

**RESOLUTION 2009-103**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS  
AMENDING PUBLIC ART SELECTION POLICIES AND PROCEDURES  
AND RESCINDING RESOLUTION 1992-78**

**WHEREAS**, the Town of Los Gatos has a Public Art Selection Program allowing it to commission art work and to accept art work on loan and as gifts; and

**WHEREAS**, the Town Council of the Town of Los Gatos wishes to revise its policies and procedures which govern the Public Art Selection Program.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The Town of Los Gatos Public Art Selection Policy and Procedure (Exhibit A) is hereby adopted; and
2. Resolution 1992-78 is hereby rescinded.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 21st day of September, 2009, by the following vote:

**COUNCIL MEMBERS:**

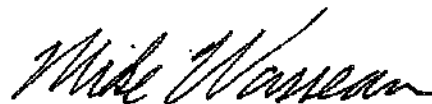
**AYES:** Diane McNutt, Joe Pirzynski, Steve Rice, Barbara Spector, Mayor Mike Wasserman

**NAYS:**

**ABSENT:**

**ABSTAIN:**

**SIGNED:**



**MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA**

**ATTEST:**



**CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA**

**TOWN OF LOS GATOS  
PUBLIC ART SELECTION POLICY AND PROCEDURE**

**I. PURPOSE**

The purpose of this policy is to provide a process through which the Town of Los Gatos (hereinafter Town) can accept art work on loan or as a gift as part of a Public Art Program. The policy also provides guidance to the Town and the Town of Los Gatos Arts and Culture Commission (hereinafter Commission) for purchasing existing art work and for commissioning artists to create new art work for the Town.

**II. SCOPE**

This policy applies to the installation of all art work loaned, gifted, purchased, or commissioned by the Town for public display. A separate process may be implemented for the installation of art work in a new Town facility or related to any Town construction project.

The Town Manager is hereby authorized to accept loans and/or gifts to the Town of art work that is valued at or below five thousand dollars (\$5,000), and that, if a loan, will be loaned to the Town for a period of five (5) years or less.

- A. All purchases and commissions by the Town of art work must be considered through the procedures outlined below in Section IV, Procedure.
- B. All loans and/or gifts to the Town of art work that is valued at more than five thousand dollars (\$5,000) and/or that, if a loan, will be loaned to the Town for a period of more than five (5) years, must be considered through the procedures outlined below in Section IV, Procedure.

**III. Policy**

The Town plans for public installation of art work. It is the objective of the Public Art Program to provide the community with the opportunity to enjoy access to a variety of art work and to work with a variety of artists over time. Local Los Gatos artists shall receive preferred consideration under the Public Art Program. Artists and art work from other geographic regions shall also be considered for inclusion.

**IV. Procedure**

- A. Art work which is to be considered for public installation shall be first reviewed by the Public Art Subcommittee (hereinafter Subcommittee), a subcommittee of the Commission. The Subcommittee shall meet only on an as-needed basis in order to consider art work under the scope of this Public Art Policy. The Subcommittee shall develop a written recommendation to the Commission. The recommendation shall include one or more proposed locations for placement of the proposed art work.
  - 1. Should the Subcommittee find that the proposed installation might have an impact on a Town park, the Subcommittee shall solicit a written recommendation from the Town of Los Gatos Parks Commission, which shall be included in the Subcommittee's recommendation to the Commission.

- B. The Commission shall consider the written recommendation of the Subcommittee at a public meeting. If the Commission finds that the proposed installation would have an impact on an identifiable section of the Los Gatos community, the Commission may also hold a community meeting. The Commission shall develop a written recommendation to the Town Council.
- C. The Town Council shall consider the written recommendation of the Commission at a public meeting. The Town Council shall make the final decision regarding a proposed public installation of art work, including its location.
- D. This procedure shall also be followed for consideration of renewal or non-renewal of loaned art work, and of the proposed deaccession of art work.

V. **Criteria and Conditions for Selection**

- A. The Town shall make no promises to exhibit art work permanently or to maintain art work as the property of the Town in perpetuity.
- B. The Town shall maintain a responsible collection, maintenance, and deaccession policy and procedure for art works which are accepted as part of the Town's Public Art Program.
- C. No acquisition shall be accepted without written permission and approval from the Town Council.
- D. Acceptance shall result in a contract between the donor or artist and the Town. (A contract for art work which is loaned will include a clearly defined period of time, with the lender retaining title to the art work.)
- E. The following shall be criteria for determining whether an art work is acceptable:
  1. **Aesthetics:** It shall be deemed to be an art work of lasting aesthetic value.
  2. **Quality:** There is inherent quality in the art work itself (i.e. art work shall not necessarily be accepted based on the artist's overall reputation).
  3. **Style:** An art work shall be compatible in scale, materials, form, and content with its surroundings.
  4. **Permanence:** Due consideration shall be given to structural/surface soundness, resistance to theft, vandalism, weathering, and excessive maintenance repair costs.
  5. **Public Liability:** Each art work shall be examined and approved for safety conditions and factors which may bear upon public liability.
  6. **Diversity:** The overall Public Art Program shall consider diversity in style, scale, and media.
  7. **Technical Feasibility:** (For purchases or commissions) Each art work shall be examined for convincing evidence of the artist's ability to successfully complete the art work as proposed.
  8. **Duplication:** To assure that the art work will not be duplicated, the artist shall be asked to warrant that the art work is unique and an edition of one, unless stated to the contrary in the contract. (Multiples shall be considered for selection at the discretion of the Commission.) **Public Comment:** The input of the community shall be solicited by the Subcommittee, Commission, and Town Council.

**VI. CRITERIA FOR CONSIDERATION FOR ART WORK PLACEMENT**

Prior to placement of an art work, the following factors shall be considered:

- A. Visibility
- B. Lighting
- C. Public Safety
- D. Traffic Patterns: interior, exterior, foot, and auto
- E. Location: relationship to existing art work, architecture, and natural features in the proposed vicinity
- F. Future development plans for the area
- G. Impact on the community or neighborhood in the proposed vicinity