

SUBJECT:

PUBLIC ART DONATIONS

POLICY

NUMBER

700-06

EFFECTIVE

DATE

It is the Policy of the City Council for criteria and guidelines for temporary or permanent art in parks and plazas, on building façades and utility boxes.

SECTION I. PURPOSE

The purpose of this Policy is to establish criteria and guidelines for the consideration and installation of temporary or permanent art in parks and plazas, and on building facades and utility/traffic signal boxes, deemed appropriate by the City.

While this policy focuses on the permanent and temporary display of art on City-owned properties, this policy only applies to non-City affiliated art projects donated to the City.

SECTION II. INTRODUCTION

Recognizing the important role that public art plays in promoting urban revitalization, community-building, and a higher quality of life, this policy serves to provide a framework for the direction of donated public art installation in Garden Grove.

The City may, from time to time, decide to install and allow artists to provide temporary or permanent outdoor art on City-owned property, i.e., buildings and utility/traffic signal boxes, in an effort to enhance the City's Re:Imagine Garden Grove goal of creating a sense of place, as well as strengthening its goal of being an arts-invested community.

By placing public art 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.

Notwithstanding the foregoing, the City may decide, in its sole discretion, to reject a proposal for a permanent or temporary art installation.

SECTION III. PUBLIC ART DEFINITION

Public art, for the sake of this policy, refers to temporary and permanent installations. These may include permanent murals on building facades and utility/traffic signal boxes, or temporary art installations, such as discoverable or passive art, placed in prominent locations for City special events and community enjoyment.

Regardless of the size and scope of any proposed public art, the design/visual to be installed, whether it be temporary or permanent, must first be reviewed and

preliminarily approved by the City's Community Services Department. If the installation is on a utility/traffic signal box, approval from the City's Traffic Engineer, will be required as well.

Should the proposed public art be installed within the boundaries of the Downtown Assessment District, said design/visual would then also require the approval of the City's Downtown Commission.

Public art must be of City-approved materials, size, design, and specifications, with a goal toward simplifying its review and long-term care. Depending upon the size and nature of a public art installation, the application of an anti-graffiti coating may be required by the City, including going through an existing contract with the City's anti-graffiti coating contractor.

SECTION IV. GOVERNMENT SPEECH ON PUBLIC ART

The City may install or accept City-approved public art 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 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 any public art on City property which has 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 V. POLICY ADMINISTRATION

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

The Community Services Department shall coordinate with the Public Works Department, and if applicable, the Community and Economic Development Department, with regard to the installation of any public art that is to be installed within a public park or plaza, or added to the façade of a City facility.

SECTION VI. DONATED AND PRIVATE FUNDING OF ART

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 public art within a public park or plaza, or applied to the façade of a City facility.

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 public art, rather than the donation of a completed piece of art.

However, the City may from time to time, at the City's sole discretion, consider accepting a completed piece of public art as a form of Government Speech, provided that the art 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 the City's acceptance of a public art installation and subject to the City's explicit approval of installation of the public art upon City property, title to the public art shall vest with the City and the City may remove, relocate and shall otherwise have sole control over the public art installation.

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

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

SECTION VII. REVIEW PROCESS/CRITERIA

Any proposed public art may be accepted for review from a qualified artist, professional, hobbyist, or student. City employees, elected officials, and City Commissioners are only eligible to submit a public art proposal for consideration if said proposal has been reviewed by City staff and then submitted to the City Council for additional review.

Some preference will be given to local artists and those with demonstrated experience in engagement through public art projects.

A proposed public art installation must conform to the approved Government Speech topics. A proposed public art concept must be of reasonable scale, materials, color, and style appropriate and consistent with aesthetics of the proposed location of the installation, and such other reasonable factors as the City determines.

The City may decline to approve or to accept a public art installation for any lawful reason. Public art proposals shall be considered by the Parks, Recreation and Arts Commission. That Commission may refer the proposal to the City Council for approval or denial based on consistency with this Policy, and as further described in the review process below.

If there is a need for additional review, regarding the applicable Commission who is to consider the proposal, the City Manager, or designee, shall determine the appropriate Commission for review of the proposal.

For proposals recommended to the City Council by the applicable City Commission, the City Council may accept or deny the recommendation, as further provided in the review process below.

The City shall only proceed with the design, fabrication, and installation of a public art installation after completion of the review process and the conclusion is to move forward. In reviewing a proposed installation, first the relevant departments, then the applicable City Commission, and if referred to, then 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 is deemed by the City to have made a significant enough contribution to merit a public art installation of the scale, cost, and visibility of the proposed art.

B. The art does not duplicate existing art themes. Multiple art installations for similar or related groups shall be avoided.

C. The public art 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. Public art installations shall not displace the intended function and or use of said property, as articulated in adopted master plans or similar City documents.

D. A proposed public art project may be elevated to City Council review if (i) applicable City Commissions request City Council consideration, (ii) the proposal is of a sensitive or political nature. The City Council shall make a final determination on the approval or denial of the public art proposal by evaluating (i) the merits of the

art proposal based upon the criteria set forth in this Policy, (ii) the results of any City staff review of the proposal, and (iii) the recommendations of the appropriate City Commission.

E. All required environmental review shall be approved by the City's planning division before the City commits to install a public piece of art. The public art shall be consistent with adopted City master plans unless those plans are amended as a part of the review process.

F. There is a committed and verifiable funding source for the review, design, fabrication, installation, and maintenance of the public art before proceeding to incur City costs and staff time.

G. The City may determine, in its sole discretion, the appropriate site for any and all City public art.

H. Once a project has been reviewed and approved, the artist/artists will be required to complete a City-issued waiver/release.

SECTION VIII. ADDITIONAL REVIEW PROCESS/CRITERIA: ORIGINAL WORK OF ART

If a proposed public art is considered an original work of art by the artist, the Community Services Director shall recommend and advise the City Manager, or designee, whether this proposed public art is, in fact, an original work of art. A work of art is defined as a visual/design that is designed by and crafted under the supervision of a professional artist.

Public art that is verified as an original work of art shall then be considered public art, and shall become part of the City's Art in Public Places inventory. If a proposed work of art is determined to not be original, or duplicates an existing theme in the community, the City reserves the right to deny said proposed work of art.

For an original work of art to be determined as public art, the Community Services Department shall:

- Coordinate the review of art that is public art with applicable City staff and applicable City Commissions, which shall review and make recommendations regarding the art 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 applicable City staff and City Commissions to the City Council.
- Coordinate with the Public Works Department, and if applicable, the Community and Economic Development Department, the inspection, design, location, and other logistical components of monuments that are public art.

- Prepare and monitor all necessary records and documentation of public art.

SECTION IX. FUNDING AND MAINTENANCE

Suggestions that the City recognize a significant event, person, or other approved topic by means of an art piece, will be more favorably received if the advocates for the art 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 public art's maintenance as determined by the City.

The City will determine the scope and necessity of, and whether or not to prepare a Donated Public Art Maintenance Agreement. Should an agreement be needed, the City may require an up-front endowment or deposit to cover maintenance of the art to protect the City against future default. While less desirable, the City may consider accepting an agreement from a group to maintain an art installation in perpetuity, and in accordance to City standards, rather than a cash endowment; however, this will require the City to incur additional effort and costs.

Notwithstanding the City's decision to enter into a maintenance agreement, the public art remains City property and City's Government Speech, and the City may remove the art at any time and for any reason. If removal is deemed necessary by the City, the artist will be notified and if needed, given an appropriate amount of time to make arrangements.

SECTION X. OTHER POLICIES

Nothing in this Policy is intended to supersede or limit any other City Council Policy including without limitation, the City's Monument Policy (City Council Policy 700-01) and Naming of Parks Policy (City Council Policy 700-03).

This Policy does not 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, 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 700-01 and Policy 700-03.