



City of Millbrae Public Art Policy

1. INTRODUCTION

1.1 Background: In accordance with the Millbrae Municipal Code §2.10.100(B), the Millbrae Cultural Arts Commission is charged to “encourage programs in the fine arts and to promote the cultural enrichment of the community.” This document establishes policies and procedures for the acquisition, placement, care, and management of Works of Art for the Public Art Collection of the City of Millbrae. All artworks owned by the City of Millbrae, whether acquired through purchase, gifts or bequests, or by any other method, are governed by the following policies.

1.2 Mission: The Public Art Collection shall promote a rich, diverse, and stimulating cultural environment in order to enrich the lives of the City’s residents, employees and visitors, and to enhance the City’s image both nationally and internationally. The Millbrae Cultural Arts Commission shall be committed to recommending to the City Council the acquisition and receipt of works of art for the Public Art Collection of the highest aesthetic standards reflective of diverse social and cultural perspectives. Acquisition by the City of Millbrae implies a positive and long-term commitment to the preservation, protection and display of the artwork for the public benefit. All artwork acquired by the City shall be acquired and displayed in accordance with this policy.

1.3 Goals of the Public Art Collection:

1.3.1. Ensure artwork acquired and maintained within the collection shall:

- a. Reflect the highest aesthetic standards and quality of work while promoting excellence and demonstrating diversity and a wide variety of media;
- b. Have legal authentication and identity;
- c. Have intrinsic value as works of art without conveying political or religious messages.

1.3.2. Provide that all artwork accepted into the collection be permanently exhibited in appropriate sites and be able to be properly maintained by the City for public display according to the guidelines herein.

1.3.3. Ensure that the City’s collection is diverse in its representation of artists and artistic styles and be reflective of the diversity of the local community, as well as increase public exhibition opportunities for artists.

1.3.4. Ensure that the artwork acquired and accepted into the collection is appropriate in scale, media and context with its intended display location, and be relevant within the

cultural, historical, social/political and environmental context and community standards of the City of Millbrae.

1.3.5. Ensure that artwork accepted into the program increases the understanding and enjoyment of public art by the residents of Millbrae and encourages public participation and interaction with public spaces and inspires their awareness of how surroundings impact an experience.

1.3.6. Provide for the enrichment of the public environment for residents, employees, and visitors through the incorporation of the arts in the public arena.

2. DEFINITIONS

2.1 Accession: The formal process used to accept an artwork into the Public Art Project collection.

2.2 Artwork or Work of Art: Artwork, or Work of Art, is defined as including, but is not limited to, paintings, drawings, murals in any media, stained glass, statues, bas relief or other sculptures; environmental artworks or public places designed by Artists; monuments, fountains, arches or other structures of a permanent or temporary character intended for ornament or commemoration, integrated and functional architectural elements designed by the Artist, video and other media-based works.

2.3 City Council: The City Council of the City of Millbrae.

2.4 Cultural Arts Commission: Municipal Code established commission governed by seven members appointed by the City Council. The make-up, function, powers, and duties of the Cultural Arts Commission are defined in the Municipal Code Sections 2.10.100, 2.10.110, and 2.10.120.

2.5 De-accession: De-accession is defined as the process of removing an object permanently from the collection, usually through sale or exchange or any other transaction by which title of outgoing works of art is transferred from the collection to another institution or individual. Under certain conditions, it may also include disposal by intentional destruction.

2.6 Department of Public Works: City department charged with overseeing City capital improvement projects, including architectural and engineering design and construction management.

2.7 Monuments: Structures, sculptures or other objects erected to commemorate or memorialize a person or an event.

2.8 Municipal Code: Municipal Code of the City of Millbrae.

2.9 Plaque: For the purpose of this document “plaque” refers to identification signage affixed on or near an artwork that identifies the title, artist, media, etc. A plaque may also be used to memorialize or commemorate a person, place, or significant event.

2.10 Public Art Collection: The Public Art Collection is comprised of artworks that have been accessioned by the Cultural Arts Commission on behalf of the City of Millbrae, in accordance with this policy or previous agreements by the City of Millbrae.

2.11 Public Art Program: The Cultural Arts Commission program that recommends to the City Council the purchase, acceptance, and/or commissioning of artworks.

3. RESPONSIBILITIES OF THE CULTURAL ARTS COMMISSION

3.1 Jurisdiction and Authority: Millbrae Municipal Code Section 2.10.100 assigns the following powers, responsibilities and duties to the Cultural Arts Commission:

3.1.1. To advise the City Council, and to advise and assist other City Boards and Commissions, in the field of the fine arts, and to cooperate and work with the appropriate City representatives and other stakeholders;

3.1.2. To encourage programs in the fine arts and to promote the cultural and artistic enrichment of the community;

3.1.3. To establish an effective liaison between the City and its diverse constituencies, artists and artistic groups;

3.1.4. To review and make recommendations upon all works of art to be acquired by the City, either by purchase, gift or otherwise, and with respect to their locations;

3.1.5. To undertake and carry out all functions reasonably necessary to accomplish the objectives and to discharge the functions of the Commission; and to exercise such other functions as may be prescribed by the City Council. (Ord. 727, § 1; Ord. 388, § 2; Ord. 370, § 1; 1976 Code § 2-2.302; 1966 Code § 2136).

3.2 Public Art Project Plan

3.2.1 When appropriate, the Cultural Arts Commission shall recommend to the City Council for adoption a Public Art Project Plan.

3.2.2 The Public Art Project Plan shall delineate the planned and proposed acquisition of new Works of Art in accordance with Sections 3.1.1 through 3.1.5 of this policy.

4. PUBLIC ART PROJECT GUIDELINES

4.1 Guidelines, goals and objectives. The highest possible quality of the aesthetic experience is the primary criterion for selection of public art under this Public Art Project plan. As previously stated, the objective of the Public Art Policy is to develop a worthwhile, enduring and varied collection of artworks that enhances, enlivens, and enriches the City while reflecting the values and the vision of the community. With this context in mind, the following criteria are established for the evaluation of artwork for the Public Art Project:

4.1.2 Media: All visual forms and materials shall be considered.

4.1.3 Style: Artwork reflecting any school, movement, or method style shall be considered.

4.1.4 Range. Artwork may be functional or non-functional; conceptual or tangible; portable or site-specific; folk art, craft or fine art; temporary or permanently installed; borrowed, donated, or purchased.

4.1.5 Character: Artwork shall be appropriate in scale, media, style, and content to the project and the environment and location to which they will relate.

4.1.6 Permanence: Due consideration shall be given to the structural, material and surface soundness, and its inherent resistance to theft, vandalism and weathering.

4.1.7 Design Elements: In addition to meeting aesthetic requirements, public art may be used to serve as a means for defining architectural spaces by establishing focal points, clarifying identity, delineating boundaries, and modifying and/or enhancing boundaries.

4.1.8 Public Safety, Accessibility and Liability: Artworks and art places shall be free of unsafe conditions or any other factors bearing on public liability. All artwork under this program shall not be an attractive nuisance. All artwork shall comply with all applicable building codes and accessibility requirements.

4.1.9 Diversity: The Public Arts Project shall strive for diversity, reflecting the social, ethnic, and cultural fabric of the City. The Cultural Arts Commission also encourages exploratory types of work as well as established art forms.

4.1.10 Ability to Maintain: Significant consideration shall be given to the cost and amount of ongoing maintenance and/or repair anticipated, and to the city's ability to provide adequate maintenance.

4.1.11 Feasibility: Proposed objects shall be evaluated relative to their feasibility and convincing evidence of the artist's ability successfully to complete the work as proposed. Factors to be considered include, but are not limited to: project budget, timeline, the artist's experience, soundness of materials, city approval requirements, and level of community support.

4.1.12 Context of Artwork with Site: Works of Art shall be compatible in scale, material, form, and content with their surroundings. Consideration should be given to the architectural, historical, geographical and social/cultural context of the site.

4.2 Acquisition of Public Art. The Cultural Arts Commission shall be responsible for recommending to the City Council the purchase, acceptance and/or commissioning of public art in accordance with this Policy.

4.2.1 Donations: Whenever a private citizen, local business, or other entity offers to contribute artwork to the Public Art Project, the Cultural Arts Commission will review the work in terms of whether it satisfies the goals of the Public Art Collection (Section 1.3) and whether a suitable and appropriate site exists to exhibit the artwork. Once the evaluation is completed, the Cultural Arts Commission shall forward its recommendation to the City Council.

4.2.2 Memorial Gifts: In addition to any other applicable requirements established by the City Council, memorial gifts shall also comply with the following criteria:

- a. The person or event being memorialized must be deemed significant enough to merit such an honor. The person so honored shall have been deceased for a minimum of one year.
- b. The person or event being memorialized shall have represented broad and sustaining community values.
- c. The memorial has timeless qualities that will be meaningful to future generations.
- d. The location under consideration is an appropriate setting for the memorial; in general, there should be some specific geographic justification for the memorial being located at a specific site.
- e. Once the criteria for a memorial gift are reviewed and evaluated, the Cultural Arts Commission shall forward its recommendation to the City Council. No memorial shall be established on City property without prior review of the Cultural Arts Commission and approval by the City Council.

4.3 Site Selection Criteria. Prior to recommending to the City Council a site for an artwork, whether purchased, commissioned or donated, the Cultural Arts Commission shall take into consideration the following factors:

- a. Visibility;
- b. Public accessibility of the artwork;
- c. Public safety and security of the artwork;

- d. Interior and Exterior traffic patterns;
- e. Relationship of proposed artwork to existing or future architectural features, natural features and urban design;
- f. Function and use of the facility;
- g. Facility users and surrounding community and interaction of users and community members with proposed artwork;
- h. Future development plans for area;
- i. Overall program goal or concept;
- j. Landscape design;
- k. Relationship of proposed artwork to existing art works within the site vicinity;
- l. Environmental impact;
- m. Social context of artwork (intended use of the work, if any); and
- n. Utility (water, electricity, gas, etc) requirements.

4.4 City of Millbrae Responsibilities. The City of Millbrae shall make all reasonable accommodations to ensure that all commissioned, purchased, and/or donated artwork shall:

- a. Be available for public viewing and, when available for public viewing, shall be displayed in an appropriate and respectful manner;
- b. Take appropriate efforts to protect the artwork from theft, vandalism, or other damages; and
- c. Provide appropriate insurance coverage for theft, vandalism or other damage to the artwork;

4.5 Cultural Arts Commission Responsibilities. The Millbrae Cultural Arts Commission shall:

- a. Serve as resource, guide and counsel to the Millbrae City Council and the City Manager regarding planning and other issues related to the Public Art Project.

- b. Ensure that all artwork recommended to the City Council for inclusion into the City's Public Art Collection is consistent with the spirit and intent of this policy.
- c. Be responsible for a Jury or Selection Process once the City Council has approved the commissioning of a Public Art Project.

4.6 Ownership/Copyright/Reproduction/Re-siting/Resale. Work purchased, commissioned or accepted as a donation, shall become the property of the City of Millbrae.

4.6.1 The City intends that all work shall remain accessible to public viewing for as long as the City owns the work and it is practical and safe to do so. The City retains the right to transfer work from one City-owned site to another, as it deems necessary, or to place in storage in another facility, or to make a temporary loan to another agency or organization.

4.6.2 After purchase or commission is awarded, the artist/City relationship will be defined by a standard contract addressing copyright, reproduction and resale issues.

4.7 Non-destruction/Alteration/Maintenance

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

4.7.2 The City shall be responsible for the proper cleaning, maintenance and protection of the work after its installation, considering any written instructions provided by the Artist at the time of delivery of the work.

5. DE-ACCESSION

5.1 Removal, Relocation or De-accession of Gifts of Art. In accepting a gift of artwork, the City Council shall not be bound by any agreement with the donor that restricts the City's ability to act in the City's best interests. Nothing in the acceptance of a gift of artwork shall prevent the Cultural Arts Commission from recommending to the City Council the removal, relocation or de-accession of such gift if it serves the City's best interest to do so. The Cultural Arts Commission may recommend to the City Council to de-accession and dispose of works of art in its collection in accordance with the following de-accession policies:

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

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

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

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

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

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

5.1.7 Removal is requested by artist or donor.

5.1.8 Whenever deemed appropriate by the Cultural Arts Commission and approved by the City Council.

5.1.9 Based on criteria developed by the Cultural Arts Commission and City staff and approved by the City Council, artworks may be released from future City ownership and offered for sale. Written records of the entire process shall be maintained. Outside appraisals or opinions shall be used when appropriate.

5.1.10 Proceeds from sales of de-accessioned artwork shall be used to fund additional purchases or commissions.

5.2 Provisions for Emergency Removal: 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 legally designated representative, the artwork presents an eminent threat to public safety, the Director of Public Works may authorize its immediate removal, without the Cultural Arts Commission action or the artist's consent, by declaring an emergency, and have the work placed in temporary storage. The artist and the Cultural Arts Commissioners shall be notified of this action within 30 days. The Commission will then consider options for disposition: repair, reinstallation, maintenance provisions or de-accession. In the event that the artwork cannot be removed without being altered, modified, or destroyed, and if the Artist's agreement with the City has not waived his/her rights under the California Art Preservation Act and the 1990 Visual Artists' Protection Act, the Director of Public Works shall attempt to gain such written permission before proceeding. In the event that this cannot be accomplished before action is required in order to protect the public health and safety, the Public Works Director shall proceed according to the advice of the City Attorney.