



AGENDA
CITY OF SEASIDE
ART AND HISTORY
COMMISSION

REGULAR MEETING
Oldemeyer Center
986 Hilby Avenue
Tuesday, April 9, 2019
5:45 PM

1. CALL TO ORDER

2. ROLL CALL - ESTABLISHMENT OF QUORUM

ART AND HISTORY COMMISSION

Steven Russell
Janies Silveria
Michael Wildgoose
Francoise Avery
Emily Ventura
Yollette Merritt
Emerson Brown

Chair
Vice Chair
Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

3. PUBLIC COMMENT

4. APPROVAL OF MINUTES

A. MARCH 12, 2019 MINUTES

5. REVIEW OF AGENDA

If there are any items that arose after the 72-hour posting deadline, this is the point in the meeting where a vote may be taken to add the item to the agenda. (A 2/3-majority vote is required).

6. BUSINESS ITEMS

A. ANNUAL REPORT TO COUNCIL

1. Prepare final report for Council

B. ART IN PUBLIC PLACES

1. Update and discussion on final draft

C. PLANS FOR FALL 2019 AVERY GALLERY SHOW

D. UPDATES

RECOMMENDATION:

1. 102 Things to do in Seaside
2. Archive Storage and Chamberlin Library

7. COMMISSIONER REPORTS

8. STAFF COMMUNICATION

9. ADJOURNMENT

**Next Regularly Scheduled Meeting:
May 14, 2019
Time: 5:45 p.m.
Oldemeyer Center**

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MINUTES

CITY OF SEASIDE ART & HISTORY COMMISSION

REGULAR MEETING
Oldemeyer Center
986 Hilby Avenue
Tuesday March 12, 2019
5:45 p.m.

1. **CALL TO ORDER:**

The meeting was called to order at: 5:54 p.m.

2. **ROLL CALL – ESTABLISHMENT OF QUORUM:**

ART AND HISTORY COMMISSION:

Steven Russell	Chair	<u>X</u>
Janie Silveria	Vice Chair	<u>X</u>
Michael Wildgoose	Commissioner	<u>X</u>
Francoise Avery	Commissioner	<u> </u> (Excused Absence)
Emily Ventura	Commissioner	<u>X</u>
Yollette Merritt	Commissioner	<u>X</u>
Emerson Brown	Commissioner	<u>X</u>

STAFF:

Nancy Towne X Sandra Gray X Terry Navarro X Ashley Collick X

VISITORS & GUESTS:

- * Kelsey Micols – Student at CSUMB
- * Phoenix Redstone – Local Artist
- * Eli Redstone

3. **PUBLIC COMMENTS:**

- * Phoenix Redstone stated she is a local artist that lives in Seaside. She has noticed a lot of progression of the city. She feels that the city needs public art. She would like to be part of the public utility boxes project and love to paint them. Phoenix has painted a mural and it is up at Highland Elementary School. She has four days a week that she can paint.
- * Eli Redstone stated that if people see art on the public utility boxes, there might not be so much graffiti. Phoenix stated that there are finishes that you can put over the painting that is graffiti resistant and it would be easy to clean off without ruining the painting on the boxes.

- * Commissioner Russell stated they should start with the large public utility boxes on Broadway/Obama Way because they get hit with a lot of graffiti. He stated that he has pictures of the boxes. They need to get in touch with the utility companies to get permission to paint them. The Commissioners need to submit a proposal and write a memo with pictures to the City Engineer. The City Engineer should be able to assist with what utility companies to contact. This may have to go BAR and City Council.

4. APPROVAL OF FEBRUARY 12, 2019 MINUTES:

- * Yollette Merritt/Michael Wildgoose M/S/P

5. BUSINESS ITEMS:

a. Art in Public Places:

- ** Update and discussion on final draft:

- * The Commissioners plan to take home a hard copy of the latest version of the Art in Public Places document to review and make changes if needed. They will bring their ideas and changes to the next month Art & History Commission meeting to discuss and come up with a final draft.

b. Annual Report to Council:

- ** Prepare report for Council:

- * The Commissioners plan to take home a hard copy of the 2018 Art and History Commission Work Plan to review and make changes if needed. They will bring their ideas and changes to the next month Art & History Commission meeting to discuss and come up with a 2019 Work Plan.

c. 102 Things to do in Seaside:

- ** Submit lists of changes:

- * Commissioner Russell has a small list of changes started. Commissioners discussed different things to add to the list. He asked staff and the Commissioners to email him any ideas and changes they have before the next Art & History Commission meeting.

d. Seaside History Exhibit:

- ** Discuss exhibit ideas and begin planning:

- * Commissioner Wildgoose stated the first plan he has is to have a history exhibit in chronological order; beginnings, developers, Fort Ord, etc. One of the phases would be "What held Seaside together – Strong Community, Fort Ord families that came to Seaside and stayed and the churches". The next phase would be "Why Seaside survived the last 30 years since Fort Ord closed". There are lots of Photographs and maps. Commissioner Wildgoose stated the second plan he has is

“Myth verses Reality”.

- * The Commissioners discussed different ideas for the History Exhibit. The plan for the History Exhibit should be completed by May 2019 and the work should be completed by August 2019. The Staff and Commissioners discussed where they are going to work on the exhibit. One of the rooms at the Oldemeyer Center would be ideal.

e. Updates:

**** Oral History project:**

- * Commissioner Wildgoose handed out a list of interviewee information and future interviewees. The Commissioners reviewed and discussed the lists.

**** City Birthday plans:**

- * This year is Seaside 65th birthday on October 13, 2019. There are no set plans yet and will probably be discussed in May.

**** Archive Crawl plan:**

- * There will be an archive crawl. They plan to have it in smaller and walkable area. They are looking for a larger facility for everyone can bring their stuff. It will be on October 12, 2019 – October 13, 2019.

6. REPORTS FROM STAFF:

- * Staff reported about Youth Art Exhibit at the Avery Gallery. Staff stated that there was over 200 pieces entered and hung for the exhibit. They had some problems with some of the framing of the art due to improper wiring. Next year, if the framed art is not wired correctly, it will not be accepted. The reception is on Friday, March 15, 2019 from 7:00 p.m. to 8:30 p.m.

7. REPORTS FROM COMMISSIONERS:

- * Commissioner Russell reported that next year the day for the judging for Youth Art Exhibit will change. It will be judged on Sunday (the day after the art is installed) instead of Saturday (the same day the art is installed). The categories next year will be graphics, paintings, 3-D, photography and digital.
- * Commissioner Wildgoose reported that he and Commissioner Silveria have been working on the Chamberlin library project. CSUMB have offered the little chapel (classrooms) to a group of people to turn it into offices. They may turn it into a Fort Ord Military Museum or History Center. CSUMB is not going to fund it. It looks like they going to lease it to the group to use the property.

* Commissioner Wildgoose reported that there is a hope in the black community to have a Black Heritage Center. The both branches of the NAACP are interested. The Army is still interested in Chamberlin library.

8. **ADJOURNMENT:** 7:36 p.m.

Next Regularly Scheduled Meeting

April 09, 2019

Time: 5:45 p.m.

Oldemeyer Center

Attachment from
the March 12, 2019
Meeting

ITEM NO. _____

**CITY OF SEASIDE
STAFF REPORT**

TO: Honorable Mayor and City Council

FROM: Daniel E. Keen, City Manager

BY: Dave Pacheco, Recreation and Community Activities Supervisor
Nancy Towne, Recreation and Community Activities Director

DATE: August 15, 2002

SUBJECT: A RESOLUTION APPROVING THE ESTABLISHMENT OF AN
ART IN PUBLIC PLACES PROGRAM IN THE CITY OF SEASIDE.

PURPOSE

The purpose of this item is to obtain Council approval to establish an "Art in Public Places" policy regarding the acquisitions and installation of public art for the City of Seaside. The principal goals for acquiring and displaying works of art on public property are:

- To enrich the public environment for both residents and visitors to the area through the visual arts
- To enable Seaside to sustain and enhance its recognition as an art destination for visual arts
- To promote local artists
- To promote diversity through a variety of style, design and media

RECOMMENDATION

It is recommended that the City Council approve the resolution of the "Art in Public Places" policy.

BACKGROUND

Since 1998 the Seaside Art Commission have researched and obtained information for the purpose of establishing a policy that would address the City's ability to develop, upgrade and enhance the quality of life through the acquisition and display of public art in Seaside.

Cont'd.

There is currently no formal mechanism to deal with the permanent acquisition, installation or cataloging of permanent artwork in the City of Seaside. The Art in Public Places policy defines the acquisition process to include the gifting, loaning, purchasing and de-accessioning of all public art in the City of Seaside. Any acquisitions or installations shall receive the review and recommendation of the Seaside Art Commission and the approval of the City Council. The Art in Public Places policy shall also be used as a depository for bequests, grants or donations to include the establishment of a trust account designated for any donations or grants secured by the City of Seaside for visual art in public places.

FISCAL IMPACT

There is no fiscal impact associated with this item.

ATTACHMENTS

Exhibit I is attached to this staff report.

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE
ESTABLISHMENT OF ART IN PUBLIC PLACES POLICY IN THE CITY OF
SEASIDE**

WHEREAS, the City of Seaside wishes to establish an Art in Public Places policy for the community of Seaside to develop a process for the acquiring and displaying works of art on public property;

WHEREAS, establishment of an Art in Public Places policy will address the City's ability to develop, upgrade and enhance the quality of life through the acquisition and display of public art in Seaside;

WHEREAS, it is further intended for the City of Seaside through the Art in Public Places policy to enrich the public environment for both residents and visitors to the area through incorporation of the visual arts;

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Seaside to establish an Art in Public Places policy in the City of Seaside.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 15th day of August, 2002 by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

MAYOR JERRY SMITH

RECREATION AND COMMUNITY ACTIVITIES DEPARTMENT

986 Hilby Avenue
Seaside, CA 93955

Telephone (831) 899-6270

FAX (831) 899-6274

TDD (831) 899-6207

EXHIBIT A

**CITY OF SEASIDE
ART IN PUBLIC PLACES PROGRAM**

The Art in Public Places Program is directed, in part, towards developing and upgrading the City of Seaside's permanent art collection through acquisitions. Art in public places is hereby defined as:

Any Visual Work of art displayed for two weeks or more in open City of Seaside-owned areas, on the exterior of any City of Seaside-owned facility, within City of Seaside-owned Facility in areas designated as public areas, lobbies, public assembly areas, or on non-city property if the work of art is installed or financed, either wholly or in part, with City of Seaside funds procured by the City of Seaside.

INTENT AND PURPOSE. The quality of life of the community is greatly enhanced by high quality Public art. Therefore, it is the intent and purpose of the following to set forth a policy regarding the acquisitions and installation of public art. It is further intended for the City of Seaside through its Art in Public Places Program to celebrate its artistic heritage, embrace its cultural responsibilities and guarantee its future generations a rich artistic legacy.

GOALS. The principal goals for acquiring and displaying works of art on public property are:

- To enrich the public environment for both residents and visitors to the area through incorporation of the visual arts
- To enable Seaside to sustain and enhance its recognition as an art destination for visual arts.
- To promote local artists
- To promote diversity through a variety of style, design and media.

I. ACQUISITION.

Permanent installation (installation intended to remain one year or more) shall receive the review and approval of the Seaside Art Commission (also known as SAC) and City of Seaside City Council.

Acquisition is hereby defined as the inclusion of new works of art in the City of Seaside's permanent collection by gift, loan exchange or purchase with City of Seaside funds, corporate/private donations, and/or grants procured by the City of Seaside. In making acquisitions, the Seaside Art Commission shall make every effort to represent the broad variety of tastes within the community, and to acknowledge the wealth of resources within the local artistic community. In order to ensure a variety of style design and media representative of the eclectic tastes of the community, the Seaside Art Commission shall seek to acquire works of art of the highest possible quality.

The City of Seaside retains legal control of sites displaying public art.

Any and all art work donated to, or purchased by the City of Seaside shall be the exclusive property of the City of Seaside and the City shall have the right to retain, sell, or dispose of such works of art as deemed appropriate with the recommendation of the Art Commission.

A. The Art Commission shall consider the following criteria when reviewing works of art for purchase, loan or gift to the collection:

1. The aesthetic or historical significance of the object.
2. The object's physical condition and whether the object is of exhibition quality.
3. Whether the City already owns sufficient examples or better examples of this type of object or objects by a particular artist in a particular style.
4. Whether the City has the facilities necessary to properly care for the safe keeping of the object. (The City has limited storage space and must consider the cost of processing, insuring, and maintaining the new artwork.)
5. Whether sufficient funds are available.

B. In acquiring an object, the Art Commission is governed by its responsibility to:

1. Preserve and conserve the objects in the collection.
2. Catalogue the objects in the collections. Complete records of "accession" shall be made and maintained for all art works acquired.
3. Make the objects in the collection known to the public through display, publication and/or other educational means.
4. The Art Commission is governed in its acquisitions by ethical standards and takes all reasonable precautions to insure that it is acquiring objects of "licit Provenance." The Art commission in accordance with the policies of the UNESCO Convention of November 14, 1970 will not acquire objects that in recent time have been illegally exported from their country of origin or have otherwise illegally been obtained.
5. Works of art shall be acquired without restrictions as to future use and disposition. The City of Seaside desires to obtain possession of copyrights on all works it acquires that are subject to copyright restrictions.

(a) Ownership of Artwork; Copyright and Patents; Documentation;

A-1 Generally: Except as noted in this Agreement, Artist shall not retain all copyrights to the Artwork.

A-2 Title and Risk of Loss: the City of Seaside shall hold Title to the Artwork. Title passes to the City of Seaside when the City Council and the Art Commission accepts the work by resolution and the final payment is made to the artist. The Artist bears the risk of damage to or loss of the artwork until artwork is delivered to the City of Seaside.

A-3 Display: The City of Seaside has the right to display their project drawings and is authorized to make and reproduce

photographs and other two or three dimensional reproductions of any drawings or models for publicity and program purposes.

A-4 Ownership of Documents and Models: Studies, drawings, designs, maquettes, and models prepared and submitted prior to and during this Agreement shall belong to the Artist. The Commission may select and the Art shall convey to the Commission one (1) archival copy of the original drawings or models submitted as part of the proposal, the commission one (1) archival copy of the original drawings or models submitted as part of the proposal, the Commission representing that such drawing(s) or model(s) will be used by it solely for exhibition and held by it in permanent safekeeping.

A-5 Reproduction Rights: The City of Seaside shall have a perpetual, non-exclusive license to make, and to authorize the making of, photographs and other two or three dimensional reproductions of the work for educational, public relations, arts promotional and non-commercial purposes. For the purposes of this agreement, the following are deemed to be reproductions for Non-commercial purposes: reproduction in exhibition catalogues, books, slides, photographs, postcards, posters and calendars, and the Art Commission's online homepage: in art magazines, art books, and art and news sections of newspapers; in general books and magazines not primarily devoted to art but of an educational, historical or critical nature; slides and film strips not intended for a mass audience, and television from stations operate for educational purposes or on programs for educational purposes from all stations.

A-6 Artistic Credit: Artist hereby agrees that all formal references to the work and any reproduction of the Artwork or Proposal in any form shall include the following credit: "Collection City of Seaside and County of Monterey, Seaside Art Commission." The City of Seaside hereby agrees to credit the artist for the art work upon publication of any two or three-dimensional reproductions of the work as stated in this section.

A-7 Documentation: Artist shall provide complete information regarding intent of Artwork, the materials, and processes used in the fabrication and installation of the work to the city for its registration files. Artist shall provide the City with a set of color transparencies and /or black and white photographs for its archives.

A-8 Subcontracting: The Artist shall not subcontract this Agreement or any part of it unless such subcontracting is approved by the Seaside City Council upon recommendation of the Seaside Art Commission as part of the construction.

6. The acquisition procedures shall ensure that the interests of all concerned parties are represented, including the public, the art community, and the City of Seaside,

7. The legal instrument of conveyance, transferring title and ownership of the artwork and clearly defining the rights and responsibilities of all parties shall accompany all acquisition.

II GIFTS.

- A. The donations of works of art is a major source of enrichment of the City of Seaside's collection as, it is a resource that should be developed in a systematic, coordinated, and consistent manner. All Members of the Seaside Art Commission share a responsibility to make the City of Seaside's needs known to potential donors and to develop cordial relations with local collectors, galleries, artists and art lovers. Although a far greater range of possible acquisitions is offered to the City as gifts than would be considered for purchase, an equally high aesthetic standard should be applied to them. The same procedures used for acquiring works of art by purchase shall be applied to gifts.
- B. The donor is in every case responsible for furnishing evaluation to the government tax agencies. Fees charged for the evaluation of gifts to the City of Seaside are borne by the donors.
- C. The Seaside Art Commission (SAC) will only accept gifts without restrictions.
- D. Signage for artwork to be displayed on public property shall be limited to Artist's name, title and date of work and name of donor.

III LOANS.

- A. Works of art on loan to the City of Seaside will be considered under a similar systematic, coordinated, and consistent manner, as gifts and purchases. Although loaned art will not be included in the City of Seaside permanent collection as is art from gifts or purchases, an equally high aesthetic standard should be applied. The same procedures (where applicable) used for acquiring works of art by purchase and gifts shall applied to loans.
- B. All members of SAC share responsibility to make the City of Seaside's needs and restrictions known to potential lenders.
Monies must be available in the Art in Public Places Program fund to cover any costs associated with the transportation, installation, insurance, and maintenance of artwork on loan before consideration.
- C. Signage for artwork to be displayed on public property shall be limited to Artist's name, title and date of work and name of lender.

IV PURCHASE.

- A. The same procedures used for acquiring works of art by gifts shall be applied to art by purchase.

- B. Installation, insurance, and maintenance must exist in the Art in Public Places Program Fund before consideration.
- C. Signage for artwork to be displayed on public property shall include: Artist's name, title and date of work and where appropriate, a dedication inscription, with name of seller(s).

ACQUISITION PROCEDURES.

Any individuals having business with or desiring to request a particular object to be considered through the Acquisition Procedures must submit such Interest in Writing to the Seaside Art commission (SAC) minimum of 30 days prior to a regularly scheduled meeting. At the regular monthly meetings, any member of Sac may recommend an object to the entire Seaside Art Commission for acquisition through donation, purchase, loan, and where appropriate, Seaside Art Commission.

I GIFTS.

- A. At the time a gift is offered, the prospective donor shall receive a copy of the City of Seaside policies regarding the acquisition and de-accession of works of art.
- B. If the work itself is brought to the Seaside Art Commission for examination the donor shall bear all costs of transport. Staff shall fill out a receipt for the object as ~~a temporary loan.~~ Artist will sign the customary waivers and insurance documents used for all City of Seaside Building and Gallery displays.
- C. If the gift offer is not physically presented to the Seaside Art Commission, it can be viewed on site by the Seaside Art Commission, or by examination of photographs, slides drawings or models.
- D. Whenever possible, gifts offered shall be accompanied by a resume of the artist, which will be kept, along with the acquisition form, in Acquisition Files.
- E. If the Seaside Art Commission approves the gifts, the Seaside Art Commission shall forward their recommendation to the City Council for approval.
- F. Subsequent to the City Council's approval. SAC shall act on the recommendation using guidelines established in the Art in Public Places Program.
- G. Staff shall inform the donor in writing of the acceptance or rejection of the gift offer.
- H. Once the acquisition is approved, a legal instrument of conveyance, transferring ownership and copyright of the artwork to the City of Seaside shall be filled out and signed by the donor and placed on file.
- I. The gift shall be Photographed and received into the collection and the acquisition form completed by staff.

- J. Staff shall see to it that the work is appropriately insured.
- K. The staff and Seaside Art Commission shall transmit a report informing the City Council of the acquisition.

ACQUISITION PROCEDURES

II PURCHASES.

- A. Staff shall keep SAC informed on a quarterly basis of the status of acquisition funds expended, encumbered, and remaining throughout the year.
- B. Object(s) being considered for purchase should be brought to the Art Commission for examination. Responsibility for costs and insurance incurred in transporting the object to the Seaside Art Commission shall be negotiated with the artist. An incoming receipt for the work as a temporary loan shall be completed, and the object will be temporarily insured at the City of Seaside's expense
- C. When objects being considered for purchase cannot be directly examined by the SAC, one or more photographs, slides, drawings, and/or models shall be provided by the artist.
- D. If approved, the Seaside Art Commission shall forward their recommendation to the Seaside City Council for approval.
- E. Subsequent to the City Council's approval, Seaside Art Commission shall act on the recommendation using guide line established in the Art in Public Places Program.
- F. Staff shall simultaneously inform the artist in writing of the council's decision, and initiate a purchase order, following all normal-purchasing procedures.
- G. Once the purchase is approved, the Deed of Purchase/ Transfer, a legal instrument of conveyance for transferring ownership and copyright of the work to the City, shall be completed and signed by artist. Once this is signed and returned, and the object has been received, payment shall be initiated as per agreement.
- H. The object shall be photographed and received into the collection and the acquisition form completed by staff.
- I. Staff shall see that the object is appropriately insured.
- J. Staff and SAC shall transmit a report informing the City of Seaside City Council of the acquisition.

III LOANS.

- A** Staff shall keep SAC informed on a quarterly basis of the status of acquisition funds expended, encumbered, and remaining throughout the year.
- B** At the time a loan is considered, the prospective lender shall receive a copy of the Seaside Art Commission policies regarding the acquisition and de-accession of works of art.
- C** Objects being considered for loan should be brought to the Seaside Art Commission for examination. Responsibility for cost and insurance incurred in transporting the object to the Seaside Art Object(s) being considered for purchase should be brought to the Seaside Art Commission for Commission shall be negotiated with the lender. An incoming receipt for the work as a temporary loan shall be completed, and the object will be temporarily insured at the City of Seaside's expense.
- D** When objects being considered for loan cannot be directly examined by the Seaside Art Commission. The lender shall provide one or more photographs, slides, drawings, and/or models.
- E** If approved, the Seaside Art Commission shall forward their recommendation to the City Council for approval.
- F** Subsequent to City Council's Approval, Seaside Art Commission shall act on the recommendation using guidelines established in the Art in Public Places Program.
- G** Staff shall simultaneously inform the lender in writing of the Council's decision, and initiate a loan agreement, following all City procedures.
- H** The object shall be photographed, its condition recorded, received into the collection, and the applicable form completed by staff.
- I** Staff shall see to it that the object is appropriately insured.
- J** Staff shall transmit a report informing the City Council of loan.

IV. COMMISSIONED WORK.

- A.** The Seaside Art Commission shall from time to time, providing funds are available, recommend the City of Seaside City Council initiate the Seaside Art Commission of a work of art to be added to be City of Seaside's permanent collection. At such time, the Seaside Art Commission will transmit to the City of Seaside City Council its requirements and its approval of a work of a work of art.

- B. Once the artist, type of object to be commissioned, and amount to be spent have been determined by the Seaside Art Commission, a contract will be drawn up which outlines the requirements of the commissioned and materials to be used. A timetable for the execution and delivery of the piece, the amount and method of payment along with the rights and responsibilities of all parties shall clearly specified.
- C. Upon Completion, the work shall be photographed and received into the collection. Staff shall complete the acquisition form.
- D. Staff shall see to it that the work is appropriately insured.
- E. Staff shall keep SAC informed on a quarterly basis of the status of acquisition funds expended, encumbered, and remaining throughout the year.

V. ART IN PUBLIC PLACES PROGRAM FUNDS.

- A. **ACCOUNTING.** The City of Seaside shall establish a special reserve account designated as the "Art in Public Places Program Fund." This reserve account shall be credited annually with such funds as determined by the Seaside City Council and with all funds received by the City of Seaside for visual art in public places, whether contributed, earned, secured through grants, or other wise obtained. These funds are subject to, the same restrictions established in the City of Seaside Art in Public Places Program.
- B. **USE OF FUND.** The Art in Public Places Fund shall be used to prepare sites for, and works of art in, public places in order to further the intent and acquisition of the Art in Public Places Program.
- C. **PERMISSIBLE EXPENDITURES.** Expenditures of funds may include, but are not limited to, the following uses:
 - 1. The cost of artwork, its installation and insurance.
 - 2. Water works, Landscaping, lighting and other objects which are an integral part of the artwork.
 - 3. Frames, mats, pedestals, and other objects necessary for the proper presentation of the artwork.
 - 4. Walls, pools, landscaping or other architectural or landscaping architectural elements necessary for the proper aesthetic and structural placement of the art work.
 - 5. Maintenance, repair, and restoration of art works funded through the Art in Public Places Program Fund.
- D. **ADMINISTRATION.**

1. The Art Commission shall make recommendations to the Seaside City Council concerning the purchase, loan or commissioning of art work, including (1) places which should be considered for artwork; (2) the medium of the proposed artwork; and (3) the artist whose work shall be considered for placement in the recommended location.
 2. The Art in Public Places Program Fund shall be administered by the Community services Department, under the guidelines of the Art in Public Places Program.
 3. Selection of artists and art works shall be based on the guidelines set forth in the City of Seaside's Art in Public Places Program.
 4. The City of Seaside will contract with the artist and with consultants as necessary for the purchase or commissioning, as well as the execution and installation, of the artwork.
 5. On-site activity in connection with the artwork installation shall be coordinated by the Director of Public Works and the Community Services Director.
 6. Maintenance and repair of artworks funded through the Art in Public Places Program fund shall be financed from that account.
 7. So far as is practical, in the event repair of the artwork is required, the City of Seaside shall first give the artist the opportunity to do that work for a reasonable fee. In the event the artist is unable or refuses to make the repair for such a fee; the city may proceed to contract for such repair with qualified restorer in the sole discretion of City of Seaside.
- E. DONATIONS AND ENDOWMENTS.** The Art in Public Places Fund shall also be used as a depository for bequests, grants or donations. Such sums may be expended as set forth in ART IN PUBLIC PLACES FUNDS. Item C. PERMISSIBLE EXPENDITURES above. However, any funds specified as "*endowments*" shall be placed in an interest bearing account that will protect the principle. Only the interest may be spent.
- F. FORMATION OF FUND RAISING GROUPS.** If individuals, entities, a group or groups are formed to raise money for the Art in Public Places Program, the funds raised shall be deposited into the Art in Public Places Fund with all decisions as to specific choice of art remaining with the SAC.

PUBLIC ART DE-ACCESSIONING.

De-accessioning as defined here is the process by which the SAC, accordance with City of Seaside policies and procedures, approves and effectuates the disposal of a work of art from the

City of Seaside art collection. This action shall be evaluated by the SAC in order to determine which works, if any will be de-accessioned.

It is recognized that the de-accessioning of art works is a very delicate matter, and must be handled with the greatest diplomacy. Any apprehension on the part of donors and/or artists that their gifts/works might be disposed of to pay operating expenses or to satisfy the trading desires of the Art Commission could easily discourage and alienate potential donors and/or artist. Moreover, if not properly conducted, de-accessioning can cause irreparable harm to the City of Seaside's collection and, in certain cases, lead to legal action against the City of Seaside. The Seaside Art Commission has a fiduciary obligation to maintain the collection for the benefit of Seaside citizens.

The policies outlined below shall be subject to periodic review. From time to time, as necessary, the Art Commission may adopt and incorporate into this policy, by approval of the Seaside Art Commission, and the City of Seaside City Council upon recommendation of the Seaside Art Commission such additional guidelines, as it deems essential. No work may be de-accessioned until all policies set forth below have been observed.

I. CRITERIA FOR SELECTING WORKS FOR DEACCESSIONING. The Art Commission may choose to de-accession works only if, in the opinion of the Art Commission, they meet at least one of the following criteria:

- A. If the city cannot properly care for or store the work.
- B. If the work has little or no aesthetic and/or historical/cultural value pertains to collection acquired before the Art in Public Places Program.
- C. If the work represents a large quantity of a single artist of minor stature. In such case, the Art Commission may find it both sufficient and desirable to retain only a representative collection.
- D. If the work is a duplicate (e.g., Prints, sculptures, multiples) of lesser quality of works already in the collection.
- E. If the work is a copy or pastiche without significant historical, documentary or aesthetic value.
- F. If the work is a forgery or a fake. The Art Commission is responsible for ensuring that any forgery or fake it disposes of be identified as such when it leaves the City of Seaside's collection.
- G. A work whose condition requires restoration in gross excess of its aesthetic value or a work in such a deteriorated state that restoration would prove either unfeasible or misleading.

H. Staff and SAC shall transmit a report informing the City of Seaside City Council of the de-accession

II. **APPLICATION OF MONIES RAISED FROM DE-ACCESSION.** All monies from de-accession shall be deposited into the Art in Public Places Program Fund

III. **DE-ACCESSIONING THROUGH TRADE.** In some cases, the SAC may wish to trade a de-accessioned work for another work by the same artist or another piece of art for the City of Seaside.

IV. **ACKNOWLEDGMENTS.** In acquiring an object through trade or through monies raised from the sale of de-accessioned objects, the SAC acknowledges, in the credit of the acquired object, the donor(s) of the original object or objects.

All de-accessioned works are disposed of through public negotiations whether by sale, trade or other means in keeping with the California Resale Royalties Act, if a de-accessioned work of art is sold, five percent (5%) of the sale price of any work valued over \$1,000. Will be given to the artist who created the work, provided that the artist can be located by reasonable means within 30 days to de-accession of the art. If the artist cannot be found, the Resale Royalty shall revert to the California State Arts Council.

V. **DE-ACCESSIONING PROCEDURES.** Every five years, Art Commission shall review the City of Seaside's art collection and compile a list of those objects it recommends for de-accessioning.

A. The Art Commission shall prepare a written report for each object it recommends to be de-accessioned. This report shall include:

1. Title, artist medium, dimensions, and present location of the artwork.
2. Prominence
3. Slide(s) and /or photograph(s) of the work.
4. Report on the conditions of the work.
5. Estimated fair market value.
6. Copy of the title of the work.
7. Justification for disposal, conforming to the De-accessioning Policy adopted by the Art Commission.
8. In the case of certain objects of high monetary value, independent consultants may be invited to provide opinions.
9. Recommendation for method of disposal of the work.

A copy of this report shall be distributed to each member of the Art Commission for review at least one month prior to the meeting at which the de-accessioning of the work will be considered.

- B. In the case of a three-dimensional object, each member of the Art Commission shall make every reasonable effort to physically inspect the work before the Committee votes. Two-dimensional works shall be brought to the meeting at which the vote will occur where.
- C. Staff shall present the case for de-accessioning the object to the Art Commission at their regular monthly meeting. After appropriate discussion, the art commission will approve or disapprove the de-accessioning by a majority vote.
- D. Following the action of the Art Commission Staff shall make every reasonable effort to locate the donor or his/her heirs, advising them in writing of the Art Commission's intention to de-accession the work, giving reasons and appropriate assurances that:
 - 1. All monies from de-accession shall be deposited into the Art in Public Places Program Fund. In the case of sale, the monies realized will be used to purchase other works for the collection, or to restore works already owned by the City of Seaside.
 - 2. Every effort shall be made to honor the wishes of the donors/heirs concerning the sale. Written concurrence of donors/heirs will be solicited.
- E. Staff shall forward a de-accessioning report to the Art Commission to be forwarded to the City of Seaside City Manager for review. Approval of the City of Seaside City Council to dispose of an object, as well as to place revenues of sale of de-accessioned objects into the Art in Public Places Program Fund, must be obtained prior to de-accession.
- F. The City Attorney shall also review the recommendation to determine that no legal restrictions prevent de-accessioning. The City Attorney's approval must be obtained.
- G. After removing the work from the insurance log, staff retrieves the work's accession folder from the acquisition files, and annotates it. "DE-ACCESSIONED" in red. This folder will include all documentation regarding the work City of Seaside's City Manager, and Seaside City Attorney. All de-accession folders shall be kept in a de-accession file.

VI. PROCEDURES FOR DISPOSAL. The Seaside Art Commission may take any of the following courses of action the Seaside Art Commission shall not be limited to these, and may suggest other methods as may be demanded by a particular set of circumstances.

A. SELL THE WORK

1. The artist/donor shall be given the right of first refusal to reacquire the work at fair market value, original price, or gratis, depending on the recommendation of the Art Commission. The cost of removal of the work may be reflected in the amount set.
2. Sell the work through a dealer.
3. Sell the work through competitive bidding (public auction).
4. Public Sale – Selected objects of minimum evaluation may be sold at a White Elephant sale, with Proceeds Clearly designated for the Art in Public Places Program Fund.

B. TRADES or EXCHANGES may be negotiated under special circumstances with a dealer or the artist

C. OTHER. There may be instances in which marginally significant work has deteriorated to such an extent that it is irreparable and is unsuitable for exhibition and has therefore lost its function within the City of Seaside's collection. Once a work of this nature has been fully de-accessioned, the decision may be made by the Seaside Art Commission with the approval of the Seaside Art Commission and the City of Seaside City Council, to destroy it.

No works may be sold, traded or transferred to members of the Seaside City Council, Seaside Art Commission, its supporting staff, or their agents. Once de-accessioned from the City of Seaside's collection, a work may not be installed on City of Seaside property.

The Seaside Art Commission shall determine which agency or agencies will negotiate the sale or trade of the de-accession object(s). Solicitation of terms, offers and estimates shall involve more than one dealer, rather than by negotiation with one single establishment.

All monies from de-accession shall be deposited into the Art in Public Place Program Fund. Staff will negotiate the terms with the agency or agencies for sale or exchange of de-accessioned objects, and keep a copy of the executed agreement in the de-accession folder.

Staff shall remove acquisition numbers and labels from de-accessioned work, and arrange and coordinate its physical departure from the City of Seaside's collection.

Staff shall report on the sale or exchange of objects at the next meeting of the SAC, following receipt of all funds or the completion of the sale or exchange.

Staff shall transmit a final report informing the City of Seaside's City Council of the removal of the object from the City of Seaside's collection

*Sandra
Draft*

RECREATION AND COMMUNITY ACTIVITIES DEPARTMENT

986 Hilby Avenue

Seaside, CA 93955

Telephone (831) 899-6270

FAX (831) 899-6274 TDD (831) 899-6207

CITY OF SEASIDE ART IN PUBLIC PLACES PROGRAM

The Art in Public Places Program is directed, in part, towards developing and upgrading the City of Seaside's permanent art collection through acquisitions. Art in public places is hereby defined as:

Any Visual Work of art displayed for two weeks or more in open City of Seaside-owned areas, on the exterior of any City of Seaside-owned facility, within City of Seaside owned Facility in areas designated as public areas, lobbies, public assembly areas, or on non-city property if the work of art is installed or financed, either wholly or in part, with City of Seaside funds procured by the City of Seaside.

INTENT AND PURPOSE: The quality of life of the community is greatly enhanced by high quality Public art. Therefore, it is the intent and purpose of the following to set forth a policy regarding the acquisitions and installation of public art. It is further intended for the City of Seaside through its Art in Public Places Program to celebrate its artistic heritage, embrace its cultural responsibilities and guarantees its future generations a rich artistic legacy.

GOALS. The principal goals for acquiring and displaying works of art on public property are:

- To enrich the public environment for both residents and visitors to the area through incorporation of the visual arts
- To enable Seaside to sustain and enhance its recognition as an art destination for visual arts
- To promote local artists
- To promote diversity through a variety of style, design and media

ACQUISITION. Permanent installation (installation intended to remain one year or more) shall receive the review and approval of the Seaside Art and History Commission (also known as SAC) and City of Seaside City Council. Acquisition is hereby defined as the inclusion of new works of art in the City of Seaside's permanent collection by gift, loan exchange or purchase with City of Seaside funds, corporate/private donations, and/or grants procured by the City of

Seaside. In making acquisitions, the Seaside Art Commission shall make every effort to represent the broad variety of tastes within the community, and to acknowledge the wealth of resources within the local artistic community. In order to ensure a variety of style design and media representative of the eclectic tastes of the community, the Seaside Art Commission shall seek to acquire works of art of the highest possible quality.

The City of Seaside retains legal control of sites displaying public art. Any and all artwork donated to, or purchased by the City of Seaside shall be the exclusive property of the City of Seaside and the City shall have the right to retain, sell, or dispose of such works of art as deemed appropriate with the recommendation of the Art Commission.

A.

The Art Commission shall consider the following criteria when reviewing works of art for purchase, loan or gift to the collection:

1. The aesthetic or historical significance of the object. 2. The object's physical condition and whether the object is of exhibition quality. 3. Whether the City already owns sufficient examples or better examples of this type of object or objects by a particular artist in a particular style. 4. Whether the City has the facilities necessary to properly care for the safekeeping of the object. (The City has limited storage space and must consider the cost of processing, insuring, and maintaining the new artwork.) 5. Whether sufficient funds are available.

B.

In acquiring an object, the Art Commission is governed by its responsibility to:

1. Preserve and conserve the objects in the collection, 2. Catalogue the objects in the collections. Complete records of "accession" shall be made and maintained for all artworks acquired. 3. Make the objects in the collection known to the public through display, publication and/or other educational means. 4. The Art Commission is governed in its acquisitions by ethical standards and takes all reasonable precautions to insure that it is acquiring objects of "licit Provenance." The Art commission in accordance with the policies of the UNESCO Convention of November 14, 1970 will not acquire objects that in recent time have been illegally exported from their country of origin or have otherwise illegally been obtained 5. Works of art shall be acquired without restrictions as to future use and disposition. The City of Seaside desires to obtain possession of copyrights on all works it acquires that are subject to copyright restrictions.

(a) Ownership of Artwork; Copyright and Patents; Documentation;

A-1 Generally: Except as noted in this Agreement, Artist shall not retain all copyrights to the Artwork. A-2 Title and Risk of Loss: the City of Seaside shall hold Title to the Artwork. Title passes to the City of Seaside when the City Council and the Art Commission accepts the work by resolution and the final payment is made to the artist. The Artist bears the risk of damage to or loss of the artwork until artwork is delivered to the City of Seaside.

A-3 Display: The City of Seaside has the right to display their project drawings and is authorized to make and reproduce photographs and other two or three dimensional

reproductions of any drawings or models for publicity and program purposes.

A-4 Ownership of Documents and Models: Studies, drawings, designs, maquettes, and models prepared and submitted prior to and during this Agreement shall belong to the Artist. The Commission may select and the Art shall convey to the Commission one (1) archival copy of the original drawings or models submitted as part of the proposal, the commission one (1) archival copy of the original drawings or models submitted as part of the proposal, the Commission representing that such drawing(s) or model(s) will be used by it solely for exhibition and held by it in permanent safekeeping.

A-5 Reproduction Rights: The City of Seaside shall have a perpetual, non-exclusive license to make, and to authorize the making of, photographs and other two or three dimensional reproductions of the work for educational, public relations, arts promotional and non-commercial purposes. For the purposes of this agreement, the following are deemed to be reproductions for Non-commercial purposes: reproduction in exhibition catalogues, books, slides, photographs, postcards, posters and calendars, and the Art Commission's online homepage: in art magazines, art books, and art and news sections of newspapers; in general books and magazines not primarily devoted to art but of an educational, historical or critical nature; slides and film strips not intended for a mass audience, and television from stations operate for educational purposes or on programs for educational purposes from all stations. A-6 Artistic Credit: Artist hereby agrees that all formal references to the work and any reproduction of the Artwork or Proposal in any form shall include the following credit: "Collection City of Seaside and County of Monterey, Seaside Art Commission." The City of Seaside hereby agrees to credit the artist for the art work upon publication of any two or three-dimensional reproductions of the work as stated in this section.

A-7 Documentation Artist shall provide complete information regarding intent of Artwork, the materials, and processes used in the fabrication and installation of the work to the city for its registration files. Artist shall provide the City with a set of color transparencies and /or black and white photographs for its archives. A-8 Subcontracting: The Artist shall not subcontract this Agreement or any part of it unless such subcontracting is approved by the Seaside City Council upon recommendation of the Seaside Art Commission as part of the construction.

6. The acquisition procedures shall ensure that the interests of all concerned parties are represented, including the public, the art community, and the City of Seaside,

7. The legal instrument of conveyance, transferring title and ownership of the artwork and clearly defining the rights and responsibilities of all parties shall accompany all acquisition.

GIFTS.

A.

The donations of works of art is a major source of enrichment of the City of Seaside's collection as, it is a resource that should be developed in a systematic, coordinated, and consistent manner. All Members of the Seaside Art Commission share a responsibility to make the City of Seaside's needs known to potential donors and to develop cordial relations with local collectors, galleries, artists and art lovers. Although a far greater range of possible acquisitions is offered to

the City as gifts than would be considered for purchase, an equally high aesthetic standard should be applied to them. The same procedures used for acquiring works of art by purchase shall be applied to gifts.

B.

The donor is in every case responsible for furnishing evaluation to the government tax agencies. Fees charged for the evaluation of gifts to the City of Seaside are borne by the donors.

C.

The Seaside Art Commission (SAC) will only accept gifts without restrictions.

Signage for artwork to be displayed on public property shall be limited to Artist's name, title and date of work and name of donor.

III

LOANS.

Works of art on loan to the City of Seaside will be considered under a similar systematic, coordinated, and consistent manner, as gifts and purchases. Although loaned art will not be included in the City of Seaside permanent collection as is art from gifts or purchases, an equally high aesthetic standard should be applied. The same procedures (where applicable) used for acquiring works of art by purchase and gifts shall applied to loans.

All members of SAC share responsibility to make the City of Seaside's needs and restrictions known to potential lenders. Monies must be available in the Art in Public Places Program fund to cover any costs associated with the transportation, installation, insurance, and maintenance of artwork on loan before consideration.

Signage for artwork to be displayed on public property shall be limited to Artist's name, title and date of work and name of lender.

IV

PURCHASE.

The same procedures used for acquiring works of art by gifts shall be applied to art by purchase.

Installation, insurance, and maintenance must exist in the Art in Public Places Program Fund before consideration. Signage for artwork to be displayed on public property shall include: Artist's name, title and date of work and where appropriate, a dedication inscription, with name of seller(s).

ACQUISITION PROCEDURES.

Any individuals having business with or desiring to request a particular object to be considered through the Acquisition Procedures must submit such Interest in Writing to the Seaside Art commission (SAC) minimum of 30 days prior to a regularly scheduled meeting. At the regular monthly meetings, any member of Sac may recommend an object to the entire Seaside Art Commission for acquisition through donation, purchase, loan, and where appropriate, Seaside

Art Commission.

GIFTS.

At the time a gift is offered, the prospective donor shall receive a copy of the City of Seaside policies regarding the acquisition and de-accession of works of art.

If the work itself is brought to the Seaside Art Commission for examination the donor shall bear all costs of transport. Staff shall fill out a receipt for the object as a temporary loan. Artist will sign the customary waivers and insurance documents used for all City of Seaside Building and Gallery displays.

If the gift offer is not physically presented to the Seaside Art Commission, it can be viewed on site by the Seaside Art Commission, or by examination of photographs, slides drawings or models.

Whenever possible, gifts offered shall be accompanied by a resume of the artist, which will be kept, along with the acquisition form, in Acquisition Files.

If the Seaside Art Commission approves the gifts, the Seaside Art Commission shall forward their recommendation to the City Council for approval.

Subsequent to the City Council's approval: SAC shall act on the recommendation using guidelines established in the Art in Public Places Program.

Staff shall inform the donor in writing of the acceptance or rejection of the gift offer.

Once the acquisition is approved, a legal instrument of conveyance, transferring ownership and copyright of the artwork to the City of Seaside shall be filled out and signed by the donor and placed on file.

The gift shall be Photographed and received into the collection and the acquisition form completed by staff.

Staff shall see to it that the work is appropriately insured.

The staff and Seaside Art Commission shall transmit a report informing the City Council of the acquisition.

ACQUISITION PROCEDURES

II. PURCHASES.

Staff shall keep SAC informed on a quarterly basis of the status of acquisition funds expended, encumbered, and remaining throughout the year.

Object(s) being considered for purchase should be brought to the Art Commission for examination. Responsibility for costs and insurance incurred in transporting the object to the Seaside Art Commission shall be negotiated with the artist. An incoming receipt for the work as a temporary loan shall be completed, and the object will be temporarily insured at the City of Seaside's expense

When objects being considered for purchase cannot be directly examined by the SAC, one or more photographs, slides, drawings, and/or models shall be provided by the artist.

If approved, the Seaside Art Commission shall forward their recommendation to the Seaside

City Council for approval.

Subsequent to the City Council's approval, Seaside Art Commission shall act on the recommendation using guide lines established in the Art in Public Places Program.

Staff shall simultaneously inform the artist in writing of the council's decision, and initiate a purchase order, following all normal-purchasing procedures.

Once the purchase is approved, the Deed of Purchase/ Transfer, a legal instrument of conveyance for transferring ownership and copyright of the work to the City, shall be completed and signed by artist. Once this is signed and returned, and the object has been received, payment shall be initiated as per agreement.

The object shall be photographed and received into the collection and the acquisition form completed by staff.

Staff shall see that the object is appropriately insured.

Staff and SAC shall transmit a report informing the City of Seaside City Council of the acquisition.

III. LOANS.

Staff shall keep SAC informed on a quarterly basis of the status of acquisition funds expended, encumbered, and remaining throughout the year.

At the time a loan is considered, the prospective lender shall receive a copy of the Seaside Art Commission policies regarding the acquisition and de-accession of works of art. Objects being considered for loan should be brought to the Seaside Art Commission for examination.

Responsibility for cost and insurance incurred in transporting the object to the Seaside Art Object(s) being considered for purchase should be brought to the Seaside Art Commission for Commission shall be negotiated with the lender. An incoming receipt for the work as a temporary loan shall be completed, and the object will be temporarily insured at the City of Seaside's expense.

When objects being considered for loan cannot be directly examined by the Seaside Art Commission: The lender shall provide one or more photographs, slides, drawings, and/or models.

If approved, the Seaside Art Commission shall forward their recommendation to the City Council for approval.

Subsequent to City Council's Approval, Seaside Art Commission shall act on the recommendation using guidelines established in the Art in Public Places Program.

Staff shall simultaneously inform the lender in writing of the Council's decision, and initiate a loan agreement, following all City procedures.

The object shall be photographed, its condition recorded, received into the collection, and the applicable form completed by staff.

Staff shall see to it that the object is appropriately insured.

Staff shall transmit a report informing the City Council of loan.

IV. COMMISSIONED WORK.

The Seaside Art Commission shall from time to time, providing funds are available, recommend the City of Seaside City Council initiate the Seaside Art Commission of a work of art to be added to be City of Seaside's permanent collection. At such time, the Seaside Art Commission will transmit to the City of Seaside City Council its requirements and its approval of a work of a work of art.

Once the artist, type of object to be commissioned, and amount to be spent have been determined by the Seaside Art Commission, a contract will be drawn up which outlines the requirements of the commissioned and materials to be used. A timetable for the execution and delivery of the piece, the amount and method of payment along with the rights and responsibilities of all parties shall be clearly specified.

Upon Completion, the work shall be photographed and received into the collection. Staff shall complete the acquisition form.

Staff shall see to it that the work is appropriately insured.

Staff shall keep SAC informed on a quarterly basis of the status of acquisition funds expended, encumbered, and remaining throughout the year.

V. ART IN PUBLIC PLACES PROGRAM FUNDS

A. ACCOUNTING

The City of Seaside shall establish a special reserve account designated as the "Art in Public Places Program Fund." This reserve account shall be credited annually with such funds as determined by the Seaside City Council and with all funds received by the City of Seaside for visual art in public places, whether contributed, earned, secured through grants, or other wise obtained. These funds are subject to, the same restrictions established in the City of Seaside Art in Public Places Program.

B. USE OF FUND

The Art in Public Places Fund shall be used to prepare sites for, and works of art in, public places in order to further the intent and acquisition of the Art in Public Places Program.

C. PERMISSIBLE EXPENDITURES

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

The cost of artwork, its installation and insurance, Water works, Landscaping, lighting and other objects which are an integral part of the artwork, Frames, mats, pedestals, and other objects necessary for the proper presentation of the artwork, Walls, pools, landscaping or other architectural or landscaping architectural elements necessary for the proper aesthetic and structural placement of the art work, Maintenance, repair, and restoration of art works funded through the Art in Public Places Program Fund.

D. ADMINISTRATION.

The Art Commission shall make recommendations to the Seaside City Council concerning the purchase, loan or commissioning of art work, including (1) places which should be considered for artwork; (2) the medium of the proposed artwork; and (3) the artist whose work shall be

considered for placement in the recommended location.

The Art in Public Places Program Fund shall be administered by the Recreation Services Department, under the guidelines of the Art in Public Places Program.

Selection of artists and art works shall be based on the guidelines set forth in the City of Seaside's Art in Public Places Program.

The City of Seaside will contract with the artist and with consultants as necessary for the purchase or commissioning, as well as the execution and installation, of the artwork.

On-site activity in connection with the artwork installation shall be coordinated by the Director of Public Works and the Recreation Services Manager.

Maintenance and repair of artworks funded through the Art in Public Places Program fund shall be financed from that account.

So far as is practical, in the event repair of the artwork is required, the City of Seaside shall first give the artist the opportunity to do that work for a reasonable fee. In the event the artist is unable or refuses to make the repair for such a fee; the city may proceed to contract for such repair with qualified restorer in the sole discretion of City of Seaside.

E. DONATIONS AND ENDOWMENTS

The Art in Public Places Fund shall also be used as a depository for bequests, grants or donations. Such sums may be expended as set forth in ART IN PUBLIC PLACES FUNDS, Item C. PERMISSIBLE EXPENDITURES above. However, any funds specified as "endowments" shall be placed in an interest bearing account that will protect the principle. Only the interest may be spent.

F. FORMATION OF FUNDRAISING GROUPS

If individuals, entities, a group or groups are formed to raise money for the Art in Public Places Program, the funds raised shall be deposited into the Art in Public Places Fund with all decisions as to specific choice of art remaining with the SAC.

VI. PUBLIC ART DEACCESSIONING

Deaccessioning as defined here is the process by which the SAC, accordance with City of Seaside policies and procedures, approves and effectuates the disposal of a work of art from the City of Seaside Art Collection. This action shall be evaluated by the SAC in order to determine which works, if any will be deaccessioned.

It is recognized that the de-accessioning of art works is a very delicate matter, and must be handled with the greatest diplomacy. Any apprehension on the part of donors and/or artists that their gifts/works might be disposed of to pay operating expenses or to satisfy the trading desires of the Art Commission could easily discourage and alienate potential donors and/or artist. Moreover, if not properly conducted, deaccessioning can cause irreparable harm to the City of Seaside's collection and, in certain cases, lead to legal action against the City of Seaside. The Seaside Art Commission has a fiduciary obligation to maintain the collection for the benefit of Seaside citizens.

The policies outlined below shall be subject to periodic review. From time to time, as necessary, the Art Commission may adopt and incorporate into this policy, by approval of the Seaside Art Commission, and the City of Seaside City Council upon recommendation of the Seaside Art Commission such additional guidelines, as it deems essential. No work may be deaccessioned until all policies set forth below have been observed.

A. CRITERIA FOR SELECTING WORKS FOR DEACCESSIONING

The Art Commission may choose to de-accession works only if, in the opinion of the Art Commission, they meet at least one of the following criteria IF:

The city cannot properly care for or store the work.

The work has little or no aesthetic and/or historical/cultural value pertains to collection acquired before the Art in Public Places Program.

The work represents a large quantity of a single artist of minor stature In such case, the Art Commission may find it both sufficient and desirable to retain only a representative collection.

The work is a duplicate (e.g. Prints, sculptures, multiples) of lesser quality of works already in the collection.

The work is a copy or pastiche without significant historical, documentary or aesthetic value.

The work is a forgery or a fake The Art Commission is responsible for ensuring that any forgery or fake it disposes of be identified as such when it leaves the City of Seaside's collection.

A work whose condition requires restoration in gross excess of its aesthetic value or a work in such a deteriorated state that restoration would prove either unfeasible or misleading.

Staff and SAC shall transmit a report informing the City of Seaside City Council of the deaccession

B. APPLICATION OF MONIES RAISED FROM DEACCESSION

All monies from de-accession shall be deposited into the Art in Public Places Program Fund

C. DEACCESSIONING THROUGH TRADE

In some cases, the SAC may wish to trade a deaccessioned work for another work by the same artist or another piece of art for the City of Seaside.

D. ACKNOWLEDGMENTS

In acquiring an object through trade or through monies raised from the sale of deaccessioned objects, the SAC acknowledges, in the credit of the acquired object, the donor(s) of the original object or objects.

All deaccessioned works are disposed of through public negotiations whether by sale, trade or other means in keeping with the California Resale Royalties Act. If a deaccessioned work of art is sold, five percent (5%) of the sale price of any work valued over \$1,000 will be given to the artist who created the work, provided that the artist can be located by reasonable means within 30 days to de-accession of the art. If the artist cannot be found, the Resale Royalty shall revert to the California State Arts Council.

E. DEACCESSIONING PROCEDURES

Every five years, Art Commission shall review the City of Seaside's art collection and compile a list of those objects it recommends for deaccessioning.

The Art Commission shall prepare a written report for each object it recommends to be deaccessioned. This report shall include:

1. Title, artist medium, dimensions, and present location of the artwork. 2. Prominence 3. Slide(s) and /or photograph(s) of the work. 4. Report on the conditions of the work. 5. Estimated fair market value. 6. Copy of the title of the work. 7. Justification for disposal, conforming to the Deaccessioning Policy adopted by the Art Commission. 8. In the case of certain objects of high monetary value, independent consultants may be invited to provide opinions. 9. Recommendation for method of disposal of the work.

A copy of this report shall be distributed to each member of the Art Commission for review at least one month prior to the meeting at which the de-accessioning of the work will be considered.

In the case of a three-dimensional object, each member of the Art Commission shall make every reasonable effort to physically inspect the work before the Committee votes. Two-dimensional works shall be brought to the meeting at which the vote will occur where.

Staff shall present the case for deaccessioning the object to the Art Commission at their regular monthly meeting. After appropriate discussion, the art commission will approve or disapprove the deaccessioning by a majority vote.

Following the action of the Art Commission Staff shall make every reasonable effort to locate the donor or his/her heirs, advising them in writing of the Art Commission's intention to de-accession the work, giving reasons and appropriate assurances that:

All monies from de-accession shall be deposited into the Art in Public Places Program Fund. In the case of sale, the monies realized will be used to purchase other works for the collection, or to restore works already owned by the City of Seaside. Every effort shall be made to honor the wishes of the donors/heirs concerning the sale. Written concurrence of donors/heirs will be solicited.

Staff shall forward a deaccessioning report to the Art Commission to be forwarded to the City of Seaside City Manager for review. Approval of the City of Seaside City Council to dispose of an object, as well as to place revenues of sale of deaccessioned objects into the Art in Public Places Program Fund, must be obtained prior to de-accession.

The City Attorney shall also review the recommendation to determine that no legal restrictions prevent deaccessioning. The City Attorney's approval must be obtained.

After removing the work from the insurance log, staff retrieves the work's accession folder from the acquisition files, and annotates it. "DEACCESSIONED" in red. This folder will include all documentation regarding the work City of Seaside's City Manager, and Seaside City Attorney. All de-accession folders shall be kept in a de-accession file.

VI. PROCEDURES FOR DISPOSAL.

The Seaside Art Commission may take any of the following courses of action the Seaside Art Commission shall not be limited to these, and may suggest other methods as may be

demanded by a particular set of circumstances.

A. SELL THE WORK

The artist/donor shall be given the right of first refusal to reacquire the work at fair market value, original price, or gratis, depending on the recommendation of the Art Commission. The cost of removal of the work may be reflected in the amount set.

Sell the work through a dealer.

Sell the work through competitive bidding (public auction).

Public Sale - Selected objects of minimum evaluation may be sold at a White Elephant sale, with Proceeds Clearly designated for the Art in Public Places Program Fund.

B. TRADES or EXCHANGES

These may be negotiated under special circumstances with a dealer or the artist

C. OTHER.

There may be instances in which marginally significant work has deteriorated to such an extent that it is irreparable and is unsuitable for exhibition and has therefore lost its function within the City of Seaside's collection. Once a work of this nature has been fully deaccessioned, the decision may be made by the Seaside Art Commission with the approval of the Seaside Art Commission and the City of Seaside City Council, to destroy it.

No works may be sold, traded or transferred to members of the Seaside City Council, Seaside Art Commission, its supporting staff, or their agents. Once deaccessioned from the City of side's collection, a work may not be installed on City of Seaside property.

The Seaside Art Commission shall determine which agency or agencies will negotiate the sale or trade of the de-accession object(s). Solicitation of terms, offers and estimates shall involve more than one dealer, rather than by negotiation with one single establishment.

All monies from de-accession shall be deposited into the Art in Public Place Program Fund. Staff will negotiate the terms with the agency or agencies for sale or exchange of deaccessioned objects, and keep a copy of the executed agreement in the de-accession folder.

Staff shall remove acquisition numbers and labels from deaccessioned work, and arrange and coordinate its physical departure from the City of Seaside's collection.

Staff shall report on the sale or exchange of objects at the next meeting of the SAC, following receipt of all funds or the completion of the sale or exchange.

Staff shall transmit a final report informing the City of Seaside's City Council of the removal of the object from the City of Seaside's collection.

All Proceeds from the sale of deaccessioned works of arts will be used to purchase other works for the collection, or to restore works already owned by the City of Seaside.

VII. JURISDICTION

ART IN PUBLIC PLACES: The SAC shall perform the duties and shall have responsibilities specified in the Art In Public Places Program,

INTERACTION WITH OTHER CITY OF SEASIDE BODIES: If the functions of the SAC overlap the functions of another City of Seaside committee, commission, board, task force, or the like, the Community Services, in cooperation with the SAC and such other City of Seaside body, shall devise a procedure for coordination of such functions to avoid duplication of efforts, to maximize cooperation between the City of Seaside bodies in a manner most compatible with the public welfare.

INTERACTION WITH CITY OF SEASIDE DEPARTMENTS: The City of Seaside Planning Department shall determine whether a proposed work of art is a mural or a sign prior to review by the SAC to follow all established City of Seaside procedures, comply with municipal codes, and obtain appropriate approvals. SAC shall confer with the Fire Department and Public Works Department on all art installations.

VIII. DUTIES. Duties of the SAC shall be as follows:

To periodically review, at least once a year, five- (5) year plan with members of the City of Seaside Staff as may be appropriate for inclusion of works of art in various projects.

To devise methods of selecting and commissioning artists with respect to the design, execution, and placement of art in public places and, pursuant to such methods, on the selection and commissioning of artist for such purposes.

To explore on a continuing basis the availability of funds for the Art in Public Places Program from private, corporate and governmental sources

To review plans for the installation of art in public places

To review the inventory of art in public places and to advise the Community Services on matters pertaining to the maintenance, placement, alteration, sale, transfer, ownership, and acceptance or refusal of donations, and matters pertaining to, art in public places.

To recommend the retention of consultants, consistent with the City of Seaside's consultant selection procedures, to assist the City of Seaside in making decisions concerning the Art in Public Places Program.

To advise and assist private property owners who desire such advice and assistance regarding the selection and installation of works of art to be located on their property in the public view.

To act as a liaison between local artists and private property owners desiring to install works of art on their private property in public view.

To give recognition to and maintain an inventory of significant works of art in the public view

To insure the cataloging of the City of Seaside's art collection is current, and the report to the Community Services, as requested, on its status.

IX. STANDARDS OF REVIEW.

The SAC shall give special attention to the following matters in reviewing artwork for addition to the City of Seaside's public art collection:

Conceptual compatibility of the design with the immediate environment of the site

Appropriateness of the design to the function of the site

Compatibility of the design and location within a unified design character of historical character of the site

Creation of an internal sense of order and a desirable environment for the general community by the design and location of the work of art

Preservation and integration of natural features with the project

Acknowledgment of and sensitivity to the importance of the contributions by local and regional artist of the City of Seaside's Art in Public Places Program

Appropriateness of the materials and design (texture, color, line, shape, and value) to the expression of the artist's concept

Representation of a broad variety of tastes within the community and the provision of a balanced inventory of art work to ensure a variety of style, design, and medium throughout the community

Permanence of structural and surface components

Art as a communicative function

X. SITE SELECTION CRITERIA.

The SAC shall give special attention to the following matters in selecting sites for the artwork in the City of Seaside's public art collection:

A. Relationship of artwork and site shall be considered in terms of the physical dimensions, social dynamics local character, and surrounding context of the site, existing or planned

B. The visibility of the site by the general public

C. Public safety

D. Helps to improve the design of an area by emphasizing a particular location through landmarks, gateway and/or linkages or other parts of the community

E. Interior and exterior vehicular and pedestrian traffic patterns

F. Site design including landscaping, drainage, grading, lighting, and seating considerations

G. Relationship of proposed artwork to existing art works within the site vicinity

H. Environmental impacts such as noise, sound, traffic, parking, lights, and order

I. Public accessibility to the artwork, particularly disabled access

J. Impact on adjacent property owner's views. K. Impact on operational functions of the City of Seaside

L. The possibility of vandalism

M. The cost of development

N. Compatibility of the design and location with historical character of the site

from Emerson

RECREATION AND COMMUNITY ACTIVITIES DEPARTMENT

986 Hilby Avenue

Seaside, CA 93955

Telephone (831) 899-6270

FAX (831) 899-6274 TDD (831) 899-6207

CITY OF SEASIDE ART IN PUBLIC PLACES PROGRAM

The Art in Public Places Program is directed, in part, towards developing and upgrading the City of Seaside's permanent art collection through acquisitions. Art in public places is hereby defined as:

Any Visual Work of art displayed for two weeks or more in open City of Seaside-owned areas, on the exterior of any City of Seaside-owned facility, within City of Seaside owned Facility in areas designated as public areas, lobbies, public assembly areas, or on non-city property if the work of art is installed or financed, either wholly or in part, with City of Seaside funds procured by the City of Seaside.

INTENT AND PURPOSE. The quality of life of the community is greatly enhanced by high quality Public art. Therefore, it is the intent and purpose of the following to set forth a policy regarding the acquisitions and installation of public art. It is further intended for the City of Seaside through its Art in Public Places Program to celebrate its artistic heritage, embrace its cultural responsibilities and guarantee its future generations a rich artistic legacy.

GOALS. The principal goals for acquiring and displaying works of art on public property are:

- To enrich the public environment for both residents and visitors to the area through incorporation of the visual arts
- To enable Seaside to sustain and enhance its recognition as an art destination for visual arts
- To promote local artists
- To promote diversity through a variety of style, design and media

ACQUISITION. Permanent installation (installation intended to remain one year or more) shall receive the review and approval of the Seaside Art and History Commission (also known as SAC) and City of Seaside City Council. Acquisition is hereby defined as the inclusion of new works of art in the City of Seaside's permanent collection by gift, loan exchange or purchase with City of Seaside funds, corporate/private donations, and/or grants procured by the City of

Seaside. In making acquisitions, the Seaside Art Commission shall make every effort to represent the broad variety of tastes within the community, and to acknowledge the wealth of resources within the local artistic community. In order to ensure a variety of style design and media representative of the eclectic tastes of the community, the Seaside Art Commission shall seek to acquire works of art of the highest possible quality.

The City of Seaside retains legal control of sites displaying public art. Any and all artwork donated to, or purchased by the City of Seaside shall be the exclusive property of the City of Seaside and the City shall have the right to retain, sell, or dispose of such works of art as deemed appropriate with the recommendation of the Art Commission.

A.

The Art Commission shall consider the following criteria when reviewing works of art for purchase, loan or gift to the collection:

1. The aesthetic or historical significance of the object. 2. The object's physical condition and whether the object is of exhibition quality. 3. Whether the City already owns sufficient examples or better examples of this type of object or objects by a particular artist in a particular style. 4. Whether the City has the facilities necessary to properly care for the safekeeping of the object. (The City has limited storage space and must consider the cost of processing, insuring, and maintaining the new artwork.) 5. Whether sufficient funds are available.

B.

In acquiring an object, the Art Commission is governed by its responsibility to:

1. Preserve and conserve the objects in the collection, 2. Catalogue the objects in the collections. Complete records of "accession" shall be made and maintained for all artworks acquired. 3. Make the objects in the collection known to the public through display, publication and/or other educational means. 4. The Art Commission is governed in its acquisitions by ethical standards and takes all reasonable precautions to insure that it is acquiring objects of "licit Provenance." The Art commission in accordance with the policies of the UNESCO Convention of November 14, 1970 will not acquire objects that in recent time have been illegally exported from their country of origin or have otherwise illegally been obtained 5. Works of art shall be acquired without restrictions as to future use and disposition. The City of Seaside desires to obtain possession of copyrights on all works it acquires that are subject to copyright restrictions.

(a) Ownership of Artwork; Copyright and Patents; Documentation:

A-1 Generally: Except as noted in this Agreement, Artist shall not retain all copyrights to the Artwork. A-2 Title and Risk of Loss: the City of Seaside shall hold Title to the Artwork. Title passes to the City of Seaside when the City Council and the Art Commission accepts the work by resolution and the final payment is made to the artist. The Artist bears the risk of damage to or loss of the artwork until artwork is delivered to the City of Seaside.

A-3 Display: The City of Seaside has the right to display their project drawings and is authorized to make and reproduce photographs and other two or three dimensional

reproductions of any drawings or models for publicity and program purposes.

A-4 Ownership of Documents and Models: Studies, drawings, designs, maquettes, and models prepared and submitted prior to and during this Agreement shall belong to the Artist. The Commission may select and the Art shall convey to the Commission one (1) archival copy of the original drawings or models submitted as part of the proposal, the commission one (1) archival copy of the original drawings or models submitted as part of the proposal, the Commission representing that such drawing(s) or model(s) will be used by it solely for exhibition and held by it in permanent safekeeping.

A-5 Reproduction Rights: The City of Seaside shall have a perpetual, non-exclusive license to make, and to authorize the making of, photographs and other two or three dimensional reproductions of the work for educational, public relations, arts promotional and non-commercial purposes. For the purposes of this agreement, the following are deemed to be reproductions for Non-commercial purposes: reproduction in exhibition catalogues, books, slides, photographs, postcards, posters and calendars, and the Art Commission's online homepage: in art magazines, art books, and art and news sections of newspapers; in general books and magazines not primarily devoted to art but of an educational, historical or critical nature; slides and film strips not intended for a mass audience, and television from stations operate for educational purposes or on programs for educational purposes from all stations. **A-6 Artistic Credit:** Artist hereby agrees that all formal references to the work and any reproduction of the Artwork or Proposal in any form shall include the following credit: "Collection City of Seaside and County of Monterey, Seaside Art Commission." The City of Seaside hereby agrees to credit the artist for the art work upon publication of any two or three-dimensional reproductions of the work as stated in this section.

A-7 Documentation Artist shall provide complete information regarding intent of Artwork, the materials, and processes used in the fabrication and installation of the work to the city for its registration files. Artist shall provide the City with a set of color transparencies and /or black and white photographs for its archives. **A-8 Subcontracting:** The Artist shall not subcontract this Agreement or any part of it unless such subcontracting is approved by the Seaside City Council upon recommendation of the Seaside Art Commission as part of the construction.

6. The acquisition procedures shall ensure that the interests of all concerned parties are represented, including the public, the art community, and the City of Seaside,

7. The legal instrument of conveyance, transferring title and ownership of the artwork and clearly defining the rights and responsibilities of all parties shall accompany all acquisition.

GIFTS.

A.

The donations of works of art is a major source of enrichment of the City of Seaside's collection as, it is a resource that should be developed in a systematic, coordinated, and consistent manner. All Members of the Seaside Art Commission share a responsibility to make the City of Seaside's needs known to potential donors and to develop cordial relations with local collectors, galleries, artists and art lovers. Although a far greater range of possible acquisitions is offered to

the City as gifts than would be considered for purchase, an equally high aesthetic standard should be applied to them. The same procedures used for acquiring works of art by purchase shall be applied to gifts.

B.

The donor is in every case responsible for furnishing evaluation to the government tax agencies. Fees charged for the evaluation of gifts to the City of Seaside are borne by the donors.

C.

The Seaside Art Commission (SAC) will only accept gifts without restrictions.

Signage for artwork to be displayed on public property shall be limited to Artist's name, title and date of work and name of donor.

III

LOANS.

Works of art on loan to the City of Seaside will be considered under a similar systematic, coordinated, and consistent manner, as gifts and purchases. Although loaned art will not be included in the City of Seaside permanent collection as is art from gifts or purchases, an equally high aesthetic standard should be applied. The same procedures (where applicable) used for acquiring works of art by purchase and gifts shall applied to loans.

All members of SAC share responsibility to make the City of Seaside's needs and restrictions known to potential lenders. Monies must be available in the Art in Public Places Program fund to cover any costs associated with the transportation, installation, insurance, and maintenance of artwork on loan before consideration.

Signage for artwork to be displayed on public property shall be limited to Artist's name, title and date of work and name of lender.

IV

PURCHASE.

The same procedures used for acquiring works of art by gifts shall be applied to art by purchase.

Installation, insurance, and maintenance must exist in the Art in Public Places Program Fund before consideration. Signage for artwork to be displayed on public property shall include: Artist's name, title and date of work and where appropriate, a dedication inscription, with name of seller(s).

ACQUISITION PROCEDURES.

Any individuals having business with or desiring to request a particular object to be considered through the Acquisition Procedures must submit such Interest in Writing to the Seaside Art commission (SAC) minimum of 30 days prior to a regularly scheduled meeting. At the regular monthly meetings, any member of Sac may recommend an object to the entire Seaside Art Commission for acquisition through donation, purchase, loan, and where appropriate, Seaside

Art Commission.

GIFTS.

At the time a gift is offered, the prospective donor shall receive a copy of the City of Seaside policies regarding the acquisition and de-accession of works of art.

If the work itself is brought to the Seaside Art Commission for examination the donor shall bear all costs of transport. Staff shall fill out a receipt for the object as a temporary loan. Artist will sign the customary waivers and insurance documents used for all City of Seaside Building and Gallery displays.

If the gift offer is not physically presented to the Seaside Art Commission, it can be viewed on site by the Seaside Art Commission, or by examination of photographs, slides drawings or models.

Whenever possible, gifts offered shall be accompanied by a resume of the artist, which will be kept, along with the acquisition form, in Acquisition Files.

If the Seaside Art Commission approves the gifts, the Seaside Art Commission shall forward their recommendation to the City Council for approval.

Subsequent to the City Council's approval. SAC shall act on the recommendation using guidelines established in the Art in Public Places Program.

Staff shall inform the donor in writing of the acceptance or rejection of the gift offer.

Once the acquisition is approved, a legal instrument of conveyance, transferring ownership and copyright of the artwork to the City of Seaside shall be filled out and signed by the donor and placed on file.

The gift shall be Photographed and received into the collection and the acquisition form completed by staff.

Staff shall see to it that the work is appropriately insured.

The staff and Seaside Art Commission shall transmit a report informing the City Council of the acquisition.

ACQUISITION PROCEDURES

II. PURCHASES.

Staff shall keep SAC informed on a quarterly basis of the status of acquisition funds expended, encumbered, and remaining throughout the year.

Object(s) being considered for purchase should be brought to the Art Commission for examination. Responsibility for costs and insurance incurred in transporting the object to the Seaside Art Commission shall be negotiated with the artist. An incoming receipt for the work as a temporary loan shall be completed, and the object will be temporarily insured at the City of Seaside's expense

When objects being considered for purchase cannot be directly examined by the SAC, one or more photographs, slides, drawings, and/or models shall be provided by the artist.

If approved, the Seaside Art Commission shall forward their recommendation to the Seaside

City Council for approval.

Subsequent to the City Council's approval, Seaside Art Commission shall act on the recommendation using guide line established in the Art in Public Places Program.

Staff shall simultaneously inform the artist in writing of the council's decision, and initiate a purchase order, following all normal-purchasing procedures.

Once the purchase is approved, the Deed of Purchase/ Transfer, a legal instrument of conveyance for transferring ownership and copyright of the work to the City, shall be completed and signed by artist. Once this is signed and returned, and the object has been received, payment shall be initiated as per agreement.

The object shall be photographed and received into the collection and the acquisition form completed by staff.

Staff shall see that the object is appropriately insured.

Staff and SAC shall transmit a report informing the City of Seaside City Council of the acquisition.

III. LOANS.

Staff shall keep SAC informed on a quarterly basis of the status of acquisition funds expended, encumbered, and remaining throughout the year.

At the time a loan is considered, the prospective lender shall receive a copy of the Seaside Art Commission policies regarding the acquisition and de-accession of works of art. Objects being considered for loan should be brought to the Seaside Art Commission for examination.

Responsibility for cost and insurance incurred in transporting the object to the Seaside Art Object(s) being considered for purchase should be brought to the Seaside Art Commission for Commission shall be negotiated with the lender. An incoming receipt for the work as a temporary loan shall be completed, and the object will be temporarily insured at the City of Seaside's expense.

When objects being considered for loan cannot be directly examined by the Seaside Art Commission. The lender shall provide one or more photographs, slides, drawings, and/or models.

If approved, the Seaside Art Commission shall forward their recommendation to the City Council for approval.

Subsequent to City Council's Approval, Seaside Art Commission shall act on the recommendation using guidelines established in the Art in Public Places Program.

Staff shall simultaneously inform the lender in writing of the Council's decision, and initiate a loan agreement, following all City procedures.

The object shall be photographed, its condition recorded, received into the collection, and the applicable form completed by staff.

Staff shall see to it that the object is appropriately insured.

Staff shall transmit a report informing the City Council of loan.

IV. COMMISSIONED WORK.

The Seaside Art Commission shall from time to time, providing funds are available, recommend the City of Seaside City Council initiate the Seaside Art Commission of a work of art to be added to be City of Seaside's permanent collection. At such time, the Seaside Art Commission will transmit to the City of Seaside City Council its requirements and its approval of a work of a work of art.

Once the artist, type of object to be commissioned, and amount to be spent have been determined by the Seaside Art Commission, a contract will be drawn up which outlines the requirements of the commissioned and materials to be used. A timetable for the execution and delivery of the piece, the amount and method of payment along with the rights and responsibilities of all parties shall clearly specified.

Upon Completion, the work shall be photographed and received into the collection. Staff shall complete the acquisition form.

Staff shall see to it that the work is appropriately insured.

Staff shall keep SAC informed on a quarterly basis of the status of acquisition funds expended, encumbered, and remaining throughout the year.

V. ART IN PUBLIC PLACES PROGRAM FUNDS

A. ACCOUNTING

The City of Seaside shall establish a special reserve account designated as the "Art in Public Places Program Fund." This reserve account shall be credited annually with such funds as determined by the Seaside City Council and with all funds received by the City of Seaside for visual art in public places, whether contributed, earned, secured through grants, or other wise obtained. These funds are subject to, the same restrictions established in the City of Seaside Art in Public Places Program.

B. USE OF FUND

The Art in Public Places Fund shall be used to prepare sites for, and works of art in, public places in order to further the intent and acquisition of the Art in Public Places Program.

C. PERMISSIBLE EXPENDITURES

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

The cost of artwork, its installation and insurance. Water works, Landscaping, lighting and other objects which are an integral part of the artwork. Frames, mats, pedestals, and other objects necessary for the proper presentation of the artwork. Walls, pools, landscaping or other architectural or landscaping architectural elements necessary for the proper aesthetic and structural placement of the art work. Maintenance, repair, and restoration of art works funded through the Art in Public Places Program Fund.

D. ADMINISTRATION.

The Art Commission shall make recommendations to the Seaside City Council concerning the purchase, loan or commissioning of art work, including (1) places which should be considered for artwork; (2) the medium of the proposed artwork; and (3) the artist whose work shall be

considered for placement in the recommended location.

The Art in Public Places Program Fund shall be administered by the Community services Department, under the guidelines of the Art in Public Places Program.

Selection of artists and art works shall be based on the guidelines set forth in the City of Seaside's Art in Public Places Program.

The City of Seaside will contract with the artist and with consultants as necessary for the purchase or commissioning, as well as the execution and installation, of the artwork.

On-site activity in connection with the artwork installation shall be coordinated by the Director of Public Works and the Community Services Director.

Maintenance and repair of artworks funded through the Art in Public Places Program fund shall be financed from that account.

So far as is practical, in the event repair of the artwork is required, the City of Seaside shall first give the artist the opportunity to do that work for a reasonable fee. In the event the artist is unable or refuses to make the repair for such a fee; the city may proceed to contract for such repair with qualified restorer in the sole discretion of City of Seaside.

E. DONATIONS AND ENDOWMENTS

The Art in Public Places Fund shall also be used as a depository for bequests, grants or donations. Such sums may be expended as set forth in ART IN PUBLIC PLACES FUNDS. Item C. PERMISSIBLE EXPENDITURES above. However, any funds specified as "endowments" shall be placed in an interest bearing account that will protect the principle. Only the interest may be spent.

F. FORMATION OF FUNDRAISING GROUPS

If individuals, entities, a group or groups are formed to raise money for the Art in Public Places Program, the funds raised shall be deposited into the Art in Public Places Fund with all decisions as to specific choice of art remaining with the SAC.

VI. PUBLIC ART DEACCESSIONING

Deaccessioning as defined here is the process by which the SAC, accordance with City of Seaside policies and procedures, approves and effectuates the disposal of a work of art from the

City of Seaside art collection. This action shall be evaluated by the SAC in order to determine which works, if any will be deaccessioned.

It is recognized that the de-accessioning of art works is a very delicate matter, and must be handled with the greatest diplomacy. Any apprehension on the part of donors and/or artists that their gifts/works might be disposed of to pay operating expenses or to satisfy the trading desires of the Art Commission could easily discourage and alienate potential donors and/or artist.

Moreover, if not properly conducted, deaccessioning can cause irreparable harm to the City of Seaside's collection and, in certain cases, lead to legal action against the City of Seaside. The Seaside Art Commission has a fiduciary obligation to maintain the collection for the benefit of

Seaside citizens.

The policies outlined below shall be subject to periodic review. From time to time, as necessary, the Art Commission may adopt and incorporate into this policy, by approval of the Seaside Art Commission, and the City of Seaside City Council upon recommendation of the Seaside Art Commission such additional guidelines, as it deems essential. No work may be deaccessioned until all policies set forth below have been observed.

A. CRITERIA FOR SELECTING WORKS FOR DEACCESSIONING

The Art Commission may choose to de-accession works only if, in the opinion of the Art Commission, they meet at least one of the following criteria:

If the city cannot properly care for or store the work.

If the work has little or no aesthetic and/or historical/cultural value pertains to collection acquired before the Art in Public Places Program.

If the work represents a large quantity of a single artist of minor stature. In such case, the Art Commission may find it both sufficient and desirable to retain only a representative collection.

If the work is a duplicate (e.g., Prints, sculptures, multiples) of lesser quality of works already in the collection.

If the work is a copy or pastiche without significant historical, documentary or aesthetic value.

If the work is a forgery or a fake. The Art Commission is responsible for ensuring that any forgery or fake it disposes of be identified as such when it leaves the City of Seaside's collection.

A work whose condition requires restoration in gross excess of its aesthetic value or a work in such a deteriorated state that restoration would prove either unfeasible or misleading.

Staff and SAC shall transmit a report informing the City of Seaside City Council of the deaccession

B. APPLICATION OF MONIES RAISED FROM DEACCESSION

All monies from de-accession shall be deposited into the Art in Public Places Program Fund

C. DEACCESSIONING THROUGH TRADE

In some cases, the SAC may wish to trade a deaccessioned work for another work by the same artist or another piece of art for the City of Seaside.

D. ACKNOWLEDGMENTS

In acquiring an object through trade or through monies raised from the sale of deaccessioned objects, the SAC acknowledges, in the credit of the acquired object, the donor(s) of the original object or objects.

All deaccessioned works are disposed of through public negotiations whether by sale, trade or other means in keeping with the California Resale Royalties Act, if a deaccessioned work of art is sold, five percent (5%) of the sale price of any work valued over \$1,000. Will be given to the artist who created the work, provided that the artist can be located by reasonable means within 30 days to de-accession of the art. If the artist cannot be found, the Resale Royalty shall revert

to the California State Arts Council.

E. DEACCESSIONING PROCEDURES

Every five years, Art Commission shall review the City of Seaside's art collection and compile a list of those objects it recommends for deaccessioning.

The Art Commission shall prepare a written report for each object it recommends to be deaccessioned. This report shall include:

1. Title, artist medium, dimensions, and present location of the artwork. 2. Prominence 3. Slide(s) and /or photograph(s) of the work. 4. Report on the conditions of the work. 5. Estimated fair market value. 6. Copy of the title of the work. 7. Justification for disposal, conforming to the Deaccessioning Policy adopted by the Art Commission. 8. In the case of certain objects of high monetary value, independent consultants may be invited to provide opinions. 9. Recommendation for method of disposal of the work.

A copy of this report shall be distributed to each member of the Art Commission for review at least one month prior to the meeting at which the de-accessioning of the work will be considered.

In the case of a three-dimensional object, each member of the Art Commission shall make every reasonable effort to physically inspect the work before the Committee votes. Two-dimensional works shall be brought to the meeting at which the vote will occur where.

Staff shall present the case for deaccessioning the object to the Art Commission at their regular monthly meeting. After appropriate discussion, the art commission will approve or disapprove the deaccessioning by a majority vote.

Following the action of the Art Commission Staff shall make every reasonable effort to locate the donor or his/her heirs, advising them in writing of the Art Commission's intention to de-accession the work, giving reasons and appropriate assurances that:

All monies from de-accession shall be deposited into the Art in Public Places Program Fund. In the case of sale, the monies realized will be used to purchase other works for the collection, or to restore works already owned by the City of Seaside. Every effort shall be made to honor the wishes of the donors/heirs concerning the sale. Written concurrence of donors/heirs will be solicited.

Staff shall forward a deaccessioning report to the Art Commission to be forwarded to the City of Seaside City Manager for review. Approval of the City of Seaside City Council to dispose of an object, as well as to place revenues of sale of deaccessioned objects into the Art in Public Places Program Fund, must be obtained prior to de-accession.

The City Attorney shall also review the recommendation to determine that no legal restrictions prevent deaccessioning. The City Attorney's approval must be obtained.

After removing the work from the insurance log, staff retrieves the work's accession folder from the acquisition files, and annotates it. "DEACCESSIONED" in red. This folder will include all documentation regarding the work City of Seaside's City Manager, and Seaside City Attorney. All de-accession folders shall be kept in a de-accession file.

VI. PROCEDURES FOR DISPOSAL

The Seaside Art Commission may take any of the following courses of action the Seaside Art Commission shall not be limited to these, and may suggest other methods as may be demanded by a particular set of circumstances.

A. SELL THE WORK

The artist/donor shall be given the right of first refusal to reacquire the work at fair market value, original price, or gratis, depending on the recommendation of the Art Commission. The cost of removal of the work may be reflected in the amount set.

Sell the work through a dealer.

Sell the work through competitive bidding (public auction).

Public Sale - Selected objects of minimum evaluation may be sold at a White Elephant sale, with Proceeds Clearly designated for the Art in Public Places Program Fund.

B. TRADES or EXCHANGES

These may be negotiated under special circumstances with a dealer or the artist

C. OTHER.

There may be instances in which marginally significant work has deteriorated to such an extent that it is irreparable and is unsuitable for exhibition and has therefore lost its function within the City of Seaside's collection. Once a work of this nature has been fully deaccessioned, the decision may be made by the Seaside Art Commission with the approval of the Seaside Art Commission and the City of Seaside City Council, to destroy it.

No works may be sold, traded or transferred to members of the Seaside City Council, Seaside Art Commission, its supporting staff, or their agents. Once deaccessioned from the City of side's collection, a work may not be installed on City of Seaside property.

The Seaside Art Commission shall determine which agency or agencies will negotiate the sale or trade of the de-accession object(s). Solicitation of terms, offers and estimates shall involve more than one dealer, rather than by negotiation with one single establishment.

All monies from de-accession shall be deposited into the Art in Public Place Program Fund. Staff will negotiate the terms with the agency or agencies for sale or exchange of deaccessioned objects, and keep a copy of the executed agreement in the de-accession folder.

Staff shall remove acquisition numbers and labels from deaccessioned work, and arrange and coordinate its physical departure from the City of Seaside's collection.

Staff shall report on the sale or exchange of objects at the next meeting of the SAC, following receipt of all funds or the completion of the sale or exchange.

Staff shall transmit a final report informing the City of Seaside's City Council of the removal of the object from the City of Seaside's collection.

All Proceeds from the sale of deaccessioned works of arts will be used to purchase other works for the collection, or to restore works already owned by the City of Seaside.

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To devise methods of selecting and commissioning artists with respect to the design, execution, and placement of art in public places and, pursuant to such methods, on the selection and commissioning of artist for such purposes.

To explore on a continuing basis the availability of funds for the Art in Public Places Program from private, corporate and governmental sources.

To review plans for the installation of art in public places.

To review the inventory of art in public places and to advise the Community Services on matters pertaining to the maintenance, placement, alteration, sale, transfer, ownership, and acceptance or refusal of donations, and matters pertaining to, art in public places.

To recommend the retention of consultants, consistent with the City of Seaside's consultant selection procedures, to assist the City of Seaside in making decisions concerning the Art in Public Places Program.

To advise and assist private property owners who desire such advice and assistance regarding the selection and installation of works of art to be located on their property in the public view.

To act as a liaison between local artists and private property owners desiring to install works of art on they're private property in public view.

To give recognition to and maintain an inventory of significant works of art in the public view.

To insure the cataloging of the City of Seaside's art collection is current, and the report to the Community Services, as requested, on its status.

IX. STANDARDS OF REVIEW.

The SAC shall give special attention to the following matters in reviewing artwork for addition to the City of Seaside's public art collection.

Conceptual compatibility of the design with the immediate environment of the site.

Appropriateness of the design to the function of the site.

Compatibility of the design and location within a unified design character of historical character of the site.

Creation of an internal sense of order and a desirable environment for the general community by the design and location of the work of art.

Preservation and integration of natural features with the project.

Acknowledgment of and sensitivity to the importance of the contributions by local and regional artist of the City of Seaside's Art in Public Places Program.

Appropriateness of the materials and design (texture, color, line, shape, and value) to the expression of the artist's concept.

Representation of a broad variety of tastes within the community and the provision of a balanced inventory of art work to ensure a variety of style, design, and medium throughout the community.

Permanence of structural and surface components.

Art as a communicative function.

X. SITE SELECTION CRITERIA.

The SAC shall give special attention to the following matters in selecting sites for the artwork in the City of Seaside's public art collection:

A. Relationship of artwork and site shall be considered in terms of the physical dimensions, social dynamics local character, and surrounding context of the site, existing or planned.

B. The visibility of the site by the general public.

C. Public safety.

D. Helps to improve the design of an area by emphasizing a particular location through landmarks, gateway and/or linkages or other parts of the community.

E. Interior and exterior vehicular and pedestrian traffic patterns.

F. Site design including landscaping, drainage, grading, lighting, and seating considerations.

G. Relationship of proposed artwork to existing art works within the site vicinity.

H. Environmental impacts such as noise, sound, traffic, parking, lights, and order.

I. Public accessibility to the artwork, particularly disabled access.

J. Impact on adjacent property owner's views. K. Impact on operational functions of the City of Seaside.

L. The possibility of vandalism.

M. The cost of development.

N. Compatibility of the design and location with historical character of the site.

COVER MEMO

Art in Public Places: Policy Document.

(Revised by Michael Wildgoose 1/22/2019)

I've done some editing on the old PDF doc to make it more user-friendly: numbered the pages, added a Contents list, changed numbering of sections, used bold and upper case headings etc. These should make it easier to find a section.

I've also made some text changes, mainly correcting typos and duplication to make things clearer.

I've concluded that this doc originated about 30 years ago and some major policy changes may be needed. It is mostly a legal doc about PROTOCOL rather than a PROGRAM PLAN so I think the City Attorney needs to check it.

A few questions I can't answer:

p2 C4: Is this UNESCO policy current? D and does it still apply within the USA (assuming POTUS has officially withdrawn us.)

p3 D2: Why is the line about final payment to the Artist highlighted?

p3 D4: Not sure what this section (also highlighted) means - about SA&HC selecting copies

p3 D5: Section needs updating to cover digital and other new media.

p9/10/11: Some confusion about reporting or getting approval for De-Accession:

p9 A : ends with having Comm report to Council

but Sec E, at end, orders Staff to report to the City Manager (the only mention of the CM in the whole doc.) but then says the Council must approve disposal before de-accession.

RECREATION SERVICES DEPARTMENT, CITY OF SEASIDE

986 Hilby Avenue

Seaside, CA 93955

Telephone (831) 899-6800 TDD (831) 899-6222

CITY OF SEASIDE ART IN PUBLIC PLACES PROGRAM

The Art in Public Places Program is directed towards developing and upgrading the City of Seaside's permanent art collection through acquisitions.

Art in Public Places is hereby defined as:

Any Visual Work of art displayed for two weeks or more in open City of Seaside-owned areas, on the exterior of any City of Seaside-owned facility, within a City of Seaside owned Facility in areas designated as public areas, lobbies, public assembly areas, or on non-city property if the work of art is installed or financed, either wholly or in part, with City of Seaside funds procured by the City of Seaside.

INTENT AND PURPOSE: The quality of life of the community is greatly enhanced by high quality Public art. Therefore, it is the intent and purpose of the following to set forth a policy regarding the acquisitions and installation of public art. It is further intended for the City of Seaside through its Art in Public Places Program to celebrate its artistic heritage, embrace its cultural responsibilities and guarantees its future generations a rich artistic legacy.

GOALS. The principal goals for acquiring and displaying works of art on public property are:

- To enrich the public environment for both residents and visitors to the area through incorporation of the visual arts
- To enable Seaside to sustain and enhance its recognition as an art destination for visual arts
- To promote local artists
- To promote diversity through a variety of style, design and media

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Page	1	ACQUISITION (Guidelines)
	5.	ACQUISITION PROCEDURES
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	12.	DUTIES.
	13.	STANDARDS OF REVIEW

13. SITE SELECTION CRITERIA

1. ACQUISITION GUIDELINES

A. Permanent installation (installation intended to remain one year or more) shall receive the review and approval of the Seaside Art and History Commission (also known as SA&HC) and City of Seaside City Council. Acquisition is hereby defined as the inclusion of new works of art in the City of Seaside's permanent collection by gift, loan, exchange or purchase with City of Seaside funds, corporate/private donations, and/or grants procured by the City of Seaside. In making acquisitions, the SA&HC shall make every effort to represent the broad variety of tastes within the community, and to acknowledge the wealth of resources within the local artistic community. In order to ensure a variety of style design and media representative of the eclectic tastes of the community, the SA&HC shall seek to acquire works of art of the highest possible quality.

The City of Seaside retains legal control of sites displaying public art. Any and all artwork donated to, or purchased by the City of Seaside shall be the exclusive property of the City of Seaside and the City shall have the right to retain, sell, or dispose of such works of art as deemed appropriate with the recommendation of the SA&HC.

B. The SA&HC shall consider the following criteria when reviewing works of art as gift, loan, or purchase for the collection:

1. The aesthetic or historical significance of the object.
2. The object's physical condition and whether the object is of exhibition quality.
3. Whether the City already owns sufficient examples or better examples of this type of object or objects by a particular artist in a particular style.
4. Whether the City has the facilities necessary to properly care for the safekeeping of the object. (The City has limited storage space and must consider the cost of processing, insuring, and maintaining the new artwork.)
5. Whether sufficient funds are available.

C. In acquiring an object, the SA&HC is governed by its responsibility to:

1. Preserve and conserve the objects in the collection,
2. Catalogue the objects in the collections. Complete records of Accession shall be made and maintained for all artworks acquired.
3. Make the objects in the collection known to the public through display, publication and/or other educational means.
4. The SA&HC is governed in its acquisitions by ethical standards and takes all reasonable precautions to insure that it is acquiring objects of "Licit Provenance" and, in accordance with the policies of the UNESCO Convention of November 14, 1970, will not acquire objects that in recent time have been illegally exported from their country of origin or have otherwise illegally been obtained .
5. Works of art shall be acquired without restrictions as to future use and disposition. The City of Seaside desires to obtain possession of copyrights on all works it acquires that are subject to copyright restrictions.

D. Agree and Document Ownership of Artwork, Copyright and Patents:

1. Generally: Except as noted in this Agreement, Artist shall not retain all copyrights to the Artwork.

2. Title and Risk of Loss: the City of Seaside shall hold Title to the Artwork. Title passes to the City of Seaside when the City Council and the SA&HC accepts the work by resolution and the final payment is made to the artist. The Artist bears the risk of damage to or loss of the artwork until artwork is delivered to the City of Seaside.

3. Display: The City of Seaside has the right to display their project drawings and is authorized to make and reproduce photographs and other two or three dimensional reproductions of any drawings or models for publicity and program purposes.

4. Ownership of Documents and Models: Studies, drawings, designs, maquettes, and models prepared and submitted prior to and during this Agreement shall belong to the Artist. The SA&HC may select and the Artist shall convey to the SA&HC, one (1) archival copy of the original drawings or models submitted as part of the proposal, the SA&HC confirming that such drawing(s) or model(s) will be used by it solely for exhibition and held by it in permanent safekeeping.

5. Reproduction Rights: The City of Seaside shall have a perpetual, non-exclusive license to make, and to authorize the making of, photographs and other two or three dimensional reproductions of the work for educational, public relations, arts promotional and non-commercial purposes. For the purposes of this agreement, the following are deemed to be reproductions for Non-commercial purposes: reproduction in exhibition catalogues, books, slides, photographs, postcards, posters and calendars, and the SA&HC online webpage: in art magazines, art books, and art and news sections of newspapers; in general books and magazines not primarily devoted to art but of an educational, historical or critical nature; slides and film strips not intended for a mass audience, and television from stations operate for educational purposes or on programs for educational purposes from all stations.

6. Artistic Credit: Artist hereby agrees that all formal references to the work and any reproduction of the Artwork or Proposal in any form shall include the following credit: "Collection City of Seaside, County of Monterey CA, Seaside Art and History Commission." The City of Seaside hereby agrees to credit the artist for the art work upon publication of any two or three-dimensional reproductions of the work as stated in this section.

7. Documentation Artist shall provide complete information regarding intent of Artwork, the materials, and processes used in the fabrication and installation of the work to the city for its registration files. Artist shall provide the City with a set of digital images or color transparencies or black and white photographs for its archives.

8. Subcontracting: The Artist shall not subcontract this Agreement or any part of it unless such subcontracting is approved by the Seaside City Council upon recommendation of the SA&HC as part of the construction.

E.. The acquisition procedures shall ensure that the interests of all concerned parties are

represented, including the public, the art community, and the City of Seaside,

F. A legal instrument of conveyance, transferring title and ownership of the artwork and clearly defining the rights and responsibilities of all parties shall accompany all acquisitions.

BY GIFT

A. The donation of works of art is a major source of enrichment of the City of Seaside's collection and this resource should be developed in a systematic, coordinated, and consistent manner. All Members of the SA&UC share a responsibility to make the City of Seaside's needs known to potential donors and to develop cordial relations with local collectors, galleries, artists and art lovers. Although a far greater range of possible acquisitions is offered to the City as gifts than would be considered for purchase, an equally high aesthetic standard should be applied to them. The same procedures used for acquiring works of art by purchase shall be applied to gifts, loans and purchases.

B. The donor is in every case responsible for furnishing evaluation to the government tax agencies. Fees charged for the evaluation of gifts to the City of Seaside are borne by the donors.

C. The SA&HC will only accept gifts without restrictions.

Signage for artwork to be displayed on public property shall be limited to Artist's name, title and date of work and name of donor.

BY PURCHASE.

The same procedures used for acquiring works of art by gifts shall be applied to art by purchase.

Installation, insurance, and maintenance must exist in the Art in Public Places Program Fund before consideration. Signage for artwork to be displayed on public property shall include: Artist's name, title and date of work and where appropriate, a dedication inscription, with name of seller(s).

BY LOAN

Works of art on loan to the City of Seaside will be considered under a similar systematic, coordinated, and consistent manner, as gifts and purchases. Although loaned art will not be included in the City of Seaside permanent collection as is art from gifts or purchases, an equally high aesthetic standard should be applied. The same procedures (where applicable) used for acquiring works of art by purchase and gifts shall applied to loans.

All members of SA&HC share responsibility to make the City of Seaside's needs and restrictions known to potential lenders. Monies must be available in the Art in Public Places Program fund to cover any costs associated with the transportation, installation, insurance, and maintenance of artwork on loan before consideration.

Signage for artwork to be displayed on public property shall be limited to Artist's name, title and

date of work and name of lender.

2. ACQUISITION PROCEDURES.

Any individuals having business with or desiring to request a particular object to be considered through the Acquisition Procedures must submit such Interest in writing to the SA&HC a minimum of 30 days prior to a regularly scheduled meeting. At the regular monthly meetings, any member of SA&HC may recommend an object to the entire Commission for acquisition through donation, purchase, loan, and where appropriate commission.

A. GIFTS.

At the time a gift is offered, the prospective donor shall receive a copy of the City of Seaside policies regarding the acquisition and de-accession of works of art.

If the work itself is brought to the SA&HC for examination the donor shall bear all costs of transport. Staff shall fill out a receipt for the object as a temporary loan. Artist will sign the customary waivers and insurance documents used for all City of Seaside Building and Gallery displays.

If the gift offer is not physically presented to the SA&HC, it can be viewed on site by the Commissioners, or by examination of photographs, slides drawings or models.

Whenever possible, gifts offered shall be accompanied by a resume of the artist, which will be kept, along with the acquisition form, in Acquisition Files.

If the SA&HC approves the gifts, the Commission shall forward their recommendation to the City Council for approval.

Subsequent to the City Council's approval, SA&HC shall act on the recommendation using guidelines established in the Art in Public Places Program.

Staff shall inform the donor in writing of the acceptance or rejection of the gift offer.

Once the acquisition is approved, a legal instrument of conveyance, transferring ownership and copyright of the artwork to the City of Seaside shall be filled out and signed by the donor and placed on file.

The gift shall be photographed and received into the collection and the acquisition form completed by staff.

Staff shall ensure that the work is appropriately insured.

The Staff and SA&HC shall transmit a report informing the City Council of the acquisition.

B. PURCHASES.

Staff shall keep SA&HC informed on a quarterly basis of the status of acquisition funds expended, encumbered, and remaining throughout the year.

Object(s) being considered for purchase should be brought to the SA&HC for examination. Responsibility for costs and insurance incurred in transporting the object to the SA&HC shall be negotiated with the artist. An incoming receipt for the work as a temporary loan shall be completed, and the object will be temporarily insured at the City of Seaside's expense

When objects being considered for purchase cannot be directly examined by the SA&HC, one

or more photographs, slides, drawings, and/or models shall be provided by the artist.

If approved, the SA&HC shall forward their recommendation to the Seaside City Council for approval.

Subsequent to the City Council's approval, SA&HC shall act on the recommendation using guide lines established in the Art in Public Places Program.

Staff shall simultaneously inform the artist in writing of the council's decision, and initiate a purchase order, following all normal-purchasing procedures.

Once the purchase is approved, the Deed of Purchase/ Transfer, a legal instrument of conveyance for transferring ownership and copyright of the work to the City, shall be completed and signed by artist. Once this is signed and returned, and the object has been received, payment shall be initiated as per agreement.

The object shall be photographed and received into the collection and the acquisition form completed by staff.

Staff shall see that the object is appropriately insured.

Staff and SA&HC shall transmit a report informing the City of Seaside City Council of the acquisition.

C. LOANS.

Staff shall keep SA&HC informed on a quarterly basis of the status of acquisition funds expended, encumbered, and remaining throughout the year.

At the time a loan is considered, the prospective lender shall receive a copy of the SA&HC policies regarding the acquisition and de-accession of works of art. Objects being considered for loan should be brought to the Commission for examination. Responsibility for cost and insurance incurred in transporting the object(s) being considered for purchase should be shall be negotiated with the lender. An incoming receipt for the work as a temporary loan shall be completed, and the object will be temporarily insured at the City of Seaside's expense.

When objects being considered for loan cannot be directly examined by the SA&HC, the lender shall provide one or more photographs, slides, drawings, and/or models.

If approved, the SA&HC shall forward their recommendation to the City Council for approval.

Subsequent to City Council's Approval, SA&HC shall act on the recommendation using guidelines established in the Art in Public Places Program.

Staff shall simultaneously inform the lender in writing of the Council's decision, and initiate a loan agreement, following all City procedures.

The object shall be photographed, its condition recorded, received into the collection, and the applicable form completed by staff.

Staff shall see to it that the object is appropriately insured.

Staff shall transmit a report informing the City Council of loan.

D. COMMISSIONED WORK.

The Seaside Art & History Commission shall from time to time, providing funds are available, recommend to the City of Seaside City Council that the SA&HC initiate the commission of a

work of art to be added to be City of Seaside's permanent collection. At such time, the SA&HC will transmit to the City of Seaside City Council its requirements and its approval of a work of a work of art.

Once the artist, type of object to be commissioned, and amount to be spent have been determined by the SA&HC, a contract will be drawn up which outlines the requirements of the commission and materials to be used. A timetable for the execution and delivery of the piece, the amount and method of payment along with the rights and responsibilities of all parties shall be clearly specified.

Upon completion, the work shall be photographed and received into the collection. Staff shall complete the acquisition form.

Staff shall see to it that the work is appropriately insured.

Staff shall keep SA&HC informed on a quarterly basis of the status of acquisition funds expended, encumbered, and remaining throughout the year.

3. ART IN PUBLIC PLACES PROGRAM FUNDS

A. ACCOUNTING

The City of Seaside shall establish a special reserve account designated as the "Art in Public Places Program Fund." This reserve account shall be credited annually with such funds as determined by the Seaside City Council and with all funds received by the City of Seaside for visual art in public places, whether contributed, earned, secured through grants, or other wise obtained. These funds are subject to, the same restrictions established in the City of Seaside Art in Public Places Program.

B. USE OF FUND

The Art in Public Places Fund shall be used to prepare sites for, and works of art in, public places in order to further the intent and acquisition of the Art in Public Places Program.

C. PERMISSIBLE EXPENDITURES

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

The cost of artwork, its installation and insurance, Water works, Landscaping, lighting and other objects which are an integral part of the artwork, Frames, mats, pedestals, and other objects necessary for the proper presentation of the artwork, Walls, pools, landscaping or other architectural or landscaping architectural elements necessary for the proper aesthetic and structural placement of the art work, Maintenance, repair, and restoration of art works funded through the Art in Public Places Program Fund.

D. ADMINISTRATION.

The SA&HC shall make recommendations to the Seaside City Council concerning the purchase, loan or commissioning of art work, including (1) places which should be considered for artwork; (2) the medium of the proposed artwork; and (3) the artist whose work shall be considered for placement in the recommended location.

The Art in Public Places Program Fund shall be administered by the Recreation Services Department, under the guidelines of the Art in Public Places Program.

Selection of artists and art works shall be based on the guidelines set forth in the City of Seaside's Art in Public Places Program.

The City of Seaside will contract with the artist and with consultants as necessary for the purchase or commissioning, as well as the execution and installation, of the artwork.

On-site activity in connection with the artwork installation shall be coordinated by the Director of Public Works and the Director of Recreation Services .

Maintenance and repair of artworks funded through the Art in Public Places Program fund shall be financed from that account.

So far as is practical, in the event repair of the artwork is required, the City of Seaside shall first give the artist the opportunity to do that work for a reasonable fee. In the event the artist is unable or refuses to make the repair for such a fee; the city may proceed to contract for such repair with qualified restorer in the sole discretion of City of Seaside.

E. DONATIONS AND ENDOWMENTS

The Art in Public Places Fund shall also be used as a depository for bequests, grants or donations. Such sums may be expended as set forth in ART IN PUBLIC PLACES FUNDS, Item C. PERMISSIBLE EXPENDITURES above. However, any funds specified as "endowments" shall be placed in an interest bearing account that will protect the principle. Only the interest may be spent.

F. FORMATION OF FUNDRAISING GROUPS

If individuals, entities, a group or groups are formed to raise money for the Art in Public Places Program, the funds raised shall be deposited into the Art in Public Places Fund with all decisions as to specific choice of art remaining with the SA&HC.

4. PUBLIC ART DE-ACCESSIONING

De-accessioning as defined here is the process by which the SA&HC, accordance with City of Seaside policies and procedures, approves and effectuates the disposal of a work of art from the City of Seaside Art Collection. This action shall be evaluated by the SA&HC in order to determine which works, if any will be deaccessioned.

It is recognized that the de-accessioning of art works is a very delicate matter, and must be handled with the greatest diplomacy. Any apprehension on the part of donors and/or artists that their gifts/works might be disposed of to pay operating expenses or to satisfy the trading desires of the SA&HC could easily discourage and alienate potential donors and/or artist. Moreover, if not properly conducted, deaccessioning can cause irreparable harm to the City of Seaside's collection and, in certain cases, lead to legal action against the City of Seaside. The SA&HC has a fiduciary obligation to maintain the collection for the benefit of Seaside citizens.

The policies outlined below shall be subject to periodic review. From time to time, as necessary, the SAHC may adopt and incorporate into this policy, by approval of the Seaside Art & History Commission and the City of Seaside City Council upon recommendation of the SA&HC, such additional guidelines as it deems essential. No work may be deaccessioned until all policies set forth below have been observed.

A. CRITERIA FOR SELECTING WORKS FOR DEACCESSIONING

The SA&HC may choose to de-accession works only if, in the opinion of the Commission, they meet at least one of the following criteria :

- i. The city cannot properly care for or store the work.
- ii The work has little or no aesthetic and/or historical/cultural value
- iii. The work pertains to collections acquired before the Art in Public Places Program was in place.
- iv. The work represents a large quantity of the work of a single artist of minor stature; in such case, the SA&HC may find it both sufficient and desirable to retain only a representative collection.
- v. The work is a duplicate (e.g. Prints, sculptures, multiples) of lesser quality than works already in the collection.
- vi. The work is a copy or pastiche without significant historical, documentary or aesthetic value.
- vii. The work is a forgery or a fake The SA&HC is responsible for ensuring that any forgery or fake it disposes of be identified as such when it leaves the City of Seaside's collection.
- viii. A work whose condition requires restoration at a cost in gross excess of its aesthetic value or a work in such a deteriorated state that restoration would prove either unfeasible or misleading.

Staff and SA&HC shall transmit a report informing the City of Seaside City Council of the deaccession.

B. APPLICATION OF MONIES RAISED FROM DEACCESSION

All monies from de-accession shall be deposited into the Art in Public Places Program Fund.

C. DEACCESSIONING THROUGH TRADE

In some cases, the SA&HC may wish to trade a deaccessioned work for another work by the same artist or another piece of art for the City of Seaside.

D. ACKNOWLEDGMENTS AND RECOMPENSATION

In acquiring an object through trade or through monies raised from the sale of deaccessioned objects, the SA&HC acknowledges, in the credit of the acquired object, the donor(s) of the original object or objects.

All deaccessioned works are disposed of through public negotiations whether by sale, trade or other means in keeping with the California Resale Royalties Act. If a deaccessioned work of art is sold, five percent (5%) of the sale price of any work valued over \$1,000 will be given to the artist who created the work, provided that the artist can be located by reasonable means within 30 days to de-accession of the art. If the artist cannot be found, the Resale Royalty shall revert to the California State Arts Council.

E. DEACCESSIONING PROCEDURES

Every five years, SA&HC shall review the City of Seaside's art collection and compile a list of those objects it recommends for deaccessioning.

The SA&HC shall prepare a written report for each object it recommends to be deaccessioned. This report shall include:

1. Title, artist medium, dimensions, and present location of the artwork.
2. Provenance
3. Slide(s) and /or photograph(s) of the work.
4. Report on the conditions of the work.
5. Estimated fair market value.
6. Copy of the title to the work.
7. Justification for disposal, conforming to the Deaccessioning Policy adopted by the SA&HC.
8. In the case of certain objects of high monetary value, independent consultants may be invited to provide opinions.
9. Recommendation for method of disposal of the work.

A copy of this report shall be distributed to each member of the SA&HC for review at least one month prior to the meeting at which the de-accessioning of the work will be considered.

In the case of a three-dimensional object, each member of the Commission shall make every reasonable effort to physically inspect the work before the Commission votes. Two-dimensional works shall be brought to the meeting at which the vote will occur where.

Staff shall present the case for deaccessioning the object to the SA&HC at their regular monthly meeting. After appropriate discussion, the SA&HC will approve or disapprove the deaccessioning by a majority vote of those present.

Following the action of the SA&HC, Staff shall make every reasonable effort to locate the donor or his/her heirs, advising them in writing of the Commission's intention to de-accession the work, giving reasons and appropriate assurances that:

- i. All monies from de-accession shall be deposited into the Art in Public Places Program Fund.
 - ii. In the case of sale, the monies realized will be used to purchase other works for the collection, or to restore works already owned by the City of Seaside.
 - iii. Every effort shall be made to honor the wishes of the donors/heirs concerning the sale.
- Written concurrence of donors/heirs will be solicited.

Staff shall forward a deaccessioning report to the SA&HC to be forwarded to the City of Seaside City Manager for review.

Approval of the City of Seaside City Council to dispose of an object, as well as to place revenues of sale of deaccessioned objects into the Art in Public Places Program Fund, must be obtained prior to de-accession.

The City Attorney shall also review the recommendation to determine that no legal restrictions

prevent deaccessioning. The City Attorney's approval must be obtained.

After removing the work from the insurance log, staff retrieves the work's accession folder from the acquisition files, and annotates it. "DEACCESSIONED" in red. This folder will include all documentation regarding the work City of Seaside's City Manager, and Seaside City Attorney. All de-accession folders shall be kept in a de-accession file.

F. PROCEDURES FOR DISPOSAL.

The Seaside Art & History Commission may take any of the following courses of action ; the SA&HC shall not be limited to these, and may suggest other methods as may be necessitated by a particular set of circumstances.

1. SELL THE WORK

The artist/donor shall be given the right of first refusal to reacquire the work at fair market value, original price, or gratis, depending on the recommendation of the SA&HC. The cost of removal of the work may be reflected in the amount set.

Sell the work through a dealer.

Sell the work through competitive bidding (public auction).

Public Sale - Selected objects of minimum evaluation may be sold at a White Elephant sale, with Proceeds Clearly designated for the Art in Public Places Program Fund.

2. TRADES or EXCHANGES

These may be negotiated under special circumstances with a dealer or the artist.

3. OTHER.

There may be instances in which marginally significant work has deteriorated to such an extent that it is irreparable and is unsuitable for exhibition and has therefore lost its function within the City of Seaside's collection. Once a work of this nature has been fully deaccessioned, the decision may be made by the SA&HC with the approval of the Commission and the City of Seaside City Council, to destroy it.

No works may be sold, traded or transferred to members of the Seaside City Council, SA&HC, its supporting staff, or their agents. Once deaccessioned from the City of Seaside's collection, a work may not be installed on City of Seaside property.

The SA&HC shall determine which agency or agencies will negotiate the sale or trade of the de-accession object(s). Solicitation of terms, offers and estimates shall involve more than one dealer, rather than by negotiation with one single establishment.

All monies from de-accession shall be deposited into the Art in Public Place Program Fund. Staff will negotiate the terms with the agency or agencies for sale or exchange of deaccessioned objects, and keep a copy of the executed agreement in the de-accession folder.

Staff shall remove acquisition numbers and labels from deaccessioned work, and arrange and coordinate its physical departure from the City of Seaside's collection.

Staff shall report on the sale or exchange of objects at the next meeting of the SA&HC, following receipt of all funds or the completion of the sale or exchange.

Staff shall transmit a final report informing the City of Seaside's City Council of the removal of the object from the City of Seaside's collection.

All Proceeds from the sale of deaccessioned works of arts will be used to purchase other works for the collection, or to restore works already owned by the City of Seaside.

5. JURISDICTION

ART IN PUBLIC PLACES: The SA&HC shall perform the duties and shall have responsibilities specified in the Art In Public Places Program,

INTERACTION WITH OTHER CITY OF SEASIDE BODIES: If the functions of the SA&HC overlap the functions of another City of Seaside committee, commission, board, task force, or the like, Recreation Services, in cooperation with the SA&HC and such other City of Seaside body, shall devise a procedure for coordination of such functions to avoid duplication of efforts, to maximize cooperation between the City of Seaside bodies in a manner most compatible with the public welfare.

INTERACTION WITH CITY OF SEASIDE DEPARTMENTS: The City of Seaside Planning Department shall determine whether a proposed work of art is a mural or a sign prior to review by the SA&HC to follow all established City of Seaside procedures, comply with municipal codes, and obtain appropriate approvals from the BAR. SA&HC shall confer with the Fire Department and Public Works Department on all art installations.

6. DUTIES.

Duties of the SA&HC in the Art in Public Places Program shall be as follows:

To periodically review, at least once a year, their five (5) year plan with members of the City of Seaside Staff to decide what may be appropriate for inclusion of works of art in various projects.

To devise methods of selecting and commissioning artists with respect to the design, execution, and placement of art in public places and, pursuant to such methods, on the selection and commissioning of artist for such purposes.

To explore on a continuing basis the availability of funds for the Art in Public Places Program from private, corporate and governmental sources

To review plans for the installation of art in public places

To review the inventory of art in public places and to advise the Community Services on matters pertaining to the maintenance, placement, alteration, sale, transfer, ownership, and acceptance or refusal of donations, and matters pertaining to, art in public places.

To recommend the retention of consultants, consistent with the City of Seaside's consultant selection procedures, to assist the City of Seaside in making decisions concerning the Art in

Public Places Program.

To advise and assist private property owners who desire such advice and assistance regarding the selection and installation of works of art to be located on their property in the public view.

To act as a liaison between local artists and private property owners desiring to install works of art on their private property in public view.

To give recognition to and maintain an inventory of significant works of art in the public view

To insure the cataloging of the City of Seaside's art collection is current, and the report to the Recreation Services, as requested, on its status.

7. STANDARDS OF REVIEW.

The SA&HC shall give special attention to the following matters in reviewing artwork for addition to the City of Seaside's public art collection:

- A. Conceptual compatibility of the design with the immediate environment of the site
- B. Appropriateness of the design to the function of the site
- C. Compatibility of the design and location within a unified design character of historical character of the site
- D. Creation of an internal sense of order and a desirable environment for the general community by the design and location of the work of art
- E. Preservation and integration of natural features with the project
- F. Acknowledgment of and sensitivity to the importance of the contributions by local and regional artist of the City of Seaside's Art in Public Places Program
- G.. Appropriateness of the materials and design (texture, color, line, shape, and value) to the expression of the artist's concept
- H. Representation of a broad variety of tastes within the community and the provision of a balanced inventory of art work to ensure a variety of style, design, and medium throughout the community
- J. Permanence of structural and surface components
- K. Art as a communicative function

8. SITE SELECTION CRITERIA.

The SA&HC shall give special attention to the following matters in selecting sites for the artwork in the City of Seaside's public art collection:

- A. Relationship of artwork and site shall be considered in terms of the physical dimensions, social dynamics local character, and surrounding context of the site, existing or planned
- B. The visibility of the site by the general public
- C. Public safety

- D. Helps to improve the design of an area by emphasizing a particular location through landmarks, gateway and/or linkages or other parts of the community
- E. Interior and exterior vehicular and pedestrian traffic patterns
- F. Site design including landscaping, drainage, grading, lighting, and seating considerations
- G. Relationship of proposed artwork to existing art works within the site vicinity
- H. Environmental impacts such as noise, sound, traffic, parking, lights, and order
- J. Public accessibility to the artwork, particularly disabled access
- K. Impact on adjacent property owner's views. K. Impact on operational functions of the City of Seaside
- L The possibility of vandalism
- M. The cost of development
- N. Compatibility of the design and location with historical character of the site

**City of Seaside
Art and History Commission
2018 WORK PLAN
AND
FISCAL YEAR 2017 ACCOMPLISHMENTS**

MISSION STATEMENT:

To advise the City of Seaside in the advancement, preservation and protection of Historical and Cultural heritage so that this and future generations may know and appreciate the historical resources, places, people, events and the arts which represent the City of Seaside.

HISTORICAL BACKGROUND:

The Seaside Art Commission was created by Ordinance 70, on May 17, 1956, two years after the City of Seaside was incorporated.

The Seaside History Commission was established by the adoption of Ordinance 593 on October 15, 1981.

These two Commissions were combined to form the Seaside Art & History Commission in 2010 by ordinance number 986.

According to the City ordinance, "The Art and History Commission shall have the power, and it shall be the duty of the commission to make recommendations to the City Council and to advise the council in the following matters:

- A. Pertaining to the encouragement of arts and crafts and historical activities;
- B. Pertaining to the promotion of programs of artistic merit within the city;
- C. Pertaining to the collection, promotion, display and preservation of Seaside's historical artifacts;
- D. Designate, protect, preserve, enhance and perpetuate those structures and areas of historical, architectural and engineering significance;
- E. Encourage the city systematic collection and preservation of Seaside's historic records and manuscripts. (Ord. 986 § 3, 2010)"

GOALS:

1. Explore funding possibilities for commission goals.
2. Maintain a professional, active & educated Art & History Commission for the City of Seaside.
3. Identify, protect, preserve & enhance historic & art resources.
4. Continually support & expand public awareness of Seaside's history, culture and art.
5. Recruit, support and promote the exhibition of art within the City of Seaside

ACCOMPLISHMENTS:

PAST YEAR:

- Hosted Monterey County Art Tour Opening Exhibit and Reception.
- Negotiated acquisition of 9 major art pieces from the Monterey Conference Center.
- Initiated public art projects (e.g. Roberts Lake fountain, water tank painting, murals and utility box painting).
- Provided youth art classes.
- Proposed archive management and storage solutions to City.
- Met with Presidio of Monterey and other Fort Ord groups about a museum, archive and history center.
- Supplied historical material for 60's show at Airport Gallery.
- Supplied photos for "Famous Women of Monterey County" presentation.

ONGOING:

- Continuous art exhibits at the Walter Avery Gallery, the premier art space on the Peninsula.
- Annual Black History Month exhibit and reception and Art exhibit.
- Rotating mini-exhibits in the Oldemeyer Center lobby & senior wing.
- Help prepare and participate in Outdoor Art Events.
- Close networking with area art associations.

- Working with CSUMB on annual series Seaside Voices Oral Histories.
- Represented on area history groups: Archive Round Table, Monterey County. History Advisory Commission, Monterey Bay Heritage Area planning group.
- Networked with Monterey County Historical Society, planned Marina History Commission, FOAA and FOMA.

NEXT YEAR PLANS:

Request the City to make available some of the resources cited in Goal LUD-8, Page 62 of the General Plan Update to provide the Staff and monetary support necessary to actualize the following projects:

- Find and acquire archive storage and work space to preserve the City's history, archives and artifacts, enabling us to accept donations of family papers and historical materials.
- Find a building to become a City museum, art gallery and cultural center.
- Take part in every public relation opportunity to expand public awareness of Seaside's history and multi-ethnic culture.
- Create a short, readable (multi-lingual) History of Seaside; then expand this to include "Things to Do in Seaside, "Places to See in Seaside" and "Outside Seaside".
- Create some Seaside history class curriculums for all school grades. Provide mini-exhibits for schools.
- Expand and rotate Seaside History section of City's website.
- Develop a Historic Resource Preservation ordinance-backed process as required by the 2018 General Plan that will allow grants applications to fund an inventory of Historic Resources and Historic Designations.
- Work with CSUMB on more Seaside Voices oral histories and develop student capstone projects focusing on Seaside history.
- Collaborate with City, other Commissions and private groups on more public art projects.
- Support creation of Seaside Historical Society.
- Develop a "digital era clippings" system to maintain a record of current Seaside history.

SEASIDE VOICES
SA&HC + CSUMB ORAL HISTORY PROJECT
Spring Semester 2019

INTERVIEWEE INFORMATION (2/27/2019)

*** JOCELYNE MUSON** (jimimusun562@gmail.com) 831-277-0965

Artist, French-born immigrant, Big Sur mother, teacher, renovator of Seaside's oldest and finest house (on Noche Buena St).

***MARYANN (CHIOINO) CARBONE.** (maryann@sandcityca.org) 831- 917-6225

Elder of Seaside's largest Indian family of Chumash descent; long time Council person and now Mayor of Sand City

***ALFRED AVILA** (aavila@mpusd.k12.ca.us) 831-582-8904

Teacher and coach at SHS

***BILL WEIGLE** (billweigle@sbcglobal.net) 831-899-7934

U. S. Olympic Team 1972, Professor Emeritus 2004, activist (Monterey Downs, Whispering Oaks, Sustainable Seaside) Vet.

*** RUTHIE WATTS** (ruthievip1@aol.com) 831-394-3547

Community organizer, once a fashion model.

*** MICHAEL WILDGOOSE** (miwildgoose@hotmail.com) 831-393-1731

Furniture-maker, local historian, immigrant, traveller.

*** WANDA SUE PARROTT** (amykitchenerfdn@hotmail.com) 831-899-5887

Community organizer, journalist

NEW ADDITIONS (3/3/19):

*** JEANETTE MAZZARINO** (375-1092). Grew up in her father, Tony Coniglio's, Ord Terrace Pharmacy (now The Reef) opened in 1952. Mother of James Perry of MontCoHistSoc.

*** JOHN NASH** (521-2261) Lived in SS since 1955; very involved with Victory Temple

*** JIM LAMBERT** (lambertj4@yahoo.com) Photographer, naturalist, enviro activist.
retired from 30 years as civilian Army employee

*** RICHARD COTA**, (277-5324) Son of Joe Cota, Seaside's first Mayor

*** KORA SOMBRANO** (383-0103; 1551 SONOMA) D. of "Bill" Herod Irvin, involved in struggle over Redevelopment in early 60s

*** The CONSTANTINOS**, Romeo and Ofren 899-4964 (Phillipino)

FUTURE POSSIBLES:

- **Dr. Bettye LUSK (bjlusk@sbcglobal.net) principal SHS; MPUSD Board**
- **Dennis VOLK (394-1881) owner of Mel's Market, council candidate;**
- **FATHER MIKE (VOLK) at St Francis Xavier church (via office 394-8546)**
- *** TERESA (VOLK) BENNETT, principal San Carlos school**
- **Rev. SAMUEL GASKINS (393-0225) church activist, FtOrd minister, council candidate**
- **MATSUYAMA Family; 924 Harcourt 394-2933**
- **VILLALOBOS folklorico family; d.= Sonia V., 393-1580**
- **ALBERT SAN NICOLAS (GUAMANIAN)**
- **JAMES BOGAN (901-5144) Vet affairs activist.**
- **WILLIE HARRELL publisher and journalist**
- **Another CHIOINO family member (Via MA Carbone)**
- **Another COTA brother (via Rich Cota)**