

**City of Carlsbad
Cultural Arts Office**

Art in Public Places Program

Mailing Address:
1200 Carlsbad Village Drive
Carlsbad, CA 92008



Location:
2955 Elmwood St.
Carlsbad, CA 92008

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Introduction

The City of Carlsbad's Art in Public Places Program seeks to ensure the highest quality of design where arts and culture and public art have a constant presence. The city wishes to advance Carlsbad's reputation as a unique community by expanding residents' appreciation of art, reflecting the city's aspiration to improve the quality of life, enhancing public spaces for all residents and visitors and becoming a world class city for innovation and creativity. The Art in Public Places Program works to integrate art and the ideas of artists into the development of public settings by collaborating with local and nationally-known artists to include the values and history of our community into their work.

Goals

1. To increase the understanding and appreciation of art in public places of Carlsbad residents and visitors.
2. To acquire and commission quality and diverse works of art for community enrichment that is site specific and environmentally responsive.
3. To encourage participation of diverse socioeconomic and ethnic groups in the art in public places program and process.
4. To support and involve artists in developing, collaborating and implementing Carlsbad's public spaces and community development projects.
5. To encourage collaboration between artists and architects, landscape architects and civil engineers for public projects.
6. To encourage an environment for artistic creativity in Carlsbad and promote Carlsbad as a local, state and national leader in arts, culture and public art.
7. To increase awareness of Carlsbad's art in public places activities as an integral component for attracting business and tourism to Carlsbad.

Public Art as it relates to the City of Carlsbad General Plan

The General Plan outlines the community's vision for the future development of Carlsbad. The plan introduces its purpose, use, and policy structure, and how it can be amended and updated to continually embody the Community's Vision and direction for the future. The plan draws its ideas from more than 8,000 residents and over 100 community groups and organizations, as well as business owners, elected officials, and city staff who directly participated in the process to create the Carlsbad Community Vision, which is the foundation for this plan. The plan is comprehensive and long-range and will be used on an ongoing basis, reflecting the city's commitment to the Carlsbad Community Vision and the state law requirement that all actions related to the city's physical development—from transportation and park plans, to facility plans, as well development regulations and fee programs—should be consistent with the General Plan.

The Carlsbad Community Vision reflects the community's aspirations for Carlsbad's future; it is a clear and motivational synthesis of the ideas expressed by community members during the first phase of Envision Carlsbad. The Carlsbad Community Vision is based upon nine core values that were commonly expressed by the community. These values represent the qualities and characteristics of Carlsbad that community members aspire to protect, maintain, improve, change or achieve in the future.

- Small town feel, beach community character and connectedness
- Open space and the natural environment
- Access to recreation and active, healthy lifestyles
- The local economy, business diversity and tourism
- Walking, biking, public transportation and connectivity
- Sustainability
- High quality education and community services
- Neighborhood revitalization, community design and livability
- History, the arts and cultural resources

The Arts, History, Culture and Education (AHCE) Element of the General Plan recognizes that an aesthetic environment and connections to culture and education are essential characteristics of a community that values its quality of life and wishes to be seen by its residents, neighbors and visitors as an attractive and desirable place, addressing the needs of the human spirit. This element is intended to enhance availability and accessibility of the arts for all residents, preservation of the important historic and cultural elements that make Carlsbad unique, and educational opportunities for lifelong learning.

Carlsbad boasts a variety of arts and cultural events, institutions and programs aimed at promoting a sense of community identity and providing education and information about the city's heritage. Events such as ArtSplash, TGIF Concerts in the Parks and exhibits at the William D. Cannon Art Gallery provide outlets for the arts and cultural community. These events help Carlsbad residents from all cultural backgrounds to celebrate local traditions and heritage in creative and inspiring ways by building connections between historic resources and the arts and by promoting and strengthening both.

General Plan goals related to public art:

- Integrate the arts and arts education as a vital aspect of community life, with a wide range of facilities and public programs designed to engage the city's diverse audiences as active participants and patrons.
- Foster an environment of active participation in and attendance at artistic and educational programs and activities by residents and visitors.
- Enhance cultural and generational diversity and social connections through opportunities for volunteerism and civic engagement; more public gathering places, family-friendly activities; and more events that connect residents to one another and keep them active in the community.

General Plan policies related to public art:

- Allocate funding for the purchase, maintenance and conservation of the city's public art collection and provide, when possible, for the siting, selection, installation and maintenance of works of art within or upon public facilities and land.
- Promote cooperative arrangements with other public or private agencies that facilitate the temporary or permanent display of works of art within or upon public or private facilities and land.
- Develop programs that invest in and contribute to the enhancement of arts and cultural programs, services, organizations and artists to foster ongoing cultural tourism efforts and creative economy development in the city.

PURPOSE

It is the intent of city ordinance 2.18.110 (appropriations for arts) to direct the inclusion of works of art in all city construction projects. The Art in Public Places Program is designed to manage the acquisition and disposition of public art in order to expand residents' and visitors' experience with art and enable them to better understand their communities and their individual lives. By encouraging artists capable of creating works of art in public places, the Art in Public Places Program shall strive to stimulate the vitality and economy of the city and enhance Carlsbad's reputation as a regional leader in arts and culture.

BUDGET PROCESS

There are two ways a public art project may be funded. These methods require Carlsbad Arts Commission and City Council approval. The methods used to fund a project are:

Capital Improvement Projects

Funding for public art was authorized by City Council on May 7, 1985, under chapter 2.18.130 (Appropriations for Arts) of the Carlsbad Municipal Code. Within this chapter, all city department heads are directed to include at least one percent of project cost estimates for a public art element when requesting Capital Improvement Projects (CIPs) authorizations or appropriations. All Capital Improvement Projects must include public art as a design requirement.

For the purposes of the Art in Public Places Program, Capital Improvement Project means any of the following:

1. Construction, reconstruction, or renovation in excess of \$500,000, involving any publicly owned, leased, or operated facility including any plant, building, structure, utility system, real property, streets and highways, or other public work improvement.
2. Street or streetscape improvement projects other than street repair or reconstruction. In the case of streetscape and right-of-way enhancement projects, streetscape means an improvement to a public right-of-way, including a sidewalk, tree, light fixture, sign, and furniture. Some funding sources (e.g., sources restricted to “transportation purposes” or “direct construction costs”) may prohibit formula-based expenditures for art. Thus, percent for art will not be collected from those sources. However, City Council may provide funding for public art for street or streetscape improvements from General Fund revenues on a case by case basis.
3. In the case of a publicly owned utility system, capital improvement project shall include only the construction, erection, improvement, of dams, reservoirs and power plants.

For the purposes of the Art in Public Places Program, Capital Improvement Project does not mean any of the following maintenance work:

1. Routine, recurring and usual work for the preservation or protection of any publicly owned or publicly operated facility (see 2.18110 b-1) for its intended purposes.
2. Resurfacing of streets and highways.
3. Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.
4. Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, and power plants.

Annually, the Administrative Services Department of the City of Carlsbad will verify the one percent for public art allocation for all eligible CIP projects has been included in the budgeted amounts for City Council approval. As an alternative, where funding for eligible projects is restricted and cannot be used for public art, the City Council may appropriate percent for art funding from the General Capital Construction Fund or the General Fund. The funds for art allocations may be used for projects located at the direct site of the CIP project, or pooled for other future public art projects identified by the cultural arts manager and Carlsbad Arts Commission. The park in lieu fee funded percent for art allocations must be used for artwork at a park within the same quadrant where the fee was paid.

Community Arts Projects

The second method is a Community Arts Project. In addition to the above Capital Improvement Projects, the city may wish to provide art in other significant locations throughout Carlsbad. These projects may be initiated by a request from City Council or City Manager's office, city departments or commissions, community members or groups or individual artists. Requests may include proposals for permanently placed artworks or temporary exhibitions or projects.

Requests will be reviewed by the cultural arts manager and forwarded to the public art advisory committee and the Carlsbad Arts Commission. If approved, the recommendation will go to the City Council as a request for appropriation. In most cases, these projects will be listed in and submitted as part of the annual budget process.

A Community Arts Project request should include the following information:

- A. Title of the Capital Improvement or Community Project identified for public art (if any).
- B. Location of the project (description and map).
- C. Source of funding for the proposed artwork.
- D. Fiscal year or years the project covers and the amount of funds requested per year.
- E. Amount of appropriation requested for the project in total.
- F. Proposed method of selection for the artist/artwork.
- G. General description of the artist's involvement with the CIP project.
- H. Statement of project need.
- I. Project description (statement).
- J. Outline of operational costs (if any).
- K. Any additional information as required by the specific site, project or design.

**F, G, I and K will be completed by the Cultural Arts Office.*

Funding for the Community Art Projects may come from individuals, community organizations or other city departments. City Council may also choose to fund public art projects from the General Fund, special projects fund or other sources.

City Council Review

All public art projects in the City of Carlsbad require City Council approval at three stages. These stages are:

- A. Appropriation of funds.
- B. Approval of contracts (both individual artists/artwork and integrated Capital Improvement Projects which exceeds the city manager's authority).
- C. Final approval of the final design concepts.

This approval is presented in the form of an agenda item, which is prepared by the Cultural Arts Office staff.

INITIATING A PUBLIC ART PROCESS

Responsibilities

City Council

1. Appoints and empowers the Carlsbad Arts Commission.
2. Receives recommendations from the Carlsbad Arts Commission on public art policies and issues.
3. Reviews and adopts the annual Capital Improvement Project budget.
4. Approves final public artwork design concepts recommended by the Carlsbad Arts Commission.
5. Approves artists' contracts for public art projects exceeding the city manager's signature authority.
6. In the case of a CIP project where the artwork is an integrated part of that project, the City Council will be asked to approve the artwork as part of the project to go out to bid, not as a separate unit. The City Council will not be asked to make an aesthetic judgment. This will be determined by the Carlsbad Arts Commission after a process has been completed which has involved input from the public.
7. In the case of artwork which is not an integrated part of the capital improvement project, the City Council will be asked to approve the final design concepts.

Carlsbad Arts Commission

1. Makes recommendations on policies and procedures related to the Art in Public Places Program.
2. Approves selection of public art and/or artist.
3. Serves as part of the public art advisory committee.
4. Approves changes and updates to the Art in Public Places Program policies and procedures.

Public Art Advisory Committee

Reports to the cultural arts manager on the following:

1. Offers recommendations on all public art projects.
2. Reports on possible public art sites.
3. Submits recommendations on site integrations, scope of project, selected media, selection criteria and process.
4. Reviews proposals.
5. Recommends policy to the Carlsbad Arts Commission.

Cultural Arts Office

1. Determines and implements artist selection and review processes for public art projects.
2. Assembles public art advisory committee to assist in artist selection and review.
3. Handles all administrative components:
 - a. Liaison to all groups: Carlsbad Arts Commission, city departments, outside agencies, community representatives and selection panels, public art advisory committee.
 - b. Works with artists on contracts, proposal development and project coordination.
4. Provides education, publicity and information materials.
5. Reports to City Council on public art projects, issues and trends.
6. Manages, documents and conserves collection.
7. Implements approved program guidelines.
8. Develops and coordinates community involvement.
9. Works with private sector to promote the arts.
10. Works with private developers on public art projects in private development.

Host City Department

1. Includes at least one percent of Capital Improvement Project cost in all construction projects for public art (or via the Administrative Services Department).
2. Coordinates project integration at site with Cultural Arts Office and artist.
3. Representative serves on selection panel/public art advisory committee.
4. Co-hosts dedication of public artwork.
5. Maintains artwork according to conservation directions in consultation with the Cultural Arts Office.

Artworks

The City of Carlsbad wishes to encourage the broadest interpretation of art and the diverse venues used by artists. Artworks may include all forms of original creations of visual art which may be portable as well as permanent. The various media and materials which can be used by contemporary artists include but are not limited to the following:

1. Sculpture: Free standing, wall supported or suspended; kinetic, electronic, etc., in any material or combination of durable materials.
2. Murals or portable paintings: In any material or variety of materials, with or without collage or the addition of non-traditional materials and means.
3. Earthworks, fiber works, neon, glass, mosaics, photographs, prints, calligraphy, any combination of forms of media including sound film, holographic and video systems, hybrids of any media and new genres.
4. Standardized fixtures such as gates, streetlights, etc., may be contracted to artists for unique or limited editions, provided the work is designed specifically for the city as public art.
5. Architectural elements designed and executed by visual artists in collaboration with an architect or landscape architect; which may be incorporated into, upon or adjacent to publicly funded structures or projects such as streetscapes and other development efforts.
6. Design elements incorporated into a Capital Improvement Project that are designed by an artist for fabrication and execution by the project contractor.

Exclusions

The following items are identified as ineligible for inclusion in the city's Art in Public Places Program.

(These items may be funded through other programs or departments within the city, but they do not fall within the parameters of public art):

1. Directional elements such as supergraphics, signage or color coding except where these elements are integral parts of the original work of art.
2. "Art objects" which are mass produced as a standard design such as playground equipment, fountains or statuary objects.
3. Reproductions, by mechanical or other means of original works of art, except in cases of film, video, photography, printmaking or other media arts, specifically commissioned by the city.

4. Decorative, ornamental or functional elements which are designed by the building architect as opposed to an artist commissioned for this purpose.
5. Landscape architecture and landscape gardening except where these elements are designed by an artist and/or are an integral part of the work of art by an artist.
6. Services or utilities necessary to operate or maintain the artwork over time.
7. Existing works of art offered for sale or donation to the city which do not have an established and recognized significance as public art among art professionals and art appraisers.
8. Works of art which are not publicly accessible.
9. Works of art which cannot reasonably be maintained within the resources allocated by the residents of Carlsbad.

Project Parameters

In coordination with the schedule of the Capital Improvement Project or of a public art project obtained through other means, the Cultural Arts Office proceeds according to the following steps:

1. Project Identification: The Cultural Arts Office starts the project after consultation with the Administrative Services Department, Host City Department and the Carlsbad Arts Commission.
2. Administrative Parameters: Following initial consultations with the city department concerned with the project, the Cultural Arts Office will convene a meeting of the public art advisory committee. The public art advisory committee shall consider and make recommendation to the cultural arts manager and the Carlsbad Arts Commission regarding the following aspects:
 - a. Project site and the scope of the project.
 - b. Project guidelines to be used for the artwork. These guidelines might suggest the possible venue (mural, freestanding sculpture, architectural element, etc.)
 - c. Selection criteria for the project to be used by the committee members.
 - d. Project calendar developed in conjunction within the overall schedule.

Following Cultural Arts staff and Carlsbad Arts Commission (if needed) approval, the following steps will be taken;

1. Administrative components:
 - a. Develop and send requests for qualifications, requests for proposal(s) or prospectus to artists.
 - b. Develop a project outline to further define the goals and objectives of the art project.
 - c. Prepare all necessary materials, entries or proposals for the public art advisory committee.
2. The public art advisory committee meets to select an artist or an artwork. All finalist or selected artworks (proposals) should be ranked in the order of selection in case the chosen artists cannot complete the project.
3. Selection approval: All selections and finalists are submitted to the Carlsbad Arts Commission.

Design Only

4. Upon acceptance of the artist by the Carlsbad Arts Commission, the Cultural Arts Office will negotiate a contract with the artist.
5. Design Phase: The artist develops the design in consultation with the Cultural Arts Office and the Host City Department.

Design and Fabrication

6. When artwork includes fabrication, a contract is approved prior to the design phase for both design and fabrication. Upon acceptance of the design by the Carlsbad Arts Commission and approval from City Council, the artist may proceed to the fabrication stage of the contract.

According to the terms and timetable defined in the contract, the project(s), plans, schematics and structural engineering drawings (if necessary) are submitted. Agency requirements or permits are obtained at this time.

Payments will be outlined in the contract(s). Final payment is held until all phases of the contract are completed.

7. Project dedication: Dedication is planned with the Cultural Arts Office, artist, Host City Department and Communications Office.

Site Selection Guidelines

All sites for public art will be reviewed and approved by the Cultural Arts Office and the Carlsbad Arts Commission. The selection of an artwork and the appropriate media are determined on a project-by-project basis.

The public art advisory committee will consider:

1. Accessibility of the site. The site must be accessible or visible to the public.
2. Interior or exterior placement.
3. Suitable locations for public art. Locations may include surface treatments on buildings, retaining walls or bridges. Other locations may include design elements or free standing works adjacent to or upon the Capital Improvement Project site. The definition of location may be expanded by an artist's ability to extend the possibilities of public art in an unconventional manner. This will be considered on a case-by-case basis.
4. Appropriateness of materials in relationship to the overall project. This includes consideration such as durability and resistance to vandalism.
5. Community context should be considered in all cases.
6. Historical, environmental and cultural factors of the project area.
7. Environmental factors such as land forms, geographic features or predominate or pre-existing structures or landmarks at a Capital Improvement Project site.

Community representatives will be consulted by the public art advisory committee when studying a public art site. Also, community representatives will be included in the public art advisory committee.

Eligible Costs

1. Professional fees for the artist(s).
2. Required permits or certification fees including structural engineering.
3. Studio and operating costs incurred in the fabrication of commissioned artworks.
4. Fabrication costs including artist's labor, materials, subcontractor and studio assistant fees, and contracted services required for production, transport and installation of the work of art.
5. Communication and indirect costs (including insurance and utilities).
6. Travel expenses of the artists(s) for consultation with the city or its agents, or for site study and/or inspection by the artist or the artist's consultants doing research for the project.
7. Site preparation or modification directly related to the installation of the artwork.
8. All required services to install the commissioned artwork (including subcontractors), except site landscaping or modifications not directly related to the artwork.
9. Documentation from the artist of the artwork required by the city (i.e. accession report, conservation record, photo documentation, etc.).
10. Administrative costs.

Ineligible Costs

The city's Art in Public Places Program will not fund the following:

1. Any fees paid to an artist's agency, gallery or dealer; or any referral, commission or fee paid to an art consultant; or any fee paid to other arts professionals not directly involved in the engineering, fabrication or installation of the artwork.
2. Architectural or decorative elements designed by an artist, but not specifically commissioned by the city for a Capital Improvement Project site; or existing art elements which do not receive approval through the city's regular public art acquisition process.
3. Any costs incurred as a result of cost overruns incurred by the artist or contractor.

Administrative Costs

Up to 20 percent of the funds budgeted for a public art project may be used by the city for administration or conservation and related expenses incurred in the process of commissioning a public artwork. These expenses may include the following:

1. Information and publicity materials regarding public art projects.
2. Consultant or curatorial fees for services utilized by the city in the selection of an artist.
3. Developing, printing and distributing a request for proposal, request for qualification or a call for artist's project prospectus.
4. Travel expenses incurred by consultants and city staff deemed necessary to the project; and for artists selected as finalists who are required to travel for public art advisory committee meetings upon the city's request.
5. Proposal development fees for artist upon being selected to design, exclusive of travel and per diem; or maquette fees as approved by the Cultural Arts Office.
6. Technical assistance or advice to the cultural arts office staff as required to inspect, develop or install an artwork. Also, costs incurred in relationship to any structural integrity and safety compliance inspection or examination.
7. Rental of storage space as required which may be due to delay installing the work, should the city fail to prepare the site at the agreed upon installation date.
8. Documentation and media services required in the accession of the artwork into the public art collection, including plaques or labels.
9. Project dedication ceremonies and civic receptions related to public art projects.
10. Conservation costs: (See below for more details).
11. Community involvement and education related to public art.

Conservation Costs

Part of the 20 percent administration costs for a public art project may be held in a trust fund to conserve, maintain and repair artworks as needed by the city. The percentage amount will be determined by the Cultural Arts Office, and may be used as follows:

1. Routine maintenance: Removal of dust, dirt, maintenance of protective surfaces; tightening, adjusting or oiling; trimming of plant material (if part of the actual artwork), general cleaning (usually paid by the Host City Department).
2. Cyclic maintenance: Repainting, sealing, disassembly for inspection, reapplying protective surfaces, repatination (in specific cases).
3. Repair or restoration: Replacement of damaged or broken parts, manufacture of defective components, replacement of substructures or mountings, resurfacing (in extreme cases).
4. Removal and/or deaccession: The removal and destruction of an artwork upon the determination for deaccession and disposal as described in the deaccession report.
5. Inspection: Any costs related to the inspection of a public artwork, including the fees or costs incurred in hiring conservation professionals as consultants.

The conservation fund will not be used for the relocation of an artwork. The only exception will be if the relocation is to protect the work. In most cases, the host city department should pay for any relocation requested by that department. Funding for conservation costs and other maintenance may also be funded by direct allocation by City Council for such activities.

SELECTON PROCEDURES

General Process

The following methods may be used to select public art:

1. Open Competition: The proposed commission and site are widely publicized. Proposals are accepted from all qualified artists. A "Call to Artists" prospectus will be mailed to artists registered with or requesting forms from the Cultural Arts Office. Depending on the size of the commission, the competition may be local, regional or national. No proposal development fee will be paid at the initial stages. A fee will be paid to finalists only following their selection and upon approval by the Carlsbad Arts Commission.
2. Limited Competition: A small number of artists will be invited to participate in the competition. Each artist will be paid a fee to develop a proposal to be presented to a public art advisory committee for study and recommendation.
3. Collaboration: Based on reputation and experience, an artist is invited to develop a proposal for the site or to work collaboratively with architects, engineers or landscape architects to create artwork integral to a project.
4. Artist Registry: Periodically, the Cultural Arts Office may send out a call for artists or a request for qualifications to develop an artist registry for future public art projects.

Artists will be required to submit specific information to the Cultural Arts Office to be included in the registry for consideration for future public art projects. From time-to-time, selection committees may review the registry in selecting artists for art in public places project. In addition, the registry can be made available to developers as a resource. Applicants may also be considered for temporary exhibitions or special community projects.

When the Cultural Arts Office opens the registry for submissions, a public art advisory committee will be convened to act as a selection panel. The artist's registry offers the opportunity to consider all interested artists.

Public Art Advisory Committee

The public art advisory committee advises the Cultural Arts Office and Carlsbad Arts Commission on matters pertaining to public art and acts as the selection committee for public art projects. The members of a public art advisory committee will be selected on the basis of each members' specific expertise relating to public art or relationship to the project. Public art advisory committees may be convened by the cultural arts manager on a project specific basis or to serve on multiple public art projects. The committees meet (as necessary) to complete the artist selection or proposal review.

Voting members: All voting members shall meet the criteria established in at least one of the following four categories:

1. Artists or arts professionals who are:
 - a. Knowledgeable about contemporary art of related fields.
 - b. Respected within their field.
 - c. Capable of communicating effectively in a jury process.
 - d. Willing to be available for multiple or follow-up meetings if necessary
(No geographical restrictions on artists or arts professionals selected).
2. Carlsbad Arts Commission members who are assigned to the public art committee and who are:
 - a. Willing to represent the commission and the local community's interest in a public art project.
 - b. Willing to familiarize themselves with the public art process.
 - c. Capable of communicating effectively in a jury process.
 - d. Willing to be available for multiple or follow-up meetings if necessary.
3. Residents of Carlsbad who are:
 - a. Willing to represent the local community's interest in a public art project.
 - b. Willing to familiarize themselves with the public art process.
 - c. Capable of communicating effectively in a jury process.
 - d. Willing to be available for multiple or follow-up meetings if necessary.

4. City or other agency representative(s) who:
 - a. Represent the department or departments involved in the project to include public art.
 - b. An expert in the design, planning or implementation of the specific project involved.
 - c. Willing to carry out the City Council's mandate to implement an arts element.
 - d. Willing to be available for follow-up meetings and department consultations.

Non-voting members: The purpose of non-voting members is to offer advice and expertise to the public art advisory committee.

The panel may include the following non-voting members:

- a. Cultural Arts Office staff members.
- b. City department or agency representatives.
- c. Architects or engineers who may be involved on a Capital Improvement Project.
- d. Neighborhood association representatives or residents at large who live in the community.
- e. State or federal agency representatives either providing funding or granting permits for a public art project.
- f. Experts of paid consultants who have specialized knowledge required for a specific aspect of a project.

The public art advisory committee shall have the following responsibilities:

- a. Recommend artist(s)/artwork for each project to the Carlsbad Arts Commission.
- b. The cultural arts manager will facilitate the Carlsbad Arts Commission's determination of the public art advisory committee.
- c. The Carlsbad Arts Commission shall appoint two to three members to serve on the public art advisory committee. The public art advisory committee shall serve at the discretion of the cultural arts manager and may be removed by the cultural arts manager.

Selection Guidelines

Selection guidelines are established for each project by the Cultural Arts Office staff, with input from the Carlsbad Arts Commission. Each proposed project will be evaluated as to: artistic merit and appropriateness in terms of scale, materials and context relative to the site.

Artists will be selected on the basis of their qualifications as demonstrated by past work, appropriateness of the proposal to the particular project, and its probability of successful completion. In selecting artists and works of art, the panel shall recommend those artists and works of art of the highest aesthetic and artistic quality, and those which fulfill the goals of the project and the Art in Public Places Program. In all cases, consideration will be given to content, materials, construction, durability, maintenance, public access and safety; as well as site selection guidelines on page 12.

The Carlsbad Arts Commission will review the selection forwarded by the public art advisory committee and vote to accept or reject the recommendation. If the Carlsbad Arts Commission approves the selection, the Cultural Arts Office will proceed with the project and initiate the City Council approval process.

Appeal Process

The Carlsbad Arts Commission and the Cultural Arts Office have adopted a policy that provides for a process of appeal by an organization or individual whose proposal was not approved. The city manager makes final decisions in all matters in dealing with the denials of public art proposals based on staff input and the Carlsbad Arts Commission recommendations. Arts Commission meetings are public meetings held throughout the year, and provide opportunities for citizen comments on program guidelines, general and specific Carlsbad Arts Commission and Cultural Arts Office policies, objectives, budget requests, and other matters. During these meetings, public comment from organizations, artists and members of the public is encouraged. Contact the cultural arts manager for more information regarding an appeal of any public art proposal submission.

INSURANCE AND RISK MANAGEMENT

1. All public artworks commissioned by the city will be submitted to the risk manager at the planning and contract negotiation stages.
2. The risk manager will determine:
 - a. If liability insurance will be required.
 - b. The extent of coverage and limits of liability.
 - c. Any additional insurance or coverage required for fabrication and installation.
3. All artists working on a public art project are required to provide proof of automobile liability coverage to the risk manager if driving within the City of Carlsbad.
4. Additional certificates of coverage may be required if requested.

POLICY ON DONATED WORKS, GIFTS AND ACCESSIONS

Acquisitions Policy

Donated Works

Ordinance No. 1279, Chapter 2.18 of the Carlsbad Municipal Code states that the Arts Commission shall have power to “review and make recommendations upon all works of art to be acquired by the City, either by purchase, gift or otherwise and their proposed locations”. The City of Carlsbad encourages donations of works of Art in Public Places Program. As the City of Carlsbad grows, more and more people are interested in contributing to the cultural life of the city through the donation of works of art. There are instances, however, where work may be significant but not appropriate to accept: the work may be too costly for the city to install, or no appropriate site can be found, or maintenance may be costly; for example. The city wishes to encourage donations of works of art, but at the same time it must be sensitive to its fiduciary and stewardship responsibilities as well.

When gifts or donations are proposed for the commissioning or placement of major works of art or works of cultural or historic significance with any city department, the proposal shall be reviewed by the cultural arts manager and forwarded to the Carlsbad Arts Commission for review and consideration. This procedure shall also apply to works of art proposed for long-term loan to the city long term loan is defined as any loan longer than one year.

Objectives of this policy are:

- To provide uniform procedures for review and acceptance of gifts and long term loans of works of art or works of cultural or historic significance to the City of Carlsbad.
- To vest in a single city agency the responsibility for ensuring management and oversight of the city’s public works of art.
- To facilitate placement of works of art in city facilities or on city land.
- To maintain high artistic standards in works of art displayed by the City of Carlsbad.
- To provide for appropriate recognition of donors of works of art to the City of Carlsbad.

Procedures for potential donors are as follows:

1. The donor notifies the Cultural Arts Office in writing of his/her desire to donate an artwork or works of cultural or historic significance to the city, providing as many details as possible about the proposed gift.
2. Cultural Arts Office staff may consult with the donor on site selection and in development of cost estimates for installation and maintenance. The donor may also be asked to provide a professional appraisal of the artwork and disclose the value in writing.
3. The cultural arts manager will convene a public art advisory committee to review the proposed donation.

4. The public art advisory committee shall develop a recommendation on the acceptability of the gift of artwork based on the following criteria:
 - a. Its aesthetic quality.
 - b. The professional credentials of the artist.
 - c. Its suitability for public display in terms of: vulnerability to vandalism; safety; costs of site preparation, installation and insurance; and technical feasibility.
 - d. The most appropriate site for its installation and the ability of the recipient city department to maintain the site and the artwork.
5. The recommendation of the public art advisory committee is then brought forward to the Carlsbad Arts Commission for consideration.
6. If the Carlsbad Arts Commission rejects the donation offer, it is returned to the donor.

If the Carlsbad Arts Commission decides to move forward on the donation proposal, they can proceed in two ways:

1. The Carlsbad Arts Commission can make a recommendation to City Council to accept the artwork donation.
2. The Carlsbad Arts Commission can seek public input. Information about the work (model, renderings, artist information) is put on public display for review and comments from the public. Comments are then brought back to the Carlsbad Arts Commission who considers the matter for a second time and in turn, rejects the donation proposal or makes a recommendation to City Council to accept the artwork.
3. The City Council accepts the gift.
4. The city will only accept gifts without restrictions and waiver of all rights.

Upon acceptance of the art donation/gift, the Cultural Arts Office will complete an accession report along with a conservation record and an accession report. Once the gift and donations are accepted by City Council, the artwork becomes a part of the city's public art collection.

Temporary Public Art for Exhibition:

All of the above policies apply to donated artworks with the following exceptions:

1. An appraisal may or may not be required for temporary artwork.
2. The Carlsbad Arts Commission will make the determination if a temporary artwork loan is appropriate.
3. City Council approval will not be required for temporary art, except in cases involving public safety or other issues identified by the Cultural Arts Manager or the Commission.
4. Temporary public art and other visual art programs initiated or sponsored by the Cultural Arts Office do not require Carlsbad Arts Commission or City Council approval.

Donated Funds for Public Art

From time to time, individuals, civic business or corporate groups may wish to donate funds for the acquisition and placement of public art within the city or for maintenance of public artworks. The Carlsbad Arts Commission and the city wish to encourage donations of artwork or funds to acquire and maintain artworks.

All donated funds will be deposited in a special revenue account dedicated for the purpose of supporting public art upon acceptance by the City Council. All funds will be accepted without restriction or stipulations.

All funds will be spent in accordance with the provisions of the acquisitions policy, with the exception of sections addressing appraisal and review for acceptability of the gift.

Artworks acquired with the donated funds will be selected according to the selection procedures outlined in this document (see page 15).

Panel Review Process for Gifts and Donations

A public art advisory committee will review the artwork and develop a recommendation for the Carlsbad Arts Commission on the acceptability of the gift or donation. The donation will be processed according to the procedures outlined in the Art in Public Places Program. Upon acceptance of the art donation/gift, the Cultural Arts Office will complete an accession report along with a conservation record. Once the gift and donations are accepted by City Council, the artwork becomes part of the city's Art in Public Art Collection.

COLLECTION MANAGEMENT

Collection Management Goals

One of Carlsbad's Art in Public Places Program goals is to administer, maintain and conserve the public art collection. The premises for this goal are as follows:

1. Public art held in the civic collection are held as a public trust. The Host City Department has a legal obligation to protect artworks as both public assets and as objects of cultural significance.
2. Public art which is well cared for demonstrates a commitment to the cultural vitality of the city, and is a symbol of a community's civic pride.
3. The care and maintenance of a public artwork preserves the original intention of both the artist and the civic leaders who sponsored the artwork.
4. It is less expensive to maintain an artwork on a routine basis that it is to restore a damaged or neglected artwork.
5. A well-maintained artwork is a fixed public asset which retains its value and may appreciate in value over time.

All artworks acquired by commission, purchase, gift, or other means will be a fixed asset of the Host City Department and the city, and all artworks within the public art collection will fall under the administrative authority of the Cultural Arts Office. To ensure that the city and the public are offered a full accounting of public funds and assets regarding the public art collection, the Cultural Arts Office will maintain a complete registry of works within the collection.

Responsibilities:

Cultural Arts Office:

The Cultural Arts Office will provide for the inspection of and will report on each work of art in the public art collection on an ongoing basis, including the following information;

- a. Present location of the artwork.
- b. Present condition of the artwork.
- c. Recommendations in regard to necessary maintenance or repairs of the artwork.
- d. This regular inspection may be carried out by Cultural Arts Office staff, or may be contracted to a qualified individual or an approved conservation service.

Host City Department:

- a. Routine maintenance will be the responsibility of the Host City Department in consultation with the Cultural Arts Office. All repairs must be consistent with the routine maintenance schedule as completed by the artist and the Cultural Arts Office.
- b. In the case of extraordinary maintenance or repairs to the artwork, the Host City Department and the Cultural Arts Office may negotiate the manner and funding for the repairs.

- c. The Host City Department will not affect any extraordinary maintenance or repair to an artwork without the consent of the Cultural Arts Office.
- d. The Host City Department will not move an artwork from the site for which it was selected or remove it from display without prior approval of the Cultural Arts Office and the Carlsbad Arts Commission.

Deaccessioning Policy

Deaccessioning is defined here as the process by which the Cultural Arts Office and the Carlsbad Arts Commission recommends, acting in accordance with the policies and procedures City Council has adopted, approval to oversee the disposal of a work of art from the City of Carlsbad's public art collection through sale, trade or other public means. Periodically, the city's public art collection shall be evaluated by the Cultural Arts Office in order to determine what works, if any, will be deaccessioned.

It is recognized that the deaccessioning of artworks is a very delicate matter, and must be handled with the greatest diplomacy. Any apprehension on the part of donors and/or artists that their works might be disposed of to pay operating expenses or to satisfy the trading desires of the city could easily discourage and alienate potential donors and/or artists.

Moreover, if not properly conducted, deaccessioning can cause irreparable harm to the city's public art collection and, in certain cases, lead to legal action against the city. The Cultural Arts Office has a fiduciary obligation to maintain the public art collection for the benefit of Carlsbad residents.

The policies outlined below shall be subject to periodic review. From time to time, as necessary, the Carlsbad Arts Commission may recommend incorporation into this policy such additional guidelines as it deems essential.

Policies

1. No work of art may be deaccessioned until all policies set forth below have been observed.
2. Criteria for selecting works for deaccessioning:
The City of Carlsbad may choose to deaccession works only if, in the opinion of the cultural arts manager, they meet at least one of the following criteria:
 - a. If the city cannot properly care for or store the works.
 - b. If the works have little or no aesthetic and/or historical/cultural value.
 - c. If the works represent in large quantity a single artist of minor stature. In such a case, staff may recommend it both sufficient and desirable to retain only a representative selection.
 - d. If the works are duplicates (e.g., prints, sculptures, multiples) of lesser quality of works already in the collection.
 - e. If the work are copies or pastiches without significant historical, documentary or aesthetic value.

- f. If the works are forgeries or fakes. The Cultural Arts Office staff is responsible for ensuring that any forgery or fake it disposes of be identified as such when it leaves the city's public art collection.
 - g. Works whose condition requires restoration in gross excess of their aesthetic value or works is such a deteriorated stat that restoration would prove either unfeasible or misleading.
3. Application of monies raised from deaccession.

Monies raised from the sale of deaccessioned works shall be placed in a special revenue fund to be used only for acquisitions of new works or restoration for works in the city's public art collection.
4. Deaccessioning through trade.

In some cases, the Carlsbad Arts Commission may recommend to trade a deaccessioned work for another by the same artist.
5. All deaccessioned works are disposed of through public negotiations whether by sale, trade, or other means; unless that artwork is determined to be destroyed and beyond repair. In the first instance, the original artist will be offered the deaccessioned work, to be removed at the artist's expense.
6. Acknowledgements.

In acquiring an object through trade or through monies raised from the sale of deaccessioned objects, the Cultural Arts Office acknowledges in the credit of the acquired object the donor(s) of the original object or objects.
7. No work of art may be deaccessioned from the city's public art collection before five years have elapsed; unless that artwork is deemed to be destroyed and not repairable.
8. In keeping with the California Resale Royalties Act, if a deaccessioned work of art is sold, 5 percent of the sale price of any work valued over \$1,000 will be given to the artist who created the work, provided that the artist can be located by reasonable means. If the artist cannot be found, the Resale Royalty shall revert to a City of Carlsbad special revenue account dedicated for the purpose of supporting public art.
9. A recommendation for deaccessioning will be developed by the cultural arts manager and presented to the Arts Commission for review and approval. The Carlsbad Arts Commission will make a recommendation to City Council for deaccession. City Council ultimately makes the final determination.

Request for Removal or Relocation of Public Art

Procedures

A person wishing to remove or relocate a work in the City of Carlsbad's public art collection from its current display location must first complete a "Request for Removal or Relocation of Public Art" form (hereinafter, "request") sign his/her name, and mail or email the completed form to the Cultural Arts Office.

The request will be reviewed by the cultural arts manager. The cultural arts manager shall review the request and all available and relevant file material associated with the original development of the project. The cultural arts manager will forward a recommendation to the Carlsbad Arts Commission.

The Carlsbad Arts Commission will then review the "request", associated file materials and the cultural arts manager's recommendation and vote on a recommendation. If the Carlsbad Arts Commission disagrees with the complainant and votes not to recommend removal or relocation of the artwork, the matter ends. If the Carlsbad Arts Commission agrees with the complainant and votes to recommend removal or relocation of the artwork, the recommendation will be forwarded to City Council for final decision.

The complainant shall be notified of the Carlsbad Arts Commission's decision within 120 days of submitting the request.

Deaccessioning Report

The Cultural Arts Office will determine to deaccession a work of art when necessary due to deterioration, loss or transfer by gift, sale or exchange.

Deaccessioning an artwork will be recorded. A brief report should accompany these records stating who authorized the deaccession of the work, when the work was removed and how the work was disposed of.