

PUBLIC ART POLICY AND PROCEDURES

1 Purpose of this Policy

The purpose of the Sonoma County Public Art Policy and Procedures (Policy) is to outline the governance, funding, and procedures for Sonoma County Public Art Program and implementation of the County's adopted Public Art Master Plan.

Sonoma County's Public Art Program, Public Art Master Plan and Public Art Policy shall be administered by the County's Economic Development Board, or its successor agency. Unless otherwise specified, Creative Sonoma shall serve as the principal and primary division at the EDB for administering all aspects of the Program, Plan, and this Policy.

The goals of this Policy include:

- Developing Public Art projects in collaboration with other County departments, public agencies, and non-profit organizations.
- Enabling Public Art projects, donations, and loans proposed by others for County property.
- Facilitating community participation in the development of Public Art projects.

The scope and functioning of Sonoma County's Public Art Program are further set forth in the Public Art Master Plan, as approved by the Board of Supervisors.

This Policy applies to the County and its departments only. It does not apply to County affiliated entities, including the Sonoma County Water Agency, the Sonoma County Community Development Commission, and the Sonoma Agricultural Preservation + Open Space District.

2 Definitions

Unless defined in this Policy, all defined (capitalized) terms shall have the meaning set forth in the Public Art Master Plan.

3 Governance

3.1 Board of Supervisors

The Board of Supervisors is the legislative body of Sonoma County. Its five members are elected by district. With regard to the Public Art Program, the Board's roles include:

- Approve Public Art Master Plan
- Appoint members of the Public Art Committee
- Supporting the Public Art Committee and its processes, plans, projects, and artist selections

To facilitate support for potential projects, Supervisors will be notified regarding artist selections and artist concepts for projects in their districts.

Authority for award of certain contracts for Public Art shall be delegated to the Executive Director of the Economic Development Board, in accordance with separate Board Resolution(s).

3.2 Public Art Committee (PAC)

The Public Art Committee (PAC) shall be a permanent, standing advisory committee appointed by the Board of Supervisors.

The PAC shall consist of nine voting members: one representing each Supervisorial district, two at-large representatives, and two members from the Creative Sonoma Advisory Board. To maximum extent feasible, members should possess professional experience in the field of visual or public art including, but not limited to artists, arts administrators, curators, or producers of public art, scholars, or teachers; or possess experience including environmental design, placemaking, economic development, tourism, or a background or general interest in other aspects of the arts.

The PAC's roles include:

- Approve all Artwork that is to be owned or maintained by County
- Approve the Annual Public Art Work Plan
- Approve Individual Project Plans
- Make recommendations to staff regarding formation of and potential composition of Project Task Forces
- Approve recommendations from Project Task Forces

The PAC shall be governed by its own set of bylaws. Bylaws shall be developed and maintained in accordance with County policies and procedures and applicable laws as to all similar bodies and permanent committees, including the Brown Act.

3.3 Public Art Manager

The Public Art Manager shall be an employee or contractor of Creative Sonoma and work under the supervision or direction of the Creative Sonoma Executive Director. The Public Art Manager shall be designated to lead the Public Art Program.

The Public Art Manager shall be primarily responsible for managing and administering the Public Art Program and liaising with the PAC. Roles include:

- Manage day-to-day operations of Public Art Program and delivery of Public Art projects
- Prepare Annual Public Art Work Plan
- Form and select members for Project Task Forces
- Prepare Individual Project Plans
- Coordinate review of potential Public Art by appropriate staff in County departments
- Prepare and manage Artist contracts
- Administer artist and art selection processes

3.4 Project Task Force

A Project Task Force works as a temporary advisory team to support Creative Sonoma with regard to specific Public Art projects and initiatives, including planning and project implementation considerations. As advisory teams, Task Forces are meant to educate staff on issues and sensitivities in the community so that staff efforts, materials, and decisions with regard to particular Public Art projects and initiatives can be more informed. Task Forces are not decision-making bodies. Task Forces will not be subject to the Brown Act and their roles and processes shall be shaped as needed by Creative Sonoma.

A Project Task Force will typically consist of at least five members, who shall be selected at the discretion of Creative Sonoma. For each Project Task Force, membership shall include the Supervisor (or representative of Supervisor) of the district in which the project is to be located, and otherwise should include artists, arts professionals, and project stakeholders, including involved County departments and adjoining property owners or other specifically involved community organizations. Task Forces should include membership from the community in which the project is located.

The Project Task Force roles can include:

- Collaborate with Creative Sonoma to develop strategies for specific Public Art projects and initiatives, including ones other than capital projects
- Collaborate with Creative Sonoma to develop Individual Project Plans
- Review individual project RFQs and RFPs and artist qualifications
- Provide recommendations on artist selection and artist concepts
- Other advisory input as requested by Creative Sonoma

4 Public Art Fund

A dedicated fund called the “Public Art Fund” shall be created for financing of costs related to Public Art. The Public Art Fund may only be used for Public Art projects and initiatives and related purposes, including to acquire, insure, design, plan, and develop, obtain permits or regulatory compliance, repair and maintain, and remove Public Art in accordance with this Policy.

4.1 Allowed expenditures. The Public Art Fund can be used for:

- Artist fees, expenses, and honoraria related to the County’s commissioning of Public Art
- Artwork materials, supplies, fabrication, storage, and installation
- Site preparation or modification
- Required permits and insurance
- Financial support for collaborative projects
- Project consultants and contracted services for commissioning, acquisition, or conservation of artwork
- Education and outreach, including collateral materials, symposia and special events related to specific Public Art projects or initiatives
- Public Art documentation and publicity, including identification plaques
- Curatorial and appraisal services
- Conservation and maintenance of artwork
- County administrative costs relating to the Public Art Program and Public Art projects
- Other purposes as may be allowed by the Public Art Committee and Board of Supervisors in furtherance of the Public Art Program

4.2 Exclusions. The Public Art Fund cannot be used for:

- Any purposes not allowed by the funding source
- Projects not included, (individually or categorically), in the approved Annual Public Art Work Plan
- Projects not created by an Artist, as defined in the Public Art Master Plan
- Memorials and Commemorative Artworks
- Commissioning or purchase of existing Artworks outside of the approved selection processes
- Visual features such as decorative, ornamental, architectural or functional elements, unless designed or executed by an Artist and integral to a specific, approved public art project.
- Directional elements such as signs, maps, or color coding, unless designed or executed by an Artist and integral to a specific, approved public art project
- Landscape elements, such as hardscape, plantings, and visual features, unless designed or executed by an Artist and integral to a specific, approved public art project
- Off-the shelf fixtures and finishes, mass-produced work, and reproductions, with the exception of limited editions that are controlled by the Artist and integral to a specific, approved public art project

5 County Funding of Public Art

5.1 Annual Appropriation

THIS SECTION INTENTIONALLY LEFT BLANK PENDING DIRECTION FROM THE BOARD OF SUPERVISORS.

5.2 Budgetary Inclusion for Public Art; Early Project Development Phases

As planning, design, community engagement, and other pre-construction phases of project development are undertaken for an Eligible Capital Project, departments shall anticipate and incorporate, in the early stages of project development, cost estimates for scopes and deliverables related to inclusion of Public Art. To the extent that additional architectural, engineering, or other planning services or deliverables will be required to ensure that opportunities for Public Art are properly incorporated in early project development phases, the department responsible for the Eligible Capital Project shall accordingly budget and fund those costs. Scoping of Public Art inclusion at such early design, programmatic, and planning phases shall be made in consultation with Creative Sonoma, taking into consideration the particular circumstances of the Eligible Capital Project and the goal of this Policy to ensure that Public Art be made integral in County projects.

5.3 Percent for Art on Individual Capital Projects

- 5.3.1 Any capital project, regardless of amount, that meets both of the following criteria will be considered an Eligible Capital Project:
- Projects that involve County-owned buildings and facilities, parks and other public spaces, transportation and water infrastructure, and stream restorations
 - Projects that are accessible to or visible to the public

Any capital projects that do not meet these criteria could also include Public Art, at the request of the Public Art Committee and/or the local Supervisor, and with the agreement of the relevant County department. Such projects would also be considered Eligible Capital Projects for the purposes of implementing this Policy.

5.3.2 The following projects are not considered Eligible Capital Projects and are exempt from the Public Art Allocation:

- Seismic upgrades, disaster recovery or mitigation, and environmental remediation projects
- Projects solely undertaken for systems repairs or upgrades, or to meet legal and/or regulatory requirements, including HVAC, electrical, plumbing, fire alarm and sprinklers, and ADA barrier removal
- Emergency response projects
- Projects at secured, restricted-access sites
- Maintenance and repair and Job Order Contracting (JOC) projects
- Underground utility and underground storage projects
- Interior space reconfigurations unless the scope includes reconfiguration of a public space such as a reception lobby
- Road construction (excluding bridges) and maintenance and repair projects, including the Pavement Preservation Program
- Projects where public art is prohibited or would irreconcilably conflict with legal and regulatory requirements (including applicable deed restrictions, conservation and recreational covenants and grant requirements, land use restrictions such as General Plan and scenic overlay limitations and values, etc.)
- Projects that are themselves Public Art

Affordable housing and other County housing projects will be considered as opportunities for Public Art. Though affordable housing is an important policy goal and resources should not be diverted from providing this resource, residents of affordable housing should be able to benefit from public art just as others would. Accordingly, the amount of Public Art Allocations for those projects shall be determined on a case-by-case basis.

The determination of whether a project is an Eligible Capital Project shall be made by the EDB Director, in consultation with the department responsible for the project. Should the eligibility of a project be disputed, determination shall be by the CAO.

5.3.3 Allocations; Basis. **THIS SECTION INTENTIONALLY LEFT BLANK PENDING DIRECTION FROM THE BOARD OF SUPERVISORS.**

5.3.4 Use of Allocations. The prescribed funding from each Eligible Capital Project shall be prioritized for spending on Public Art in conjunction with and as part of the related capital project. However, due to exceptional circumstances, the involved department and EDB may agree that Public Art is inadequately funded or not feasible as part of the subject Eligible Capital Project, in which case said funds shall be made available for use on any other Public Art or allowed expenditure under this Policy.

Notwithstanding, such re-programmed funds shall, to the maximum extent feasible, be utilized within the same locale, neighborhood, or district area as the original project, including in conjunction with other funds, to ultimately achieve the goal of the Policy to deliver Public Art to project locations and environs. Unless to deliver Public Art in the same or similar area, original project funds should not be comingled with those for different departments or projects in different parts of the county.

5.4 Other Funding

Other funds may be solicited and received through outside funding agencies, grants, and donations. County staff are encouraged, to the fullest extent eligible under the funding program and favorable to the application, to identify said funding opportunities and to incorporate Public Art scopes in grant and funding applications.

6 Public Art Approaches

6.1 Public Art in Capital Projects

It is the policy of the County of Sonoma that Public Art be an integral component of public facilities and projects, such as buildings and other facilities, transportation infrastructure, and parks and other community public spaces, whenever feasible. Art should not be an afterthought; the goal is that development project incorporate Public Art, or opportunity for such, in the design and planning of public facility projects, to the fullest extent possible. Typical projects would include bridges, community parks, and components of the proposed County Government Center. All departments shall consider and prioritize inclusion of Public Art in all capital projects and publicly facing facilities and spaces, to the fullest extent lawful and feasible. Early, earnest, and coordinated consideration of opportunities for Public Art shall be the standard, and not the exception.

For all Public Art, including Public Art commissioned in conjunction with Eligible Capital Projects, Creative Sonoma will be the primary agency responsible for developing the art component, in coordination with the lead department for the overall project and design and/or with the department that manages the County facility/space.

Nothing in this Policy is intended to apply to the County's Project Labor Agreement Policy. Project costs for or related to a public art component shall not be counted as a "construction cost" under the County's Project Labor Agreement Policy, unless explicitly stated in that Policy.

6.2 Partnership Projects with County Departments

Creative Sonoma will collaborate with County Departments, when possible, to develop projects that help partnering departments achieve their programmatic goals by working with artists and through public art processes.

Partnership Projects would be co-developed between Creative Sonoma and the County partnering department, subject to respective legal and funding restraints. Typical projects would be related to services and programs; campaigns and other special initiatives; and Artwork related to facilities and infrastructure not included in the County's capital budget, developed by those departments that is

otherwise consistent with the goals of this Policy. The approach to each project will be tailored to the opportunity at hand and the requirements and goals of the partnering department.

All Partnership Projects shall be pursuant to written agreement between the County and the affiliated entity. Agreements shall outline project scope, funding, project management and delivery, artist selection and coordination, and other respective rights and responsibilities for the identified project or initiative. County Counsel approval as to form of the applicable agreement shall be required.

To the maximum extent feasible in conjunction with the partnering entities, Partnership Projects shall adhere to the applicable provisions of this Policy, including utilization of the Project Intake process, Public Art Work Plan, and the Individual Project Plan.

6.3 Curated Projects

Public Art may also be initiated as its own project independent of a capital project. Creative Sonoma will organize Curated Projects to pursue significant other Public Art opportunities outside of County Projects and Partnership Projects.

The process of developing and implementing a Curated Project will require flexibility compared to the process of developing a Capital Project. The approach to each Curated Project will be tailored to the opportunity at hand and the requirements and goals of any partnering entity, including funding and legal constraints. To the fullest extent possible, Curated Projects would be developed through the procedure outlined in the Public Art Master Plan, including preliminary staff consultation with the PAC, inclusion in the Annual Public Art Work Plan and the preparation of an Individual Project Plan.

Curated Projects may be managed by Creative Sonoma directly or by County departments, affiliated agencies, municipalities, nonprofits, or individual artists under agreement with Creative Sonoma. Agreements shall outline project scope, funding, project management and delivery, artist selection and coordination, and other respective rights and responsibilities for the identified project or initiative. County Counsel approval as to form of the applicable agreement shall be required.

6.4 Memorials and Commemorative Artworks

Memorials and Commemorative Artworks are typically the result of significant events or other, singular purposes different from the purposes of Public Art in general. Accordingly, such projects are typically ad hoc and subject to considerations specific to the underlying cause or initiative. Memorials and Commemorative Artworks therefore will be planned, delivered, and managed according to their own specific program, criteria, procedures, and other arrangements. Memorials and Commemorative Artworks are not eligible for funding from the Public Art Fund. Notwithstanding, all Memorials and Commemorative Artworks should be presented to the PAC for advisory input as to artistic, technical, and other considerations to the fullest extent possible.

7 Project Planning, Development, and Delivery

All development and delivery of Eligible Capital Projects shall consider, and to the maximum extent, include opportunities for Public Art. The process for successfully identifying and incorporating public art is expected to be iterative, progressive, and synergistic, and County departments should adopt policies and practices to create and/or afford such process and opportunities.

To best ensure identification of opportunities with regard to Eligible Capital Projects, the County's annual Capital Improvement Plan shall include discussion of consideration of art for identified CIP projects or categories of projects.

8 Art/Artist Selection Processes

8.1 General

Public Art is fundamentally different from most other types of public projects. With art, the goal is an individual expression or unique idea, not based on fungible designs and price comparisons for a singular scope or utility that can be engineered or formulated by the County. Accordingly, this Policy provides a variety of approaches for selecting Artists for Public Art commissions.

For each Public Art project, the artist selection process will reflect the legal requirements, the circumstances and goals of the project, best practices in the public art field, and the best interests of the County, all as determined by EDB.

Artist selection processes shall be designed with the following principles in mind:

- Selection processes should be competitive, except in situations where there are extraordinary circumstances, as outlined in the approved Individual Project Plan.
- Artist selections should generally be made based on Artist qualifications. Eligibility and evaluation criteria shall be incorporated into and adhered to in all solicitations.
- If Artists are to be asked to prepare concepts or other proposal deliverables, short lists of qualified Artists should first be developed and Artists should be compensated for the concepts or deliverables they prepare, as shall be set forth and in accordance with the specific solicitation materials.
- Artist selection processes must be consistent with the procurement approaches required by the funding source and/or the project sponsor, if any.
- All conflict-of-interest laws shall apply, including under Government Code section 1090. A conflict-of-interest policy shall be adopted for the PAC and for artist selection processes.

Artist selection processes should be designed to maximize accessibility and eliminate barriers that prevent Artists from participating.

8.2 Artist Selection Approaches

8.2.1 Open Competition

In an Open Competition, any Artist may submit their qualifications in response to a published Call to Artists or a Request for Qualifications (RFQ). A Call to Artists or an RFQ may establish eligibility criteria or preferences, such as requiring artists to live or work in the County.

8.2.2 Limited Competition / Invitational

In a Limited Competition or Invitational process, small groups of artists are pre-selected and invited to respond to an RFQ or a Request for Proposals (RFP). This method may be appropriate when looking for a small group of experienced artists, when there is a limited time frame and/or budget, or if the project requirements are so specialized that only a limited number of already identified artists would be eligible.

8.2.3 Direct Selection / Sole Source

Under certain circumstances, the direct selection of an Artist may be the most advantageous and availing process for meeting County Public Art needs and goals. This method may be appropriate because of urgent project or funding timeframes, budget constraints, project-driven specific needs and limitations, and other exceptional circumstances.

8.2.4 Direct Acquisition

Under certain circumstances, the direct acquisition of an Artwork that has already been completed may be appropriate. This method may be appropriate because of urgent project or funding timeframes, budget constraints, project-driven specific needs and limitations, and other exceptional circumstances.

8.3 Approvals

Artist selection processes shall be determined and facilitated by Creative Sonoma.

Project Task Forces shall provide advisory input regarding artist selection processes.

The PAC shall review and recommend the selection of any Artwork or Artist.

8.4 Contracting with Artists and Arrangements for Art

Creative Sonoma shall negotiate and manage agreements with selected Artists, curators and/or cultural organizations, and agreements for the acquisition of Artworks. The agreement shall include the scope of work, fee, schedule and relevant terms and conditions. In accordance with the most-current delegation of authority provided by the Board of Supervisors, the Executive Director of EDB shall have final approval and signature authority for all such agreements, including as to the decision over whether to contract. County Counsel approval as to form of the applicable agreement shall be required.

9 Community Engagement

To the fullest extent practicable, all Public Art projects shall include a community engagement plan consistent with the Public Art Master Plan, as appropriate to the scale, budget and nature of the project. The engagement plan shall be managed by Creative Sonoma and supported by the project's department and community partners. For Public Art projects attached to County construction, community outreach should be coordinated with the overall project timeline and schedule when possible.

10 Standards

Public Art under this Policy shall further the mission of the County and the philosophy of public art as a taxpayer-funded contribution to and component of the public sphere.

Accordingly, Public Art shall not contain obscene or pornographic material matter; advocate or suggest the use of tobacco products or illegal/prohibited substances; or advocate for or against political candidates, political campaigns, ballot measures, or political parties or organizations. As determined by the PAC, Public Art shall not contain objectionable or controversial material such that the artwork would be objectively offensive to members of the public or to County employees, or contrary to community standards, or would detract from the mission of the County.

11 Maintenance and Conservation

11.1 General

For all Public Art, the eventual need for Maintenance and Conservation shall be considered. Legal obligations may apply with regard to repair and Maintenance of Public Art (see, e.g., California Art Preservation Act (CAPA), Cal. Civil Code 987). The County shall comply with all applicable legal and contractual standards regarding maintenance and repair.

11.2 Public Art Maintenance and Conservation Funding

Within the Public Art Fund, dedicated funds shall be set aside to be used solely for the maintenance, repair, and conservation of Public Art that the County owns or for which it has the responsibility to maintain.

11.3 Sources of Funding for Maintenance and Conservation

11.3.1 Budgets for Eligible Capital Projects

When permitted by the funding source, the EDB may set aside up to ten percent of the total Public Art budget associated with each Eligible Capital Project for the purpose of conservation and maintenance. In the case where an Eligible Capital Project has limited public access, or generates funds insufficient to acquire new artwork, or cannot otherwise be used judiciously for that purpose, the EDB and the agency responsible for the Eligible Capital Project may agree to commit the entire Public Art Budget associated with the Eligible Capital Project to the Public Art Maintenance and Conservation Fund.

11.3.2 Contributions Related to Donations and Loans

When accepting a Donation or Loan of an Artwork, a contribution to the Maintenance and Conservation Fund will be sought.

11.4 Maintenance Standards

All maintenance, repairs, and conservation shall be undertaken in accordance with the following protocols and standards, as appropriate:

- The maintenance protocols provided by the Artist,
- The recommendations of a professional Public Art conservator, and
- Industry best practices and particular considerations unique to individual projects.

12 Legal and Other Considerations

12.1 Ownership

12.1.1 Permanent Artworks

The County shall own permanent Artworks commissioned under the Program and/or installed in connection with Eligible Capital Projects, unless agreed to under separate arrangement.

In situations of joint sponsorship and/or funding as to a Public Art project, an agreement may be necessary between the County and the other participating sponsors to establish mutual rights, responsibilities, funding levels, and other terms.

12.1.2 Temporary Artworks

Artists shall own Temporary Artworks commissioned under the Program, unless agreed to under a separate arrangement.

12.2 Artist Contracts

The EDB shall contract with any Artists who are selected to provide services related to the creation, installation, de-installation, and/or presentation of artworks or for the participation in residencies or engagement, planning and design projects.

The contract shall clearly delineate the responsibilities of artists and Creative Sonoma and other stakeholders in the project. Among other terms, contracts shall include provisions that address respective rights and responsibilities regarding:

- Artist warranties as to fault/defect, originality, workmanship;
- Respective title, insurance (see below), and transfer during construction and upon completion/acceptance;
- Rights and procedures to modify, relocate, or remove an artwork, including for public safety purposes;
- County ownership, use, reproduction, and benefit of the Public Art and associated images, etc.;
- Copyright, licensing, commercial use, royalties, originality, and third party infringement;
- Artist moral rights, including with regard to the Visual Artists Rights Act of 1990 (17 U.S.C. §§106A and 113(d)) (“VARA”) and the California Art Preservation Act (Cal. Civil Code §§987 et seq.) (“CAPA”).

12.3 Insurance Requirements

12.3.1 Prior to Acceptance by County

In general, Artists (as shall be provided for in each commissioning agreement) shall be responsible for all risks and insurance as to the Public Art project and its development until completion of construction and formal acceptance of such by the County. All Artist commissioning agreements shall require Artist compliance with then-current standard County insurance requirements, including as to general liability, workers’ compensation, and builder’s risk. Notwithstanding, the County’s Risk Manager may waive or determine different insurance requirements that must or should be carried by an Artist during the time the artwork is being fabricated,

constructed, and/or installed, or if other insurance or risk allocation plan is acceptable.

12.3.2 Upon Acceptance by County

Once a permanent Artwork is completed and formally accepted, the County shall assume responsibility and liability for the Artwork consistent with all associated agreements.

13 Relocation, Alteration or Removal of Artworks

The relocation or removal of an Artwork before the end of its anticipated lifespan should be a rare and unusual measure. The decision to relocate or remove an Artwork shall be undertaken by Creative Sonoma in accordance with the following process and criteria and in consultation with affected stakeholders, the Artist, and a recommendation from the PAC to the EDB:

13.1 Conditions for Relocation.

An Artwork will be recommended for relocation from its site only if:

- The Artwork poses a safety hazard to the public.
- The physical context of the site (building, wall, plaza, landscape) is being modified to the extent that the artwork is no longer viable.
- The use of its particular location may have changed and/or the Artwork may have lost its contextual meaning.
- The condition or security of the Artwork cannot be reasonably guaranteed.
- The Artist has requested that the artwork be relocated; or
- The location of the Artwork is no longer consistent with the goals of the County's Public Art Program.

13.2 Conditions for Removal (De-accessioning)

An Artwork will be recommended for deaccessioning only if:

- The Artwork has been damaged or has deteriorated to the point that it can no longer be represented to be the original Artwork.
- The restoration of the Artwork's structural or aesthetic integrity is technically not feasible, or the expense of restoring it exceeds 50 percent of the original cost (in present dollars) of the artwork.
- The physical context or site (building, wall, plaza, landscape) is being modified to the extent that the Artwork is no longer viable.
- The Artwork no longer meets the County's vision for public art; or
- The Artwork is proved to be inauthentic or in violation of existing copyright laws.

13.3 Procedures for Relocating or De-accessioning an Artwork

Creative Sonoma shall develop a standard procedure for evaluating proposals for relocating or de-accessioning Artworks. This procedure shall include stakeholder consultation, research

into the circumstances of the proposal, a legal review, and a recommendation from Creative Sonoma.

13.4 Approval

Creative Sonoma will send the report and recommendations to the PAC for its review and recommendation to the EDB. The final decision as to whether, and how, to undertake any removal, deaccessioning, or other modification to any public art shall be as determined by EDB. In the case of a deaccession, the recommendation would be made to the appropriate approval authority.

13.5 Disposition of De-accessioned Artworks

When an artwork meets the criteria for being de-accessioned, the following procedure should be followed, in the order listed:

- Offer the work to a museum, to be held on loan
- Offer the work to other public facilities or schools, to be held on loan
- Offer the work to the artist at price or for an exchange
- If the artwork is refused by museums, other public facilities, and the artist, it should be sold or auctioned, and funds from the sale of artworks should be deposited into the Public Art Fund.

Destruction shall be a last resort, for when an artwork is deteriorated or damaged beyond repair and/or loaning, donating, or selling the artwork is not possible.

13.6 Planning for Relocation or Removal

Artist agreements shall consider and, if possible, include terms addressing lifespan, repair, and relocation and deaccessioning, including respective rights and responsibilities as to such matters.

14 Donations of Artworks

Donations (donations of art, including privately initiated commemorative and memorial projects) may be accepted as opportunity to enrich the quality of the visual environment and strengthen communities through the addition of appropriate Artworks.

Proposed Donations shall be considered and decided based on criteria as determined by Creative Sonoma and as recommended by the PAC, including as to fiscal impact, technical review, public use and enjoyment as to the subject public space, aesthetics and consistency with the Public Art Program, and consideration of whose and which narratives are being given priority.

Proposed Donations that require the County to pay for transportation, installation, storage, restoration, or repair are discouraged. Also, Artwork(s) requiring high or excessive maintenance are discouraged.

14.1 Review Process

Creative Sonoma shall develop a standard procedure for evaluating proposals for Donations. This procedure shall include stakeholder consultation, research into the circumstances of the proposal, a legal review, and a recommendation from Creative Sonoma.

Donations will be accepted, and artworks will be accessioned into the Collection, only upon recommendation of the PAC, approval from the EDB and the County agency on whose site the Artwork will be located, and receipt of documentations and funding for the Maintenance and Conservation Fund. Final acceptance will require an Acceptance Agreement. In accordance with the most-current delegation of authority provided by the Board of Supervisors, the Executive Director of EDB shall have final approval and signature authority for all such agreements, subject to County Counsel approval.

Proposals for Donations will be subject to the technical and aesthetic review criteria below. Proposals for Commemorative Artworks or Memorials will also be subject to the additional considerations outlined below.

14.1.1 Criteria for Technical Review

Technical review should be coordinated by Creative Sonoma, in consultation with staff from the department that manages the site where the artwork would be located. The review should consider factors such as:

- **Ownership:** The Artwork can be legally given to the County.
- **Financial Costs:** Financial costs associated with the Artwork have been adequately anticipated and funding to cover those costs is available.
- **Safety and Liability:** The Artwork and its installation are durable, meet applicable codes, and do not pose any safety or liability concerns.
- **Durability, Maintenance and Conservation:** The artwork(s) demonstrates structural soundness and surface integrity; and inherent resistance to theft, vandalism, weathering, and excessive maintenance.
- **Availability of Site:** The proposed site is available and is not needed for the foreseeable future. Any necessary electrical, plumbing, or other utility requirements have been defined and are available.
- **Appropriateness of Site:** The proposed siting respects County plans and community priorities and is consistent with the current and anticipated use of the site.
- **Permitting:** The donor can satisfy the regulatory requirements necessary for the Artwork's placement and installation.

14.1.2 Criteria for Creative Review

Creative review shall be coordinated by Creative Sonoma, in consultation with the PAC and with staff from the department that manages the site where the Artwork would be located. Creative review shall consider the following criteria:

- **Creative Merit:** The Artwork must meet the definition of Public Art, and the Artist must meet the definition of Artist in accordance with the Public Art Master Plan.

- **Context:** Artwork(s) must be compatible in scale, material, form, and content with the proposed location, and compatible with existing approved community or area plans, especially public realm strategies. Consideration should also be given to the architectural, historical, geographical, and social/cultural context of the site or community, as well as the way people may interact with the Artwork(s).

Diversity: The Artwork will result in an improvement of the Collection as a whole and improve the Collection’s reflection of the artistic traditions and practices of the community.

14.2 Priorities

In assessing Donations, the following priorities shall be considered:

- Expanding the distribution of the locations of Public Art, particularly to underserved communities
- Improving the Collection’s reflection of the artistic traditions, practices, and cultural needs of the community, particularly for those that are under-represented in the Collection
- Minimizing the long-term obligations the County will incur in accepting ownership of the Artwork
- Avoiding conflicts in the use of public space

15 Loans and Temporary Exhibitions

Sonoma County encourages the exhibition of Artworks at County facilities. All exhibitions shall follow the “Standards” Section of this Policy and shall be subject to a written agreement between the County and the exhibition organizer. Artworks displayed temporarily outdoors (borrowed or loaned) in public spaces shall be considered Loans for the purpose of this Policy. Artworks displayed temporarily indoors in public spaces shall be considered Temporary Exhibitions for the purpose of this Policy.

15.1 Loans

Loans of artwork should be accepted for display only when there is an overriding public interest in doing so and should be carefully considered to ensure that the public’s interest is maintained. This can involve consideration of technical, aesthetic and cost matters, as well as consideration of Creative Sonoma’s priorities.

Creative Sonoma shall develop a standard procedure for evaluating proposals for Loans. This procedure shall include stakeholder consultation, research into the circumstances of the proposal, a legal review, and a recommendation from Creative Sonoma.

Criteria for Creative Review and Technical Review shall be the same as spelled out in Section 14 above, for Donations of Artworks.

15.2 Temporary Exhibition of Artwork at County Facilities

The Public Infrastructure Department Director shall establish procedures and guidelines for the display of Temporary Exhibition of Artwork at County facilities, including procedures for accepting and reviewing proposals, mounting and display, duration of exhibitions, public access, securing and

safekeeping, insurance, and other general operational issues. Each department may adopt supplemental procedures and guidelines specific to the department or a particular location.

County departments shall have the authority to determine which of its facilities, and which locations within those facilities, are appropriate for Temporary Exhibitions. Departments shall be responsible for implementing the Temporary Exhibition procedures and guidelines at their facilities. Each department shall have final approval of whether to display any Temporary Exhibition in any particular space that it manages.

16 Public Art on County Real Property

The County owns and controls a variety of real property throughout the County. For all dispositions, conveyances, and long-term leases of County real property, the County shall, to the maximum extent lawful and feasible under the circumstances of the transaction, require its grantees and lessees to, as a condition of the real property agreement, incorporate public art in any development of the subject property.

The County department that is lead for the real estate transaction shall consult with Creative Sonoma for appropriate art conditions to include as appropriate in the transaction.

DRAFT