

CITY OF GARDEN GROVE Monument Policy

SECTION I. PURPOSE AND INTRODUCTION

The City may, from time to time, decide to install permanent outdoor monuments on City property to provide the City's commemoration of persons or events of note, or to otherwise convey the City's position on various topics (referred to as "Government Speech").

By placing monuments on City property, the City intends only to engage in government speech and does not intend to open a public forum for free speech activity.

The purpose of this Policy is to establish criteria and guidelines for the consideration and installation of monuments outdoors in parks or plazas deemed by the City to be appropriate to serve as the site for a monument. In doing so, the City recognizes the following considerations:

- Monuments can convey a powerful connection between Garden Grove and its history, and in some instances its future.
- It is therefore important that the placement of monuments be limited to circumstances of the highest community-wide importance, both to maintain the significance of such monuments and to minimize conflicts with the active and variable use of public spaces.

Notwithstanding the foregoing, the City may decide, in its sole discretion, to reject a proposal for a monument and/or may determine the appropriate site for any and all City monuments.

SECTION II. MONUMENT DEFINITION

"Monuments" are markers, statues, and other similar permanent installations to express Government Speech, as further described in this policy, and which are installed by the City on City property, or which are accepted by the City and installed on City property with City permission. Monuments may be in various forms including statues, fountains, or gardens among other forms of monuments as determined by the City.

Monuments must be of City-approved materials, size, design, and specifications, with a goal toward simplifying their review and long-term care.

SECTION III. GOVERNMENT SPEECH ON MONUMENTS

City's Government Speech Topics

The City may install or accept City-approved monuments on City property as a form of "Government Speech", as City recognition of significant events or people, or to provide information from the City on topics approved by the City, as set forth below:

- The contributions of individuals or groups who made a substantial impact upon the City of Garden Grove or Orange County;
- The City's position on topics of interest to the community, as determined by the City Council;
- The history of Garden Grove, California, or of the United States;
- Historical or cultural influences on Garden Grove;
- Native flora, fauna, and wildlife of Garden Grove and the greater Southern California area;
- Local innovation or creativity that has contributed to Garden Grove's growth and prosperity; or
- Other criteria selected by the City Council and set forth in an amendment to this Policy.

The City shall not place monuments on City property which have the purpose of promoting, favoring, or inhibiting any religion or which would appear to a reasonable person that the City is promoting, favoring, or opposing a religion.

SECTION IV. ADMINISTRATION

The City Council may approve or deny monument proposals and may enact administrative guidelines and procedures to implement this Policy, including without limitation, designation of locations deemed amenable to monuments. The City Council shall also designate the Community Services Department to facilitate monuments located on City property.

The Community Services Department shall coordinate with the Public Works Department with regard to the installation of any monument that is to be installed within a public park or plaza.

SECTION V. DONATED AND PRIVATE FUNDING OF MONUMENTS

The City encourages private donations to the City that support various City programs and City operations, which may include without limitation, the cost of acquisition, installation, and maintenance of monuments within a public park or plaza. The City prefers to receive private donations in the form of funds that may

be used by the City to review, design, fabricate, acquire, install and/or maintain monuments, rather than the donation of a completed monument.

However, the City may from time to time, at City's sole option, consider accepting a completed monument as a form of Government Speech, provided that the monument meets the City's approved Government Speech topics and also meets all of the other criteria set forth in this Policy and in any related administrative guidelines or procedures. After City's acceptance of a monument and subject to City's explicit approval of installation of the monument upon City property, title to the monument shall vest with City and the City may remove, relocate and shall otherwise have sole control over the monument.

While the City appreciates donations of monuments, the City is under no obligation to accept any donated monument even if the monument meets all of the criteria set forth in the Policy. The City's decision to accept a donated monument may also depend upon the cost to the City of design, fabrication, installation, and maintenance of the monument, and site considerations, among other factors.

The City may, at its discretion, decide for budgetary reasons to prioritize monuments where the City expects to receive donated funding to cover the cost of design, fabrication, installation, and maintenance of the monument. Unless otherwise agreed by the City Council, the donor of a proposed monument is responsible for providing the City with funds to cover the cost of review, design, fabrication, installation, and maintenance to ensure adequate care for the monument.

SECTION VI. REVIEW PROCESS/CRITERIA

A proposed monument must conform to the approved Government Speech topics. Also, a monument must be made of durable materials; able to withstand the elements for a minimum of 50 years with minimum maintenance; shall be made of materials resistant to vandalism and graffiti as much as is reasonably possible; shall be of a scale, materials, color, and style appropriate and consistent with aesthetics of the proposed location of the monument; and such other reasonable factors as the City Manager determines.

The City may decline to approve or to accept a monument for any lawful reason.

Monument proposals shall be considered by the Parks, Recreation and Arts Commission. That Commission shall make a recommendation to the City Council for approval or disapproval based on consistency with this Policy and as further described in the review process below. If there is doubt regarding the appropriate Commission who is to consider the proposal, the City Manager shall determine the appropriate Commission for review of the proposal.

The City Council may accept or deny the recommendation from the Commission as further provided in the review process below.

The City shall only proceed with the design, fabrication, and installation of a monument after completion of the review process and the conclusion is to move forward. In reviewing a proposed monument, the relevant departments, the applicable City Commission and the City Council shall review the proposal based upon the criteria set forth in this Policy including the following:

- A. Whether the person, group, or event being memorialized deemed by the City to have made a significant enough contribution to merit a monument of the scale, cost, and visibility of the proposed monument.
- B. The monument does not duplicate existing monument themes. Multiple monuments for similar or related groups shall be avoided.
- C. The monument proposal has been through a legally noticed community meeting, conducted by the group or person suggesting that the City install the monument (meeting must have City staff present), and that the installation and maintenance of the monument is within the priorities of the work plan of the responsible department. Outreach should inform the community that this Policy only authorizes one monument to honor a particular event, person, or topic.
- D. The proposed monument is not objectionable to the persons or community that the monument is intended to honor. If through the public outreach process, the City Manager finds that a proposed monument is a source of substantial dissention or discord within the City, the City Council shall seek further direction from the Commission before bringing the proposal forward for consideration.
- E. The City Council shall have final approval of a City project to design and construct a monument, or to accept a donated monument. The City Council shall consider the Commission recommendation and make a final determination regarding the proposed monument and whether to approve the monument.
- F. The monument has been designed by or under the direct supervision of a qualified professional in the art or design field, and provides a quality, scale, and character commensurate with the location, circulation, and use patterns of the City property. Qualified professionals include registered architects, engineers, landscape architects, and artists who can demonstrate professional recognition in the form of public commissions or

permanent public installations. The City may solicit input from art and design professionals such as artists, architects, landscape architects, planners, or designers in making this determination. Monuments shall not displace the intended function and or use of said property, as articulated in adopted master plans or similar City documents.

- G. The City Council shall evaluate the merits of the each monument proposal. The City Council shall make a final determination on the approval or denial of the monument proposal by evaluating (i) the merits of the monument proposal based upon the criteria set forth in this Policy, (ii) the results of any staff review of the proposal, and (iii) the recommendations of the appropriate City Commission.
- H. All required environmental review shall be approved by the City's planning department before the City commits to installing a monument. The monument shall be consistent with adopted City master plans unless those plans are amended as a part of the review process.
- I. There is a committed and verifiable funding source for the review, design, fabrication, installation, and maintenance of the monument before proceeding to incur City costs and staff time.

Notwithstanding the foregoing, the City may decide, in its sole discretion, to reject a proposal for a monument and/or may determine the appropriate site for any and all City monuments.

Suggestions that the City recognize a significant event, person, or other approved topic by means of a monument, will be more favorably received if the advocates for the monument provide the City with funds that cover the cost of review, design, fabrication, and installation, and an adequate endowment to cover the cost of the monument's maintenance as determined by City.

In any Monument Maintenance Agreement, the City will require an up-front endowment or deposit to cover at least one year's maintenance of the monument to protect the City against future default. While less desirable, the City may consider accepting an agreement from a group to maintain a monument in perpetuity and in accordance to City standards rather than a cash endowment; however, this will require the City to incur additional effort and cost.

Notwithstanding the City's decision to enter into a Maintenance Agreement, the monument remains City property and City's Government Speech, and the City may remove the monument at any time and for any reason.

The following additional criteria and factors shall be considered in evaluating a site (which must be within a park or plaza) for a proposed monument:

- Due to the unique features, limited capacity and uses of the Community Meeting Center, the Courtyard Center and Atlantis Play Center, these facilities will not be considered for use as monument sites. Streets and other public rights-of-way also shall not be considered for use as monument sites, except to honor City employees who have died in the line of duty, as further provided below.
- Monuments may be considered in neighborhood parks provided that the monument has a connection to the neighborhood through history, individual or group contributions and accomplishments, or similar factors, as deemed appropriate by the City Council.

Additional Review Process if a Monument is Primarily an Original “Work of Art”

The Community Services Director shall recommend and advise the City Manager, whether a proposed monument is primarily an original “work of art”. A “work of art” is defined as a monument that is designed by and crafted by or under the supervision of a professional artist. A monument that is deemed primarily a “work of art” shall be considered “public art” and shall become part of the City’s Art in Public Places inventory.

For monuments determined to be primarily “public art,” the Community Services Department shall:

- Coordinate the review of monuments that are “public art” with the Parks, Recreation and Arts Commission. The Commission shall review and make recommendations regarding the monument as to proposed site, artistic merit, durability, maintainability, and consistency with this Policy. Further, the Community Services Department shall coordinate the findings and recommendations of the Parks, Recreation and Arts Commission to the City Council.
- Coordinate with the Department of Public Works, the inspection, design, location, and other logistical components of monuments that are “public art.”
- Prepare and monitor all necessary records and documentation of monuments that are “public art.”
- Oversee the maintenance of “public art” monuments.

SECTION VII. PUBLIC RIGHT-OF-WAY

The public right-of-way shall not be considered as a site for monuments, except that the City may honor City employees who die or have died in the line of duty while serving the City, by placing a memorial plaque at or near the location of the City employee's death. The City's Public Work's Director is authorized to install memorial plaques in the public right-of-way to commemorate City employees who have died in the line of duty while serving the City if each of the following conditions exist:

- A. The property owner adjacent to the location of the proposed memorial plaque has been consulted on the placement of the memorial. In the event the property owner does not agree to the proposed location, the City will attempt to locate a nearby alternative location.
- B. The memorial plaque must be flat and level with the sidewalk, and placed behind the curb.
- C. The memorial plaque must not interfere with the public use of the sidewalk or right-of-way area.

SECTION VIII. OTHER POLICIES

Nothing in this Policy is intended to supersede or limit any other City Council Policy including without limitation, the City's Naming of Parks Policy (City Council Policy 700-04).

This Policy does not cover temporary installations on City property, nor does this Policy limit the City's ability to place signage or plaques on City property to provide donor or sponsor recognition, public information regarding a City project, or to place historical markers, or to provide other information to the public. City departments may enact administrative guidelines regarding plaques or signage for donor or sponsor recognition in a manner consistent with Policy 700-04.