



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.