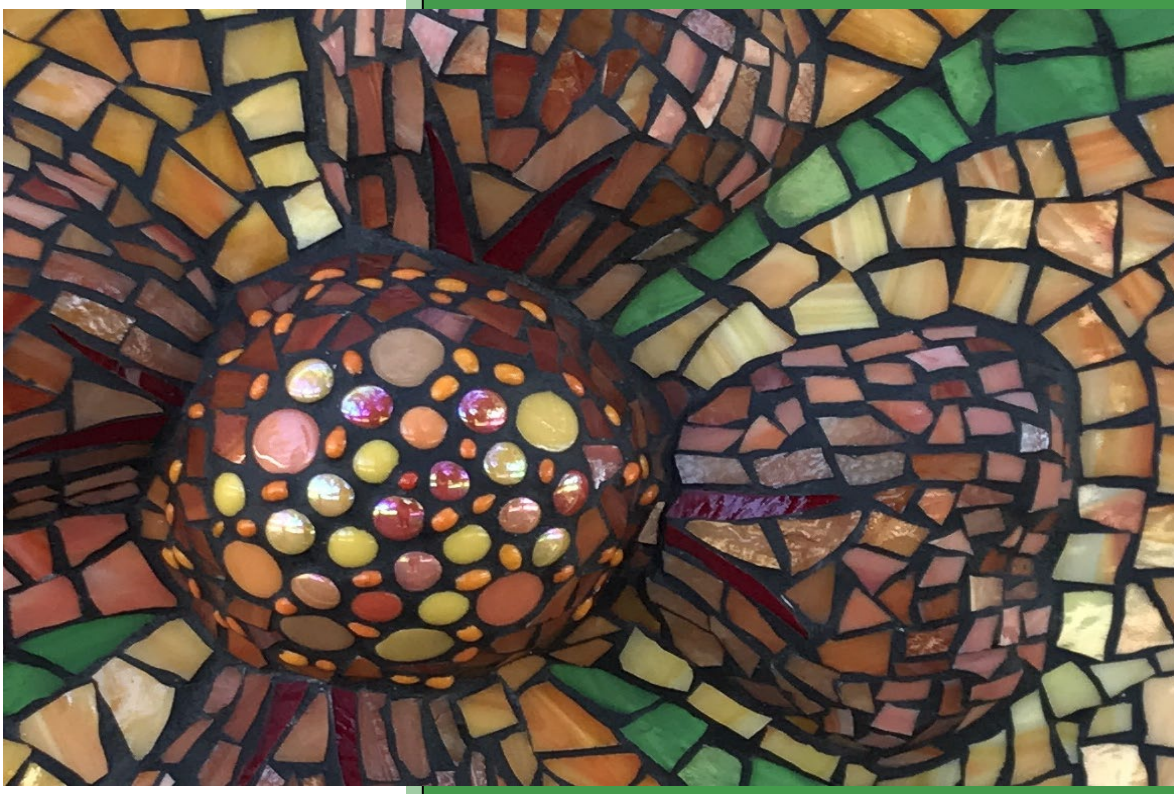
City of Los Altos: Guidelines for Public Art



The City of Los Altos

Public Arts Commission

August, 2018

Section 1:
City of Los Altos Public Art Program Overview

Mission and Vision

The mission of the Public Arts Commission is to advise the City Council on incorporating public art that improves the aesthetic quality of public spaces and "brands" the City of Los Altos as a unique and vibrant community.

The vision of the Los Altos Public Arts Program is to enrich the lives of all Los Altos citizens through honoring our City's history, celebrating its diverse culture and creating rich experiences for residents and visitors through art in city planning, initiatives, public spaces and infrastructure.

These goals and guiding principals were established to guide the future of our public art and enable us to find a common ground that defines how we see ourselves. In fact, the story of our community can be told by public art. Our civic infrastructure should embody our communal desire to ensure our city is safe, prosperous and welcoming to all. Public art extends our reach and tells our story to current and future residents and business owners who want to know what Los Altos represents.

The following plan is a result of collaboration between the Public Arts Commission, City of Los Altos and most importantly, the City's residents and business owners. By the end of the development process, more than 1,000 Los Altans shared their vision about the future of public art in our City.

Focus and Strategy

These guidelines are intended to provide strategic and tactical direction for public art throughout the City.

Goals & Guiding Principles

- Enhance community's diverse character and solidify attachment to place
- Pursue excellence in urban design and public arts to enhance the aesthetic environment of our public spaces
- Create community "brand"
- Shape the quality of life and spirit
- Build a stronger sense of place and identity
- Represent pride and community collaboration
- Create economic vitality by invigorating public spaces
- Enrich the community experience

WHAT IS PUBLIC ART IN LOS ALTOS?
"Works of art" shall mean all forms of originally created visual art, whether contemporary or traditional. The creator of the work of art shall be a practitioner in the visual arts who is recognized as a professional of serious intent and who is not a member of the project architect or landscape architect firm.

Works of public art may include:

- **Sculpture:** free-standing, wall supported or suspended; kinetic, lighted, electronic; in any appropriate material or combination of materials;
- **Murals or portable paintings:** in any appropriate material or variety of materials, with or without collage or the addition of non-traditional materials or means;
- **Photography:** original works of graphic art, limited edition prints, works on/of paper, original paintings;
- **Waterworks, neon, glass, mosaics,** or any combination of forms of media including sound, literary elements, holographic images, or hybrids of media and new genres;
- **Furnishings or fixtures**, including but not limited to gates, railings, streetlights or seating, if created by artists as unique elements.

Ineligible Works of Art:

- Directional elements (including “way finders”) such as super graphics, signage or color coding except where these elements are integral parts of an overall design created by a professional visual artist;
- "Art objects" which are mass produced or of standard manufacture, such as playground equipment, fountains or statuary elements, unless incorporated into an artwork by a project artist;
- Reproductions by mechanical or other means, of original works of art;
- Decorative, ornamental, architectural or functional elements which are designed by the building architect, as opposed to elements created by an artist commissioned for that purpose;
- Landscape architecture and landscape gardening except where these elements are designed by a professional visual artist and/or are an integral part of the artwork by the artist;
- Art that signifies a political or religious statement.

Section 2:
Public Arts Commission Roles and Responsibilities

MISSION AND RESPONSIBILITIES

The Los Altos Public Arts Commission, established in 2011, advises the Los Altos City Council in all matters pertaining to city-sponsored public arts programs. The Commission's primary goal is to increase the public's awareness of all visual arts including, but not limited to, exhibition of sculpture, paintings, mosaics, photography and video.

As a decision-making body within the Los Altos city government, the Los Altos Public Arts Commission is responsible for interpreting and reviewing proposed public art projects based on the criteria identified in these policies and procedures, and making recommendations to the Los Altos City Council based on the following criteria:

- Determining the "appropriateness" of a piece of art for our City;
- Project site selection;
- Conservation and maintenance of artworks;
- Gifts and loans;
- Deaccession and removal.

MEMBERSHIP

The Los Altos Public Arts Commission is comprised of seven Los Altos residents, each serving a four-year term with an option for a renewable, one-time additional term. Commission members are appointed by the Los Altos City Council.

PROCEDURES

All Commission meetings are public. Meetings are typically held the 4th Thursday of every month; dates, times and locations are posted on the City's website. Decisions made during the meeting are based on a simple majority vote of the Commission.

CONFLICTS OF INTEREST

Commissioners will declare any and all conflicts of interest for all projects and artwork under consideration at the beginning of their meetings. A conflict of interest exists if a Commissioner, an organization the Commissioner is associated with, as a staff or board member, or a Commissioner's family member has the potential to gain financially from the project under consideration by the Commission. In order to promote public confidence in this process, a Commissioner may also consider declaring a conflict if he/she thinks there may be a perception that they have a conflict. If a Commissioner has a conflict, he/she must not participate in the Commission's discussion or decision regarding the project. They must also refrain from discussion about the project and from influencing fellow Commissioners.

LOS ALTOS PUBLIC ARTS COMMISSION STAFF LIAISON

The Public Arts Commission Staff Liaison oversees the Public Arts Program and participates in the planning, purchasing, commissioning, donation, placement, handling, conservation and maintenance of public artwork under the jurisdiction of all City departments.

CITY DEPARTMENTS

City departments may recommend projects for possible funding or staff support by the Public Arts Program. They may also include side proposals and funding in their own Capital Improvement Plans. City departments are also accountable to the City's public art policies and procedures. Public art projects under the jurisdiction of any City department must be reviewed and approved according to the public art policies and procedures contained within this document.

CITY INDEPENDENT BOARDS AND COMMISSIONS

Independent Boards and Commissions may recommend their projects for possible support by the Public Arts Program. Public art projects developed in partnership with these entities must be reviewed and approved according to the public art policies and procedures contained within this document. City staff coordinating public art projects will work closely with the staff of these Boards and Commissions when working in partnership with them or placing projects on their property. Agreements with these Boards and Commissions will reflect and include the policies and procedures of all partners.

MAYOR AND CITY COUNCIL

The Mayor and City Council are tasked with the following:

- The approval of the budget for the Public Arts Program, as well as for any other budgets for public art;
- The appointment of Los Altos Public Arts Commissioners;
- The approval of all contracts in excess of $75,000.00.

ARTISTS

Artists may be invited to submit Requests for Proposals (RFPs) for the creation of works of public art.

PRIVATE SITE OWNERS AND DEVELOPERS

Private site owners and developers must also comply with the City's public art policies and procedures when working in partnership with the Los Altos Public Arts Program. City staff coordinating public art projects will work closely with the representatives of these private sites and adhere to their policies when working in partnership or placing projects on their property. Agreements entered into with private site owners must reflect and include the policies and procedures of all partners.

Section 3:
Policies and Procedures for the Donation of Public Art

OBJECTIVE

All public art pieces donated to the City of Los Altos must come with a plan that specifies the funding and delivery of ongoing maintenance or the resolution accepting the public art must identify how maintenance of the donated public art will be funded.

DONATION REQUIREMENTS

The City will consider donations on the following basis:

- The donation contributes to and enhances the City's public art collection;
- The donation meets a high standard of quality and is appropriate and meaningful to the community;
- The donation follows required City procedures including the submission of a Donation Proposal and a Maintenance Plan. Donation Proposal requirements are included in this policy.
- The requirements for the Maintenance Plan can be found in the Los Altos Public Arts Program Policy and Procedure for Maintenance proposed policy;
- The donation is made with the understanding that no City funds will be required for production, site placement, installation or ongoing operations and maintenance of the work without prior approval of the City of Los Altos;
- The donation proposal includes a plan to fund and deliver ongoing operations and maintenance;
- The donation proposal is reviewed and endorsed by the Los Altos Public Arts Commission and City department accepting the art and approved by the City Council.

The City will not accept a donation of artwork until all funds for its development, fabrication, site location and installation have been secured. The City will consider the following types of donation proposals for artworks on City-owned property:

- An already completed work of art;
- A commissioned artwork by a specific artist or artists to be created especially for a City-owned property;
- Donations of creative or innovative public art projects.

ROLE OF THE SPONSOR OR SUPPORTING ARTIST

A donation of artwork must have a sponsor or co-sponsors who will prepare and present a donation proposal. The sponsor's principal roles are to state the intent of the donation and be responsible for raising or providing the funding for its production, acquisition, installation and maintenance. Community groups or corporations can act as a sponsor, provided that they can demonstrate community support for the proposal. Demonstrating community support reinforces the public nature of the proposal.

DONATION PROPOSAL PROCEDURES

All offers of artwork proposed for property under City jurisdiction must be made in writing and submitted by the sponsor to the Los Altos Public Arts Commission. The donation proposal must contain the following for an already completed work, a commissioned artwork, or a creative/innovative public art project:

1. Rationale for the intent, purpose, and added value to the City of the proposed gift;
2. Brief statement about the artwork or project and biographical information about the artist, including resume and supporting materials;
3. Project timeline;
4. Site plan that shows the proposed location of the artwork, a photograph of the proposed installation site, and surrounding environment;
5. Visual presentation of the artwork on the proposed site(s), including drawings, photographs, and models of the proposed work with scale and materials indicated;
6. Maintenance plan, including operations and maintenance information citing requirements for ongoing maintenance and associated costs;
7. Documentation of artwork ownership and statement of authority and intent to transfer ownership to the City.

The following additional information must be provided for a commissioned artwork or a creative/innovative project to be created specifically for a City-owned property:

8. Detailed budget, with costs for the project including site preparation, installation, and insurance that meets City requirements; and
9. Funding committed to date and proposed source(s) of funds.

DONATION PROPOSAL REVIEW PROCESS

All proposals for donations of artwork must follow a three-stage review process:

1. Review by the Los Altos City Staff and the Los Altos Public Arts Commission utilizing the Donation Review Criteria below;
2. Evaluation by a qualified professional public art conservator and/or arts professional such as a museum director, curator, historian, or writer/critic;
3. Recommendations and findings from the conservator and/ or arts professional to be presented to both City Staff and the Los Altos Public Arts Commission, who will prepare a report and request to be submitted to the City Council for approval.

If a donation is made that is valued at $10,000.00 or less, the Los Altos Public Arts Commission may recommend acceptance of the donation by the City Manager. If the donation is valued in excess of $10,000.00, the acceptance of the donation must be decided upon by the Los Altos City Council. If the Los Altos Public Arts Commission decides against accepting the proposal, City Staff, in collaboration with the Los Altos Public Arts Commission, will notify and provide a rationale to the sponsor and the artist.

DONATION PROPOSAL REVIEW CRITERIA

The donation review process will include, but will not be limited to, the following:

- City-owned Property – Donated public artwork must be located on City-owned or City-managed property;

- Relevance and Site Context – Works of art must be appropriate for the proposed location and its surroundings, and/or complement the architecture, topography, history, and social dynamic of the location in which it is placed;
- Artist and Artwork Quality – The artist demonstrates the ability and potential to execute the proposed artwork, based on previous artistic achievement and experience. The artwork must enhance the City's public art collection;
- Physical Durability – The artwork will be assessed for long-term durability against theft, vandalism, and weather;
- Public Safety and Liability – The artwork will be assessed for any public safety concerns, as well as for any potential liabilities for the City;
- Sustainability – Consideration will be given to the environmental impact and sustainability of the proposed artwork, including its operations and maintenance requirements/costs;
- Legal – Proposed terms of donation, legal title, copyright authenticity, artist's right to reproduce, liability, and other issues as deemed appropriate will be considered.

Memorial Gifts

Memorial gifts will have an additional review process, which will include, but will not be limited to, the following:

- Timeframe – The person or event being memorialized must be deemed significant enough to merit such an honor. The person so honored will have been deceased for a minimum of twenty-five years. Events will have taken place at least twenty-five years prior to consideration of a proposed memorial gift;
- Community Value and Timelessness – The person or event being memorialized represents broad community values and will be meaningful to future generations;
- Location – The location under consideration is an appropriate setting for the memorial; generally, there should be some specific geographic justification for the memorial being located at a specific site.

ACCEPTANCE OF THE ARTWORK

If the proposal is accepted by the City of Los Altos, a formal agreement will be negotiated outlining the responsibilities of each party (the City, the sponsor(s), the artist, and outside contractors, where applicable).

The agreement will address project funding, insurance, location site, installation, operations and maintenance, project supervision, vandalism, the right of removal or transfer, public safety, and other issues as necessary.

The City of Los Altos will be the owner of the artwork and reserves the right to remove or alter the work to ensure public safety or because of any other City concerns. The City upholds copyright law and the Visual Artists Rights Act of 1990. Any changes will be made in consultation with the artist and sponsor(s).

The completed and installed artwork will be accessioned and added to the City's inventory list and master database with all accompanying documentation.

Section 4:
Policies and Procedures for the Maintenance of Public Art

OBJECTIVE

The Los Altos Public Art Maintenance Program will use monies in the Los Altos Public Art Fund. This account will be funded by monies collected through the Public Art Fund Ordinance.

The Public Art Maintenance Program will be administered by the City of Los Altos in collaboration with the Los Altos Public Arts Commission through yearly evaluation and planning for maintenance of the existing collection.

The Program addresses:

- Accessioning and inventorying the City's collection of public art;
- Conducting semiannual Survey and Condition Assessments of all work in the collection, both historic and contemporary;
- Preparing a semiannual Public Art Maintenance Plan;
- Overseeing routine maintenance and special conservation treatment of the City's public art collection.

Every five years, the Los Altos Public Arts Commission will conduct an assessment of the condition of all public art with a qualified professional conservator and develop a prioritized list of works in need of conservation or maintenance. This list will be the basis of the semiannual Public Art Maintenance Plan.

Under this plan, trained City maintenance staff, with the approval and direction of the Los Altos Public Arts Commission, may carry out routine maintenance. For work in need of a higher level of maintenance, specialized care, or conservation treatment, the Program will utilize the maintenance funds available under the Ordinance held in the Public Arts Administrative Account.

MAINTENANCE IN ADVANCE OF CREATION

Installation, maintenance and care of public art begin before an artwork is created. During the design phase or when a donation is initiated, the City, artist or sponsor will review and analyze their design proposal and advise on maintenance and operations of the artwork.

On behalf of the City, artist or sponsor, the appropriate party will submit a Maintenance Plan to the City of Los Altos and the Los Altos Public Arts Commission, who will review and then catalogue any tasks associated with maintenance of the artwork.

The Maintenance Plan will enable the City, in collaboration with the Los Altos Public Arts Commission, to:

- Evaluate the quality and sustainability of the proposed or existing public artwork;

- Establish maintenance requirements, assign schedules and identify potential costs;
- Determine if the City of Los Altos should accept or decline the design proposal and/or public artwork.

To produce the Maintenance Plan, the artist should examine and render an opinion on the following:

- Durability;
- Type and integrity of materials;
- Construction/fabrication technique;
- Internal supports, anchoring and joining, and footings;
- Landscaping;
- Vulnerable and delicate elements;
- Drainage of artwork;
- Potentially dangerous elements;
- Security;
- Location;
- Environment;
- Whether the design encourages/discourages interaction;
- Effects of skateboarding, graffiti and any other potentially damaging activities.

The Maintenance Plan includes:

- A record of the artist's intentions for the work of art;
- Recommendations to mitigate potential problems discovered during the examination;
- Notes about how the artist would like the work of art to age;
- An itemization of long-range considerations and care, highlighting maintenance and the anticipated needs for periodic conservation treatment or repairs;
- Identification of the life span of the artwork and a prognosis of its durability in consideration of that life span.

LIFESPAN OF ARTWORK

This life span will be selected from one of four categories:

1) Temporary: up to 5 years
2) Mid-term: 5–25 years
3) Long-term: 25+ years
4) Permanent or Site-Integrated: part of the site and/or structure and cannot be removed.

UTILIZATION OF THE MAINTENANCE PLAN

The Maintenance Plan will be used:

- To advise Los Altos Public Arts Commission, City Department Directors, and others who must review and approve design proposals or accept or decline donated public artwork;
- To troubleshoot the production of construction drawings, the fabrication of the artwork and the preparation of the site;
- To follow-up on the artist's recommendations;

- As reference during the post-fabrication/post-installation inspection to prepare a final report and a punch list to complete the project.

The City of Los Altos and the Los Altos Public Arts Commission, professional conservators and public artists will strive to address the recommendations in the Maintenance Plan without unduly interfering with the aesthetic intent of the proposed public art.

PROCEDURES DURING THE PUBLIC ART MAINTENANCE PROGRAM

The Public Art Maintenance Program becomes actively involved with the Capital Project's public artwork and the Los Altos Public Arts Commission at the end of the Commission phase. The City of Los Altos, in collaboration with the Los Altos Public Arts Commission, participates in the Post- Fabrication Inspection and/or Post-Installation Inspection that is led by the Los Altos Public Arts Commission.

POST-FABRICATION/POST-INSTALLATION INSPECTION

The Post-Fabrication/Post-Installation Inspection will be based upon and follow-up on the Maintenance Plan that was carried out during the design phase to include the following:

- Ensure that recommendations made in the Maintenance Plan and during fabrication were followed;
- Confirm that the artwork is executed as proposed and agreed upon;
- Confirm that there are no missing or incomplete elements;
- Establish that materials quality and stability are acceptable;
- Establish that fabrication quality and stability are acceptable;
- Confirm that installation is stable and secure;
- Confirm that stainless steel is fully and properly "passivated";
- Confirm that, if required, protective coatings have been applied;
- Ensure that warranties for electronic and other media are submitted as necessary;
- Identify any remaining vulnerabilities;
- Confirm no new damage resulted from installation process;
- Ensure that the maintenance and operations plan is accurate and amend as needed;
- Confirm that the plaque/public notice meets program guidelines and is properly installed.

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?