Art in Public Places Program

POLICY & PROCEDURES MANUAL

"Peace Monument" by Don Homan

LIVERMORE
CALIFORNIA

Community Development Department
Commission for the Arts

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CHAPTER 1
INTRODUCTION

Public art plays an important role in increasing the understanding and enjoyment of art by the community. Art is more accessible and visible to people when displayed in public areas. A key feature of public artwork is the importance of integrating art into the urban fabric of the city in order to enrich and enhance the physical attractiveness of the city. Public art transforms spaces and makes a valuable contribution to our appreciation of the city and the quality of public places.

In addition, public art located in public places reflects the unique environment and cultural identity of the city to visitors and to residents of Livermore. It often provides a link with our history and can contribute to development of tourism.

Through artsALIVE!, Livermore's Cultural Arts Master Plan, the City endeavors to feature more works of art in public places as well as supporting art related activities that enhance and further develop the arts community of Livermore. In the City's existing collection, there are two main components:

a. Private sector contributions which provide artwork as part of development or the entitlement process, for example the sculptures provided on site in the Station Square housing development and the statuary in Hanson Park;
b. City collection housed in public buildings and on City grounds.

Purpose of Public Art Policy and Guidelines

The Livermore Public Art Policy is a key strategy in the management of the City's current collection of public artwork, the commissioning of new artwork, and inclusion of new public artwork in private development.

The strategy aims to provide a clear policy and guidelines for the commissioning, creation, placement, maintenance and promotion of the City's Public Art. The policy guides and informs the criteria for the assessment of all public art commissioned by or proposed to the Commission for the Arts, as well as management and promotion of the existing collection. This includes the expenditure of funds collected through strategies described in artsALIVE!

City of Livermore Public Art Ordinances

The City of Livermore has adopted ordinances to include public artwork in its public parks, streets, and plazas, and within City owned buildings, as well as policies that support the inclusion of public artwork in private development. On January 14, 2008, City Council adopted the following ordinances supporting the inclusion of public art throughout the City:

- For City of Livermore public works construction projects, one percent (1%) of the original estimated cost of the project shall be set aside and used for acquisition and/or installation of public art.
- All new construction of residential, industrial, and commercial private developments shall be required to allocate one third of one percent (0.33%) of the construction costs of a development project for acquisition and installation of Public Art in the development project in an amount to be determined by the building official. This ordinance also applies to substantial rehabilitation adding 25% or more square footage. In lieu of providing Public Art at the site, the developer at its discretion, may contribute the amount to the Livermore Public Art Fund.

What is Public Art?

The term "Public Art" is defined as artistic works created by artists as unique and original works for, gifted to, or located in part of a public space or facility and/or accessible to members of the public. Public Art includes works of a permanent or temporary nature located in the public domain.

Public Artwork can include:

- Artwork created for specific locations.
- Temporary exhibits, exhibitions, events, performances, and/or artwork installations located in a public space.
- Artwork produced through involvement of the community.
- Integration of art and architecture to enhance the design of urban or public spaces.
- Collaboration of artists, architects or urban designers to create unique physical environments or features which integrates art into the urban fabric of the city.

Eligible mediums include but are not limited to:

- Sculpture, painting, drawing, printmaking, photography, calligraphy, ceramic, murals, glass or water features, landscaping, literary arts, uniquely designed or site specific paving, furniture and parts of buildings, sound and light works, organic form, works that are designed to be temporary in nature, memorabilia or ceremonial objects related to civic activities.

Ineligible mediums include but are not limited to:

- Mass produced or standardized art objects, unless incorporated into an artwork by the project artist.
- Mechanical reproductions of original works of art
- Landscape and ornamental features designed by the architect builder without the commission of a professional visual artist.

- Directional elements and signage unless where integral to an overall concept created by a professional artist.

What is a Public Space?

A Public Space is defined as a space, which is easily accessible and clearly visible for public view; this includes, but is not limited to parks, streets, squares, promenades, public plazas and foyers. If located on private property, the area must be open to the general public and clearly visible from adjacent public property such as a street or other public thoroughfare or sidewalk.

What is the Public Art Fund?

The Public Art Fund consists of revenues, which can include, but are not limited to, developer in-lieu fees, bequests, gifts, other donations, and funding acquired from other sources by the Commission for the Arts. At the discretion of the developer, in lieu of providing artworks within the project, a developer may choose to contribute to the Public Art Fund in the amount equal to their public art requirement. A developer may choose to include artwork that costs less than what is required for their project but must pay the remainder of the fee to the public art fund. The Public Art Fund will be distributed through a variety of grant programs overseen by the Commission for the Arts.

What are Permissible Expenditures?

Expenditures of funds may include, but are not limited to, the following uses:

a. The cost of the public art itself including the artist's fee for design, structural engineering and fabrication; transportation and installation of the work at the site; identification signs, if any; and mountings, anchorages, containments, pedestals, bases, or materials necessary for the property presentation and installation of the art.
b. Water works, lighting and other objects which are an integral part of the artwork.
c. Walls, pools, landscaping or other architectural elements necessary for the proper aesthetic and structural placement of the artwork.
d. Maintenance and repair of Public Art funded through the art in public places fund.
e. The design, construction, operation and maintenance of art gallery space or cultural arts' display, demonstration and performance space to be utilized by individuals and non-profit arts organizations for arts and cultural programming.
f. Building the functional capacity of eligible non-profit organizations devoted to the development of arts and culture in Livermore.
g. Developing cultural programs for the enjoyment and appreciation of art, heritage and culture within the Livermore community.
h. Funding the design, construction, operation and/or maintenance of cultural and/or arts' facilities, either at the development or off-site.

CHAPTER 2
POLICY AND PROCEDURES

Policy Scope and Objectives:

- The philosophy and processes of the Public Art Policy covers the area defined in artsALIVE! as the Cultural Arts District. They will also apply to projects and programs throughout the city.
- Increase the awareness of public art and promote opportunities to further advance public art.
- Contribute to the unique identity of the City of Livermore within the downtown Cultural Arts District and throughout the City.
- Encourage the involvement of artists in the design and development of public spaces by facilitating collaboration between artists, planners, architects, landscape architects, and urban designers whenever possible in the total design process.
- Develop a public art strategy that integrates art into the urban design fabric of the city in order to create high quality public spaces through the integration of art, urban design and architecture.
- Encourage artworks, which are accessible to the public either visually or physically.
- Involve the community.
- Excite the imagination of the public and increase the understanding and enjoyment of public art.
- Encourage artworks which have relevance to their site.
- Enhance the economic and cultural vitality of the City.
- Ensure recognition that Livermore's art activities are valuable and a significant component of the City's culture, heritage and economic vitality.
- Recognize the diversity of the City and support this diversity through a range of publicly accessible opportunities for all residents, businesses and visitors.

Identification of sites and opportunities

The Cultural Arts District Maps (see Appendices 7 - 10) identify existing artwork and proposed locations for new artwork in downtown locations. The commission maintains the proposed Cultural Arts District Maps to provide an overview of potentially desirable locations for public art; however, the places listed are merely suggestions. The Cultural Arts District Maps are not intended to be an exclusive list of locations for public art, and therefore do not preclude other locations, public or privately owned, from consideration. Opportunities for integral artistic development in new development projects and art related activities will be presented to the Commission as these opportunities arise. When identifying sites and opportunities the Commission shall consider the following:

a. Cultural Arts District – Priority is given to the Cultural Arts District area, but art may be displayed anywhere within City boundaries.

b. Access to the Public – Priority will be given to locations that are frequently visited or viewed by the public, including but not limited to the Cultural Arts District, the Civic Center, parks, transit centers, and open spaces surrounding public buildings.
c. Public or Private Property – Public art may be located on public or private property. If located on public property, consideration must be given to the costs of maintaining the art. If located on private property, the property owner must enter into a written agreement with the City to assure the art is adequately secured and maintained as long as the artwork is displayed, but not less than 30 years.
d. Maintenance – If art is affixed to a building or other structure, it must be reasonable to assume that the building or structure will remain standing and in good condition for 30 years. If the art is freestanding, it must be in a location that allows for necessary maintenance.
e. Security – Artwork must be properly secured to ensure safety (structural and surface integrity, public safety, and public liability) and designed to be reasonably protected from environmental degradation, damage, vandalism or theft.
f. Consideration should be given to diversity of locations, so that art is not bundled in one area, with little or no art in other areas that otherwise meet the criteria for public art locations.

Selection of Artists – Commissioned Works

The policy encourages the commission of works by artists from the Tri-Valley arts community. The encouragement of Livermore residents to participate is an integral part of the policy, and will contribute to the unique identity of the City of Livermore as an outstanding city of the Tri-Valley. However, this policy does not preclude consideration given to commissioning of Bay Area, regional and international artists where appropriate.

The selected artist(s) will be commissioned to carry concepts proposed by the Commission and through completion of the work. The contractual arrangements between the City of Livermore and the artist will define certain agreed parameters for the work and the process will be monitored by Staff to the Commission for the Arts, with any major changes to concept, scale and materials being negotiated prior to contract signing.

Requests for Proposals from the Commission will define:

- The audience and/or community the artwork will engage
- Concept development
- The process by which the contract design will be monitored
- Responsibilities of contractual parties
- Technical requirements
- Site information (including plans)
- Budget

Artists' proposals will be presented to the Commission prior to contracting with the artist. The Commission has the option to display the proposal in a public location for public comment.

Artists considered should have the credentials and/or track record and the ability to execute works of the scale envisaged, but this does not exclude opportunities for other artists of merit. The Commission or its representatives may choose to visit the artist's workspace or request that the artist present their portfolio of commissioned works prior to contract with the City.

Methods of selecting artists for public artwork may be based on the following:

- Open Competition - Publicly advertised calls for entries; any artist may submit proposals and/or qualifications.
- Limited Competition - between invited parties.
- Specific commission or acquisition by Commission for the Arts - This method would apply where limited or open competition would be impractical or inappropriate.

In many cases, a short list of applicants will be briefed on the project, and will be required to make initial design proposals for the site. A stipend may be given to each submitting artist for this stage of the process as funds are available.

From the submissions and this process an artist will be selected by the Commission.

Criteria for the Selection of Artwork

Criteria for the selection of public works of art may include, but will not be limited to artwork that:

- Is specifically designed for its site and is commensurate in scale with its surroundings;
- Adds to the local identity and profile in the context of the City of Livermore;
- Is durable (where applicable) and reasonable to maintain in terms of time and expense;
- Is a permanent fixed asset to the property;
- Is designed and constructed by persons experienced in the production of such artwork and recognized by critics and by his or her peers as one who produces works of art;
- Aesthetically enhances the public space or built environment to which it relates or otherwise interacts with its surrounding environment;
- Is suitable by way of form and quality for public viewing and accessibility taking into consideration the possibility of an unsecured public space;
- Is free of unsafe conditions or factors;
- Is a suitable addition to the public space proposed;
- Contributes to a sense of civic pride;
- Involves the local community;
- Addresses, but is not limited to, aspects of the city's history and/or culture; and/or
- Recognizes the broad intent and objectives of the Cultural Arts Master Plan and Livermore Public Art Policy.

Specific criteria will be determined on an individual project basis and detailed in the RFP or grant application.

Project Management

Once a public art project has been funded, staff, along with representatives of the Commission for the Arts, will coordinate each project considering the following tasks:

- Develop project descriptions and contract;
- Receive necessary approvals as required;
- Describe and mitigate any public safety requirements;
- Work with the artist to develop a timeframe;
- Seek relevant project consultation as needed;
- Work with the artist and Staff to define long term maintenance;
- Establish ownership; and
- Define any other relevant factors and tasks associated with a project.

In developing strategies for each project the following will be considered:

- Whether the artwork is to be permanent or temporal work;
- The materials to be used must be durable and vandal resistant as the public will have access to the works at all times; and
- The proposed site, including usage and scale of the work.

Artist Responsibilities will include:

- The artist commissioned to carry out a public work will creatively interpret the proposal given in terms of his/her craft, skills, and vision.
- The artist must ensure the artwork is unique as a result of the artist's personal creative efforts except in the case of a design collaborative.
- The artist must ensure the art does not infringe upon any copyright, and agrees to hold the City harmless for any copyright infringement.
- The artist must comply with all City procedures, including but not limited to, artist signature, sponsor acknowledgements, and finishes, which will be provided to artist along with the City's agreement for services.
- The artist shall, without additional compensation, correct or revise any errors, omissions or deficiencies in his/her work.
- The artist agrees to release ownership of the artwork to the City unless otherwise called for in the City's Agreement for Commissioned artwork. Any marketing of reproductions shall only be permitted with the prior written approval of the artist and the City.
- The artist will provide a general maintenance plan for the artwork. The City reserves the right to have this plan reviewed by a certified conservator or require technical documents or warranties on the product.
- Artist agrees to maintain minimum insurance levels acceptable by the City as follows:

Insurance

Artist shall, during times in which the artist is working on City property, and until the artwork is accepted by the City, maintain the following insurance to cover Artist in connection with the performance of Work under this Agreement. This Agreement identifies the minimum insurance levels with which Artist shall comply; however, the minimum insurance levels shall not relieve Artist of any other performance responsibilities under this Agreement (including the indemnity requirements), and Artist may carry, at its own expense, any additional insurance it deems necessary or prudent. Concurrently with the execution of this Agreement by the Artist, and prior to the commencement of any Work, the Artist shall furnish written proof of insurance (certificates and endorsements), in a form acceptable to the City. Artist shall provide substitute written proof of insurance no later than 30 days prior to the expiration date of any insurance policy required by this Agreement.

- Commercial General Liability (with coverage at least as broad as ISO form CG 20 01 04 13) coverage in an amount not less than $1,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.
- If Artist will be driving while conducting business on behalf of the City, Automobile Liability with $1,000,000 per accident for bodily injury and property damage.
- If Artist has employees, Workers' Compensation/Employer's Liability as required by State of California statutes. A waiver of subrogation is required for Workers' Compensation insurance.
- Fine Arts Insurance or other insurance against loss in an amount sufficient to cover the contract value of the Artwork.

Endorsements - The insurance policies shall be endorsed as follows:

- For the commercial general liability insurance, the City (including its elected officials, employees, and agents) shall be named as additional "insured."
- For the fine arts or property insurance, the City shall be named as loss payee.
- Artist's insurance is primary to any other insurance available to the City with respect to any claim arising out of this Agreement. Any insurance maintained by the City shall be excess of the Artist's insurance and shall not contribute with it.

Additional responsibilities will be listed in the solicitation of proposals by the City and the Contract for Commissioned Artwork.

Upon reasonable written notice, the artist shall comply with any changes in the amounts and terms of insurance as may be required from time-to-time by the City's Risk Manager.

Upon appointment of an artist, contractual arrangements will be made in accordance with contractual criteria established by the City of Livermore City Attorney's Office.

Municipal Projects – City-funded Capital Projects

The City Engineer's Office is involved in the initial phase of all municipal capital improvements through the Capital Improvement Plan (CIP) process over a two-year period. The City Engineer's office should forward a copy of the draft CIP to the Community Development Department staff and the Commission for the Arts for review to submit recommendations as to the inclusion of public art elements. This process will enable staff

and the commission to seek funding opportunities and have funding allocated prior to City Council approval.

Coordination between departments at the conceptual stage of projects is important as federal and state funds are available to public art projects included in redevelopment, parks, open spaces, and highway and transit projects.

Selection Procedures

Procedures for the selection of municipal art may include any of the methods outlined in Chapter 2, based on the ability to generate the best artwork for the project. Upon receipt of applications or proposals and recommendation of the Community Development Department staff, a subcommittee of the Commission for the Arts will review and make recommendations as to the selection of artists for the project. The Subcommittee might also include expert technical staff including architects, engineers and project design staff and may include a representative of the Design Review Commission and members of the public in proximity to the project.

Public Art Asset Management Plan

The development of a Public Art Register shall be completed to establish the extent and condition of the City's existing artwork collection.

Once this work has been undertaken the next step is to develop a plan for the maintenance of existing and new works once commissioned.

Funding

Funding for activities proposed in the Public Art Policy is anticipated to come from a variety of sources:

- Sponsorship
- Private funding
- Budgeted funds
- In-Lieu Public Art Fund
- Grants

Public Art Subcommittees of the Commission for the Arts

A Subcommittee may be responsible for:

- Coordinating public art activity within public spaces, including making recommendations to the Commission for the Arts on the commissioning of public art projects, and recommending to the Commission for the Arts approval of works of art obtained through development agreements.
- Reviewing and making recommendations regarding gifts and loans of art following the guidelines outlined in the public arts policy.
- Reviewing and making recommendations regarding the de-accessioning of artworks following the guidelines outlined in this policy.
- Reviewing proposals for projects.

- Determining selection process (as described above in Selection of Artists).

Composition and Term of subcommittees:

- A subcommittee consists of no more than three (3) voting members of the Commission for the Arts. Members will be appointed by the Commission for the Arts Chairperson on a project-by-project basis and will remain on the subcommittee until the project is completed.
- On a project-by-project basis, a subcommittee may also include voting and/or non-voting members that provide technical or creative expertise for the project, such as business, community, architectural, engineering or design consultants.

Conservation and Maintenance

An important part of the management of the city's public art collection is the recognition of the conservation and maintenance required for both the existing and new artworks. When new works are commissioned or the Commission accepts gifts of art works the Commission must consider not only the capital costs of acquisition but also the ongoing commitment for maintenance and repairs. All items recorded in the Public Art Register shall be assessed as part of the condition report and an ongoing maintenance plan formed.

Donors of items may be required to provide funds or be responsible for the maintenance and upkeep of the donated work for a designated period of time.

Where new works are commissioned or accepted, written details of warranties (where these apply) detailing service should be provided with the completed work. This may cover details such as cleaning, lighting, servicing, circuit diagrams, manufacturer, and/or agents. This information will be entered into the Public Art Register as well. Allowance for the cost of ongoing maintenance of new works will need to be planned for and may need to be reviewed by a certified conservator for care and maintenance plan. Artwork shall be maintained by the property owner in a neat and orderly manner acceptable to the City, unless the artwork is installed on property owned by the City, in which case the City shall maintain the artwork.

Ownership

In most cases the artwork will become the property of the City of Livermore. Public art may be placed on land owned by the City provided that ownership of the work is vested in the City. The ownership of artwork on privately owned sites may also be transferred to the City. If the City accepts ownership it may be responsible for maintenance, insurance and any contractual agreement related to the art as outlined by this policy or City Council may require the site owner to be responsible for those items.

Documentation

All new works will be documented and this information will form part of the Public Art Registry database.

The information should include:

- Artists name, curriculum vitae, artistic statement

- Any warranties, maintenance details including name of agent and manufacturer (if applicable)
- Construction/maintenance details
- Relevant dates
- Site/display information
- Any other relevant details
- Photographic Record

Review and Deaccessioning of Artwork

Community Development Department staff shall review the entire public art collection at least once every five-years to assess condition and shall make appropriate recommendations to the Commission for the Arts. The City shall dispose of works of art in its collection only in the public interest and as a means of improving the overall quality of the collection. Since artworks are acquired by the City through a thorough review process by City staff and the Commission for the Arts, based on the quality of the artwork and the value of the work to the collection as a whole, deaccessioning should be considered only after five years following acceptance. The need for relocation or the temporary removal from public display does not automatically necessitate deaccession.

Deaccessioning should be cautiously applied only after careful and impartial evaluation of the artwork to avoid the influence of fluctuations of taste and the premature removal of artwork from the collection. Prior to the deaccession of any work, the Commission for the Arts must weigh carefully the interests of the public, the intent in the broadest sense of the donor (if any), and the interests of the cultural community.

All proceeds from any sale or auction of a work of art will be used for the purpose of acquiring or maintaining one or more other works of art for the same public art program or purpose for which the original work of art was acquired. If that is not possible, then the proceeds shall be used to acquire or maintain a work of public art, or support another City Public Art program.

Removal of an Artwork from Public Display

1. Cause for Review

While the intent of acquisition of artwork is for permanent public display, circumstances and/or conditions may arise that make it prudent for the Commission, on behalf of the public interest, to remove an artwork from public display. One or more of the following conditions must apply in order for an artwork to be considered for permanent removal or deaccession:

a) The work presents a threat to public safety.
b) The condition or security of the work cannot be guaranteed, or the City cannot properly care for or store the work.
c) The work requires excessive or unreasonable maintenance.
d) The work has serious or dangerous faults in design or workmanship.
e) The condition of the work requires restoration in gross excess of its monetary value, or is in such a deteriorated state that restoration would prove either unfeasible, impractical or would render the work essentially false.
f) The work is of poor quality.

g) A similar but superior example exists in the collection.
h) The work is a forgery.
i) No suitable site for the work is available.
j) Significant adverse public reaction is documented over an extended period of time (5 years or more).
k) The work is judged to have little or no aesthetic and/or historical or cultural value.
l) The Arts Commission wishes to replace a work with a more appropriate work by the same artist.
m) The work can be sold to finance, or can be traded for, a work of greater importance.
n) A written request from the artist has been received to remove the work from public display.
o) The work is not, or is rarely displayed.
p) The artwork has been determined to be incompatible with the rest of the County's collection.

2. Review Process

Prior to deaccession, Community Development staff must observe the following procedures.

a) Prepare a report which indicates:
    i. Acquisition method and purchase price.
    ii. Any restrictions that may apply to the specific work based on contract review.
    iii. An analysis of the reasons for deaccessioning.
    iv. Alternatives to deaccessioning.
    v. Suggested methods of deaccession.
    vi. Appraised value of the work by two independent consultants, if obtainable.
    vii. Documentation of correspondence, press or other evidence of public debate documenting extended adverse public reaction.
b) Discuss with the artist or donor the circumstances prompting the review.
c) Discuss the circumstances with the affected City department and document input.
d) Make all reasonable efforts to ascertain that the City is legally free to dispose of the work in question.
e) Community Development Department staff may seek additional information regarding the work from the artist, art galleries, curators, appraisers or other professionals.
f) The report shall then be presented to the Commission for the Arts for action at a regular public meeting.

3. Deaccession Process

a) Upon a recommendation of deaccession, staff will work with the Commission for the Arts to determine the manner of disposition. Every effort will be made to ensure that this process is fair and open. Sale at public auction is strongly encouraged. Whenever works are deaccessioned by means other than public auction, staff will secure no fewer than two independent estimates of fair market value.
b) Artwork may not be given or sold privately to City employees, officers, volunteers or members of City commissions, committees, boards, affiliate groups or their representatives unless they are sold at public auction and with appropriate disclosures.
c) Consideration should be given to placing the artwork, through gift, exchange or sale, in another tax-exempt public institution wherein it may serve the purpose for which it was acquired initially by the City. Community Development staff may exchange a work of art on such terms as the Commission for the Arts determines appropriate.
d) A work of art may be sold privately under the following circumstances:

i. If the work is offered at public auction and no bids are received, or if the bids are rejected. A work of art on which bids have been rejected shall not thereafter be sold through private sale for less than the amount of the highest bid received.
ii. If the Commission for the Arts determines that the work may be sold on terms more advantageous to the City if sold through private sale.
iii. If the artist of the work chooses to purchase it at the original purchase price.

e) An adequate record of the conditions and circumstances under which objects are deaccessioned and disposed of should be made and retained as part of the records of the Community Development Department.

f) All recommendations for deaccession are subject to appeal to the City Council. All appeals must be made in writing to the County Clerk within ten days of the decision by the Commission for the Arts.

CHAPTER 3
GRANTS

Applications

Grant applications must be submitted on the grant application form, following the instructions provided by the Commission for the Arts.

Application forms can be downloaded from the Internet at http://www.ci.livermore.ca.us/boards/cac_info.html. They can also be requested by e-mail at Arts@cityoflivermore.net or by calling 925.960.4400.

Types and Amounts of Grants

City of Livermore Public Art Grant – Applications will be accepted from individuals or organizations or may be solicited via a Request for Proposal (RFP) by the Commission for the Arts. The Commission for the Arts will review unsolicited Public Art Grant applications for grants over $10,001 on an annual basis. Applicants must meet the definition of public art as defined in the City's Public Art Policy, or qualify under the list of permissible expenditures (page 5).

Project and Program Grants – Applicants must meet the definition of public art as defined in the City's Public Art Policy. Artists or organizations are eligible for up to $10,000. The Commission for the Arts will review Project and Program Grants applications twice each year. The number of Project and Program grants available each year will vary depending on the resources of the Commission for the Arts. The number and ratio between public art and programs will be determined at the beginning of the grant cycle.

Mini Grants - Applicants must meet the definition of public art as defined in the City's Public Art Policy. Artists or organizations are eligible for up to $1,000. The number of Mini grants available each quarter will vary depending on the resources of the Commission for the Arts. The number and ratio between public art and programs will be determined at the beginning of each grant cycle. Funding for Mini Grants may not be available every quarter.

Timelines

City of Livermore Public Art Grants – Timelines will be set out in the RFP. The Commission for the Arts will review unsolicited Public Art Grant applications annually. At the September meeting of the Commission for the Arts, a Public Art Grants Subcommittee will be appointed to review the applications. All unsolicited applications for funding in the following calendar year that are received by October 1st will be reviewed by the Community Development Department staff for eligibility. Eligible applications are then provided to the Subcommittee who will work with program staff to evaluate the applications for compliance with the Commission's current goals and priorities. This process may include an interview with the applicant, at the discretion of the Public Art Grants Subcommittee. The Subcommittee will make a recommendation to the Commission at the October meeting. The Commission will

make their final recommendations to the City Council annually in November. Events related to funded projects may not begin until grant agreements are fully executed.

Project and Program Grants – Applications will be due to the Community Development Department by 5:00 p.m. on the 1st of March and September for funding of projects which will begin after the 1st of May and November, respectively. At the February and August meeting of the Commission for the Arts, a Project and Program Grants Subcommittee will be appointed to review the applications. Eligible applications are first reviewed by the Community Development Department staff for eligibility and completeness. Eligible applications are then provided to the Subcommittee. Relying on the information provided in each application and its attachments, the Subcommittee will measure the strength of the applications and work with program staff to develop proposed grant awards. This process may include an interview at the discretion of the Project and Program Grants Subcommittee. All applications will be evaluated using the Evaluation Form found in Appendix 1. Funding proposals are submitted with recommendations to the full Commission for the Arts at its March and September meetings. The Commission will make its final recommendations to the City Council in April and October. Events related to funded projects may begin no earlier than two (2) months after the application deadline.

Mini Grants – Applications will be due to the Community Development Department by 5:00 p.m. on the 1st of March, June, September and December. Applications are first reviewed by Community Development Department staff for eligibility and completeness. A Mini Grant Subcommittee will be appointed on a quarterly basis. Eligible applications are then provided to the Mini Grant Subcommittee. The Subcommittee will make recommendations to the full Commission at its regularly scheduled meeting in March, June, September and December. The Commission will make the final approval. Events related to funded projects may begin no earlier than two (2) months after the application deadline.

Methods for Submitting Applications

Applications that are delivered to the Community Development Department (in person, or using a commercial delivery service such as Federal Express or United Parcel Service) must arrive by 5:00 p.m. on the deadline date.

Applications sent via U.S. Mail must be sent First Class or Priority Mail and postmarked by the U.S. Postal Service by the deadline date. (Please note: Applicants are encouraged to obtain a date-stamped receipt from the Post Office in case they need to document that they met the deadline. Self-generated Postage meter indicia are not sufficient to establish that the application was postmarked by the deadline.)

Please submit completed grant application packets to:

City of Livermore
Public Art Grants
Community Development Department
1052 S. Livermore Avenue
Livermore, CA 94550

Requests for Proposals may require applications to be submitted using the Western States Arts Federation's online website: www.callforentry.org, Café. Applicants must follow specific instructions outlined in each Request for Proposals.

Matching Funds

All Project and Program Grant applicants must provide at least a dollar-for-dollar (one-to-one) match for the grant award, no less than 50 percent of which must be a cash match. The cash match must be from sources other than the City of Livermore.

In-kind contributions are allowed as part of the match only on the following limited basis:

a. In-kind contributions cannot be used for more than half of the required match, in other words, they cannot represent more than 50 percent of the value of the grant award; and,
b. The value of in-kind contributions, i.e., goods and services, must offset line item expenditures in the project budget and their value must be documentable with invoices or billing statements.

General Instructions for Preparing Grant Applications

All applicants, especially first-time applicants, are strongly encouraged to consult with the Community Development staff at Arts@cityoflivermore.net or 925.960.4400 well in advance of the application deadline if they have any questions about any requirements of the grants.

Please read and follow or answer carefully all instructions for and questions on the Application Form.

Standards for Preparing Applications

Please read the following carefully. Applicants are responsible for completing and submitting the correct number of copies of the full application and all required attachments by the deadline. Incomplete applications will not be accepted for Commission evaluation.

a. Applicants must not modify the format of the application form or exceed the maximum length of any section of the form, except where otherwise noted.

b. All required attachments (except pre-printed ones) must be typed or computer-prepared in a type size that is no smaller than 12 pt. Times/Times New Roman, or 10 pt. Arial/Helvetica.

c. Complete all pages of the application form and all required attachments. (Use “N.A.” if a section does not apply to your organization.) Provide information that is current as of the application deadline. Budget pages and budget notes must be complete.

d. The original of the Application Form must be signed by the organization’s executive director, managing director, president or board chair, or the applying artist.

Amending an Application

In general, grant applications will be reviewed in the condition in which they were delivered. However, if an organization’s circumstances change significantly between the submission of its application and the subcommittee’s evaluation of applications, the organization may request to amend its application, provided this does not result in a substantially new

application. Acceptance of application amendments is at the discretion of the Chair of the Commission for the Arts.

Application Reviews and Grant Awards

Project and Program Grants - Applications are first reviewed by the Community Development Department staff for eligibility and completeness. Eligible applications are then provided to the Project and Program Grants Subcommittee. Relying on the information provided in each application and its attachments, the Subcommittee will measure the strengths of the applications and work with program staff to develop proposed grant awards. This process may include an interview at the discretion of the Project and Program Grants Subcommittee. All applications will be evaluated using the Evaluation Form found in Appendix 1. Funding proposals are submitted with recommendations to the full Commission for the Arts. The Commission for the Arts reviews and makes final recommendations to the City Council. Grant awards become final only if and when the City Council approves them.

Mini Grants - Applications are first reviewed by Community Development Department staff for eligibility and completeness. Eligible applications are then provided to the Mini Grant Subcommittee. Relying on the information provided in each application and its attachments, the Subcommittee will measure the strengths of the applications and work with program staff to develop proposed grant awards. This process may include an interview at the discretion of the Mini Grant Subcommittee. All applications will be evaluated using the Evaluation Form found in Appendix 2. Funding proposals are submitted with recommendations to the full Commission for the Arts. The Commission for the Arts reviews and makes final approval.

Appeals

Grounds for Appeal

An applicant may file an appeal of a Subcommittee's recommendation only if it believes that one or more of the following circumstances has occurred and has affected the grant recommendation for the organization filing the appeal:

a. The Commission for the Arts, or one of its Subcommittees committed a material breach of published grant review policies and procedures;

b. Required application materials that were submitted by the deadline were omitted from the materials the Subcommittee considered during the review process; or

c. A member of the Grant Subcommittee did not recuse her/himself even though s/he had a conflict of interest in relation to an applicant; as such term is defined under state law, which should have resulted in the panelist's recusal from evaluating the applicant or participating in a discussion of the applicant.

The Commission for the Arts will not consider appeals that are based on:

a. Correcting applicant errors and omissions in the application or review process;

b. Disagreements about the merits of the application relative to others the Subcommittee considered; or

c. Events and/or organizational developments that occurred subsequent to the meeting.

Appeals Process

Applicants wishing to appeal must submit their appeals in written form to the Community Development Department within one business week after notification of application denial has been sent.

A special Appeals Panel consisting of members of the Commission of the Arts will weigh eligible appeals. The Appeals Panel will report its findings to the full Commission. If an applicant is dissatisfied with the Panel's resolution of its appeal, the applicant may address its appeal further to the full Commission, as long as the appeal is based on the Grounds for Appeal described above.

An applicant who disagrees with the Commission's recommendation to not fund its Project and Program Grant application may attend the City Council meeting and provide input to the Council when Council will consider the Commission's recommendation for that Project and Program Grant.

Public Nature of Application Material

Applications submitted for arts grants become the exclusive property of the City. At such time as the Commission for the Arts reviews an application it will become a matter of public record and shall be regarded as public records, with the exception of those elements in the application which are defined by the applicant as business or trade secrets and plainly marked as Confidential, Trade Secret, or Proprietary. The City shall not in any way be liable or responsible for the disclosure of any such application or portions thereof, if they are not plainly marked as Confidential, Trade Secret, or Proprietary or if the disclosure is required under the Public Records Act. Any application which contains language purporting to render all or significant portions of the application Confidential, Trade Secret, or Proprietary shall be regarded as non-responsive and, therefore, not eligible for review.

Although the California Public Records Act recognizes that certain confidential trade secret information may be protected from disclosure, the City may not be in a position to establish that the information that an applicant submits is a trade secret. If a request is made for information marked Confidential, Trade Secret, or Proprietary, the City will provide the applicant who submitted the information with reasonable notice to allow the applicant to seek protection from disclosure by a court of competent jurisdiction.

Acknowledging City Support

Grant recipients must acknowledge the City's financial support in all appropriate materials and media. The acknowledgement should read, "Supported in part by a grant from the City of Livermore" or similar language, unless the City is a part of a list of supporters. In the latter case, the acknowledgement may say only City of Livermore. Grantees should display the City's logo whenever other sponsor logos are displayed, and in accordance with City logo use guidelines.

Eligibility Requirements

At the time of application, all grant applicants must meet the following eligibility requirements:

- The group and/or artist is in compliance with requirements pertaining to any previous grant it has received from the City.

- The group and/or artist have completed any previously funded project or program before they apply for a new grant.

Grant Awards

Past grant awards are no assurance of future awards. Recommendations and decisions are made fresh each year.

Grants are generally paid after the project or program is completed and upon receipt of the grantee's final report, on a form to be provided by the Commission for the Arts. In exceptional circumstances, grant monies may be issued in advance of a project or program. Applicants whose projects are dependent upon receiving monies in advance should submit documentation evidencing this fact to the Commission for the Arts.

Exclusions

Grants do not support:

1. Programs, projects or events not accessible to the public or that will be held outside Livermore;

2. Purchase of equipment or property, unless the equipment is required for the funded activity or project;

3. Events where fund-raising is the primary purpose;

4. Costs of receptions and social activities, except where they are an incidental and insignificant part of the project budget;

5. Deficit or debt reduction efforts;

6. Operating costs not directly related to carrying out the funded program or activity.

Work Samples

The Commission may request work samples on a case-by-case basis as part of the application. Work samples provide a valuable opportunity for the Commission to understand the quality of your project. Whenever possible, the work samples should illustrate what you propose to do in your project and show the quality of the work.

There is a limited time for the Commission to review the samples so it is to your advantage to cue your sample to the most relevant portion of the work. Keep in mind that the Commission may not see/hear the entire work sample, or they may fast forward if they desire. Whenever possible, provide samples of work done within the past two years.

Select samples that show your work to its best advantage, including image and sound clarity. In general, use excerpts from completed works but avoid montages. If your proposal is for a

work in progress, consider submitting an excerpt of the work in addition to an excerpt of a completed work.

After the grant review process, work samples will be discarded unless you request otherwise. For the return of your work samples, provide a self-addressed envelope with sufficient postage, and/or if necessary other arrangements can be made to return your work samples. The type of work sample required depends on the discipline that best fits your proposed project:

1. Dance: 2 continuous selections, each 2-4 minutes long. Put each selection on a separate memory stick, CD/DVD, or YouTube and cue to the beginning of each selection.

2. Literary Arts (publication): 3-5 publications (books, journals, magazines, etc.) from the past two years. One copy of each is sufficient. If appropriate, you may also include 7 copies of a manuscript excerpt. The excerpt must not exceed 20 double-spaced pages.

3. Literary Arts (readings): 1 selection of a continuous reading or staged interview 2-4 minutes long. Put on a memory stick, or CD/DVD, and cue to the beginning of the selection.

4. Literary Arts (publication & readings combined): Up to 2 publications or 1 manuscript excerpt prepared according to the instructions above, plus 1 selection of a continuous reading or interview, prepared according to the instructions above.

5. Media Arts, Film, and New Media: 2 selections on separate memory stick, CD, DVD, or YouTube. Cue each to the beginning of the selection. Each selection should be 2-4 minutes long.

6. Music: 2 continuous selections, each 2-4 minutes long. Put each selection on a separate CD or YouTube.

7. Theater/Musical Theater/Opera/Operetta: 2 continuous selections, each 2-4 minutes long. Put each selection on a separate memory stick, CD, DVD or YouTube and cue to the beginning of each selection.

8. Visual Arts: 1 set of 8 images, on CD. You may submit maquettes of relevant work-in-progress. Please call first if you wish to submit a maquette.

9. Heritage Projects: Photo documentation of heritage exhibit or re-enactment, research publications, descriptions of preservation activities, or news articles describing project implementations.

10. Interdisciplinary Arts and Multidisciplinary projects: Up to 2 selections of any appropriate combination of the above.

11. Infrastructure: Samples of work by any professional that you might engage to accomplish your goal.

How to Prepare Samples of Work for Submission

Except for manuscript excerpts, you need to provide only one copy of each sample. **Do not send originals or your only copy of work documentation.** Check that digital media works properly before you submit it.

CDs/DVDs

- Label each CD/DVD container with applicant's name, title of work and date.
- The description page should include the date/place of production and broadcast/release, if appropriate. If samples are still images, include an annotated list.

Other Media

If your work samples differ from the above, please consult with program staff to discuss alternatives before submitting. If your work sample is an interactive media work, be sure to include instructions for interacting with the sample.

CHAPTER 4

ARTS GIFT POLICY

The City of Livermore is committed to enhancing Livermore's art and cultural activities for all residents and to establish Livermore as the premier destination in the Tri-Valley region.

Definition of Public Artwork

The term **art** is used to describe a particular type of creative production generated by human beings, and the term usually implies some degree of aesthetic value. An artist makes a work of art for various purposes, such as creating an experience for others. There is no general agreed-upon definition of art, since defining the boundaries of "art" is subjective, but the impetus for art is often called human creativity. Some examples as described in the Public Art Ordinance include:

- Artwork created for specific locations;
- Exhibitions, events, performances, temporary exhibits, and/or artwork installations located in a public space;
- Artwork produced through involvement of the community;
- Integration of art and architecture to enhance the design of urban or public spaces; and
- Collaboration of artists, architects or urban designers to create unique physical environments or features which integrates art into the urban fabric of the city.

Mediums include (but are not limited to) sculpture, murals, glass or water features, landscaping, uniquely designed or site specific paving, furniture and parts of buildings, sound and light works, organic form, works that may decompose or melt, memorabilia, or ceremonial objects related to civic activities.

The following items will not be considered as public artworks:

- Art objects which are mass-produced as public artwork,
- Reproduction of original artwork,
- Decorative, ornamental, or functional elements of a building which are designed by an architect as opposed to an artist commissioned for the purpose of creating an artwork, or
- Landscape architecture.

Gifts of Public Artwork Considered

The City will consider a donor's offer of an existing public artwork, commission of an artwork by a specific artist or artists, or to commission an artwork through a competitive public

process. “Artist” means a person who has an established reputation of artistic excellence in the visual, performance, literary, and/or media arts, as judged by peers, through a record of exhibitions, public commissions, sale of artworks, and/or educational attainment. Alternately, the City will consider a gift that is monetary for the purpose of acquiring public art for the community.

Review Process for Proposed Gifts

All proposed gifts will be referred to the City of Livermore Commission for the Arts. The Commission’s recommendation on the acceptance or rejection of proposed gifts will be referred to the City Council for final action.

If the City Council approves the acceptance of a gift, a formal agreement will be executed between the City and the donor and/or artist. This agreement will include costs, responsibilities, and schedule of all aspects of the project, including project funding, fabrication, installation, maintenance and budget requirements, transfer of title, donor’s and/or artist’s rights, project supervision, documentation, an identification plaque, City’s rights of ownership (including deaccessioning), and other requirements established by the City.

Review Criteria

The proposed artwork will be reviewed based a variety of factors, including, but not limited to the following:

- Conformance to the City’s Cultural Arts Master Plan. The proposed artwork must conform to the goals and strands identified in artsAlive!, the City’s Cultural Arts Master Plan.
- Aesthetic quality. Consideration will be given to the inherent quality of the proposed artwork as assessed by the criteria review of the Commission for the Arts.
- Relationship to the collection and the community. The proposed artwork will be analyzed for its potential relationship to the City’s present public art collection and whether it will enhance the aesthetic quality of the community.
- Compatibility. Conceptual compatibility and appropriateness of the proposed artwork to the surrounding built and/or natural environment will be factors or consideration, and will include scale, form, content, and design.
- Materials, fabrication, and installation. The Commission for the Arts will evaluate the existing artwork’s material or the artist’s proposed materials and their appropriateness as regards to structural and surface integrity, protection against theft, vandalism, public safety, and weathering, and an analysis of long-term maintenance needs. The Commission for the Arts will also evaluate the proposed method of installation and an evaluation of safety and structural factors involved in the installation.

Standards for Acceptance of a Gift

- Budget. Consideration will include an evaluation of the donor’s proposed budget and the artist’s ability to successfully complete the project within the proposed budget, and review to assess realistic estimates and comprehensiveness of the budget as it addresses all the costs of the proposal.

- Unrestricted gifts. Proposed gifts to the City will be clear and unrestricted unless otherwise agreed to in writing by the City.
- Unique artworks. Only one-of-a-kind artworks will be considered, with the exception of prints, photographs or other limited edition artworks of high quality.
- Cost of artwork. Acceptance is contingent upon receipt by the City of payment from the donor for all costs associated with the gift not covered by the donor directly, such as transportation, installation and maintenance, unless otherwise agreed to in writing by the City.
- Alterations to proposed artwork design. Any change to the design or concept made by the artist or donor of the gift must be reviewed by the Commission for the Arts and approved by the City Council.
- Review of fabrication and installation. Artworks accepted from maquettes or drawings will be subject to City review throughout fabrication and installation. Specific plans for the site design, installation, maintenance and protection will be submitted to the City for approvals.
- Ownership of accepted artwork. Gifts of public artwork that are accepted by the City will be owned by the City as part of its collection. In accepting an artwork into its collection, the City will not be bound by any agreement with a donor of artwork that restricts its ability to act in the City's best interests. Nothing in the acceptance of an artwork will prevent the City from approving subsequent disposal (removal, relocation, and/or sale) of such artwork if it serves the City's best interest to do so. If disposal is proposed, the Commission for the Arts will make a recommendation to the City Council for final action. The City will deaccession and sell or otherwise dispose of artworks in its collection in accordance with the limitations of the California Preservation Act (Civil Code 987) and the Visual Artist's Act of 1990 (17 U.S.C. 1064 and 113(d)).

PROPOSAL FOR A GIFT OF ARTWORK TO THE CITY OF LIVERMORE

To propose an artwork gift to the City of Livermore, please complete the following information and provide your signature at the bottom of this page. The completed form and other information should be submitted to:

Staff Liaison to the Commission for the Arts
City of Livermore
1052 S. Livermore Ave., Livermore, CA 94550
Email: arts@cityoflivermore.net
Questions: (925) 960-4400, (925) 960-4104 TDD

Donor Information

Name: Phone:

Address: Email:

If the Artwork is existing:

Title of artwork:

Artist:

Artwork medium/materials:

Maintenance procedure/schedule:

Current owner of artwork:

Date of artwork:

Current location of artwork:

Value of artwork: $

Please attach photographs of the artwork. Attach any other information you would like the city to know about the artwork (for example, artist resume, examples of other artworks in other collections, press clippings, history of artwork).

If the artwork will be commissioned:

Provide a written proposal with the following information:

- resume of the artist and photographs of his/her work;
- details about the artwork that would be commissioned, including subject of the artwork, medium/materials, approximate size; and
- sketch or maquette of the artwork.

I have read the City of Livermore Artwork Gift Policy.

Signature: _____ Date: _____

CHAPTER 5
DEVELOPER GUIDELINES

On January 14, 2008, the City Council adopted the following ordinance supporting the inclusion of public art throughout the City:

All new construction of residential, industrial, and commercial private developments shall be required to allocate one third of one percent (0.33%) of the construction costs of a development project (the amount to be determined by the Building Official) for acquisition and installation of Public Art in the development project. This ordinance also applies to substantial rehabilitation of a structure, which adds 25% or more square footage. In lieu of providing Public Art at the site, the developer, at its discretion, may contribute the amount to the Livermore Public Art Fund.

Requirements and Procedures to Install Public Art

The requirements and procedures for processing a request to install public art shall be as follows:

a. If the developer chooses to provide artwork, an Application including a site plan showing the location of the artwork, complete with landscaping, lighting and other appropriate accessories to complement and protect the artwork, the artist's concept and representation, such as a drawing, photograph, or maquette of the artwork, must be submitted. Developers should indicate what medium or materials will be used and should also include maintenance plans for the artwork. Information on the artist chosen to create the art may also be attached.

b. The Planning Division staff will review the proposal to ensure that the artwork is generally compliant with these Guidelines and other applicable city ordinances, e.g., a mural proposal will be reviewed to ensure that it does not infringe on the signage ordinance.

c. To the maximum extent possible, processing the request to install public art shall be concurrent and coordinated with the project application.

d. Proposals will be forwarded to the Commission for the Arts staff liaison by the Planning Division.

Commission for the Arts Approval Guidelines

The Commission for the Arts staff liaison will review the proposed project to ensure that the project does not include subject matter such as the apparent representation of violence, inappropriate nudity, denigration of individuals or cultures, or desecration of significant cultural symbols.

After review, the Commission for the Arts staff liaison will schedule the application to be reviewed by the Commission for the Arts

The Commission for the Arts will approve the proposed art, conditionally approve, or deny the request to install public art based upon these guidelines including the following criteria:

a. The artwork shall be placed on public or private property which is easily accessible and clearly visible to the general public. If located on private property, the area must be open to the public and clearly visible from adjacent public property, such as a street or other public thoroughfare or sidewalk.
b. The application shall include a site plan showing the location of the artwork, complete with landscaping, lighting and other appropriate accessories to complement and protect the artwork.
c. The composition of the artwork shall be of permanent-type of materials in order to be durable against vandalism, theft, and weather, and in order to require a low level of maintenance.
d. The artwork shall be related in terms of scale, material, form and content to immediate and adjacent buildings and landscaping so that it complements the site and surrounding environment.
e. The artwork shall be designed and constructed by persons experienced in the production of such artwork and recognized by critics and by his or her peers as one who produces works of art.
f. The artwork shall be a permanent, fixed asset to the property and be maintained for not less than 30 years.
g. The artwork shall be maintained by the property owner in a neat and orderly manner acceptable to the City, unless the artwork is installed on property owned by the City, in which case the City shall maintain the artwork.

The Commission for the Arts may make recommendations to the developer for changes to the project proposal in order to maintain the City's artistic message as outlined in artsALIVE!, the City's Cultural Arts Master Plan.

When the project applicant has elected to acquire and install artwork, the building permit for the development project shall not be issued until the Commission for the Arts has approved the request to install public art, and the certificate of occupancy shall not be issued until the approved work of art has been installed. The developer shall enter into an agreement with the city, which shall be recorded against the property, to ensure that the public art is maintained for a minimum period of 30 years.

A developer may choose to include artwork that costs less than what is required for their project but must pay the remainder of the fee to the public art fund.

The project applicant may appeal any decision rendered hereunder by the Commission for the Arts to the City Council for final decision.

Contribution to the Public Art Fund

If a developer chooses to contribute to the Livermore Public Art Fund, the Community Development Department staff will calculate the public art fees and notify the Commission for the Arts staff liaison with this information.

Definition of Public Space

A Public Space is defined as a space, which is easily accessible and clearly visible for public view. The area must be open to the general public and clearly visible from adjacent public property such as a street or other public thoroughfare or sidewalk.

Permitted Types of Artwork

Types of artwork permitted as public art in Livermore include:

- Paintings-all media including both portable and permanently affixed works, such as murals.
- Sculpture-in the round, bas-relief, mobiles, fountains, kinetic or other, in any materials or combination of materials
- Other visual media-including but not limited to prints, drawings, stained glass, calligraphy, mosaics, photography, video, ceramics, fiber and textiles.
- Mixed media combination of forms and media such as collage, etc, other works of materials, disciplines and media which are of temporary duration, including installation of performance arts that are documented and archived.

Eligible Mediums

Eligible mediums include but are not limited to:

- Sculpture, painting, drawing, printmaking, photography, calligraphy, ceramics or clay, murals, stained glass, wood, metal
- Glass or water features
- Landscaping
- Uniquely designed or site specific paving
- Furniture and parts of buildings
- Sound and light works

Ineligible Mediums

Ineligible mediums include:

- Mass produced or standardized art objects, unless incorporated into an artwork by the project artist.
- Mechanical reproductions of original works of art

- Landscape and ornamental features designed by the architect builder without the commission of a professional visual artist.
- Organic form
- Works that may decompose or melt
- Memorabilia or ceremonial objects related to civic activities
- Directional elements and signage unless where integral to an overall concept created by a professional artist.

Submittal Requirements

The following documents must be submitted to the Commission for the Arts as part of consideration of the proposal for artwork:

- Landscape and site plans showing the proposed location and orientation of the artwork, its integration into the overall design of the project, and accessibility to the public.
- A statement of the in-place value of the proposed artwork.
- A sample, model, photograph, drawing, or other exemplar of the proposed artwork.
- A resume of the artist including slides or photographs of the artist's previous work.

APPENDICES

Sample

Project & Program Grant

City of Livermore
Community Development Department
Commission for the Arts

Application Form, Instructions, and Checklist

Applications are due on March 1 and September 1 each year

Completed grant applications must be:

- Delivered (in person or by commercial service such as FedEx, UPS, etc.) to the Community and Development Department c/o Commission for the Arts by 5 p.m. on March 1 and September 1, or
- Sent First Class or Priority Mail by the US Postal Service to be received at the City no later than March 1 and September 1.

Send or deliver applications to:

City of Livermore
Community Development Department
Staff Liaison for the Commission for the Arts
1052 S. Livermore Avenue
Livermore, CA 94550

This packet contains the Application Checklist and instructions for completing the application.

Sample

Applicant Name:_____

APPLICATION CHECKLIST - This Checklist is required and must be submitted as part of the completed Application. All Project & Program Grant applicants are required to submit the following:

One original set of the Application, collated in the following order:

- ❑ 1. Application Checklist (this page).
- ❑ 2. Start date: Do(es) the event(s) related to this project begin at least two (2) months after the application deadline?
- ❑ 3. Organizational Summary, signed by the organization's executive director, managing director, president, board chair, or other authorized officer of the organization, or by the applying artist.
- ❑ 4. If you are an organization, submit a list of current officers and Board members with their term of office.
- ❑ 5. If you are a 501(c)(3), submit a copy of your 501(c) (3) determination letter from IRS.
- ❑ 6. Application Form, beginning on page 1, continuing through the Project Budget Summary.
- ❑ 7. Notes to the Project Budget, and a detailed list of In-Kind contributions.
- ❑ 8. List of key project individuals, including principal artists and project managers, with a very brief job description (e.g., a self-explanatory job title) for each.
- ❑ 9. Resumes/biographies of key project individuals, generally one page each.
- ❑ 10. Up to four items in any combination of brochures, catalogues, performance programs, or similar organizational publications/materials; if available.
- ❑ 11. Up to four recent press reviews or articles, or similar independently generated published materials, if available. (*Note*: Calendar listings are not suitable.)
- ❑ 12. NOTE: During the review process you may be requested to submit samples of other work you have produced (work samples). See Chapter 3 – Grants for more information about work samples.

Standards for Preparing Applications

Please read the following carefully. Applicants are responsible for completing and submitting a full application package with all required attachments by the deadline. Incomplete applications will not be accepted for Commission evaluation.

1. Applicants must not modify the format of the application form or exceed the maximum length of any section of the form, except where otherwise noted.
2. All required attachments (except pre-printed ones) must be typed or computer-prepared in a type size that is no smaller than 12 pt. Times/Times New Roman, or 10 pt. Arial/Helvetica.
3. Complete all pages of the application form and all required attachments. (Use "N.A." if a section does not apply to your organization.) Provide information that is current as of the application deadline. Budget pages and budget notes must be complete.

Sample

Certification

If applicant is an organization:

I certify that the by-laws of this organization or a resolution of its governing body authorizes me to enter into legal agreements for the organization and to submit this application. To the best of my knowledge and belief, this organization meets the appropriate eligibility requirements. I have reviewed the information in this application and all attachments, and I certify that they are true and correct.

Authorized Officer's Signature	Date
Print Name of Officer signing this form	Title of Officer signing this form

---

- or -

If applicant is an individual artist:

To the best of my knowledge and belief, I meet the appropriate eligibility requirements. I have reviewed the information in this application and all attachments, and I certify that they are true and correct.

Artists Signature	Date
Print name of Artist signing this form	

Sample

Application Form - Project & Program Grants

Deadline: Hand delivered or received via US Mail by 5:00 pm on March 1 or September 1

Submission Date: _____

Amount of Grant Request: $_____ Total Project Budget: $_____

Applicant/Organization:_____

Applicant/Organization's Address: _____

_____

_____

Applicant/Organization's Web site: _____

Preparer's Name and Title:_____

Preparer's Phone: _____ Preparer's E-mail: _____

Address (for formal notification): _____

_____

_____

Describe the art form of the project or program for which support is requested (i.e., Dance, Theater, Visual Arts, Heritage, Infrastructure, Media/Film/New Media, etc.):

Briefly describe the project or program for which support is requested:

Number of people intended to reach: Audience: _____ Participants: _____

For the purpose of this application, "audience" means the people who will attend the project or program; "participant" means someone who attends a workshop or class, or else has hands-on involvement in the project or program. If the project or program will have both audiences and participants as defined here, please enter both goals.

Date project or program is scheduled to begin: _____
Note: Project events may begin no earlier than two (2) months after the application deadline.

Date project or program is scheduled to end: _____

Sample

Application Form - Project & Program Grants

If needed, please use additional paper for this section.

1. State/describe your organization's mission or provide an artist's statement. Include the kind of arts work the organization or artist has done previously and does now. How does this work relate to the proposed project/program? If yours is not an arts organization, state briefly how the arts relate to its mission. (250 words or less)

2. Describe the project or program for which you are seeking the grant. Discuss the project's origins. Describe the venue/location, the implementation process, and the timeframe. Discuss the resources — people, money, etc. — you will need to implement the project, whether you already have those resources within your organization or, if not, how you plan to obtain them.

3. How will the requested grant be used in the planning and implementation of the project or program? (500 words or less.)

4. Describe how the program or project specifically addresses one or more of the main strands found in the Cultural Arts Master Plan, artsAlive! (Refer to the Cultural Arts Master Plan Executive Summary in the Public Art Policy Guideline manual.) (250 words or less.)

5. List the individual(s) or organization(s) you will be partnering with on this project. Be specific regarding the support, both financial and in-kind, they will be providing.

Sample

Application Form - Project & Program Grants

Project/Program Budget Worksheet *(enter N/A if item does not apply. Attach Budget Notes if necessary.)*

PROJECT SUPPORT *(Do not include in-kind support)*

Earned Revenue	Amount	Notes
Ticket Sales/Admissions	$	
Tuition/Workshop fees	$	
Other:	$	
Subtotal: Earned Revenue	**$**	

Contributed Income	Amount	In-hand	Pending
Contributions *(Individuals/Businesses)*	$	$	$
Grants *(Foundations/Government other than City)*	$	$	$
City of Livermore *(other than this grant request)*	$	$	$
Other:	$	$	$
Subtotal: Contributed Income	**$**	**$**	**$**

Project & Program Grant Amount Requested	**$**
Total Project Support (Revenue + Income + Grant**)**	**$**

PROJECT EXPENSE *(Do not include in-kind expense)*

Personnel	**Amount**	**Notes**
Artistic	$	
Production	$	
Administrative	$	
Other: *(describe in Notes)*	$	
Subtotal: Personnel	**$**	

General	**Amount**	**Notes**
Venue Rental	$	
Materials and Supplies	$	
Marketing and Promotion	$	
Transportation	$	
Insurance	$	
Other: *(describe in Notes)*	$	
Subtotal: General	**$**	

Total Project Expenses (Personnel + General)	**$**
Project Surplus (Loss) (*Total Support minus Total Expense*)	**$**

If Project Net is a negative value, explain in the Budget Notes how it will be covered.

Sample

Matching Funds

All Project and Program Grant applicants must provide at least a dollar-for-dollar (one-to-one) match for the grant award, no less than 50 percent of which must be a cash match. The cash match must be from sources other than the City of Livermore.

In-kind contributions are allowed as part of the match only on the following limited basis:

1. In-kind contributions cannot be used for more than half of the required match, in other words, they cannot represent more than 50 percent of the value of the grant award; and,
2. The value of in-kind contributions, i.e., goods and services, must offset line item expenditures in the project budget and their value must be documentable with invoices or billing statements.

In-kind contributions must be listed below or on a separate sheet attached to the Budget Notes.

Source	Description	Fair Market Value
		$
		$
		$
		$
		$
		$

Requested Grant Amount: $_____

Cash Match Amount: $_____

In-kind Match Amount: $_____

Sample

Project and Program Grant Application Evaluation Criteria

Applicant:_____

Project: _____

	Proposal Score
Commissioner Evaluation *(Items 1-6: maximum of 70 points)*	
Application Submission Completed by Staff *(Items 7-10 : maximum of 10 points)*	
Minimum Point Threshold to be Considered for Funding	56

1. Applicant Evaluation **(Maximum of 15)** _____

- The applicant is qualified and has the capacity to produce this project/program.
- The applicant is able to achieve the stated goals and outcomes.
- The amount of dollars requested compared to the number of Livermore residents served is reasonable for this project/program.

_____

_____

2. Program Evaluation **(Maximum of 15)** _____

- The applicant possesses the credentials to provide a quality project/program.
- The project/program specifically addresses one or more of the main strands found in the Cultural Arts Master Plan.
- The project/program meets one or more of the Council's current cultural arts priorities and will be beneficial for Livermore's cultural arts community.

_____

_____

3. Funding/Budget **(Maximum of 10)** _____

- Project/program and administrative budgets are reasonable.

_____

_____

4. Alternative Funding Sources **(Maximum of 10)** _____

- The applicant has secured the required 1:1 matching funds at least 50% of which are from cash sources *other than* the City of Livermore.
- If applicable, will the applicant charge a fee and/or produce other income that may be used to support this project/program.
- The applicant has secured the funds necessary to complete the project or program.

_____

_____

Sample

5. **Community Support and Collaboration (Maximum of 5) _____**
   - Does this applicant have overall program and financial support from Livermore residents?
   - Has the applicant secured partners within the Livermore community to achieve the project/program goals?

_____

_____

6. **Marketing and Outreach (Maximum of 5) _____**
   - Does this applicant have a well thought out and workable marketing and outreach plan?
   - The project/program is accessible to the diverse population that is Livermore (lower income residents, disabled, the elderly, youth, cultural diversity, etc.).

_____

_____

TO BE COMPLETED BY STAFF

7. **Application Process**
   a. Has the application been completed according to the checklist? **Up to 10 points**
   or,
   b. were extra materials added to the application or insufficient information provided? **0 points**

_____

_____

_____

8. Has the applicant previously applied for funding from the Commission for the Arts under the Project and Program Grants program? _____ When?_____

9. Has the applicant previously applied for funding under any other City Art program? Yes/No _____ If yes, when? _____

10. Did the applicant receive funding for prior applications?
Yes/No _____

11. Did the applicant submit a Final Report for prior grants?
Yes/No _____

Sample

Mini Grant Application and Review Guidelines

City of Livermore, Commission for the Arts

Mini Grants are designed to help individual artists, arts organizations and arts non-profits in Livermore to expand or improve their services or programs to increase access to the arts.

Both the Livermore City Council and Commission for the Arts appreciate the hard work and creativity of our local arts community. Because this program is funded with public dollars, the Mini Grant program can only support programs that take place within Livermore.

Link to Mini Grant Application

Application and Review Process

1. The City's Commission for the Arts will accept applications for grants of up to $1,000 to support a variety of artistic endeavors within our community.
2. Complete applications that include the required attachments must be submitted by the first day of March, June, September or December, by 5:00 pm, to be considered for funding. Events funded by mini grants may commence no earlier than two (2) months after the application deadline.
3. Incomplete applications will not be forwarded to the Subcommittee for consideration. Staff will notify you if the application requires additional information.
4. To complete the application, download it to your computer and complete all pages of the application form and all required attachments. *(Use "NA" if a section does not apply to you.)* Provide information that is current as of the application deadline. After you complete the application, save it to your computer.
5. On the Budget Form, only provide budget information regarding the project that you are requesting funding for. We do not need to review the entire organization's budget.
6. The Application Form must be signed by the organization's executive director, managing director, president, board chair, or the applying artist. If you are an organization, you must submit a list of current officers and Board members with their term of office.
7. Applicants must not modify the format of the application form or exceed the maximum length of any section of the form, except where otherwise noted
8. There are two ways to submit the documentation.
    a. You can email it to arts@cityoflivermore.net. Indicate Mini Grant Application and your organization's name in the subject line of the email. Email size is limited to 10MB. Divide into multiple files and email each separately if entire file is larger than 10MB; or
    b. Deliver (via hand or mail) one copy at City Hall, 1052 S. Livermore Avenue. The application packet should be addressed to the Community Development Department, Mini Grant Application and must be received by 5:00 pm on the 1st of March, June, September, or December in order to be considered for funding that month.

Sample

Evaluation Process

After submission, the application will be reviewed by staff and if eligible will be forwarded to the Mini Grant Subcommittee of the Commission for the Arts. The Subcommittee will consider all eligible grants received by the deadline and will make their recommendation at the next regularly scheduled meeting. City Staff will contact you to confirm the date, time, and location of the meeting.

Acknowledgement of funding from Commission for the Arts

All Mini Grant applications must identify how they will acknowledge any funding they may receive from the Commission. This can be accomplished in publicity, advertising of the event and/or program-related materials. The acknowledgement should read, *"Supported in part by a grant from the City of Livermore's Commission for the Arts."*

Application Checklist

All Mini Grant applicants are required to submit the following

___ Application Form

___ Project Description Information

___ Signed Application Certification

___ Project Budget with descriptions *(do not include full agency budget)*

Attachments:

___ Resumes of key project individuals *(1 page per person)*

___ If you are an organization, a list of current officers and Board members with their term of office

___ If you are a non-profit organization, evidence of 501 (c)(3) status

___ *If available*, up to four items that describe your project such as a brochure, catalogue, performance program, press review, articles, or other publications.

NOTE: Work Samples may be requested by the Subcommittee during the review process. Staff will contact you if any of these materials are required.

If the Mini Grant Application is Approved

You will receive a letter and a contract for the Mini Grant funds. Return the signed contracts to the City as soon as possible to confirm your intent to receive funding.

Because the grants are funded with public dollars recipients are required to submit a Mini Grant Final Report describing the outcome of the project no later than 30 days after the event is completed. Email to arts@cityoflivermore.net. The Mini Grant Final Report form is available on the City's website and a sample is included in this appendix.

If you have any questions regarding how to complete this application or the review process please contact City Staff at (925) 960-4400 or email arts@cityoflivermore.net

Sample

Mini Grant Application Form

Submission Date: _____

Select Application Deadline *Events for funded activities may not begin earlier than two (2) months after the application deadline*

☐ **March 1 (earliest event start date: May 1)** ☐ **Sept 1 (earliest event start date: Nov 1)**
☐ **June 1 (earliest event start date: Aug 1)** ☐ **Dec 1 (earliest event start date: Feb 2)**

Amount of Grant Request: $_____ **Total Project Budget: $**_____

Project Title: _____

Applicant/Organization: _____

Applicant/Organization Address: _____

_____

_____

Applicant's Website: _____

Preparer's Name and Title: _____

Preparer's Phone: (____) _____-_____ **Preparer's Email:** _____

Address: (for formal notification): _____

_____

_____

Briefly (in one to two sentences) describe how the grant funds will be utilized for your project. ***Note: A full description of the use of grant funds will be requested in Question 4.***

Briefly describe (in one to two sentences) the nature of your project, including any event dates and venues. ***Note: A full description of your project will be requested in Question 2.***

Sample

Mini-Grant Application Certification

If applicant is an organization:

I certify that the by-laws of this organization or a resolution of its governing body authorizes me to enter into legal agreements for the organization and to submit this application. To the best of my knowledge and belief, this organization meets the appropriate eligibility requirements. I have reviewed the information in this application and all attachments, and I certify that they are true and correct.

_____ _____

Authorized Officer's Signature **Date**

_____ _____

Print Name of Officer signing this form **Title of Officer signing this form**

- or -

If applicant is an individual artist:

To the best of my knowledge and belief, I meet the appropriate eligibility requirements. I have reviewed the information in this application and all attachments, and I certify that they are true and correct.

_____ _____

Artists Signature **Date**

_____

Print name of Artist signing this form

Sample

Mini Grant Application Project Description

All responses to be 500 words or less.

1. **Describe the organization's or artist's experience and skill set for this project.**

2. **Summarize your project, including location, date(s), target audience/participants, and primary goals.**

3. **Describe how this project addresses the goals of the City's Cultural Arts Master Plan.**

4. **If funded, how will the grant proceeds be used?**

5. **If funded, how will you acknowledge funding from the City of Livermore Commission for the Arts? Grant recipients must acknowledge the City's financial support in all appropriate materials and media. Additionally, programs or other promotional materials crediting the City should be attached to the final grantee report upon project completion.**

Sample

Commission for the Arts Mini Grant Budget Worksheet

Project Support *(Do not include in-kind support)*

Earned Revenue	Amount	Notes
Ticket Sales/Admission		
Tuition/Workshop Fees		
Other		
Subtotal: Earned Revenue	0	

Contributed Income	Amount	In-Hand	Pending
Contributions *(Individuals/Businesses)*			
Grants *(Foundations/Government other than City)*			
City of Livermore *(other than this grant request)*			
Other			
Subtotal: Contributed Income	$0		

Mini Grant Amount Requested	
Total Project Support	$0

Project Expense *(Do not include in-kind expense)*

Personnel	Amount	Notes
Artistic		
Production		
Administrative		
Other *(describe)*		
Subtotal: Personnel	$0	

General	Amount	Notes
Venue Rental		
Materials and Supplies		
Marketing and Promotion		
Transportation		
Insurance		
Other *(describe)*		
Subtotal: General	$0	

Total Project Expense	$0
Project Surplus (Loss) (Total Support minus Total Expense)	**$0**

Sample

Mini Grant Application Evaluation Criteria

Applicant: _____

Project or Program : _____

	Proposal Score
Commissioner Evaluation *(Items 1-4: maximum of 50 points)*	
Application Submission Completed by Staff	
Minimum Point Threshold to be Considered for Funding	**25**

1. **Project or Program Evaluation** **(Maximum of 20)** _____
   - The applicant is qualified and has the capacity to produce this project/program.
   - The applicant is able to achieve the stated goals and outcomes.
   - The project/program specifically addresses one or more of the goals described in the Cultural Arts Master Plan.

   _____

2. **Funding/Budget** **(Maximum of 10)** _____
   - Project/program and administrative budgets are reasonable.

   _____

3. **Alternative Funding Sources** **(Maximum of 10)** _____
   - The applicant has secured other funds in either financial or in-kind support.
   - If applicable, will the applicant charge a fee and/or produce other income that may be used to support this project/program.
   - The applicant has secured the funds necessary to complete the project or program.

   _____

4. **Community Support and Collaboration** **(Maximum of 10)** _____
   - Has the applicant secured partners within the Livermore community to achieve the project/program goals?
   - The project/program is accessible to a diversity of Livermore residents? (lower income residents, disabled, the elderly, youth, cultural diversity, etc).

Sample

THIS SECTION TO BE COMPLETED BY CITY STAFF

5. **Application Process**

   Has the application been completed according to the checklist? ___ Yes ___ No

6. **Has the Applicant applied before under the Mini Grant Program?**

   If so, when? _____

7. **Did the applicant receive recommendation for funding for prior applications?**

8. **Did the applicant submit a final report for prior project?**

Sample

Commission for the Arts

Mini Grant – Grantee Final Report

Date: _____

Applicant/Organization: _____

Applicant's/Organization's Address: _____

Preparer's Name & Title: _____

Preparer's phone: _____

Preparer's email: _____

Address (for formal notification): _____

_____

_____

Describe completed project (including activity, date, and venue).

How were the goals of this project met?

Sample

Specifically, how did the Mini Grant funds support this project?

How was the City of Livermore's Commission for the Arts acknowledged in promotional materials? (Attach examples of this acknowledgment.)

Please share success stories about this project and photos from your event. (Add additional pages, if necessary.)

artsALIVE! Executive Summary

The community of Livermore, through its Commission for the Arts, has created this ambitious and visionary plan—artsALIVE!—to chart Livermore's arts and cultural development in the coming ten years. The plan has been developed from the community's expression of its cultural identity, needs, priorities, assets, aspirations and unique opportunities.

In 2004, the Livermore City Council recognized that the established and growing cultural arts organizations, artists and arts educators of the City made important contributions to the City's quality of life, economic vitality, education system, and strong, diversifying communities. They created the Livermore Commission for the Arts and mandated the Commissioners to help the City "encourage programs for the cultural enrichment of the City; make recommendations to the City Council regarding local cultural arts needs, activities, facilities and programs, including needs for visual and performing arts facilities; receive input from the community on issues relevant to arts policies; develop and recommend to the City Council a 5-10 year cultural arts plan for the City, including goals, implementation strategies and financing methods; and review and approve public art."

During its first meetings, the newly-created Livermore Commission for the Arts invested several months determining the shared values that brought the Commissioners to dedicate their time to the arts in Livermore. The resulting Belief and Mission Statements (see page 8) provide the organizing principals of this ambitious Cultural Arts Plan. The hope and expectation is that a lively conversation, and shared commitment to action, will continue among the leaders, residents and businesses who contribute to making Livermore the evolving, dynamic city it is and will continue to be for generations to come.

Strategies for Development of Livermore's Arts and Culture

Four strands of engagement are proposed to further enhance Livermore's art and cultural activities for all residents and to establish Livermore as the premier destination in the Tri-Valley region. Recommendations were created in response to community member input through interviews and workshops held in the development of this plan, and the Commissioners analysis of the City's current needs and capacities for growth. These recommendations are supported by research, strategies and recommendations made in related City plans such as the Updated General Plan, Redevelopment Agency 5 Year Implementation Plan, Downtown Specific Plan, the Marketing Communications and Partnership Strategy and the Visioning process. The following are the proposed areas of action for the Livermore Commission for the Arts, the City Council, and those who care about the quality of life made visible through cultural arts engagement throughout the City:

- Strand 1: Promote the ***unique sense of place in Livermore***, including the creation of a Core Arts and Cultural District

- Strand 2: Ensure the ***visibility and vitality of cultural arts organizations, artists and arts educators for all residents and visitors to the City*** through facilitation of partnerships and support for organizational strengthening within the arts, culture and heritage communities

- Strand 3: Leverage the innate ability of arts engagement to create a sense of community and life-long learning by supporting ***a diverse range of publicly***

accessible opportunities for all residents, businesses and visitors to participate, with a special focus on youth

- Strand 4: Provide long-term, sustainable resources that enable the City to support the arts and culture community as a resource for all residents, visitors and businesses.

Strand 1: Promote the ***unique sense of place in Livermore***, including the creation of a Core Arts and Cultural District.

The downtown core in Livermore is rapidly becoming the cultural hub of the City. Designation of the core as a Cultural District can serve to reinforce the City's new marketing identity and encourage the retention and attraction of artists and arts-related businesses, thereby expanding and reinforcing the City's economic development goals. The establishment of a Cultural District that is home to diverse public activities meets expectations integrated in the strands of this plan by expanding residents' access to quality arts and cultural programming, serving visitors, and strengthening the arts and culture community ,

Specific recommendations associated with development of the Core over a planned period of implementation and on a resources-available model are to:

1. Create a Core Arts and Cultural District,

2. Develop and expand arts and cultural facilities and spaces in the core in the first 3 - 5 years and expand into other areas of the city in subsequent years as funding allows,

3. Support and provide seed funding for arts and cultural programming, with an emphasis on partnerships and accessibility (including widely dissemination marketing, free or affordable ticket pricing, diversity in offerings, time, and place of events),

4. Facilitate the provision of support services for arts, heritage and cultural organizations and related businesses (see more on this in Strand 2 below), and

5. Establish sustainable infrastructure and systems to manage and program the District, develop private funds, and provide other related services (more on this in Strand 4).

Strand 2: Ensure the ***visibility and vitality of cultural arts organizations, artists and arts educators for all residents and visitors to the City*** through facilitation of partnerships and support for organizational strengthening within the arts, culture and heritage communities.

Strengthening Livermore's many arts and cultural organizations was a consistent theme emerging from community input and analysis done for this plan. While some of these organizations are long-standing and well-established, nearly all have small budgets and rely heavily on volunteer management. They identify common needs for better coordination, funding, marketing (including ticketing services and calendar information), an expanded, better trained volunteer base, and facilities or space.

When a nonprofit organization is strengthened, it is better equipped to fulfill its mission, thereby strengthening the overall environment for growing the arts and culture community.

Specific recommendations encourage two ways of supporting organizational strengthening toward better visibility and vitality for Livermore's arts community: a) assisting individual organizations and b) fostering stronger community linkages among these organizations and between the arts and culture community and the wider community. Recognizing that implementation is dependent upon developing appropriate resources over time, it is recommendation that the City research and be alert to opportunities to:

1. Provide operating and project grants for organizations and individual artists,
2. Create or support an organizational strengthening program for nonprofit arts and culture organizations, and
3. Facilitate access to capital grants program for nonprofit cultural arts culture organizations.

Strand 3: Leverage the innate ability of cultural arts engagement to create a sense of community and life-long learning by supporting ***a diverse range of publicly accessible opportunities*** for all residents, businesses and visitors to participate, with a special focus on youth.

*"Art introduces a whole new element for our business."**

Rooted in the belief that art-making bonds communities, encourages individual expression, and celebrates the human spirit, the Commissioners and community forum participants demonstrated a strong consensus that ALL residents of Livermore have a right to experience the arts in their daily lives. This belief is embodied in the Public Art plan calling for works of art and opportunities for arts engagement in strategic Livermore locations. And it is reinforced in the recommendation to ensure wide public access to arts engagement for the many diverse communities of Livermore, including widely disseminated marketing, free or affordable ticket pricing, diversity in offerings, access for the disabled and the time and place of quality events.

Deepening and expanding cultural participation among all segments of the community builds on the unique qualities of Livermore. Greater participation also provides many

* This is the first of several quotes inserted throughout the plan from various interviewees.

community benefits, such as adding value to the lives of individual residents, improving education, inviting life-long learning, promoting economic development, and supporting downtown revitalization.

The specific recommendations facilitating access for participation are to:

1. Convene youth service providers and organizers throughout the City to evaluate and create opportunities for youth access to the arts and arts learning in and outside of school settings, in families, and in the juvenile justice system,

2. Facilitate creation of a downtown arts and culture festival, building upon existing opportunities and seeking partnerships for new arts engagements,

3. Encourage cultural events and opportunities for youth and young adults, including seeking mechanisms for mini-grants to cultural arts organizations, artists and their public and private partners,

4. Enhance implementation of the public art program, building on the current program vision of the Commission for the Arts,

5. Create arts and culture education partnerships with the Livermore Valley Joint Unified School District and Livermore Area Recreation & Park District, and Las Positas Community College, and

6. Develop a communitywide arts and culture marketing program (this also supports Strand 2).

Strand 4: Provide **long-term, sustainable resources** that enable the City to support the arts, heritage and culture communities as a resource for all residents, visitors, and business.

"I like the idea of a workplace giving program – I think it would fly."

A study of 11 nearby cities with characteristics similar to Livermore shows that on average these cities currently devote $4.16 per citizen per year to support arts and cultural activities (Dublin is at $10/citizen and Walnut Creek is at a high of $27). In comparison, Livermore spent between $11 and $12 per citizen over the last three years. Livermore has the opportunity to establish itself as center for arts and cultural engagement that will attract and sustain residents, business and families committed to creative, safe, tolerant and innovative communities.

Livermore has only recently begun to use arts and culture as part of its long-term economic development strategy and devote substantial resources to that end, primarily in the form of support for the new performing arts center. Those seeking to do business in Livermore can recognize that public and private investments in the City's arts infrastructure is a benefit to all. Commitment to cultural arts facilitates 1) improvements to the quality of education (improved education systems that attract employees with families), 2) development of a creative workforce invested in the community, and 3) caring communities that meet and grow at public arts events. A sufficient and sustainable level of support for Livermore's arts and culture is an essential component of successful implementation.

The specific resource development recommendations are to:

1. Adopt a private development cultural arts enhancement fee (Art in Public Places)
2. Consider increasing the City's cultural arts staff, as funding is available
3. Create a united arts fund
4. Create a workplace giving program
5. Create a permanent endowment fund

Context and Planning Process

Livermore has a well-established and distinctive cultural identity. The city is home to an unusually large and diverse collection of cultural arts organizations and other cultural assets, including a symphony, opera, dance company, theater festival, chamber music series, performing arts center, poet laureate, organizations for visual arts, literary arts, vocal music, film, TV 30, heritage groups, arts educators, artisans and many individual artists In addition, the community identifies with its Western heritage and its long history of agriculture including wine making, as well as the presence since the 1950's of the prestigious Lawrence Livermore National Laboratory and Sandia National Laboratory, two of the world's foremost scientific research facilities with more than 10,000 employees. Taken together, this combination of arts, culture, heritage, viticulture and science form a rich identity and way of life that is clearly acknowledged and celebrated by the community. artsALIVE! is based on this diverse and inclusive community sensibility of its own culture.

> *"Culture is how we live – the arts plan must reflect the changing nature of the community – ethnicity, culture, food, and our stories."*

The purpose of the planning process for artsALIVE! was to allow the community to define its own cultural future. This involved an intensive and interactive community input process in which stakeholders not only expressed their opinions but also reflected on Livermore's identity and future options. The planning process included:

- Review of relevant plans and studies
- Community workshops, town hall meetings and interviews with stakeholders
- Comparative study of arts funding in comparable cities
- Development of a comprehensive plan
- Public review and analysis of the draft recommendations for final recommendation by the Livermore Commission for the Arts

Implementation

Implementation of this plan will occur as funds are available. As with all ambitious City plans, implementation must be flexible to allow the City and its implementing partners to respond to changing circumstances and new opportunities. It is recommended that the Commission reviews and makes annual recommendations to implement the plan. Some implementation costs can be estimated now while others must be defined in the future. Funding is anticipated through a variety of strategies outlined above, including a fee on private development. These funds would be augmented by private fundraising, volunteer services, and by the efforts and spending of partner agencies.

Connections to City Council and resident goals

Economic trends demonstrate that local economies depend greatly upon the creative and intellectual capital of their citizenry. To cultivate this capital, the City needs to nurture a cultural climate that will attract a creative and diverse workforce and to ensure that all residents have access to participate in arts and cultural activities. To this end, the Livermore City Council has made arts and culture a priority.

In their *Goals and Objectives for 2006-2008,* the Council has made a commitment to make Livermore a destination for cultural arts activities. The Council adopted its Downtown Specific Plan in February 2004, and created the Commission for the Arts later that year to support implementation of aspects of that plan. With vision, passion and dedication, the people of Livermore will be able to speak with additional pride of the beauty, humanity and natural harmony of the place they have chosen to call home. Their engagement with arts and arts learning will be a visible indication of their commitment to build on the innate possibilities of living in this unique community.

Livermore Commission for the Arts Belief and Mission Statements:

As the Livermore Commission for the Arts, we believe Livermore is a unique community of possibilities deeply rooted in a sense of history with a vision for the future. We believe that access to and engagement in the arts is essential to the continuing vitality of Livermore.

We value our natural environment, recognize our dependence on its gifts, and honor it through creative interactions.

We believe engagement in the arts enriches our community, enabling us to embrace and appreciate diversity and individual expression.

"We need to make people aware of opportunities and welcome them with open arms and be open to new ideas."

We invite all to participate in the arts and celebrate in our collective human experience.

The Livermore Commission for the Arts is committed to:

- Facilitating and convening partnerships and collaborations for the arts among city entities and community organizations, including mentoring, using creativity as a positive force and expanding the arts community in Livermore.
- Promoting the unique sense of place inherent in Livermore through developing a vibrant arts community.
- Ensuring publicly accessible arts events.
- Advocating the integration and presence of the arts in community design and other city activities.
- Developing and expanding opportunities for arts and cultural learning, growth and creativity for people of all ages, with an emphasis on children and youth.

"The arts really tie the community together."

APPENDIX 4

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

AN ORDINANCE AMENDING LIVERMORE MUNICIPAL CODE CHAPTER 2.43, *COMMISSION FOR THE ARTS,* UPDATING THE MEMBERS AND DUTIES OF THE COMMISSION FOR THE ARTS, AND CHAPTER 12.51, *ART IN PUBLIC PLACES PROGRAM,* UPDATING THE ART IN PUBLIC PLACES PROGRAM PROCEDURES

The City Council created the Commission for the Arts ("Commission") on July 12, 2004, in recognition of the continuing interest in the development and promotion of the arts in Livermore with the intent to provide a mechanism that would encourage long-range cultural arts planning for the community and encourage stronger cooperation, coordination, and partnership with local arts organizations.

The Commission's role was to help the City "encourage programs for the cultural enrichment of the City; make recommendations to the City Council regarding local cultural art needs, activities, facilities and programs, including needs for visual and performing arts facilities; receive input from the community on issues relevant to public art policies; develop and recommend to the City Council a 5-10 year cultural art plan for the City, including goals, implementation strategies and financing methods; and review and approve public art."

The City Council adopted a related ordinance to add Chapter 12.51 to Title 12 of the Livermore Municipal Code establishing an Art in Public Places Program. This ordinance established a public art requirement for new private developments, and a Public Art In-lieu Contribution for developments that choose not to include public art in their project. The Public Art In-lieu Contribution is currently at 1/3 of 1% of the project valuation.

Since the ordinance's inception in 2007, eight pieces of public art have been installed and $818,534 in in-lieu contributions have been collected, of which approximately $102,150 has been used to fund various projects and programs throughout the City, and approximately $520,025 has been proposed for Public Art funding priorities recommended by the Commission for the Arts with the setting of their annual Public Art priorities and budget development. This includes downtown murals, painting of utility boxes, and various Art in School programs.

While the Commission has been successful in implementing programs to further the arts, its focus has been on arts promotion and on the creation of Commission sponsored art and art programs.

The Commission has been successful in actively promoting the cultural enrichment of the City and arts awareness throughout the years which has led to overlapping roles and responsibilities between local arts organizations and the Commission, as well as confusion by the public as to the actual role of the Commission.

Staff proposes that changes be made to the Public Art Ordinance that will allow the Commission to focus on several key duties and responsibilities and eliminate those responsibilities that have led to confusion and conflict.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LIVERMORE DOES ORDAIN AS FOLLOWS:

Section 1. *Amendment. Chapter 2.43 Commission for the Arts* of the Livermore Municipal Code is hereby amended to incorporate the following changes, as set forth in Exhibit A, attached hereto:

a) The mission of the Commission for the Arts will focus on being an advisory body that establishes arts funding priorities for the City, reviews requests for Public Art funds and recommends funding levels, recommends updates to the Art in Public Places Policy and Procedures Manual, and reviews and recommends public art installations as part of the Art in Public Places requirement of the Arts in Public Places ordinance.

b) Persons who hold board or officer positions on art groups that apply for Public Art funds from the City shall not be eligible to serve on the Commission. Non-officer members, persons not on the board, and performers, however, are eligible to be Commission members.

Chapter 12.51 Art in Public Places Program of the Livermore Municipal Code is hereby amended to incorporate the following changes, as set forth in Exhibit B, attached hereto:

a) The Commission for the Arts will act as an advisory body that establishes arts funding priorities annually for City Council review and approval.

b) Development applicants will submit an application for Public Art if they choose to provide public art and the staff liaison for the Commission for the Arts will coordinate a Commission review of the proposed public art. The Commission will use guidelines contained in the Ordinance, as well as in the Art in Public Places Policy and Procedures manual, when reviewing the proposed public art.

c) An agreement will be recorded against the property to ensure that the Public Art is maintained for a minimum period of 30 years.

d) Removal of the biannual convening of a task force to make recommendations to Council on the amount of the Public Art In-lieu contribution.

Section 2. *Environmental.* The passage of this ordinance is not a project according to the definition in the California Environmental Quality Act and, therefore, is not subject to the provisions requiring environmental review.

Section 3. *Severability*. If any part of this ordinance is declared invalid by a court, such invalidity shall not affect any of the remaining parts.

Section 4. *Publication.* This ordinance shall be published once in a newspaper of general circulation of the city of Livermore within fifteen days after its adoption.

Section 5. *Effective Date.* This ordinance shall take effect 30 days after its adoption.

The foregoing ordinance was introduced at the meeting of the City Council of the City of Livermore held on January 25, 2016, by the following vote:

AYES: Council Members Spedowfski, Turner, Vice Mayor Gary, Mayor Marchand
NOES: None
ABSENT: Council Member Woerner
ABSTAIN: None

The ordinance was adopted at the regular meeting of the City Council held on February 8, 2016, by the following vote:

AYES: Council Members Spedowfski, Turner, Woerner, Vice Mayor Gary, Mayor Marchand
NOES: None
ABSENT: None
ABSTAIN: None

John Marchand
MAYOR, CITY OF LIVERMORE

ATTEST:

Susan Neer
Susan Neer
City Clerk

Dated: February 9, 2016

APPROVED AS TO FORM:

Catrina Fobian
Assistant City Attorney

Chapter 2.43

COMMISSION FOR THE ARTS

Sections:
2.43.010 Members.
2.43.020 Duties and responsibilities.

2.43.010 Members.
The commission for the arts shall consist of nine members. Each member shall be appointed by the city council and must be a Livermore resident and be able to demonstrate an interest in and knowledge of the arts. In making appointments to the commission, the council shall also consider potential members with organizational, business or financial skills and members with an understanding of marketing techniques, as well as members who are representatives of local business or non-arts community groups. Potential members may not hold a board or officer position with any arts organization that applies for public art funds from the City. (Ord. 1918 § 1, 2010; Ord. 1786 § 2, 2006)

2.43.020 Duties and responsibilities.
The commission for the arts shall have the following duties and responsibilities:

A. Act in an advisory capacity to the city council regarding art issues brought before them by city staff or council.

B. Receive input from the community on issues relevant to arts policies.

C. Review and make recommendations regarding the use of public art funds in accordance with established procedures.

D. Develop and recommend to the council a five- to 10-year cultural arts plan for the city, including goals, implementation strategies and financing methods. The commission shall review the plan every five years and update it as necessary.

E. Make recommendations to council updating the policy and procedures manual describing the process and criteria to be used by the commission to select which programs and projects shall receive public art funds.

F. Commission for the arts members shall not currently be a board member or an officer of any group that would apply for funds for which the commission grants a recommendation.

G. Review and approve or make recommendations regarding public art, in accordance with established procedures. (Ord. 1786 § 2, 2006)

Chapter 12.51

ART IN PUBLIC PLACES PROGRAM

Sections:

12.51.010 Public art in new commercial, industrial and residential construction.
12.51.020 Definitions.
12.51.030 Requirement to provide public art or pay in-lieu contribution.
12.51.040 Livermore public art fund.
12.51.050 Permissible expenditures.
12.51.060 Processing.
12.51.070 Guidelines for public art.
12.51.080 Location and relocation of public art.
12.51.090 Endowments.
12.51.100 Cultural arts fee task force.
12.51.110 Sunset.

12.51.010 Public art in new commercial, industrial and residential construction.

A. Cultural and artistic assets should be included in private development projects because it is important that those projects contribute to the development of private property in a manner that benefits the public.

B. The visual and aesthetic quality of development projects has a significant impact on property values, the economic well-being of the city and its orderly development.

C. The city of Livermore's general plan establishes cultural and historical, recreational, park and open space land use policies. This chapter is consistent with the cultural and historic component of the city's general plan by providing an opportunity for the design of new projects to incorporate public art. It is also consistent with the goals and objectives of the revitalization strategy of the downtown specific plan.

D. This chapter is also consistent with the city of Livermore successor agency 2004-2009 five-year implementation plan, which has as one of its goals the development of an arts and culture component to make Livermore's downtown a "center for the arts." This can be readily accomplished by the installation of public art within the Livermore successor agency project area and by the support through funding and setting of priorities of cultural arts programming in the downtown.

E. The public's understanding, enjoyment and experience of cultural diversity will be increased by the variety of artistic projects and cultural arts programs to be provided in compliance with this chapter.

F. The public art provided pursuant to this chapter shall include, without limitation, the preservation of Livermore's historic, artistic, cultural and agricultural traditions.

G. The incorporation of public art into private development will create a unique sense of community as well as public identity and will enhance the visual and aesthetic quality of such developments for commercial, residential and visitor activity, particularly in the downtown. The funding of cultural arts programs throughout the city will greatly benefit the citizens of the city of Livermore and will foster economic revitalization in the city.

H. A cultural arts fee task force was convened by the city council during the summer of 2007, made up of members of the cultural arts council, community groups, the chamber of commerce and the commission for the arts, to discuss the appropriateness of the fee amount, the duration of the fee and to consider the possibility of alternate funding sources for public art, which such suggestions have been incorporated into this chapter. (Ord. 1971 § 1(E), 2012; Ord. 1836 § 1, 2008)

12.51.020 Definitions.

A. "Construction costs" means the total value of the development project as determined by the community and economic development department and indicated by the building official on the building application submitted to the department in order to obtain a building permit, or permits, for the development project. Building permit

applications shall include, but not be limited to, all grading, building, plumbing, mechanical, and electrical permit applications for the project.

B. “Development” or “development project” means a project involving the construction of a new building or the rehabilitation, renovation, remodeling or improvement of an existing building. An existing industrial/commercial building that is added onto with a construction area greater than or equal to 25 percent of the original square footage of the building, as determined by the building official, shall also be subject to the requirements of this chapter. “Development” or “development project” as herein defined shall include any and all residential development over four units, commercial development, including office and retail uses or office and residential uses, and industrial or light industrial uses throughout the city of Livermore, subject to the following exemptions: remodeling, repair or reconstruction of structures which have been damaged by fire, flood, wind, earthquake or other calamity; seismic retrofit projects as defined by the Livermore Municipal Code; fire sprinkler installation projects as defined by the Livermore Municipal Code; all residential remodeling; all commercial alterations; the installation of any accessory structures; below market rate housing units and structures designated as historic pursuant to the Livermore general plan, the Livermore Development Code or the downtown specific plan. As of the effective date of the ordinance codified in this chapter, those projects for which applications are deemed complete shall also be exempt from this chapter.

C. “Nonprofit agency” shall mean a corporation organized under Internal Revenue Code Section 501(c)(3), in good standing with the California Department of Corporations and in compliance with any and all federal, state, and local licensing, reporting, and tax requirements.

D. “Program allocation” shall mean the dollar amount equal to one-third of one percent of the construction costs of a development project covered by this chapter.

E. “Public artwork” means works of art created by artists as unique and original works, in any medium including but not limited to painting, drawing, printmaking, photography, calligraphy, ceramic, sculpture, glass, liquid, water features, murals, light earthworks, conceptual and temporal pieces, functional elements if designed by a professional artist, and art that is integrated into a project’s architecture. It may include space for exhibitions, displays or demonstrations and public performances. The artwork may be created through collaboration between the commission for the arts, the artist and the community.

F. “Public art fund” means a fund established and maintained by the city of Livermore for the purpose of funding public art and cultural programming consistent with the public art policy, and administered by the commission for the arts.

G. “Public art in-lieu contribution” shall mean that payment by an owner or developer into the public art fund in an amount that is in lieu of installation of public art on site.

H. “Public art policy” means that policy adopted by the city council and which directs and guides the commission for the arts relative to the implementation of the public art program.

I. “Public place” means any area on public or private property which is easily accessible and clearly visible to the general public. If located on private property, the area must be open to the general public and clearly visible from adjacent public property such as a street or other public thoroughfare or sidewalk. (Ord. 2016 § 1(A), 2015; Ord. 1901 § 3 (Exh. A § 24), 2010; Ord. 1836 § 1, 2008)

12.51.030 Requirement to provide public art or pay in-lieu contribution.

A. Private developments shall devote an amount not less than the program allocation amount for acquisition and installation of public art in the development project, such amount to be determined by the building official. The public art shall be installed on the development site in a location that allows the public art to be visible from a public right-of-way or from other public property.

B. In lieu of acquisition and installation of public artwork on the development site, an owner or developer, at its discretion, may deposit a public art in-lieu contribution in an amount equal to the program allocation into the Livermore public art fund established by LMC 12.51.040 for acquisition and installation of public art. The public art

in-lieu contribution shall be paid prior to the issuance of a building permit. Project applicants shall indicate on their entitlement application that they wish to make a public art in-lieu contribution.

C. Subject to the approval of the commission for the arts, an owner or developer may incorporate into the development public art that has a value lower than the program allocation, as determined by the commission for the arts, and pay a public art in-lieu contribution to the public art fund for the balance of the program allocation.

D. Deferred Fee Program. The city council may, by resolution, adopt administrative guidelines to provide a special fee deferral program in response to unprecedented conditions such as extraordinary economic changes. (Ord. 1879 § 7, 2009; Ord. 1836 § 1, 2008)

12.51.040 Livermore public art fund.
A. There is hereby created the Livermore public art fund to account for the public art in-lieu contributions made pursuant to LMC 12.51.030 and any and all other revenues appropriated or received for public art. The revenues in such fund shall be used solely for: (1) the acquisition, commission, design, installation, improvement, maintenance and insurance of public art; or (2) other expenses associated with implementation of the Livermore public art policy.

B. The Livermore public art fund shall be distributed annually as follows: no more than 10 percent of the annual Livermore public art fund shall be used as an administrative fee for processing the public art application, approving the public art, coordinating and developing cultural programs, monitoring, compliance, or any other administrative task related to the implementation of the Livermore public art policy.

C. The balance of the Livermore public art fund shall be distributed for public art as follows: (1) 80 percent designated for acquisition, commission, design, installation, improvement, maintenance and insurance of public art to be placed at locations determined by the city council; and (2) 20 percent designated for arts and cultural programming.

D. The commission for the arts shall recommend annually to the city council for approval a list of public art priorities to be used in the selection of applicants seeking public art funding consistent with the purpose of this section. The public art priorities shall be administered by the community and economic development department. (Ord. 1836 § 1, 2008)

12.51.050 Permissible expenditures.
Expenditures of funds may include, but are not limited to, the following uses:

A. The cost of the public art itself including the artist's fee for design, structural engineering and fabrication; transportation and installation of the work at the site; identification signs, if any; and mountings, anchorages, containments, pedestals, bases, or materials necessary for the proper presentation and installation of the art.

B. Waterworks, lighting and other objects which are an integral part of the artwork.

C. Walls, pools, landscaping or other architectural elements necessary for the proper aesthetic and structural placement of the artwork.

D. Maintenance and repair of public art funded through the art in public places fund.

E. The design, construction, operation and maintenance of art gallery space or cultural arts' display, demonstration and performance space to be utilized by individuals and nonprofit arts organizations for arts and cultural programming.

F. Building the functional capacity of eligible nonprofit organizations devoted to the development of arts and culture in Livermore.

G. Developing cultural programs for the enjoyment and appreciation of art, heritage and culture within the Livermore community.

H. Funding the design, construction, operation and/or maintenance of cultural and/or arts' facilities, either at the development or off site. (Ord. 1836 § 1, 2008)

12.51.060 Processing.
The requirements and procedures for the processing of a request to install public art shall be as follows:

A. Upon submission of a project application subject to the requirement of the public art fee, the community and economic development department shall provide a copy of this chapter to the applicant and inform them of the requirement to submit an application form for public art if they choose to provide public art.

B. When received, the community and economic development department shall forward the application form for public art to the staff liaison for the commission for the arts, indicating the valuation of the project calculated by the community and economic development department to determine building permit fees, if such valuation can be determined at the time of submittal. The staff liaison for the commission for the arts shall review the application for completeness and contact the applicant to coordinate a commission review of the proposed public art. The applicant shall enter into an agreement with the city, which shall be recorded against the property, to ensure that the public art is maintained for a minimum period of 30 years.

C. To the maximum extent possible, processing of the request to install public art shall be concurrent and coordinated with the project application, if any, for the development project.

D. The commission for the arts shall approve, conditionally approve or deny the request to install public art based upon these guidelines and guidelines contained in the art in public places policy and procedures manual. When the project applicant has elected to acquire and install an artwork, the building permit for the development project shall not be issued until the commission for the arts has approved the request to install public art, and the certificate of occupancy shall not be issued until the approved work of art has been installed.

E. The project applicant may appeal any decision rendered hereunder by the commission for the arts to the city council for final decision. (Ord. 2016 § 1(A), 2015; Ord. 1836 § 1, 2008)

12.51.070 Guidelines for public art.
A. Guidelines for the approval and maintenance of public art shall be adopted by the city council, upon recommendation by the commission for the arts. Guidelines shall be adopted within 60 days of the effective date of the ordinance codified in this chapter.

B. The guidelines shall include standards for reviewing an application for the installation of public art in accordance with the following objectives:

1. The artwork shall be clearly visible and easily accessible to the public.

2. The art in public places application shall include a site plan showing the location of the artwork, complete with landscaping, lighting and other appropriate accessories to complement and protect the artwork.

3. The composition of the artwork shall be of a permanent type of materials in order to be durable against vandalism, theft and weather, and in order to require a low level of maintenance.

4. The artwork shall be related in terms of scale, material, form and content to immediate and adjacent buildings and landscaping so that it complements the site and surrounding environment.

5. The artwork shall be designed and constructed by persons experienced in the production of such artwork and recognized by critics and by his or her peers as one who produces works of art.

6. The artwork shall be a permanent, fixed asset to the property.

7. The artwork shall be maintained by the property owner in a neat and orderly manner acceptable to the city, unless the artwork is installed on property owned by the city, in which case the city shall maintain the artwork. (Ord. 1836 § 1, 2008)

12.51.080 Location and relocation of public art.
A. The public art must remain on the project site for not less than 30 years from the original installation date. When and if the development project is sold within 30 years from the installation date, the public art must remain at the

development for which it was created and may not be claimed as the property of the seller or removed from the development or its location as approved by the commission for the arts. In the event that a property is to be demolished within said 30-year period, the owner must relocate the public art to another publicly accessible, permanent location that is approved in advance by the commission for the arts. In the event the property is redeveloped, the new project shall meet all of the requirements of this chapter and use the same approval process, or pay an amount equal to the remaining portion of the public art in-lieu contribution prorated over said 30-year period.

B. A property owner may petition the commission for the arts to relocate the public art to another publicly accessible location on the development project site.

C. In the case of removal of the public art for any reason prior to the expiration of the 30-year period, the developer or owner of the development project must notify the city at least 30 days in advance of the removal, and must replace the public art within six months of its removal, meeting all of the requirements of this chapter and using the same approval process, or pay an amount equal to the remaining portion of the public art in-lieu contribution prorated over said 30-year period.

D. Any removal, relocation, or replacement of the public art must be consistent with the California Preservation of Works of Art Act and the Federal Visual Artists' Rights Act and any other relevant law. The developer or owner shall execute a restrictive covenant in a form acceptable to the city attorney enforceable by the city, which shall be recorded against the project site and shall run with the land for a period of 30 years from the installation date.

E. In the event the public art is stolen, destroyed or vandalized within said 30-year period, the developer or owner must replace the public art within six months of its theft, destruction or vandalism, meeting all of the requirements of this chapter and using the same approval process, or pay an amount equal to the remaining portion of the public art in-lieu contribution prorated over said 30-year period. (Ord. 1836 § 1, 2008)

12.51.090 Endowments.
The art in public places fund shall also be used as a depository for endowments, bequests, grants or donations. Such sums may be expended as set forth in LMC 12.51.040 and 12.51.050 as recommended by the commission for the arts and approved by the city council. (Ord. 1836 § 1, 2008)

Glossary of Terms and Definitions

501(c) (3) – A nonprofit corporation organized under Internal Revenue Code Section 501(c) (3) in good standing with the California Department of Corporations and in compliance with any and all federal, state, and local licensing reporting and tax requirements.

artsALIVE! – Cultural Arts Master Plan.

Capital Improvement Plan (CIP) - Involves property acquisition, developer reimbursements, construction of public buildings, and rehabilitation and construction of major infrastructure, storm, water and sewer systems, transportation infrastructure, and other City infrastructure.

Cultural Arts District - Railroad Avenue on the north, Maple Street on the east, 4th Street on the south, and "P" Street on the west.

Deaccessioning of Artwork – To remove a work of art in order to install other works of art for any purpose identified in Chapter 2, Review and Deaccessioning of Artwork.

In-kind Support – A product or service, other than money.

Infrastructure – The basic facilities, personnel and activities needed for the functioning of an organization.

Maquette - A small preliminary model, i.e., as of a 3-dimensional object.

N.A. – Not applicable.

Public Art – Artistic works created for or located in part of a public space of facility and/or accessible to member of the public.

Public Art Subcommittee – Three (3) voting members of the Commission for the Arts will comprise any subcommittee. Members will be appointed by the Commission for the Arts Chairperson on a project-by-project basis and will remain on the subcommittee until the project is completed.

On a project-by-project basis, a subcommittee may also consist of voting and/or non-voting members that provide technical or creative expertise for the project, such as business, community, architectural, engineering or design consultants.

Any subcommittee will be considered an Ad Hoc Committee if appointed for a limited duration, limited purpose, and without attendance by any voting or non-voting outside member. Ad Hoc Committees are not subject to California Government Code 54950 (the Brown Act).

Public Art Fund - At the discretion of the developer, in lieu of providing artworks within the project, a developer may choose to contribute to the Public Art Fund in the amount equal to their public art requirement. A developer may choose in include artwork that costs less than what is required for their project but must pay the remainder of the fee to the Public Art Fund. The Public Art Fund will be distributed through a variety of grant programs overseen by the Commission for the Arts.

Public Art Register – A comprehensive list of the City's existing artwork collection.

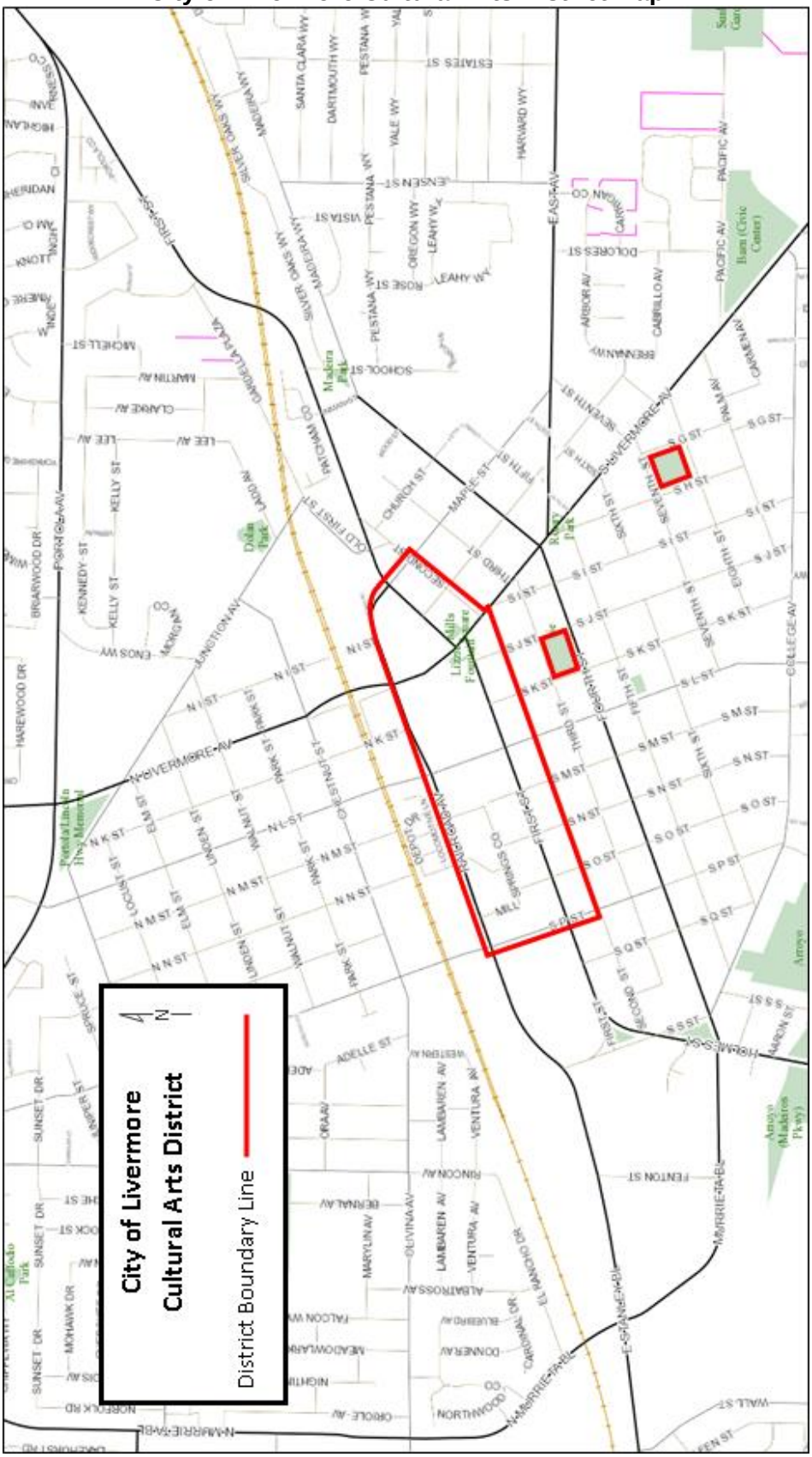
Public Space – Space which is easily accessible and clearly visible for public view; this includes, but is not limited to parks, streets, squares, promenades, public plazas and foyers.

RFP – Request for proposal

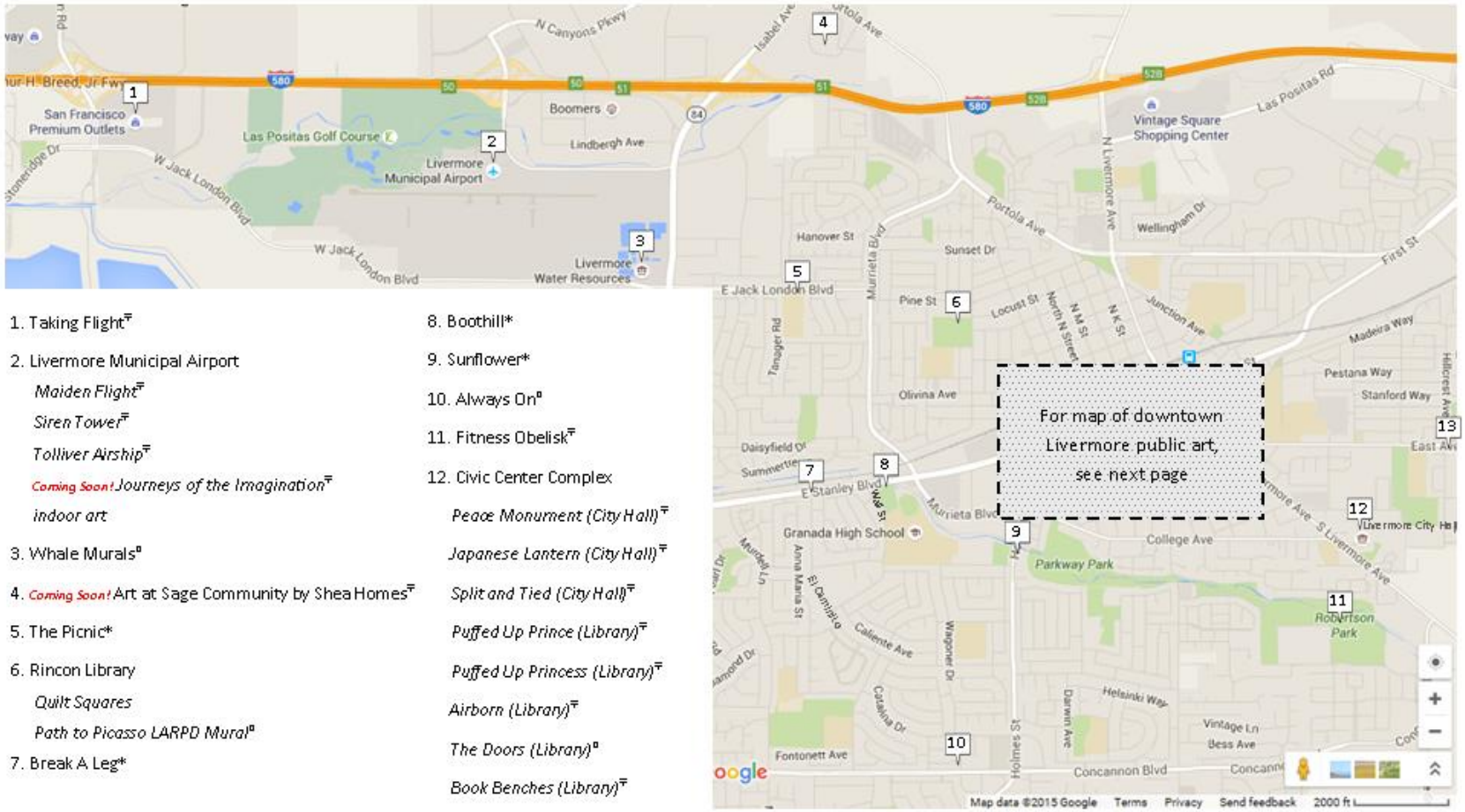
RFQ – Request for qualifications.

What is the Public Art Fund? - The Public Art Fund consists of revenues, which can include, but are not limited to, developer in-lieu fees, bequests, other donations, and funding acquired from other sources by the Commission for the Arts. At the discretion of the developer, in lieu of providing artworks within the project, a developer may choose to contribute to the Public Art Fund in the amount equal to their public art requirement. A developer may choose in include artwork that costs less than what is required for their project but must pay the remainder of the fee to the public art fund. The Public Art Fund will be distributed through a variety of grant programs overseen by the Commission for the Arts.

City of Livermore Cultural Arts District Map



Livermore Public Art Site Map



For map of downtown Livermore public art, see next page

1. Taking Flight[∓]
2. Livermore Municipal Airport
   - *Maiden Flight*[∓]
   - *Siren Tower*[∓]
   - *Tolliver Airship*[∓]
   - *Coming Soon!* *Journeys of the Imagination*[∓]
   - *indoor art*
3. Whale Murals[ᵘ]
4. *Coming Soon!* Art at Sage Community by Shea Homes[∓]
5. The Picnic*
6. Rincon Library
   - *Quilt Squares*
   - *Path to Picasso LARPD Mural*[ᵘ]
7. Break A Leg*
8. Boothill*
9. Sunflower*
10. Always On[ᵘ]
11. Fitness Obelisk[∓]
12. Civic Center Complex
    - *Peace Monument (City Hall)*[∓]
    - *Japanese Lantern (City Hall)*[∓]
    - *Split and Tied (City Hall)*[∓]
    - *Puffed Up Prince (Library)*[∓]
    - *Puffed Up Princess (Library)*[∓]
    - *Airborn (Library)*[∓]
    - *The Doors (Library)*[ᵘ]
    - *Book Benches (Library)*[∓]
    - *indoor art*

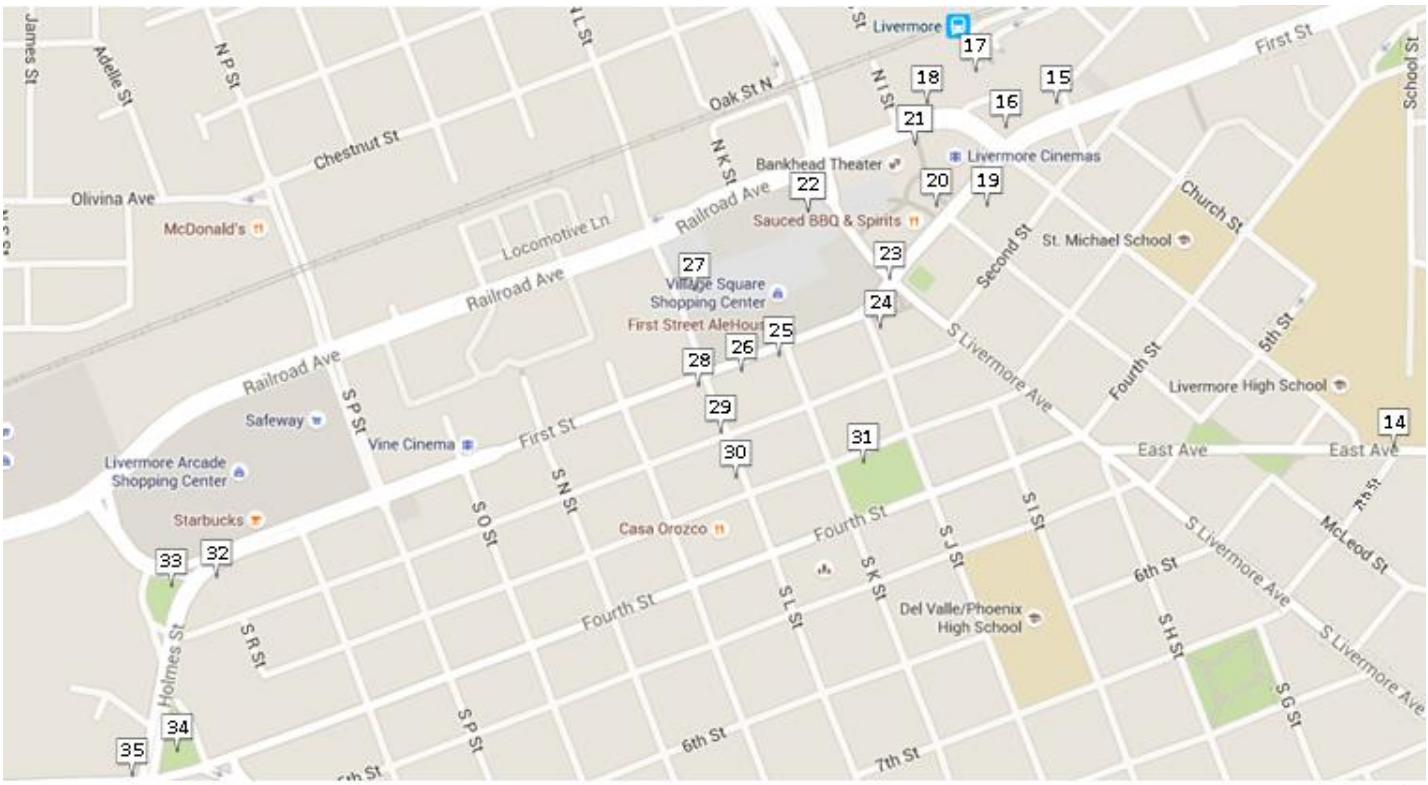
*= Utility Boxes

[∓]= Statuary

[ᵘ]= Murals

See www.cityoflivermore.net/arts for web photos and details.

City of Livermore Public Art Site Map (Inset)



14. Under the Sea*
15. Dream*
16. Diablo Dragonfly*
17. Path to Picasso LAVTA Mural▫
18. The Wall*
19. Firehouse Mural▫
20. Bankhead Theater
    Faulkner Quote
    Water Over Stone
    Recycling Bins▫
21. Sunday with Jessie∓
22. Cowboy Boot*
23. First Street & S. Livermore Avenue
    *Blocked Out**
    *Bearded Iris**
    Livermorium Recycling Bins▫
    Livermorium Park Benches▫
24. Wine Country Wall▫
25. Lazy Daisy*
26. Amgen Bike Mural▫
27. Station Square Sculptures∓
28. Catbots Come in Peace*
29. Hummingbird*
30. Livermore Valley Heritage Mural▫
31. Metal Sundial∓
32. Yellow Roses*
33. Circle of Peace∓
34. Totem Pole∓
35. Dog*

N

*= Utility Boxes
∓= Statuary
▫= Murals

Proposed Statuary Locations

1 Intersection of First and L Streets
Northeast corner, east of crosswalk
Southeast corner, west or east of crosswalk

2 Intersection First and K Streets
Southeast corner, west of eastern crosswalk
Southeast corner, east of eastern crosswalk
North side of First, west of western crosswalk
North side of First, between crosswalks

3 First Street, north side between J and K
North side of First, opposite Chamber of Commerce, replace potted plant

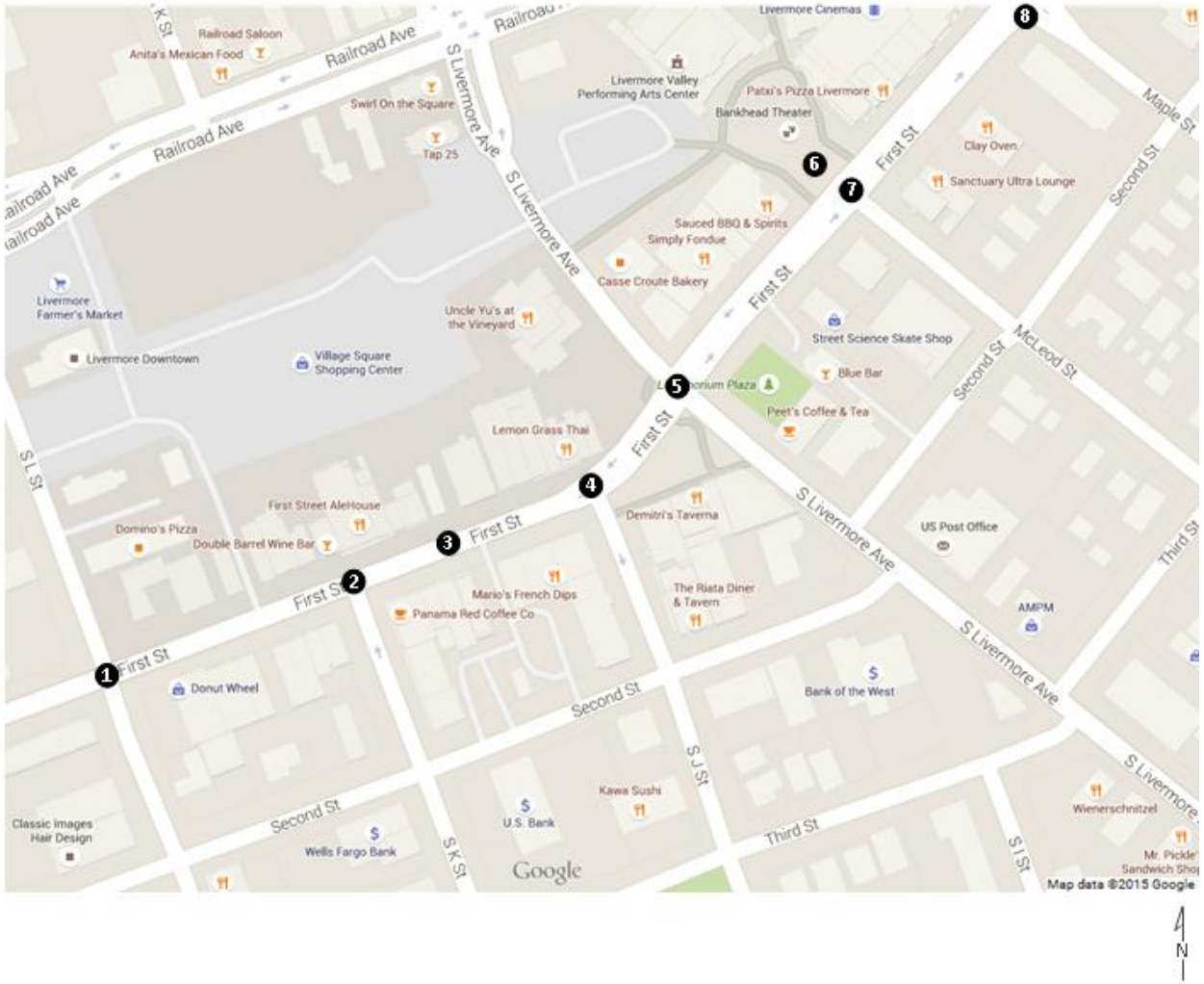
4 Intersection of First and J Streets
North side of First, west of crosswalk
Southwest corner, east of crosswalk
Southwest corner, west of crosswalk

5 Intersection of First and S. Livermore Ave.
Flagpole Plaza
Lizzie Fountain

6 Bankhead Theater
Planter area in front of theater
East walkway, raised planter circle
East walkway, to Railroad Ave

7 Intersection of First and McLeod Streets
North side of First, east of eastern crosswalk
Southeast corner, east of crosswalk

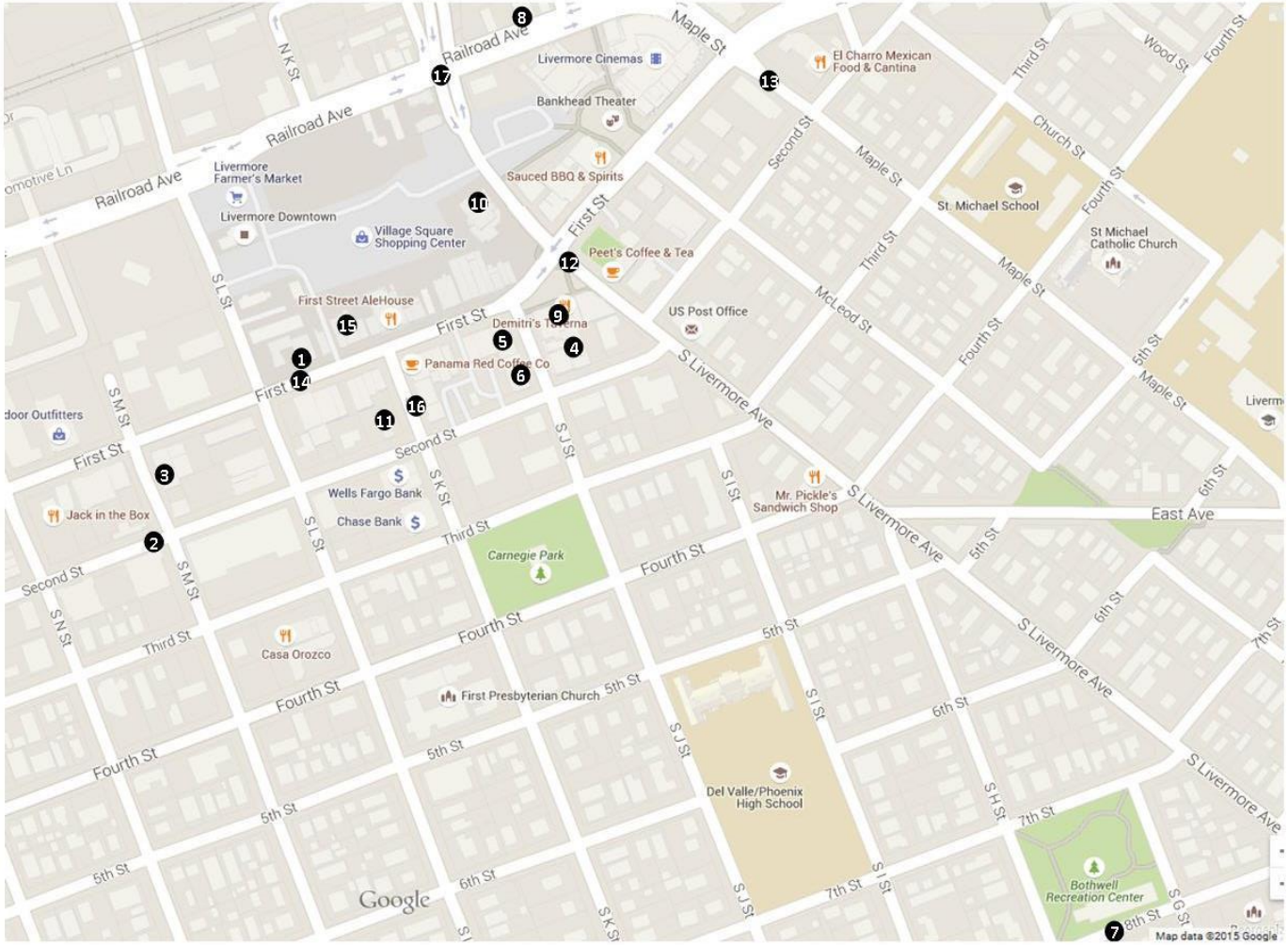
8 Intersection of First and Maple Streets
Southwest corner, west of crosswalk
Northwest corner, west of crosswalk



Proposed Statuary Locations

Proposed Mural Locations

1. 2020 First Street
   West-facing side wall
2. 1891 Second Street
   East-facing side wall
3. 1917 First Street
   West-facing side wall
4. 2222 Second Street
   East-facing side wall
5. 2193 First Street
   East-facing side wall
6. 187 South J Street
   West-facing back wall
7. 2446 8th Street
   Bothwell Arts Center
8. 2252 Railroad Avenue
   East-facing side wall
9. 2235 First Street
   Schenone Building, 2nd Floor
10. 39 S. Livermore Avenue
    Breezeway between Uncle Yu's and Livermore Village
11. 2074 Second Street
    East-facing side wall
12. 119 S. Livermore Avenue
    South-facing side wall
13. 112 Maple Street
    Northeast/east-facing side/ back walls
14. 2019 First Street
    South-facing back wall



15. 2062 First Street
    West-facing side wall
16. 160-186 South K Street
    East-facing back wall
17. Bike trail underpasses
    Ex: Livermore Ave at Railroad Ave

N

Proposed Mural Locations