



**TOWN OF LOS GATOS
SPECIAL JOINT MEETING OF THE TOWN COUNCIL AND
THE ARTS AND CULTURE COMMISSION AGENDA
APRIL 06, 2021
110 EAST MAIN STREET
LOS GATOS, CA**

*Marico Sayoc, Mayor
Rob Rennie, Vice Mayor
Mary Badame, Council Member
Matthew Hudes, Council Member
Maria Ristow, Council Member*

PARTICIPATION IN THE PUBLIC PROCESS

How to participate: The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item on the agenda, please follow the participation instructions on page 2 of this agenda. If you wish to speak to an item NOT on the agenda, you may do so during the “Verbal Communications” period, by following the participation instructions on page 2 of this agenda. The time allocated to speakers may change to better facilitate the Town Council meeting.

Effective Proceedings: The purpose of the Town Council meeting is to conduct the business of the community in an effective and efficient manner. For the benefit of the community, the Town of Los Gatos asks that you follow the Town’s meeting guidelines while attending Town Council meetings and treat everyone with respect and dignity. This is done by following meeting guidelines set forth in State law and in the Town Code. Disruptive conduct is not tolerated, including but not limited to: addressing the Town Council without first being recognized; interrupting speakers, Town Council or Town staff; continuing to speak after the allotted time has expired; failing to relinquish the podium when directed to do so; and repetitiously addressing the same subject.

Deadlines for Public Comment and Presentations are as follows:

- Persons wishing to make an audio/visual presentation on any agenda item must submit the presentation electronically, either in person or via email, to the Clerk’s Office no later than 3:00 p.m. on the day of the Council meeting.
- Persons wishing to submit written comments to be included in the materials provided to Town Council must provide the comments as follows:
 - For inclusion in the regular packet: by 11:00 a.m. the Thursday before the Council meeting
 - For inclusion in any Addendum: by 11:00 a.m. the Monday before the Council meeting
 - For inclusion in any Desk Item: by 11:00 a.m. on the day of the Council Meeting

***Town Council Meetings Broadcast Live on KCAT, Channel 15 (on Comcast) on the 1st and 3rd Tuesdays at 7:00 p.m.
Rebroadcast of Town Council Meetings on the 2nd and 4th Mondays at 7:00 p.m.
Live & Archived Council Meetings can be viewed by going to:
www.LosGatosCA.gov/TownYouTube***

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]

TOWN OF LOS GATOS
SPECIAL JOINT MEETING OF THE TOWN COUNCIL AND THE ARTS AND CULTURE
COMMISSION AGENDA
APRIL 06, 2021
5:45 PM

IMPORTANT NOTICE REGARDING THE APRIL 6, 2021 SPECIAL JOINT MEETING

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29- 20 dated March 17, 2020, regarding the COVID- 19 pandemic. The live stream of the meeting may be viewed on television and/or online at www.losgatosca.gov/AgendasAndVideos. **In accordance with Executive Order N-29- 20, the public may only view the meeting on television and/or online and not in the Council Chamber.**

PARTICIPATION

If you are not interested in providing oral comments in real-time during the meeting, you can view the live stream of the meeting on television (Comcast Channel 15) and/or online at www.LosGatosCA.gov/TownYouTube.

If you are interested in providing oral comments real-time during the meeting, you must join the Zoom webinar:

- Join from a PC, Mac, iPad, iPhone or Android device: click this link <https://us02web.zoom.us/j/86510147967?pwd=K05DTEVNVnV5T2JOT051cFlCdXpMUT09>. Passcode: 159199 You can also type in 86510147967 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join>.
- Join by telephone: Dial: 877 336 1839. Conference code: 986172

During the meeting:

- When the Chair announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- When called to speak, please limit your comments to three (3) minutes, or such other time as the Chair may decide, consistent with the time limit for speakers at a Council meeting.

If you are unable to participate in real-time, you may email to PublicComment@losgatosca.gov the subject line “Public Comment Item #__” (insert the item number relevant to your comment) or “Verbal Communications – Non Agenda Item.” Comments will be reviewed and distributed before the meeting if received by 5:00 p.m. on the day of the meeting. All comments received will become part of the record. The Mayor has the option to modify this action on items based on comments received.

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REMOTE LOCATION PARTICIPANTS

The following Council Members are listed to permit them to appear electronically or telephonically at the Town Council meeting: MAYOR MARICO SAYOC, VICE MAYOR ROB RENNIE, COUNCIL MEMBER MARY BADAME, COUNCIL MEMBER MATTHEW HUDES, COUNCIL MEMBER MARIA RISTOW, CHAIR MICHAEL MILLER, VICE CHAIR ELLIS WEEKER, COMMISSIONER AMY FASNACHT, COMMISSIONER THOMAS SPILSBURY, COMMISSIONER MAUREEN CAPPON-JAVEY, COMMISSIONER PAMELA MURPHY, and YOUTH COMMISSIONER ANJALI VAIDYA. All votes during the teleconferencing session will be conducted by roll call vote.

MEETING CALL TO ORDER

VERBAL COMMUNICATIONS *(Up to three minutes may be allotted for each comment on any item on the agenda consistent with the Participation Instructions contained on page 2 of this agenda.)*

OTHER BUSINESS *(Up to three minutes may be allotted to each speaker on any of the following items.)*

1. Review and Discuss the Arts and Culture Commission Accomplishments and Goals.

ADJOURNMENT *(Council policy is to adjourn no later than midnight unless a majority of Council votes for an extension of time)*

Writings related to an item on the Town Council meeting agenda distributed to members of the Council within 72 hours of the meeting are available for review on the official Town of Los Gatos website.

Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/06/2021

ITEM NO: 1

DATE: April 6, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Review and Discuss the Arts and Culture Commission Accomplishments and Goals

RECOMMENDATION:

Review and discuss the Arts and Culture Commission accomplishments and goals.

BACKGROUND:

The Arts and Culture Commission (ACC) currently operates under the provisions of Resolution 2016-051 (Attachment 1) approved by Council in 2016, which replaced a previous Resolution from 2009, which replaced an older Resolution from 1992. Under the current resolution, the ACC consists of seven voting members of which one also serves as a member of the Youth Commission.

The ACC meets on the third Wednesday of each month at 4:00 p.m. The Library Director serves as the staff liaison to the ACC and acts as the interface with other Town Departments as necessary and appropriate for the facilitation of ACC goals.

Per Resolution 2016-051, the primary duty of the ACC is to advise Council on Town policies regarding art, drama, music, and other creative activities. However, it is noted that outside of this advisory role for policy, the ACC has since at least 1992 taken an active role in the production of arts related projects. At various points between 1992 and the present, these projects have included the *Catwalk* sculptures on Santa Cruz Avenue, the Gateway project, Music in the Park, and the Main Street Bridge Mural.

The most recent workplan of the ACC is the Arts Plan Strategic Planning Process (Attachment 3), approved by Council in April of 2017, which contains both elements of advising policy as well as facilitating projects.

PREPARED BY: Ryan Baker
Library Director

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

DISCUSSION:

Accomplishments and Projects Near Completion

Working under the framework of the Arts Plan Strategic Planning Process, the notable accomplishments from the previous year and the current year (including projects that are slated for completion by June 30, 2021) are:

- The pending completion of an ordinance for a public arts requirement for new commercial development currently slated to be introduced to Council on April 20, 2021.
- The pending completion of the logistical documents and guidelines for developers to select and install public artwork in accordance with the ordinance stated above.
- The pending completion of the first sculpture installation of the Gateway sculpture project near Hwy 17 onramps/offramps on Los Gatos-Saratoga Road, currently slated for final installation on or about June 1, 2021.
- Serving on the art selection committee for Parks and Public Work's "Out of the Box" utility box artwork project.
- Serving in cooperation with the Community Health and Senior Services Commission on the Town's Community Grants committee which evaluates and recommends grant awards.
- Serving on the Town's Poet Laureate selection committee.
- Building relationships with artists for potential future projects.
- Contributing to the arts-related components of the General Plan Update.

Goals

Drawing from the framework of the Arts Plan Strategic Planning Process, the ACC has identified the following specific goals for work during the coming two-year period. The ACC would appreciate Council input as to how these should be prioritized or alternatively, if items should be dropped from this list due to budgetary, logistical, or other reasons. The current goals are:

- Commission and install a public art sculpture in an unused former bus stop near the corner of North Santa Cruz Ave and Los Gatos-Saratoga Road (project currently not funded).

DISCUSSION (continued):

- Begin work on an update of the Arts Strategic Plan with community involvement.
- Research additional forms of funding to support public arts in Los Gatos, including grants, sponsorships, or donations based on Council direction.
- Research the feasibility of procurement of deaccessioned artwork from third-party agencies (project not currently funded).
- Begin process of confirming locations and permissions for the second and third sculptures in the Gateway project and releasing the Calls for Artists (project not currently funded).
- Work in partnership with local schools to install a student mural on the bulkheads of the Forbes Mill Footbridge (project not currently funded).
- Improve communication and awareness of ACC activities to the community, including outreach and social media involvement.
- Solidify a workplan for the installation of murals in various locations throughout the Town (project not currently funded).
- Engage with the Chamber of Commerce, the New Museum of Los Gatos (NUMU), and other organizations to research possible partnerships.

Equity, Diversity, and Inclusion

The ACC feels strongly that public arts must recognize the wealth of creativity, ideas, traditions, and backgrounds of an ever-evolving community. The ACC wishes to provide opportunities for all community members to be represented and feel engaged. These opportunities could be through engaging in partnerships, providing more opportunities for community members to make or interact with the arts, commissioning artwork from a broad range of artists representing different experiences, and actively seeking potential new Commissioners that represent a broader cross section of creative thought and point of view. The ACC notes that its current roster of Commissioners is not representative of the community as a whole and hopes to have a more active role in recruiting future candidates.

The ACC has reviewed its Enabling Resolution (Attachment 1) and notes that section 1a has the stated requirement that “One (1) member of the Commission shall be an arts professional...” The ACC has expressed that this is not well defined and could be a possible barrier to entry to

DISCUSSION (continued):

an otherwise qualified candidate. The Commissioners express that the passion and desire to be involved in the arts combined with a wide range of backgrounds and creative ideas among the balance of all Commissioners should be the primary selection consideration of a potential new Commissioner. While professional experience in the arts is helpful, the ACC does not feel it is a requirement to fill the role. Additionally, the ACC notes that many of the questions asked in the Commissioner Application (Attachment 2) are targeted towards established previous involvement in arts organizations and may be a limiting factor to obtaining a broader number of applicants.

Questions for Discussion

In order to best support the Council in their vision as it pertains to the arts in Los Gatos, the ACC has areas in which it seeks Council direction and/or specific clarification on the scope of the roles and duties of the Commission as it moves forward:

1. The Enabling Resolution clearly states that the role of the Commission is to advise Council regarding Town policies on art, drama, music, and other creative activities of the community. The ACC feels however, that since Town-directed projects regarding the arts are so few, there is little from an advisory standpoint that they can contribute towards. Over time this has shifted the work of the Commission from a purely advisory body to what the Commissioners feel is a project facilitation body. The ACC would like the Council to clarify the following in this regard:
 - a. Should the primary role of the ACC be advisory, project-based, or some combination of the two?
 - b. If advisory, what items do you envision should be directed to the ACC for input?
 - c. If project-based, the ACC asks the Council to acknowledge that projects will in most circumstances have a financial commitment associated with them. Is Council comfortable with the ACC working on projects that will inevitably be attached directly to funding requests?

2. The ACC understands that it has no jurisdiction or decision-making authority over artwork such as murals on an existing privately-owned building where no public funding is contributed or no public art funding requirement is involved, and further, that the content of a publicly visible mural on an existing private building is generally an agreement between the building owner and the artist. Despite these limitations, the ACC and community members have expressed the desire to see public murals as part of a thriving downtown.
 - a. To what extent should the ACC pursue facilitating murals or other public art on privately owned buildings in downtown (or elsewhere in town) with or without public funding?

DISCUSSION (continued):

- b. To what extent should the ACC pursue or seek to engage in public-private partnerships for arts projects?

3. The Public Arts Selection Policy (Attachment 4) is intended for the donation of physical artwork as an in-kind donation. The Town Donation Policy (Attachment 5) forms the framework by which the Town accepts and receives donations when appropriate. The ACC would like clarification on the Town's and/or Commission's ability to solicit for monetary sponsorships or identify donors for the purpose of commissioning new public artworks or supporting performing arts events:
 - a. To what extent should the Commissioners be, or not be, engaged in soliciting for monetary sponsorships or donations to support the arts?
 - b. What potential outside or private funding mechanisms should the Commissioners judge as safe/appropriate to pursue?

4. The ACC wishes to engage in partnerships with organizations that have the skills, personnel, and expertise to facilitate the growth of public arts in Los Gatos through visual and performing arts. However, the ACC recognizes that most potential partner organizations are primarily in need of funding to facilitate projects and generally have their own internal team of project management, idea generation, or advisory help to which the ACC would be redundant.
 - a. What role does the Council see the ACC playing for facilitating partnerships if the ACC cannot assist in a funding role?
 - b. Would the Council consider increasing the overall amount of Community Grant funding available to organizations?

Staff notes that the ACC is the only one of the 13 active Boards and Commissions that has been allocated project funding in the past. When available, designated funding is tied to the CIP budget. Annual Community Grants funding is allocated from the Town Manager's budget and is recommended for allocation by a committee made up of equal members from the Community Health and Senior Services Commission and members of the Arts and Culture Commission.

CONCLUSION:

The ACC has operated for over three decades with a multitude of different Commissioners changing seats and under dozens of different Councilmembers. Time and changes inevitably lead to some confusion, but also opportunities to chart new directions. The ACC looks forward to this discussion to clarify how the current Council envisions the Commission's roles, opportunities, and boundaries going forward.

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SUBJECT: Arts and Culture Commission Joint Study Session

DATE: April 6, 2021

Attachments:

1. Enabling Resolution (2016)
2. Commissioner Application (undated)
3. Arts Plan Strategic Planning Process (2017)
4. Public Art Selection Policy (2009)
5. Town Solicitation and Donation Policy (2015)

RESOLUTION 2016-051

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING THE ARTS AND CULTURE COMMISSION ENABLING RESOLUTION AND RESCINDING RESOLUTION 2009-100

WHEREAS, the Town Council of the Town of Los Gatos does hereby establish the terms and conditions for appointment to and conduct of the Arts and Culture Commission. The Commission is advisory to the Town Council and operates in the manner hereinafter prescribed.

NOW THEREFORE, BE IT RESOLVED:

1. Membership-Organization

- a. The Commission shall consist of seven members. Membership composition shall be six (6) adult voting members, whose terms of office shall be three (3) years and until their successors are appointed by the Town Council, and one (1) Youth Commissioner as a voting member, whose term of office shall be for one (1) year with no limitations on reappointments. One (1) member of the Commission shall be an arts professional, such as an artist, art historian, art administrator, museum professional, or architect.
- b. The terms of office of the respective members shall be staggered and overlapped in such a manner that the terms of no more than three (3) of the members expire each year.
- c. The Commission shall annually designate a Chairperson and Vice-Chairperson.
- d. A majority of members shall constitute a quorum of the Commission for the purpose of transacting business. Any member shall have the right to present a minority view to Council in reference to any report or recommendation the Commission may take.
- e. The members of the Commission shall serve without compensation, provided that with advance budgetary approval of the Town Council, the actual and necessary expenses (if any) incurred by the members in the conduct of Town business shall be reimbursable pursuant to the provisions of the current Administrative Policy.
- f. The Commission shall establish a regular time and location for its meetings and shall otherwise call and conduct its meetings in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 and following).
- g. A record of all minutes and resolutions of the Commission shall be kept and shall be a public record.
- h. Residency and meeting attendance requirements will conform with all current Town Resolutions and Policies.

2. Duties and Functions

- a. The function of the Commission shall be to serve in an advisory capacity to the Town Council regarding Town policies within its scope of expertise; specifically, on the art, drama, music, and other creative activities of the community. With

the prior approval of, and/or at the direction of, the Town Council or its delegate, the Commission shall receive public input, evaluate options, and make recommendations on policy issues including, but not limited to, the following:

- i. Matters affecting the artistic and/or cultural life of the community; and
 - ii. Local visual and performing arts efforts; and
 - iii. Matters in the field of art, aesthetics, and beautification.
- b. The Commission shall make recommendations to the Town Council concerning public art, under the terms of the current Town Public Art Selection Policy and Procedure.
 - c. The Commission shall perform other duties as assigned by the Town Council.

BE IT FURTHER RESOLVED that Resolution 2009-100 is hereby rescinded.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 18th day of October, 2016, by the following vote:

COUNCIL MEMBERS:

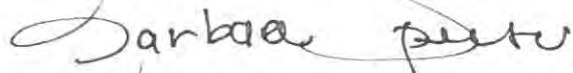
AYES: Marcia Jensen, Steve Leonardis, Marico Sayoc, Mayor Barbara Spector

NAYS: Rob Rennie

ABSENT: None.

ABSTAIN: None.

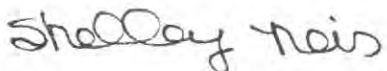
SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 10/20/16

ATTEST:



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

DATE: 10/20/16

2 of 2

ARTS AND CULTURE COMMISSION APPLICATION

Contact: Clerk Department

110 East Main Street, Los Gatos, CA 95030
(408) 354-6888 or Clerk@LosGatosCA.gov

**Note: Only the text that shows in the boxes is visible.
Please do not go beyond the borders of the boxes.**

FIRST NAME:	_____	LAST NAME:	_____
ADDRESS:	_____	CITY:	_____ ZIP CODE: _____
CELL PHONE:	_____	WORK PHONE:	_____
EMAIL ADDRESS:	_____	HOME PHONE:	_____
EMPLOYER:	_____	JOB TITLE:	_____

HOW LONG HAVE YOU LIVED IN LOS GATOS?

*If appointed your name, phone number, and email address will be made available to the public.

Please list all previously held elected or appointed governmental positions. Include the Position/Office held and the associated dates.
(e.g. Mayor, City of San Jose, 1990-1994)

Please list any civic charitable organizations you have belonged to. Include the Position/Office held and the associated dates.
(e.g. Coach, Little League, 1982-1989)

Please list any schools that you have attended or are currently attending. Include your major subject area and/or grade level.
(e.g. San Jose State University, BA in History)

Why are you interested in serving on the Arts and Culture Commission?



Have you ever attended an Arts and Culture Commission meeting? If yes, please provide a summary of your observation. If not, why not?



What do you see as the role of this Commission?



How will you balance your personal interests with the broader role of the Commission?

A large, empty rectangular box with a black border, intended for the respondent to provide an answer to the question above.

What is your current involvement in the arts?

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What is your experience with public art programs?

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What has been your experience or involvement with non-profit agencies?

What has been your experience or involvement with grant programs?

All applicants are required to be interviewed to be considered for appointment as a Commissioner.
All applicants will be contacted via email with the interview date and time.

Signature: _____

Date: _____

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THE INTERVIEW PROCESS, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834.

NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY [28 CFR §35.102-35.104]

Submit via Email

Art Plan Strategic Planning Process

<p align="center">GOAL I</p> <p align="center">PUBLIC ART</p> <p align="center"><i>Encourage the development of public art</i></p>	<p align="center">GOAL II</p> <p align="center">FUNDING</p> <p align="center"><i>Explore a variety of public, non-profit, and private funding sources to support art programs and projects throughout Town</i></p>	<p align="center">GOAL III</p> <p align="center">COMMISSION ENGAGEMENT & OUTREACH</p> <p align="center"><i>Explore ways to improve Commission engagement and outreach to the Town Council, general public, various private, cultural, arts organizations, and artists</i></p>
<ul style="list-style-type: none"> ● Catalog of existing public art and create a map on Town’s website ● Compile a list of potential public art spaces and opportunities ● Research other public art programs ● Inventory of arts organizations ● Consider establishing performance goals and/or metrics for art installations Review and revise the Public Art Policy ● Conduct Public Survey ● Continue support of Public Art projects <ul style="list-style-type: none"> ○ Art in the Council Chambers ○ Utility Box Art Program ○ Footbridge Art Program ● Research new Public Art projects <ul style="list-style-type: none"> ○ Gateway project ○ Social media/photography contest ○ 1st Friday’s Art walk ○ Los Gatos Film Festival ○ Art pop-ups @ Farmers Market ○ Revival of Pageant plays or productions ○ Artist in residence programs 	<ul style="list-style-type: none"> ● Explore establishing a Public Art trust fund <ul style="list-style-type: none"> ○ Identify methodology for accepting private funds/grants for art ○ Investigate developing a Commercial or Residential Development percent for Art Funding policy ○ Explore potential grant opportunities/donations to the Town ● Create an inventory of available art grants ● Choose and prioritize grants based on public art goals 	<ul style="list-style-type: none"> ● Establish a distinguished & emerging artist stipend ● Public Art web page update ● Re-evaluation of the Town’s annual Art Grant funding ● Establish community partnerships

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:

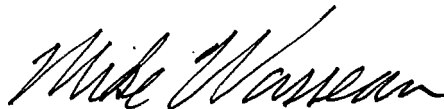
AYES: Diane McNutt, Joe Pirzynski, Steve Rice, Barbara Spector, Mayor Mike Wasserman

NAYS:

ABSENT:

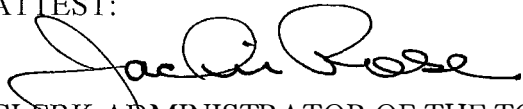
ABSTAIN:

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



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

ATTACHMENT 4

**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



Title: Solicitation and Donation Policy

Policy Number: 2-17

Effective Date: 10/6/15

Pages: 4

Enabling Actions:

Revised Date:

Approved:

PURPOSE

The purpose of this policy is to effect Town donations and solicitations in a manner that complies with both the letter and spirit of California ethics laws and, within that that framework, to expand the potential for community donations by establishing a mechanism by which individuals and organizations may be more readily advised of donation opportunities.

SOLICITATION GUIDELINES

Targeted Solicitation

Targeted solicitation is defined as the direct petition or contact of specific individuals, companies, foundations or other entities initiated by the Town Council and other elected officials, Council advisory bodies, and Town employees herein called "Town Officials" for the purpose of receiving goods, services, or other contributions for the Town. Targeted solicitation excludes the direct petition for government, private, or non-profit grants for Council-approved programs, projects, and services. Unless prior approval has been given by the Council, Town Officials shall not engage in targeted solicitation activities on behalf of the Town.

BROAD OUTREACH GUIDELINES

Broad Outreach

Broad outreach is defined as the process of informing a broad spectrum of individuals, companies, foundations, non-profit organizations, or other entities of donation opportunities through various communication vehicles, including but not limited to written, electronic, or internet-related publications, flyers, brochures, news releases, and television or radio announcements. Broad outreach is permitted by the Town Manager or designee subject to the guidelines provided in this policy.

The following broad outreach guidelines apply when communicating a Town need for goods, services, or other contributions:

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- Broad outreach must relate to a Town Council-approved purpose, service, project, or program.
- Broad outreach for goods, services, or other contributions should be made by using a variety of communication methodologies to ensure outreach to the entire community.
- Donations shall not be made under the guise, pretense, or presumption of receiving official Town endorsement or approval of the donating party, product, project, or activity.

PROCEDURE FOR ESTABLISHING COUNCIL APPROVED TOWN NEEDS

The Council shall direct the Town Manager to develop a list of recommended Town needs for donation opportunities. Council consideration and approval of the list of Town needs may occur as part of the annual operating and capital budget development process and can be amended by Council at any time.

DONATION ACCEPTANCE GUIDELINES

All goods, services, or other contributions offered by individuals, companies, foundations, non-profit organizations, or other entities will be considered for acceptance or rejection, including items offered for donation that are identified on a Council approved list of needs. The acceptance of all donations to the Town will be based on the following guidelines.

- Purpose of the donation.
- Community or municipal need for the donation.
- Compatibility of the donation with Los Gatos Municipal Code, policies, programs, and other applicable laws.
- Timeliness of the donation as it relates to implementation.
- Level of benefit and financial impact to the Town.

All donations should be reviewed by the Town Manager or designee in advance of acceptance to ensure consistency with established policy guidelines.

AUTHORITY TO ACCEPT DONATIONS

The authority to accept all donations is based on the market value of the donation as reasonably determined.

Donations \$25,000 and Under

The Town Manager or designee is authorized to accept or reject all minor donations that have a market value equal to or less than \$25,000.

Donations over \$25,000

The Town Council shall consider and accept or reject all major donations that have a market value greater than \$25,000.

Ongoing Annual Donations from 501(c)(3) Organizations dedicated to supporting specific Town Departments in Offering Community Services:

- Potential uses for donation funds will be discussed and agreed upon with the respective non-profit bodies, in accordance with the Council approved Solicitation and Donation Policy.
- Funds donated will be placed into accounts as designated by the Finance Director.
- The departments may expend donated funds once received and deposited into the appropriate account only for items identified on the Council approved Town of Los Gatos Donation Opportunities List of Town Needs, which is approved annually with the Town's operating budget.
- At the end of each fiscal year, a written listing of items purchased from these accounts, in accordance with the Donation Policy, shall be provided to the Town Manager and Town Council.

PROCEDURES FOR ACCEPTING MAJOR DONATIONS

For all major donations, a staff report, containing analysis based on the donation acceptance guidelines established in this policy, will be written to guide the Council when considering major donations. The report will also provide donation recognition alternatives for Council consideration should the donation be accepted. The Council will determine on a case by case basis if the donation should be accepted or rejected.

DONOR RECOGNITION GUIDELINES

Acceptance of donations shall be acknowledged by the Town. Donation recognition practices shall be implemented in a consistent manner and adhere to Town Municipal Code, all applicable laws, regulations, and policies. Recognition of donations will be determined by the Council or Town Manager and shall be consistent with acceptance requirements of this policy and the guidelines set forth below:

Donations accepted by the Town may be acknowledged through one or more of the forms of recognition as indicated below. Other forms of recognition may be approved by the Town Council via resolution if compelled by special circumstances which shall be specified in the resolution.

- Written and/or verbal recognition.
- Public recognition at Town Council meetings.
- Inclusion in Town public communication materials, such as electronic media and selected publications.
- Plaques.

Plaques may be used to commemorate donations accepted by the Town from persons, businesses, and organizations according to the following standards:

Plaques used for recognition purposes may be affixed to an appropriate Town facility, which includes, but is not limited to a building or any portion thereof, structure, equipment, furniture or natural asset. Plaques shall include the name(s) of the person(s) being recognized and applicable date, with standard wording limited to:

- The Town of Los Gatos recognizes and appreciates _____ [and his/her family] for [his/her/their] donation to [identify facility].
- The Town of Los Gatos recognizes and appreciates _____ [business or organization] for its donation to [identify facility].
- The Town of Los Gatos recognizes and appreciates _____ for [his/her/its] donation to [identify facility] in the name of _____.
- Or language acceptable to the Town Council.

The size of the plaque shall not exceed 8"x10," unless the number of donors exceeds the allowable space. For multiple donors, the names of the donors should be proportioned thereto, and the size of the plaque shall not exceed four (4) square feet. The location, materials, size and color of plaques shall be consistent with acceptance requirements of this policy or by Council on a case by case basis should special circumstances exist, which shall be specified in a resolution. Unless compelled by special circumstances and approved by the Town Council via resolution, Town facilities shall not be named after an individual, group, organization or business as a result of any donated good, service, or other contribution to the Town.

APPROVED AS TO FORM:

Robert Schultz, Town Attorney