



Town of Danville Public Art Policy

1. PURPOSE

The Town's 2017 Parks Recreation and Arts Strategic Plan states that: *"High quality artistic statements enliven public spaces and can become symbols of civic pride and community identity."* This Public Art Policy is intended to further art education and appreciation. The Policy will guide the placement of art in public places, and will include:

- identifying appropriate public locations for the placement of artwork within the Town of Danville;
- selection and acceptance of artwork to be loaned to, leased, donated, commissioned or purchased by the Town;
- maintenance of artwork; and
- removal of artwork

The Town of Danville Arts Commission is responsible for promoting interest and support for the arts within the community. The Commission will be responsible for guiding the implementation of this Public Art Policy and making appropriate recommendations related to public art and its placement to the Town Council.

The Curatorial Committee assists the Commission by making recommendations regarding selection of artwork, subject to the Curatorial Committee Guidelines and Objectives.

This policy shall apply to artwork that is to be temporarily or permanently displayed on Town owned property.

Changes to this Public Art Policy shall be recommended by the Arts Commission for approval by the Town Council. The Policy will be reviewed annually to consider any changes or updates.

2. DEFINITIONS

Art as described in this policy is intended to enrich the public environment for both residents and visitors. Art shall include, but not be limited to, sculptures, mosaics, mixed media, environmental works, music, light, water and any other medium whose purpose is to promote art education.

Temporary art as describe in this policy is defined as art being on display for a period of less than one year.

3. SITE SELECTION

The Arts Commission will develop locational criteria and recommend to the Town Council appropriate public locations that are suitable for the display of artwork that meets the criteria described in this policy.

Artwork loaned, leased or donated to the Town or commissioned or purchased by the Town pursuant to this policy may be displayed only in approved locations.

When recommending a site for art, the Arts Commission shall consider:

- whether the artwork can be properly installed, placed to be seen, and displayed with patron safety in mind;
- public accessibility to the artwork;
- impact on operational functions of the Town; and
- length of time artwork is being recommended to be displayed

4. PUBLIC ART PROPOSAL

Any person wishing to loan or lease artwork to the Town of Danville must complete a Public Art Application, available in the Recreation office, or on-line at www.danville.ca.gov/artgallery .

Applications will be received by the Recreation, Arts and Community Services Department and will be routed first to the Curatorial Committee for review to ensure that all applications meet the policy criteria; and then forwarded to the Arts Commission.

The application and accompanying materials shall include the following:

- photo, plans, model or other representation of proposed artwork;
- statement of reason for loan or lease;
- description of the artwork, including dimensions, weight, finish, and color, and system for mounting or displaying the artwork;
- any special maintenance, mounting or display requirements;
- artist biography;
- statement of the approximate value of the artwork;
- signage proposed for the artwork, including size, lettering and material; and
- dates of availability

The Curatorial Committee, Arts Commission or Town Council reserve the right to view the actual proposed piece of artwork prior to agreeing to accept or place the artwork.

Any offer to lease, loan or donate artwork may be withdrawn at any time up until execution of an agreement between the Town and the donor(s).

5. SELECTION / ACCEPTANCE PROCESS

After review of a Public Art Application, the Curatorial Committee shall prepare a written report to the Arts Commission for each object it recommends to be placed. The report shall include:

- title, artist, medium, and dimensions
- the origin/source of the artwork
- slide(s) and/or photograph(s) of the artwork
- report on the condition of the artwork
- estimated value of the artwork
- whether the artwork will be leased, loaned or donated to the Town and the term of the proposed loan, lease or donation

When reviewing works of art for possible loan, lease, donation, commission, or purchase by the Town, the Commission shall determine whether the artwork:

- inspires a sense of community
- is thought-provoking, memorable or enduring;
- is appropriate in terms of scale, form, content, and the environment;
- is durable relative to theft, vandalism and the environment;
- is not intended to be perceived as a government endorsement of religion in violation of the Establishment Clause of the Federal and State Constitutions;
- would not, when displayed, create a hostile work environment for public employees; and
- does not depict graphic violence or sexual activity

The Commission shall further determine whether the party that is loaning, leasing, donating or selling the artwork to the Town is prepared to execute a contract or agreement in the form approved by the Town Attorney and Town Manager. The Commission will then make a formal recommendation of the artwork to be displayed and its location to the Town Council for approval.

The intent of this policy is to create a limited public forum for the display of artwork that meets the standards that are set forth herein, and is appropriate to be displayed at approved locations, as set forth above, particularly because such artwork will be “on display to viewers of all ages.”

6. MAINTENANCE OF ART IN PUBLIC PLACES

Town Staff shall maintain detailed records of all artworks accepted. The records shall include all items outlined in the application attached to this policy (Attachment 1). Artwork loaned, leased or donated to the Town will be insured by the Town from the time it was received and inspected by Gallery staff until artwork is returned to the artist or artist's agent. Unless the lender expressly elects to maintain her/his own insurance coverage, the Town of Danville will insure loaned property during the display period. The insured amount is strictly limited to the cost of replacement. If the artwork is difficult to insure, then the artist must either self-insure or maintain artist's own insurance on the artwork. If the artist chooses to maintain her/his own insurance, the Town must be supplied with a Certificate of Liability Insurance naming the Town of Danville as an additional insured and waiving the right of subrogation against the Town of Danville.

Maintenance of Town-owned artwork shall be the responsibility of the Town. Town staff should consider the condition of Town-owned artwork each year in time for budget preparation and make recommendations to the Council regarding the estimated cost of appropriate maintenance activities.

Maintenance of loaned or leased artwork shall be the responsibility of the person loaning or leasing the art to the Town. Prior to undertaking any such maintenance on Town property, the person loaning or leasing the art to the Town shall obtain the approval of the Town Manager or their designee.

7. REMOVING ARTWORK

Leased or loaned art shall be removed at the end of the prescribed term.

Artwork may be removed from public display prior to the end of the prescribed term if it is determined that early removal is appropriate under the criteria described below:

- the artwork's physical or structural condition poses a threat to public safety;
- the artwork requires excessive maintenance, has faulty design or workmanship, and repair or remedy 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 protected;
- significant changes in the use, character or design of the site have occurred and affect the integrity of the artwork;
- significant, adverse public reaction to artwork by the Town has continued unabated over an extended period of time;
- the artwork violates the selection criteria in section #5 of this policy; or
- removal is requested by the artist or donor.

A determination to remove artwork prior to the end of the prescribed term shall be made by the Town Manager or his/her designee. Should such action become necessary, the Town shall prepare a report which documents the reasons for removal, describes the condition of the artwork, and any damage that has occurred and/or any repairs rendered. The Town shall determine the estimated cost of removal and coordinate removal. Unless otherwise stipulated, it shall be the responsibility of the party loaning or leasing artwork to the Town to pay for the removal cost.

A copy of the report shall be distributed to the Arts Commission for review prior to removal of the artwork. Upon receipt of the report, the Arts Commission may initiate a review of the decision at the next scheduled Arts Commission meeting.

Staff shall make a reasonable effort to locate the owner to advise them of the Town's consideration to remove the artwork and reasons for the decision.

8. POLICY REGARDING LOANED AND LEASED ARTWORK

The Town shall not accept loaned or leased artwork with a value of more than fifty thousand dollars (\$50,000.00) per piece.