

RESOLUTION NO. 6818

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS ESTABLISHING A CITY PUBLIC ARTS PROGRAM

WHEREAS, art located in public places throughout the City has the power to add beauty, character and a sense of history to the City, enhance the quality of life within the City, educate the City's residents, and become an economic asset by attracting businesses and visitors to the City through the beautification of the City's public spaces; and

WHEREAS, art located in public places within the City also contributes to a sense of civic pride and provides visual evidence of the creativity and cultural quality of Redlands' residents; and

NOW, THEREFORE, the City Council of the City of Redlands does resolve as follows:

Section 1. Purposes. The purposes of this Resolution are to:

A. Establish an "Art in Public Places" program whereby the City's Cultural Arts Commission makes recommendations to the City Council regarding the promotion of the visual, educational and performing arts in order to enhance the environment and character of the City through the installation, acquisition and maintenance of high quality publicly displayed Artwork, and by making available public artistic performances and educational opportunities for the residents and visitors of the City;

B. Encourage institutions (e.g. churches, schools, colleges and universities), new development, businesses, homeowners' associations and private clubs (e.g., golf, tennis and country clubs) to sponsor, create and display artwork for the public good; and

C. Establish an inventory of all publicly displayed artwork in the City, whether located on public or private property.

Section 2. Definitions.

A. "Artwork" means any item or items recognized by the City as a visual artistic expression, permanently or temporarily installed, including but not limited to, a drawing, painting, mural, fresco, tile design, mosaic, statue, fountain or assemblage of materials such as metal, wood, plastic, glass or fiber. Artwork shall not have the primary purpose of being perceived by a reasonable person to direct attention to the purchase of merchandise.

B. "Loaned Artwork in Public Places" means any Artwork that is owned by a private party, loaned to the City, and displayed in a Public Place.

C. "Public Artwork" means any Artwork owned by the City, which may or may not

be publicly displayed, including but not limited to permanent Artwork and installations and artistic architectural features on, and within, municipal buildings.

D. "Public Art Fund" means an account established by the City, into which donated funds, grants and gifts, or private or corporate contributions, are deposited to finance the Art in Public Places Program.

E. "Public Place" means any interior or exterior place owned by the City and accessible or visible to the public during regular business hours or any other time, and any exterior place owned by a private party that is accessible or visible to the public at any time.

F. "Art in Public Places Program" means supporting and/or aiding the visual, performing and educational programs and activities for the arts through financial assistance, promotion, activities and fundraising. The program will also include inventory data gathering, promotional art publications, in addition to the purchase and installation of public artwork.

Section 3. Public Art Fund.

A. There is hereby established a City Public Art Fund into which shall be deposited all donations, gifts, contributions, and funds raised through fundraising events held by the Cultural Arts Commission and others, for the purpose of financing the Art in Public Places Program. The Public Art Fund shall be established with the donation of the first gift to such fund in the amount of \$20,000.00 from the University of Redlands. All interest accruing on the funds deposited into the Public Art Fund shall also be deposited into such fund and shall be used for expenditures consistent with the purposes identified by this section.

B. The Public Art Fund shall be maintained by the City's Finance Department and shall be used for the acquisition, installation, improvement and maintenance of Artwork to be displayed in the City. Furthermore, the Public Art Fund shall provide support for performing and theater arts, inventory projects and promotion of the arts and for community public art education programs.

C. A minimum of ten percent (10%) of the funds deposited in the Public Art Fund shall be designated for the purpose of the maintenance of Public Artwork.

Section 4. Art in Public Places Program.

A. Acquisition program.

(1) The City, through its Cultural Arts Commission, will develop a Public Artwork acquisition program to acquire and display Public Artwork for the benefit of the community through the following methods:

a. An annual call for artists with the intent of commissioning at least one (each year) Artwork to be owned and displayed by the City.

b. The acceptance of gifts from private individuals or businesses of appropriate Artwork.

(2) The Cultural Arts Commission shall establish, and submit to the City Council for approval, criteria for determining the appropriateness of Public Artwork.

B. Administration of the Art in Public Places Program. The Cultural Arts Commission shall serve as an advisory board to the City Council for the Art in Public Places Program, and the staff of the City's Community Services Division, or other staff as designated by the City Manager, shall assist the Cultural Arts Commission in carrying out the provisions of this Resolution. The Cultural Arts Commission shall solicit donors for Public Artwork, undertake fundraising events, and make recommendations to the City Council for approval of expenditures from the fund to promote Artwork via the following means: inventory data collection gathering of existing public art, promotional art brochures, educational and performance art programs and activities, in addition to the purchase and installation of Public Artwork. The City Council shall have final approval of all expenditures of funds.

Section 5. Criteria for Artwork selection.

A. Eligibility requirements for each proposed Artwork shall be established by the City's Cultural Arts Commission. Specifically excluded is Artwork done by students under the supervision of art instructors to satisfy course requirements and artists who are members of the Cultural Arts Commission.

The following criteria shall be considered in the selection of the Artwork:

- (1) Quality of the Artwork;
- (2) All Artwork may be considered, subject to limitations set by the Cultural Arts Commission;
- (3) Artwork of all schools, styles and tastes shall be considered;
- (4) Artwork and its location should be appropriate in scale, material, form and content for the immediate, general, social and physical environments with which they relate;
- (5) Consideration should be given to structural and surface integrity, permanence and protection against theft, vandalism, weathering, and excessive maintenance and repair costs;
- (6) Consideration should take into account that Public Artwork, in addition to meeting aesthetic requirements, should also serve to establish focal points, terminate areas, modify, enhance or define specific spaces or establish identity;
- (7) Artwork should strive for diversity of style, scale, media, and artists, including ethnicity and gender, and equitable distribution throughout the City.

B. The following methods may be used to select Artwork:

(1) Artwork may be purchased for a specific project or location;

(2) An artist may be chosen directly by the Cultural Arts Commission and paid to submit a proposal. Artists will be selected on the basis of their qualifications for a particular project and its probability of successful completion;

(3) A small number of artists may be invited and paid by the Cultural Arts Commission to submit proposals;

(4) Any artist may apply, subject to limitations established by the Cultural Arts Commission. No proposal fee shall be paid to artists; however, a small number of finalists may be selected to submit details, models or plans for which a fee is paid.

C. In selecting Artwork, the Cultural Arts Commission may appoint a selection jury of qualified persons. The selection jury shall be subject to the provisions of the Ralph M. Brown Act (Government Code section 54950 et seq.).

Section 6. Inventory and maintenance of Public Artwork.

A. Inventory. The City will maintain an inventory of all Artwork in Public Places, including, but not limited to, the following information: title, artist, description including medium, subject matter, materials, size, weight (if applicable) and history of the Artwork, photographs, value as supplied by a qualified appraiser, location of display or storage, and date and method of original acquisition. The inventory shall be kept in the City Clerk's Office.

B. Maintenance of Public Artwork. The City will maintain all Public Artwork in a manner and condition that protects the appraised value of the Artwork. The City will further establish a maintenance schedule for each piece of Public Artwork. A copy of the schedule shall be kept with an inventory of Public Artwork maintained in the City Clerk's Office.

C. Donations. The City may accept donations of Artwork to its Public Art collection. At the direction of the City Council, the donor may be required to provide for the maintenance of the Artwork in perpetuity through a financial contribution to the City to the City's Public Art Fund as a condition of the City's acceptance of the donation.

D. Maintenance of Private Artwork Publicly Displayed. The City shall establish and maintain an inventory of Private Artwork Publicly Displayed. The inventory shall include a general description of the Artwork, the owner and the location. Owners of Private Artwork Publicly Displayed shall maintain the Artwork in good condition, in accordance with recognized industry standards.

E. Maintenance of Loaned Artwork in Public Places.

(1) The City shall maintain an inventory of Loaned Artwork in Public Places.

The inventory shall include a general description of the Artwork, the owner, the location and the loan agreement between the owner and the City.

(2) Owners of Loaned Artwork in Public Places shall pay for maintenance to keep the Artwork in such condition that it does not detract from the character of the zoning district in which it is displayed, or contribute the sum of one-percent (1%) of the appraised value of the Art to the Public Art Fund and authorize the City to perform required maintenance work.

F. Other provisions for Loaned Artwork in Public Places.

(1) Owners of Loaned Artwork in Public Places shall provide all necessary insurance as required by the City.

(2) Any Loaned Artwork in Public Places not retrieved within ninety (90) days of the termination date of the loan agreement shall become the property of the City and shall be designated as Public Art and added to the City's Public Art Inventory.

Section 7. Approval for the placement of Artwork Publicly Displayed. A proposal shall be submitted to the Cultural Arts Commission.

A. Completed proposal shall be submitted to the Staff Liaison for review by the Cultural Arts Commission;

B. The Staff Liaison shall accept the proposal and agendize the item for review and recommendation by the Commission concerning the proposed placement of Artwork.

C. The Cultural Arts Commission shall consider the proposal for review and recommendation to the City Council of the proposed artwork and for other pertinent commissions and organizations review.

D. All Artwork placed on private property shall remain the property of the owner of the property, and the obligation to provide all maintenance necessary to preserve the Artwork in good condition shall remain with the owner of such property.

Section 8. Removal or Alteration of Artwork.

A. Any Artwork shall not be removed or altered without the prior approval of the City. If such Artwork is knowingly removed or altered without such prior approval, the City may, in addition, pursue any other available civil or criminal remedies or penalties.

Section 9. Donation of Artwork to the City of Redlands

A. The City believes that Artwork placed in public sites or in public buildings increases the aesthetic appeal and beauty of such public sites and buildings, and of the City in general.

B. All proposals for donations of Artwork to the City shall be reviewed by the Cultural Arts Commission for recommendation to the City Council.

C. The responsibility of the Cultural Arts Commission is to:

(1) Confer with persons who have offered to donate Artwork to the City, informing them of the donation policy, including criteria for accepting Artwork and the scope of the approval process.

(2) Advise the City Council of the artistic merit and value of Artwork offered to the City as donations.

(3) Advise the City Council regarding appropriate public sites or buildings for display of such Artwork, in conjunction with the City Commission and/or Department which has responsibility for planning or maintaining the proposed location.

D. The Cultural Arts Commission shall consider the following criteria in making a recommendation for accepting a donation of Artwork to the City:

(1) The Artwork should be an original creation, and be of the highest quality and level of artistic excellence.

(2) The Artwork should add significantly to the balanced inventory of the City's collection, representing a variety of style, design and media.

(3) The donor should complete a standardized donation form.

(4) The Artwork should be of satisfactory physical condition, be sufficiently durable as to not be easily damaged or destroyed, should not require restoration or extensive long term conservation, and should be of a physical size and weight that it can be managed in storage, transport and public display without difficulty.

(5) The Artwork should be consistent with and relevant to the civic interests and broad variety of tastes within the Redlands community.

E. Proposed donations of Artwork to the City must have the approval of the Cultural Arts Commission prior to making a recommendation for acceptance to the City Council.


F. Artwork accepted by the City is done so with the expected understanding that the City shall have the right to place such Artwork on public display on either a permanent or temporary basis, and to store the Artwork when not on display. No gifts will be accepted based upon the understanding that the Artwork will be displayed in perpetuity.

G. The City will not provide estimated values or appraisals of Artwork being donated to the City. The value of such Artwork shall be determined by the donor to the City at the time of

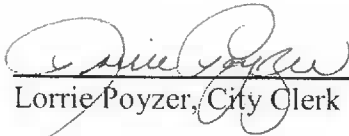
donation. It is the responsibility of the donor to furnish such values or appraisals to the appropriate government taxing agencies as may be required by law.

H. The City shall require all donors of Artwork to the City to grant by written agreement all intellectual and other property rights to such Artwork to the City.

ADOPTED, SIGNED AND APPROVED this 19th day of May, 2009.

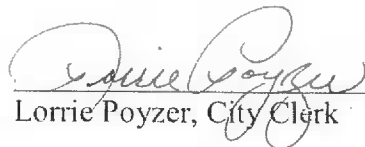

Jon Harrison, Mayor

ATTEST:


Lorrie Poyzer, City Clerk

I, Lorrie Poyzer, City Clerk of the City of Redlands, hereby certify that the foregoing resolution was duly adopted by the City Council at a regular meeting thereof, held on the 19th day of May, 2009, by the following vote:

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| AYES: | Councilmembers Gilbreath, Gallagher, Aguilar, Bean; Mayor Harrison |
| NOES: | None |
| ABSENT: | None |
| ABSTAIN: | None |


Lorrie Poyzer, City Clerk