

# CITY OF WATSONVILLE PUBLIC ART PROGRAM COMMUNITY INITIATED ART GUIDELINES



## I. PURPOSE OF PUBLIC ART PROGRAM

To promote, support and increase the creation of public art displays within the City of Watsonville to provide an opportunity for personal and community reflection, promote the City's attributes and enhance its image for the enjoyment and benefit of the residents, businesses, employees and visitors.

## II. OVERVIEW OF PROGRAM

This program provides a process for approval of Community Initiated Public Art Projects that:

1. Will be fully privately funded through private, donation or grant funding (excluding in-kind contributions from the City), and
2. Are proposed to be installed on public spaces, City buildings and rights-of-way **OR** private commercially owned spaces visible from public property or rights of way.

Community initiated public art projects where a commercial property owner, artist, member of the public, a neighborhood group or other community organization and/or private donor, may submit proposed installations and/or public acquisitions of unsolicited Works of Art. These projects shall be funded through grants or private funding/donations only (no City funds will be utilized, other than in-kind services, where applicable).

These guidelines are not intended to address art projects or proposals that will utilize City funds. Artwork proposals or projects utilizing City funds are subject to and must follow the City Initiated Public Art Guidelines.

The Parks and Recreation Commission will be the responsible entity for approving specific artwork/projects and may, from time to time, seek outside expertise to assist with its decisions.

Specific submittal requirements for proposed artwork/projects will be included with the application packet provided by the Parks and Community Services Department. All completed applications and application fee are to be submitted to the Parks and Community Services Department for initial review and recommendation to the Parks and Recreation Commission. Proposals of artwork/projects on Commercial Private Property or Public Spaces, as defined under IV below, which do not receive Commission approval, may be appealed to the City Council if rejected by the Commission.

## III. PURPOSE OF PROGRAM GUIDELINES

Artwork is intended to attract attention, represent free artistic expression and be consistent with first amendment protections. Since most artwork is generally located in high visibility areas, criteria, standards and procedures are deemed necessary and appropriate. The purpose of the City of Watsonville Community Initiated Art Guidelines is to:

1. Establish standards and procedures for reviewing artwork installed on exterior public spaces, rights-of-way, **OR** privately owned commercial spaces visible to the public (private spaces) or interior areas of City buildings, as defined under IV below; and
2. Provide general guidance for the selection, installation and management of community initiated and funded public art projects. Details and specifications for artwork/projects will be included in written agreements between the City of Watsonville and other parties.

These guidelines are not intended to apply to events containing an art component. However, should the event result in the creation and installation of permanent artwork in exterior public or private spaces or rights-of-way or interior areas of City buildings, as defined under IV below, the entity in charge of approving the event shall be responsible for coordinating approval of the artwork with the Parks and Recreation Commission.

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## **IV. DEFINITIONS**

**Public Art** - City Ordinance 506-80 C-M defines "Art, public" as "art that is so located as to be visible to persons in public places, such as, but not limited to, streets, sidewalks, and parks, and which does not contain characteristics of an advertising sign or identify or draw attention to a business, profession, or industry, to the type of products sold, manufactured, or assembled, or to the type of services or entertainment offered or available on the premises or in the City" (Watsonville Municipal Code 14-18.086).

**Staff** - Employees of the City of Watsonville Parks and Community Services Department

**Proposal** - Suggested idea for artwork or project

**Project** - Activity designed to carry out the goal of the program

**Artwork** - Tangible creation, including, but not limited to Murals, Themed art sculptures, Art Displays in Vacant Storefronts, Utility Box Wraps and/or Paintings, Art in the Park Events, Sidewalk Art, Large life-like figures

**Theme** - Idea with a central focus

**Permanent** - Artwork that is fixed and changeless

**Public Spaces** - Exterior areas or buildings owned by the City of Watsonville

**City Buildings** - Interior areas, visible to the public, of buildings owned by the City of Watsonville

**Rights-of-way** - Exterior public or private parcel or easement utilized for the purpose of public vehicular and/or pedestrian movement, including CALTRANS (California Department of Transportation) rights-of-way, within the City limits

**Private Spaces** - Exterior areas or buildings on privately-owned commercial property which is clearly visible to the general public from public areas such as streets, sidewalks, or other public thoroughfares.

## **V. ROLES AND RESPONSIBILITIES**

### **A. City Council (Council) shall:**

1. Consider appeals of proposed non-City funded artwork/projects on public or private spaces, as defined under IV above, rejected or approved by the Parks and Recreation Commission.

### **B. Parks and Recreation Commission (Commission) shall:**

1. Periodically review and make modifications, as necessary, to these guidelines used to implement and administer the Program;
2. Review and approve or reject artwork/projects through public meetings to obtain input from the community;

### **C. Parks and Community Services Department Staff shall:**

1. Oversee and manage the ongoing operation of the Public Art Program;
2. Propose, review and make recommendations to the Commission regarding all artwork/projects that meet the Program criteria;
3. Present appeals to the City Council for proposed artwork/projects that are rejected by the Commission;

### **D. Other City Departments shall:**

1. Provide assistance as needed to implement the Public Art Program and complete the approved artwork/projects. The types of assistance that may be provided may include but are not limited to: technical advice, assistance with permits, policy enforcement and coordinating events and installations.

### **E. Artists interested in collaborating with the City on artwork/projects shall:**

1. Submit all materials requested on the application
2. Conduct necessary research, attend meetings, make presentations, and make

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site visits when necessary;

3. Work closely with Staff and others involved in the artwork/project;
4. Execute and complete the work, including installation and permits, as stipulated in the contract/agreements(s) to be entered into by the City, artist and/or property owner, if located in City buildings;
5. Perform conservation and repairs to artwork/project as stipulated in the contract/agreement;
6. Grant the City of Watsonville, Council and its agents ownership and non-exclusive, unlimited and irrevocable license to the artwork for reproduction and promotional uses or other uses as stipulated in the contract/agreement (copyright shall remain with the artist);
7. Provide insurance as stipulated in the contract/agreement; and
8. Adhere to all other conditions of the contract/agreement.

**F. Property Owners and others interested in collaborating with the City on artwork/projects shall:**

1. Submit all materials requested on the application;
2. Conduct necessary research, attend meetings, make presentations, and make site visits when necessary;
3. Work closely with Staff and others involved in the artwork/project;
4. Ensure that the work is executed and completed, including installation, as stipulated in the contract/agreement(s) to be entered into by the City, property owner, and artist;
5. Ensure that restoration and repairs to artwork/projects are performed as stipulated in the contract/agreement. Property owners must maintain compliance with the Visual Rights Act of 1990 and the California Arts Preservation Act;
6. Provide insurance as stipulated in the contract/agreement; and
7. Adhere to all conditions of the contract/agreement.

## **VI. APPLICATION PROCESS**

1. **Initiation** - Artwork/projects may be initiated in several ways, including but not limited to:
  - a. **Proposed Projects/Artwork** - Artists, property owners, and/or others interested in collaborating on a public artwork/project may submit proposals for consideration.
  - b. **Gifts/Donations of Artwork** - The City of Watsonville appreciates the generous and innovative spirit in which gifts, unsolicited loans, and unsolicited works of art are proposed. The City has a responsibility to consider the resources required for the maintenance, preservation, protection, and appropriate display of all works of art included in the Public Art Collection and to ensure an open and public process when considering the inclusion of new works of art into the City of Watsonville Art Collection. Donated artwork may be considered and will be reviewed using the same process as any other artwork.
2. **Application** - Artist, property owner and/or others interested in collaborating on a public artwork/project submits proposal for public art and/or associated gift or donation to the Parks and Community Services Department. The application form and fee will be due at the time of submission to the PCS Department for initial screening and evaluation, using the considerations and eligibility requirements in Section VII below. Applications will be routed to the Community Development Department for review.
3. **Parks and Recreation Commission Review** - The Commission will approve or reject proposals based on the established considerations within these Guidelines.
4. **Appeals** - If applicable, City Council will consider appeals for artworks/projects not approved by Parks and Recreation Commission.

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## **VII. ARTWORK/PROJECT CONSIDERATIONS, ELIGIBILITY REQUIREMENTS AND STANDARDS**

All projects and artwork considered through the City of Watsonville Public Art Program, shall be reviewed utilizing the following considerations, eligibility requirements and standards.

1. **Artwork/Project Considerations** - All proposals will be evaluated using the considerations listed below.
  - i. General Considerations - The following will be used when evaluating, selecting and recommending artwork/projects and will include but may not be limited to:
    1. Artist's qualifications, experience, and ability;
    2. Suitability of the proposed artwork/project;
    3. Conservation/repair needs and availability of funding to meet those needs;
    4. Technical feasibility; and
    5. Expenses, if any, required from the City.
  - ii. Site/Placement Considerations - May include public or private spaces, rights-of-way or City buildings, as defined under IV above. The following will be used when evaluating and selecting site/placement and will include, but may not be limited to:
    1. Availability of suitable location for the artwork/project;
    2. Public safety and liability issues;
    3. Accessibility for conservation and repair; and
    4. Visibility and accessibility to public
2. **Eligibility Requirements** - Artwork/projects, including donated artworks, that are ineligible for consideration under the Program may include but are not be limited to those that:
  1. Do not meet the criteria established for the Program;
  2. Carry restrictions or conditions not established by or in keeping with the Program;
  3. Contain advertising;
  4. Do not meet the Standards for artwork/projects listed below; and/or
  5. May have ownership, fraud, or authenticity issues.
3. **Standards** - Standards for Artwork/projects in public or private spaces, rights-of-way or City buildings, as defined under IV above include, but are not limited to the following:
  1. Nudity. Artwork containing nudity may be permissible, unless a) it would constitute obscene matter and lacks serious literary, artistic, political or scientific value, and/or b) promotes sexual violence against an individual or group.
  2. Violence. Artwork may be excluded if it promotes or condones violence against an individual or group or its graphic quality would be objectionable to the target audience; and
  3. Partisan political statements. Artwork may be excluded if it contains partisan political statements.

## **VIII. ACCESSION OF ARTWORK/PROJECTS TO THE CITY OF WATSONVILLE ART COLLECTION**

Accessioned artworks shall be of distinctive artistic merit and aesthetic quality and will enhance the diversity of the City of Watsonville Art Collection. Accessioned artwork shall be appropriate in and for its site, scale, material, form, and content for both its immediate and general social and physical environment. Accessioned artwork shall be reasonably durable against theft, vandalism, weather, and excessive maintenance costs.

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Accession implies the responsibility by the City of Watsonville to preserve, protect, and display the artwork for the public benefit, as well as a work's permanency within the City of Watsonville Art Collection, providing that the work retains its physical integrity, identity, and authenticity.

Accessioned artwork will be acquired without restrictions as to its future use and disposition, except with respect to copyrights and certain clearly defined residual rights contained in agreements with artists. Artwork will be accessioned into the City of Watsonville Art Collection only upon completion of all facets of the commissioning or purchasing agreement.

Each accessioned work will be documented to the fullest extent possible, including artist's last known address and, when available, photographs.

The artist's or legal owner's signed agreement transferring title for the artwork and clearly defining the rights and responsibilities of all parties will accompany every accessioned work and shall be in the documented records of the work. The artist's copyrights will be maintained in accordance with applicable law.

## **IX. DEACCESSION OF ARTWORK/PROJECTS FROM THE CITY OF WATSONVILLE ART COLLECTION**

The process for the removal, sale, relocation, and/or disposal of public works of art in the City of Watsonville Art Collection, including removal of the artwork from its public site may be considered for deaccession only under the following conditions:

1. Security - the condition or security of the artwork cannot be reasonably guaranteed.
2. Theft - all stolen artworks will be documented through an official police report and a report prepared by the agency responsible for the site of loss.
3. Inauthentic - the work is discovered to be inauthentic, fraudulent, or stolen.
4. Damage beyond repair - the work has been damaged beyond repair, damaged to the extent that it no longer represents the artist's intent, or damaged to the extent that the expenses of restoration and repair is found to exceed current market value of the artwork. In the event the artwork is damaged, staff will prepare a report that documents the original cost of the artwork, estimated market value, and the estimated cost of repair.
5. Loss of site - Every attempt will be made to find a suitable location for every artwork in the City's art collection; however, lack of siting or proper storage could merit deaccessioning.
6. Site alteration - for site-integrated artwork, if the site for which a piece of artwork was specifically created is structurally damaged or otherwise altered so that it can no longer accommodate the work, or if the piece is made publicly inaccessible by a change in its surrounding environment such as new construction or demolition, that artwork may be considered for deaccession.
7. Temporary acquisition - the artwork was purchased as a semi-permanent acquisition and the city's obligation is terminated.
8. Safety - the artwork endangers public safety.
9. Excessive representation - the work is duplicative, or excessive in a large holding of work of that type or of that artist.
10. Aesthetic value - the work has not withstood the test of time. It has been professionally determined to lack aesthetic or artistic value to justify its continued upkeep and storage within the City's art collection.

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In the event that works of art are threatened by any of the above criteria, staff will prepare a recommendation for deaccession of artwork from the City's Art Collection for review, evaluation, and action by the Parks and Recreation Commission and the City Council.

It is the obligation of the Parks and Recreation Commission to ensure that all disposals with regard to the City's Art Collection be formally and publicly conducted and adequately documented.

Artists whose work is being considered for deaccession shall be formally notified by mail using the current address of record originally provided by the artist.

All artwork under consideration for deaccession will be accompanied by a staff report that includes:

- a) Reasons for the suggested deaccession.
- b) Accession method, cost, and current market value.
- c) Documentation of correspondence with the artist.
- d) Photo documentation of site conditions (if applicable).
- e) Official police report (if applicable).
- f) Permanent record of the artwork's inclusion in City's Art Collection, and reasons for its removal, shall be maintained in a deaccessioned collection file, and will be kept as a separate section of the City's Art Collection records.

The artwork, or its remains, shall be disposed of by the Parks and Community Services Department staff or its agents upon deaccession action. The artist will be given the opportunity to purchase the artwork, or its parts, before disposal by sale (in accordance with the California Royalty Act), donation, trade, or destruction.

The Parks and Recreation Commission will deaccession artwork from the City's Art Collection by approval of a resolution; however, the City Manager is authorized to remove artwork from the collection if the value of the art is equal to or less than his purchasing authority.

The Parks and Recreation Commission's action regarding deaccessioned artwork will be transmitted to the City Manager's Office.

No current member of the Parks and Recreation Commission or Staff to the commission or any member or staff who has served on or for the Commission within the most recent two years from the date of consideration of deaccession shall be allowed to bid and/or purchase a deaccessioned artwork.

### **X. SPECIAL PROCEDURES FOR HISTORIC SITES AND PROPERTIES**

When public art is part of a designated local historic site or property undergoing remodeling, or public art is considered for a designated local historic site or property, the following tasks and procedures are necessary:

1. The Scope of Work for Public Artists shall be developed with the input of Parks and Community Services Department Staff.
2. Public artists shall research the historical, architectural, cultural and social character of the site or property to develop an understanding of the historical context.
3. Public artists shall work with Parks and Community Services Department Staff, as necessary, to identify principles that balance preserving and reinforcing the prominent features of a site or property with adding vital new public art component(s).
4. Public art designated for a local historic site or property will be reviewed by the Parks and

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Recreation Commission using the same process as any other artwork.