

Chapter 13.28 PUBLIC ART PROGRAM

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13.28.010 Public art allocation.

An amount equal to two percent of each county capital project budget (construction or renovation) shall be allocated for the acquisition, design, creation, installation and maintenance of public art and for related administrative costs. (Ord. 94-16 § 1 (part): prior gen. code § 5-55.01)

13.28.020 Responsibilities.

The art commission shall be responsible for the administration of the public art program, the appointment of the public art advisory committee, and the development of the public art program regulations. The program's regulations and all revisions thereto implementing, defining, and interpreting this chapter shall be approved by the board of supervisors upon recommendation of the Alameda County art commission. The art commission shall be responsible for reviewing the annual public art plan, approving public art project budgets, selecting artists for recommendation to the board of supervisors, negotiating artist contracts, appointing project art selection panels, and ensuring the ongoing maintenance of the county art collection. (Ord. 94-16 § 1 (part): prior gen. code § 5-55.02)

13.28.030 Funding.

- A. Appropriations. All appropriations for county capital projects with budgets over one hundred thousand dollars (\$100,000.00) including all bond projects, grant-funded projects, and all other capital projects funded from other sources shall include at least the two percent allocation to be used for artist design services, for the selection, acquisition and display of artworks, for related education programs, for the maintenance of artworks in the county art collection, and for the administration of the public art program. Capital projects for which architectural services for plans, specifications and engineering (PS&E) have been authorized by the board of supervisors prior to the effective date of this chapter shall be subject to a minimum allocation of one percent. A department director may make a written request to the art commission to reduce the two percent allocation but not below one percent where a two percent allocation would cause an undue burden on the project. Funds appropriated for a particular capital project deemed unnecessary or inappropriate by the art commission in whole or in part for art uses or purposes for that project may be expended on other public art projects approved under the annual public art plan. Unless restricted by the board of supervisors, local or state law, or the conditions of a granting authority, monies generated under this chapter may be pooled by the art commission and expended for any public art project in the county subject to the approved annual public art

plan. There is no general requirement that monies shall be expended on the specific project that generated the monies.

- B. Capital Funding Proposals. All county departments shall, from the effective date of this chapter, include in all applications to outside granting organizations or public entities for funding for capital projects an amount equal to two percent of eligible construction costs for artist design services and/or artworks as specified herein. All capital project bond ordinances or resolutions approved after the effective date of this chapter shall make specific reference to the provisions of this chapter.
- C. Method of Calculation. The minimum amount to be appropriated for public art shall be the total estimated eligible construction costs multiplied by 0.02. The minimum amount for projects for which PS&E services have been authorized prior to adoption of this chapter shall be the total eligible construction costs multiplied by 0.01. These calculations shall be made at the time the board of supervisors approves the appropriation for the overall project and authorizes architectural services for PS&E.
- D. Public Art Trust Fund. The auditor-controller shall establish a trust fund account, designated "public art trust fund." Monies appropriated for the public art program as set forth in subsection A of this section shall be transferred by the county administrator or his designee into the public art trust fund subject to any legal or funding source restrictions. (Ord. 94-16 § 1 (part): prior gen. code § 5-55.03)

13.28.040 Uses of funds.

The monies appropriated under this chapter may be used for artist design services and the development of design concepts and models; and for the selection, acquisition, purchase, commissioning, placement, installation, exhibition and/or display of artworks. Funds may also be expended for engineering studies or architect's fees when collaboration is involved. Artworks may be temporary or permanent, may be integral to the architecture or may be incorporated into the capital project. Integration of an artist's design concepts into the project architecture should be ensured, insofar as is feasible, by the concurrent selection of the artist(s) with the architect or project designer.

A reasonable percentage of the public art funds as set forth in the regulations may be used for project administration and community education activities, and for curatorial services and the preservation and maintenance of artworks in the county art collection. (Ord. 94-16 § 1 (part): prior gen. code § 5-55.04)