

**CITY OF MORGAN HILL
LIBRARY, CULTURE AND ARTS COMMISSION
POLICIES AND PROCEDURES**

LCAC-08-04

SUBJECT: CITY'S PERMANENT ART COLLECTION

APPROVED BY CITY COUNCIL DATE: October 16, 2008

The Library, Culture and Arts Commission will review and make recommendations to the City Council regarding all works of art to be acquired by the City, either by purchase, gift or otherwise, and exterior works of art installed in the City on public property.

A. Definition of Permanent Public Art

Permanent public art is that which is installed for one year or more in open and freely accessible areas designated as a public area, lobbies and public assembly areas of City property, or on non-City property if the work is installed or financed, either wholly or in part, with City funds or grants procured by the City..

B. Acquisition Policy – It is the policy of the City to encourage art in public places and to act as the conduit for the purpose of administration of a public art policy.

Acquisition Procedures:

1. All acquisitions as recommended by LCAC shall require review and approval by the City Council.
2. All acquisitions, whether purchased by or gifted to the City, shall require a contract addressing the terms of the acquisition; installation, instructions for maintenance; the manner in which work may be deaccessioned; and copyright, reproduction, and resale issues.
3. Funding for the maintenance must be determined prior to the acquisition.
4. The value of the work shall be agreed upon between the artist and the City.
5. Complete records shall be made and maintained by the staff representative to the Library, Culture and Arts Commission (LCAC) or other City staff as assigned by the Recreation and Community Services Director.

C. Review Policy – It is the policy of the City that all proposed acquisitions or gifts will be reviewed by a committee and that specific criteria be used in the approval process.

Review Procedures:

1. The review committee shall be made up of a member of the LCAC selected by the LCAC, a member of the community-at-large with expertise in public art selected by the LCAC, and a member of the City Staff selected by the City.

2. All submissions shall include a rendition of the work, a written description of the work including dimensions and material, proposed placement, a maintenance plan, and an estimated value.
3. The review criteria shall include:
 - a. quality of work
 - b. experience and abilities of the artist
 - c. style and nature
 - d. permanence and technical feasibility
 - e. budget
 - f. diversity
 - g. benefit
 - h. placement & public accessibility
 - i. ongoing maintenance requirements
 - j. public safety and liability
 - k. permanence
 - l. aesthetics/enhance surroundings
4. A recommendation will be made by the review committee to the LCAC who will, in turn, make a recommendation to the City Council.

D. Installation Policy – It is the policy of the City to install works of public art in areas in which they will provide the greatest benefit to the community.

Installation Procedures:

1. When determining the site of installation, the following criteria will be considered:
 - a. public safety
 - b. visibility
 - c. lighting
 - d. traffic patterns
 - e. function of the facility/site
 - f. relationship of the proposed work to pre-existing works on the site
 - g. future development plans for the area
 - h. landscape design
 - i. environmental assessment
 - j. public accessibility
 - k. appropriateness of the physical characteristics of the site
 - l. relationship to the social and cultural identity of the immediate community
2. Installation costs will be the responsibility of the artist or donating party unless otherwise stipulated in the contract.
3. Each artwork shall be identified by a plaque stating the artist's name, artwork title, and the date the artwork was dedicated. The cost and installation of the plaque shall be the responsibility of the artist or donating party unless otherwise stipulated in the contract.

E. Maintenance Policy – It is the policy of the City to keep works of public art in their intended condition through inspection (cursory inspection by City staff and annual inspection by the LCAC) and required maintenance.

Maintenance Procedures:

1. Before public art is accepted by the City there shall be a plan for its maintenance requirements and for the funding thereof.
2. Written instructions from the artist or donor for the proper care and maintenance of each work are required.
3. City staff will perform a cursory inspection of installed works as part of the regular and customary maintenance of the site.
4. LCAC will perform an annual inspection and inventory prior to the end of each fiscal year of all works and provide a written report of findings at a regularly scheduled LCAC meeting. LCAC will advise the City Council on any maintenance issues.

F. Deaccession Policy – It is the policy of the City to maintain its’ permanent collection of public art in good condition and in keeping with the historical and cultural values of the community and will deaccession the work if the values are no longer met or if it is determined that maintenance costs are not feasible.

Deaccession Procedures:

1. An agreement regarding the manner in which the work may be deaccessioned shall accompany all acquisitions.
1. Physical evaluations may take place annually by the LCAC and a written report will be prepared by the LCAC and be submitted to Council for every work in the City’s collection.
2. The following criteria will be used when determining deaccession of a work of art:
 - a. if the City cannot properly care for or store the work
 - b. if the aesthetic or the historical/cultural value of the work is no longer evident
 - c. if the work demonstrates faults in design or workmanship
 - d. if the condition of the artwork requires repair or restoration in excess of the value or in excess of the funds allotted in the acquisition contract or available from the City.
3. The City shall dispose of all deaccessioned works in accordance with the terms specified in the acquisition contract or, if no terms are specified, by sale, trade, transfer or destruction. Ethical standards will apply.
4. Any and all monies raised from deaccession will be added to the Community Culture & Art Fund and in keeping with the California Resale Royalties Act.

This policy shall remain in effect until modified or revoked by the City Council.