



Arts Commission
Regular meeting
6:00 PM
Wednesday, May 13, 2015
City Council Chambers
809 Center Street
Santa Cruz, California 95060

Call to Order – Abra Allan, Chair

Roll Call: Abra Allan, Chair; Stacey Garcia, Vice-chair; Jim Brown; Lee Duffus; Douglas Hull; Lorrie Kershner; and Edith Meyer.

Statements of Disqualification – *No action may be taken*

Additions and Deletions – *No action may be taken*

Oral Communications – *No action may be taken*

Announcements – *No action may be taken*

The Chair may announce and set time limits at the beginning of each agenda item.

Approval of Minutes

1. Arts Commission meeting minutes of March 11, 2015 (Attached)
Recommendation: Motion to approve minutes as submitted.
2. Arts Commission Study Session minutes of April 8, 2015 (Attached)
Recommendation: Motion to approve minutes as submitted.
3. Arts Commission Study Session minutes of April 27, 2015 (Attached)
Recommendation: Motion to approve minutes as submitted.

General Business Items

4. Civic Auditorium Renovation update
Recommendation: There is no staff recommendation for this item.
Update from Parks and Recreation Director Dannettee Shoemaker on the Civic Auditorium renovation.
5. Mural Policy review (Attached)
Recommendation: Motion to adopt the Mural Policy.
This new policy outlines three tiers of mural funding and corresponding review criteria as well as requirements for public notification and consultation. Please note all murals on public property must adhere to the highest standards for public notification and consultation.

6. Program Guidelines Review (Attached)

Recommendation: Motion to adopt Program Guidelines.

The Program Guidelines provide best practices, not strict rules, for the commissioning of works of art and how to approach direct commissions, RFQs and RFPs.

7. Letter to City Manager

Recommendation: There is no staff recommendation for this item.

Discussion on writing a letter to the City Manager encouraging the Arts Commission's consultation on infrastructure projects that include current and future public art.

Information Items – No action may be taken

- Outreach/tabling at June 5th sculpture build/first Friday
- Outreach/tabling/survey at June 6th Ebb & Flow event
 - Outreach materials – buttons, business cards & table cloth
- City Arts - Social Media Intern
- City Arts Annual Report and Policies to Council – now scheduled for June or July
- Water Retention Facility project possibility – further follow up in June

Subcommittee/Project Oral Reports – No action may be taken

- SculpTOUR – L. Kershner and E. Meyer
- Abbot Square – A. Allan and L. Duffus
- Murals – A. Allan and S. Garcia
- Civic Renovation – L. Duffus and D. Hull
- Ebb and Flow – S. Garcia and E. Meyer
- Website/Marketing/Outreach – D. Hull and E. Meyer
- Unsolicited Gifts and Proposals (ad hoc) – L. Kershner and J. Brown
- Street Performer Outreach – postponed for future discussion

Items Initiated by Members for Future Agendas – None

Adjournment – The Arts Commission will adjourn from its regular meeting of Wednesday, June 10, 2015 to its next regular meeting at 6:00 p.m. June 10, 2015 in City Council Chambers. Agenda will focus on FY16 work plan and prioritizing projects.

ADDITIONAL INFORMATION *The City of Santa Cruz does not discriminate against persons with disabilities. Out of consideration for people with chemical sensitivities, we ask that you attend fragrance free. Upon request, the agenda can be provided in a format to accommodate special needs. Additionally, if you wish to attend this public meeting and will require assistance such as an interpreter for American Sign Language, Spanish, or other special equipment, please call the City Clerk's Department at 420-5030 at least five days in advance so that we can arrange for such special assistance, or email CityClerk@cityofsantacruz.com. The Cal-Relay system number: 1-800-735-2922. Visit the City's Web Site at cityofsantacruz.com with links including City Advisory Body Meeting Agendas and Minutes, advisory body information and the Santa Cruz Municipal Code.*

APPEALS - Any person who believes that a final action of this advisory body has been taken in error may appeal that decision to the City Council. Appeals must be in writing, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. Appeals must be received by the City Clerk within ten (10) calendar days following the date of the action from which such appeal is being taken. An appeal must be accompanied by a fifty dollar (\$50) filing fee.



Arts Commission
Regular meeting
6:00 PM
Wednesday, March 11, 2015
City Council Chambers
809 Center Street
Santa Cruz, California 95060

ACTION MINUTES

(Minutes are not official until approved)

Call to Order – S. Garcia, Vice Chair at 6:13 pm

Roll Call –

Present: S. Garcia, J. Brown, D. Hull, and E. Meyer.

Absent: A. Allan, L. Duffus, L. Kershner

Staff: B. Ragel, Arts Program Manager; J. Mellor Administrative Assistant II

Statements of Disqualification – *None*

Additions and Deletions – *None*

Oral Communications – *None*

Announcements – *No action may be taken*

S. Garcia gave 2 announcements: There is a current opening at the Museum of Art and History for a temporary curator position, specifically for Abbott Square. The Market Street Prototype Festival will be held April 9th – 11th.

Approval of Minutes

1. Arts Commission meeting minutes of February 11, 2015 (Attached)

Action: Motion to approve minutes as submitted.

Motion made by: J. Brown

Seconded by: D. Hull

Ayes: J. Brown, S. Garcia, D. Hull, E. Meyer

Nays: None

Absent: A. Allan, L. Duffus, L. Kershner

Disqualified: None

General Business Items

2. Temporary Art Guidelines (Attached)

Action: Motion to approve draft Temporary Art Guidelines as amended.

Motion made by: J. Brown

Seconded by: D. Hull

Ayes: J. Brown, S. Garcia, D. Hull, E. Meyer

Nays: None

Absent: A. Allan; L. Duffus; L. Kershner
Disqualified: None

3. Street Performer Outreach

Action: Motion to form a subcommittee of J. Brown, S. Garcia, and L. Kershner.

Motion made by: D. Hull
Seconded by: J. Brown
Ayes: J. Brown, S. Garcia, D. Hull, E. Meyer
Nays: None
Absent: A. Allan; L. Duffus; L. Kershner
Disqualified: None

4. Arts Commission Study Session

No formal action was taken, but staff will move forward with scheduling two 2-hour study sessions, one focusing on current programs and the other on future programs.

Information Items – No action may be taken

- Update on UCSC DANM Faire Saturday April 25th by B. Ragel
- Update on Beach Flats Mural by B. Ragel
- Update on City Arts – Social Media Intern by B. Ragel
- Update on City Arts Annual Report and Policies to Council – scheduled May 26, 2015 by B. Ragel
- Update on Civic Renovation – Dannettee Shoemaker – scheduled May 13 meeting by B. Ragel

Subcommittee/Project Oral Reports – No action may be taken

- SculpTOUR – No oral report was made.
- Abbot Square – No oral report was made.
- Murals – No oral report was made.
- Civic Renovation – by B. Ragel in information items
- Ebb and Flow – by S. Garcia
- Website/Marketing/Outreach – by B. Ragel in information items
- Unsolicited Gifts and Proposals (ad hoc) – by J. Brown
- Street Performer Outreach – Oral report was given during General Business Item #3.

Items Initiated by Members for Future Agendas – None

Adjournment – The Arts Commission adjourned at 7:08 pm from its regular meeting of Wednesday, March 11, 2015 to its next regular meeting at 6:00 p.m. May 13, 2015 in City Council Chambers.

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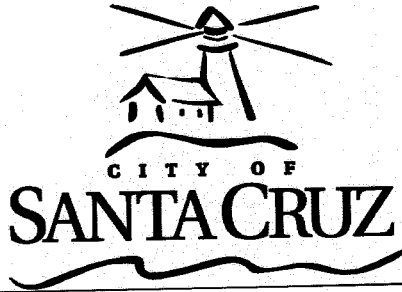
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Respectfully submitted:

Approved for Arts Commission:

Staff

Chair



Arts Commission

Study Session

1:00 PM

Wednesday, April 8, 2015

ABC/Tony Hill Room; Santa Cruz Civic Auditorium
307 Church Street Santa Cruz, CA 95060

ACTION MINUTES

(Minutes are not official until approved)

Call to Order – A. Allan, Chair at 1:00 pm

Roll Call:

Present: A. Allan, S. Garcia, J. Brown, L. Duffus, D. Hull, L. Kershner, and E. Meyer.

Absent: None.

Staff: B. Ragel, Arts Program Manager

Oral Communications – None

Announcements – None

General Business

1. Study Session: Review of Ongoing Programs

No action was taken. There was a review of Vision, Mission Values for context. Commissioners L. Kershner and E. Meyer presented the current approach for the SculpTOUR program. B. Ragel presented the current approach to the Graphic Traffic program. B. Ragel led discussion about possible changes to Mural Program.

Adjournment – The Arts Commission adjourned from its Study Session of Wednesday, April 8, 2015 at 3:00 pm to its next regular meeting at 6:00 p.m. May 13, 2015 in City Council Chambers.

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Respectfully submitted:

Approved for Arts Commission:

Staff

Chair



Arts Commission

Study Session

2:00 PM

Monday, April 27, 2015

ABC/Tony Hill Room; Santa Cruz Civic Auditorium

307 Church Street Santa Cruz, CA 95060

ACTION MINUTES

(Minutes are not official until approved)

Call to Order – A. Allan, Chair at 2:00 pm

Roll Call:

Present: A. Allan, S. Garcia, J. Brown, L. Duffus, D. Hull, L. Kershner, and E. Meyer.

Absent: E. Meyer

Staff: B. Ragel, Arts Program Manager

Oral Communications – None

Announcements – None

General Business

1. Study Session: Future Programs

No action was taken.

There was discussion regarding performance art and how to expand focus and opportunities. B. Ragel will follow up with Special Events Coordinator Kathy Agnone to obtain a list of performance arts applications received annually, and further discussion on this topic will resume at the June 10th Arts Commission Meeting.

There was discussion regarding the Graphic Traffic Signal Box Art Program. B. Ragel will look into the cost of prepping boxes without art as well as those in need of replacement. Further discussion on this topic will resume at the June 10th Arts Commission Meeting.

There was discussion FY16 Work Plan to look at several possible Public Works projects the Arts Commission could assist in integrating art. B. Ragel will follow-up with appropriate staff to discuss possibilities for the Arts Commission's participation.

There was discussion of the Wharf Roundabouts and reexamining the previously issued RFP. There will be further discussion at the June 10th Arts Commission Meeting.

There was discussion of Outreach and the new Santa Cruz City Arts Website that will be included in the Economic Development Department website redesign. B. Ragel will continue to provide updates to the Arts Commission on the status of the website redesign.

Adjournment – The Arts Commission adjourned from its Study Session of Monday, April 27, 2015 at 4:00 pm to its next regular meeting at 6:00 p.m. May 13, 2015 in City Council Chambers.

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Respectfully submitted:

Approved for Arts Commission:

Staff

Chair

SANTA CRUZ CITY ARTS PROGRAM
MURAL PROGRAM POLICY AND PROCEDURES

INTRODUCTION

This policy outlines the three tiers of mural funding and approval procedures used by the Santa Cruz City Arts Program. This policy applies to all mural projects that are funded in whole or in part by the City. Criteria for the approval of a mural project increase as the funding level increases, noting that all projects on public property are required to follow the Tier Three requirements for public involvement and consultation process.

The Santa Cruz Mural Program is overseen by the Santa Cruz Arts Commission.

HISTORY

The former Redevelopment Agency began placing murals in downtown alleys in 1994, which expanded in 2007 to include the entire Merged and Eastside Redevelopment Areas. Through a matching grant model, murals were encouraged in Redevelopment Project Areas on both public and private property for the purpose of historical identification, district identification and unification, to mitigate graffiti and generally to help create a sense of place.

Murals installed before 2007 are referred to as “Vintage Murals” for purposes of this policy. Vintage Murals are those which are maintained by the City of Santa Cruz and have been accessioned into the Public Art Collection.

In 2007, the former Redevelopment Agency began requiring that private property owners maintain murals funded by the City through a signed agreement. While the City does inventory and document these murals and includes them in educational and outreach materials, they are not accessioned into the City of Santa Cruz public art collection.

In 2015, the Santa Cruz Arts Commission sought to establish a clearer review process tied proportionally to a mural project’s impact and intent—creating the resulting policy as follows.

IMPORTANCE OF MURALS IN SANTA CRUZ

- Murals contribute to a vital public art program, attracting tourism and enhancing the visitor experience;
- Murals enhance the built environment, typically for a modest investment;
- Murals are a key part of California and Santa Cruz history and have been made by indigenous groups including Native Americans, Latinos, and Chicanos for centuries;

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- The mural making process can be a valuable community experience by involving a variety of participants in the planning and installation process;
- Nationally and globally, and across many cultures, mural making has become a popular form of self-expression;
- Murals may enhance and bring attention to local businesses, providing an economic benefit (note: a mural may not use letters, words, numerals, figures, emblems, logos or any parts or combinations thereof to advertise goods, services or merchandise. (Commercial signs are permitted through the City's Planning Department.)

WHAT

Mural projects may include 2D and 3D artworks, both pre-designed and site-specific, and either mounted to or created directly on an exterior building façade.

Murals funded and supported by the Santa City Arts Program may be maintained for between 5-10 years depending on the designated "tier" and the further subject to the determinations of the selection panel, Arts Manager, and Commission. The issue of the lifespan of a mural is addressed in greater detail under each of the tiers of the mural policy, described herein.

Murals are considered temporary works of art. This ensures that murals will continue to look as their artists and designers intended, and it also ensures opportunities for new murals and mural artists that reflect the changing perspectives and styles of the community. With the exception of Vintage Murals, murals installed as part of the Santa Cruz City Arts Program are not subject to deaccessioning procedures, though they are still subject to removal procedures. Vintage Murals are subject to both the deaccessioning procedures and removal procedures outlined in this policy.

WHERE

Where may murals be placed? Murals that are funded by the Santa Cruz City Arts Program may be placed on public buildings and facilities such as parks, retaining walls, and other City-owned infrastructure. With the appropriate contractual agreements, the City may also fund murals which are to be placed on private property.

SANTA CRUZ CITY ARTS PROGRAM
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WHO

Who can propose mural projects? Anyone can propose a mural project, including artists, organizations, neighborhood associations, and government agencies. Ideas for murals will be accepted from anyone, provided they address and meet the criteria laid out in the Santa Cruz Mural Policy and Procedures.

The City reserves the right to hold and review proposals within certain time windows (e.g. annually or twice annually.) The City may also make specific requests for proposals with prescribed application deadlines. The schedule of review and the number of mural projects funded by the City will depend on the funding available per fiscal year.

Note: All applicants are strongly encouraged to meet with the Arts Manager prior to submitting a mural application. To inquire about mural application deadlines and process please contact the City Arts Manager at murals@cityofsantacruz.com

MURAL ARTIST REGISTRY

The City's Economic Development Department maintains a list of qualified mural artists, intended to be a tool to help match interested and experienced artists to mural projects. The Mural Artist Registry may also be used for purposes of advertising calls for submission/RFQs/RFPs.

The Mural Artist Registry is intended as a resource. Those seeking funding for a mural project are not required to use any artist on the registry, but they will need to demonstrate that the project they are proposing meets the review criteria laid out within the Santa Cruz Mural Policy and Procedures. The Santa Cruz Arts Commission will advise the Arts Program Manager regarding the outreach process for the Mural Artist Registry. Procedures that are used to implement or administer City Arts Programs do not require Arts Commission approval.

ARTIST CONTRACT

Artists working on mural projects funded by the City must execute a contract with the City that specifies the scope of work; responsibilities; warranties; compensation; artists' rights; waiver of artists' rights; copyright; termination clause; insurance, and other provisions as deemed necessary or appropriate. A waiver of the artists' rights under the Visual Artists Rights Act (VARA) and the California Art Preservation Act (CAPA) is mandatory for all City funded art projects, including murals.

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MURAL PROJECT APPLICATION

- 1) At least one month prior to submitting an unsolicited mural project application, applicants are strongly encouraged to meet with the City's Arts Program Manager, or designee, for an initial review of imagery, location, funding and building owner's approval.
- 2) Complete the Mural program application.
- 3) Provide all required supplementary materials, including:
 - a) Jpg image(s) of a color rendering of proposed mural
 - b) Jpg image(s) of site and physical surroundings
 - c) Up to 6 jpg images of artist's past work; if more than one artist, submit 6 images per artist.
 - d) Project timeline
 - e) If attaching panels to a wall, a materials list, drawing and attachment plans must be submitted.
 - f) Other materials as agreed upon between applicant and the Arts Program Manager.

MURAL PROJECT TIERS AND REVIEW CRITERIA

OVERVIEW

This program provides matching funds for unsolicited murals that meet the review criteria and are approved. (The City and/or Arts Commission may also solicit murals using this funding source. Typically the applicant must match the amount being requested through cash, in-kind or volunteer hours. (The cash value of volunteer hours is reviewed and updated annually to keep pace with living wage standards.)

As follows is an explanation of the three levels of funding available for mural projects and corresponding review criteria and process for each.

TIER ONE:

Maximum Funding Level: \$8,000

Review Criteria:

- Artistic Merit: The inherent quality and excellence of the proposed artwork(s).

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- **Scale:** Appropriateness of scale to the wall upon which the mural will be painted/attached and to the surrounding physical features.
- **Feasibility:** Demonstrated ability to complete the proposed mural on time and within budget.
- **Media:** Appropriate media proposed to ensure the mural's longevity and durability.
- **Structural and surface stability:** Commitment to repair the surface as necessary before placing the mural.
- **Graffiti mitigation:** A plan for mitigating graffiti through design and/or graffiti coating.
- **Maintenance:** Signed agreement with a commitment to keep and maintain the mural in place for a minimum of 5-10 years, with some limited exceptions.
- **Public accessibility and safety:** Plan to comply with city codes for safety and accessibility.
- **Supports the Vision, Mission and Values of the Santa Cruz Arts Commission.**
- *If on commercial property:* Supports the Vision, Mission and Values of the Economic Development department.
- **Match:** The applicant provides a match through cash, in-kind donations and/or volunteer hours.
- **Waiver:** Appropriate waiver of artist's rights.
- **Other criterion unique to the project may be developed by the selection panel.**

Art Selection process:

The City Arts Manager will convene a selection panel for the proposed project. The Arts Commission is informed of the panel decision by the Arts Manager. The panel may approve, approve with conditions, or deny the mural proposal.

Panel member selection and panel composition:

The City Arts Manager will convene a selection panel for the proposed project. Individuals interested in serving as selection panelists may be asked to submit a resume and references.

Panel composition:

- Two (2) Community or Business District Representatives, who may also be artists;
- One (1) Representative of the Arts Commission, as selected by the City Arts Manager.
- *If on commercial property:* One staff person from the Economic Development department.
- *If maintained by City:* One (1) Representative of the City Department that will be responsible for maintaining the mural.

SANTA CRUZ CITY ARTS PROGRAM
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Funding:

If the proposal is unsolicited, the approved mural would be funded at a maximum of up to \$8,000 with at least a 50% match from the applicant.

Artist Contract:

The City will execute a contract with the Artist(s). If the mural is on private property, the contract and scope of work will be determined jointly with the property owner and must be signed by both the City and the property owner.

TIER TWO:

Maximum Funding Level: \$15,000

Review Criteria:

- **Artistic Merit:** The inherent quality and excellence of the proposed artwork(s).
- **Scale:** Appropriateness of scale to the wall upon which the mural will be painted/attached and to the surrounding physical features.
- **Feasibility:** Demonstrated ability to complete the proposed mural on time and within budget.
- **Media:** Appropriate media proposed to ensure the mural's longevity and durability.
- **Structural and surface stability:** Commitment to repair the surface as necessary before placing the mural.
- **Graffiti mitigation:** A plan for mitigating graffiti through design and/or graffiti coating.
- **Maintenance Agreement:** Signed agreement with a commitment to keep and maintain the mural in place for a minimum of 5 -10 years, with some limited exceptions.
- **Public accessibility and safety:** Plan to comply with city codes for safety and accessibility.
- **Supports the Vision, Mission and Values of the Santa Cruz Arts Commission.**

- **If on commercial property:** Supports the Vision, Mission and Values of the Economic Development department.

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- Match: The applicant provides a match through cash, in-kind donations and/or volunteer hours.
- Waiver: Appropriate waiver of artist's rights.
- Community support: General support/advocacy from the building owner/user, surrounding neighborhood, adjacent businesses, arts community and/or community group.
- Context: Architectural, geographical, sociocultural, and/or historical relevance to the site.
- Posted notice: Notice posted onsite at least 14 days in advance of the arts commission meeting at which the proposal will be reviewed.
- Other criterion unique to the project may be developed by the selection panel and/or Arts Commission.

Art Selection Process:

The City Arts Manager shall convene a selection panel for the proposed project. The panel recommendation is presented to the Arts Commission for review and final decision. The Arts Commission may approve, approve with conditions, or deny the mural proposal.

Panel member selection and panel composition:

Individuals interested in serving as selection panelists may be asked to submit a resume and references and/or a formal application in order to be selected. The Arts Manager shall convene the selection panel. Potential Community Representatives will be identified in consultation with neighborhood, business and/or community organizations in the vicinity of the project and the final selection panel will be formed in consultation with a subcommittee of the Arts Commission.

Panel composition:

- One (1) Arts Professional - preferably a mural artist.
- Two (2) Community or Business District Representatives, who may be an arts professionals. (When possible, a representative of the community or business district affected by the project.)
- Two (2) Representatives of the Arts Commission.
- *If maintained by City:* One (1) Representative of the City Department that will be responsible for maintaining the mural.

SANTA CRUZ CITY ARTS PROGRAM
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- *If on commercial property:* One staff person from the Economic Development department.

Funding:

If the proposal is unsolicited, the approved mural would be funded at a maximum of up to \$15,000 with at least a 50% match from the applicant.

Artist Contract:

The City will execute a contract with the Artist(s). If the mural is on private property, the contract and scope of work will be determined jointly with the property owner and must be signed by both the City and the property owner.

TIER THREE:

Maximum Funding Level: \$15,000-\$30,000 and all murals on public property

Any unsolicited mural applications that request more than \$15,000 in funds will be categorized as a Tier Three mural. Note: *All* city-led projects on public property are required to go through the Tier Three process regardless of the cost of the project and the City does not need to match its own contribution.

The applicant must demonstrate that the project supports the Vision, Mission and Values of the Arts Commission and Santa Cruz City Arts Program. Tier Three murals are typically solicited by the City and/or the Santa Cruz Arts Commission for placement on public property.

Review Criteria:

- Artistic Merit: The inherent quality and excellence of the proposed artwork(s).
- Scale: Appropriateness of scale to the wall upon which the mural will be placed and to the surrounding physical features.
- Feasibility: Demonstrated ability to complete the proposed mural on time and within budget.
- Media: Appropriate media proposed to ensure the mural's longevity and durability.
- Structural and surface stability: Commitment to repair the surface as necessary before placing the mural.

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- Graffiti mitigation: A plan for mitigating graffiti through design and/or graffiti coating.
- Maintenance agreement: Signed agreement with a commitment to keep and maintain the mural in place for a minimum of 15 years, with some limited exceptions.
- Public accessibility and safety: Plan to comply with city codes for safety and accessibility.
- Match: The applicant provides a match through cash, in-kind donations and/or volunteer hours (Note: If a city-led project on public property, the City does not need to match its own contribution.)
- Waiver: Appropriate waiver of artist's rights.
- Community support: Support/advocacy from the building owner/user, surrounding neighborhood, adjacent businesses, arts community and/or community group.
- Context: Architectural, geographical, sociocultural, and/or historical relevance to the site.
- Posted notice: Notice posted onsite at least 14 days in advance of the arts commission meeting at which the proposal will be reviewed. Specific posting procedure follows.
- Other criterion unique to the project may be developed by the selection panel and/or Arts Commission.

RFP/RFQ Process:

The RFP or RFQ will be developed in consultation with the Arts Commission and should support the Vision, Mission and Values of the Arts Commission. RFPs/RFQs typically provide information about the historical, social, geographical and neighborhood context of the mural site. Calls may be focused (e.g. themes) and RFPs/RFQs typically list the desired outcomes from a project—such as particular community engagement outcomes.

A Request for Proposal (RFP) typically requires applicants to submit ideas, sketches and budgets for a proposed project. For solicited projects, artists may be compensated for proposal development in keeping with the Santa Cruz City Arts Program Guidelines.

The Request for Qualifications (RFQ) is the most common artist selection process as the artist is selected based on the portfolio of past work. Once selected, the artist is then asked to develop a certain number of proposals to choose from. The RFQ outlines the project location, budget, scope, theme, timeline, and other specifics relevant to the project, and offers applicants instructions for submitting.

Art Selection Process:

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The overall project approach may be simple or complex based upon the artwork opportunities present at the project site. If the Public Mural project is initiated by the Arts Commission, an RFP/RFQ process will be conducted in compliance with the City's Public Art Program Guidelines. If the project is on private property, the Arts Manager shall consult a subcommittee of the Arts Commission regarding the approach.

The Arts Program Manager will convene the selection panel. The selection panel decision will be presented to the Arts Commission for final review and approval, approval with conditions, or denial.

If the Arts Commission approves the mural project, the Arts Commission recommendation will be presented to a City Council subcommittee for final decision. The City Council subcommittee may choose to approve the project or may choose to refer the project to the full Council for final decision.

Panel member selection and panel composition:

Individuals interested in serving as selection panelists may be asked to submit a resume and references and/or a formal application in order to be selected. The Arts Manager shall convene the selection panel with the Community Representatives identified in consultation with the neighborhood, business and/or community organizations in the vicinity of the project and in consultation with a subcommittee of the Arts Commission.

Panel composition:

- Two (2) Arts Professionals of recognized professional stature- preferably mural artists.
- Two (2) Community or Business District Representatives, who may be an arts professional. (When possible, this member should be a representative of the community or business district affected by the project.)
- Two or three (2-3) Representatives of the Arts Commission, in the discretion of the City Arts Program Manager.
- *If maintained by City:* One (1) Representative of the City Department that will be responsible for maintaining the mural
- *If on commercial property:* One staff person from the Economic Development department.
- *One City Council member, as available.*

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Funding:

If the mural project is an unsolicited proposal, the project would be funded up to \$30,000 with at least a 50% match from the applicant.

Neighborhood involvement and public meetings:

If the selection panel approves forwarding the project to the Arts Commission, the applicant will be required to hold a neighborhood meeting prior to the Arts Committee review of the proposal. At this meeting, feedback from the neighborhood should be solicited and documented as follows:

- This meeting should take place between the time that the mural application is submitted and the Arts Commission's public hearing of the proposal.
- Notice of this meeting must be mailed to all properties within 300 feet of the mural. The City of Santa Cruz Arts Manager will provide the addresses to the applicant. Where appropriate, mailed notification will be in more than one language.
- The applicant will document attendance at the public meeting through a sign-in sheet and should provide and collect comment cards.
- At this public meeting the applicant shall inform the attendees of the date of the Arts Commission meeting at which a Public Hearing will be held regarding the proposed mural.
- Posted Notice of Public Hearing: Prior to the Arts Committee review of the proposal and public hearing, the applicant shall provide documentation to the Arts Manager, or designee, that they complied with the public notice requirements. A notice shall be posted at the site of the proposed public art mural and shall conform to the following standards:
 - The notice shall be posted at the proposed site at least 14 days prior to the Arts Commission hearing at which the proposed mural will be reviewed. The Arts Manager, or designee, shall provide the applicant with materials to be posted. The applicant shall be responsible for ensuring that the notice is posted and remains

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- posted. If the notice is damaged or removed, the applicant shall replace the notice as soon as practicable.
- Where appropriate, posted notice will be in more than one language.
 - The notice shall be durable and waterproof.
 - The notice shall be clearly visible from the public right-of-way and be at least 11 x 17 in. The City Manager, or designee, may require more than 1 sign to be posted, depending on specific site characteristics.
 - The notice shall include the name and contact information for the applicant and owner; contact information for the City Manager, or designee; and a legibly-sized color representation of the proposed Public Mural.
 - The applicant must be prepared, if asked, to provide photos showing the posted notice on site.
- The public meeting and public hearing shall not be held in locations where any person attending the meetings would face discrimination on the basis of race, religion, color, sexual orientation, gender identity, age, disability, legal citizenship, national origin, income, or political affiliation. Language translation may be provided by the City in neighborhoods that contain a significant minority of non-English speaking residents. The meeting shall be held in a location accessible to people with disabilities, and the meeting shall be held during evening or weekend hours, but in no case between the hours of 10:00 pm and 7:00 am.

SANTA CRUZ CITY ARTS PROGRAM
MURAL PROGRAM POLICY AND PROCEDURES

SUMMARY OF MURAL TIERS

Project Approach Per Tier	Tier One	Tier Two	Tier Three
Artist selection process	Property owner typically selects artist – may use the City’s mural registry as a resource	Property owner typically selects artist – may use the City’s mural registry as a resource	If solicited by the City and/or Arts Commission an RFQ or RFP is issued
Panel composition	Two (2) Community or Business Reps., who may also be artists One (1) Rep. of the Arts Commission. If on commercial property: One (1) Rep from Econ. Dev. <i>If maintained by City:</i> One (1) from Rep. from that dept.	One (1) Arts Professionals - preferably a mural artist Two (2) Community or Business Reps, who may be arts professionals. Two (2) Reps. of the Arts Commission If on commercial property: One (1) Rep from Econ. Dev. <i>If maintained by City:</i> One (1) Rep. from that dept.	Two (2) Arts Professionals - preferably mural artists Two (2) Community or Business Reps., who may be an arts professionals. Two-three (2-3) Reps. of the Arts Commission. If on commercial property: One (1) Rep from Econ. Dev. <i>If maintained by City:</i> One (1) Rep. from that dept. One City Councilor, as available.
Panel selection process *	City Arts Manager selects panelists	The Arts Manager shall convene the selection panel with the Community/Business Reps. identified in consultation with neighborhood, business and/or community organizations with a subcommittee of the Arts Commission.	The Arts Manager shall convene the selection panel with the Community/Business Reps. identified in consultation with neighborhood, business and/or community organizations with a subcommittee of the Arts Commission.
Final approval authority	Selection panel	Arts Commission	City Council subcommittee

* Individuals interested in serving as selection panelists may be asked to submit a resume and references or complete an application in order to be selected.

MURAL REMOVAL PROCEDURES

Removal of a mural before the expiration of signed maintenance agreements:

Murals funded through the City of Santa Cruz may be removed before the expiration of required time for preservation and maintenance under limited circumstances.

If a property owner seeks to remove a mural located on their property before the expiration of the time for preservation and maintenance required in the applicable agreements, the property owner must notify the Arts Program Manager with a request to remove the mural setting forth an explanation of the requested grounds for removal, such as:

- The condition or security of the mural cannot be guaranteed
- The mural requires excessive and unreasonable maintenance
- Mural is no longer suitable for the current site
- Written request from or consent of artist to remove the mural
- Significant and ongoing adverse public reaction

The property owner must also comply and demonstrate compliance with advance notice requirements to the artist(s) pursuant to the California Arts Preservation Act, Civil Code § 987 *et seq.*; and the Visual Artists Rights Act, 17 U.S.C. § 106A,. No removal is permitted without documented compliance with these notice requirements.

Removal of a mural after expiration of signed maintenance agreements:

Murals funded through the City of Santa Cruz may be removed in compliance with all the terms laid out in the signed written agreements.

The property owner must also comply and demonstrate compliance with advance notice requirements to the artist pursuant to the California Arts Preservation Act, Civil Code § 987 *et seq.*; and the Visual Artists Rights Act, 17 U.S.C. § 106A,. In no case is removal permitted without documented compliance with these notice requirements.

DEACCESSIONING OF VINTAGE MURALS

The following procedures apply for the deaccessioning of a Vintage Murals.

Imminent Hazard:

In the event that a Vintage Murals creates an imminent public hazard and it is not possible to contain the hazard without immediately removing the work of art, the work of art may be removed immediately and the decision regarding deaccession may be made subsequently. Before a removal based on an imminent hazard occurs, the City Attorney's Office and City Manager's Office must be notified and consulted.

Evaluation of Deaccessioning or Conservation:

In order for the deaccessioning of a work of art to be considered, the City of Santa Cruz must undertake a careful evaluation of the work of art. That evaluation shall include, but is not limited to, the following factors:

1. Age of mural: Mural has been in place for more than 15 years.
2. Expert opinion (e.g. conservator or public art professional) has deemed the work of art to be of substandard quality and/or incompatible with its historical, social or cultural context.
3. The work of art is duplicative of a substantial holding of work of that type or by a particular artist.
4. The work of art has deteriorated, or is irreparably damaged to an extent where repair is either unreasonable or impractical.
5. The work of art requires excessive or unreasonable maintenance on an on-going basis, exceeding the anticipated maintenance requirements.
6. The work of art has consistently received adverse public reaction for a period of ten or more years.
7. The City has received a written request for deaccessioning from the artist or one or more artists who co-authored a work of art, citing a specific reason for the request.

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MURAL PROGRAM POLICY AND PROCEDURES

Conservation of Murals by Living Artists:

If a subcommittee determines that conservation is preferable to deaccessioning, the lead artist, if still living, will always be invited to bid on the entire conservation project or simply a portion of project (i.e. repainting).

Once a mural has been selected as a conservation project and the budget approved, staff will contact the artist and ascertain interest in participating in the conservation project. Staff will then develop a request for proposals for the conservation project that will reflect the artist's desired level of participation in the project. The original lead artist will be given priority if the bid is comparable to that of other qualified respondents.

Deaccessioning Procedure:

All requests for consideration of the deaccessioning of a Vintage Mural in the Public Art Collection must be filed in writing with the Arts Program Manager. The Arts Program Manager may also initiate a request for consideration of deaccession according to the same procedure. This written request must be initiated by a resident of the City of Santa Cruz, the artist who created the mural or the Administrator of the Public Art Program. The request should specifically state the grounds on which deaccessioning is being requested, as well as the relationship of the individual(s) making the request to the work of art. If the request is made by the artist that created the mural, the residency requirement does not apply. Once a deaccessioning request is filed, then the Arts Program Manager shall prepare a written report within ninety (90) days regarding:

1. Conditions that initiated deaccessioning consideration.
2. Opinion of the City Attorney regarding potential legal issues for deaccessioning of the work of art.
3. Conditions of acquisition – method, date and cost.
4. Evaluation of the work of art itself, and its importance and relevance within the context of the overall Public Art Collection.
5. A recommendation as to the appropriateness or need of public opinion and cultural significance and the need for a public hearing related to the deaccession.

SANTA CRUZ CITY ARTS PROGRAM
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6. Written opinion of the Department that is responsible to maintain the site and/or the Director of the Economic Development Department.
7. Suggested course of action.

The deaccession request and background report shall then be presented to the Arts Commission. If, after careful examination, the Arts Commission determines that sufficient grounds for deaccessioning exists, then the work of art may be considered for deaccessioning.

Deaccessioning proceedings by the Arts Commission shall be publicized in advance and open to the public at all times. In addition, all reasonable attempts shall be made to notify the artist and to invite the artist to participate in the process.

The City Department responsible for maintaining the site shall also be notified and invited to attend. General public input at these proceedings shall also be permitted. All notifications and public proceedings shall be conducted in compliance with Federal and State laws.

After the required public hearing, the Arts Commission may deaccession by a majority vote. The findings from the Arts Commission discussion will be forwarded to the City Manager. If a majority of the Arts Commission votes in favor of deaccessioning a work of art, this recommendation shall be forwarded to the City Council with a written explanation outlining the relevant facts. A decision by the City Council to deaccession a work of art must be approved by adoption of a resolution.

Deaccessioning Options:

The Arts Commission may assemble a subcommittee to oversee deaccessioning recommendations. Subcommittees shall make a recommendation to the Arts Commission. The following potential recommended courses of action are listed as possibilities, but are not intended to be comprehensive:

1. Paint over or cover the mural.
2. If mural is affixed to the wall in a way in that it can be removed without significant damage to the mural or the surface of the wall or significant expenditures for such removal:
3. Relocate the work of art to another appropriate site.

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4. Give the artist the opportunity to recover the work of art at no cost to the City, if allowed by agreement.
5. Give the artist the opportunity to buy back the work at its current appraised value, if allowed by agreement. If donated, return the work of art to the donor.
6. Seek bona-fide appraisal and advertise sale of the work, or sell through acceptable, sealed competitive bids.
7. Dispose of the work through City of Santa Cruz surplus property procedures.

Sale of Vintage Murals:

If Vintage Mural is deaccessioned and sold, then the proceeds from the sale of the piece shall be deposited in the City Arts Fund for the purposes of new project construction, maintenance, repairs, or conservation. Sale of the work at an appreciated value shall be included and negotiated in all contracts related to the acquisition of a work of art.

PROGRAM OVERVIEW AND ART SELECTION GUIDELINES

INTRODUCTION

This document is intended to provide an overview of recommended approaches for selecting works of art that are included in the Santa Cruz City Arts program through direct purchase or simple commission, Requests for Qualifications, or Requests for Proposals.

While these guidelines provide best practices, individual projects may necessitate further considerations. Additionally, the Santa Cruz City Arts Program includes specific policies and guidelines that provide more detailed directives for particular programs. These particular policies and guidelines are summarized briefly as follows:

- Gifts and Unsolicited Works of Art Policy- Provides a framework for the review process for unsolicited gifts of art and unsolicited proposals. An ad hoc committee of the Arts Commission reviews an initial proposal and if it deems the proposal meritorious, the proposer provides a more detailed proposal to the Arts Commission for review.
- Acquisitions and Deaccessioning Policy – Outlines the criteria for including a work of art in the City’s collection and a process for removing public art.
- Mural Policy – Defines three tiers of mural funding and corresponding review criteria for murals on both private and public property if receiving funding through the City, as well as requirements for public notification and consultation. Of note is that all murals on public property must adhere to highest standards for public notification and consultation.
- Temporary Art Guidelines— Suggests best practices for the display of temporary works of art including maintenance and removal procedures.
- sculpTOUR Guidelines – Outlines the goals of the sculpTOUR program and considerations for the selection of works of art for rotating display.
- Graffiti Traffic signal box art Guidelines – Lays out the goals of the program and options for focusing the program on themes, corridors and in ways that support City and Arts Commission goals.



PROGRAM OVERVIEW AND ART SELECTION GUIDELINES

REVISIONS TO ART SELECTION GUIDELINES

The Arts Commission is responsible for approving these program guidelines and all revisions made to it. City Arts staff is charged with monitoring and implementing these guidelines and may review and propose revisions at any time. Minor updates that do not affect the policy itself (such as grammatical corrections or updated citations) do not require approval.

Procedures that are used to implement or administer City Arts Programs do not require Arts Commission approval (e.g. forms, contracts etc.)

SANTA CRUZ ARTS COMMISSION

The Arts Commission is charged with overseeing the Santa Cruz City Arts Programs in coordination with the Arts Program Manager.

PROGRAM OVERVIEW AND ART SELECTION GUIDELINES

*The Arts Commission serves the City Council as policy advisors and proponents for a vibrant cultural environment in Santa Cruz. The seven-member Commission helps guide the Public Art Program pursuant to Chapter 12.80 of the City's Municipal Code, advocates for public art and cultural activities that enhance the identity and enjoyment of our city, and encourages community collaborations that help the city achieve its cultural goals as outlined in the General Plan. **Bylaws – Article II - Purpose***

The Arts Commission makes recommendations to the City Council regarding the public art program and the establishment of regulations or guidelines which are necessary to carry out the purposes of the Percent for Art Ordinance.

Appointed by the City Council, the seven-member board must have a minimum of five commissioners that live within the city and all members should have some expertise or experience in the arts, architecture, or design field. (See bylaws in appendix for complete description of membership and duties.)

PROGRAM FUNDING

There are two primary sources of funding for City Arts Programs, excluding grants and donations, which are 1) the Percent for Art Program funds and 2) funds from the Economic Development Department's budget.



PROGRAM OVERVIEW AND ART SELECTION GUIDELINES

The Percent for Art program provides opportunities to incorporate art into identified City capital improvement projects. Per Chapter 12.80 of the Santa Cruz Municipal Code, 1% of the average of the most recent three-year eligible capital spending amount is appropriated for public art. Projects funded by the Percent for Art funds must have a nexus to the source of the appropriated funds. For example, if the source of the funds is a refuse related project, then the art funded by that project must provide some benefit related to promoting waste reduction.

Recognizing the economic value of the arts, the City's Economic Development Department contributes funds for the City's mural program, sculpTOUR, and Graffic Traffic signal box art programs, and it also provides funds to Arts Council Santa Cruz County for re-granting to local arts organizations.

SANTA CRUZ CITY ARTS PROGRAMS

"The Santa Cruz City Arts Commission champions the arts as essential to daily life by supporting a vibrant arts culture, enlivening our public spaces and shaping innovative city policy."

Arts Commission
PERCENT FOR ART



FUNDING SOURCE
Percent for Art Ordinance
1% of in-house capital projects goes to public art



Policy Oversight:

- Program Policies & Guidelines
- Master Plan
- Arts District

Permanent Collection Management & Deaccessioning

Percent for Art Projects:

- Roundabouts
- Water Data Display
- Ocean Street
- Artist-in-Residency at RRF

Outreach and Engagement:

- Publicity
- Networking

Arts Program Manager
DEPT. FUNDED PROGRAMS



FUNDING SOURCE
Economic Development
Department Budget



Represent Arts Commission to City Council:

- Provide staff reports
- Garner Council input & approval for new policies

Temporary Art Collection Management:

- Murals matching grant
- Signal Box Art
- sculpTOUR

Liase to Local Arts Organizations:

- Grant \$ to Arts Council for re-granting
- CruzCal.org events calendar





PROGRAM OVERVIEW AND ART SELECTION GUIDELINES

GOVERNING ORDINANCE, POLICIES AND GUIDELINES

Ordinance

The City of Santa Cruz Public Art Ordinance was recommended by the City Arts Commission and adopted by City Council in 1998 to enhance the city's public spaces with works of art. In 2012, the Ordinance was updated (Ord. 2013-12) with annual appropriations for public art calculated by fund as 1% of an average of the most recent three-year total eligible capital spending, as set forth in Santa Cruz Municipal Code Chapter 12.80 "Public Art Program."

Arts Master Plan

The Arts Master Plan is a long-term vision for supporting the arts in Santa Cruz. Master Plans are typically updated about every five years and the Arts Commission intends to revise the current plan by 2018. The City's first Arts Master Plan was developed in 1998 and in 2008 a second plan was created through an extensive public engagement process. The 2008 Arts Master Plan has four broad goals to help direct City policy and investment with many recommended actions underneath each goal. The four broad goals are:

Goal I: A proud and visible identity as an arts and cultural community.

Goal II: A mix of cultural facilities that support and encourage the community's vibrant range of art creation and presentation.

Goal III: A City government that recognizes the value of the arts to the City's quality of life and economic stability, and takes a leadership role in guiding the arts sector to success.

Goal IV: A diversified base of funding and incentives for the arts in Santa Cruz that leverages the sector's contributions to the City's economic development and quality of life.

In keeping with this vision, the Arts Master Plan seeks to create a community that:

- Embraces the local arts community as a unique and vital resource which shapes and reflects the City's distinctive cultural identity;
- Takes a leadership role in fostering the arts as a community resource; and

PROGRAM OVERVIEW AND ART SELECTION GUIDELINES

- Leverages the arts as a key component in its overall economic development strategies.

PROJECT APPROACH RECOMMENDATIONS

As follows are the recommended considerations regarding the selection and approval of works of art that will be included in the City's public art collection. Other criteria or procedures may be developed based on the specific project.

The project approach should consider the complexity of the project, cost, visibility and impact. The higher the complexity, cost, visibility and impact the more likely an RFQ or RFP is appropriate. A simple commission or direct purchase may be more appropriate for projects that are lower in complexity, cost, visibility and/or visibility. A call for design services may vary in complexity and fall into any one of the following categories based on the complexity of the final product or project.

A Request for Qualifications (RFQ) determines an artist's experience in working on projects similar to the project being commission. The artist is asked to submit a portfolio of work, a resume or bio, a letter of interest and other documentation that helps the review panel understand their experience and aesthetic approach. An RFQ does not typically require preliminary sketches or plans but the artist may be asked to summarize their initial ideas and how they would approach the project. Once the artist is selected, based on their past work and experience, the artist is then asked to develop a certain number of proposals that the panel can choose from.

A Request for Proposals (RFP) requires the artist to submit some form of a proposal with preliminary ideas, sketches, a budget, and maintenance considerations. Finalists may be interviewed and/or be asked to provide additional and more detailed information such as maquettes, working models, three-dimensional images and other specifications. Some compensation is typically provided to finalists who are selected to develop more detailed proposals. RFP's traditionally receive fewer responses than RFQ's because of the time and work involved upfront by the artist. However, an RFP provides a selection panel more concrete information to respond to and is less risky for the organization.



PROGRAM OVERVIEW AND ART SELECTION GUIDELINES

Both RFQs and RFPs should outline details such as the project location, goals, budget, scope, theme, timeline, and other specifics relevant to the project such as historical and neighborhood context etc.

Recommended approach for simple commissions and/or direct purchases:

- Project approach: Artwork purchase or simple commission requiring minimal coordination.
- Selection process: City Arts Manager/designated project manager shall present selection panel with a list of qualified artists and/or works of art. Panel shall select the artwork for purchase or commission for the site. The Arts Commission is informed of the panel decision.
- Panel composition: Typically the selection panel includes:
 - One to two (1-2) city staff from the department that is funding the project and/or responsible to maintain the work of art;
 - One to two (1-2) representatives of the Arts Commission; and,
 - One to two (1-2) community representatives who may also be artists.
- Final approval authority: Typically the panel has the final selection authority but may refer proposals to the Arts Commission for final review as recommended by the Arts Program Manager.

Recommended approach for RFQs:

- Project Approach: A Request for Qualifications is appropriate when a large range of responses is desired or it is determined that an artist may be selected based on past work rather than a project proposal. RFQs typically outline the project location, context, budget, scope, theme, timeline, and other specifics relevant to the project with instructions for submitting.
- Selection Process: The City Arts Manager/designated project manager may determine whether the project warrants the selection of finalists and final selection on the basis of interviews or proposals. Panel shall select the project artist based on a portfolio of past work

PROGRAM OVERVIEW AND ART SELECTION GUIDELINES

and upon the specific proposal (if applicable). Arts Commission is informed of panel decision. Panel recommendation is presented to the Arts Commission for review and final decision.

- Panel composition:
 - o One to two (1-2) City staff from the department funding the project and/or responsible to maintain the work of art;
 - o One to two (1-2) representatives of the Arts Commission;
 - o One to two (1-2) community representatives who may also be artists;
 - o One to two (1-2) representative of the design team, when applicable;
 - o One to two (1-2) professional or public artists, arts administrators, or other arts professionals.

Final approval authority: Typically the Arts Commission has the final selection authority, though City policies may require that all contracts exceeding a certain dollar amount go to City Council for final approval.

Recommended approach for RFPs:

- Project Approach: City Arts Manager/designated project manager shall determine the appropriate approach which may be simple or complex based upon the artwork opportunities present at the project site.
- Artist Recruitment: Advertise RFP in addition to use of Pre-Qualified pool and invitation to develop a short list of qualified candidates.
- Selection Process: The selection method shall be determined by the City Arts Manager/designated project manager and may be any one of the methods described as follows. Panel decision is presented to the Arts Commission for review. If Arts Commission approves the selection, the Arts Commission recommendation is presented to City Council for final decision.



PROGRAM OVERVIEW AND ART SELECTION GUIDELINES

- Panel composition:

- o One to two (1-2) City staff from the department funding the project and/or responsible to maintain the work of art;
- o One to two (1-2) representatives of the Arts Commission;
- o One to two (1-2) community representatives who may also be artists;
- o One to two (1-2) representative of the design team, when applicable;
- o One to two (1-2) professional or public artists, arts administrators, or other arts professionals.

Final approval authority: Typically the Arts Commission has the final selection authority, though City policies may require that all contracts exceeding a certain dollar amount go to City Council for final approval.

ARTIST RECRUITMENT:

The opportunity to submit proposals for public art in Santa Cruz is open to all public artists (or teams of artists) regardless of race, color, religion, gender, age, military status, sexual orientation, marital status, or physical or mental disability.

The Public Art Ordinance Program is open to all local, state, and national artists, unless otherwise limited in the Request for Qualifications (RFQ) or Request for Proposals (RFP).

The following minimum evaluation criteria apply to public artists:

- The public artist's work is of high quality as shown by examples of past work; in resume/bio citations for exhibitions, commissions and awards and references that the public artist has produced work of art on-time and on-budget. (Exceptions may be made for programs or projects specifically targeted at new or emerging artists.)
- The public artist demonstrates the expertise required in the RFQ or RFP, including the understanding and/or the ability to design and create work of art that meets the criteria laid out in the City's criteria for acquiring public art (Acquisitions and Deaccessioning Policy.)

PROGRAM OVERVIEW AND ART SELECTION GUIDELINES

- During the time periods specified in RFPs or RFQs, the public artist is available to work on the project.

Additional special evaluation criteria may include, but are not limited to, the following:

- The public artist demonstrates the ability to work with diverse communities and has experience in community engagement and incorporating public input into their working process.
- The public artist is capable of producing design submittals/ deliverables such as plans, elevations, cross-sections, as necessary, in print and electronic formats.
- The public artist meets any additional unique expertise and evaluation criteria identified in the Plan or Capital Project RFQ or RFP.

The Recruitment Plan:

The City Arts Manager/designated project manager shall develop a recruitment plan to ensure the commission will be advertised to a broad and diverse group of artists. The Recruitment Plan may include, but not be limited to the following efforts:

- RFQ/RFP announced via e-mail to those subscribed to the Santa Cruz City Arts e-newsletter.
- Press releases or notices sent to the daily, weekly and ethnic specific press and, if appropriate, trade newsletters.
- Direct solicitation of qualified candidates and notice to pre-qualified list.
- Solicitation of Commission and Selection Panel recommendations.
- Posting on the Arts Commission website.
- E-mail notification through partner agencies.
- When practicable, posted notice in the district and/or neighborhood in which the project will take place.



PROGRAM OVERVIEW AND ART SELECTION GUIDELINES

SELECTION PROCESS:

Prescreening by City Arts Manager/designated project managers:

The City Arts Manager/designated project manager may prescreen and evaluate applicants, relative to the minimum criteria, appropriateness of the artist's work to the project site and qualifications outlined in the Project Plan/RFQ/RFP. The City Arts Manager/designated project manager presents the slate of qualified candidates and/or submissions for review by the selection panel.

ARTS COMMISSION APPROVAL OF ART SELECTION PANELISTS:

Identification and Recruitment of Panelists:

The City Arts Manager/designated project manager will identify and recruit selection panelists. Individuals interested in serving as selection panelists may be asked to submit a resume and references. Community representatives will be identified in consultation with the Client Agency and community organizations in the vicinity of the project. The City Arts Manager may consult the Arts Commission for input on the recruitment of panelists.

Panelist Selection by Art Commission:

The Arts Manager/designated project manager and the Arts Commission will make a good faith effort to appoint selection panels that have a balance of gender and ethnic representation. In general, panelists will be drawn from Santa Cruz, but occasionally, the City may want to employ an out-of-town panelist for either reasons of expertise, or to provide an outside perspective.

Conflict of Interest:

Persons who would directly benefit from the selection of a particular artist or artwork are ineligible as panelists (i.e. gallery owners, brokers, artist representatives, etc.). Prospective panelists may be asked to fill out a conflict of interest form prior to be approved for service on a Selection Panel.



PROGRAM OVERVIEW AND ART SELECTION GUIDELINES

Panelist Compensation:

Arts Commissioners or other city agency commissioners and/or employees who serve as panelist members will do so without compensation. In rare circumstances and at the discretion of the Arts Manager, compensation may be paid to arts professional panel members and/or community representative panel members as a daily stipend. This rate shall be reviewed annually and updated in accordance with the City's purchasing policies. Panelists may also be reimbursed for the cost of travel and parking at the discretion of the City Arts Manager.

Panel Selection and Recourse Options:

During the selection of an artist and/or review of the project proposal the appropriate body (either the selection panel or arts commission depending on the stage of the process) may develop conditions of approval or other stipulations by a majority vote. The following options are available:

Panel:

- Ask artist for clarification or redesign of proposal
- Select another artist
- Make no selection

Arts Commission:

- Ask panel for clarification
- Ask panel to select another artist
- Reject panel's recommendations
- Develop new program
- Convene new panel
- Abandon project entirely and/or rescind previous approvals

Public Participation:



PROGRAM OVERVIEW AND ART SELECTION GUIDELINES

Public participation will be determined in the project definition and outlined in the RFQ/RFP. The selected artist may be required to conduct public outreach and/or involve the public in the development and/or implementation of the project with consideration given to the budget, goals of the project, and the specific City Arts program and with respect to the Vision, Mission and Values of the Arts Commission.

Guidelines for Artist's Fees:

It is the policy of the Santa Cruz Arts Commission to pay professional fees for all creative work requested from artists. Because the specifics for each project vary, the Commission must consider a number of factors in determining whether or not an artist's proposed fee is appropriate, as outlined to follow.

Artist's fee shall be based on the estimated amount of the Artist's contract/portion of the job, not the project budget, which may include work performed on behalf of the project under separate agreements with the City by the CIP architects, General Contractor, or other contractors under a separate agreement with the Arts Commission.

As a general rule, soft costs of the project should not exceed 25% of the project budget. Soft costs may be defined as all fees and expenses (such as overhead, studio operation, and other labor not directly tied to actual purchase of materials, fabrication, transportation or installation the artwork.)

Projects may be designed and executed by the Artist him/herself, or the Artist may be the designer and the project is fabricated by others. In either case, the Commission may consider the following factors in determining the artist fees awarded for each project:

- The scope of work and length of artist involvement
- The project budget
- The artist's experience and professional standing
- The fee scale for similar scopes of work on comparable projects



PROGRAM OVERVIEW AND ART SELECTION GUIDELINES

- Documented market value for similar examples of the Artist's work

In general, when a project is designed, but not actually fabricated by the artist him/herself the artist's fee should represent 10-20% of the Artist's contact budget and includes all phases of work, design through installation, and is compensation for both design and project management. Artist's project management responsibilities include, but are not limited to contracting with and overseeing artist's subcontractors, such as the artist's structural engineer and other consultants, and fabricators.

Proposal Honorarium:

Proposal honoraria are non-contractual payments made to artists for developing proposals made for specific sites as part of the selection process. While payment of honoraria does not transfer title of the proposal to the City without an agreement in writing the City reserves the right of first refusal to purchase the proposal at fair market value. Below is a sample fee range for each finalist on a given project budget as based on the Artist's portion of the job/contract (not the total project costs which may include other subcontractors, designers etc.):

Project Budget:	Sample Fee Range:
Under \$10,000	\$500
\$10,000-\$30,000	\$500-\$600
\$30,000-\$50,000	\$500-1,000
\$50,000-\$100,000	\$750-\$2,000
\$100,000-\$250,000	\$1,000-\$,5000
\$250,000-\$500,000	\$1,250-\$5,000
\$500,000 and up	\$2,500 and up

Non-reimbursable Artist Costs:

- Artist's Agents: The Arts Commission will deal directly with the artist; some aspects of a project may be delegated by the artist to his/her agent or representative if the artist so authorizes. All relationships and financial arrangements between artists and their agents, representatives and galleries must be undertaken by the parties alone. The Arts Commission assumes no responsibility for payment of fees and commissions, nor will it adjudicate differences between the parties. The payment of commissions or fees is the sole responsibility of the artist and must be deducted from the artist's fee. Under no circumstance will the Arts



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Commission increase the Artist's fee or the project budget to accommodate for the payment of gallery or agent fees.

- Legal Counsel: The cost of legal counsel to review and/or negotiate contacts with the City, or for any other purpose may not be a budget line item charged to City.
- Insurance Not Required by the City: The cost of premiums for any insurance not specifically required by the Commission may not be a line item expense charged to the City.

Project Completion:

At the completion of each project, the following procedures will be followed for proper record keeping:

- As a condition of final payment to the artist, the artist must complete a Collection Survey Form, which documents fabrication methods, artistic intent, and maintenance requirements.
- Upon project completion, the City Arts Manager/designated project manager will place the item on the next Arts Commission agenda, at which the Arts Commission will vote to accept the artwork into the collection in compliance with the Acquisitions and Deaccessioning Policy. (Temporary works of art are not accessioned into the public art collection but should be documented for purposes of history and maintenance.)

ARTISTS RIGHTS

The City of Santa Cruz complies with all local, state, and federal laws protecting the rights of artists, including but not limited to the Visual Artists Rights Act of 1990 (17 USC §106A) and the California Art Preservation Act (Cal. Civil Code § 987 *et seq.*).

WAIVER OF ARTISTS RIGHTS

The City may ask artists to waive their moral and residual rights through contractual agreements and in compliance with all local, state, and federal laws including but not limited to the Visual Artists Rights Act of 1990 (17 USC §106A) and the California Art Preservation Act (Cal. Civil Code § 987 *et seq.*).



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As part of the RFQ and/or RFP process, the artist will be notified if any waiver of rights will be required in order to award and proceed with the approved project.

CONTRACT AUTHORITY

The City of Santa Cruz will contract with artists using city contracts approved by the city attorney.

The Arts Manager or designated Project Manager may approve contracts, purchase orders, or direct payment vouchers in compliance with the City of Santa Cruz purchasing policies for services provided by a wide range of vendors, including but not limited to: artists, contractors, consultants, printers, graphic designers, photographers, signage fabricators and photo labs, whose services do not require design approval from the Commission.

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:

- The Scope of Work for Public Artists shall be developed with the input of Community Development Department staff.
- Historic Preservation staff, which makes recommendations on projects to the Historic Preservation Commission, shall participate as appropriate in concept development with the design team including public artist(s).
- Public artists shall research the historical, architectural, cultural and social character of the district, site or property to develop an understanding of the historical context.
- Public artists shall work with Community Development Department staff, as necessary, to identify principles that balance preserving and reinforcing the prominent features of a site or district, site or property with adding vital new public art component(s).
- If Historic Preservation Commission approval is required, public art planning will follow the appropriate historic preservation process as outlined by the City of Santa Cruz municipal code.



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ARTS COMMISSION VISION, MISSION AND VALUES

Vision

The Santa Cruz Arts Commission believes that the arts are vital to our quality of life and understanding of the human condition. We envision Santa Cruz as a vibrant arts destination that inspires visitor delight and enhances community pride. We imagine a Santa Cruz in which all forms of public art are widely accessible and all residents have opportunities to engage through the arts. We advance a culture in which artists are valued for their unique expressions and invited to partner in reimagining our City.

Mission

The Santa Cruz City Arts Commission champions the arts as essential to daily life by supporting a vibrant arts culture, enlivening our public spaces, and shaping innovative city policy.

Values

Quality of Life

Public art and policy improve our community's quality of life.

- Contributes to collective and individual well-being.
- Positions the arts as a community resource.
- Instills pride, stewardship of place, cultural identity, interest, and investment in the city of Santa Cruz.
- Stimulates and supports economic development.
- Leads to a community understanding of the value of the arts in their everyday lives.

Accessibility

Public art opportunities, processes, and policies are accessible and understandable.

- Welcomes and encourages community participation in the arts.
- Processes, goals, and policies are fully transparent and easily accessible.

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- Clearly communicates opportunities for participation to all members of our community.

Collaboration

Public art and policy engages diverse members of our community to represent the city's distinctive cultural identity.

- Catalyzes and strengthens collaborations with organizations, community groups, individuals, and other departments of the city.
- Bring members of our community together in meaningful ways.
- Expresses and enhances local stories, interests, traditions, places, and culture in Santa Cruz to foster a sense of belonging.

Vibrancy

Public art contributes to a vibrant and energized arts community.

- Highly visible, celebrated, and experienced throughout the city.
- Energizes the community to participate in the arts and reimagine their city.
- Forms and functions are multisensory, multidisciplinary, permanent, or temporary.
- Creates visitor delight and enriches Santa Cruz as an arts destination.

HISTORY OF THE ARTS COMMISSION

The City of Santa Cruz has a long history of supporting the arts. The Santa Cruz City Arts Commission was established in 1977 to enhance the aesthetic, cultural and economic quality of life in the City by encouraging, supporting and promoting the diversity of arts and artists in the community. The Arts Commission and arts programs were initially supported by staff from the City's Parks and Recreation Department.

In 1979, the City began contributing funds to Arts Council Santa Cruz County – for re-granting to local arts organizations. The arrangement provides a win-win for both organizations. The Arts Council has the expertise and ability to manage a grant program and the City benefits from the rich variety of arts projects and programs provided by the various non-profit arts organizations that receive grant funding.



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In 1997, the first Public Art Ordinance was also adopted at which provided 2% for art in eligible City capital improvement projects and in 1998, a Public Art Master Plan was adopted by City Council, which called for the creation of a Public Art Committee to oversee ongoing development and implementation of the plan.

A serious decline in the City's economy and resulting budget constraints in 2003 prompted the Arts Commission refocused its commitment to supporting and developing the local arts community through its advisory role to the City Council on policy issues. This included serving on the City's General Plan Advisory Committee, collaborating with the Planning and Police departments to streamline the City's entertainment permit process, creating an annual Work of artS award for businesses and developing a broad-ranging City Arts Master Plan.

The Public Art Committee and Arts Commission worked in close alignment between 1997 and 2007 with back-to-back meetings strengthened by monthly joint meetings and overlapping members. The Public Art Master Plan called for all public art projects to be developed by the Public Art Committee and reviewed by the Arts Commission. However, in 2008 the Arts Commission and Public Art Committee jointly approved the concept of merging the two advisory bodies following the completion of the Arts Master Plan. City Council approved this merger in 2009 creating one Arts Commission for the City made up of seven volunteer members, appointed by Council.

In 2009 the city's one arts staff person, the Arts Program Manager, was moved from the Parks and Recreation Department into the Economic Development Department. In 2013 the Economic Development Department budgeted \$75,000 in funding for the Arts Council of Santa Cruz County for re-granting to local arts nonprofits and also joined with the Arts Council of Santa Cruz County, under the leadership of Americans for the Arts, to conduct the Arts and Economic Prosperity™ economic impact study. The most comprehensive study of its kind, the study inventories local cultural organizations and analyzes the direct impact of their activities and audiences. This study determined that in the study year of 2012 within Santa Cruz County the arts sector was a major economic driver and:

- Generated \$38.38 million in total economic activity – \$21.84 million by nonprofit arts and culture organizations and an additional \$16.54 million in event-related spending by their audiences;



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- Supported 877 full-time equivalent jobs;
- Generate \$22.36 million in household income to local residents; and
- Delivered \$5.26 million in local and state government revenue.

In 2013, Council approved an update the Public Art Ordinance (Ord. 2013-12), reducing the calculation for public art from 2% of *projected* eligible capital spending to 1% of *actual* eligible capital spending based on an average of the prior three years in each fund. This key change was intended to streamline the budgeting and planning process for Public Art projects and reduce the volatility of the funding.

With a new Arts Program Manager coming on board in 2014, it was recognized that program policies and guidelines were needed to help provide transparency and clarity and help guide the Arts Commission in their decision-making process. The Arts Commission also took this opportunity to establish a dynamic Vision, Mission and Values for the Commission.

BYLAWS

PERCENT FOR ART ORDINANCE