

POLICY AND PROCEDURES 1-45

Effective: March 2015

PUBLIC ART IN CITY CAPITAL IMPROVEMENT PROJECTS

POLICY STATEMENT

This policy implements Palo Alto Municipal Code Section 2.26.070 “Public Art for Municipal Projects,” which provides that the City will budget one percent (1%) of the annual CIP budget for eligible projects for public art.

GOALS OF PUBLIC ART PROGRAM

It is the goal of the City’s public art program to:

- use art in public places to enhance the City’s identity and the quality of public spaces.
- increase the quantity and quality of public art in the City.
- create integrated public art, that is, art that is designed to relate to or be incorporated with the design of public facilities.

PROJECTS INCLUDED

1% of all CIP costs not specified under the exclusions below are subject to the policy.

Examples of projects included in the public art policy may include but are not limited to:

- New buildings such as libraries, public safety buildings, community centers, parking garages and lots, transit stations, performing art centers, new restrooms or small structures
- Parks, medians, landscaping and plazas
- Gateways entering and exiting the City boundaries
- Bridges, walls, tunnels, streetscape improvements and transportation corridors

Salaries and benefits of public employees supporting these CIP projects shall not be considered.

The public art staff will work with the Office of Management and Budget and appropriate City departments (which may include but are not limited to Planning and Community Environment, Public Works, Utilities, and Community Services) to implement PAMC section 2.26.070 by identifying the projects that are subject to the one percent for public art requirement.

The City Manager, prior to the release of the Proposed Capital budget, will review the list of identified projects. Where the applicability is uncertain, the City Manager or his designee will make the final determination.

Salaries and benefits of public employees supporting eligible CIP projects will not be considered as part of the CIP budget subject to the public art program. The one percent (1%) will be based on the initial CIP budget and adjusted if the CIP budget is later increased through the annual budget process. If the CIP budget is later decreased, the art contract shall be adjusted as much as allowed depending upon the status of the art design and/or fabrication.

EXEMPTIONS TO POLICY

The following CIP expenses are excluded from the policy:

1. ADA Compliance Projects (not including projects where ADA compliance is a portion of a larger project).
2. Road, path and sidewalk repairs, including: traffic signals and upgrades, curb and gutter repairs, sign reflectivity, road and parking signage, resurfacing of roads or other existing hardscape areas.
3. Emergency repair projects.
4. Cyclical replacement and repair of trails, outdoor furnishings, or fencing.
5. Studies.
6. Roof replacement
7. Mechanical, security, A/V equipment, HVAC, and IT installations, upgrades and repairs.
8. Art in Public Places CIP.
9. Utilities projects, unless there is a building construction or reconstruction involved.
10. Vehicle repair and replacement.
11. Seismic upgrades and waterproofing.
12. Projects where the majority of the cost is allocated to elements located underground.
13. Projects where prohibited by federal law, including projects or portions of projects funded by grants from non-City sources that prohibit expenditure of funds for art.

TRANSFER OF FUNDS

Funds will be identified during the budget cycle and be allocated to the Public Art Program at the beginning of the new Fiscal Year, with the exception of grant funds allocated for public art, which will remain in the project budget.

PROCEDURE FOR IDENTIFYING AND SELECTING PUBLIC ART PROJECT SITES

- A. Public Art Staff shall have the authority to pool funds, and may propose funds for use at a current CIP site or any other public or publicly-accessible site.
- B. The City Manager or designee, in consultation with the Public Art Commission, shall identify sites for public art funded by this program. CIP or other sites that merit further consideration for integration of artwork will be presented to the Public Art Commission. Consideration will include, but not be limited to:
 - Opportunities for the incorporation of art into the site
 - Types of artwork that may be appropriate at the site
 - Maintenance considerations specific to the site
 - Available funds to create an impactful artwork
- C. Identification of project sites and establishment of an art budget early in the process allows the artist to be hired at an early stage of design so that the art can be better incorporated with the design. For projects in which art will be integrated on site, the project manager, in consultation with the public art manager, will determine the final public art plan for the site.

- D. For projects in which it is determined that artwork will not be incorporated on site, the Public Art Program staff will coordinate with the Public Art Commission to determine the allocation of those funds to another municipal public art site or publicly-accessible site.
- E. Every effort should be made to identify and select projects in a timely manner.
- F. Some projects may not have a public art requirement but may voluntarily choose to include a public art element.

PROCEDURE FOR IDENTIFYING AND SELECTING ART WORKS

Artworks may include permanent or temporary art, including performance-based and experiential art.

The Public Art staff will develop the RFP or RFQ for the artwork, with input from the Commission, Project Manager and designer/architect. The one percent (1%) will be subject to change during the design phase with the determination of final cost estimates for construction. The RFP/RFQ will include, but not be limited to:

- Artist’s timeline beginning with the project design phase.
- Any restrictions and requirements of the project as defined by staff and/or project manager.
- Artist’s responsibilities to the project in regards to time and involvement with the project manager and project team.
- Potential sites and materials for the art work(s).
- Necessary Community outreach efforts for design development.
- Purpose of the project, identification of stakeholders, vision for the artwork.

- A. Selection of the artist and artworks will fall into one of three processes:
 - Open competition - for most projects.
 - Limited competition - for small projects, typically using the prequalified artist pool.
 - Commissioned artist for specific projects that lend themselves to that artist’s stylistic approach.

- B. Selection of the artists and artworks will be made through submittals reviewed by a selection panel composed of representatives of the Public Art Commission, arts professionals, community representatives and appropriate City department representatives or architect/designer. Considerations in selecting the artist and/or proposed work of art will include:

- Artistic quality
- Safety and security
- Maintenance and repair to the work of art
- Appropriateness to the purpose of the site
- Ability of the project to be realized within the budget
- Project’s fit in the City’s collection
- Diversity of artists represented in Palo Alto

- C. The Public Art Commission will recommend the selected artist and artist's proposal to the City with the concurrence of the Director of Community Services or designee.
- D. The selected artist will work with the appropriate department(s) and project manager as noted in the RFP/RFQ and contract.
- E. Every effort should be made to conduct the artist selection and contract process in a timely manner to optimize coordination during the construction phase.
- F. The Public Art Manager will work closely with the Project Manager to coordinate efforts and ensure smooth management of the art installation.

OWNERSHIP AND MAINTENANCE

The City of Palo Alto owns and maintains all art in City projects and has sole fiscal and legal responsibility for the artworks and the maintenance of the works. Project managers with existing art, including murals, sculpture or land art, within their project site or within 100 feet of their project site must contact the Public Art Program staff to ensure the proper precautions are taken for the care and protection of the artwork. A comprehensive inventory of all art shall be maintained and updated by the City and made available for review.

NOTE: Questions and/or clarification of this policy should be directed to the Public Art Manager with the Community Services Department. The Public Art program is a program of the Arts & Sciences Division in the Community Services Department.