

## PROGRAM AND ART SELECTION GUIDELINES

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### INTRODUCTION

This document is intended to provide an overview of recommended approaches for selecting works of art that are included in the Santa Cruz City Arts program through direct purchase or simple commission, Requests for Qualifications, or Requests for Proposals.

While these guidelines provide best practices, individual projects may necessitate further considerations. Additionally, the Santa Cruz City Arts Program includes specific policies and guidelines that provide more detailed directives for particular programs. These particular policies and guidelines are summarized briefly as follows:

- Gifts and Unsolicited Works of Art Policy- Provides a framework for the review process for unsolicited gifts of art and unsolicited proposals. An ad hoc committee of the Arts Commission reviews an initial proposal and if it deems the proposal meritorious, the proposer provides a more detailed proposal to the Arts Commission for review.
- Acquisitions and Deaccessioning Policy – Outlines the criteria for including a work of art in the City’s collection and a process for removing public art.
- Mural Policy – Defines three tiers of mural funding and corresponding review criteria for murals on both private and public property if receiving funding through the City, as well as requirements for public notification and consultation. Of note is that all murals on city-owned property must adhere to highest standards for public notification and consultation.
- Temporary Art Guidelines— Suggests best practices for the display of temporary works of art including maintenance and removal procedures.
- sculpTOUR Guidelines – Outlines the goals of the sculpTOUR program and considerations for the selection of works of art for rotating display.
- Graffiti Traffic signal box art Guidelines – Lays out the goals of the program and options for focusing the program on themes, corridors and in ways that support City and Arts Commission goals.

### REVISIONS TO ART SELECTION GUIDELINES

The Arts Commission is responsible for approving these program guidelines and all revisions made to it. City Arts staff is charged with monitoring and implementing these guidelines and may review and

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propose revisions at any time. Minor updates that do not affect the policy itself (such as grammatical corrections or updated citations) do not require approval.

Procedures that are used to implement or administer City Arts Programs do not require Arts Commission approval (e.g. forms, contracts etc.)

### SANTA CRUZ ARTS COMMISSION

The Arts Commission is charged with overseeing the Santa Cruz City Arts Programs in coordination with the Arts Program Manager.

The Arts Commission makes recommendations to the City Council regarding the public art program and the establishment of regulations or guidelines which are necessary to carry out the purposes of the Percent for Art Ordinance.

Appointed by the City Council, the seven-member board must have a minimum of five commissioners that live within the city and all members should have some expertise or experience in the arts, architecture, or design field. (See bylaws in appendix for complete description of membership and duties.)

*The Arts Commission serves the City Council as policy advisors and proponents for a vibrant cultural environment in Santa Cruz. The seven-member Commission helps guide the Public Art Program pursuant to Chapter 12.80 of the City's Municipal Code, advocates for public art and cultural activities that enhance the identity and enjoyment of our city, and encourages community collaborations that help the city achieve its cultural goals as outlined in the General Plan.*

**Bylaws – Article II - Purpose**

### PROGRAM FUNDING

There are two primary sources of funding for City Arts Programs, excluding grants and donations, which are 1) the Percent for Art Program funds and 2) funds from the Economic Development Department's budget.

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The Percent for Art program provides opportunities to incorporate art into approved City capital improvement projects. Per Chapter 12.80 of the Santa Cruz Municipal Code, 1% of the average of the most recent three-year eligible capital spending amount is appropriated for public art. Projects funded by the Percent for Art funds must have a nexus to the source of the appropriated funds. For example, if the source of the funds is a refuse related project, then the art funded by that project must provide some benefit related to promoting waste reduction.

Recognizing the economic value of the arts, the City's Economic Development Department allocates funds for the City's mural program, sculpTOUR, and Graffic Traffic signal box art programs, and it also provides funds to Arts Council Santa Cruz County for re-granting to local arts organizations.

### GOVERNING ORDINANCE, POLICIES AND GUIDELINES

#### Ordinance

The City of Santa Cruz Public Art Ordinance was recommended by the City Arts Commission and adopted by City Council in 1998 to enhance the city's public spaces with works of art. In 2012, the Ordinance was updated (Ord. 2013-12) with annual appropriations for public art calculated by fund as 1% of an average of the most recent three-year total eligible capital spending, as set forth in Santa Cruz Municipal Code Chapter 12.80 "Public Art Program."

#### Arts Master Plan

The Arts Master Plan is a long-term vision for supporting the arts in Santa Cruz. Master Plans are typically updated about every five years and the Arts Commission intends to revise the current plan by 2018. The City's first Arts Master Plan was developed in 1998 and in 2008 a second plan was created through an extensive public engagement process. The 2008 Arts Master Plan has four broad goals to help direct City policy and investment with many recommended actions underneath each goal. The four broad goals are:

Goal I: A proud and visible identity as an arts and cultural community.

Goal II: A mix of cultural facilities that support and encourage the community's vibrant range of art creation and presentation.

Goal III: A City government that recognizes the value of the arts to the City's quality of life and economic stability, and takes a leadership role in guiding the arts sector to success.

Goal IV: A diversified base of funding and incentives for the arts in Santa Cruz that leverages the sector's contributions to the City's economic development and quality of life.

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In keeping with this vision, the Arts Master Plan seeks to create a community that:

- Embraces the local arts community as a unique and vital resource which shapes and reflects the City's distinctive cultural identity;
- Takes a leadership role in fostering the arts as a community resource; and
- Leverages the arts as a key component in its overall economic development strategies.

### PROJECT APPROACH RECOMMENDATIONS

As follows are the recommended considerations regarding the selection and approval of works of art that will be included in the City's public art collection. Other criteria or procedures may be developed based on the specific project.

The project approach should consider the complexity of the project, cost, visibility and impact. The higher the complexity, cost, visibility and impact the more likely an RFQ or RFP is appropriate. A simple commission or direct purchase may be more appropriate for projects that are lower in complexity, cost, visibility and/or visibility. A call for design services may vary in complexity and fall into any one of the following categories based on the complexity of the final product or project.

A Request for Qualifications (RFQ) determines an artist's experience in working on projects similar to the project being commission. The artist is asked to submit a portfolio of work, a resume or bio, a letter of interest and other documentation that helps the review panel understand their experience and aesthetic approach. An RFQ does not typically require preliminary sketches or plans but the artist may be asked to summarize their initial ideas and how they would approach the project. Once the artist is selected, based on their past work and experience, the artist is then asked to develop a certain number of proposals that the panel can choose from.

A Request for Proposals (RFP) requires the artist to submit some form of a proposal with preliminary ideas, sketches, a budget, and maintenance considerations. Finalists may be interviewed and/or be asked to provide additional and more detailed information such as maquettes, working models, three-dimensional images and other specifications. Some compensation is typically provided to finalists who are selected to develop more detailed proposals. RFP's traditionally receive fewer responses than RFQ's because of the time and work involved upfront by the artist. However, an RFP provides a selection panel more concrete information to respond to and is less risky for the organization.

Both RFQs and RFPs should outline details such as the project location, goals, budget, scope, theme, timeline, and other specifics relevant to the project such as historical and neighborhood context etc.

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### Recommended approach for simple commissions and/or direct purchases:

- Project approach: Artwork purchase or simple commission requiring minimal coordination.
- Selection process: City Arts Manager/designated project manager shall present selection panel with a list of qualified artists and/or works of art. Panel shall select the artwork for purchase or commission for the site. The Arts Commission is informed of the panel decision.
- Panel composition: Typically the selection panel includes:
  - One to two (1-2) city staff from the department that is funding the project and/or responsible to maintain the work of art;
  - One to two (1-2) representatives of the Arts Commission; and,
  - One to two (1-2) community representatives who may also be artists.
- Final approval authority: Typically the panel has the final selection authority but may refer proposals to the Arts Commission for final review as recommended by the Arts Program Manager.

### Recommended approach for RFQs:

- Project Approach: A Request for Qualifications is appropriate when a large range of responses is desired or it is determined that an artist may be selected based on past work rather than a project proposal. RFQs typically outline the project location, context, budget, scope, theme, timeline, and other specifics relevant to the project with instructions for submitting.
- Selection Process: The City Arts Manager/designated project manager may determine whether the project warrants the selection of finalists and final selection on the basis of interviews or proposals. Panel shall select the project artist based on a portfolio of past work and upon the specific proposal (if applicable). Arts Commission is informed of panel decision. Panel recommendation is presented to the Arts Commission for review and final decision.
- Panel composition:
  - One to two (1-2) City staff from the department funding the project and/or responsible to maintain the work of art;
  - One to two (1-2) representatives of the Arts Commission;
  - One to two (1-2) community representatives who may also be artists;
  - One to two (1-2) representative of the design team, when applicable;
  - One to two (1-2) professional or public artists, arts administrators, or other arts professionals.

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Final approval authority: Typically the Arts Commission has the final selection authority, though City policies may require that all contracts exceeding a certain dollar amount go to City Council for final approval.

### Recommended approach for RFPs:

- **Project Approach:** City Arts Manager/designated project manager shall determine the appropriate approach which may be simple or complex based upon the artwork opportunities present at the project site.
- **Artist Recruitment:** Advertise RFP in addition to use of Pre-Qualified pool and invitation to develop a short list of qualified candidates.
- **Selection Process:** The selection method shall be determined by the City Arts Manager/designated project manager and may be any one of the methods described as follows. Panel decision is presented to the Arts Commission for review. If Arts Commission approves the selection, the Arts Commission recommendation is presented to City Council for final decision.
- **Panel composition:**
  - One to two (1-2) City staff from the department funding the project and/or responsible to maintain the work of art;
  - One to two (1-2) representatives of the Arts Commission;
  - One to two (1-2) community representatives who may also be artists;
  - One to two (1-2) representative of the design team, when applicable;
  - One to two (1-2) professional or public artists, arts administrators, or other arts professionals.

Final approval authority: Typically the Arts Commission has the final selection authority, though City policies may require that all contracts exceeding a certain dollar amount go to City Council for final approval.

### ARTIST RECRUITMENT:

Calls to Artists are open to all local, state, and national artists, unless otherwise limited in the Request for Qualifications (RFQ) or Request for Proposals (RFP).

The following minimum evaluation criteria apply to public artists:

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- The artist's work is of quality as shown by examples of past work; in resume/bio citations for exhibitions, commissions and awards and references that the public artist has produced work of art on-time and on-budget. (Exceptions may be made for programs or projects specifically targeted at new or emerging artists.)
- The public artist demonstrates the expertise required in the RFQ or RFP or there are resources to assist the selected artist(s) with growing their skills for a given project.
- During the time periods specified in RFPs or RFQs, the artist is available to work on the project.

Additional special evaluation criteria may include, but are not limited to, the following:

- The public artist demonstrates the ability to work with diverse communities and has experience in community engagement and incorporating public input into their working process.
- The public artist is capable of producing design submittals/ deliverables such as plans, elevations, cross-sections, as necessary, in print and electronic formats.
- The public artist meets any additional unique expertise and evaluation criteria identified in the Plan or Capital Project RFQ or RFP.

The Recruitment Plan:

The City Arts Manager/designated project manager shall develop a recruitment plan to ensure the commission will be advertised to a broad and diverse group of artists. The Recruitment Plan may include, but not be limited to the following efforts:

- RFQ/RFP announced via e-mail to those subscribed to the Santa Cruz City Arts e-newsletter.
- Press releases or notices sent to the daily, weekly and ethnic specific press and, if appropriate, trade newsletters.
- Direct solicitation of qualified candidates and notice to pre-qualified list.
- Solicitation of Commission and Selection Panel recommendations.
- Posting on the Arts Commission website.
- E-mail notification through partner agencies.
- When practicable, posted notice in the district and/or neighborhood in which the project will take place.

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### SELECTION PROCESS:

#### Prescreening by City Arts Manager/designated project managers:

The City Arts Manager/designated project manager may prescreen and evaluate applicants, relative to the minimum criteria, appropriateness of the artist's work to the project site and qualifications outlined in the Project Plan/RFQ/RFP. The City Arts Manager/designated project manager presents the slate of qualified candidates and/or submissions for review by the selection panel.

### ARTS COMMISSION APPROVAL OF ART SELECTION PANELISTS:

#### Identification and Recruitment of Panelists:

The City Arts Manager/designated project manager will identify and recruit selection panelists. Individuals interested in serving as selection panelists may be asked to submit a resume and references. Community representatives will be identified in consultation with the Client Agency and community organizations in the vicinity of the project. The City Arts Manager may consult the Arts Commission for input on the recruitment of panelists.

#### Panelist Selection by Art Commission:

The Arts Manager/designated project manager and the Arts Commission will make a good faith effort to appoint selection panels that have a balance of gender and ethnic representation. In general, panelists will be drawn from Santa Cruz, but occasionally, the City may want to employ an out-of-town panelist for either reasons of expertise, or to provide an outside perspective.

#### Conflict of Interest:

Persons who would directly benefit from the selection of a particular artist or artwork are ineligible as panelists (i.e. gallery owners, brokers, artist representatives, etc.). Prospective panelists may be asked to fill out a conflict of interest form prior to be approved for service on a Selection Panel.

#### Panelist Compensation:

Arts Commissioners or other city agency commissioners and/or employees who serve as panelist members will do so without compensation. In rare circumstances and at the discretion of the Arts Manager, compensation may be paid to arts professional panel members and/or community representative panel members as a daily stipend. This rate shall be reviewed annually and updated in

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accordance with the City's purchasing policies. Panelists may also be reimbursed for the cost of travel and parking at the discretion of the City Arts Manager.

### Panel Selection and Recourse Options:

During the selection of an artist and/or review of the project proposal the appropriate body (either the selection panel or arts commission depending on the stage of the process) may develop conditions of approval or other stipulations by a majority vote. The following options are available:

#### Panel:

- Ask artist for clarification or redesign of proposal
- Select another artist
- Make no selection

#### Arts Commission:

- Ask panel for clarification
- Ask panel to select another artist
- Reject panel's recommendations
- Develop new program
- Convene new panel
- Abandon project entirely and/or rescind previous approvals

### Public Participation:

Public participation will be determined in the project definition and outlined in the RFQ/RFP. The selected artist may be required to conduct public outreach and/or involve the public in the development and/or implementation of the project with consideration given to the budget, goals of the project, and the specific City Arts program and with respect to the Vision, Mission and Values of the Arts Commission.

### Guidelines for Artist's Fees:

It is the policy of the Santa Cruz Arts Commission to pay professional fees for all creative work requested from artists. Because the specifics for each project vary, the Commission must consider a number of factors in determining whether or not an artist's proposed fee is appropriate, as outlined to follow.

Artist's fee shall be based on the estimated amount of the Artist's contract/portion of the job, not the project budget, which may include work performed on behalf of the project under separate agreements with the City by the CIP architects, General Contractor, or other contractors under a separate agreement

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with the Arts Commission.

As a general rule, soft costs of the project should not exceed 25% of the project budget. Soft costs may be defined as all fees and expenses (such as overhead, studio operation, and other labor not directly tied to actual purchase of materials, fabrication, transportation or installation the artwork.)

Projects may be designed and executed by the Artist him/herself, or the Artist may be the designer and the project is fabricated by others. In either case, the Commission may consider the following factors in determining the artist fees awarded for each project:

- The scope of work and length of artist involvement
- The project budget
- The artist's experience and professional standing
- The fee scale for similar scopes of work on comparable projects
- Documented market value for similar examples of the Artist's work

In general, when a project is designed, but not actually fabricated by the artist him/herself the artist's fee should represent 10-20% of the Artist's contact budget and includes all phases of work, design through installation, and is compensation for both design and project management. Artist's project management responsibilities include, but are not limited to contracting with and overseeing artist's subcontractors, such as the artist's structural engineer and other consultants, and fabricators.

### Non-reimbursable Artist Costs:

- All relationships and financial arrangements between artists and their agents, representatives and galleries must be undertaken by the parties alone. The Arts Commission and the City of Santa Cruz assume no responsibility for payment of fees and commissions, nor will it adjudicate differences between the parties. The payment of commissions or fees is the sole responsibility of the artist and must be deducted from the artist's fee. Under no circumstance will the Arts Commission increase the Artist's fee or the project budget to accommodate for the payment of gallery or agent fees.
- Legal Counsel: The cost of legal counsel to review and/or negotiate contacts with the City, or for any other purpose may not be a budget line item charged to City.
- Insurance Not Required by the City: The cost of premiums for any insurance not specifically required by the Commission may not be a line item expense charged to the City.

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Proposal Honorarium:

Proposal honoraria are non-contractual payments made to artists for developing proposals made for specific sites as part of the selection process. While payment of honoraria does not transfer title of the proposal to the City without an agreement in writing the City reserves the right of first refusal to purchase the proposal at fair market value. Below is a sample fee range for each finalist on a given project budget as based on the Artist’s portion of the job/contract (not the total project costs which may include other subcontractors, designers etc.):

Project Budget:	Sample Fee Range:
Under \$10,000	\$500
\$10,000-\$30,000	\$500-\$600
\$30,000-\$50,000	\$500-1,000
\$50,000-\$100,000	\$750-\$2,000
\$100,000-\$250,000	\$1,000-\$,5000
\$250,000-\$500,000	\$1,250-\$5,000
\$500,000 and up	\$2,500 and up

Project Completion:

At the completion of each project, the following procedures will be followed for proper record keeping:

- As a condition of final payment to the artist, the artist must complete a Collection Survey Form, which documents fabrication methods, artistic intent, and maintenance requirements.
- Upon project completion, the City Arts Manager/designated project manager will place the item on the next Arts Commission agenda, at which the Arts Commission will vote to accept the artwork into the collection in compliance with the Acquisitions and Deaccessioning Policy. (Temporary works of art are not accessioned into the public art collection but should be documented for purposes of history and maintenance.)

ARTISTS RIGHTS

The City of Santa Cruz complies with all local, state, and federal laws protecting the rights of artists, including but not limited to the Visual Artists Rights Act of 1990 (17 USC §106A) and the California Art Preservation Act (Cal. Civil Code § 987 *et seq.*).

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### WAIVER OF ARTISTS RIGHTS

The City may ask artists to waive their moral and residual rights through contractual agreements and in compliance with all local, state, and federal laws including but not limited to the Visual Artists Rights Act, 17 U.S.C §§106A and 113(d) (“VARA”), and the California Art Preservation Act, Cal. Civil Code §§ 987 and 989 (“CAPA”).

As part of the RFQ and/or RFP process, the artist will be notified if any waiver of rights will be required in order to award and proceed with the approved project.

### CONTRACT AUTHORITY

The City of Santa Cruz will contract with artists using city contracts approved by the city attorney.

The Arts Manager or designated Project Manager may approve contracts, purchase orders, or direct payment vouchers in compliance with the City of Santa Cruz purchasing policies for services provided by a wide range of vendors, including but not limited to: artists, contractors, consultants, printers, graphic designers, photographers, signage fabricators and photo labs, whose services do not require design approval from the Commission.

### SPECIAL PROCEDURES FOR HISTORIC SITES AND PROPERTIES

When public art is part of a designated local historic site or property undergoing remodeling, or public art is considered for a designated local historic site or property, the following tasks and procedures are necessary:

- The Scope of Work for Public Artists shall be developed with the input of Community Development Department staff.
- Historic Preservation staff, which makes recommendations on projects to the Historic Preservation Commission, shall participate as appropriate in concept development with the design team including public artist(s).
- Public artists shall research the historical, architectural, cultural and social character of the district, site or property to develop an understanding of the historical context.
- Public artists shall work with Community Development Department staff, as necessary, to identify principles that balance preserving and reinforcing the prominent features of a site or district, site or property with adding vital new public art component(s).
- If Historic Preservation Commission approval is required, public art planning will follow the appropriate historic preservation process as outlined by the City of Santa Cruz municipal code.

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ARTS COMMISSION VISION, MISSION AND VALUES

Vision

The Santa Cruz Arts Commission believes that the arts are vital to our quality of life and understanding of the human condition. We envision Santa Cruz as a vibrant arts destination that inspires visitor delight and enhances community pride. We imagine a Santa Cruz in which all forms of public art are widely accessible and all residents have opportunities to engage through the arts. We advance a culture in which artists are valued for their unique expressions and invited to partner in reimagining our City.

Mission

The Santa Cruz City Arts Commission champions the arts as essential to daily life by supporting a vibrant arts culture, enlivening our public spaces, and shaping innovative city policy.

Values

Quality of Life

*Public art and policy improve our community's quality of life.*

- Contributes to collective and individual well-being.
- Positions the arts as a community resource.
- Instills pride, stewardship of place, cultural identity, interest, and investment in the city of Santa Cruz.
- Stimulates and supports economic development.
- Leads to a community understanding of the value of the arts in their everyday lives.

Accessibility

*Public art opportunities, processes, and policies are accessible and understandable.*

- Welcomes and encourages community participation in the arts.
- Processes, goals, and policies are fully transparent and easily accessible.
- Clearly communicates opportunities for participation to all members of our community.

Collaboration

*Public art and policy engages diverse members of our community to represent the city's distinctive cultural identity.*

- Catalyzes and strengthens collaborations with organizations, community groups, individuals, and other departments of the city.
- Bring members of our community together in meaningful ways.

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- Expresses and enhances local stories, interests, traditions, places, and culture in Santa Cruz to foster a sense of belonging.

Vibrancy

*Public art contributes to a vibrant and energized arts community.*

- Highly visible, celebrated, and experienced throughout the city.
- Energizes the community to participate in the arts and reimagine their city.
- Forms and functions are multisensory, multidisciplinary, permanent, or temporary.
- Creates visitor delight and enriches Santa Cruz as an arts destination.

HISTORY OF THE ARTS COMMISSION

The City of Santa Cruz has a long history of supporting the arts. The Santa Cruz City Arts Commission was established in 1977 to enhance the aesthetic, cultural and economic quality of life in the City by encouraging, supporting and promoting the diversity of arts and artists in the community. The Arts Commission and arts programs were initially supported by staff from the City’s Parks and Recreation Department.

In 1979, the City began contributing funds to Arts Council Santa Cruz County – for re-granting to local arts organizations. The arrangement provides a win-win for both organizations. The Arts Council has the expertise and ability to manage a grant program and the City benefits from the rich variety of arts projects and programs provided by the various non-profit arts organizations that receive grant funding.

In 1997, the first Public Art Ordinance was also adopted at which provided 2% for art in eligible City capital improvement projects and in 1998, a Public Art Master Plan was adopted by City Council, which called for the creation of a Public Art Committee to oversee ongoing development and implementation of the plan.

A serious decline in the City’s economy and resulting budget constraints in 2003 prompted the Arts Commission refocused its commitment to supporting and developing the local arts community through its advisory role to the City Council on policy issues. This included serving on the City’s General Plan Advisory Committee, collaborating with the Planning and Police departments to streamline the City’s entertainment permit process, creating an annual Work of artS award for businesses and developing a broad-ranging City Arts Master Plan.

The Public Art Committee and Arts Commission worked in close alignment between 1997 and 2007 with back-to-back meetings strengthened by monthly joint meetings and overlapping members. The Public Art Master Plan called for all public art projects to be developed by the Public Art Committee and reviewed by the Arts Commission. However, in 2008 the Arts Commission and Public Art Committee

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jointly approved the concept of merging the two advisory bodies following the completion of the Arts Master Plan. City Council approved this merger in 2009 creating one Arts Commission for the City made up of seven volunteer members, appointed by Council.

In 2009 the city's one arts staff person, the Arts Program Manager, was moved from the Parks and Recreation Department into the Economic Development Department. In 2013 the Economic Development Department budgeted \$75,000 in funding for the Arts Council of Santa Cruz County for re-granting to local arts nonprofits and also joined with the Arts Council of Santa Cruz County, under the leadership of Americans for the Arts, to conduct the Arts and Economic Prosperity™ economic impact study. The most comprehensive study of its kind, the study inventories local cultural organizations and analyzes the direct impact of their activities and audiences. This study determined that in the study year of 2012 within Santa Cruz County the arts sector was a major economic driver and:

- Generated \$38.38 million in total economic activity – \$21.84 million by nonprofit arts and culture organizations and an additional \$16.54 million in event-related spending by their audiences;
- Supported 877 full-time equivalent jobs;
- Generate \$22.36 million in household income to local residents; and
- Delivered \$5.26 million in local and state government revenue.

In 2013, Council approved an update the Public Art Ordinance (Ord. 2013-12), reducing the calculation for public art from 2% of *projected* eligible capital spending to 1% of *actual* eligible capital spending based on an average of the prior three years in each fund. This key change was intended to streamline the budgeting and planning process for Public Art projects and reduce the volatility of the funding.

With a new Arts Program Manager coming on board in 2014, it was recognized that program polices and guidelines were needed to help provide transparency and clarity and help guide the Arts Commission in their decision-making process. The Arts Commission also took this opportunity to establish a dynamic Vision, Mission and Values for the Commission.

BYLAWS

PERCENT FOR ART ORDINANCE