

Public Art Program Guidelines Receipt Acknowledgement

I, _____ have received a copy of the Public Art Program Guidelines for Private Developers.

By signing this document I am stating that I am the applicant or an authorized representative of the applicant on the project located at _____, Ojai, California. I have received a copy of the Public Art Program Guidelines and understand that my project will be subject to the Public Art Ordinance if the total building valuation, as established by the Building Official, is \$300,000 or more.

Signature

Date

CITY OF OJAI



PUBLIC ART PROGRAM

GUIDELINES for PRIVATE DEVELOPERS

Note: These Guidelines do not replace or supplant the Ojai Municipal Code (CH. 16, Article 2. Public Art Program). The Guidelines provide a template for successfully navigating the Public Art Program requirement.

(Updated January, 2021)

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Public Art Consultant and Appraiser Resource List.

Copy of Municipal Code CH. 16, Article 2. Public Art Program.

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OVERVIEW OF THE PUBLIC ART PROGRAM

In 2003, the Ojai City Council adopted its first Public Art Program to enrich the built environment of the City, to increase the understanding and enjoyment of art by residents and visitors, to add to the economic viability of the City, to encourage artistic cooperation among various disciplines, and to invite public interaction with public spaces.

The Public Art Program requires that 2% of the total building valuation be set aside for original artwork to be placed at the site of a covered project in a manner consistent with the Public Art Ordinance. The Public Art Program of the City of Ojai is intended to:

- Improve the quality of life for City residents, workers and visitors by providing the development of cultural and artistic resources and by enhancing the City's visual image.
- Develop a Public Art Program that is unique to Ojai, and provide diverse artworks of the highest quality
- Increase the understanding and enjoyment of public art by Ojai's citizens.
- Integrate art in a sensitive manner with the proposed development sites and City surroundings.
- Invite public participation in, and interaction with, public spaces.
- Provide artistic diversity in the use of media and artistic expression.
- Encourage interdisciplinary arts.
- Include works by local, regional, national and international artists that are suitable for viewing by a diverse community audience.
- Encourage collaborations between artists, architects, and engineers.
- Support artist participation on design teams for planning public projects.

WHAT IS PUBLIC ART?

Public Art is original artwork created by artists for spaces accessible to the public for specified time periods. Public Art includes but is not limited to:

- Sculpture in any material or combination of materials.
- Street furniture.
- Mosaics/tile.
- Stained glass.
- Mixed media using any combination of forms or media.
- Waterworks, such as fountains that are commissioned from an artist.

NOTE: Examples of artwork not considered public art include but are not limited to art reproductions, mass produced art objects, decorative and ornamental artwork, ornamental or functional landscapes, architectural rehabilitation of historical buildings, artwork created by students to fulfill course requirements, art by members of the Arts Commission. (Ojai Municipal Code (OMC) Sec. 4-16-204).

WHO MUST COMPLY? (COVERED PROJECTS)

The Public Art Program requires that an assessment be paid on the following types of private development projects with a value of \$300,000.00 or more:

- All new residential development consisting of five (5) or more units.
- All remodeling, repair, or reconstruction of residential housing consisting of five (5) units or more the cost of which is Three Hundred Thousand (\$300,000) or more.
- All commercial, manufacturing, institutional recreation, village mixed use, remodeling, repair or reconstruction exceeding Three Hundred Thousand Dollars (\$300,000) in value.
- Exceptions: Please see OMC Sec. 4-16-205(b) and 4-16.206 for a list of compliance exceptions.

DETERMINING THE PUBLIC ART PROGRAM COMPLIANCE ALLOCATION

The total amount expended on public art by any developer is not less than 2% of the total building valuation for the first \$1,000,000 of construction costs and not less than 1% thereafter up to the total building valuation costs.

The total building valuation is computed by the Ojai City Building Official using the latest building valuation data as set forth by the International Code Council (ICC) unless, in the opinion of the Arts Commission, a different valuation measure should be used. (OMC Sec. 4-16.208).

QUICK FACTS ON PROGRAM COMPLIANCE

Prior to the issuance of a building permit by the City of Ojai, an artwork proposal must be reviewed and approved by CAPA, the Committee to Approve Public Art. CAPA is a public body of five members: three members of the Arts Commission (or others appointed by the Arts Commission), one Planning Commission representative appointed by the Planning Commission, and one member of the community with arts knowledge, appointed by the Arts Commission.

CAPA considers the merits of the proposal at a public meeting and makes a recommendation to the Arts Commission for final review and approval or denial. Compliance is satisfied with the placement of artwork at the site of a covered project in a manner consistent with the Public Art Ordinance. A step by step guide is included in this handbook.

The Public Art Code is designed to encourage developers to install the required public art on-site. Developers must use the services of a qualified public Art Consultant whose role is to fulfill the requirements of the City's Public Art Program in a professional and knowledgeable manner. (An Art Consultant resource list is attached to this handbook.)

- The Public Art Program allocation must be in accordance with OMC Sec. 4-16. 208. The International Code Council's (ICC) building valuation data (BVD) is used to determine the average construction costs per square foot within the jurisdiction. Included are average costs of typical construction methods and type of construction including foundation work, structural and non-structural building components, electrical, plumbing, mechanical and interior finish material.

City of Ojai Public Art Program Guidelines for Private Developers

- The Arts Commission is the lead agency for the City of Ojai in matters of the Public Art Program. The Staff Liaison to the Arts Commission along with the Community Development Director coordinate with the developer(s), the City, the Arts Commission, the Committee to Approve Public Art (CAPA), the Public Art Committee, and the Planning Commission.
- The art concept design must be approved by CAPA (the Committee to Approve Public Art) prior to a building permit being issued. (OMC Sec. 4-16.213.
- The artwork application with all supporting documents is presented at public meeting with CAPA (Committee to Approve Public Art) for recommendation to the Arts Commission.
- Minimum approval criteria considered by the CAPA include quality, media, style, environment, permanence, elements of design, diversity and limitation. To learn more about each criteria, see OMC Sec. 4-16.210. Working with a qualified Art Consultant to ensure that these criteria will be met is required. An Art Consultant resource list is attached.
- Any artwork being placed on private property as part of the Public Art Program shall be a one-of-a-kind piece conceived by an executed by an artist
- The location of proposed artworks placed in public spaces outside of a building must be indicated on the building elevation plan. The artwork must be sited for the project in an area available for public viewing from the nearest public right of way or open to the public for a minimum of eight (8) hours per workday. Interior spaces, including lobbies, courtyards, malls, etc., may be eligible if they are accessible to the public a minimum of eight hours per day and visible from the nearest public right of way.
- All financial arrangements are negotiated between the artist and the private developer as contracting parties.
- No final City approval, such as final inspection or a certificate of occupancy, for any covered project will be granted or issued unless and until full compliance with the Ordinance is achieved.
- The artwork shall be identified as part of the Ojai Public Art Collection.
- For information on private property owners' responsibilities for the maintenance of Public Art, see OMC 4-16 204 (g) and (h).
- The Arts Commission is the lead agency for the City of Ojai in Public Art Program matters, and may provide technical assistance to the developer for post-completion publicity and special events, if any.

STEP BY STEP GUIDE FOR COMPLIANCE

The following steps provide invaluable information and should be read carefully.

1. Choose an Art Consultant.

It is required to work with a qualified Art Consultant to ensure that these steps are interpreted and completed according to Ordinance requirements. An Art Consultant resource list is attached.

2. Complete the application for approval of a public art project on private development.

The Art Consultant should submit the completed application with all supporting documents to the Community Development Department at City Hall. The application must be completed and returned to CDD staff prior to the architectural review and approval processes. After the application is received the concept proposal will be reviewed at a scheduled meeting of the Committee to Approve Public Art (CAPA).

The Public Art Installation Application must include:

- A. A copy of the Public Art Program compliance allocation provided by the Ojai Building Official.
- B. Preliminary sketches of the proposed artwork including, but not limited to, photographs or other documentation of sufficient descriptive clarity to indicate the nature of the proposed artwork.
- C. The artist's resume vitae.
- D. Images or samples of the artist's previous artwork.
- E. An appraisal, budget, or other evidence of the value of the proposed artwork including but not limited to costs for framing, transportation, acquisition and installation costs including site preparation costs and the Art Consultant fee, if one is being used.
- F. Preliminary plans that contain detailed information to adequately evaluate the location of the artwork in relation to the proposed development and its compatibility with the proposed site.
- G. Site plans and photographs.
- H. A narrative statement to demonstrate that the artwork will be displayed in an area open and freely available to the general public, or otherwise provide public accessibility in an equivalent manner based on the characteristics of the artwork or its placement on the site. (OMC Sec. 4-16.209).
- I. A maintenance plan including long term maintenance requirements.
- J. Indication of insurance as provided by the city attorney.

2. Attend Required Meetings with CAPA (Committee to Approve Public Art).

The City liaison to the Arts Commission will schedule meetings as needed to review the artwork proposal with the CAPA. The Art Consultant will serve as the contact for the proposal and attend CAPA meetings. It is recommended that both the Art Consultant and the project artist attend CAPA meetings together along with a representative of the development project. More than one meeting may be needed, and in some cases, multiple meetings may need to be held.

City of Ojai Public Art Program Guidelines for Private Developers

After review and recommendation from CAPA, the application for the proposed artwork will be considered at the monthly meeting of the Arts Commission. The approval process is more fully described in the language of OMC Sec. 4-16. 213, 214, and 215.

3. Enter into a Contractual Agreement with the City of Ojai.

Upon approval by the Arts Commission, the applicant shall enter into a contractual agreement with the City. The Community Development Department becomes the lead agency for the Public Art project-and oversees installation of the artwork through completion.

The Arts Commission liaison coordinates all contracts, timelines, budgets, materials, maintenance and insurance requirements and provides assistance, if requested, to ensure timely completion of the project.

4. Provide a Maintenance Plan and Proof of Insurance.

Prior to placement of the approved artwork, a comprehensive long-term maintenance plan must be submitted to the CDD. The maintenance plan shall include specific and detailed steps needed to preserve the artwork in its original condition and protect the artwork against physical defacement, mutilation, or alteration.

An insurance estimate is provided by the City Attorney. See OMC Sec. 4-16.217 for further information on insurance requirements.

5. Install A Plaque.

Before a Certificate of Occupancy is issued, a bronze plaque that complies with the plaque guidelines provided below must be installed. It is highly recommended that the plaque be ordered as soon as all needed information is known. The cost of the plaque may be considered a project expense. A receipt for the cost of the plaque is required. Please note:

- It is highly recommended that City staff (the Arts Commission liaison) review of the plaque design before it is ordered.
- Location of the plaque is to be determined in consultation with the Arts Commission's Public Art Committee liaison for the project.
- Installation of the plaque is to be completed by the private developer.
- The plaque must be installed prior to issuance of a certificate of occupancy permit.

Plaque Design Details

Wording:

The wording on the plaque is to be of five (5) lines in the order indicated below:

1. Name of artist.
2. "Title of artwork".
3. Date.
4. Medium
5. Acknowledgement: City of Ojai Public Art Program

Size: No smaller than 7" x 5" and no larger than 8" x 10".

Font: Match the example as shown.



(Continued)

City of Ojai Public Art Program Guidelines for Private Developers

Coloring and Material:

- Bronze engraved
- Gold lettering on black background
- Raised gold border.

NOTE: If a variation on the above plaque design details is desired for aesthetic reasons, the alternate design must be approved by the Public Art Committee. Contact the City liaison to the Arts Commission.

You may use any plaque engraver of your choice. The City has used the following plaque engravers successfully:

	<u>Phone</u>	<u>Fax/Email</u>
Aswell Trophy:	805-487-2224	805 487-3588
Ventura Signs:	805-658-0430	805-658-0661
Custom Awards Sales:	805-658-2139	sales@customawardsventura.com

6. Pass the Inspection.

Prior to issuance of a Certificate of Occupancy, City staff and members of the CAPA shall inspect the finished artwork and verify that the artwork meets the requirements of the Public Art Ordinance.

AN IMPORTANT NOTE ON SELECTING AN ARTIST FOR YOUR PROJECT

To promote a variety of artworks, the Public Art Ordinance includes a “limitation” clause which requires a waiting period of **three** years for artists who have completed an Ordinance covered Public Art Project before being eligible to do another. (Sec. 416.210. Criteria for Artwork Selection. (h) limitations)

Below is a list of the public artists who completed public art projects within the City of Ojai during the past three years and the completion date of the project.

<u>ARTIST</u>	<u>PROJECT COMPLETION DATE</u>
Luckey Remington	2021
Eny Lee Parker	2021
Mattea Perrotta	2021
Bernard Collin	2021
Domonic Breaux	2020
Leslie Marcus	2020
Carlos Grasso	2020
Doug Lochner	2019
Ray Cirino	2019

**APPLICATION FOR APPROVAL OF A PUBLIC ART PROJECT
FOR PRIVATE DEVELOPMENT**

Submit this completed application with all supporting documents to the Community Development Department at City Hall. The Ordinance requires working with a qualified art consultant. An Art Consultant resource list is attached. The artwork proposal will be reviewed at a scheduled meeting with the Committee to Approve Public Art (CAPA).

The Public Art proposal must be approved by the Arts Commission prior to issuance of a building permit.

PROJECT TITLE: _____

Developer Information:

Name: _____

Address: _____

Cell phone: _____ Home phone: _____

E-Mail: _____

Property Owner Information:

Name: _____

Address: _____

Cell phone: _____ Home phone: _____

E-Mail: _____

Art Consultant Information (if applicable):

Name: _____

Address: _____

Cell phone: _____ Home phone: _____

E-Mail: _____

Description of Artwork:

Medium: _____ Dimension and Weight: _____

Market Value: _____

City of Ojai Public Art Program Guidelines for Private Developers

Attach the following documents:

1. A copy of the Public Arts Program compliance allocation provided by the Ojai Building Official.
2. Preliminary sketches of the proposed artwork including, but not limited to, photographs or other documentation of sufficient descriptive clarity to indicate the nature of the proposed artwork.
3. The artist's resume vitae.
4. Images or samples of previous artwork by the artist.
5. An appraisal, budget, or other evidence of the value of the proposed artwork including but not limited to costs for framing, transportation, acquisition and installation costs including site preparation costs and the Art Consultant fee.
6. Acquisition and installation costs including site preparation costs.
7. Site plans and photographs that contain detailed information to adequately evaluate the location of the artwork in relation to the proposed development and its compatibility with the proposed site.
8. A narrative statement explaining that the artwork will be displayed in an area open and freely available to the general public for a minimum of 8 hours daily. (OMC Sec. 4-16.209).
9. A maintenance plan including long term maintenance needs. (See #4, page 7.)
10. A copy of the indication of insurance in an amount determined by the City Attorney (OMC Sec. 4-16.217(c)).

Internal Use Only

Intake by: _____ Date and Time: _____

Reviewed by: _____ Date and Time: _____

WAIVERS

The Public Art Ordinance is intended to facilitate public art as an integral feature of Ojai's private development footprint. Some private development projects, however, may present contingencies that make an artwork installation impractical, or unwise. In those cases, private developers may apply for one of three types of waivers:

1. Off-site placement of an approved artwork.
2. Donation of an approved artwork at a value in keeping with the amount of the project allocation to the City of Ojai Municipal Collection.
3. Depositing the total project allocation to the Public Art Fund to be used by the Arts Commission for Public Art projects.

The developer must apply by completing and submitting one of the three following waiver applications to the Community Development Department *prior to issuance of a building permit*. The waiver application shall be reviewed at a public meeting of the Public Art Committee of the Arts Commission. The developer or representative must be present. The waiver will then be recommended to the Arts Commission for approval or denial.

When reviewing a waiver application, the Public Art Committee considers the following factors:

- Whether granting a waiver will fulfill the intent of the Public Art Ordinance.
- Location of the project's site in relationship to public accessibility.
- Whether the amount of the project allocation is sufficient for a public artwork.
- Special circumstances as brought forward by the developer.

The following waiver applications are attached:

- Application for Off-Site Placement of Public Artwork.
- Application for Donation of Approved Artwork to the Municipal Art Collection.
- Application for Donation to the Public Art Fund.

APPLICATION FOR OFF-SITE PLACEMENT OF PUBLIC ARTWORK

“Procedures for Approval of an Artwork,” found earlier in this guide, apply to off-site placement of an artwork and include the employment of an Art Consultant as required by the Public Art Ordinance.

The application for off-site placement of artwork will be evaluated by CAPA (the Committee to Approve Public Art) and recommended for approval or denial to the Arts Commission. Approval must be granted prior to issuance of a building permit.

For off-site location, CAPA considers whether the artwork will be an integral part of the landscaping and/or architecture of the building selected for installation of the artwork. Preference is given to libraries, parks, office buildings, sidewalks, traffic islands, etc. Lobbies, plazas, adjacent open spaces or exterior treatment of buildings may be acceptable sites, but offices are not considered acceptable sites. The project must be in an area available for public viewing from the nearest public right of way or open to the public for a minimum of eight (8) hours per workday. Final location of off-site art is subject to the approval of the Arts Commission upon the recommendation of CAPA.

Project Title: _____

Project Developer Information:

Name: _____

Address: _____

Cell phone: _____ Home phone: _____

E-Mail: _____

Public Art Allocation: _____

Location of Proposed off-site installation: _____

Attach the following documents to this application:

1. A copy covenant between the project developer and the owner of the off site location granting permission of the installation.
2. Blueprint of the proposed site as well as photographs with detailed information to adequately evaluate the location of the artwork.
3. A statement detailing the artwork’s compatibility with the character of adjacent conforming developed parcels and existing neighborhoods.
4. A copy of the Public Arts Program compliance allocation submitted by the Ojai Building Official.
5. Preliminary sketches of the proposed artwork including, but not limited to, photographs or other documentation of sufficient descriptive clarity to indicate the nature of the proposed artwork.

6. The artist's resume vitae.
7. Images or samples of previous artwork by the artist.
8. A detailed budget including site preparation costs, the cost of the artwork, and the Art Consultant fee.
9. A narrative statement to demonstrate that the artwork will be displayed in an area open and freely available to the general public for a minimum of 8 hours daily. (OMC Sec. 4-16.209).
10. A maintenance plan including long term maintenance needs. The maintenance plan shall include specific and detailed steps needed to preserve preservation of the artwork in its original condition to the satisfaction of the City and protection of the artwork against physical defacement, mutilation, or alteration. (See OMC Sec. 4-16.217 for further information on maintenance requirements).
11. A copy of the indication of insurance in an amount determined by the City Attorney (OMC Sec. 4-16.217(c)).

Note: A building permit will be issued only after the Arts Commission has approved the recommendation from CAPA that the proposed off-site placement fulfills the goals and aims of the Public Art Ordinance in substantially the same manner as installing the artwork on-site.

Note: Before a Certificate of Occupancy is issued, a representative of the Committee to Approve Public Art and the City of Ojai must approve the installation. A bronze plaque that satisfactorily complies with the guidelines in this handbook must be installed. It is highly recommended that the plaque be ordered as soon as all needed information is known. The plaque shall be paid for by the developer and may be considered a project expense. A receipt for the cost of the plaque is required.

Internal Use Only

Intake By: _____ Date and Time: _____

Reviewed By: _____ Date and Time: _____

APPLICATION FOR DONATION OF ARTWORK TO THE MUNICIPAL ART COLLECTION

Submit this application for donation of an artwork to the Municipal Collection to the City Staff representative to the Arts Commission.

CAPA (the Committee to Approve Public Art) will review the application at a public meeting to assure that the proposed artwork will fulfill the goals and aims of the Public Art Ordinance in substantially the same manner as placement of on-site artwork. A representative of the developer familiar with the resume and work of the artists must attend the public meeting and if possible, the artwork itself should be brought to the meeting.

The artwork shall have a value in keeping with the amount of the public art project allocation. Artworks of all schools, styles and tastes are considered for the City Municipal Collection including works by local, regional, national and international artists. If the artwork is three dimensional, all costs related to installation and site shall be assumed by the developer as legitimate expenses of the public art allocation.

CAPA will make a recommendation to the Arts Commission for final approval based upon, but not limited to, the following considerations: the excellence and reputation of the artist, its suitability for the Municipal Collection, and the value, quality, and uniqueness of the artwork.

PROJECT TITLE:

Developer Information:

Name: _____

Address: _____

Cell phone: _____ Home phone: _____

E-Mail: _____

Artist's Name: _____

Title of Work: _____

Date of Creation: _____

Medium: _____ Dimension and Weight: _____

Market Value: _____

APPLICATION FOR DONATION OF ARTWORK TO THE MUNICIPAL ART COLLECTION

Attach the following to this application:

1. Photos of the piece from several angles, and/or a maquette of the piece, if three dimensional.
2. Additional samples of the artist's work. A slide show of the artist's artwork is acceptable.
3. The artist's resume vitae.
4. Proof of valuation (previous sales receipt or similar) of the artist's work. The valuation must be the same or greater than the project allocation as determined by the building official.
5. If the artwork is three dimensional, a breakdown of all costs associated with site and installation.
6. Maintenance factors required to ensure the permanence of the donated artwork. If the artwork is a sculpture or other three dimensional artwork, a detailed maintenance plan must be attached.
7. A copy of the public art project valuation as provide by the Building Official.
8. A copy of estimated insurance as provided by the City Attorney.

Note: When a developer donates an artwork to the City, the donated artwork becomes a permanent part of the City's Municipal Art Collection. a Contract with the City shall be signed by the developer that includes, but is not limited to the following:

- The artist is surrendering rights to the work.
- The City work may or may not exhibit the artwork.
- The artwork can be divested at any time.

Internal Use Only

Intake by: _____ Date and Time: _____

Reviewed by: _____ Date and Time: _____

APPLICATION FOR DONATION TO THE PUBLIC ART FUND

The Public Art Committee of the Arts Commission will review the application for a waiver to deposit 2% of the total building valuation in the Public Art Fund. The Public Art Committee considers whether granting the waiver will fulfill the goals and aims of the Public Art Ordinance in substantially the same manner as placement of on-site artwork and makes a recommendation to approve or deny a fund waiver to the Arts Commission.

The Public Art Committee considers the following factors:

- Whether granting a waiver will fulfill the intent of the Public Art Ordinance.
- Location of the project's site and public accessibility.
- Whether the amount of the project allocation is sufficient for a public artwork.
- Special circumstances as brought forward by the developer. (OMC Sec. 4-16.206 (c))

Project Title: _____

Project Developer Information:

Name: _____

Address: _____

Cell phone: _____ Home phone: _____

E-Mail: _____

Public Art Allocation: _____

Attachments:

A copy of the project allocation provided by the Building Official must be attached.

Documents and other information that explain and justifies the waiver.

IF THE WAIVER IS APPROVED:

- The check is made payable to the City of Ojai Public Art Fund. **A certificate of occupancy will be issued by the City only after the full Public Art Program allocation has been received by and credited to the City of Ojai.**

Internal Use Only

Intake by: _____ Date and Time: _____

Reviewed by: _____ Date and Time: _____

ATTACHMENTS

Public Art Consultant and Appraiser Resource List

It is recommended that a covered project developer hire an Art Consultant to assist with the selection of an artist as well as the application process and project management. The role of the Art Consultant is to research and present to the developer qualified artists who are able to create an appropriate, site specific artwork for the project. The scope of services offered by the art consultants vary and may include the following: (Check with the consultant to learn what services are provided.)

- Public art project planning.
- Satisfying Ojai's Public Art Program requirements.
- Selection of appropriate artist.
- Public Art Project development including integrating artwork into architecture and project site.
- Maintaining communications between developers, architects, city officials and artists during the duration of the Public Art Process.
- Public Art Master Plans for developers; including collection development.

Note: This list of arts professionals is provided as reference only. YOU ARE NOT REQUIRED TO USE ANY FIRM OR INDIVIDUAL ON THIS LIST, nor are any of the firms or individuals recommended or not recommended by the City of Ojai. You are free to choose any qualified firm or professional to assist you. It is recommended that the credentials of any firm or individual that you select be confirmed, whether or not they are included on this list. The City is not responsible for your selection.

ART CONSULTANT LISTING

Patrick Ela	Comprehensive Art Services, LLC 626-791-4919 626-791-4753 fax patrickela@sbcglobal.net
Lesley Elwood	Elwood and Associates 310-489-7321 / 310-836-6512 laelwood@earthlink.net www.facebook.com/ElwoodandAssociates
Cindy Frings	Studio 84 West, Inc. 805-905-3812 cindy@studio84west.com Studio84@west.comMichelle Isenberg
Michele Isenberg	Isenberg & Associates 310-289-1695 310-289-1194 fax michelle@misenberg.com www.misenberg.com

Public Art Consultant and Appraiser Resource List

Marc Pally
310-838-3238 (M-F)
mpally@earthlink.net

Jody Russell
Fine Arts Services, Inc.
213-617-2217 / 213-446-1259
jody@fineartservices.com
www.fineartservices.com

ART APPRAISER LISTING

Nancy Escher, ASA
Escher Associates
310-890-0290
escher-associates.com

Holly Mitchem, ASA
Mitchem Arts
805-746-0473
holly@mitchem-arts.com

Ideas for Public Art Opportunities for the City of Ojai

- **Traffic mitigation vehicle** design/designating graphics for group vehicles, loading areas or other traffic mitigating artistic endeavor, making group travel more fun and meaningful
- **Environmental, earth works/** work that emphasizes the relationship of man/woman to the environment, from educational to the abstract
- **Solar art/work** that is powered by the sun or reacts to the movement of the sun, creating environmental awareness
- **Kinetic art/sculpture** that generates its own movement in space, a constantly moving work of art
- **Shade structures/artist** designed elements that solve the problem of shade as well as offering a site-specific approach. Ideas might include designs that project shadows creating a story, water misting sequences please the senses or retell a rhythm of a song, etc.
- **Wood carving, stenciling/** a common design element that graces the ceilings of grand spaces
- **Glass art, window treatments/from** as traditional as leaded, painted, beveled and etched glass to windows that oscillate transparent to opaque, contain images within laminated panes, project prisms and dichroic emanations
- **Mosaic, tile work/** a standard usage of the materials that could actually convey a visual (representational) historic message or use of motifs (one and two dimensional) indigenous to the area, thereby telling a story. Even using local historic decorative motifs informs the viewer of the history of the area. Tiles and mosaics can be used in a multitude of places including entry ways, flooring, interior and exterior walls, pool and spa areas and unique focal points within walkways and paths throughout the complex
- **Bridges, pathways** (story telling path, informational/game trail). The possibilities of an artist conceived narrative that is made visual, aural, tactile, etc., throughout a central path (already incorporated within the grounds) that extends throughout, could inspire the average transport from mere expediency to a discovery
- **Railings** for staircases and that accentuate walkways/all forms of wrought iron and metal work can express an idea, historical, conceptual that would elicit a greater response from the viewer than a catalogue variety
- **Lighting/** sculptural chandeliers and hallway lighting as well as works that transcend immediate function; lighting could be used as the artist's medium to project stories, elucidate astronomical phenomena, be buried in the walkways, reveal the natural world in a new way at night, etc.
- **Murals, wall and ceiling treatments/** age old methods could become contemporary in their usage to turn ordinary surfaces into magical decoration and story telling
- **Art gardens/** plantings that reference the botanical history and herbal remedies so relied on in our area and /or sculptural gardens (think about the garden plan by Robert Irwin at the Getty) that relay a new relationship between painting and horticulture

- **Paving materials**, interior and exterior flooring/there is always room for new thinking about flooring, the 'canvas' that we walk on. Many new materials are available with even the most common of materials, concrete
- **Furniture**, benches/artists and architect collaborations have brought to fore many new innovative ideas about seating in our environment. Homage to traffic mitigating conveniences like bike parking furniture and rest stops along hiking paths could serve multiple political purposes.
- **Entry ways**/main and secondary, there are always reasons to announce the beginning of a new area. This can be achieved in many ways and artists go beyond the stucco archway
- **Sculpture**, free standing and integral/ bringing an artist in early in the design process helps to avoid the cliché of "plop art", the phenomenon where an artist fits a designated place by plopping down a sculpture. There are many wonderful artists who can site their work in the most efficacious and integral manners
- **Infrastructure and utility elements**/ artist designed manhole and drain covers, utility boxes, etc.
- **Piers, beams, columns**/artists can carve, paint, inlay, work with stone, metal, glass mosaic, etc. to make prominent that which might be considered purely functional
- **Fountains, water features**/ (see Triple A's Westways Magazine, the 2012 Sept/Oct issue for "Water Works" feature story), artists have truly original ways of thinking about water, especially in the desert of Southern California
- **Ojai art collection** /setting up a space for the changing display of local art: would require ongoing staff, a curator to choose work and organize openings and professional display
- **Venue for local performers**/ Ojai has a wealth of performance artists, both theatrical and musical. An ongoing program of events could provide both entertainment for the guests as well as attract local patrons
- **Artist books**/commissioning local artists to make limited edition book series about the Inn and Ojai, perhaps on an annual basis, an artist in residence program
- **Photography and Film**/again, an artist in residence kind of program that told the story of the Inn at any period of time, a way of documenting events and tales of life at the Inn that could subsequently be for sale

In lieu of using funds for art on the Ojai Valley Inn premises, monies can be contributed to the Public Arts Fund which will be used for the enrichment of local culture either through enhancing existing monies for public art or re-granting for performance.

Susan Amend, Arts Commissioner, Public Art Subcommittee 9/02

Copy of Municipal Code Title 4, Ch. 16, Article 2. Public Art Program

Article 2. Public Arts Program

Sec. 4-16.201. Purpose.

(a) The purpose of the Public Arts Program is to enrich the built environment of the City. The program will increase the understanding and enjoyment of art by residents and visitors, add to the economic viability of the City, encourage artistic cooperation among various disciplines and invite public interaction with public spaces. The Public Arts Program, among other things, requires that public art be included as part of certain private and public development projects in the City. It represents a partnership between the City, developers and the arts community that serves to enhance Ojai's built environment both now and in the future.

(b) The Council finds and declares as follows:

- (1) Enhancement of the quality of life for City residents, workers and visitors is provided by the development of cultural and artistic resources;
- (2) Development and maintenance of a Public Arts Program improves the quality of the urban environment and increases real property values;
- (3) Nurturing alternative sources for cultural and artistic outlets improves the environment, image and character of the community;
- (4) Those whose developments diminish these resources should make provision for new opportunities for public art in order to preserve and enhance cultural and artistic resources in the City;
- (5) Establishing the Public Arts Program will promote the general welfare by balancing the City's physical growth and revitalization with its cultural and artistic resources.

(§ 1, Ord. 765, eff. May 22, 2003, as renumbered by § 2, Ord. 800, eff. August 8, 2008; § 1, Ord. 835, eff. January 10, 2014)

Sec. 4-16.202. Program execution.

The Commission shall carry out the duties established by this chapter.

(§ 1, Ord. 765, eff. May 22, 2003, as renumbered by § 2, Ord. 800, eff. August 8, 2008)

Sec. 4-16.203. Definitions.

For purposes of this article:

“Accession” shall mean the assignment of a basic number to the objects acquired for the permanent art collection. The accession number is composed of two (2) figures, one (1) indicating the year of the receipt and the other the number of the accession within the year. The source of the acquisition is also noted. Numbers are assigned in order of the acquisition and a master list maintained of all acquisitions.

“Acquisition” shall mean inclusion of an artwork in the City's art collection whether by purchase, commissioning or donation.

“Arts consultant” shall mean an arts professional with demonstrated education, experience and training in the development of public art projects.

“Committee to Approve Public Art” (CAPA) shall mean a public body comprised of five members: three members of the Arts Commission (or others appointed by the Arts Commission), one Planning Commission representative appointed by the Planning Commission, and one member of the community with arts knowledge, appointed by the Arts Commission. The Committee shall be responsible for conceptual reviews of artwork covered by this Article, and recommendations to the Arts Commission for final review and approval or denial.

“Covered project” shall mean all new residential development consisting of five (5) or more units, all remodeling, repair or reconstruction of residential housing consisting of five (5) units or more the cost of which is Three Hundred Thousand and no/100ths (\$300,000.00) Dollars or more, and all commercial, manufacturing, institutional recreation, village mixed use (commercial portion only, unless residential portion of such development consists of five (5) or more units) and public/institutional construction, remodeling, repair or reconstruction exceeding Three Hundred Thousand and no/100ths (\$300,000.00) Dollars in value.

“Deaccessioning” shall mean the removal of an artwork from the City art collection, whether by sale or otherwise. Such action shall be taken only on the recommendation of the Arts Commission with the official permission of the Council.

“Public Art” shall mean artwork created by artists for spaces accessible to the public for specified time periods. It may include, but is not limited to, works of sculpture, painting, tile work, street furniture, murals and place-making and arts programming. The installations may be either permanent or temporary.

“Public Art Jury” shall mean a Jury comprised of seven (7) members composed of: a representative of the Arts Commission, two arts professionals, at least one with public art experience, a representative of the Planning Commission, a community member-at-large, Representative of the developer (e.g. architect or landscape architect or, if there is no developer for the project, a member selected at the discretion of the Arts Commission), and an artist.

“Responsible party” shall mean the person or entity which is administering or managing a covered project and is the party responsible for complying with the requirements of the Public Arts Program as set forth in this article.

(§ 1, Ord. 765, eff. May 22, 2003, as renumbered by § 2, Ord. 800, eff. August 8, 2008, as amended by § 2, Ord. 835, eff. January 10, 2014, and § 2, Ord. 908, eff. October 8, 2020)

Sec. 4-16.204. Public Arts Fund.

(a) *Creation.* There is hereby established the Public Arts Fund into which shall be deposited all funds as may be appropriated by the Council or contributed to the City for expenditures in conjunction with the Public Arts Program.

(b) *Endowments.* The Public Arts Fund shall be used as a depository for endowments, bequests, grants, contributions or fees. Such endowments, bequests, grants, contributions or fees may be expended as set forth in Section [4-15.204\(e\)](#) and as approved by the Commission.

(c) *Accounting.* A Public Arts Fund shall be maintained by the City’s Finance Director, with accounting records established to sufficiently identify and control these funds. Expenditures shall be processed through the City’s established warrant payment procedure.

(d) *Use of Public Arts Fund.* The Public Arts Fund shall be used solely for the Public Arts Program expenses outlined below as (e) Permissible Expenses.

(e) *Permissible expenditures.* The following constitute permissible expenditures of Public Arts Fund moneys:

- (1) The cost of artwork, including artist’s fees, and its installation, exhibition or display;
- (2) Any required permit fees and legal and other costs directly related to the project;
- (3) The cost of purchase or lease of art sites;
- (4) Waterworks, landscaping, lighting and other objects which are commissioned from an artist as an integral aspect of a structure or site or which are necessary for the proper aesthetic presentation and structural placement of the artwork;

- (5) Frames, mats, pedestals and other objects which are necessary for the proper presentation of the artwork;
 - (6) Expenditures for maintenance and repair of artwork;
 - (7) Promotion of art education within the City, either separate from or complementary to art programs of schools, museums or other nonprofit organizations; and
 - (8) Costs of administering the Public Arts Program.
- (f) *Ineligible expenditures.* Public Arts Fund moneys may not be expended on the following:
- (1) Reproductions of original artwork except an artwork from an artist-signed limited edition unless approved by the Arts Commission;
 - (2) Unlimited editions of original artwork;
 - (3) Mass-produced art objects;
 - (4) Artworks that are decorative, ornamental or functional landscape or architectural elements except when commissioned from an artist or a skilled artisan or craftsman, as an integral aspect of a structure or site;
 - (5) Architectural rehabilitation of historical buildings; and
 - (6) Expenses not directly related to the purchase, design, fabrication and installation of the artworks, including site construction costs not directly related to the costs of the artwork.
- (g) *Replacement.* For those artworks that have been purchased with moneys from the Public Arts Fund or contributed to the City, the Council may determine to deaccess existing artworks for replacement artworks. Any funds obtained from the sale of artwork shall be credited to the Public Arts Fund.
- (h) *Alteration, replacement or relocation.* Permanently installed public works of art may not be modified, altered, relocated or removed without the prior review of the Arts Commission. Any alteration, replacement or relocation of the artwork shall be subject to the California Art Preservation Act and the Federal Visual Arts Rights Act of 1990.

(§ 1, Ord. 765, eff. May 22, 2003, as renumbered by § 2, Ord. 800, eff. August 8, 2008, as amended by § 3, Ord. 835, eff. January 10, 2014)

Sec. 4-16.205. Projects subject to Public Arts Program requirements.

- (a) *Requirements.* Except as provided below in Section [4-16.205\(b\)](#), the requirements of this article shall apply to all covered projects.
- (b) *Exceptions.* The requirements of this article shall not apply to the following:
- (1) Projects undertaken by any agency of the State, County, the Ojai Unified School District or any governmental entity other than the City;
 - (2) Remodeling, repair or reconstruction of structures to comply with earthquake seismic safety code standards or buildings damages to which have been immediately occasioned by fire, flood, wind, earthquake or other calamity;
 - (3) Nonprofit social service projects;
 - (4) Housing projects for “low to moderate income persons and families” as defined in [Health and Safety Code](#) Section 50093;
 - (5) Affordable housing developments receiving City, State or Federal assistance, unless permissible under City, State or Federal regulations;
 - (6) Construction, remodeling, repair or reconstruction of residential projects consisting of four (4) or fewer units whether or not such residential project is a part of a mixed-use development; and

(7) Architectural rehabilitation or historical preservation of properties which are designated as historic sites by the Council.

(§ 1, Ord. 765, eff. May 22, 2003, as renumbered by § 2, Ord. 800, eff. August 8, 2008, as amended by § 4, Ord. 835, eff. January 10, 2014)

Sec. 4-16.206. Requirement to provide artwork; waiver or modification.

(a) The responsible party shall be deemed to have satisfied his, her or its obligations under this article through the placement of artwork at the site of a covered project and in a manner consistent with this article.

(b) Other provisions of this article notwithstanding, the Arts Commission may waive the strict compliance, in whole or in part, in respect to any covered project otherwise subject to the provisions of this article and instead permit the responsible party to meet the intent and purpose of this article through compliance with subsections (1), (2), or (3) of Section [4-16.206\(c\)](#), below. In authorizing such alternative compliance, the Arts Commission shall make findings on the basis of substantial evidence, that the responsible party achieves the goals and aims of this article in substantially the same manner as strict compliance would. The Arts Commission may also waive the requirements for covered projects which are also City projects when it determines it would be in the public interest to do so.

(c) Acceptable alternative methods of fulfilling Public Art Requirement, if approved pursuant to (b) above, are as follows:

- (1) Contribution of approved off-site public artwork;
- (2) Donation of an approved artwork to the City Art Collection; or,
- (3) Monetary contribution to the Public Art Fund.

(§ 5, Ord. 835, eff. January 10, 2014, as amended by § 2, Ord. 908, eff. October 8, 2020)

* **Editor's note**—Ord. No. 835, Section 5, effective Jan. 10, 2014, repealed the former Section [4-16.206](#) and enacted a new section as set out herein. The former Section [4-16.206](#) pertained to similar subject matter and derived from Section 1, Ord. No. 765, effective May 22, 2003, and Section 2, Ord. 800, effective Aug. 8, 2008.

Sec. 4-16.207. Compliance required.

No final City approval, such as final inspection or a certificate of occupancy, for any covered project shall be granted or issued unless and until full compliance with this article is achieved in one of the following ways:

- (a) The approved artwork has been placed in an approved on-site or off-site location in a manner satisfactory to the Arts Commission;
- (b) Donation of an approved artwork to the City Art Collection in a manner approved by the Arts Commission;
- (c) The Public Art Program allocation amount determined in accordance with Section [4-16.208](#), is credited to the Public Arts Fund to be used as provided herein.

(§ 1, Ord. 765, eff. May 22, 2003, as renumbered by § 2, Ord. 800, eff. August 8, 2008, as amended by § 6, Ord. 835, eff. January 10, 2014)

Sec. 4-16.208. Program allocation.

The Public Art Program allocation, as used in this article, shall be the percentage of the building cost which is set aside for the acquisition and installation of approved artwork and shall be an amount equal to two (2%) percent of the first one million dollars (\$1,000,000.00) and one percent of any excess over one million dollars (\$1,000,000.00) of the total building valuation for a covered project. The total building valuation shall be computed using the latest building valuation data as set forth by the International Code Council (ICC) unless, in the opinion of the Arts Commission, a different valuation measure should be used. (§ 1, Ord. 765, eff. May 22, 2003, as renumbered by § 2, Ord. 800, eff. August 8, 2008, as amended by § 7, Ord. 835, eff. January 10, 2014)

Sec. 4-16.209. Art site acceptability.

The responsible party shall place artwork equal in value to the applicable program allocation for the project in outdoor areas of the covered project that are accessible to and used by the public. Interior spaces, including lobbies, courtyards, malls, etc., may be eligible if they are accessible to the public a minimum of eight (8) hours per day and visible from the nearest public right-of-way. When selecting the location for art, preference shall be given to libraries, parks, office buildings, sidewalks, traffic islands, etc. Lobbies, plazas, adjacent open spaces or exterior treatment of buildings shall be potential sites, but the offices themselves shall not be considered acceptable sites. Final location of art shall be subject to the approval of the Arts Commission.

(§ 1, Ord. 765, eff. May 22, 2003, as renumbered by § 2, Ord. 800, eff. August 8, 2008, as amended by § 8, Ord. 835, eff. January 10, 2014)

Sec. 4-16.210. Criteria for artwork selection.

Eligibility requirements for each project shall be established by the Arts Commission. Specifically excluded are artworks created by students under the supervision of art instructors to satisfy course requirements, and artists who are members of the Arts Commission. The following criteria shall be considered in the selection of artwork:

- (a) *Quality.* The quality of the artwork.
- (b) *Media.* All visual art forms may be considered, subject to limitations set by the Arts Commission.
- (c) *Style.* Artworks of all schools, styles and tastes should be considered for the City collection.
- (d) *Environment.* Artworks and art places should be appropriate in scale, material, form and content for the immediate, general, social and physical environments to which they relate.
- (e) *Permanence.* Other than for temporary installations of artwork, consideration should be given to structural and surface integrity, permanence and protection against theft, vandalism, weathering and excessive maintenance and repair costs.
- (f) *Elements of design.* Consideration should take into account that public art, in addition to meeting aesthetic requirements, also may serve to establish focal points, terminate areas, modify, enhance or define specific spaces or establish identity.
- (g) *Diversity.* The Public Arts Program should strive for diversity of style, scale, media, artists and equitable distribution of artworks and art places throughout the City.
- (h) *Limitation.* Previously commissioned or acquired artists shall not be eligible until three years from the date of the Arts Commission's approval of the project or acquisition.
- (i) *Murals.* Mural applications shall meet the criteria in this Code.

(§ 1, Ord. 765, eff. May 22, 2003, as renumbered by § 2, Ord. 800, eff. August 8, 2008, as amended by § 9, Ord. 835, eff. January 10, 2014, and § 2, Ord. 908, eff. October 8, 2020)

Sec. 4-16.211. Method of artwork selection for private and public development.

The following methods may be used to select artwork at the option of the responsible party:

- (a) *Direct purchase.* A completed work of art may be purchased for a specific project or location.
- (b) *Direct commission.* An artist may be chosen directly and paid to submit a proposal. Artists will be selected on the basis of their qualifications for a particular project and its probability of successful completion.
- (c) *Limited competition.* A small number of artists may be invited and paid to submit proposals.
- (d) *Open competition.* Any artist may apply subject to project specifications. A Public Art Jury shall be called to review applications and qualifications, select an artist, and recommend approval to the Arts Commission. Chosen finalists may be asked to submit project proposals for which a fee is paid. The Public Art Jury shall make a recommendation to the Arts Commission for final approval or denial.
- (e) *Recommendation.* CAPA, except when a Public Art Jury has been called, will recommend private and public development projects to the Arts Commission for final review and approval or disapproval.”

(§ 10, Ord. 835, eff. January 10, 2014)

* **Editor’s note**—Ord. No. 835, Section 10, effective January 10, 2014, repealed the former Section [4-16.211](#) and enacted a new section as set out herein. The former Section [4-16.211](#) pertained to similar subject matter and derived from Section 1, Ord. No. 765, effective May 22, 2003; and Section 2, Ord. No. 800, effective Aug. 8, 2008.

Sec. 4-16.212. Community Development Director review.

The Community Development Director shall review the artwork and its placement and landscaping elements and may refer the artwork to the Planning Commission for approval pursuant to Section 9-4.07 of the Ojai Municipal Code.

(§ 1, Ord. 765, eff. May 22, 2003, as renumbered by § 2, Ord. 800, eff. August 8, 2008)

Sec. 4-16.213. Application procedures for placement of artwork on private property.

- (a) Any artwork placed on private property as part of the Public Arts Program shall be a one-of-a-kind piece conceived by and executed through an artist. The responsible party shall retain the services of a qualified art consultant to manage the art project and present the project to CAPA. The fee for the art consultant is considered a legitimate expense of the public art project allocation. The City shall maintain a list of qualified arts consultants. Early selection of an art consultant is required. The responsible party shall submit an artwork proposal to be reviewed at a public meeting by CAPA (the Committee to Approve Public Art) prior to issuance of a building permit for the project. The Arts Commission shall consider the recommendation of the CAPA and give final approval for the proposed project.
- (b) The completed arts application shall include:
 - (1) Preliminary sketches, photographs or other documentation of sufficient descriptive clarity to indicate the nature of the proposed artwork including, but not limited to, artist resume, images of previous artwork, and material samples;
 - (2) An appraisal, budget or other evidence of the value of the proposed artwork, including acquisition and installation costs;
 - (3) Preliminary plans containing such detailed information to adequately evaluate the location of the artwork in relation to the proposed development, and its compatibility with the proposed including compatibility with the proposed site.

(4) Evidence that the artwork will be displayed in an open area and accessible to the public in accordance with Section [4-16.209](#)

(5) Maintenance factors required to ensure its permanence.

(§ 1, Ord. 765, eff. May 22, 2003, as renumbered by § 2, Ord. 800, eff. August 8, 2008, as amended by § 11, Ord. 835, eff. January 10, 2014, and § 2, Ord. 908, eff. October 8, 2020)

Sec. 4-16.214. Approval procedures for inclusion of artwork on private property.

(a) The application for the proposed artwork and its inclusion will be considered by CAPA, which shall recommend approval or denial to the Arts Commission. The Community Development Director shall also review the artwork and its placement in relation to architecture and landscaping elements and may refer the application to the Planning Commission for design review approval pursuant to Title 10, Chapter 2, Article 20 of the Ojai Municipal Code. Any changes, questions or recommendations shall be conveyed in writing to the responsible party. The Arts Commission will review the CAPA recommendation for the approved artwork and approve or disapprove the recommendation. The applicant will be notified in writing.

(b) If the responsible party proposes significant revisions to the architecture or physical design and layout of the proposed project subsequent to the receipt of the Commission's approval, the application shall, if legally permitted, be returned to the CAPA for further review and recommendation concerning the revised proposal prior to final approval by the Arts Commission.

(c) If the responsible party has not applied for a building permit within three (3) years of the date of the Arts Commission's approval of the project, the project will be considered null and void and the responsible party must resubmit a public art proposal to the CAPA (Committee to Approve Public Art).

(d) A contract between the City and the responsible party spelling out all requirements for the artwork, including budget, insurance and maintenance, shall be executed by the Community Development Department prior to the City's formal acceptance of the artwork proposal as approved by the CAPA and the Arts Commission.

(§ 1, Ord. 765, eff. May 22, 2003, as renumbered by § 2, Ord. 800, eff. August 8, 2008, as amended by § 12, Ord. 835, eff. January 10, 2014, and § 2, Ord. 908, eff. October 8, 2020)

Sec. 4-16.215. Application procedure for donation of artwork to the City.

(a) The prospective donor shall submit to the CAPA:

(1) Sketches, photographs or other documentation of sufficient descriptive clarity to indicate the nature of the proposed artwork in relation to the site.

(2) Additional samples of the artist's work other than the proposed donation.

(3) Background information on the artist who created the proposed donation.

(4) Proof of valuation (previous sales receipt or similar) of the Artist's work.

(5) The estimated design, site preparation, fabrication and installation costs.

(6) Maintenance factors required to ensure its permanence.

(b) The proposed donation will be considered by the Arts Commission. A personal appearance by the artist may be requested. The Commission will determine when all issues have been addressed and recommend acceptance or rejection of the artwork to the City Council.

(§ 13, Ord. 835, eff. January 10, 2014)

* **Editor's note**—Ord. No. 835, Section 13, effective January 10, 2014, repealed the former Section [4-16.215](#) and enacted a new section as set out herein. The former Section [4-16.215](#) pertained to application procedure for contribution of artwork to

the City and derived from Section 1, Ord. No. 765, effective May 22, 2003, and Section 2, Ord. No. 800, effective Aug. 8, 2008.

Sec. 4-16.216. Reserved.

* **Editor's note**—Ord. No. 835, Section 14, effective Jan. 10, 2014, repealed Section [4-16.216](#), which pertained to review and acceptance of artwork contributed to the City and derived from Section 1, Ord. No. 765, effective May 22, 2003, and Section 2, Ord. No. 800, effective Aug. 8, 2008.

Sec. 4-16.217. Maintenance of artwork on public and private property.

(a) *Public artwork on public property.* Procedures for accession, maintenance and conservation of artworks shall be established by the Arts Commission, as well as a maintenance schedule. Specific instructions for care of each work shall be kept on file as part of the collection management. Maintenance provisions shall be included in the artist's contract stipulating the length of time (typically one (1) year) the artist will be responsible for repairs. The artist shall be required to provide to the City a maintenance manual outlining procedures, methods and products needed to preserve the condition of the artwork. The artist shall be offered a right of first refusal on repair contracts within a fair market rate of remuneration. Regular inspection-for-condition reporting shall be conducted as supervised by designated City personnel so that the collection is maintained in the best possible condition. When necessary, a conservation plan will be established prioritizing the work which is to be done.

(b) *Public artwork on private property.* For artwork on private property, the obligation to provide all maintenance necessary to preserve the artwork in good condition shall remain with the owner of the site. Art installed on or integrated into a construction project pursuant to the provisions of this article shall not be removed or altered without the approval of the Commission. If the Public artwork is not integrated into the architecture, landscape or affixed to the property, any future owner of the property may remove artwork will

have the option of (1) replacing the original piece(s) with a new commission of equal fair market value (subject to the approval of the CAPA); or (2) depositing in the Public Art Fund a dollar amount equal to the fair market value of the artwork in which case the owner may remove the artwork.

(c) *Maintenance of artwork.* Artwork installed pursuant to this article shall be maintained as specified in the written agreement between the City and the private property owner with regard to that artwork. Maintenance of artwork, as used in this article, shall include, without limitation, preservation of the artwork in good condition to the satisfaction of the City, protection of the artwork against physical defacement, mutilation or alteration and securing and maintaining fire and extended coverage insurance and insurance for coverage of vandalism and other similar acts in an amount to be determined by the City Attorney. Evidence of said insurances shall be provided to the City on an annual basis. Prior to placement of an approved artwork, the responsible party and owner of the site shall execute and record a covenant in a form approved by the City for maintenance of the artwork. Failure to maintain the artwork as provided herein is hereby declared to be a public nuisance. If the artwork is not maintained in the manner prescribed, or is removed or altered without approval of the Commission, in addition to all other remedies provided by law, the City may, upon reasonable notice, perform all necessary repairs, maintenance, secure insurance or take such legal or other action deemed necessary to have the artwork maintained and, if necessary, restored, and the costs therefore shall become a lien against the real property.

(§ 1, Ord. 765, eff. May 22, 2003, as renumbered by § 2, Ord. 800, eff. August 8, 2008, as amended by § 15, Ord. 835, eff. January 10, 2014)