

**CITY OF OXNARD
CULTURAL ARTS COMMISSION
AGENDA**

**Oxnard Performing Arts Center, Auditorium Lobby
800 Hobson Way, Oxnard, CA
SPECIAL MEETING
Saturday, August 19, 2017, 9:30am**

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. PUBLIC COMMENTS

At a special meeting, a person may address the Commission only on matters on the agenda. The presiding officer shall limit public comments to three minutes. Unless otherwise approved by the Commission, persons wishing to speak on items on the agenda should do so during public comments.

D. STAFF REPORT

1. SUBJECT:- Permit guidelines and process for “spontaneous” public art

RECOMMENDATION: That the Commission receive an update on the Public Art Permit Guidelines and Process; Staff: Ingrid Hardy, Cultural & Community Services Director

Attachment: Public Art Permit Guidelines and Process

E. NEW BUSINESS – Commission “Retreat” to review Mission, Vision, By-laws and to determine future priorities, goals, and objectives; facilitated by Suzanne Elliott

Review of progress to date

Review of mission/vision/by-laws

Discussion of goals and priorities

Next steps

F. FUTURE MEETINGS

Wednesday, September 13, 2017, 5:00pm, City Council Chambers

Wednesday, October 11, 2017, 5:00pm, PACC

G. ADJOURNMENT

CULTURAL ARTS COMMISSION STAFF REPORT

DATE:	August 19, 2017	Agenda Item:	
TO:	Cultural Arts Commissioners		
FROM:	Ingrid Hardy, Cultural and Community Services Director		
SUBJECT:	Public Art Permit Guidelines and Process		

RECOMMENDATION:

1. That the Commission receive an update on the Public Art Permit Guidelines and Process.

BACKGROUND:

On June 12, 2017, staff presented a draft version of the city's Public Art Permit Guidelines and Process to the Cultural Arts Committee comprised of Mayor Pro Tem Carmen Ramirez and Councilmember Madrigal. The purpose of these guidelines is to have structure and a process in place when private groups/funders propose art projects to the city on publicly owned property or within view from the public right of way. The proposed guidelines were well received by the committee and individuals in attendance. Part of the discussion and feedback received by the Committee is that the approval of the artwork should rest with the Cultural Arts Commission. In addition, the Committee also indicated that the Commission should identify what the criteria for approval should be. Following the June 12 committee meeting, staff presented a draft version of the guidelines and process to the commission for review and feedback. The Commission appointed Commissioners Behrens, Hirata, and Gomez to an ad hoc committee to work with staff on the development of the selection criteria.

Staff met with the ad-hoc committee on August 15 to flush out the document and develop the selection criteria. The document is attached for the Commission's review. Staff will agendize this topic for the September 13, 2017 Commission meeting for full discussion and approval.

The Public Art Permit Guidelines and Process is one facet in the development of the city's public art program. Staff will be working with the commission on developing a selection process for artwork commissioned and funded by the city in the coming months.

Attachment: Public Art Permit Guidelines and Process

City of Oxnard Public Art Permit Guidelines and Process

The City of Oxnard City Council and Cultural Arts Commission are committed to increasing quality of life in Oxnard by interweaving arts into the fabric of everyday life. Providing a means for artistic expression through public art projects is one way in which the city supports the arts. Public art initiatives contribute to community vitality, enhance community identity and place, and provide a highly visible means for artists to express themselves, while simultaneously allowing the public to enjoy and engage in conversation and show appreciation of art.

This document is a comprehensive overview of the guidelines, steps, and criteria for developing public art projects that are on private property, city property, or in the city right of way. Potential applicants are encouraged to read the instructions thoroughly prior to the application process.

Eligible Sites and Projects

- Sites that can support dimensional works for general public use including benches, bike racks, and sculptural works.
- Utility Boxes
- Murals on City Owned Properties
- Murals on Private Property
- Areas that are not scheduled for public works/construction projects

Eligible Applicants

- Individual artists (must be registered on City artist registry)
- Arts organizations (must be registered on City artist registry)
- Businesses

Ineligible Projects or Applicants include:

- Murals on private single family residences/property.
- Murals which are not clearly visible/accessible to the public from the public right-of-way.
- Property owners who will not provide a signed Oxnard Waiver for Artwork Placed Upon Private Property Form
- Expression that espouses a particular religious, political, or ideological viewpoint or artwork that would be considered culturally inappropriate, and/or indecent, or offensive by community standards
- Artwork that serves as commercial signage or commercial activity taking place inside a building or within the vicinity of the artwork
- Artists who are not registered on the Oxnard artist registry
- ~~Applicants who are members of the City staff or who serve on the Cultural Arts Commission~~

GUIDELINES

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General

- The project must have a realistic timeline, schedule, budget, and within the fiscal capacity of the applicant.
- Develop projects within your capacity, including working within a realistic timeline and scale.
- Cover any additional costs that may arise as part of the permit, including special signage, insurance, mailings, etc.
- Thoroughly document the artwork and provide images to the City upon completion.
- Designs must be an original work of art, thoughtful, creative and meet the City's public art goals.
- Murals and utility box art must be exhibited for a minimum period of one year. Anything beyond two years requires an examination by the city to ensure it is still in good condition.
- If painting a mural or utility box, the approved art must remain in place without alteration for the entire installation period.

Artists and Copyright

- The Commission strongly recommends that all projects have an open call process.
- Obtain permission for all artwork and imagery, including a waiver from each artist to the Visual Artist's Rights Act (VARA) and the California Art Preservation Act if needed. This includes permission to use photos of people, all copy written material and text, and images of artwork.
- Obtain permission from each artist for the City to use images of their artwork in brochures, on websites, etc.
- Proposed artists must be registered in the City's artist registry

Community Involvement

- Notify the community of your project through community meetings and posting in the City's neighborhood newsletter.
- Notify adjacent property owners through visits to nearby homes and businesses.

Maintenance

- All ongoing maintenance of the art work. This includes touch-ups, graffiti removal, repainting, or repairs due to street maintenance and general risks of art being in the public realm.
- Removal of the artwork if needed, for any reason.

Materials and Clean-up

- Comply with all State and Federal regulations and according to manufacturer's specifications.

- Be cautious of the materials, equipment, and safety procedures used when working with youth.
- Be mindful while applying paint and other chemical substances while working on site, apply materials in a qualitative manner and cleaning up accidental spills, drips, and messy edges.
- Clean up and dispose of all materials and equipment on site. (No paint, chemicals, or contaminated water may be poured into City sewers or waste containers.)
- Remove all materials and equipment from the site after the installation is complete.

Public Safety

- All projects will be reviewed comprehensively for safety issues, particularly climbability.
- Two- and three-dimensional projects that include and/or require structures, attachments, and footings may need a structural review and/or signed engineering drawings at the cost of the applicant. Most three-dimensional projects will need to be engineered to support a live load of a minimum of 250 pounds.
- When needed, applicants must obtain all permits to close streets, develop a traffic management plan and obtain an approval for the plan from the City.
- Under some circumstances, an off-duty police officer may need to be hired to manage traffic during installation.
- Artists should work on site during periods of low traffic activity, such as weekdays, 9am to 3pm, weekends and holidays.
- Projects may not block any street for more than 24 hours. Applicants and artists are to educate participants about necessary safety precautions, particularly youth.

CRITERIA FOR APPROVAL

Artistic Merit and Concept

Quality, creativity, and originality of concept within the artist's body of work; strength of past work by materials submitted. Appropriateness of the visual imagery.

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Scale

Appropriateness of scale for the surrounding environment; artwork must be in right proportion to the proposed space/location.

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Feasibility

Demonstrated ability to complete the project/aptitude for planning; an appropriate budget and proposed materials to ensure durability for the proposed lifespan of the artwork;

Maintenance

Durable, high quality materials; require minimal or no maintenance.

APPLICATION PROCESS

Before submitting an application, applicants need to determine whether desired locations are City property or within the right of way. Desired locations could also be on private property. Either way, all projects are reviewed first by the Oxnard Cultural Arts Commission.

Step 1 – Arts Commission Public Art Permit Application

1. Complete Public Art Permit Application Form to the Cultural Arts Commission to determine if your project meets the program's criteria and application requirements.
2. Images
 - For each location (one page per location), submit a final and legible design in full color, formatted to 8.5 x 11". Written on the page, include the dimensions (for scale), names of nearby streets (for orientation), and the name of the artist(s).
 - At least two scale renderings of the design(s) in context of the surrounding streetscape/ landscape/architecture. The Arts Commission Public Art Subcommittee and the full Arts Commission will use these renderings to consider how the proposed design connects visually to the surrounding environment.
 - Early Design Review: The City will accept proposals for review that are still developing designs or have not selected an artist. (Note: early design review is discouraged, be aware the Subcommittee or Commission may return an application requesting that more of the information in the application form be provided, which would result in postponing final review. If the artist is selected and the applicants and artists have experience in developing public art projects of a similar scale and quality, in lieu of final designs, submit images of those previous artworks by both the applicant and the artist. If the artist has not been selected, please provide information on the process and the criteria that will be used to select the artist, as well as any concept or themes the organization is asking the artist to address (please provide detailed information about this in the Application Form).
3. Letter of Support
4. Resumes of each artist
5. Waiver(s) signed by each artist of their rights under the Visual Artists Rights Act (VARA) and California Art Preservation Act
6. Previous permits for art: For applicants who have previous art permits, submit for each artwork, one electronic photo, date-stamped, documenting the condition of all sides of the artwork.

7. For two and three dimensional projects that include and/or require structures, attachments and footings: Applicants may need to submit a structural review and/or signed engineering drawings.

Step 2 – Encroachment Permit Application (If Applicable)

After you have approval from the Arts Commission, CCS staff will notify traffic staff that you are ready to apply for your permit. An encroachment permit gives the permit-holder permission to use a specific portion of the right of way until such time as that portion of the right of way is needed by the City for public purposes. Encroachment permits are revocable at any time in the interest of public safety or lack of maintenance. The following information must be submitted to Development Services Engineering Division

1. A completed encroachment permit application and a check for the required amount
2. A certificate of insurance as proof of general liability
3. Art Consent Forms signed by all abutting property owners
4. Other permits as conditioned

City of Oxnard
Public Art Permit Application
This can be a google doc form

Title of Project: _____ Date Submitted: _____

Applicant Name: _____ Address: _____

Phone: _____ City/State/Zip: _____

Email address: _____

Organization: _____

Artist: _____

Email: _____

Short Description of Project:

A. Artist Selection:

Was there an open call to the public for artists? If not, please explain why.
How was/were the artist/artists selected for your project?
What criteria did you use for this selection?

B. Design Development:

What was the process for developing the design(s)?
What are the themes and ideas represented in the design(s)?
How do these themes relate to the site, design of adjacent sites, and the community?

C. Connection between Designs and Locations:

What artistic connections are being made between locations and designs?

If this is a utility box project, how do the individual boxes connect to their individual surroundings? If any of the boxes are near existing works of public art (including murals), how are the selected designs sensitive to those works of art, both in content and aesthetics?

D. Timeline:

Please detail your timeline.

E. Maintenance:

Provide maintenance standards here.

F. Traffic Management:

Provide maintenance standards here.

G. Project Budget:

(Note: The City requires a budget submittal as a demonstration that the applicant has the capacity to implement the project, has raised the necessary funds and has budgeted for artist fees, insurance and ongoing maintenance.)

What is your project budget?

Include the following information, and include in-kind contributions for key required items.

Artist/ Vendor Fees:

Materials/Fabrication (paint, brushes, tarps, graffiti coating, etc):

Installation (Labor, City Permits, Equipment, Traffic Barriers):

Liability Insurance (Auto, General, Workers' Compensation

Equipment Rental (scaffolding, scissor lift, truck, etc)

Other:

H. Attachments:

Include required forms and attachments listed below with your application. You must combine them in **one PDF document**.

- Images of the final design
- Resumes of participating artists
- Letter of support from the neighborhood council(s), surrounding property owners, etc
- For applicants with previous permits: Photos documenting current condition of the artwork(s)
- VARA Waiver signed by each artist

I. Information Agreement

I/We understand that the materials we submit are public information under the California Public Records Act and may be shared by the City of Oxnard with members of the public or the media for informational purposes or as otherwise required. Accordingly, I/we hereby grant a non-exclusive license to the City of Oxnard to make and distribute a limited number of copies of the submitted materials for the purposes of information and/or evaluation of the Project.

X _____
Signature of Applicant

Date

DRAFT

WAIVER OF RIGHTS PURSUANT TO THE VISUAL ARTISTS RIGHTS ACT

I, _____, have prepared designs for the following art work:

(specifically identify the work)

The above-described work may be considered to be a "work of visual art" subject to the provisions of the federal Visual Artists Rights Act of 1990, specifically the rights of certain authors to attribution and integrity, as codified at 17 U.S.C. §106A(a). I am an author of the work(s) described herein, and am authorized to waive the rights conferred by §106A(a), in accordance with the waiver provision of 17 U.S.C. §106A(e)(1).

STATUTORY PROVISIONS

17 U.S.C. §106A - Rights of certain authors to attribution and integrity.

(a) Rights of Attribution and Integrity. -

Subject to section 107 and independent of the exclusive rights provided in section 106, the author of a work of visual art -

(1) shall have the right -

(A) to claim authorship of that work, and

(B) to prevent the use of his or her name as the author of any work of visual art which he or she did not create;

(2) shall have the right to prevent the use of his or her name as the author of the work of visual art in the event of a distortion, mutilation, or other modification of the work which would be prejudicial to his or her honor or reputation; and

(3) subject to the limitations set forth in section 113(d), shall have the right -

(A) to prevent any intentional distortion, mutilation, or other modification of that work which would be prejudicial to his or her honor or reputation, and any intentional distortion, mutilation, or modification of that work is a violation of that right, and

(B) to prevent any destruction of a work of recognized stature, and any intentional or grossly negligent destruction of that work is a violation of that right.

17 U.S.C. §106A(e)(1) - Transfer and waiver.

The rights conferred by subsection (a) may not be transferred, but those rights may be waived if the author expressly agrees to such waiver in a written instrument signed by the author. Such instrument shall specifically identify the work, and uses of that work, to which the waiver applies, and the waiver shall apply only to the work and uses so identified. In the case of a joint work prepared by two or more authors, a waiver of rights under this paragraph made by one such author waives such rights for all such authors.

WAIVER

As author of the above-described work, I hereby permanently waive my rights pursuant to 17 U.S.C. §106A(a)(3) to prevent any distortion, mutilation, modification or destruction of that work, for whatever reason and for whatever use of the work such distortion, mutilation, modification or destruction of the work is undertaken. This waiver does not extend to the rights of attribution conferred by 17 U.S.C. §106A(a)(1) or §106A(a)(2).

Date _____

Artist _____

CITY OF OXNARD
Artist Waiver for Artwork Placed Upon Private Property

Artist has designed a unique artwork for the Property Owner to be temporarily installed from [insert start date] to [insert end date] at [insert site/address for mural/artwork].

The Property Owner has the absolute right to change, modify, destroy, remove, relocate, move, replace, transport, repair or restore the Work, in whole or in part, with prior notification and approval from City staff.

If the Property Owner modifies the Artwork without the Artist's consent in a manner that is prejudicial to Artist's reputation, Artist retains the right to disclaim authorship of the Artwork in accordance with the Visual Artists Rights Act 17 U.S.C. § 106A (a) (2).

Artist bears the sole responsibility for providing the City with any changes to the Artist's Address for Notice. Notice of changes must be mailed to the City of Oxnard, 305 West Third Street, Oxnard, CA 93030 and to the Property Owner.

Artist and Property Owner understand the terms of this waiver and hereby acknowledge the rights described herein with respect to the artwork.

By Artist:

Name (Signature): _____

Name (Print): _____ Date: _____

Phone: _____ Email: _____

By Property Owner:

Name (Signature): _____

Name (Print): _____ Date: _____

Phone: _____ Email: _____