

PUBLIC ARTS AND CULTURAL FACILITIES FUND

- A. **Purpose:** The City of Newport Beach recognizes the importance and desirability of a city-wide public art and cultural facilities program that includes a funding source for the acquisition and maintenance of permanent art structures and installations in public places throughout the City including support of capital construction programs and cultural facilities (collectively referred to herein as “Public Art”).
  
- B. **Intent:** The City Council desires to establish a funding source for the acquisition, installation, management and maintenance of Public Art without adopting or imposing new fees or charges. The City Council therefore hereby establishes the Public Arts and Cultural Facilities Fund and by approval of this policy expresses its intent that Public Art in the City be funded by appropriations and deposits into the Public Art and Cultural Facilities Fund.
  
- C. **Public Art and Cultural Facilities Fund:** The Public Art and Cultural Facilities Fund is the identified funding source for Public Art. With the adoption of this policy, City Council establishes its intent to deposit into the Public Art and Cultural Facilities Fund an amount equal to 2% of the unallocated public benefit fees received by the City after the date of adoption of this policy pursuant to Development Agreements approved by the City. The allocation of Development Agreement revenues shall be confirmed by the City Council concurrent with its approval of the City’s annual budget for the fiscal year in which public benefit fees are anticipated to be received.

To provide for a future stream of funding, the City Council also desires that a contribution to the Public Art and Cultural Facilities Fund be included as a component of any public benefit fees negotiated pursuant to Chapter 15.45 of the City’s Municipal Code (Developer Agreements) and approved by City Council subsequent to the date of adoption of this policy, as the same may be amended from time to time.

In addition, all monies earmarked for deposit into the Public Art and Cultural Facilities Fund including, but not limited to, monies received by the City from private individuals, corporate and foundation donations, government grants and

special appropriations shall be deposited into the Public Art and Cultural Facilities Fund.

- D. **Administration of the Public Art and Cultural Facilities Fund:** The Public Art and Cultural Facilities Fund shall be maintained separate from all other City funds. Funds may be withdrawn from the Public Art and Cultural Facilities Fund following the receipt of Development Agreement revenue and deposit into the Public Art and Cultural Facilities Fund. The City Council shall review and approve all expenditures of the Public Art and Cultural Facilities Fund. Prior to approving an expenditure on a work of Public Art, the City Council shall obtain a recommendation from the City's Arts Commission and City staff as to the proposed Public Art's consistency with this policy. In addition, from time to time, City staff and the Arts Commission may:

1. Identify and assess potential Public Art projects and locations;
2. Recommend to the City Council funding for the capital construction, expansion or enhancement of permanent arts and cultural facilities, museums, historical sites, theaters or performance spaces;
3. Confer with other Boards and Commissions that may be impacted by the recommended list of Public Art projects;
4. Make appropriate recommendations to City Council;
5. Participate in the selection of artists for Public Art;
6. Plan and oversee the artistic design process; and
7. Work with appropriate City Departments to ensure correct installation and long-term maintenance and conservation of the Public Art.

- E. **Other Considerations:** The following criteria shall be considered prior to approval of a Public Art project or authorization of an expenditure of the Public Art and Cultural Facilities Fund:

1. The aesthetic concept, quality, scale, and form of the work of art, and its appropriateness for the site;
2. A site that is easily visible and/or accessible to the general public;
3. The experience, skill and ability of the artist to produce the work of art;
4. The proper medium for the work of art, considering durability against vandalism, theft and weather, and the safety of the viewer;

5. The cost for the City to acquire, install, insure and maintain the work of art;
6. The degree to which the facility will provide cultural enrichment, historical understanding, educational value, or facilitate performance art;
7. The value of the proposed facility in the economic, cultural or neighborhood revitalization of the City and the particular neighborhood of the proposed facility; and
8. The value of the improvement in enhancing Newport Beach as an arts and/or cultural destination.

**Adopted – March 26, 2013**