



Town of Moraga	Agenda Item
Ordinances, Resolutions and Request for Action	XI. A.

Meeting Date: September 9, 2015

**TOWN OF MORAGA**

**STAFF REPORT**

**To: Honorable Mayor and Councilmembers**

**From: Jay Ingram, Parks and Recreation Director**

**Subject: Consider Potential Amendments to the 2008 Town Council Adopted Public Art Policy, Including Funding Options for a Public Art Ordinance, and Provide Direction to the Park and Recreation Commission and Staff**

**Request**

On April 8, 2015, the Town Council placed as a future agenda item a discussion on art in public places.

Concurrently, the Park and Recreation Commission listed as a 2015 goal to review the Town of Moraga Public Art Policy. This agenda item is to hear from the Town Council its views on the existing policy and vision for a future art program, if any.

**Background**

In the fall of 2008, through Resolution 43-2008, the Town Council adopted policies for memorials and donations as well as public art donations. Prior to and including the 2008 calendar year, the Town was gifted various donations. Challenges became evident as there was no formal donation policy. The Town Council asked the Park and Recreation Commission to develop draft policies for both memorials / donations and public art. The Commission spent months researching and reviewing draft policies during their public meetings in 2007 and 2008, eventually recommending the two policies that exist today.

At the request and direction of the Town Council, the Park and Recreation Commission plans to hold public hearings to review the adopted public art policy, including a component specifically relating to art in public places and the potential for different funding options dedicated to public art. In an effort to be efficient and effective, the Commission requests a more focused scope of the desired policy changes of the Town Council.

1 **Discussion**

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 3 Town Council review of the policy is intended to focus the efforts of the Park and  
 4 Recreation Commission as they review and potentially recommend revisions. The  
 5 current policy puts the majority of the financial responsibility on the donor, including  
 6 installation and maintenance. This approach can be onerous and viewed as prohibitive  
 7 to community-based public art. The Public Art Policy is included in this packet as  
 8 Attachment A and a summary of the policy is provided below:  
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<b>Public Art Policy</b>	<b>Existing Conditions</b>
Purpose	Establish guidelines, standards, and procedures for the installation and care of donated public art
Donations	May include, but are not limited to, sculptures, paintings, mosaics and other approved design elements
Locations	Town-owned land and facilities (Commons and Rancho Laguna Parks, Hacienda de las Flores, 329 Rheem Boulevard and Moraga Library)
Excluded locations	Private property, trails and Open Space Preserves
Acceptable donations	Dependent upon the specific needs of the Town
Conditions	1) Town is responsible for installation 2) Art becomes Town property and only maintains the art for the expected life cycle of the donation 3) Repair parts and materials must be readily available 4) Donor covers the full cost of the purchase, installation, and maintenance during the expected life cycle
Expectations	1) Donors contribute funds to be added to a permanent Town endowment pool for maintenance and upkeep 2) Town will assess, at the time of donation, a charge sufficient to cover anticipated ongoing maintenance
End of life cycle	Artist can extend the life cycle term by paying for the current value of a new donation and its maintenance cost.
Installation	Completed by Town
Plaques	1) Purchased through the Town, with donated funds, from an approved vendor 2) Parks and Recreation Director will approve all text for art donation acknowledgment 3) Wording is typically restricted to name of the art, name of the artist, date of creation and date of installation in the Town 4) Brief memorial inscription, a line of poetry or quotation or other appropriate wording will be considered 5) Director has final approval of all text on the plaque
CEQA Review	If required, it is understood that the donor will pay the necessary fees, including cost recovery fees for staff time
Ownership	Town, unless special conditions are requested by the donor and accepted through the review process
Removal/Relocation	Town has the right to remove/replace
Site Plan	Donations are mostly restricted to designated locations

1 The process for making a donation of public art currently includes an application and a  
2 review process. The application process requires the donor to contact the Parks and  
3 Recreation Department to identify whether space is available at a designated location  
4 and submit a completed application for review by the Parks and Recreation Department.  
5 The application is then prepared for review by staff and presented to the Park and  
6 Recreation Commission, complete with a recommendation from the Parks and  
7 Recreation Director. As stipulated in the policy, the Commission is provided specific  
8 criteria to render a decision. Once the Commission review is complete they can decide  
9 to approve, disapprove, modify a recommended approval, or return the matter to the  
10 Parks and Recreation Director. The policy enables the Park and Recreation  
11 Commission to render the final decision.

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13 Next Step

14 The Park and Recreation Commission requests Town Council feedback on the future  
15 direction of this policy. Is there Town Council consensus for changes? What, if any,  
16 changes would the Town Council like the Commission to review and consider? The  
17 table on a previous page is intended to highlight some of the existing conditions.

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19 One potential area of change could be to require a percentage of construction costs to  
20 be dedicated to art. There are a variety of approaches Cities and Towns use to address  
21 the opportunities for local public art. Municipalities typically:

- 22  
23 1) Require the artist to donate the art as well as install and maintain.  
24 2) Dedicate a percentage from the annual Capital Improvement Program (CIP)  
25 Budget, (typically 1-2% of the total annual CIP) for the acquisition of public  
26 artwork.  
27 3) Require project applicants to pay a percentage of the construction/alteration  
28 costs. Typically 1-2% designated for commercial/residential improvements  
29 above a certain square footage.  
30 4) Require Development Impact Fees, dedicated to the  
31 acquisition/installation/maintenance of public art.

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33 Neighboring Lamorinda cities handle public art differently. Lafayette makes public art a  
34 requirement for the construction or exterior alteration of a structure or structures totaling  
35 10,000 square feet or more, and does so through Ordinance 578 (Attachment B).  
36 Installation shall be on the project site or at an off-site, public space. The cost of the  
37 artwork is an amount not less than 1% of the construction or alteration cost. There is  
38 also a public art permit fee of \$875.00. If artwork is on City property, the cost of the  
39 artwork will include an endowment towards the long-term maintenance of the artwork.  
40 In lieu of this approach, the City may allow a project applicant to pay a fee equal to 1%  
41 of the construction or alteration cost if a suitable location isn't found. Donors of public  
42 art may be required to provide a maintenance program.

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44 The City of Orinda Art in Public Places program consists of loaned or donated artwork.  
45 However, the City has purchased some pieces in the past. A purchase is typically done  
46 by matching 50% of private donations and then the use of Park Dedication Fees. The  
47 City Clerk maintains records of all artwork accepted and follows the policy as described  
48 in Resolution No. 41-07 (Attachment C). Maintenance is the responsibility of the City.  
49 Future maintenance costs are monitored annually through the budget process and a

1 recommended funding amount is provided to the City Council. The City holds a special  
2 reserve account designated as the Art in Public Places Fund.

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4 Since the Town policy inception in 2008, there has not been one Public Art Policy  
5 inquiry. However, there have been multiple donations through the Memorial and  
6 Donation Policy. While the policies may have served the Town's interest in keeping  
7 maintenance costs at a minimum, the existing Public Art Policy does not seem desirable  
8 from the artist's perspective and consequently, the Town hasn't received proactive  
9 applications or requests for public art. There is potential for increased interest in public  
10 art through policy revisions, and identified funding source through the adoption of an  
11 ordinance, and/or the creation of a marketing campaign.

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13 **Fiscal Impact**

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15 Currently unknown

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17 **Alternatives**

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19 1. Provide direction to the Park and Recreation Commission and Staff.  
20 2. Do not provide direction, leaving the existing policy as currently approved.

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22 **Recommendation**

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24 Consider potential amendments to the 2008 Town Council adopted Public Art Policy,  
25 including funding options for a public art ordinance, and provide direction to the Park  
26 and Recreation Commission and Staff.

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28 **Report reviewed by: Jill Keimach, Town Manager**

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30 **Attachments:**

- 31 **A.** Existing Public Art Policy  
32 **B.** Lafayette Public Art Ordinance 578  
33 **C.** Orinda Art in Public Places Policy and Resolution No. 41-07