

MILL VALLEY PUBLIC ART POLICY



**Approved by City Council
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Mill Valley Public Art Policy

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Mill Valley Public Art Policy

I. Vision and Goals

Art has the power to inspire, to educate and to delight people, lifting them out of their ordinary lives and evoking their dreams, aspirations and struggles in a sympathetic manner. Public art is one means for a community to share and acknowledge these meaningful aspects of the human condition. Despite Mill Valley's rich and colorful history, the strivings of countless local artists and a general receptivity toward and enthusiasm for art in its many forms, there has been very little public art displayed in this City. This document envisions the placement of more works of art in the public realm of the City to contribute to the City's growing cultural heritage. It does not presuppose or prejudge the character and nature of the art, but establishes public standards, and a public process for decisions about adding works of art in public places. It enables the City to enhance the community's vitality through the installation of public art.

The City's Public Art Policy encompasses a number of different components. These include temporary and/or permanent works of art in public places; works of art purchased or created for display in public places; art in private development projects, where the artist works as a member of the design team to create aesthetic enhancements to the project like murals, fountains, sculptures, etc.. The goals of this plan are to:

- Bring distinguished and varied art into the environment and life of Mill Valley;
- Enrich the lives of the citizens of the City through enjoyment of art in various forms;
- Encourage both emerging and established local artists by supporting their work; and
- Integrate the encouragement of works of art into the City's design review process.

II. Integration with Other Plans

The MV2040 General Plan is Mill Valley's primary policy document. It provides a clear guide to serve the residents and businesses of Mill Valley and nurture the City's overall quality of life. It provides direction for the Council and its appointed and employed personnel as they seek to achieve that mission, consistent with the following core values adopted by the City Council:

- The health and safety of residents.

- Preservation of a vibrant community that respects Mill Valley’s small town character.
- Prudent fiscal policies and practices.
- Preservation of the community’s high quality of life
- A healthy natural environment with emphasis on conservation, open space, climate protection and sustainability.
- A balanced, inclusive, and open approach to policy-making and city leadership.
- Citizen participation that promotes open communication, mutual respect, and the development of community leaders.
- Economic vitality with an emphasis on small and local serving businesses.
- Operational excellence.

Consistent with these core values, arts and culture are key components of the Community Vitality Chapter of the MV2040 Plan (pages 81-113). The goals embodied in the Arts and Culture section (pages 107-112) include:

- **ARTS-1: Arts and Culture Identity:** Maintain a strong identity for Mill Valley as a regional destination for excellence in the arts, culture, and arts education.
- **ARTS-2: Leadership:** Establish and maintain strong and cooperative civic arts leadership, working collaboratively with public and private arts providers.
- **ARTS-3: Funding and Other Support:** Facilitate the delivery and enjoyment of the arts through robust public and private funding.
- **ARTS-4: Education:** Reflect and encourage arts, culture, and arts education in the City’s environment.
- **ARTS-5: Cultural Environment:** Attract and support diverse art forms, artists, and audiences to sustain a vibrant cultural environment.

Specifically regarding the development and implementation of a Public Art Program, the following policy and programs, under **ARTS-4: Education** above, are identified in the Arts and Culture section of the Community Vitality chapter:

ARTS.7 Integration of Art in Building, Design, and Public Spaces

Facilitate the integration of artwork and performances in public and publicly accessible spaces (e.g., public buildings, parks and squares, rights-of-way), and encourage the inclusion of artwork and artistry in the planning and design of new and existing buildings and structures.

ARTS.7-1 Initiate a program for temporary public art, with varied and changing art installations and performances Citywide.

ARTS.7-2 Develop a Public Arts Ordinance with the participation of the local arts community and stakeholders that will accomplish the following without compromising First Amendment guarantees of artistic expression:

- Define the role of the Arts Commission;
- Include the Arts Commission when selecting art in public places;
- Enable the Arts Commission to participate in the approval process for artistic components of major public or private development projects;
- Identify standards for incorporating permanent and temporary public art throughout the City, such as along the Miller Avenue corridor;
- Encourage artistic diversity;
- Provide incentives for the inclusion of artwork in development projects; and
- Accommodate the incorporation of artwork in buildings and structures.

To identify ways to implement these MV2040 goals, policies and programs, the Arts Commission has generated a Strategic Plan that lists priority projects for Arts and Culture. One of the key priority projects is “Develop a Public Art Program, including identifying sites for permanent and temporary installation of artworks in public spaces, such as a Sculpture Garden, at appropriate community sites” (Arts Commission Strategic Plan, page 11).

This Policy is an extension of the MV 2040 General Plan, the City Council’s Priority Projects and the Arts Commission’s Strategic Objectives. Each year, the Arts Commission evaluates its progress on achieving its strategic objectives and drafts a Work Plan that establishes its near-term priority projects. The ultimate outcome of this Policy will be City Council-approved program of the Arts Commission and Recreation Department that provides firm guidance as works of art and sites are selected.

III. The Public Arts Authority

The City established its Arts Commission about 45 years ago, now codified in Municipal Code Section 2.08.090. The Commission’s goal is to provide encouragement of exceptional arts activities, events and programs that allow the arts and arts-related cultural environment to be enjoyed by all citizens of Mill Valley. To that end, the Commission has created multiple visual and performing arts activities for our citizens, including a monthly Art Walk, comedic and musical programs for crowds in our Downtown Plaza, as well as photographic, painting and kinetic art competitions. The Arts Commission also conducted the first Arts and Culture Symposium in Marin County, drawing together the full spectrum of county arts and cultural representatives for consideration of the future of arts and culture in our realm. The Commission also supports the Milley’s Board, whereby a steady stream of accomplished Mill Valley artists in the visual, literary, musical and performing arts have been honored every year since 1988.

The Arts Commission, by statutory amendment of Municipal Code Section 2.08.090 in 2014, is also tasked with “creating a public arts program including the temporary and permanent installation of art works on public and private property.” A policy is needed for the Arts Commission to carry out a program of providing for public art, so the Arts Commission has prepared this Public Arts Policy which contains the City standards and approach for public art-related decision-making; funding; site and artist selection; the acquisition, removal, and maintenance of public art; and related educational opportunities.

The Arts Commission would work with the City Manager and City Council to carry out this policy by forming a subcommittee, the Public Art Committee (PAC). The PAC will make recommendations to the Arts and Parks and Recreation Commissions, with the Arts Commission making final recommendations to City Council when appropriate. Per the Municipal Code, the Arts Commission has the power and duty to make recommendations to the City Manager and City Council on (among other matters) the “request of any organization or group interested in artistic displays in any buildings, parks or other City facilities”. To arrive at a recommendation for a temporary or permanent artistic display, the Arts Commission would undertake the steps explained in the following sections.

IV. Funding

The Mill Valley Public Art Policy requires the establishment of funding strategies in order for the City to carry out its implementation. The most common methods for funding of public art programs, with variants include: General Fund allocations, percent-for-arts programs or the creation of a non-profit fundraising body. Public art funds are typically earmarked for administration, acquisition and construction, as well as maintenance, insurance, and other costs; other alternative funding sources might include private donations, grant monies, fees collected from artists and arts programming as direct cost recovery.

Percent-for-Arts Program:

This approach allocates a specified percentage of the value of private development projects to be spent or contributed as an in-lieu fee for public art. This percentage and the types of development projects to which it applies are typically codified in an ordinance. This percentage generally ranges from one-half to two percent of development construction value (commercial, non-residential and/or residential construction development).

According to the Martin School of Public Policy and Administration’s *Public Art Master Planning for Municipal Governments*, “In the fiscal year 2001, the majority of government public art programs were funded by a percent-for-arts program. A 2001

Americans for the Arts survey found that 58% of government public art programs received their funding from a percent-for-arts mechanism. In many cases, arts funding is a public and private partnership relying on private firms to donate to public art initiatives. Arts funding was also commonly used to provide grant funding for public art projects.

Non-Profit Fundraising Body:

Non-profit fundraising bodies have also been employed by local governments. These “Friends of the Arts” types of organizations act as a conduit for donations and bequeathals.

The ultimate funding source(s) for the Mill Valley Public Art Program should enable the incremental growth of the administration, acquisition and maintenance of public artwork.

V. Site Selection

The 2015 Arts Commission Strategic Plan contains an Inventory of City Owned Facilities, Fields and Parks (Appendix A). Since the nature and scale of future public works of art are unknown at this time, any one of the listed facilities, fields or parks might be a location where public art is recommended at some point in time, although the initial number of sites would be limited. The City may either (a) choose a location where artwork would be a valuable addition to the community and solicit proposals from artists for that specific site or (b) identify or receive appropriate artwork then determine which city owned site (if any) would be the best location(s) for installing that artwork. Criteria to be used for site selection should include:

- Lack of conflict with the principal purpose of the location;
- Suitability of the artwork’s scale and character to the location;
- Role that the artwork would play as a citywide vs. neighborhood-related feature;
- Diverse artists’ work and diverse works of art citywide;
- Availability of suitable physical space for artwork;
- Appropriateness of temporary, rotating, or permanent installations in a given location;
- Presence of residents to enjoy the artwork and to deter vandalism;
- Environmental suitability of the artwork in the location; and
- Costs to establish and maintain at site and availability of secure funding sources.

VI. Artist Selection

Generally, artists will be selected through a public process using one of the following methods:

- Request for Qualifications (RFQ)

- Request for Proposals (RFP)
- Invitational Competition
- Pre-qualified list

Each of these methods will vary depending upon the type of project and specific project requirements and goals. Any of these methods can be used to select one artist/team or to develop a pool of artists to be used for multiple projects over time. The method of selection shall be approved by the Arts Commission. The City and its Arts Commission are committed to ensuring that artists are selected in a well-documented and accountable fashion and are well matched to the project and that the process is flexible and responsive to the project's needs and the setting.

It is the goal of the City to develop art projects of the highest caliber that meet the diverse needs of the residents of City of Mill Valley. The public art review and approval process is designed to provide for substantial input and participation by representatives from the affected city departments, sponsoring entity, stakeholder groups, and the community at large, in order to ensure that each project accommodates the complex requirements of the public place in which it is sited.

The following factors should be taken into account in reviewing proposals for new works:

- Works of art will have reasonable maintenance requirements as specified by the artist and these requirements shall be compatible with routine city maintenance procedures or appropriate maintenance agreement with the artist to ensure maintenance is performed by private parties.
- Works of art will be designed in consideration of public safety and decency.
- The design of works of art will take into consideration issues associated with public spaces such as security, theft, vandalism, etc.
- The design of works of art will take into account the specific needs and use patterns of the public space in which they will be located. For example in parks, works of art will not block critical view corridors or impede public usage of key open space.

1. Preliminary Design

If the artist is selected on the basis of a proposal, the preliminary design is reviewed as part of the initial artist selection process. If not, the preliminary design for the art component(s) will be presented by the artist and/or design team to the Arts Commission and PAC in a joint meeting for review and recommendations on direction. The representatives of the city department(s), artist selection panel, stakeholder groups, and/or sponsoring entity that participated in the artist selection process along with the Recreation staff will be invited to attend the joint PAC and Arts Commission meeting and participate in the review as non-voting participants. It is expected that the artist and/or design team will have worked with any stakeholder groups in developing the preliminary design prior to bringing it to the Arts Commission / PAC.

Following this review, staff will work with the artist and/or design team to refine the design. If the artist is not in agreement with the recommendations, the Director of Recreation will mediate discussions to arrive at a consensus among all parties.

2. Final Design

The artist's or design team's final design of the art work will be presented to the PAC for review and approval. A status report summarizing the action of the Public Art Committee will be provided to the Arts Commission. If applicable, the project will be forwarded to other relevant commissions and/or City Council, as appropriate.

3. Alterations during Fabrication/Installation

Some changes to the final design may become necessary during the fabrication or installation phases of the project. This may be due to changes in the availability of materials, changes to the underlying facility, etc. The artist's contract will contain language specifying that no change to the approved final design may take place without written authorization by the City's designated staff in consultation with Recreation staff and other city staff as necessary. If staff judge the changes to be substantive, then a meeting of the PAC will be convened to review and approve the proposed changes. Recreation staff will ensure that stakeholder groups are notified of any such meetings. A status report regarding the outcome of the meeting will be provided to the Arts Commission.

VII. Acquisition of Public Art

The Director of Recreation initiates all acquisition of public art by the City. Following consultation with appropriate staff and City Departments, the Director of Recreation recommends to the Arts Commission and the Arts Commission recommends any actions related to the acquisition of public art to the City Council for its approval.

Selection Methods: Artists and artwork may be selected in the following manner:

- Open Competition. A formal and public call for artists is issued. Artists submit proposals in response to the call.
- Limited Competition. A limited field of artists is invited to submit proposals for public art projects.
- Direct Purchase. An existing work of art is purchased.
- Receipt of Public Art Gifts.
- Commission. An individual artist, or group of artists, are commissioned to create a work of art.

Receipt of Public Art Gifts

The following guidelines govern the procedure by which proposed gifts of works of art are considered for acceptance by the City. The Arts Commission shall receive input, advice and recommendations from the Recreation Department and other City

Departments and shall then makes recommendations to City Council for the receipt of public art as gifts.

1. Donor Provides Written Proposal: The prospective donor of a gift of a work of art must submit a written proposal or letter of intent to the City of Mill Valley via the Director of Recreation. The proposal shall include information on the artist, written description of the artwork (size, materials, etc.), its provenance and photograph or drawing of the artwork, and proposed site, if any, proposed funding for installation and maintenance.

2. Acceptance by City: Upon recommendation of the Arts Commission, the acceptance by the City of the gift of artwork is submitted to the City Council for approval.

3. Costs Associated with the Gift: All costs associated with the gift must be borne by the donor. Costs may include, but are not limited to, the costs associated with design, engineering, fabrication, installation, general insurance and maintenance. The donor/sponsor will also be responsible for the design and cost of a pedestal, identification plaque, base, structural support and landscaping of site and must provide a maintenance endowment for the artwork. The Commission may also require an administrative fee to cover costs associated with staff coordination and oversight of the project.

4. Maintenance Endowment: An endowment fund adequate to ensure the continued care of gifts of art shall be required for all outdoor works of art and may be required for indoor works of art to maintain the gift in a condition satisfactory to the donor and the Commission. The amount of the maintenance endowment, if any, shall be negotiated with the donor on a project to project basis. Scale, material, location, value of the work and potential for vandalism will be considered in determining the maintenance endowment.

5. Funding of Educational Opportunities: As a condition of acceptance, the Arts Commission may require the donor/sponsor to provide adequate funding for any educational activities related to the work of art.

6. Criteria for Acceptance and Placement/Site Criteria: Criteria for acceptance and placement of donated works of art shall follow the same rigorous guidelines as for works of art chosen by commission, contest, or any other means.

VIII. Program Administration

The Department of Recreation serves as the administrative staff to the Arts Commission and is vested with the primary responsibility for the development of the Public Arts Policy and its program implementation pursuant to City Council direction.

IX. Documentation of Public Art

City staff will review the public art displayed at least once every five years, and shall provide the Arts Commission with a report and recommended action regarding the removal or disposition of any Work of Art. The staff report should include:

- Title, artist, medium, dimensions and present location of the work of art;
- Acquisition method, date of acquisition, and initial purchase price, if applicable;
- Digital images of the work of art;
- Current condition of the work of art;
- An analysis of the reasons for removing or disposing of the work of art, as needed;
- An independent appraisal or estimate of the value of the work of art, if applicable; and
- Suggested and alternate courses of action, including, if applicable, other possible locations for the work of art.

X. Maintenance of Public Art

The City is typically responsible for the maintenance of the City's indoor and outdoor public works of art. This includes routine inspection and care for artwork, such as cleaning and applying protective surface coatings as needed. Reasonable effort will be made within funds available to return artwork to its original condition and integrity, when repair is due to the result of flaws, aging, damage or vandalism.

XI. Decommissioning of Public Art

To assure the removal and disposal of City works of art is governed by fair and thorough procedures. The City of Mill Valley, in its sole discretion, reserves the right to remove or otherwise dispose of works of public art.

Procedure for Decommissioning Public Art

- The City may remove in its sole decision, however decommissioning of works of art may be for one or more of the following reasons;
- Condition or security of the work of art cannot be reasonably guaranteed in its present location;
- Work of art has been damaged or has deteriorated to the point that it can no longer be represented to be the original work of art;
- Work of art has been damaged and repair is impractical, unreasonable, or infeasible;

- Condition of the work of art requires restoration, the cost of which would exceed available funds and / or the monetary value of the work of art;
- Work of art presents a threat to public safety;
- Significant changes in the use, character, or actual design of the site require a re-evaluation of the relationship of the work of art to the site; and
- Work requires excessive maintenance or has faults of design or workmanship.

City staff will review the public art displayed every five years, and shall provide the Arts Commission with a report and recommended action regarding the removal or disposition of any work of art.

The artist whose work of art is being considered for removal shall be notified of the proposed removal, and of the date, time, and location of the Arts Commission meeting at which the work of art will be considered.

XII. Educational Opportunities

Whether being surrounded by art in the learning environment or participating in the development of works of art reflecting the educational experience for students of all ages, the crossroads of public art and education is a fertile ground for engaging with the transformational power of the arts.

Criteria for Educational Opportunities. Educational opportunities shall be included in conjunction with public art projects as appropriate, with the following criteria:

- All educational opportunities related to public art shall be accessible to the citizens of Mill Valley regardless of financial means;
- Shall appeal to the broadest group of Mill Valley citizens, including age, race, gender, religious affiliation, and sexual orientation;
- When possible, professional artists (including the author of the work of art in question) should be involved in educational outreach; and
- Particular care will be taken to provide ample educational opportunities around public art projects to the youth of Mill Valley.

The particular form of any educational opportunity related to public art shall be at the discretion of the Arts Commission and the Mill Valley Recreation Department. Public comment and input on educational opportunities around public art projects will be regularly solicited by the Arts Commission.

Funding for Educational Opportunities. Educational opportunities around public art can be funded in two primary ways:

- Restricted donations from donors/sponsors of works of art.
- A line item in the approved the City budget.

REFERENCES

Hollinger, Jonathan, Martin School of Public Policy and Administration (Spring 2011), *Public Art Master Planning for Municipal Governments, Core Components and Common Practices*.

College Art Association of America, *Standards and Guidelines, Public Art Works*, (Adopted by the CAA Board of Directors, October 31, 1987 from recommendations from the Sub-Committee on Public Art of the Artists' CAA),_Authors and Contributors on the Sub-Committee: Sam Gilliam (chair); Cynthia Carlson; Gilbert S. Edelson; Joyce Kozloff; Irving Sandler.