

County of Santa Cruz

DEPARTMENT OF PARKS, OPEN SPACE & CULTURAL SERVICES

979 17TH AVENUE, SANTA CRUZ, CA 95062

(831) 454-7901 FAX: (831) 454-7940 TDD: (831) 454-7978

JEFF GAFFNEY
DIRECTOR

ARTS COMMISSION AGENDA – REGULAR MEETING

Monday, July 1, 2024
4:30 p.m.

Simpkins Family Swim Center, Community Room B
979 17th Avenue Santa Cruz, CA 95062

I. CALL TO ORDER / ROLL CALL

II. AGENDA MODIFICATIONS OR APPROVAL

III. ORAL COMMUNICATIONS: Any person may address the Commission during its Oral communication period. Speakers must not exceed two (2) minutes in length, or the time limit established by the Chair, and individuals may speak only once during Oral Communications. All Oral Communication must be directed to an item listed on today's Consent Agenda, yet to be heard on Regular Agenda, or a topic not on the agenda that is within the jurisdiction of the Commission. Commission members will not take actions or respond immediately to any Oral communication presented regarding topics not on the agenda but may choose to follow up later, either individually or on a subsequent Commission Agenda. Oral communications will normally be received by the Commission for a period not to exceed thirty (30) minutes. If, at the end of this period, additional persons wish to address the Commission, the Oral Communication period may be continued to the last item on the agenda.

IV. CONSENT AGENDA

- a. Approve meeting minutes from May 6, 2024..... Pages 2-3

V. DIRECTOR AND STAFF REPORTS

VI. REGULAR AGENDA

A. Information / Discussion Items

- 1. Annual presentation from Arts Council Santa Cruz County
- 2. Annual presentation from the Museum of Arts & History
- 3. Public Art & Design Guidelines – Report from subcommittee, including draft updates in strikethrough format and a clean copy Pages 4-19
- 4. Youth in Arts Subcommittee report
- 5. Santa Cruz County Chamber of Commerce – Arts Award Category

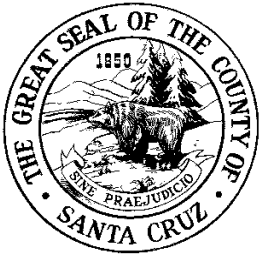
B. Action Items

- 1. Appoint two commissioners to the Lode St. Public Art Project selection panel

VII. AGENDA / MEETING FOR: September 9, 2024 – 4:30 PM

Public Art & Design Guidelines – Action Item

IX. ADJOURNMENT



County of Santa Cruz

PARKS, OPEN SPACE & CULTURAL SERVICES

979 17TH AVENUE, SANTA CRUZ, CA 95062

(831) 454-7901 FAX: (831) 454-7940 TDD: (831) 454-7978

JEFF GAFFNEY
DIRECTOR OF PARKS

ARTS COMMISSION MINUTES May 6, 2024, 4:30 p.m. – 979 17th Ave., Santa Cruz

- I. Called to order at 4:53 p.m. Present: Niven, Leclerc, Stabile, Kroslowitz, Singer, *Miranda, Rogers
Absent/Excused: Niven, Miranda Absent/Unexcused: Leclerc Vacant seats:1
Staff: Sarah Shea, Kathy DeWild

- II. Approved Agenda - Motion/Second: Stabile/Phillips
AYES: 6
NOES: 0
ABSTAIN: 0
ABSENT: 3



- III. Oral Communications – None

- VI. Approved Consent Agenda - Motion/Second: Stabile/Singer
AYES: 6
NOES: 0
ABSTAIN: 0
ABSENT: 3

V. Director & Staff reports

The budget for the upcoming fiscal year is status quo, and available for review on the County website soon. The Department is fortunate to have hired a new Administrative Services Manager, Juan Perez Alvarez. The Poetry & Music in the Park event at Mesa Village Park on 4/28 was a great success. If approved today, Bruce Harman’s contract and proposal for the Recovery Center public art project will go to the Board of Supervisors for their consideration on June 25. The Letters, a sculpture by artists David and Soo Choi, will be installed at the Live Oak Library Annex on June 3. The 2024 Artist of the Year “Profile Performance” will be held at the Kuumbwa Jazz Center on June 22, 7-9PM.

VI. Regular Agenda

A. Action Items

- 1. Approved Bruce Harman’s proposal for the Recovery Center public art project, and recommend the Board of Supervisors approve his contract.

Motion/Second: Phillips/Stabile
AYES: 6
NOES: 0
ABSTAIN: 0
ABSENT: 3

- 2. Selected three recipients for the Spotlight Award: Vivien Bassouamina, Brenda Leach, and Angelica Glass.

Motion/Second: Stabile/DeWorken
AYES: 6
NOES: 0
ABSTAIN: 0
ABSENT: 3

3. Selected Artist of the Year 2025 – Janet Johns.

Motion/Second: Singer/Stabile

AYES: 6
NOES: 0
ABSTAIN: 0
ABSENT: 3

4. Appoint Chair and Vice-chair of the Arts Commission, for a term starting July 1, 2024 and ending June 30, 2025: Niven, Chair; DeWorken: Vice-chair.

Motion/Second: Phillips/Rogers

AYES: 6
NOES: 0
ABSTAIN: 0
ABSENT: 3

5. Appoint one Commissioner to serve on the Floral Park public art panel (replace Leahy): Rogers

Motion/Second: Stabile/DeWorken

AYES: 6
NOES: 0
ABSTAIN: 0
ABSENT: 3

6. Appoint one Commissioner to serve on the Juvenile Hall public art panel (replace Leahy): DeWorken

Motion/Second: Stabile/Kroslowitz

AYES: 6
NOES: 0
ABSTAIN: 0
ABSENT: 3

7. Appoint one Commissioner to serve on the Youth in Arts subcommittee: DeWorken

Motion/Second: Rogers/Stabile

AYES: 6
NOES: 0
ABSTAIN: 0
ABSENT: 3

B. Information/Discussion Items

1. The Public Art Program subcommittee presented their progress and findings to date, along with some updates to the language for sections 1.0, 2.0, 3.0, and 6.0.
2. The Youth in Arts subcommittee has met with and surveyed teens from Mariposa Arts about their involvement and interest in the arts, finding that they are strongly attached to their community, and including their families when invited to attend art events is essential. They also met with Arts Council staff and Museum of Art & History staff.
3. New category for chamber awards is tabled to July 1 meeting.

VII. Next meeting date: July 1, 2024 – 4:30-6:00 PM. Agenda items may include:

- Public Art Program – report back from subcommittee and discussion, potential formation of standing committee.
- Appoint two commissioners to Lode St. public art project panel.
- Youth in the Arts – report back from subcommittee and discussion
- Arts & Cultural category for SC Chamber awards

VIII. Adjournment – 6:03 PM

Motion/Second: Phillips/Stabile

AYES: 6
NOES: 0
ABSTAIN: 0
ABSENT: 3

**SANTA CRUZ COUNTY
PUBLIC ART AND DESIGN GUIDELINES**

1.0 PURPOSE.

These are the guidelines Santa Cruz County utilizes for the purpose of implementing the public art and design program established by the Santa Cruz County Board of Supervisors.

2.0 VISION AND MISSION GOALS.

The ~~vision goals~~ of the public art program ~~is are~~ to: enhance the visual environment ~~for the citizens~~ of Santa Cruz County, by fostering collaborations between artists and a diverse array of collaborator entities and agencies. Its mission is to promote civic pride, equity and inclusion for all, and a sense of place, while spurring economic vitality for government and its citizens to integrate the design work of artists into the development of County public works projects, and to promote tourism and economic vitality of the County through the enhancement of public spaces.

3.0 DEFINITIONS. (See Appendix I)

4.0 DEVELOPMENT OF ANNUAL PUBLIC ART PLAN.

- 4.1 When a department envisions a capital improvement project which would be eligible for a public art component the Department Head shall meet with the Director of the County of Santa Cruz Department of Parks, Open Space and Cultural Services (POSCS) or designee, in order to develop a public art project description, budget and timeline for approval by the Board of Supervisors. The timeline shall ensure that the artist is selected and the contract executed before the project architect has finalized conceptual plans.
- 4.2 The Director of POSCS or designee shall present upcoming capital projects to the Arts Commission which will, on an annual basis, create a proposed Public Art Plan. This plan shall include the proposed art projects, budgets, recommendations for the specific approach to art in each of the projects and definition of the artist selection processes for approval by the Board of Supervisors. When possible, the presentation to the Board of Supervisors shall take place during the month of ~~August~~ January.
- 4.3 The Arts Commission may, from time to time during the course of the year, recommend to the Board of Supervisors modifications to the Public Art Plan.

5.0 USES OF FUNDS.

~~5.0~~

~~5.1 Inclusions.~~

~~a)~~ Funds, (1.5-2% of total construction cost as defined by the Board of Supervisors in the 1991 Ordinance (see Attachment II)) from eligible construction projects ~~may shall~~ be allocated for artists design services and the acquisition or commissioning of Public Art Projects.

~~a)~~ Up to five percent (5%) of the total funds ~~from allocated for a public art projects shall be placed in a special account~~ may be allocated and used for community education activities

and program support costs. Funds in this category may be expended for identifying plaques, documentation, ~~public amenities~~, dedications, advertising, artist selection costs, publicity, contracted services and other purposes recommended by the Arts Commission for the administration of the program and approved by the Board of Supervisors in the project budget.

- b) Up to fifteen percent (15%) of the total funds allocated for a public art project shall be placed in a special account to be used for coordination of the public art program by POSCS art and cultural staff
b)
- c) Five percent (5%) of the total funds allocated for a ~~from~~ public art projects ~~may shall~~ be ~~allocated and~~ placed in a special account for maintenance and preservation of art works funded by the Public Art Program.
- e)d) When funds total funds allocated for a public art project exceed \$200,000, \$5,000 of the total amount shall be placed in a special non-interest-bearing public art account. Upon recommendation of POSCS and the approval of the Arts Commission, any or all of the pooled funds may be used to provide public artworks or programs for underserved areas of the County. The Arts Commission may also propose projects that would be supported by these funds.

6.0 ARTWORKS.

6.1 Eligible Artworks:

It is the policy of the County of Santa Cruz that all artworks commissioned or acquired under the public art program be unique and designed by visual artists. Such artworks may include, but are not limited to, the following:

- a) Sculpture: free-standing, wall supported or suspended; kinetic, electronic; in any material or combination of durable materials suitable to the sitematerials.
- b) Murals or portable paintings: in any material or variety of materials, with or without collage or the addition of non-traditional materials or means.
- c) Earthworks, fiberworks, neon, glass, mosaics, photographs, prints, calligraphy, any combination of forms of media including sound, literary elements, film, holographic images, and video systems; hybrids of any media and new genres.
- d) Furnishings or fixtures, including but not limited to gates, railings, streetlights, signs, seating, if artist-created as unique elements or limited editions.
- e) Artistic or aesthetic elements of the overall architecture or landscape design if created by a professional artist or a design team that includes a professional visual artist.
- f) Temporary artworks or installations, if such artworks serve the purpose of providing community and educational outreach purposes.
- g) The incremental costs of infrastructure elements, such as sound walls, utility structures, roadway elements and other items if designed by an artist or design team that included an artist as a co-designer.

6.2 Ineligible Artworks.

- a) “Art objects” ~~which-that~~ are mass produced or of standard manufacture, such as playground equipment, fountains or statuary elements, unless incorporated into an artwork by a project artist.
- b) Reproductions, by mechanical or other means, of original works of art, except in the cases of film, video, photography, printmaking or other media arts.
- c) Decorative, ornamental, architectural or functional elements which are designed by the building architect, as opposed to elements created by an artist commissioned for that purpose.
- d) Landscape architecture and landscape gardening except where these elements are designed by a professional visual artist and/or are an integral part of the artwork by the artist.
- ~~e) — Services or utilities necessary to operate and maintain an artwork over time.~~
- ~~f) —~~ Art projects proposed by galleries or artist’s agents.
- ~~g) —~~ Specifically excluded are artworks done by students under the supervision of art instructors or done to satisfy course requirements; artworks by the design architect (or other relevant professionals or members of the project design firm); and works by artists who are members of, or related to (immediate family), staff or members of the Arts Commission or the artist selection panel for the project.

7.0 RESPONSIBILITIES.

7.1 The Board of Supervisors shall:

- 7.1.1 Review and may approve the annual Public Art Plan proposed by the Arts Commission.
- 7.1.2 Appropriate public art funds as part of the annual plant acquisition budget process, and direct departments to place the funds into ~~the a~~ non-interest-bearing public art fund account at the appropriate time.
- 7.1.3 Review and may approve recommendations from the Arts Commission for selection of artist(s) for Public Art projects.
- 7.1.4 Review and may approve contracts for the purchase of design services and artworks.
- 7.1.5 Review and may approve revisions to public art policies and guidelines.

7.2 The Arts Commission shall:

- 7.2.1 Manage the public art program, including recommending rules, regulations, policies and guidelines, consistent with the 1991 public art ordinance established by the Board of Supervisors.
- 7.2.2 Monitor the overall development of the County art program, including ensuring that applications from Santa Cruz-based and regional artists are solicited in the program and ensuring that the program is reflective of the community’s cultural diversity.

- 7.2.3 Provide a reporting mechanism for regular surveys of the condition of the collection and make recommendations for the care and maintenance of the art works as needed.
- 7.2.4 Review and may approve ~~Develop~~ the annual Public Art Plan (see Appendix I) and present the plan to the Board of Supervisors.
- 7.2.5 Appoint up to two Arts Commissioners to serve on art selection panels~~Establish a pool of artist selection panelists and constitute artist selection panels.~~

Panels shall be coordinated by POSCS staff~~appointed by the County Arts Commission~~ and be composed, in most cases, of at least five but not more than seven voting members including: one to two members of the community, one to two members of the Arts Commission, two artists or arts professionals (designer, curator, collector, public art administrator, etc.), and one representative from the County department at which the project will be located. The artist selection panel may also include one or more non-voting advisors, including (a) the project architect, (b) the project manager, and c) other persons deemed appropriate by the Arts Commission. The composition of each Artist Selection Panel will depend on the nature of each project and site.

- 7.2.6 Develop a concise written charge to each artist selection panel which:

- a) Outlines the objectives and parameters.
- b) Defines a selected approach for the art-work.
- c) Defines the method to be used for artist selection.
- d) Determines whether the project should be a design collaboration.

- 7.2.7 Review and may approve the recommendations of the artist selection panel and make recommendations to the Board of Supervisors for the Board's selection of an artist.

- 7.2.8 Periodically review and recommend changes in the public art ordinance, policies, guidelines and procedures to the Board.

- 7.3 The County Department(s) with an eligible capital improvement project shall:

- 7.3.1 Meet with POSCS arts program staff~~the Arts Commission~~ to discuss the project (prior to the architect selection process) which is eligible for public art treatment and participate in the Public Artist selection process to determine recommendations to the Board of Supervisors.

- 7.3.2 Include information about the Public Art Component for a project during the Architect Selection process.

- 7.4 The Artist Selection Panel shall:

- 7.4.1 Respond to the charge of the Arts Commission, outlining how the selection of the artist(s) or artwork meets the criteria for the project.

- 7.4.2 Review the credentials, prior work, proposals and other materials submitted by artists for the project.

7.4.3 Be sensitive to the public nature of the project and the community where it is sited, as well as the need/necessity for cultural diversity in the public art program.

7.5 POSCS staff shall manage all aspects of the public art program

7.5.6 Conflicts of Interest

Artists (or members of their immediate families or business partners) serving as members of the Arts Commission may not be commissioned under, or receive any direct financial benefit from, any County public art project during the term of their tenure on the Commission. This restriction shall extend for a period of one year following Commission membership and shall extend indefinitely for any specific projects which were reviewed or otherwise acted upon during the artist's membership on the Commission. An artist serving on an Artist Selection Panel may not be considered for that project, but may be eligible for other projects. Members of the Artist Selection Panels must declare any conflict of interest and abstain from voting if a conflict of interest arises.

8.0 SELECTION OF ARTISTS

Selecting the "appropriate" artist, whether to create a discreet artwork or to participate in a design collaboration, is the single most important decision in the public art process. Special care must be taken in all aspects of artist selection in order to ensure the best possible public art project, taking into account the goals of the project, the community served, the nature of the site, and the other members of the design team.

8.1 Eligibility Requirements: for each project will be established by the Arts Commission.

8.1.1 Artists will be selected on the basis of their qualification(s) as demonstrated by past work, appropriateness of the proposal to the particular project and site, and its probability of successful completion. During the artist recruitment and selection process every effort will be made to include recruitment of Santa Cruz County-based artists.

8.1.2 Selection of artists will be without regard or discrimination against applicant for employment because of race, color, religion, national origin, ancestry, physical or mental disability, medical condition (~~cancer-related~~), marital status, sex, sexual orientation, age (over 40), veteran status, or any other non-merit factor.

8.1.3 Selections will involve commissioned work by living artists. In general, the purchase of existing works will not be considered, unless there are extraordinary circumstances that make this approach advisable for a particular project.

8.1.4 In the selection of the artist, it is a goal to provide for as broad a representation of different artists and art forms as possible, as well as to provide public art that reflects the County's cultural diversity.

8.2 Selection of Artists

The method of selection shall be an open competition. During an open competition any artist may submit credentials or proposals, subject to any requirements established by the art selection panel. Calls for ~~entries~~ Artists will be sufficiently detailed to permit artists to determine whether their work is appropriate to the project under consideration. Requests for proposals ~~Press releases~~ will be issued announcing the open competition via press releases, social media posts, POSCS website, and other methods. In addition, lists will be kept and used for artists wishing to be informed of such offerings opportunities. Local organizations and educational institutions such as ~~the Cultural Arts~~

Council Santa Cruz County, the Museum of Art and History, the Santa Cruz Art League, Mountain Arts Center, and the Pajaro Valley Arts Council, and the Art Departments of UCSC, Cabrillo and San Jose State, Aptos High School, Soquel High School, San Lorenzo Valley High School, Harbor High School, Watsonville High School, and Renaissance High School, will be informed and encouraged to notify their memberships and students of such competitions. In the artist selection process, No funds will be expended on advertising outside Santa Cruz County or to provide travel expenses for artists submitting proposals.

8.3 Criteria for Selection of Artists or Artworks.

8.3.1 Quality - the highest priority is the design capability of the artist(s) and the inherent quality of the artwork(s).

8.3.2 Media - all art forms of visual arts may be considered, subject to any recommendations or requirements set by POSCS staff in coordination with the involved department, the artist selection panel or the Arts Commission.

8.3.3 Style - artworks of all schools, styles, and tastes should be considered for the County Public Art Program.

8.3.4 Nature - artworks should be appropriate in scale, materials, form and content for the immediate social and physical environments with which they relate.

8.3.5 Permanence - consideration should be given to structural and surface integrity, permanence, and protection of the artwork against theft, vandalism, weathering, excessive maintenance and repair costs.

8.3.6 Elements of design - consideration should be given to the fact that public art is a genre that is created in a public context and that must be judged by standards that embrace factors other than the aesthetic, including public participation, social and political attitudes, and functional considerations. Public art may also serve to establish focal points; terminate areas; modify, enhance or define specific spaces; establish identify identity; or address specific issues of urban design.

8.3.7 Public liability - artworks should be examined for unsafe conditions or factors that may bear on public liability.

~~8.3.8 Diversity the Public Art Program should strive for diversity of style, scale and media.~~

9.0 RESPONSIBILITIES OF SELECTED PUBLIC ARTIST

~~9.1 Artist~~

a) Within the terms of the contract, the artist shall Guarantee and maintain the artwork against all defects of material or workmanship for a period of one (1) year following installation.

b) Within the terms of the contract, the artist shall provide ~~the POSCS staff Arts Commission~~ with detailed drawings of the installation of the artwork and with detailed instructions regarding routine and extraordinary long-term maintenance of the artwork.

c) Within the terms of the contract, all repairs and restorations which are made to the artwork

within the lifetime of the artist shall have the mutual agreement of the County and the artist, and to the extent practical, the artist shall be given the opportunity to accomplish such repairs at a reasonable fee.

10.0 PROVISION FOR REVIEW AND AMENDMENT.

These guidelines are subject to review and revision by the Arts Commission and approval by the Board of Supervisors.

APPENDIX I

DEFINITIONS.

- 1) Public art: a reflection of how we see the world; it is a part of our public history, part of our evolving culture and our collective memory. It reflects and reveals community values, enhances our environment, transforms a landscape, heightens our awareness, or questions our assumptions. It may be tangible or intangible (permanent or ephemeral?), conventional or unconventional. Situated in public sites, this art is there for everyone, a form of collective community expression that can define “place.” Not all art will appeal to all people. Every public art project is an interactive process between multiple, diverse entities and agencies intended to enhance, rather than limit, the artist’s involvement and the viewer’s response
- 1) Public Art Plan: a prioritized list of public art projects, with budgets and recommended design approach, updated on an annual basis by the Arts Commission in consultation with community groups and the County agencies anticipating capital improvement projects. This plan is to be presented annually to the Board of Supervisors for review and approval.
- 2) Artwork: work in a variety of media produced by visual artists which may include non-visual elements. The public art program should encompass the broadest possible range of expression, media and materials. Works may be permanent or temporary, functional or non-functional.
- 4) Artist Design Services: services by visual artists to develop designs for artworks or other architectural, landscape or urban design elements, either individually or as a member of a project design team.
- 5) Digital Art: An artistic work or practice that uses digital technology as part of the creative or presentation process.
- 6) New Media: All types of contemporary art created, edited, or broadcast by new media technology. This includes works created with computer animation, virtual reality, video games, robotics, biotechnology and 3D printing, as well as what falls under the types of digital art.
- 3)

ATTACHMENT II

A PROGRAM TO PROVIDE PUBLIC ART IN THE DEVELOPMENT OF CERTAIN COUNTY CONSTRUCTION PROJECTS - COUNTY OF SANTA CRUZ

I. PURPOSE

It is a goal of the County of Santa Cruz to expand, within available resources, the public's experience with public Arts and to make available to County residents artwork of the highest quality that will in turn enhance the quality of life in Santa Cruz County and to help create a more visually pleasing and humane environment.

II. DESCRIPTION

In acknowledgment of this goal, it shall be the policy of the county to include consideration of the provision of public art in the design and development of any County capital building project in excess of ~~\$250,000+00,000~~ for buildings located in highly visible public areas or areas regularly frequented by or accessible to the general public. In addition, funding for public art shall be considered for any remodeling project of an existing building in excess of ~~\$250,000+00,000~~ when the purpose of the project is to enlarge or improve the space in the building regularly frequented by the general public of which is located in a highly visible area and which is constructed by or for the County of Santa Cruz.

Eligible projects shall be considered for the Percent for the Arts budget allowance as part of the County's annual budget cycle. If approved, a budget allowance of 2% of total construction costs ~~may~~shall be allocated for works of art for projects subject to this policy. For any County construction project involving jails or detention facilities, a budget allowance of 1.5% of the total construction costs ~~may~~shall be allocated for works of art. Allocations for Parks project shall be required at the 2% level.

If eligible projects are recommended to be excluded from the Percent for the Arts allocation, the basis for this shall be included in the budget recommendations.

If during budget hearings, or thereafter, the Board of Supervisors approves an eligible project and sets aside an amount for public art, a separate line item shall be established to track expenditures for this purpose.

III. EXCLUSIONS

Projects not deemed eligible for this program include:

- (a) Historic buildings as designated from time to time by the County or by the State or Federal government.
- (b) Projects wherein a financing source by statute or regulation preclude such uses.
- (c) Projects involving only remodeling for maintenance purposes, such as roof repairs, elevator repairs and communications systems, or remodeling of interior office spaces which are not regularly frequented by the public.
- (d) Projects requiring reconstruction or rebuilding because of a Presidentially-declared disaster.
- (e) Affordable housing projects unless the policy can be applied without rendering the project infeasible.

SANTA CRUZ COUNTY PUBLIC ART AND DESIGN GUIDELINES

1.0 PURPOSE.

These are the guidelines Santa Cruz County utilizes for the purpose of implementing the public art and design program established by the Santa Cruz County Board of Supervisors.

2.0 VISION AND MISSION.

The vision of the public art program is to: enhance the visual environment of Santa Cruz County, by fostering collaborations between artists and a diverse array of collaborator entities and agencies. Its mission is to promote civic pride, equity and inclusion for all, and a sense of place, while spurring economic vitality for government and its citizens.

3.0 DEFINITIONS. (See Appendix I)

4.0 DEVELOPMENT OF ANNUAL PUBLIC ART PLAN.

- 4.1 When a department envisions a capital improvement project which would be eligible for a public art component the Department Head shall meet with the Director of the County of Santa Cruz Department of Parks, Open Space and Cultural Services (POSCS) or designee, in order to develop a public art project description, budget and timeline for approval by the Board of Supervisors. The timeline shall ensure that the artist is selected and the contract executed before the project architect has finalized conceptual plans.
- 4.2 The Director of POSCS or designee shall present upcoming capital projects to the Arts Commission which will, on an annual basis, create a proposed Public Art Plan. This plan shall include the proposed art projects, budgets, recommendations for the specific approach to art in each of the projects and definition of the artist selection processes for approval by the Board of Supervisors. When possible, the presentation to the Board of Supervisors shall take place during the month of January.
- 4.3 The Arts Commission may, from time to time during the course of the year, recommend to the Board of Supervisors modifications to the Public Art Plan.

5.0 USES OF FUNDS.

Funds, (1.5-2% of total construction cost as defined by the Board of Supervisors in the 1991 Ordinance (see Attachment II)) from eligible construction projects shall be allocated for artists design services and the acquisition or commissioning of Public Art Projects.

- a) Up to five percent (5%) of the total funds allocated for a public art project shall be placed in a special account and used for community education activities and program support costs. Funds in this category may be expended for identifying plaques, documentation, , dedications, advertising, artist selection costs, publicity, contracted services and other purposes recommended by the Arts Commission for the administration of the program and approved by the Board of Supervisors in the project budget.

- b) Up to fifteen percent (15%) of the total funds allocated for a public art project shall be placed in a special account to be used for coordination of the public art program by POSCS art and cultural staff
- c) Five percent (5%) of the total funds allocated for a public art projects shall be placed in a special account for maintenance and preservation of art works funded by the Public Art Program.
- d) When funds total funds allocated for a public art project exceed \$200,000, \$5,000 of the total amount shall be placed in a special non-interest-bearing public art account. Upon recommendation of POSCS and the approval of the Arts Commission, any or all of the pooled funds may be used to provide public artworks or programs for underserved areas of the County. The Arts Commission may also propose projects that would be supported by these funds.

6.0 ARTWORKS.

6.1 Eligible Artworks:

It is the policy of the County of Santa Cruz that all artworks commissioned or acquired under the public art program be unique and designed by visual artists. Such artworks may include, but are not limited to, the following:

- a) Sculpture: free-standing, wall supported or suspended; kinetic, electronic; in any material or combination of durable materials suitable to the site.
- b) Murals or portable paintings: in any material or variety of materials, with or without collage or the addition of non-traditional materials or means.
- c) Earthworks, fiberworks, neon, glass, mosaics, photographs, prints, calligraphy, any combination of forms of media including sound, literary elements, film, holographic images, and video systems; hybrids of any media and new genres.
- d) Furnishings or fixtures, including but not limited to gates, railings, streetlights, signs, seating, if artist-created as unique elements or limited editions.
- e) Artistic or aesthetic elements of the overall architecture or landscape design if created by a professional artist or a design team that includes a professional visual artist.
- f) Temporary artworks or installations, if such artworks serve the purpose of providing community and educational outreach purposes.
- g) The incremental costs of infrastructure elements, such as sound walls, utility structures, roadway elements and other items if designed by an artist or design team that included an artist as a co-designer.

6.2 Ineligible Artworks.

- a) “Art objects” that are mass produced or of standard manufacture, such as playground equipment, fountains or statuary elements, unless incorporated into an artwork by a project artist.
- b) Reproductions, by mechanical or other means, of original works of art, except in the cases of film, video, photography, printmaking or other media arts.
- c) Decorative, ornamental, architectural or functional elements which are designed by the building architect, as opposed to elements created by an artist commissioned for that purpose.
- d) Landscape architecture and landscape gardening except where these elements are designed by a professional visual artist and/or are an integral part of the artwork by the artist.
- e) Art projects proposed by galleries or artists’ agents.
- f) Specifically excluded are artworks done by students under the supervision of art instructors or done to satisfy course requirements; artworks by the design architect (or other relevant professionals or members of the project design firm); and works by artists who are members of, or related to (immediate family), staff or members of the Arts Commission or the artist selection panel for the project.

7.0 RESPONSIBILITIES.

7.1 The Board of Supervisors shall:

- 7.1.1 Review and may approve the annual Public Art Plan proposed by the Arts Commission.
- 7.1.2 Appropriate public art funds as part of the annual plant acquisition budget process, and direct departments to place the funds into a non-interest-bearing public art fund account at the appropriate time.
- 7.1.3 Review and may approve recommendations from the Arts Commission for selection of artist(s) for Public Art projects.
- 7.1.4 Review and may approve contracts for the purchase of design services and artworks.
- 7.1.5 Review and may approve revisions to public art policies and guidelines.

7.2 The Arts Commission shall:

- 7.2.1 Manage the public art program, including recommending rules, regulations, policies and guidelines, consistent with the 1991 public art ordinance established by the Board of Supervisors.
- 7.2.2 Monitor the overall development of the County art program, including ensuring that applications from Santa Cruz-based and regional artists are solicited in the program and ensuring that the program is reflective of the community’s cultural diversity.

- 7.2.3 Provide a reporting mechanism for regular surveys of the condition of the collection and make recommendations for the care and maintenance of the art works as needed.
- 7.2.4 Review and may approve the annual Public Art Plan (see Appendix I) and present the plan to the Board of Supervisors.
- 7.2.5 Appoint up to two Arts Commissioners to serve on art selection panels.

Panels shall be coordinated by POSCS staff and be composed, in most cases, of at least five but not more than seven voting members including: one to two members of the community, one to two members of the Arts Commission, two artists or arts professionals (designer, curator, collector, public art administrator, etc.), and one representative from the County department at which the project will be located. The artist selection panel may also include one or more non-voting advisors, including (a) the project architect, (b) the project manager, and c) other persons deemed appropriate by the Arts Commission. The composition of each Artist Selection Panel will depend on the nature of each project and site.

- 7.2.6 Develop a concise written charge to each artist selection panel which:
 - a) Outlines the objectives and parameters.
 - b) Defines a selected approach for the artwork.
 - c) Defines the method to be used for artist selection.
 - d) Determines whether the project should be a design collaboration.

- 7.2.7 Review and may approve the recommendations of the artist selection panel and make recommendations to the Board of Supervisors for the Board's selection of an artist.
- 7.2.8 Periodically review and recommend changes in the public art ordinance, policies, guidelines and procedures to the Board.

7.3 The County Department(s) with an eligible capital improvement project shall:

- 7.3.1 Meet with POSCS arts program staff to discuss the project (prior to the architect selection process) which is eligible for public art treatment and participate in the Public Artist selection process to determine recommendations to the Board of Supervisors.
- 7.3.2 Include information about the Public Art Component for a project during the Architect Selection process.

7.4 The Artist Selection Panel shall:

- 7.4.1 Respond to the charge of the Arts Commission, outlining how the selection of the artist(s) or artwork meets the criteria for the project.
- 7.4.2 Review the credentials, prior work, proposals and other materials submitted by artists for the project.
- 7.4.3 Be sensitive to the public nature of the project and the community where it is sited, as well as the need for cultural diversity in the public art program.

7.5 POSCS staff shall manage all aspects of the public art program

7.6 Conflicts of Interest

Artists (or members of their immediate families or business partners) serving as members of the Arts Commission may not be commissioned under, or receive any direct financial benefit from, any County public art project during the term of their tenure on the Commission. This restriction shall extend for a period of one year following Commission membership and shall extend indefinitely for any specific projects which were reviewed or otherwise acted upon during the artist's membership on the Commission. An artist serving on an Artist Selection Panel may not be considered for that project, but may be eligible for other projects. Members of the Artist Selection Panels must declare any conflict of interest and abstain from voting if a conflict of interest arises.

8.0 SELECTION OF ARTISTS

Selecting the “appropriate” artist, whether to create a discreet artwork or to participate in a design collaboration, is the single most important decision in the public art process. Special care must be taken in all aspects of artist selection in order to ensure the best possible public art project, taking into account the goals of the project, the community served, the nature of the site, and the other members of the design team.

8.1 Eligibility Requirements: for each project will be established by the Arts Commission.

8.1.1 Artists will be selected on the basis of their qualification(s) as demonstrated by past work, appropriateness of the proposal to the particular project and site, and its probability of successful completion. During the artist recruitment and selection process every effort will be made to include recruitment of Santa Cruz County-based artists.

8.1.2 Selection of artists will be without regard or discrimination against applicant for employment because of race, color, religion, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, sexual orientation, age (over 40), veteran status, or any other non-merit factor.

8.1.3 Selections will involve commissioned work by living artists. In general, the purchase of existing works will not be considered, unless there are extraordinary circumstances that make this approach advisable for a particular project.

8.1.4 In the selection of the artist, it is a goal to provide for as broad a representation of different artists and art forms as possible, as well as to provide public art that reflects the County's cultural diversity.

8.2 Selection of Artists

The method of selection shall be an open competition. During an open competition any artist may submit credentials or proposals, subject to any requirements established by the art selection panel. Calls for Artists will be sufficiently detailed to permit artists to determine whether their work is appropriate to the project under consideration. Requests for proposals will be issued announcing the open competition via press releases, social media posts, POSCS website, and other methods. In addition, lists will be kept and used for artists wishing to be informed of such opportunities. Local organizations and educational institutions such as Arts Council Santa Cruz County, the Museum of Art and History, the Santa Cruz Art League, Mountain Arts Center, and Pajaro Valley Arts will be informed and encouraged to notify their memberships and students of such competitions. In the

artist selection process, no funds will be expended to provide travel expenses for artists submitting proposals.

8.3 Criteria for Selection of Artists or Artworks.

- 8.3.1 Quality - the highest priority is the design capability of the artist(s) and the inherent quality of the artwork(s).
- 8.3.2 Media - all art forms may be considered, subject to any recommendations or requirements set by POSCS staff in coordination with the involved department.
- 8.3.3 Style - artworks of all styles should be considered for the County Public Art Program.
- 8.3.4 Nature - artworks should be appropriate in scale, materials, form and content for the immediate social and physical environments with which they relate.
- 8.3.5 Permanence - consideration should be given to structural and surface integrity, permanence, and protection of the artwork against theft, vandalism, weathering, excessive maintenance and repair costs.
- 8.3.6 Elements of design - consideration should be given to the fact that public art is a genre that is created in a public context and that must be judged by standards that embrace factors other than the aesthetic, including public participation, social and political attitudes, and functional considerations. Public art may also serve to establish focal points; terminate areas; modify, enhance or define specific spaces; establish identity; or address specific issues of urban design.
- 8.3.7 Public liability - artworks should be examined for unsafe conditions or factors that may bear on public liability.

9.0 RESPONSIBILITIES OF SELECTED PUBLIC ARTIST

- a) Within the terms of the contract, the artist shall Guarantee and maintain the artwork against all defects of material or workmanship for a period of one (1) year following installation.
- b) Within the terms of the contract, the artist shall provide POSCS staff with detailed drawings of the installation of the artwork and with detailed instructions regarding routine and long-term maintenance of the artwork.
- c) Within the terms of the contract, all repairs and restorations which are made to the artwork within the lifetime of the artist shall have the mutual agreement of the County and the artist, and to the extent practical, the artist shall be given the opportunity to accomplish such repairs at a reasonable fee.

10.0 PROVISION FOR REVIEW AND AMENDMENT.

These guidelines are subject to review and revision by the Arts Commission and approval by the Board of Supervisors.

APPENDIX I

DEFINITIONS.

- 1) Public art: a reflection of how we see the world; it is a part of our public history, part of our evolving culture and our collective memory. It reflects and reveals community values, enhances our environment, transforms a landscape, heightens our awareness, or questions our assumptions. It may be tangible or intangible (permanent or ephemeral?), conventional or unconventional. Situated in public sites, this art is there for everyone, a form of collective community expression that can define “place.” Not all art will appeal to all people. Every public art project is an interactive process between multiple, diverse entities and agencies intended to enhance, rather than limit, the artist’s involvement and the viewer’s response
- 2) Public Art Plan: a prioritized list of public art projects, with budgets and recommended design approach, updated on an annual basis by the Arts Commission in consultation with community groups and the County agencies anticipating capital improvement projects. This plan is to be presented annually to the Board of Supervisors for review and approval.
- 3) Artwork: work in a variety of media produced by visual artists which may include non-visual elements. The public art program should encompass the broadest possible range of expression, media and materials. Works may be permanent or temporary, functional or non-functional.
- 4) Artist Design Services: services by visual artists to develop designs for artworks or other architectural, landscape or urban design elements, either individually or as a member of a project design team.
- 5) Digital Art: An artistic work or practice that uses digital technology as part of the creative or presentation process.
- 6) New Media: All types of contemporary art created, edited, or broadcast by new media technology. This includes works created with computer animation, virtual reality, video games, robotics, biotechnology and 3D printing, as well as what falls under the types of digital art.

ATTACHMENT II

A PROGRAM TO PROVIDE PUBLIC ART IN THE DEVELOPMENT OF CERTAIN COUNTY CONSTRUCTION PROJECTS - COUNTY OF SANTA CRUZ

I. PURPOSE

It is a goal of the County of Santa Cruz to expand, within available resources, the public's experience with public Arts and to make available to County residents artwork of the highest quality that will in turn enhance the quality of life in Santa Cruz County and to help create a more visually pleasing and humane environment.

II. DESCRIPTION

In acknowledgment of this goal, it shall be the policy of the county to include consideration of the provision of public art in the design and development of any County capital building project in excess of \$250,000 for buildings located in highly visible public areas or areas regularly frequented by or accessible to the general public. In addition, funding for public art shall be considered for any remodeling project of an existing building in excess of \$250,000 when the purpose of the project is to enlarge or improve the space in the building regularly frequented by the general public of which is located in a highly visible area and which is constructed by or for the County of Santa Cruz.

Eligible projects shall be considered for the Percent for the Arts budget allowance as part of the County's annual budget cycle. If approved, a budget allowance of 2% of total construction costs shall be allocated for works of art for projects subject to this policy. For any County construction project involving jails or detention facilities, a budget allowance of 1.5% of the total construction costs shall be allocated for works of art. Allocations for Parks project shall be required at the 2% level.

If eligible projects are recommended to be excluded from the Percent for the Arts allocation, the basis for this shall be included in the budget recommendations.

If during budget hearings, or thereafter, the Board of Supervisors approves an eligible project and sets aside an amount for public art, a separate line item shall be established to track expenditures for this purpose.

III. EXCLUSIONS

Projects not deemed eligible for this program include:

- (a) Historic buildings as designated from time to time by the County or by the State or Federal government.
- (b) Projects wherein a financing source by statute or regulation preclude such uses.
- (c) Projects involving only remodeling for maintenance purposes, such as roof repairs, elevator repairs and communications systems, or remodeling of interior office spaces which are not regularly frequented by the public.
- (d) Projects requiring reconstruction or rebuilding because of a Presidentially-declared disaster.
- (e) Affordable housing projects unless the policy can be applied without rendering the project infeasible.