Art in Public Places Program

POLICY & PROCEDURES MANUAL



"Peace Monument" by Don Homan



Community Development Department Commission for the Arts

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CHAPTER 1 INTRODUCTION

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

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

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

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

Purpose of Public Art Policy and Guidelines

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

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

City of Livermore Public Art Ordinances

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

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

What is Public Art?

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

Public Art works can include:

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

Eligible mediums include but are not limited to:

 Sculpture, painting, drawing, printmaking, photography, calligraphy, ceramic, murals, glass or water features, landscaping, literary arts, uniquely designed or site specific paving, furniture and parts of buildings, sound and light works, organic form, works that are designed to be temporary in nature, memorabilia or ceremonial objects related to civic activities. Ineligible mediums include but are not limited to:

- Mass produced or standardized art objects, unless incorporated into an artwork by the project artist.
- Mechanical reproductions of original works of art
- Landscape and ornamental features designed by the architect builder without the commission of a professional visual artist.
- Directional elements and signage unless where integral to an overall concept created by a professional artist.

What is a Public Space?

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

What is the Public Art Fund?

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

What are permissible expenditures?

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

- a. The cost of the public art itself including the artist's fee for design, structural engineering and fabrication; transportation and installation of the work at the site; identification signs, if any; and mountings, anchorages, containments, pedestals, bases, or materials necessary for the property presentation and installation of the art.
- b. Water works, lighting and other objects which are an integral part of the art work.
- c. Walls, pools, landscaping or other architectural elements necessary for the proper aesthetic and structural placement of the art work.
- d. Maintenance and repair of Public Art funded through the art in public places fund.
- e. The design, construction, operation and maintenance of art gallery space or cultural arts' display, demonstration and performance space to be utilized by individuals and non-profit arts organizations for arts and cultural programming.

- f. Building the functional capacity of eligible non-profit organizations devoted to the development of arts and culture in Livermore.
- g. Developing cultural programs for the enjoyment and appreciation of art, heritage and culture within the Livermore community.
- h. Funding the design, construction, operation and/or maintenance of cultural and/or arts' facilities, either at the development or off-site.



CHAPTER 2 POLICY AND PROCEDURES

Policy Scope and Objectives:

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

Identification of sites and opportunities

Cultural Arts District (see Appendices for map) sites appropriate for locating new art works in downtown locations are described on tables 1 and 2 (see Appendices for tables). Other opportunities for integral artistic development in new development projects and art related activities will be presented to the Commission as these opportunities arise.

Selection of Artists - Commissioned Works

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

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

Requests for Proposals from the Commission will define:

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

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

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

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

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

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

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

Criteria for the Selection of Artwork

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

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

Specific criteria will be determined for each project and detailed in the RFP or grant application.

Project Management

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

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

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

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

Artist Responsibilities will include:

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

Insurance

- Artist shall, during times in which the artist is working on City property, and until the artwork is accepted by the City, maintain insurance to cover Artist in connection with the performance of Work under this Agreement. This Agreement identifies the minimum insurance levels with which Artist shall comply; however, the minimum insurance levels shall not relieve Artist of any other performance responsibilities under this Agreement (including the indemnity requirements), and Artist may carry, at its own expense, any additional insurance it deems necessary or prudent. Concurrently with the execution of this Agreement by the Artist, and prior to the commencement of any Work, the Artist shall furnish written proof of insurance (certificates and endorsements), in a form acceptable to the City. Artist shall provide substitute written proof of insurance no later than 30 days prior to the expiration date of any insurance policy required by this Agreement.
- Commercial General Liability (with coverage at least as broad as ISO form CG 00 01 01 96) coverage in an amount not less than \$1,000,000 per

occurrence for general liability, bodily injury, personal injury, and property damage.

- Fine Arts Insurance or other insurance against loss in an amount sufficient to cover the contract value of the Artwork.
- o Endorsements. The insurance policies shall be endorsed as follows:
 - o For the commercial general liability insurance and the loss insurance described in Section 7 of the Policy, the City (including its elected officials, employees, and agents) shall be named as additional "insured." For the property insurance, the City shall be named as loss payee.
 - Artist's insurance is primary to any other insurance available to the City with respect to any claim arising out of this Agreement. Any insurance maintained by the City shall be excess of the Artist's insurance and shall not contribute with it.
- Additional responsibilities will be listed in the solicitation of proposals by the City and the Contract for Commissioned Artwork.

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

Procedures for Implementing Public Art Policy for Municipal Development Projects

Municipal Projects – City-funded Capital Projects

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

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

Selection Procedures:

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

Public Art Asset Management Plan

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

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

Funding

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

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

Public Art Subcommittees of the Commission for the Arts

A Subcommittee may be responsible for:

- Coordinating public art activity within public spaces, including making recommendations to the Commission for the Arts on the commissioning of public art projects, and recommending to the Commission for the Arts approval of works of art obtained through development agreements.
- Review and make recommendations regarding gifts and loans of art following the guidelines outlined in the public arts policy.
- Review and make recommendations regarding the de-accessioning of artworks following the guidelines outlined in this policy.
- Reviewing proposals for projects
- Determining selection process (as described above in # 6, Selection of Artists)

Composition and Term of subcommittees:

- A subcommittee of three (3) voting members of the Commission for the Arts will comprise any subcommittee. Members will be appointed by the Commission for the Arts Chairperson on a project-by-project basis and will remain on the subcommittee until the project is completed.
- On a project-by-project basis, a subcommittee may also include voting and/or non-voting members that provide technical or creative expertise for the project, such as business, community, architectural, engineering or design consultants.

Conservation and Maintenance

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

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

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

Ownership

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

Documentation

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

The information should include:

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

Review and De-accessioning of Artwork

The Commission for the Arts shall review the entire public art collection at least once every five-year period to assess condition. The de-accessioning of any specific artwork may be considered on a case-by-case basis. The Commission may recommend any of the following alternatives for dispensation of the artwork, including relocation, sale or trade (upon professional appraisal and via City purchasing procedures), removal and storage of artwork, or permanent disposition through donation to charity, another government entity or agency of the City's choice. Artists whose works are under consideration of deaccessioning will be notified by reasonable means and shall have first right of refusal to purchase the artwork.



CHAPTER 3 GRANTS

Applications

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

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

Types and Amounts of Grants

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

Project and Program Grants – Applicants must meet the definition of public art as defined in the City's Public Art Policy. Artists or organizations are eligible for up to \$5,000. The number of Project and Program grants available each year will vary depending on the resources of the Commission for the Arts. The number and ratio between public art and programs will be determined at the beginning of the grant cycle.

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

Timelines

City of Livermore Public Art Grants – Timelines will be set out in the RFP. The Commission for the Arts will review unsolicited Public Art Grant applications on a quarterly basis. The Commission will make their final recommendations to the City Council.

Project and Program Grants – Applications will be due to the Community Development Department by 5:00 p.m. on the 1st of September. Applications are first reviewed by Community Development Department staff for eligibility and completeness. At the August meeting of the Commission for the Arts, a Project and Program Grants Subcommittee will be appointed to review the applications. Eligible applications are then provided to the

Subcommittee by September 14. The Subcommittee will make their recommendations to the full Commission at its October meeting. The Commission will make its final recommendations to the City Council.

Mini Grants – Applications will be due to the Community Development Department by 5:00 p.m. on the 1st of each month. Applications are not accepted during the month of December. Applications are first reviewed by Community Development Department staff for eligibility and completeness. A Mini Grant Subcommittee will be appointed on a quarterly basis. Eligible applications are then provided to the Mini Grant Subcommittee. The Subcommittee will make recommendations to the full Commission at its regularly scheduled meeting that month. The Commission will make the final approval.

Methods for Submitting Applications

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

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

Please submit completed grant application packets to:

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

Matching Funds

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

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

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

Workshops

Project and Program Grants -- All applicants are required to attend a pre-application workshop, and to consult with the Community Development staff at Arts@cityoflivermore.net or 925.960.4400, well in advance of the application deadline if they have any questions about any requirements of the grants.

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

General Instructions for Preparing Grant Applications

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

Standards for Preparing Applications

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

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

Amending an Application

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

Application Reviews and Grant Awards

Project and Program Grants - Applications are first reviewed by the Community Development Department staff for eligibility and completeness. Eligible applications are then provided to the Project and Program Grants Subcommittee. Relying on the information provided in each application and its attachments, the Subcommittee will measure the strengths of the applications and work with program staff to develop

proposed grant awards. This process may include an interview at the discretion of the Project and Program Grants Subcommittee. All applications will be evaluated using the Evaluation Form found in Appendix 1. Funding proposals are submitted with recommendations to the full Commission for the Arts. The Commission for the Arts reviews and makes final recommendations to the City Council. Grant awards become final only if and when the City Council approves them.

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

Appeals

Grounds for Appeal

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

- 1. The Commission for the Arts, or one of its Subcommittees committed a material breach of published grant review policies and procedures;
- 2. Required application materials that were submitted by the deadline were omitted from the materials the Subcommittee considered during the review process; or
- 3. A member of the Grant Subcommittee did not recuse her/himself even though s/he had a conflict of interest in relation to an applicant; as such term is defined under state law, which should have resulted in the panelist's recusal from evaluating the applicant or participating in a discussion of the applicant.

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

- 1. Correcting applicant errors and omissions in the application or review process;
- 2. Disagreements about the merits of the application relative to others the panel considered; or
- 3. Events and/or organizational developments that occurred subsequent to the panel meeting.

Appeals Process

Applicants wishing to appeal must submit their appeals in an approved written form to the Community Development Department by the appropriate deadline, usually approximately one business week after notification of application denial has been sent.

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

Public Nature of Application Material

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

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

Acknowledging City Support

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

Eligibility Requirements

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

- The group and/or artist is in compliance with requirements pertaining to any previous grant it has received from the City.
- The group and/or artist have completed any previously funded project or program before they apply for a new grant.

Grant Awards

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

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

Exclusions

Grants do not support:

- 1. Programs, projects or events not accessible to the public or that will be held outside Livermore:
- 2. Purchase of equipment or property, unless the equipment is required for the funded activity or project and provided that the cost does not constitute a substantial portion of the grant;
- 3. Events where fund-raising is the primary purpose;
- 4. Costs of receptions and social activities, except where they are an incidental and insignificant part of the project budget;
- 5. Deficit or debt reduction efforts;
- 6. Operating costs not directly related to carrying out the funded program or activity.

Work Samples

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

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

Select samples that show your work to its best advantage, including image and sound clarity. In general, use excerpts from completed works but avoid montages. If your proposal is for a work in progress, consider submitting an excerpt of the work in addition to an excerpt of a completed work.

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

- **Dance:** 2 continuous selections, each 2-4 minutes long. Put each selection on a separate videocassette, CD or DVD and cue to the beginning of each selection.
- Literary Arts (publication): 3-5 publications (books, journals, magazines, etc.) from the past two years. One copy of each is sufficient. If appropriate, you may also include 7 copies of a manuscript excerpt. The excerpt must not exceed 20 double-spaced pages.
- Literary Arts (readings): 2 selections of a continuous reading or staged interview each 2-4 minutes long. Put each selection on its own audio/videocassette, CD or DVD, and cue to the beginning of each selection.
- Literary Arts (publication & readings combined): Up to 2 publications and 1 manuscript excerpt prepared according to the instructions above, plus 1 selection of a continuous reading or interview, prepared according to the instructions above.
- Media Arts, Film, and New Media: 2 selections on separate videocassettes, CDs or DVDs. Cue each to the beginning of the selection. Each selection should be 2-4 minutes long.
- Music: 2 continuous selections, each 2-4 minutes long. Put each selection on a separate CD.
- Theater/Musical Theater/Opera/Operetta: 2 continuous selections, each 2-4 minutes long. Put each selection on a separate videocassette, DVD or CD and cue to the beginning of each selection.
- Visual Arts: 1 set of 8 images, on CD. You may submit maquettes of relevant work-in-progress, instead of video. Please call first if you wish to submit a maquette.
- Heritage Projects: Photo documentation of heritage exhibit or re-enactment, research publications, descriptions of preservation activities, or news articles describing project implementations.
- Interdisciplinary Arts and Multidisciplinary projects: Up to 2 selections of any appropriate combination of the above.
- Infrastructure: Samples of work by any professional that you might engage to accomplish your goal.

How to Prepare Samples of Work for Submission

Except for manuscript excerpts, you need to provide only one copy of each sample. **Do not send originals or your only copy of work documentation.** Check that audio-visual and digital media work properly and are cued before you submit them.

CDs/DVDs

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

Videocassettes

- Cassettes must be in VHS format.
- Label each cassette and box with applicant's name, title of work, and date. Do
 not put more than one sample on a cassette.
- Cue each cassette to the beginning of the sample you want the panel to see.
 Due to time constraints, the panel may spend only three to six minutes viewing the samples.
- The description page should state the date and place of performance/production/exhibition, etc., and offer a brief description.

Other Media

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



CHAPTER 4 DEVELOPER GUIDELINES

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

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

Requirements and Procedures to Install Public Art

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

- a) If the developer chooses to provide artwork, a General Planning Division Application including a description of the proposed artwork, the artist's concept and representation, such as a drawing, photograph, or maquette of the artwork, must be submitted. Developers should indicate in their project plans where the public artwork will be installed or placed, and should also indicate what medium or materials will be used. The application should also include maintenance plans for the artwork.
- b) The Planning Department will review the proposal to ensure that the artwork is generally compliant with these Guidelines and other applicable city ordinances. For example, a mural proposal will be reviewed to ensure that it does not infringe on the signage ordinance.
- c) To the maximum extent possible, processing the request to install public art shall be concurrent and coordinated with the project application.
- d) Proposals will be forwarded to the Community Development Department staff liaison by the Planning Division.

Commission for the Arts Approval Guidelines

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

After the review process as described in (e), the Community Development Department staff liaison will forward the application to the Commission for the Arts subcommittee.

- If the application is received by the 1st of the month by the Commission for the Arts, the application will be reviewed at the next scheduled meeting (4th Tuesday of each month).
- If the application is received after the 1st of the month, the Commission for the Arts will review the proposal at the following month's meeting.
- e) The Commission for the Arts will approve the proposed art, conditionally approve, or deny the request to install public art based upon these guidelines including the following criteria:
 - i) The art works shall be clearly visible and easily accessible to the public.
 - ii) The Art in Public Places application shall include a site plan showing the location of the art work, complete with landscaping, lighting and other appropriate accessories to complement and protect the artwork.
 - iii) The composition of the artwork shall be of permanent-type of materials in order to be durable against vandalism, theft, and weather, and in order to require a low level of maintenance.
 - iv) The artwork shall be related in terms of scale, material, form and content to immediate and adjacent buildings and landscaping so that it complements the site and surrounding environment.
 - v) The artwork shall be designed and constructed by persons experienced in the production of such artwork and recognized by critics and by his or her peers as one who produces works of art.
 - vi) The artwork shall be a permanent, fixed asset to the property.
 - vii) The artwork shall be maintained by the property owner in a neat and orderly manner acceptable to the City, unless the art work is installed on property owned by the City, in which case the City shall maintain the artwork.

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

- f) When the project applicant has elected to acquire and install artwork, the building permit for the development project shall not be issued until the Commission for the Arts has approved the request to install public art, and the certificate of occupancy shall not be issued until the approved work of art has been installed.
- g) A developer may choose to include artwork that costs less than what is required for their project but must pay the remainder of the fee to the public art fund.

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

Contribution to the Public Art Fund

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

Definition of Public Space

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

Permitted Types of Artwork

Types of artwork permitted as public art in Livermore include:

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

Eligible Mediums

Eligible mediums include but are not limited to:

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

Ineligible Mediums

Ineligible mediums include:

- Mass produced or standardized art objects, unless incorporated into an artwork by the project artist.
- Mechanical reproductions of original works of art
- Landscape and ornamental features designed by the architect builder without the commission of a professional visual artist.
- Organic form
- Works that may decompose or melt
- Memorabilia or ceremonial objects related to civic activities
- Directional elements and signage unless where integral to an overall concept created by a professional artist.

Submittal Requirements

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

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



APPENDICES





City of Livermore Community Development Department Commission for the Arts

Application Form, Instructions, and Checklist

Date Day of the week

Completed grant applications must be:

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

Send or deliver applications to:

City of Livermore Community Development Department c/o Commission for the Arts 1052 S. Livermore Avenue Livermore, CA 94550

Pre-application Workshops Attendence at one workshop is required

- 1. Day, Date
- 2. Day, Date

RSVP by e-mail to Arts@cityoflivermore.net. State which session you plan to attend. Workshop will be held at (location to be inserted)

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

Please note: Dates are subject to change



		Sample
App	lican	t Name:
the		ATION CHECKLIST - This Checklist is required and must be submitted as part of bleted Application. All Project & Program Grant applicants are required to submit ving:
One	orig	inal set of the Application, collated in the following order:
	1.	Application Checklist. (This page.)
	2.	Organizational Summary, signed by an authorized officer of your organization or the applying artist.
	3.	If you are a $501(c)(3)$, please submit a copy of your $501(c)$ (3) determination letter from IRS.
	4.	Application Form, beginning on page 1, continuing through the Project Budget Summary.
	5.	Notes to the Project Budget, and a detailed list of In-Kind contributions.
	6.	List of key project individuals, including principal artists and project managers, with a very brief job description (e.g., a self-explanatory job title) for each.
	7.	Resumes/biographies of key project individuals, generally one page each.
	8.	7 complete and collated sets of copies of items 3 through 7 above, three-hole punched and paper-clipped or spring-clipped. Do not staple.
	9.	A selection of up to four items in any combination of brochures, catalogues,

□ 10. Up to four recent press reviews or articles, or similar independently generated published materials, if available. (*Note*: Calendar listings are not suitable.)

performance programs, or similar organizational publications/materials; if

□ 11. NOTE: Work Samples may be requested by the Project and Program Grants Subcommittee during the review process. See Chapter 3 – Grants for more information about work samples.

Standards for Preparing Applications

available.

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

- 1. Applicants must not modify the format of the application form or exceed the maximum length of any section of the form, except where otherwise noted.
- 2. All required attachments (except pre-printed ones) must be typed or computer-prepared in a type size that is no smaller than 12 pt. Times/Times New Roman, or 10 pt. Arial/Helvetica.

- 3. Complete all pages of the application form and all required attachments. (Use "N.A." if a section does not apply to your organization.) Provide information that is current as of the application deadline. Budget pages and budget notes must be complete.
- 4. The original of the Application Form must be signed by the organization's executive director, managing director, president or board chair, or the applying artist.



Application Form - Project & Program Grants

Deadline:	Date	(5 pm if delivered, po	stmarked if mailed	<u>1)</u>	
Grant Reques	t \$				
Total Project I	Budget \$				
Applicant's Na	ame:				_
Principal Cont	act + Title:	e and title of person to receive	ve all correspondence, inc	cluding grant notification	_
Mailing Addre	SS:	Number and Stree	et or PO Box		_
		City, Zip Code			_
Phones:	Main	Message	Fa	nx	_
E-mail and W	eb site	E-mail		URL	_
Grant prepare	r, Title + Phone	, EmailName, Title, phone numl	ber and e-mail of who can answer	questions about the application	_
	Check the art form(s) that best describes the program or project described in this				
□ Dance□ Music□ Heritage		Interdisciplinary Theater Infrastructure	☐ Literary Arts ☐ Visual Arts ☐ Media/Film/		Other
When did this applicant begin producing arts programs/projects regularly in Livermore?					
					_
Dates/Locations of last three publicly accessible arts activities in Livermore:					
<u>Date</u>	ACTIVITY TY	PE (E.G., CONCERT, W	ORKSHOP, ETC.)	VENUE NAI	<u>VIE</u>

Is this organization a 501(c)(3) tax-exempt organization?

If yes, please provide:

Employer Identification Number (assigned by the IRS), also called Taxpayer ID# or Federal

חו	

Annual Overall Operating Finances: fiscal year (or calendar year) Fiscal year ends in the month of:

Do Not include in-kind support	2009
Income	\$
Expenses	\$
City Arts Grant (full amount, if any)	\$

City Arts Grant (full amount, if arry)
Interdisciplinary project, please describe briefly:
Number of people the project is intended to reach (audience and/or participant goal).
For the purpose of this application, "audience" means the people who attend a performance, screening, reading or festival, or visit an exhibition; "participant" means someone who attends a workshop or class, or else has hands-on involvement (e.g., as a performer, designer, director, producer, etc.) in performance. If the project or program will have both audiences and participants as defined here, please enter both goals, separated by a forward slash ("/"), audiences first.
Date work is scheduled to begin:
Date project is scheduled to end:
Certification
If applicant is organization: I certify that the by-laws of this organization or a resolution of its governing body authorizes me to enter into legal agreements for the organization and to submit this application. To the best of my knowledge and belief, this organization meets the appropriate eligibility requirements. I have reviewed the information in this application and all attachments, and I certify that they are true and correct.
Authorized Officer's Signature Date
Print Name of Officer signing this form Title of Officer signing
this Form
<u>- or -</u>
If applicant is individual artist: To the best of my knowledge and belief, I meet the appropriate eligibility requirements. I have reviewed the information in this application and all attachments, and I certify that they are true and correct.
Artists Signature Date
Print name of Artist signing this form



Application Form - Project & Program Grants

If needed, please use additional paper for this section.

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

- 2. Describe the project or program for which you are seeking the grant. Discuss the project's origins. Describe the venue/location, the implementation process, and the timeframe. Discuss the resources people, money, etc. you will need to implement the project, whether you already have those resources within your organization or, if not, how you plan to obtain them.
- 3. How will the requested grant be used in the planning and implementation of the project or program? (500 words or less.)
- 4. Describe how the program or project specifically address<u>es</u> one or more of the main strands found in the Cultural Arts Master Plan, artsAlive! (Refer to the Cultural Arts Master Plan Executive Summary in the Public Art Policy Guideline manual.) (250 words or less.)
- 5. List the individual(s) or organization(s) you will be partnering with on this project. Be specific regarding the support, both financial and in-kind, they will be providing.



Application Form - Project & Program Grants

7. Project/Program Budget Summary – Complete only are	eas that apply.		
Project/Program work to begin:	End:		
Date			Date
PROJECT SUPPORT (Do not include in-kind support here. I attachment.)	Detail it in the Budo	get Notes or a sep	parate
Admissions and Sales	Amount	Notes Index (a, b,	etc.)
Admissions (describe in Notes how the estimate is	\$		
computed)			
Tuition/Workshops related to the project	\$		
Product Sales (detail in Notes)	\$		
Concession Sales	\$		
Other:	\$		
Subtotal Admissions and Sales	\$		
	I -	T	T
Contributions and Grants	Total Amount	Pending	In-hand
Individuals	\$	\$	\$
Business	\$	\$	\$
Foundations	\$	\$	\$
Fundraising Events (net)	\$	\$	\$
Federal Government	\$	\$	\$
State Government	\$	\$	\$
City of Livermore_(other than the grant requested)	\$	\$	\$
Other:	\$	\$	\$
Subtotal Contributions and Grants	\$	\$	\$
Project & Program Grant Amount Requested	\$	\$	\$
Total Project Support (not including in-kind)	\$	\$	\$
EVENOES			
EXPENSES (Asterisk items that will be paid for specifically from the			
Personnel (indicate numbers of PT/FT/contract personnel in Notes)	Amount	Notes Index (a, b,	etc.)
Artistic	\$		
Administrative	\$		
Technical & Production	\$		
Outside Artistic Services	\$		
Other Outside Services (detail in Notes)	\$		
Subtotal Personnel Expenses	\$		
Production	Amount	Notes Index (s. b.	ata \
	\$	Notes Index (a, b,	etc.)
Equipment (detail in Notes, indicate rent or purchase) Venue Rental	Φ		
Materials and Supplies			
Travel & Transportation			
rraver & rransportation			
Marketing/Promotion	¢		
Marketing/Promotion	\$		
Materials and Supplies Travel & Transportation	\$		
	\$		
Project Insurance	\$		
Other Project Expenses (specify in Notes)	\$		
Administrative Overhead (state calculation in Notes)	\$		
Contingency Subtotal Non-personnal Expenses	Φ •		
Subtotal Non-personnel Expenses	\$		
Total Project Expenses (not including in-kind)	Þ		



Project Net (Total S	Support minus	Total Expenses	3)
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\$		

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

Matching Funds

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

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

- 1. In-kind contributions cannot be used for more than half of the required match, in other words, they cannot represent more than 25 percent of the value of the grant award; and.
- 2. The value of in-kind contributions, i.e., goods and services, must offset line item expenditures in the project budget and their value must be documentable with invoices or billing statements.

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

Source	Description	Fair Market Value
		\$
		\$
		\$
		\$
		\$
		\$





Project and Program Grant Application Evaluation Criteria

oject:	
	Proposal Score
Commissioner Evaluation (Items 1-5: maximum of 55 points)	
Application Submission Completed by Staff (Items 6 : maximum of 10 points)	
 The applicant is qualified and has the capacity to produce this p The applicant is able to achieve the stated goals and outcomes. The amount of dollars requested compared to the number of L served is reasonable for this project/program. 	roject/program. _ivermore resident
Funding/Budget (Maximum • Project/program and administrative budgets are reasonable.	of 10)
 The applicant has secured the required 1:1 matching funds at are from cash sources other than the City of Livermore. If applicable, will the applicant charge a fee and/or produce oth be used to support this project/program. 	er income that ma
	Commissioner Evaluation (Items 1-5: maximum of 55 points) Application Submission Completed by Staff (Items 6: maximum of 10 points) Program Evaluation • The applicant is qualified and has the capacity to produce this p • The applicant is able to achieve the stated goals and outcomes. • The amount of dollars requested compared to the number of L served is reasonable for this project/program. • The project/program specifically addresses one or more of the in the Cultural Arts Master Plan. Funding/Budget • Project/program and administrative budgets are reasonable. Alternative Funding Sources • (Maximum • The applicant has secured the required 1:1 matching funds at are from cash sources other than the City of Livermore. • If applicable, will the applicant charge a fee and/or produce oth be used to support this project/program. • The applicant has secured the funds necessary to complete



<u></u>	 Does this applicant have overall program and financial support from Livermore residents? Has the applicant secured partners within the Livermore community to achieve the project/program goals.
<u> </u>	 Marketing and Outreach (Maximum of 5) Does this applicant have a well thought out and workable marketing and outreach plan. The project/program is accessible to the diverse population that is Livermore (lower income residents, handicapped, the elderly, youth, cultural diversity, etc).
6.	TO BE COMPLETED BY STAFF Application Process a. Has the application been completed according to the checklist?
pr 8.	Has the applicant applied before under the Project and Program Grants ogram? When? Did the applicant receive recommendation for funding for prior applications? Did the applicant submit a Final Report for the prior project?





City of Livermore Community Development Department Commission for the Arts

Application Form, Instructions, and Checklist

1st of each month (excluding December)

Completed grant applications must be:

- Delivered (in person or by commercial service such as FedEx, UPS, etc.) to the Community Development Department c/o Commission for the Arts by 5 p.m., the 1st of each month or
- Sent First Class or Priority Mail and postmarked by the US Postal Service no later than the first of each month.

Send or deliver applications to:

City of Livermore Community Development Department c/o Commission for the Arts 1052 S. Livermore Avenue Livermore, CA 94550

Pre-application Workshops - Attendance at one workshop is required

- 1. Day, Date
- 2. Day, Date

RSVP by e-mail to Arts@cityoflivermore.net. State which session you plan to attend. Workshop will be held. (location to be inserted)

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

Please note: Dates are subject to change

38 APPENDIX 2



App	lican	t's Name:
		ATION CHECKLIST - This Checklist is required and must be submitted as part of bleted Application. All Mini Grant applicants are required to submit the following:
One	orig	inal set of the Application, collated in the following order:
	1.	Application Checklist. (This page.)
	2.	Organizational Summary, signed by an authorized officer of your organization or the applying artist.
	3.	If you are a 501(c)(3), please submit a copy of your 501(c) (3) determination letter from IRS.
	4.	Application Form, beginning on page 1, continuing through the Project Budget Summary.
	5.	Notes to the Project Budget, and a detailed list of In-Kind contributions, if any.
	6.	Resumes/biographies of key project individuals, generally one page each.
	7.	5 complete and collated sets of copies of items 3 through 6 above, three-hole punched and paper-clipped or spring-clipped. Do not staple.
	8.	A selection of up to four items in any combination of brochures, catalogues, performance programs, press reviews or articles, or similar organizational or independently generated publications/materials; if available.
	9.	NOTE: Work Samples may be requested by the Mini Grant Subcommittee during the review process. See Chapter 3 – Grants, for more information about work samples.

Sample

Standards for Preparing Applications

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

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

Application Form - Mini Grants Application Date: **Grant Request** \$ _____ Total Project Budget \$_____ Applicant's Name: Principal Contact + Title: Name and title of person to receive all correspondence, including grant notification Mailing Address: Number and Street or PO Box City, Zip Code Phones: Main Message E-mail and Web site: Grant preparer, Title + Phone, Email:_ Name. Title, phone number and e-mail of who can answer questions about the application Check the art form(s) that best describes the project described in this application: Interdisciplinary Literary Arts Other _____ Dance Music Theater Visual Arts Heritage Infrastructure Media/Film/New Media When did this applicant begin producing arts programs/projects regularly in Livermore? Dates/Locations of last three publicly accessible arts activities in Livermore: ACTIVITY TYPE (E.G., CONCERT, WORKSHOP, ETC.) DATE **VENUE NAME** Interdisciplinary project, please describe briefly: Date work is scheduled to begin: Date project is scheduled to end:

Certification

					4.
11	anr	าโเดวท	+ 10	organiza	stion:
	avı	JiiGaii	ııs	UI WAI IIZ	auvii.

Print name of Artist signing this form

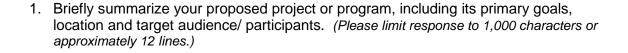
I certify that the by-laws of this organization or a resolution of its governing body authorizes me to enter into legal agreements for the organization and to submit this application. To the best of my knowledge and belief, this organization meets the appropriate eligibility requirements. I have reviewed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

Authorized Officer's Signature	Date
Print Name of Officer signing this form	Title of Officer signing this Form
- or	-
If applicant is individual artist: To the best of my knowledge and belief, I mee have reviewed the information in this applica they are true and correct.	
Artists Signature	Date

Sample

Application Form - Mini Grants

If needed, please use additional paper for this section.



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

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

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



Application Form - Mini Grants

7. Project/Program Budget Summary - Complete only areas the	nat apply.		
Project/Program work to begin:	End:		
Date		Date	
PROJECT SUPPORT (Do not include in-kind support here. Detail attachment.)	it in the Budget N	otes or a separat	е
Admissions and Sales	Amount	Notes Index (a, I	o, etc.)
Admissions (describe in Notes how the estimate is computed)	\$,	,
Tuition/Workshops related to the project	\$		
Product Sales (detail in Notes)	\$		
Concession Sales	\$		
Other:	\$		
Subtotal Admissions and Sales	\$		
	 		
Contributions and Grants	Total Amount	Pending	In-Hand
Individuals	\$	\$	\$
Business	\$	\$	\$
Foundations	\$	\$	\$
Fundraising Events (net)	\$	\$	\$
Federal Government	\$	\$	\$
State Government	\$	\$	\$
City of Livermore(other than the grant requested)	\$	\$	\$
Other:	\$	\$ \$	\$
Subtotal Contributions and Grants	\$	\$ \$	\$ \$
Project & Program Grant Amount Requested	\$	\$ \$	\$
Project & Program Gram Amount Requested	\$	\$ \$	\$
Total Project Support (not including in-kind)	Þ	ð	ð
EXPENSES (Asterisk items that will be paid for specifically from the grant.	Do not include in-k	ind support here.)	
Personnel (indicate numbers of PT/FT/contract personnel in Notes)	Amount	Notes Index (a, I	o, etc.)
Artistic	\$, ,	,
Administrative	\$		
Technical & Production	\$		
Outside Artistic Services	\$		
Other Outside Services (detail in Notes)	\$		
Subtotal Personnel Expenses	\$		
Do Lafe			
Production	Amount	Notes Index (a, I	o, etc.)
Equipment (detail in Notes, indicate rent or purchase)	\$		
Venue Rental	\$		
Materials and Supplies	\$		
Travel & Transportation	\$		
Marketing/Dramation	ф		
Marketing/Promotion	\$		
Materials and Supplies	\$		
Travel & Transportation	\$		
Project Insurance	\$		
Other Project Expenses (specify in Notes)	\$		
Administrative Overhead (state calculation in Notes)	\$		
Contingency Subtotal Nan paragraph Expanses	\$		
Subtotal Non-personnel Expenses	\$		



Total Project Expenses (not including in-kind)	\$
Project Net (Total Support minus Total Expenses)	\$

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

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

Source	Description	Fair Market Value
		\$
		\$
		\$
		\$
		\$
		\$





Applicant: Project or Program :			
			Proposal Score
Commissioner Evaluatio	n (Items 1-4: maximi	um of 50 points)	
Application Submission Completed by Staff (Item	5: maximum of 10 p	oints)	
 Project or Program Evalu The applicant is qualified The applicant is able to The amount of dollars served is reasonable for The project/program served in the Cultural Arts Management 	ed and has the capado achieve the stated of requested compared or this project/program pecifically addresses	goals and outcomes. d to the number of L m.	ivermore residents
2. Funding/Budget• Project/program and a	dministrative budgets	(Maximum of 10) sare reasonable.	
 Alternative Funding Sou The applicant has secu If applicable, will the a be used to support this The applicant has seprogram. 	red other funds in ei oplicant charge a fee project/program.	and/or produce other	nd support. er income that ma

Sample
Sample

4.	Co	mmunity Support and Collaboration (Maximum of 10)
	•	Does this applicant have overall program and financial support from Livermore
	•	residents? Has the applicant secured partners within the Livermore community to achieve the
		project/program goals.
	•	The project/program is accessible to the diverse population that is Livermore
		(lower income residents, handicapped, the elderly, youth, cultural diversity, etc).
		TO BE COMPLETED BY STAFF
_	_	
5.		plication Process Has the application been completed according to the checklist? 10 points
	or,	Thas the application been completed according to the checklist:
		were extra materials added to the application or insufficient information provided? 0 points
6.		Has the Applicant applied before under the Mini Grant Program? If so, when?
7. ap	plic	Did the applicant receive recommendation for funding for prior ations?
8.		Did the applicant submit a final report for prior project?

8.

artsALIVE! Executive Summary

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

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

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

Strategies for Development of Livermore's Arts and Culture

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

- Strand 1: Promote the unique sense of place in Livermore, including the creation of a Core Arts and Cultural District
- Strand 2: Ensure the visibility and vitality of cultural arts organizations, artists and arts educators for all residents and visitors to the City through facilitation of partnerships and support for organizational strengthening within the arts, culture and heritage communities
- Strand 3: Leverage the innate ability of arts engagement to create a sense of community and life-long learning by supporting a diverse range of p. APPENDIX 3

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

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

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

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

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

- 1. Create a Core Arts and Cultural District,
- Develop and expand arts and cultural facilities and spaces in the core in the first 3 - 5 years and expand into other areas of the city in subsequent years as funding allows,
- Support and provide seed funding for arts and cultural programming, with an emphasis on partnerships and accessibility (including widely dissemination marketing, free or affordable ticket pricing, diversity in offerings, time, and place of events),
- Facilitate the provision of support services for arts, heritage and cultural organizations and related businesses (see more on this in Strand 2 below), and
- 5. Establish sustainable infrastructure and systems to manage and program the District, develop private funds, and provide other related services (more on this in Strand 4).

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

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

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

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

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

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

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

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

Deepening and expanding cultural participation among all segments of the community

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

builds on the unique qualities of Livermore. Greater participation also provides many community benefits, such as adding value to the lives of individual residents, improving education, inviting life-long learning, promoting economic development, and supporting downtown revitalization.

The specific recommendations facilitating access for participation are to:

- Convene youth service providers and organizers throughout the City to evaluate and create opportunities for youth access to the arts and arts learning in and outside of school settings, in families, and in the juvenile justice system,
- 2. Facilitate creation of a downtown arts and culture festival, building upon existing opportunities and seeking partnerships for new arts engagements,
- 3. Encourage cultural events and opportunities for youth and young adults, including seeking mechanisms for mini-grants to cultural arts organizations, artists and their public and private partners,
- 4. Enhance implementation of the public art program, building on the current program vision of the Commission for the Arts,
- Create arts and culture education partnerships with the Livermore Valley
 Joint Unified School District and Livermore Area Recreation & Park District,
 and Las Positas Community College, and
- 6. Develop a communitywide arts and culture marketing program (this also supports Strand 2).

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

A study of 11 nearby cities with characteristics similar to Livermore shows that on average these cities currently devote \$4.16 per citizen per year to support arts and cultural activities (Dublin is at \$10/citizen and

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

Walnut Creek is at a high of \$27). In comparison, Livermore spent between \$11 and \$12 per citizen over the last three years. Livermore has the opportunity to establish itself as center for arts and cultural engagement that will attract and sustain residents, business and families committed to creative, safe, tolerant and innovative communities.

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

The specific resource development recommendations are to:

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

Context and Planning Process

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

rich identity and way of life that is clearly acknowledged and celebrated by the community. artsALIVE! is based on this diverse and inclusive community sensibility of its own culture.

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

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

in which stakeholders not only expressed their opinions but also reflected on Livermore's identity and future options. The planning process included:

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

Implementation

Implementation of this plan will occur as funds are available. As with all ambitious City plans, implementation must be flexible to allow the City and its implementing partners to respond to changing circumstances and new opportunities. It is recommended that the

Commission reviews and makes annual recommendations to implement the plan. Some implementation costs can be estimated now while others must be defined in the future. Funding is anticipated through a variety of strategies outlined above, including a fee on private development. These funds would be augmented by private fundraising, volunteer services, and by the efforts and spending of partner agencies.

Connections to City Council and resident goals

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

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

Livermore Commission for the Arts Belief and Mission Statements:

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

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

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

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

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

The Livermore Commission for the Arts is committed to:

- Facilitating and convening partnerships and collaborations for the arts among city entities and community organizations, including mentoring, using creativity as a positive force and expanding the arts community in Livermore.
- Promoting the unique sense of place inherent in Livermore through developing a vibrant arts community.

"The arts really tie the community together."

- Ensuring publicly accessible arts events.
- Advocating the integration and presence of the arts in community design and other city activities.
- Developing and expanding opportunities for arts and cultural learning, growth and creativity for people of all ages, with an emphasis on children and youth.

APPENDIX 4

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE STATE OF CALIFORNIA

AN ORDINANCE ADDING CHAPTER 12.51 TO TITLE 12 OF THE LIVERMORE MUNICIPAL CODE ESTABLISHING AN ART IN PUBLIC PLACES PROGRAM

THE LIVERMORE CITY COUNCIL HEREBY FINDS AND ORDAINS AS FOLLOWS:

<u>Section 1</u>. Chapter 12.51 is hereby added to Title 12 (Streets, Sidewalks and Public Places) of the Livermore Municipal Code to read as follows:

12.51.010 Public Art in New Commercial, Industrial and Residential Construction.

- a. Cultural and artistic assets should be included in private development projects because it is important that those projects contribute to the development of private property in a manner that benefits the public.
- b. The visual and aesthetic quality of development projects has a significant impact on property values, the economic well being of the City and its orderly development.
- c. The City of Livermore's General Plan establishes cultural and historical, recreational, park and open space land use policies. This chapter is consistent with the cultural and historic component of the City's General Plan by providing an opportunity for the design of new projects to incorporate public art. It is also consistent with the goals and objectives of the Revitalization Strategy of the Downtown Specific Plan.
- d. This chapter is also consistent with the City of Livermore Redevelopment Agency 2004-2009 Five Year Implementation Plan, which has as one of its goals the promotion and development of an arts and culture component to make Livermore's downtown a "Center for the Arts". This can be readily accomplished by the installation of public art within the Redevelopment Project Area and by the support of cultural arts programming in the downtown.
- e. The public's understanding, enjoyment and experience of cultural diversity will be increased by the variety of artistic projects and cultural arts programs to be provided in compliance with this section.
- f. The public art provided pursuant to this section shall include, without limitation, the preservation of Livermore's historic, artistic, cultural and agricultural traditions.
- g. The incorporation of public art into private development will create a unique sense of community as well as public identity and will enhance the visual and aesthetic quality of such developments for commercial, residential and visitor activity, particularly in the downtown. The funding of cultural arts programs throughout the City will greatly benefit the citizens of the City of Livermore and will foster economic revitalization

APPENDIX 5

in the City.

h. A Cultural Arts Fee Task Force was convened by the City Council during the summer of 2007, made up of members of the Cultural Arts Council, community groups, the Chamber of Commerce and the Commission for the Arts, to discuss the appropriateness of the fee amount, the duration of the fee and to consider the possibility of alternate funding sources for public art, which such suggestions have been incorporated into this ordinance.

12.51.020 Definitions.

- a. "Construction costs" means the total value of the development project as determined by the Community Development Department and indicated by the building official on the building application submitted to the department in order to obtain a building permit, or permits, for the development project. Building permit applications shall include, but not be limited to all grading, building, plumbing, mechanical, and electrical permit applications for the project.
- b. "Development" or "Development Project" means a project involving the construction of a new building or the rehabilitation, renovation, remodeling or improvement of an existing building. An existing industrial/commercial building that is added onto with a construction area greater than or equal to 25% of the original square footage of the building as determined by the building official, shall also be subject to the requirements of this Chapter. Development or Development Project as herein defined shall include any and all residential development over 4 units, commercial development, including office and retail uses or office and residential uses and industrial or light industrial uses throughout the City of Livermore, subject to the following exemptions: Remodeling, repair or reconstruction of structures which have been damaged by fire, flood, wind, earthquake or other calamity; seismic retrofit projects as defined by the Livermore Municipal Code; fire sprinkler installation projects as defined by the Livermore Municipal Code; all residential remodeling; all commercial alterations; the installation of any accessory structures; below market rate housing units and structures designated as historic pursuant to the Livermore General Plan, the Livermore Planning and Zoning Code or the Downtown Specific Plan. As of the effective date of this ordinance, those projects for which applications are deemed complete shall also be exempt from the ordinance.
- c. "Non-profit agency" shall mean a corporation organized under Internal Revenue Code Section 501(c)(3), in good standing with the California Department of Corporations and in compliance with any and all federal, state, and local licensing, reporting, and tax requirements.
- d. "Program Allocation" shall mean the dollar amount equal to one-third of one percent (0.33%) of the construction costs of a development project covered by this Chapter.

- e. "Public Art Work" means works of art created by artists as unique and original works, in any medium including but not limited to painting, drawing, printmaking, photography, calligraphy, ceramic, sculpture, glass, liquid, water features, murals, light earthworks, conceptual and temporal pieces, functional elements if designed by a professional artist, and art that is integrated into a project's architecture. It may include space for exhibitions, displays or demonstrations and public performances. The artwork may be created through collaboration between the Commission for the Arts, the artist and the community.
- f. "Public Art Fund" means a fund established and maintained by the City of Livermore for the purpose of funding public art and cultural programming consistent with the Public Art Policy, and administered by the Commission for the Arts.
- g. "Public Art In-Lieu Contribution" shall mean that payment by an owner or developer into the Public Art Fund in an amount that is in lieu of installation of public art on-site.
- h. "Public Art Policy" means that policy adopted by the City Council and which directs and guides the Commission for the Arts relative to the implementation of the Public Art program.
- i. "Public place" means any area on public or private property which is easily accessible and clearly visible to the general public. If located on private property, the area must be open to the general public and clearly visible from adjacent public property such as a street or other public thoroughfare or sidewalk.

12.51.030 Requirement to Provide Public Art or Pay In-Lieu Contribution.

- a. Private developments shall devote an amount not less than the Program Allocation amount for acquisition and installation of Public Art in the development project, such amount to be determined by the building official. The Public Art shall be installed on the development site in a location that allows the Public Art to be visible from a public right-of-way or from other public property.
- b. In lieu of acquisition and installation of Public Art Work on the Development site, an owner or developer, at its discretion, may deposit a Public Art In-Lieu Contribution in an amount equal to the Program Allocation into the Livermore Public Art Fund, established by subsection 12.51.040 for acquisition and installation of Public Art. The Public Art In-Lieu Contribution shall be paid prior to the issuance of a building permit. Project applicants shall indicate on their entitlement application that they wish to make a public art in-lieu contribution.
- c. Subject to the approval of the Commission for the Arts, an owner or developer may incorporate into the development Public Art that has a value lower than the Program Allocation, as determined by the Commission for the Arts, and pay a Public Art In-Lieu Contribution to the Public Art Fund for the balance of the Program Allocation.

12.51.040 Livermore Public Art Fund.

- a. There is hereby created the Livermore Public Art Fund to account for the Public Art In-Lieu Contributions made pursuant to subsection 12.51.030 and any and all other revenues appropriated or received for Public Art. The revenues in such Fund shall be used solely for (i) the acquisition, commission, design, installation, improvement, maintenance and insurance of Public Art; or (ii) other expenses associated with implementation of the Livermore Public Art Policy.
- b. The Livermore Public Art Fund shall be distributed annually as follows: No more than ten percent (10%) of the annual Livermore Public Art Fund shall be used as an administrative fee for processing the Public Art application, approving the Public Art, coordinating and developing cultural programs, monitoring, compliance, or any other administrative task related to the implementation of the Livermore Public Art Policy.
- c. The balance of the Livermore Public Art Fund shall be distributed for Public Art as follows: (i) eighty percent (80%) designated for acquisition, commission, design, installation, improvement, maintenance and insurance of Public Art to be placed at locations determined by the Commission for the Arts; and (ii) twenty percent (20%) designated for arts and cultural programming.
- d. The Commission for the Arts shall present annually to the City Council for approval a Public Art Plan that recommends the use of Livermore Public Art Fund monies consistent with the purpose of this Section. The Public Art Plan shall be administered by the Community Development Department.

12.51.050 Permissible Expenditures.

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

- a. The cost of the public art itself including the artist's fee for design, structural engineering and fabrication; transportation and installation of the work at the site; identification signs, if any; and mountings, anchorages, containments, pedestals, bases, or materials necessary for the property presentation and installation of the art.
- b. Water works, lighting and other objects which are an integral part of the art work.
- c. Walls, pools, landscaping or other architectural elements necessary for the proper aesthetic and structural placement of the art work.
- d. Maintenance and repair of Public Art funded through the art in public places fund.

- e. The design, construction, operation and maintenance of art gallery space or cultural arts' display, demonstration and performance space to be utilized by individuals and non-profit arts organizations for arts and cultural programming.
- f. Building the functional capacity of eligible non-profit organizations devoted to the development of arts and culture in Livermore.
- g. Developing cultural programs for the enjoyment and appreciation of art, heritage and culture within the Livermore community.
- h. Funding the design, construction, operation and/or maintenance of cultural and/or arts' facilities, either at the development or off-site.

12.51.060 Processing.

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

- a) Upon submission of a project application subject to the requirement of the Public Art fee, the Community Development Department shall provide a copy of this chapter to the applicant.
- b) The Community Development Department shall forward a copy of the building permit and the application form, including the valuation of the project used by the Community Development Department to determine building permit fees, to the staff liaison to the Commission for the Arts. The Community Development Department staff liaison for the Commission for the Arts shall review the project application, if any, or building permit application for completeness.
- c) To the maximum extent possible, processing of the request to install public art shall be concurrent and coordinated with the project application if any, for the development project.
- d) The Commission for the Arts shall approve, conditionally approve or deny the request to install public art based upon these guidelines. When the project applicant has elected to acquire and install an art work, the building permit for the development project shall not be issued until the Commission for the Arts has approved the request to install public art, and the certificate of occupancy shall not be issued until the approved work of art has been installed.
- e) The project applicant may appeal any decision rendered hereunder by the Commission for the Arts to the City Council for final decision.

12.51.070. Guidelines for Public Art.

- a. Guidelines for the approval and maintenance of Public Art shall adopted by the City Council, upon recommendation by the Commission for the Arts. Guidelines shall be adopted within sixty (60) days of the effective date of this ordinance.
- b. The Guidelines shall include standards for reviewing an application for the installation of Public Art in accordance with the following objectives:
 - i) the art works shall be clearly visible and easily accessible to the public.
 - ii) The art in public places application shall include a site plan showing the location of the art work, complete with landscaping, lighting and other appropriate accessories to complement and protect the art work.

- iii) The composition of the art work shall be of permanent-type of materials in order to be durable against vandalism, theft and weather, and in order to require a low level of maintenance.
- iv) The art work shall be related in terms of scale, material, form and content to immediate and adjacent buildings and landscaping so that it complements the site and surrounding environment
- v) The art work shall be designed and constructed by persons experienced in the production of such art work and recognized by critics and by his or her peers as one who produces works of art.
- vi) The art work shall be a permanent, fixed asset to the property.
- vii) The art work shall be maintained by the property owner in a neat and orderly manner acceptable to the City, unless the art work is installed on property owned by the City, in which case the City shall maintain the artwork.

12.51.080 Location and Relocation of Public Art.

- a. The public art must remain on the project site for not less than thirty years from the original installation date. When and if the development project is sold within thirty years from the installation date, the public art must remain at the development for which it was created and may not be claimed as the property of the seller or removed from the development or its location as approved by the Commission for the Arts. In the event that a property is to be demolished within said thirty years period, the owner must relocate the public art to another publicly accessible, permanent location that is approved in advance by the Commission for the Arts. In the event the property is redeveloped, the new project shall meet all of the requirements of this Chapter and using the same approval process, or pay an amount equal to the remaining portion of Public Art In-Lieu Contribution prorated over said thirty year period.
- b. A property owner may petition the Commission for the Arts to relocate the public art to another publicly accessible location on the development project site.
- c. In the case of removal of the public art for any reason prior to the expiration of the thirty year period, developer or owner of the development project must notify the City at least 30 days in advance of the removal, and must replace the public art within six (6) months of its removal, meeting all of the requirements of this Chapter and using the same approval process, or pay an amount equal to the remaining portion of Public Art In-Lieu Contribution prorated over said thirty year period.
- d. Any removal, relocation, or replacement of the public art must be consistent with the California Preservation of Works of Art Act and the Federal Visual Artists' Rights Act and any other relevant law. Developer or owner shall execute a restrictive covenant in a form acceptable to the City Attorney enforceable by the City, which shall be recorded against the project site and shall run with the land for a period of thirty years from the installation date.
- e. In the event the Public Art is stolen, destroyed or vandalized within said thirty year period, the developer or owner must replace the public art within six (6) months of its theft, destruction or vandalism, meeting all of the requirements of this Chapter and using the same approval process, or pay an amount equal to the remaining portion of Public Art In-Lieu Contribution prorated over said thirty year period.

12.51.090 Endowments.

The Art in Public Places fund shall also be used as a depository for endowments, bequests, grants or donations. Such sums may be expended as set forth in section 12.51.040 and 12.51.050 (above) as recommended by the Commission for the Arts and approved by the City Council.

12.51.100 Cultural Arts Fee Task Force.

On a bi-annual basis, the City Council shall convene a task force comprised of members of the Cultural Arts Council, community groups (such as the Heritage Guild and LARPD), the Chamber of Commerce, Livermore Downtown and the Commission for the Arts. The task force shall consider and make recommendations to the City Council on matters including the appropriateness of the amount of the in-lieu fee given the current economy; whether to increase or decrease the amount of the fee; alternate funding sources for public art; and other matters as designated by the City Council. If the Task Force fails to make a recommendation to the City Council regarding a change in the amount of the in-lieu fee, the fee shall remain at the previously recommended rate.

12.51.110 Sunset.

This ordinance shall become void and of no further effect on October 1, 2014, unless otherwise extended by action of the City Council.

Section 2. Exemption from CEQA.

The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b) (3) and 15378 (a), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project that has the potential for causing a significant effect on the environment. This action is further exempt under the definition of Project in Section 15378 (b) (2) in that it concerns general policy and procedure making. The Council directs that a Notice of Exemption be filed with the County of Alameda.

<u>Section 3</u>. <u>Effective Date</u>. This ordinance shall become effective after the expiration of thirty (30) days from the date of its final passage.

The foregoing ordinance was introduced, read, and passed by the following vote at the regular meeting of the Livermore City Council held on the 26th day of November, 2007:

AYES

Councilmembers Horner, Leider, Williams, Vice Mayor Marchand and Mayor Kamena NOES: None ABSENT: None ABSTAIN: None The ordinance was adopted at the regular meeting of the Livermore City Council held on the 14th day of January, 2008. AYES Councilmembers Horner, Leider, Williams, Vice Mayor Marchand and Mayor Kamena NOES: None ABSENT: None ABSTAIN: None MAYOR, CITY OF LIVERMORE ATTEST & DATE: APPROVED AS TO FORM: SPECIAL COUNSEL CITY CLERK AMARA MORRISON ALICE CALVERT DATE: JANUARY 16, 2008

Glossary of Terms and Definitions

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

artsALIVE! - Cultural Arts Master Plan.

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

De-accessioning of Artwork – To remove a work of art in order to install other works of art.

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

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

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

N.A. – Not applicable.

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

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

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

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

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

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

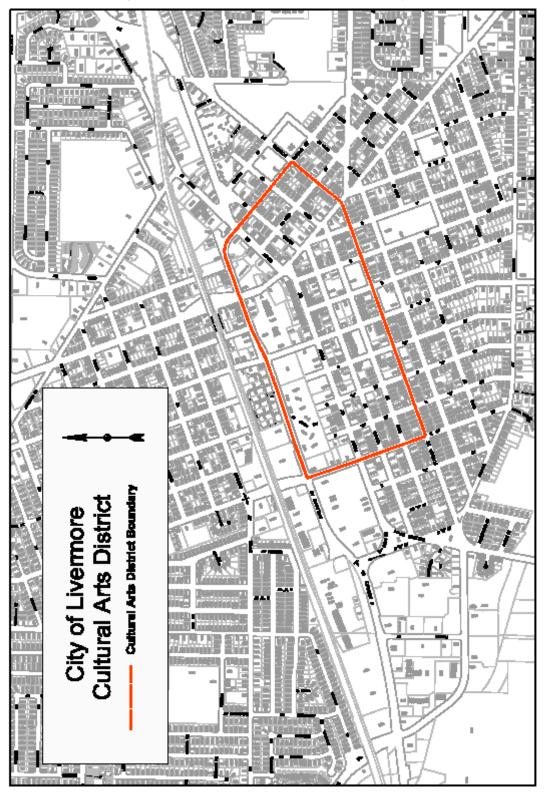
RFP - Request for proposal

APPENDIX 6

RFQ – Request for qualifications.

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

City of Livermore Cultural Arts District Map



APPENDIX 7



Table 1: Proposed Statuary Locations - ■

#	Location	Address
1	Planter Area – Thompson Gallery	2241 First Street
2	Planter Area - Sansar	2220 First Street
3	Planter Area - Sansar	2220 First Street
4	Planter Area - Music Store	2156 First Street
5	Planter Area - Ale House	2086 First Street
6	Planter Area - Strizzi's – West Side	J Street at First
7	As Opportunities Arise - Theater Plaza	First Street at McLeod
8	Pedestrian Area at this Intersection	First Street At McLeod

Table 2: Existing Public Art in the Downtown Area - ▲

#	Item	Location
3	Sundial	Carnegie Park
7	Livermore Country Wine Mural	J Street at First Street
8	Mural	L Street between Second and Third Streets
9	Lizzie Fountain	NW Corner of Livermore Avenue and First Street
10	Flag Pole Fountain	SW Corner of Livermore Avenue and First Street
11	Word Walk – Theater Plaza	First Street in Center of Livermore Valley Center
12	Metal Sculptures	Station Square

Table 3: Proposed Mural Locations - O

#	Location	Address
1	El Charro Restaurant	2020 1 st Street
2	Old Firehouse	2565 First Street
3	Main Street Designs Christmas Store	56 South Livermore Avenue
4	Old Theater Mall	2222 Second Street
5	Valley Furniture	2193 First Street
6	Forester's Hall (Second Storey, 2 nd Street side)	187 South J Street
7	Bothwell Center	2446 8 th Street
8	Trestle on Murrieta underpass to Stanley	Murrieta at Stanley
9	Top of Schenone Building	2235 First Street
10	Breezeway between Uncle Yu's and Livermore Village	39 South Livermore Avenue
11	Knodt's Flowers	2074 Second Street
12	Masonic Building	119 S. Livermore Avenue
13	Harvest Farms	112 Maple Street
14	Baughman's Building	2019 First Street
15	Top of building above Hawaii World	2056 First Street
16	Behind Real Estate Depot	186 South K Street
17	Bike Trail underpasses	Example: Livermore Avenue at Railroad Avenue
18	Harry's Hofbrau	2491 First Street