



# CITY OF MERCED

Merced Civic Center  
678 W. 18th Street  
Merced, CA 95340

## Meeting Agenda

### Arts and Culture Advisory Commission

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Thursday, March 19, 2020

4:00 PM

City Council Chamber, 2nd Floor, Merced Civic  
Center, 678 W. 18th Street, Merced, CA 95340

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#### NOTICE TO PUBLIC

##### WELCOME

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##### **PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE BOARD/COMMISSION CLERK**

Members of the audience who wish to address the Commission are requested to complete a speaker card available at the podium against the right-hand side of the Council Chamber. Please submit the completed card to the Board/Commission Clerk before the item is called, preferably before the meeting begins.

##### **INDIVIDUALS WITH DISABILITIES**

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##### **A. CALL TO ORDER**

##### **B. PLEDGE OF ALLEGIANCE**

##### **C. ROLL CALL**

##### **D. PUBLIC COMMENT**

Members of the public who wish to speak on any matter not listed on the agenda may speak during this portion of the meeting and will be allotted 3 minutes. State law prohibits the Board/Commission from acting at this meeting on any matter raised during the public comment period. Members of the public who wish to speak on a matter that is listed on the agenda will be called upon to speak during discussion of that item.

##### **E. CONSENT CALENDAR**

Adoption of the Consent Calendar may be made by one motion of the Board/Commission, provided that any Member, individual, or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the item will be discussed and voted on separately.

- E.1. [20-135](#) **SUBJECT:** Arts and Culture Advisory Commission Minutes of January 23, 2020

**REPORT IN BRIEF**

Arts and Culture Advisory Commission Minutes from the meeting of January 23, 2020.

**RECOMMENDATION**

**Arts and Culture Advisory Commission** - Adopt a motion approving and filing the Arts and Culture Advisory Commission minutes of January 23, 2020.

**F. REPORTS**

- F.1. [20-155](#) **SUBJECT:** Update on the Merced County Arts Council Projects

**REPORT IN BRIEF**

Update on the Merced County Arts Council projects.

**RECOMMENDATION**

Information-Only.

**G. BUSINESS**

- G.1. [20-146](#) **SUBJECT:** Discussion on the Proposed California Assembly Bill 5, "Gig Worker Bill"

**REPORT IN BRIEF**

Discuss the proposed California Assembly Bill 5, known as the "Gig Worker Bill".

**RECOMMENDATION**

Information-Only.

- G.2. [20-144](#) **SUBJECT:** Update on Establishing an Arts and Culture Policy and Discussion on Future Options

**REPORT IN BRIEF**

Update on creating and establishing an Arts and Culture Policy and discussion on future options.

**RECOMMENDATION**

Direct Staff on the next steps in establishing an Arts and Culture Policy.

**G.3.**    [20-145](#)

**SUBJECT:** Arts and Culture Advisory Commission to Set FY 2020/21 Goals and Priorities

**REPORT IN BRIEF**

Discuss the Goals and Priorities for the Arts and Culture Advisory Commission for FY 2020/21.

**RECOMMENDATION**

Provide staff direction on Goals and Priorities for FY 2020/21.

**G.4.**    [20-143](#)

**SUBJECT:** Request to Add Item to Future Agenda

**REPORT IN BRIEF**

Provides members of the Boards and Commission the opportunity to request that an item be placed on a future Commission agenda for initial consideration by the Commission.

**G.5.**    [20-142](#)

**SUBJECT:** Commission Comments

**REPORT IN BRIEF**

Provides an opportunity for the Chair and/or Member(s) to make a brief announcement on any activity(ies) she/he has attended on behalf of the Commission and to make a brief announcement on future community events and/or activities. The Brown Act does not allow discussion or action by the legislative body under this section.

**H. ADJOURNMENT**



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## ADMINISTRATIVE REPORT

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**File #:** 20-135

**Meeting Date:** 3/19/2020

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*Report Prepared by: Jennifer Levesque, Deputy City Clerk*

**SUBJECT:** Arts and Culture Advisory Commission Minutes of January 23, 2020

### REPORT IN BRIEF

Arts and Culture Advisory Commission Minutes from the meeting of January 23, 2020.

### RECOMMENDATION

**Arts and Culture Advisory Commission** - Adopt a motion approving and filing the Arts and Culture Advisory Commission minutes of January 23, 2020.

### ATTACHMENTS

1. Arts and Culture Advisory Commission minutes January 23, 2020



# CITY OF MERCED

Merced Civic Center  
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## Minutes

### Arts and Culture Advisory Commission

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Thursday, January 23, 2020

4:00 PM

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#### A. CALL TO ORDER

Chair DENNIS called the Arts and Culture Advisory Commission Meeting to order at 4:04 PM.

#### B. PLEDGE OF ALLEGIANCE

#### C. ROLL CALL

Present Ex-Officio Members:

Kim GARNER  
Anthony MARTINEZ  
Patricia PRATT

**Clerk's Note:** Ex-Officio Member MARTINEZ arrived at 4:27 PM.

**Present:** 5 - Chairperson Colton Dennis, Dob Francise, Rob Hypes, Vice Chair Diana Odom Gunn and Maria Del Zaragoza

**Absent:** 2 - Monika Modest and Monika Saini

#### D. PUBLIC COMMENT

There was none.

#### E. CONSENT CALENDAR

E.1. **SUBJECT:** Arts and Culture Advisory Commission Minutes of November 21, 2019

##### REPORT IN BRIEF

Arts and Culture Advisory Commission Minutes from the meeting of November 21, 2019.

##### RECOMMENDATION

**Arts and Culture Advisory Commission** - Adopt a motion approving and filing the Arts and Culture Advisory Commission minutes of November 21, 2019.

A motion was made by Chairperson Dennis, seconded by Member Francise, that

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this agenda item be approved. The motion carried by the following vote:

**Aye:** 5 - Dennis  
Member Francise  
Member Hypes  
Vice Chair Odom Gunn  
Member Del Zaragoza

**No:** 0

**Absent:** 2 - Member Modest  
Member Saini

## F. REPORTS

### F.1. **SUBJECT:** Update on the Community Calendar

#### **REPORT IN BRIEF**

Staff will give an update on the progress of the community calendar.

#### **RECOMMENDATION**

For Information-Only

Assistant City Manager Stephanie DIETZ gave a slide show presentation updating the Commission on the Community Calendar.

Commissioners and Ms. DIETZ discussed adding events to the community calendar and guidelines for adding events.

**Clerk's Note:** This item was information-only no formal action was taken.

### F.2. **SUBJECT:** Update on Establishing an Arts and Culture Policy

#### **REPORT IN BRIEF**

Update and discussion on creating and establishing an Arts and Culture Policy.

#### **RECOMMENDATION**

Direct Staff on the next steps in establishing an Arts and Culture Policy.

Chair DENNIS gave a brief update on the Arts Policy.

### F.3. **SUBJECT:** Update on Future Funding Discussion

#### **REPORT IN BRIEF**

Update on the discussed future funding for art projects in the City.

**RECOMMENDATION**

For Information-Only.

Assistant City Manager Stephanie DIETZ gave a brief presentation on future funding opportunities.

Ex-Officio Member PRATT spoke on her time as extra help for the County regarding art projects.

Joel AGUILAR, Livingston - spoke on a mural he will be working on in Merced and other art projects he's worked on in Livingston.

**F.4.**

**SUBJECT:** Consideration of a Draft Annual Report

**REPORT IN BRIEF**

Considers a draft annual report.

**RECOMMENDATION**

For Information-Only.

Assistant City Manager Stephanie DIETZ gave a slide show presentation on the Arts and Culture Advisory Commission Annual Report.

Ex-Officio Member GARNER discussed the Levitt AMP Grant.

**A motion was made by Member Francise, seconded by Vice Chair Odom Gunn, to approve the draft annual report and to nominate Chair Dennis to present the annual report to Council. The motion carried by the following vote:**

**Aye:** 5 - Dennis  
Member Francise  
Member Hypes  
Vice Chair Odom Gunn  
Member Del Zaragoza

**No:** 0

**Absent:** 2 - Member Modest  
Member Saini

**G. BUSINESS**

**G.1.**

**SUBJECT:** Commission Comments

**REPORT IN BRIEF**

Provides an opportunity for the Chair and/or Member(s) to make a brief announcement on any activity(ies) she/he has attended on behalf of the Commission and to make a brief announcement on future community events and/or activities. The Brown Act does not allow discussion or action

by the legislative body under this section.

Ex-Officio Member PRATT asked about applications for the Arts and Culture Advisory Commission. She also spoke on upcoming trainings.

Chair DENNIS reported on attending the Merced Symphony. He also spoke on upcoming art events.

Member HYPES spoke on upcoming art events.

Ex-Officio Member GARNER spoke on upcoming art events.

**G.2.**

**SUBJECT:** Request to Add Item to Future Agenda

**REPORT IN BRIEF**

Provides members of the Boards and Commission the opportunity to request that an item be placed on a future Commission agenda for initial consideration by the Commission.

Chair DENNIS requested to add an item discussing Assembly Bill 5.

**H. ADJOURNMENT**

**Clerk's Note:** The Arts and Culture Advisory Commission adjourned at 4:56 PM.

**A motion was made by Member Francise, seconded by Chairperson Dennis, to adjourn the Regular Arts and Culture Advisory Commission Meeting. The motion carried by the following vote:**

**Aye:** 5 - Dennis  
Member Francise  
Member Hypes  
Vice Chair Odom Gunn  
Member Del Zaragoza

**No:** 0

**Absent:** 2 - Member Modest  
Member Saini



By:

Approved:

Jennifer Levesque  
Deputy City Clerk

Colton Dennis  
Chair



# CITY OF MERCED

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## ADMINISTRATIVE REPORT

---

**File #:** 20-155

**Meeting Date:** 3/19/2020

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**SUBJECT:** Update on the Merced County Arts Council Projects

### REPORT IN BRIEF

Update on the Merced County Arts Council projects.

### RECOMMENDATION

Information-Only.

### ATTACHMENTS

1. Merced County Headings
2. Practical Vision
3. Existing Programs and Opportunities

## Merced County Headings

Creating a Culture of Artistic Inclusivity	Qualified Professionals	Ample Opportunities for Rich, Diverse, Quality Arts Experiences	Abundant Technical Support, including Materials, Resources, and Facilities	Arts and Culture Integrated Curriculum	Using the Arts to Create a Thriving Community, Enhancing Our Health and Well-Being
Promoting Healthy Environments Through the Arts	Pride of Place	Flexible Opportunities for Creative Expression	School as a Creative Community Oasis	Designing Vibrant Creative Public Spaces	
Develop Guaranteed Viable Standards-Based Arts Curriculum PK-12	Create Professional Learning for Artists, Arts Partners, and Advocates	Develop Sustainable Funding for the Arts	Nourish and Forge Synergy in the Community to Prioritize the Arts	Promote Advocacy and Buy-in for the Arts in the Community	

## Merced County Strategic Arts Plan

(Question: In 3-5 years what will be in place in Merced County?)

### ***We will ensure vibrant cradle to grave arts experiences through...***

Promoting Healthy Environments Through the Arts	Pride of Place	Flexible Opportunities for Creative Expression	School as a Creative Community Oasis	Designing Vibrant Creative Public Spaces
<p>People are enjoying art! (Public art, Art @ MAC, etc.)</p> <p>Creative arts co-op Artists and kids – shared space</p> <p>Kids climbing sculptures</p> <p>Natural play-area, environmental stimulation</p> <p>Healthier children</p>	<p>Individuals and communities with increased connections</p> <p>Civic and community pride</p> <p>Retention of creative talent (No brain bleed/drain)</p> <p>Countywide art initiatives - tourism</p>	<p>Unstructured concept art</p> <p>Opportunities for experimental growth for students</p> <p>Children happier and more engaged</p>	<p>Teachers feel comfortable, supported, and safe with arts content and all content</p> <p>Fully funded in-school arts programs PK-12</p> <p>Professional arts standards are the norm</p> <p>BE and feel connected to the county – rural schools</p> <p>Children looking for future in the arts as adults</p> <p>Family buy-in</p> <p>Admin buy-in</p>	<p>Downtown has an arts and culture district</p> <p>Main Street and all streets downtown are open</p> <p>Digital real time events board – relaying info and events (Bob Hart?)</p> <p>Activate beautifying alleyways</p> <p>Activate and enlarge bike lanes and crosswalks</p> <p>Safe, accessible public transportation</p> <p>Safe, open public spaces</p>

## Merced County Strategic Arts Plan

### Existing Programs and Opportunities

Dance and Movement	Media Arts	Music	Theatre	Visual Arts	Community
MAD/Denison's/BYL/K in Team Maybe 1 MUHSD school with dance program in-school?	UC Merced Human Rights Film Festival	Quality middle school, high school, and junior college music and band programs	High school programs	UC Merced community engagement art class	City of Merced Arts and Culture Commission
Nutcracker (MAD) Dec 6-7 at Buhach Full length ballet every other year – June at Merced College	Film classes- UC Merced	Musikgarten (0-5 years)	Phoenix Playhouse Merced	UC Merced studio art classes	Jazz Festival
Break dance in after school program at MAC (Winter session starts 1/21/20)	MCOE Media Lab	Ukulele club	Community based programs	High school based art/painting	Gospel Festival
UC Merced Latin Ensemble	AME CTE in MUHSD	MAC – community music lessons	Home school at MAC – theatre arts	MAC arts and enrichment	Culinary arts
UC Merced Swing Ensemble	HAS – Software applications department	UC Merced swing ensemble	Many plays at the MAC	SMARTYpants – history/Arts	Technical arts
Tahitian dance	VAPA class with Miss Noelle on MCOE YouTube channel	UC Merced Latin ensemble	UC Merced Shakespeare in Yosemite	MAC	MAC after school
Folklorico	iPad art – Paul Longo (ARTREE)	Bobcat band	UC Merced Children's Opera	Play adventures	MAC adult art classes
Tumble time	Merced College Digital Media degree program	Merced College music	Technical Arts	Art Hop	Youth orchestra (featuring various high schools)
Hip hop	Merced College Music program	Mariachi – Art Barajas – ARTREE	Merced Theater	ARTREE in the Merced County schools	SWAG – Students With Aspiring Goals
Praise Dance with SWAG		Broadway show choir by MCOE		After school at the MAC, birthday parties	Merced Theater
Martial Arts		Community choir		Adult art classes	Mainzer Theater
Yoga		Arts UC Merced presents		Downtown mural projects	Merced College Theater
		Drum circles – Melody Buenafe – A TREE		Arbor Walk murals	Field trips to the MAC
		HSA choir		Storefronts on Main	MYC – Merced Youth Connect
				Industrial arts	Levitt AMP – Music in Applegate
					Merced Shakespeare
					BYL – Building Young Leaders
					Play Adventures
					UC Merced Global Arts Department



# CITY OF MERCED

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## ADMINISTRATIVE REPORT

---

**File #:** 20-146

**Meeting Date:** 3/19/2020

---

**SUBJECT:** Discussion on the Proposed California Assembly Bill 5, "Gig Worker Bill"

### REPORT IN BRIEF

Discuss the proposed California Assembly Bill 5, known as the "Gig Worker Bill".

### RECOMMENDATION

Information-Only.

### ATTACHMENTS

1. LA Times Article



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ENTERTAINMENT & ARTS

## How AB5 has instilled fear and confusion in California's arts community



Elvira Barjau, left, Joan Almedilla and Anthea Neri star in East West Players' production of "Mamma Mia!" last year directed by Snehal Desai, the company's artistic director. (Steven Lam )

By MAKEDA EASTER  
STAFF WRITER

JAN. 29, 2020  
8:19 AM

What does it mean to be a “fine artist”? That’s the question vexing California’s performing arts community as it begins to grapple with the state’s new gig-economy law, which went into effect Jan. 1.

Assembly Bill 5 is intended to reduce worker misclassification, making it harder for companies to treat workers as independent contractors. Signed into law in September, it establishes a test to determine if workers are employees who should receive minimum wage, paid sick days and other benefits.

***For the record:***

***1:39 PM, Jan. 29, 2020*** *An earlier version of this article referred to Californians for the Arts as a lobby group. The organization is an advocacy group.*

But the law’s ambiguous language — specifically the use of the phrase “fine artist” without actually defining the term — already had led one opera company to postpone a production, prompted other small arts organizations to consider cutting programs and sent others scrambling to raise more money to comply with the law.

Under AB5, some professions including travel agents, graphic designers and grant writers are exempt. Fine artists are included in the list of exemptions, but there is no particular exemption for performing artists and no clarification if actors, singers, dancers or musicians are considered fine artists.

That has left the performing arts community in a state of fear and confusion.



"We really have no idea how this will be enforced or how it might change over the next couple years," said Christopher Maikish, executive director of L.A.'s Celebration Theatre. "We're having a lot of internal conversations about what does compliance mean and how do we get there."

The term fine artist was intentionally undefined, said AB5's author, Assemblywoman Lorena Gonzalez (D-San Diego). Clarifying the exemption is a job that falls to the state's Employment Development Department, she said. The Times asked EDD for comment but has not received a response.



Assemblywoman Lorena Gonzalez (D-San Diego) speaks at a rally after her measure to limit when companies can label workers as independent contractors was approved by a Senate committee in July. (Rich Pedroncelli / Associated Press)

#### ADVERTISEMENT

"The administration has asked me not to do their job in how it would be defined or how it would be implemented," Gonzalez said. "We wanted to give a broader interpretation. Defining it would have narrowed it."

For the last year, the advocacy group Californians for the Arts has been working to create exemption language for arts industries and educate the legislature on the common arts employment model, which is run largely on independent contractors. "In a highly creative industry, we're really not the kind of employment models where you fit into this neat box," said Julie Baker, Californians for the Arts' executive director.

Converting an independent contractor to an employee typically increases staffing costs by 30%, said M.J. Bogatin, an attorney and board member of California Lawyers for the Arts. Those costs include insurance premiums, disability premiums, workers compensation, "a bunch of additional admin and the costs of now administering these people as employees."

Those who fail to comply with the law face fines. Under AB5, if a court finds a company or small arts organization willfully violating the law, penalties may run from \$5,000 to \$25,000 per violation.

For arts organizations staying afloat on grants and donations, both options — paying a penalty or facing a 30% increase in costs — could be devastating.

L.A. choreographer and dance curator Deborah Brockus typically pays dancers a stipend for performing in shows.

"We all would love to pay artists but we're not getting enough actual income coming in for the gigs that we do," Brockus said. "All of us are terrified and all of us are just reining everything in and trying to figure out how we can not collapse and stay legal."

A midsize dance company might pay its dancers a flat rate of \$1,000 for weeks of rehearsal time and a weekend performance. Under AB5, the company might be required to pay minimum wage for those rehearsals and performances, plus benefits, adding up to higher costs.

## ADVERTISEMENT

L.A.'s Skylight Theatre Company already had been affected by the Actors' Equity Assn. 2015 minimum wage rule for theater companies with fewer than 100 seats, said producing artistic director Gary Grossman. The controversial rule prompted many small theater companies in L.A. to move from a stipend system to minimum hourly wage for rehearsals and performances.

With AB5, Grossman expects a 17% increase in costs for set, lighting, sound and video designers, who historically were hired as independent contractors. "We can barely succeed in what we're doing right now with the minimum wage," Grossman said, referring to the Equity change.



The cast of "Bulrushes," from left, Chauntae Pink, Bianca Lemaire, Patrick Cragin, Joshua Wolf Coleman and Heidi James, at the Skylight Theatre, which worries about the effect of AB5. (Ed Krieger)

Some in the performing arts have already begun difficult conversations about cutting costs.

According to a Californians for the Arts survey of 450 people working in the arts, 80% said AB5 will affect their ability to offer programs and 57% will have to close business or cease certain programs.

Under the guidance of its legal counsel earlier this month, Island City Opera, a Bay Area volunteer-run organization, decided to postpone indefinitely its March production of "The Wreckers." The Ethel Smyth opera was Island City's only scheduled production of 2020.

"It became clear that it seemed the law would probably apply to us and they weren't going to have an exemption for performing artists or musical artists," said Artistic Director Eileen Meredith. "We can't afford to be risky. We just need to do what we can to get through this."

AB5 is forcing a search for new donors — fast — said Snehal Desai, producing artistic director of East West Players, the L.A. company whose mission is to develop artists of color and share the Asian American experience through theater.

#### ADVERTISEMENT

The saddest thing about this bill, Desai said, are the financial stresses that emerge as companies spend more to get into compliance. "The first thing that gets cut is ancillary programs, which tend to be arts education and outreach programs to schools and students."

Some feel they are facing unintended fallout from a law aimed at massive corporations.

AB5 "was meant for companies that have resources," said East West Players general manager Jeff Cason. "We understand the idea behind it, that we want to give our workers in California an opportunity to make a living wage. But there is a vibrant gig economy that

isn't a gig economy just because we're trying to stick people, but it's a gig economy because we are truly gigging."

Gonzalez countered by saying "misclassification happens in every industry."

"There has been massive misclassification in performing arts for a very long time, and somehow we accept that because somebody loves the job that they do," she said.

"This is aimed at ensuring that all workers, no matter who they're working for, are properly classified if they are employees," Gonzalez added.

Performers should be "fairly compensated and have the same standard protections that employees in other industries have," Mary McColl, executive director of Actors' Equity, said in a statement. "Theater is an inherently dangerous profession. Why shouldn't everyone who works in theater have access to workers' compensation and unemployment insurance?"

In an effort to protect workers from exploitation, the law could damage L.A.'s performing arts community, Brockus said. "They're hitting people doing everything they can to support their artists with what they have."

As arts groups scramble for AB5 compliance, other industries have challenged the law, including freelance writers and independent truckers. Gig-economy companies Uber, Lyft and DoorDash launched a campaign against the legislation.

In the meantime, arts organizations "caught on the horns of AB5 are desperate for information on what they can and must do to abide by AB5," Bogatin said. "I think we're going to see a whole lot of community theater and smaller organizations disappear. Just like the recession in 2008 — they are being slammed."

*Are you a California artist or arts organization impacted by AB5? Submit your response [here](#).*

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Makeda Easter

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Makeda Easter is an arts reporter. She started at the Los Angeles Times in 2016 and received her bachelor's degree in science, technology and international affairs at Georgetown University.

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**9 minutes ago**



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19 minutes ago

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1 hour ago

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1 hour ago

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**March 2, 2020**

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**March 2, 2020**

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678 W. 18th Street  
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## ADMINISTRATIVE REPORT

---

**File #:** 20-144

**Meeting Date:** 3/19/2020

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**SUBJECT:** Update on Establishing an Arts and Culture Policy and Discussion on Future Options

### REPORT IN BRIEF

Update on creating and establishing an Arts and Culture Policy and discussion on future options.

### RECOMMENDATION

Direct Staff on the next steps in establishing an Arts and Culture Policy.

City of Merced

Arts and Culture Advisory Commission

Address: 678 W. 18<sup>th</sup> Street, Merced, CA 95340

Phone:

Email:

## **Art in public places application (Public Art Application Form)?**

Applicant information

Name/Company/Address/City/State/Zip

Phone/Email/Website

Artist information (if different from applicant)

Name/Company/Address/City/State/Zip

Phone/Email/Website

Artwork title

Artwork site

Artwork material

Artwork dimension/weight

Estimated artwork completion date

I certify under penalty of perjury that all the application information is true and correct

Applicant's/artist's signature

Date/time received, received by, amount received (if applicable), receipt No

(There are two categories of public art applications (check available box)

## ☐ Cultural art projects/exhibits/event

Individual artists, arts organizations – Art exhibits and events at city facilities, both temporary loans and permanent gifts

(The artwork proposed is to be (check one): ☐ donated to the city permanently

☐ loaned to the city for a period of time (dates)

The application shall be submitted to the: City of Merced Arts and Culture Advisory Commission

Description of event and exhibit, attach additional pages and samples of art where appropriate

## ☐ Private development projects

Individual artists, private sponsors (businesses, corporations, individual donors), arts organizations

☐ Donations - Public art designated for public/private property

☐ Installations - installation of public/private art on private property

The application shall be submitted to the: City of Merced Arts and Culture Advisory commission

## Proposed artwork application checklist:

attach the following documents (the submittal requirements provide basic information, however, the Arts and Culture Advisory Commission may determine that additional information is required before further processing can take place and final approval can be granted). The final approval of the proposed public artwork will be issued by the Merced City Council

☐ complete and signed Art in Public Places Application Form

☐ project information: title/proposed installation site/description of artwork/scope, dimensions, approximate weight /estimated total budget

☐ description of how the proposed public artwork fits with the development project, adjacent parcels and surrounding neighborhoods

☐ written statement how the proposed artwork will be publicly accessible

☐ written statement that the artwork is original wholly created by the artist(s) (participating community members), is appropriate for all ages, that no copyrights or trademarks have been violated, that nothing about the work has been plagiarized, stolen or copied, that the work will not invade or defame the rights of a person, living or dead

- \_ appraisal/budget of artwork
- \_ artist's resume (CV)
- \_ Site plan of the development, which includes the following:
  - Proposed placement of the public art
  - Orientation of the public art
  - Distance between the public art and public streets
- \_ sample, model, photograph, or drawings of the proposed public art
- \_ sample materials or finishes of proposed public art (include the source or brand/manufacturer, life expectancy of materials, attach manufacturer's technical data sheets, if available)
- \_ landscape plan (if applicable), which includes the following:
  - Location(s) of trees and shrubbery
  - Type(s) of trees and shrubbery
- \_ Installation: proposed installation site, installation method, installation executed by
  - Manner in which the public art will be displayed and is visible from the public right-of-way or public property
  - If the work is site-specific, describe the particular relationship of the work to its site, including any significant physical aspects of the site, which, if altered would change the artist's intended meaning and/or appearance for the artwork
  - If an on-site cultural program, art space, or cultural facility, describe the manner in which the public will gain access to such programs, spaces, or facilities
- \_ resume (CV) of artist(s) involved in proposal and creation of the artwork
- \_ photographs of the proposed artist's past public artwork,
- \_ written statement by the artist declaring the value of the public art
- \_ Maintenance plan, which includes the following
  - Instructions for routine preservation/maintenance
  - Instructions for long-term preservation/maintenance

Who is responsible for the preservation/maintenance

What are the estimated cost for preservation/maintenance

(Describe the methods and techniques to maintain the artwork. Include a maintenance plan, estimated costs of maintenance, how the maintenance will be funded, and who will perform significant repairs if necessary)

\_ Describe the anticipated life span of the artwork in the proposed location

\_ Budget breakdown, which includes the following:

Artist fees for design concept, execution, installation and management/oversight of public art project.

Materials, fabrication, transportation, and installation of public art project

Art consultant fees and funding source, if applicable

\_ Specify that no rights will be retained by the artist(s) with respect to the artwork

Artist(s) initials \_\_\_\_\_

Or, specify rights that will be retained by the artist(s) with respect to artwork and future removal of the artwork from the designated public area proposed to display/install the artwork. City may also remove the artwork after notifying, consulting with the artist. City will return the donated artwork to the artist or may dispose of it if purchased by the City.

\_ Describe any proposed assistance sought from the city (permits, code related requirements, etc.), other public agencies (public works) or donors in connection with the fabrication, development, display/installation, and maintenance of the artwork

\_ Before final approval of the artwork, provide notification and written documentation from affected businesses and residents within the artwork location (business name, address, phone, contact name, signature approval (yes/no), date signed, additional comments)

\_ Provide time line: start date, anticipated installation/completion date

Artist/donor contract acknowledgement (artist(s) and donor(s) are prepared to execute a contract or other document which, in the estimation of the city attorney and city manager, protects and serves as fiscal and other interest of the city in connection with the acquisition or donation of the artwork proposed for display/installation in a public area







City of Merced  
Arts and Culture Advisory Commission  
**Art in Public Places**

**Mission Statement**

It is the mission of the Arts and Culture Advisory Commission to advise the City Council on how to encourage and promote arts programs and events that engage community members and local businesses; acknowledge the role of arts and culture contributes to the quality of life, and the vitality, innovation, and inclusion of the community; and preserve the community's artistic works and cultural identities.

**Policy Purpose**

The purpose of this policy is to ensure uniform guidelines and procedures for the inclusion of publicly accessible art in the City of Merced. Additionally, this policy will also provide uniform guidelines and procedures for the maintenance, removal, relocation, or deaccession of city-owned public art.

**Definition of Public Art**

A work of public art includes, but is not limited to, original works of sculpture, photography, graphic art, waterworks, fiberworks, neon, glass, mosaics, paint, furniture, fixture, or any combination of visual media that are displayed in a public place for enjoyment of the community.

**Acquisition Methods**

The following methods may be used to select artworks:

- Donation—Artwork may be gifted to the City;
- Direct Purchase—Completed artwork may be bought;
- Direct Commission—Artist is selected to complete artwork for purchase;
- Limited Competition—Artists are invited to submit applications;
- Open Competition—All artists are welcome to submit applications;
- Loaned or Leased—Temporary artwork installations are acceptable.

**Project Application Reviews**

Applications for review of public art may be available for specific projects at any time. However, routine application reviews of unsolicited proposals will be conducted twice per year.

An Artwork Review Jury made up of five (5) qualified persons will be appointed by the Arts and Culture Advisory Commission to make recommendations for each application cycle. Jurors will serve one-year terms.

The Review Jury will make recommendations to the Arts and Culture Advisory Commission which will make the final selection(s) by majority vote. The selection(s) of the Commission will be recommendations brought to City Council for final approval of all new acquisitions.

### **Criteria for Review of Artwork**

The highest possible quality of the aesthetic experience is the primary criterion for selection of public art. The objective of public art is to improve the quality of life in the City of Merced with a varied collection of vital, engaging, and innovative works that reflect the cultural standards of the community.

The following guidelines for selection are not exhaustive. Both the Arts and Culture Advisory Commission and the Merced City Council have authority to use flexibility and judgement which may supersede these standards.

Specifications include but are not limited to the following:

- Quality of the artwork reflects the highest aesthetic standards.

- All visual art forms may be considered.

- Artworks of all schools, styles, and tastes may be considered.

- Artworks and art places should be appropriate in scale, material, form, and content for the immediate, general, social, and physical environment of the installation site.

- Artworks should have structural and surface soundness, including inherent resistance to theft, vandalism, weathering, excessive maintenance or repair costs, and safety considerations or factors that may bear on public liability.

- For temporary projects, the applicant is responsible for all phases of the design and execution of the work, as well as the installation, removal, and return of the site to its original condition, unless otherwise stipulated

- Site selection should consider the design of the artworks to establish focal points, terminate areas, modify, enhance, or define specific spaces, and to establish identity.

- The artwork selection process should strive for diversity of style, scale, media, in the collection, and diversity of artists represented in the collection. The Arts and Culture Advisory Commission does not discriminate on the grounds of an artist's gender, ethnicity, religion, disability, or age.

- Artworks that are potentially offensive to local cultural standards due to depictions of violence or sexual activity, political or religious messages,

promotions of unhealthy behavior, or creation of hostile environments for any community members, will not be reviewed.

Artworks that are commercial in nature will not be reviewed.

### **Installation Sites**

On private property, public art placed in outdoor areas should be accessible and used by the public a minimum of 18 hours per day. Interior spaces, including lobbies, courtyards, malls, etc., may be eligible if they are accessible to the public for a minimum of 12 hours per day.

On public property, artworks should be placed in publicly accessible places such as libraries, parks, office buildings, sidewalks, traffic islands, etc. Lobbies, plazas, adjacent open spaces or exterior treatment of publicly owned buildings shall be potential sites. However, the inner rooms of publicly owned buildings shall not be considered acceptable sites.

### **Ownership of Artworks**

All artworks acquired by the City of Merced shall become the property of the City. The City intends that all work shall remain accessible to public viewing for as long as the City owns the work and it is both practical and safe to do so.

The City shall not purposefully destroy, damage, alter, modify, or otherwise change a public artwork except in extreme emergency or similar exigent situations. Should any alteration occur, whether intentional or accidental, the Artist has the right to request that the work shall no longer be represented as the work of the artist.

The City shall be responsible for the proper cleaning, maintenance, and protection of the artwork after its installation, considering any written instructions for care submitted by the artist.

### **Deaccession, Removal or Relocation of Artworks**

The City retains the right to transfer work from one site to another, or to make a temporary loan to another agency or organization. The City retains the right to remove artworks at its discretion. The City Council shall not be bound by any agreement that restricts the City's ability to act in its own best interests.

The Arts and Culture Advisory Commission may recommend to the City Council the removal, relocation, or deaccession and disposal of artworks in its collection in accordance with the following policies:

The artwork's physical or structural condition poses a threat to public safety;

The artwork requires excessive maintenance, or repair, or has faulty design or workmanship, and any remedy to these circumstances is impractical or unfeasible.

The artwork has been damaged and repair or remedy is impractical or unfeasible.

The condition or security of the artwork cannot be reasonably guaranteed.

Significant changes in the use, character, or design of the site have occurred which affect the integrity of the artwork.

Significant and adverse public reaction to the artwork has continued unabated over an extended period of time.

Removal is requested by the artist or donor.

Whenever deemed appropriate by the Arts and Culture Advisory Commission and approved by the City Council.

Based on criteria developed by the Arts and Culture Advisory Commission and City staff and approved by City Council, artworks may be released from future City ownership and offered for sale. Proceeds from sales of deaccessioned artwork shall be used to fund additional purchases or commissions.

In the event that the structural integrity or condition of an artwork is such that, in the opinion of the Director of Public Works or a legally designated representative, the artwork presents an eminent threat to public safety, the immediate removal of the artwork may be authorized without consent of the artist or the Arts and Culture Advisory Commission, and have the work placed in temporary storage. The artist and the Commission shall be notified within 30 days and options will be considered for its disposition.

### **Amendments to Policy**

This approved policy may be amended by majority vote of the Arts and Culture Advisory Commission and approval of the City Council.



# CITY OF MERCED

Merced Civic Center  
678 W. 18th Street  
Merced, CA 95340

## ADMINISTRATIVE REPORT

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**File #:** 20-145

**Meeting Date:** 3/19/2020

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**SUBJECT:** Arts and Culture Advisory Commission to Set FY 2020/21 Goals and Priorities

### REPORT IN BRIEF

Discuss the Goals and Priorities for the Arts and Culture Advisory Commission for FY 2020/21.

### RECOMMENDATION

Provide staff direction on Goals and Priorities for FY 2020/21.

## Arts and Culture Advisory Commission 2019 Goals and Priorities - Draft

1. Festivals
2. Arts District in Downtown
3. Bloomberg Foundation Arts Grant of up to \$1 mil
4. Applegate Amphitheater
5. Mural Ordinance - policy and process
6. Pop Art
7. Outreach Plan
8. Art Maintenance
9. Arts Calendar
10. Catalog of Yearly Events
11. Directory of Entities
12. Supporting What Already Exists
13. Welcome Sign Oversight
14. Film
15. Schools and Opportunities



# CITY OF MERCED

Merced Civic Center  
678 W. 18th Street  
Merced, CA 95340

## ADMINISTRATIVE REPORT

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**File #:** 20-143

**Meeting Date:** 3/19/2020

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**SUBJECT:** Request to Add Item to Future Agenda

### REPORT IN BRIEF

Provides members of the Boards and Commission the opportunity to request that an item be placed on a future Commission agenda for initial consideration by the Commission.



# CITY OF MERCED

Merced Civic Center  
678 W. 18th Street  
Merced, CA 95340

## ADMINISTRATIVE REPORT

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**File #:** 20-142

**Meeting Date:** 3/19/2020

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**SUBJECT:** Commission Comments

### REPORT IN BRIEF

Provides an opportunity for the Chair and/or Member(s) to make a brief announcement on any activity(ies) she/he has attended on behalf of the Commission and to make a brief announcement on future community events and/or activities. The Brown Act does not allow discussion or action by the legislative body under this section.