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**Public Art Committee Handbook**

**City of San Diego Commission for Arts and Culture**

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## **A. INTRODUCTION**

This handbook is intended to provide an overview of the responsibilities, guidelines and processes associated with the City of San Diego Commission for Arts and Culture's Public Art Committee [PAC]. Current and potential PAC members should read this handbook in order to become familiar with the policies and procedures that govern the PAC and its members.

## **B. MISSION STATEMENT**

The mission of the City of San Diego Commission for Arts and Culture [Commission] is to vitalize the city by integrating arts and culture into community life while supporting the region's cultural assets and showcasing San Diego as an international cultural destination.

## **C. ROLE OF THE COMMISSION FOR ARTS AND CULTURE**

The Commission was established in 1988 by City Ordinance. It is the Commission's responsibility to make all recommendations pertaining to arts and culture to the Mayor, City Council and the City Manager. The Commission is composed of 15 volunteer board members and is supported by eight City staff members. The Commission seeks, through its recommendations to the Mayor, City Council and the City Manager, to promote and increase the support for the literary, performing and visual arts. The Commission also seeks to support organizations that educate and expose the public to a rich and diverse range of artistic and cultural expressions. The Commission advocates for a substantial increase in funding for arts and culture from the City of San Diego, from the private sector and from local, regional, state and federal governments. It seeks to develop and implement the arts in public places throughout the neighborhoods of San Diego and to assist the private sector with including the arts in private development. The Commission seeks, through its policies and programs, to strengthen the involvement and input of artists in cultural planning, to reflect the cultural

diversity of the people it serves, and to foster local, national and international understanding and appreciation of arts and culture.

With respect to the Public Art Program, the Commission shall:

- Be responsible for the ongoing oversight of the Public Art Program
- Establish policy and procedures under which the Public Art Program operates
- Review and approve the recommendations of the Public Art Committee
- Oversee the management of the public art collection, including the periodic assessment and maintenance of the collection; and
- Review and recommend to the Mayor, City Council, and the City Manager the annual public art workplan and the proposed annual budget for public art.

#### **D. ROLE OF THE PUBLIC ART COMMITTEE**

The Public Art Committee (PAC), a sub-committee of the Commission, is responsible for advising the Commission on policies and procedures that promote, encourage and increase support for public art, and on general issues pertaining to the Public Art Program. The PAC is composed of nine volunteer members and several ex-officio members, and is supported by Commission staff members. The PAC reviews and recommends to the Commission public art projects that are sited on City property, proposed donations of artwork to the City, and public art initiatives: advising private developers and others regarding the selection and installation of works of art to be located in public spaces. PAC members may participate in the artist and artwork selection processes. The PAC also assists in fostering existing and new partnerships with the Port of San Diego, the San Diego Convention Center Corporation, the State of California Department of Transportation and others. Currently, the PAC's primary initiative is the implementation of the Public Art Master Plan.

The Public Art Committee shall:

- Recommend program policy and general oversight for the Public Art Program;

- Recommend guidelines, policies and procedures for the selection, implementation and conservation of public art in San Diego;
- Review and recommend to the Commission all public art selections for the City of San Diego;
- Make recommendations regarding the care and maintenance of the public art collection to appropriate parties or site agencies;
- Review and recommend the annual workplan to the Commission;
- Recommend a pool of potential artist selection panel members;
- Act as liaisons to artist selection panels;
- Review and recommend to the Commission artist selection panel members;
- Ensure community outreach and citizen participation in the Public Art Program;
- Review and recommend proposed gifts of art to the City, as well as loans and long term exhibitions of art on City-owned property;
- Review and recommend accessioning and deaccessioning of artworks from the art collection;
- Periodically review and recommend changes to the Public Art Program guidelines, policies and procedures; and
- Be comprised of no more than nine voting members, primarily of persons qualified in the visual art and/or design professions.

## **E. ROLE OF THE COMMISSION STAFF**

The Commission staff is composed of eight employees of the City of San Diego. The staff is headed by an Executive Director who reports to the City Manager. The Public Art Program is administered by a Public Art Program Administrator and a Public Art Project Coordinator.

The Commission staff shall:

- Steer the overall work objectives of the Public Art Program, such as staff project administration, coordination with artists, strategic planning and community outreach;

- Monitor the overall development of the public art collection, including ensuring that local and regional artists are represented in the collection and ensuring that the public art collection is reasonably balanced over time with respect to ethnicity and gender of artists selected and with respect to style of expression, media and genre;
- Facilitate all artist selection panels for the City of San Diego;
- Oversee a maintenance survey as appropriate of the entire public art collection;
- Review and advance the recommendations of the PAC;
- Review and approve the annual workplan presented by the PAC that shall include identification of eligible Capital Improvement Program projects and funding appropriations;
- Oversee all artists' contracts in association with the Public Art Program; and
- Present approved recommendations to the Mayor, City Council and the City Manager.

## **F. SELECTION PROCESS AND CRITERIA FOR MEMBERSHIP**

PAC members are selected through a nomination process every two years, or as necessary. Membership nominations may be made by any San Diego County resident. Self-nominations are permitted. In addition, nominations are solicited from the following:

- existing and former Commission members;
- existing and former PAC members;
- former Artist Selection Panel members;
- artists;
- design professionals such as architects, landscape architects, engineers, urban designers, industrial designers, land planners, and graphic designers;
- arts professionals such as arts administrators, curators and patrons; and
- citizens with visual arts and/or design expertise or interest.

Nominees are asked to submit a professional resume and a letter of interest for review by a sub-committee comprised of PAC members, Commissioners and Commission staff. The criteria used in making selections for PAC membership include:

- Professional qualifications and experience primarily in the visual art and/or design professions
- In-depth knowledge of the San Diego arts and culture community and/or San Diego neighborhoods
- Communication and decision-making skills, and ability to work well in a group
- Diversity, as the PAC's composition should be a reflection of the community it serves, expressing its variety of race, gender, culture, ethnicity, age, socioeconomic class, sexual orientation, geographic location, etc.
- Prior experience as a Commissioner, a PAC member, an Artist Selection Panel member, or volunteer

## **G. TERMS AND MEMBERSHIP**

A member of the Commission will chair the PAC. The PAC consists of no more than nine voting members. In addition, non-voting, ex-officio memberships will be given to one member each from the Centre City Development Corporation, the Southeastern Economic Development Corporation, and the Unified Port of San Diego. One non-voting, ex-officio membership will also be filled by representatives from each of the following City departments as assigned by the appropriate City department directors:

- Community and Economic Development
- Engineering and Capital Projects
- Fire-Rescue
- Library
- Metropolitan Wastewater
- Park and Recreation
- Planning
- Police
- Transportation
- Water

Voting members serve two-year staggered terms for a maximum of four years and each member serves until a successor is duly appointed and confirmed. An interval of two

years must pass before an individual can be reappointed to the PAC. All members will be appointed by the Commission. Ex-officio members serve until the directors of their respective City departments change their assignments.

## **H. CONFLICT OF INTEREST GUIDELINES**

Conflict of interest guidelines are intended to implement the Conflict of Interest Code adopted by the City Council under the California Political Reform Act. It is also intended to implement City Council Policy 000-4 [see Appendix], which is the Code of Ethics for all City employees, commissioners and board members who work in the service of the San Diego public. In particular, these guidelines assist Commissioners and PAC members in determining when they should disqualify themselves from participating in discussions and decision-making processes. [A sample Conflict of Interest Disclosure Form is attached in the Appendix for reference.]

Legal Conflicts: A “legal” conflict of interest exists if a PAC member, a PAC member’s business partner, or a member of a PAC member’s immediate family has a financial interest in one of the projects that appears before the PAC for review. If a legal conflict of interest is determined to exist, the PAC member must disclose the nature of the conflict prior to the start of discussions about the project and should disqualify him/herself from participating in discussions, making decisions, or voting on any matter affecting the project. The PAC member should leave the room during discussions and voting on matters affecting the project.

Apparent Conflicts: Although there may not be a financial interest in the project and therefore no “legal” conflict of interest, sometimes a PAC member may find that he or she has such strong feelings, either positively or negatively, about a particular project, person involved with the project, or organization involved with the project that the PAC member cannot be fair in the discussions and recommendations concerning it. This is what is known as an “apparent” conflict of interest. If an apparent conflict of interest is determined to exist, the PAC member must disclose the nature of the conflict prior to the start of discussions about the project and should disqualify him/herself from



participating in discussions, making decisions, or voting on any matter affecting the project. The PAC member should leave the room during discussions and voting on matters affecting the project.

Declaring a legal or apparent conflict of interest does not mean that a PAC member cannot serve. It simply means that the PAC member may not discuss or vote on those projects for which the conflict exists. A PAC member who has a potential legal or apparent conflict of interest shall disclose the potential conflict of interest to Commission staff before the PAC meetings begin, when possible.

Artist Members of the PAC: Voting memberships may be given to practicing artists, who otherwise meet the criteria for serving on the PAC. Artists serving on the PAC are not eligible to apply for public art project competitions over which the PAC has approval authority or administrative responsibility, and may not engage in contracts related to City of San Diego public art projects unless the contracts were awarded prior to their appointment to the PAC. An artist serving on the PAC who has been engaged by the City of San Diego, or its consultant, prior to their appointment to the PAC may not discuss, or be present for the discussion of and vote on his/her project.

## **I. QUORUM**

One-half the PAC membership plus one additional person constitute a quorum authorized to transact business. Committee members are not entitled to grant proxies.

## **J. MEETINGS**

Regular Meetings: Regular meetings of the PAC shall be held not less than every other month at a time and place to be determined in consultation with the PAC members and Commission staff. PAC members shall report to the Commission on an as-needed basis. In cases when a monthly PAC meeting has not been scheduled but action is required on a project upon short notice, email and/or regular mail may be utilized to communicate with PAC members and as a tool for decision-making.

Public Notice : Notice of all regular and special meetings shall be given to the public in compliance with the applicable laws and policies including the Ralph M. Brown Act [codified at California Government Code Sec. 54950 et. Seq., SDMC Sec. 22.0101 and City Council Policy 000 16, see Appendix].

Attendance: PAC members shall attend regular meetings, special meetings and sub-committee meetings. Each PAC member is expected to communicate with Commission staff and/or the PAC chair when the member is unable to attend a meeting. Failure to attend a minimum of 50% of the regular meetings in a given calendar year, or absence from three consecutive meetings may result in a recommendation to forfeit the member's position for cause.

## **K. SUB-COMMITTEES**

The PAC Chair may appoint sub-committees for tenure and purposes as the PAC may determine from time to time. Examples of possible sub-committees include but are not limited to:

- PAC Nomination and Member Selection
- Strategic Planning
- Annual Workplan
- Public Art Program Assessment
- Policy and Guidelines Assessment
- Artwork Purchase
- Artwork Donations or Loans
- Artwork Accessioning and Deaccessioning
- Artwork Maintenance
- Collections Management
- Agency Partnerships
- Public Affairs, Outreach and Education

Sub-committees may be comprised of no less than three and no greater than five PAC members. Reports from all sub-committees shall be made at regular PAC meetings and incorporated into the minutes of the proceedings.

#### **L. POLICIES, ORDINANCES, GUIDELINES AND PLANS GOVERNING THE PUBLIC ART PROGRAM**

The establishment of the Commission is outlined in the San Diego Municipal Code 26.0701 - 26.0707: Commission for Arts and Culture. The Commission's Public Art Program is governed by Council Policy 900-11 *Inclusion of Public Art in Selected Capital Improvements Program and Redevelopment Agency Projects*, Ordinance No. O-19280 *Art in Private Development, Developer/Applicant Guide to the City of San Diego Public Art Ordinance Requirements*, and the *2004 Public Art Master Plan*. [All these documents, except the *2004 Public Art Master Plan*, are included in the Appendix of this handbook. Additionally, all these documents and the *2004 Public Art Master Plan* can be accessed on the Internet at the following address: [www.sandiego.gov/arts-culture/publicart.shtml](http://www.sandiego.gov/arts-culture/publicart.shtml)

#### **M. ARTIST SELECTION PANELS**

When an artist is needed for involvement in selected Capital Improvements Program [CIP] projects or Redevelopment Agency projects, Artist Selection Panels [ASPs], composed of volunteers, are organized to review and rank artists' applications, to interview artists, and to recommend artists for involvement in these projects. ASPs are typically composed of:

- one voting representative from the City's prime consultant [architect, engineer, contractor or landscape architect];
- one voting representative from the appropriate community group;
- one voting representative from the appropriate City department [Fire, Library, Park and Recreation, Water, etc.]; and
- two voting visual art/design professionals
- one non-voting City project manager

- one non-voting City Council representative.

ASPs are organized by Commission staff and submitted to the PAC, then the Commission, for approval. The PAC and the Commission have the authority to approve only the visual art/design professionals on the ASP; recommendations for all other seats fall outside the purview of the PAC and the Commission. A typical process for composing an ASP follows:

- Community group representatives are recommended by the appropriate City Council office.
- Prime consultant representatives are recommended by the prime consultant.
- City department representatives are recommended by the appropriate department director.
- Visual art/design professionals are recommended by Commission staff, which retains an extensive database of experienced visual art/design professionals such as artists, arts administrators, curators, art historians, art critics, landscape architects, architects and urban planners. Recommendations are typically based on diversity, professional experience, and geographic location.

Individual ASPs are composed with the specific characteristics and requirements of each project in mind. An ASP convenes only as long as the selection process for one project continues. ASPs do not convene to select artists for multiple projects; a separate ASP is organized for each project, though individual ASP members may serve on more than one ASP. ASPs are typically half-day meetings, but can expand to two days [non-consecutive] in cases such as the review of materials from a national call for artists.

The database of experienced visual art/design professionals maintained by Commission staff for recommended placement on ASPs will be updated and renewed as needed through recommendations from the PAC.

## **N. METHODS OF SELECTING ART AND ARTISTS**

There are several methods for selecting art and artists: Open Competition, Limited or Invitational Competition, Direct Selection, Mixed Process and Pre-Qualified Artists List. The method of selecting artists for individual projects shall be determined by

Commission staff, in consultation with the Public Art Committee, in accordance with the adopted Public Art Program guidelines and policies. Any of the following methods may be used, depending upon the requirements of a particular project which may include but are not limited to: budget, timeline, geographic location, and scope of work.

Open Competition: An open competition is a call for artists for a specific project in which artists are asked to submit evidence of their past work. Any artist may submit credentials, subject to any limitations established by the ASP or PAC. Calls for entries for open competitions will be sufficiently detailed to permit artists to determine whether their work is appropriate for the project under consideration.

Limited or Invitational Competition: A limited number of artists shall be invited by the ASP to submit credentials for a specific project. Artists shall be invited, based on their past work and demonstrated ability to successfully respond to the conditions posed by the particular project [i.e., water features, light works, paintings, sound works, landscape works, design team efforts, etc.], or based on other non-aesthetic Public Art Program goals [i.e., artists who reside in a particular community or neighborhood where a project is occurring, local artists or regional artists, etc.].

Direct Selection: At times the PAC and Commission staff may elect to recommend a direct selection in which it contracts with a specific artist for a particular project. Such an election may occur for any reason, but will generally occur when circumstances surrounding the project make either an open or limited competition unfeasible [for example; project timeline, community or social considerations, client demand, etc.].

Mixed Process: A mixed process may include any combination of the above approaches.

Pre-Qualified Artists List: The PAC and Commission staff may use an ASP to create a pool of pre-qualified artists who can be utilized by Commission staff to select artists for small projects where a separate call to artists may not be warranted. The pre-qualified

artists list should be reviewed every two years by the PAC. Currently, Commission staff maintains a pre-qualified artists list, which is referred to as the As-Needed Artist List. This As-Needed Artist List is used for projects with budgets between \$10,000 and \$100,000; includes 50 artists from the Western states; and is renewed every two years.

## **O. GIFTS AND DONATIONS OF ARTWORK**

The City of San Diego's Council Policy 100-02: *City Receipt of Donations* [see Appendix] is currently vague on the subject of artwork. Based on the assumption that potential art donors will request a specific site for the work of art, it states that "the City agency or department (if applicable) that operates or maintains the site of the proposed work of art shall consult the Commission for Arts and Culture..." and goes on to say that the Commission will consult an advisory board which will review the proposed donation and recommend to accept or reject it. Per the current policy, all recommendations are reviewed by the City Council. As there is no language in the policy for gifts offered without a site, the following process has been developed:

1. The Chair of PAC shall create a sub-committee for reviewing donation proposals.
2. The sub-committee shall recommend to the Commission acceptance or rejection of the donation based on the review process set forth in the *Guidelines for the Donation of Works of Art to the City of San Diego* [see Appendix].

As part of the implementation of the *2004 Public Art Master Plan*, the PAC, Commission and Commission staff will be working towards the development of a new policy for the donation of artworks. Guidelines for accessioning and deaccessioning artworks will also be developed

Due to the ongoing review of the City's donation policy, Section O of this document may be revised accordingly.

--END--

This handbook, its Appendix and other information about the City of San Diego Commission for Arts and Culture and its Public Art Program may be accessed on the Internet at the following address:

**[www.sandiego.gov/arts-culture/publicart.shtml](http://www.sandiego.gov/arts-culture/publicart.shtml)**

Current and potential PAC members may contact the City of San Diego Commission for Arts and Culture staff via mail or phone:

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