



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Clerk

Prepared by: Lindsay Lara, City Clerk

City Manager Approval: _____

TOPIC: PUBLIC ART REVIEW BOARD BYLAWS AMENDMENT

SUBJECT: RESOLUTION AMENDING THE PUBLIC ART REVIEW BOARD BYLAWS

RECOMMENDATION:

Adopt a resolution amending the Public Art Review Board Bylaws.

BACKGROUND / ANALYSIS:

In [May 2022](#), the City Council established the Public Art Review Board consisting of three community members, one representative from the Park and Recreation Commission and one representative from the Design Review Board. On [June 17, 2024](#), the City Council approved an amendment to the Public Art Review Board Bylaws to include a stipend for serving on the Board. On July 15, 2024, the City Council adopted an ordinance dissolving the Design Review Board and consolidating it with the Planning Commission.

Since the Design Review Board function has been consolidated into the Planning Commission, staff recommends the bylaws of the Public Art Review Board be amended to state that the City Council shall appoint a member of the Planning Commission, instead of a member of the Design Review Board. The number of representatives on the Public Art Review Board would remain the same. If approved, the Public Art Review Board would be comprised of three community members, one representative from the Park and Recreation Commission and one representative from the Planning Commission.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

OPTIONS:

The City Council has the following options to consider on this matter:

1. Approve the resolution as proposed.
2. Approve the resolution with modifications.
3. Direct staff to return with more information.
4. Take no action.

ATTACHMENTS:

1. Resolution, including Exhibit A: Bylaws of the Public Art Review Board

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
AMENDING THE PUBLIC ART REVIEW BOARD BYLAWS TO UPDATE THE DESIGN
REVIEW BOARD REPRESENTATIVE TO THE PLANNING COMMISSION REPRESENTATIVE**

WHEREAS, the City Council has voted to dissolve the Design Review Board and consolidate the Design Review Board with the Planning Commission; and

WHEREAS, the Bylaws of the Public Art Review Board require that one member of the Public Art Review Board be a member of the Design Review Board; and

WHEREAS, the Bylaws of the Public Art Review Board must be updated to require that one member of the Public Art Review Board be a member of the Planning Commission instead of a member of the Design Review Board; and

WHEREAS, the bylaws in Exhibit A attached hereto are recommended by staff and include changing the term “Design Review Board” to “Planning Commission” throughout the Bylaws of the Public Art Review Board.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby repeals and replaces the City of San Rafael Bylaws of the Public Art Review Board with the version of the Bylaws attached hereto and incorporated herein as Exhibit A.

I, **LINDSAY LARA**, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael, held on Tuesday, the 3rd day of September 2024, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

EXHIBIT A: PUBLIC ART REVIEW BOARD BYLAWS

PUBLIC ART REVIEW BOARD BYLAWS

ARTICLE I. NAME AND PURPOSE

Section 1.1. Name. The name of this body shall be the City of San Rafael Public Art Review Board, hereinafter referred to as the "Public Art Review Board," or the "Board."

Section 1.2. Purpose. The Public Art Review Board's purpose is to help administer the public art review process and to advise the City Council on public art installations.

Section 1.3. Committee Responsibility. The Public Art Review Board's authority over long-term art proposals (greater than one year) is advisory only and the Board will issue a recommendation to City Council to approve or reject a proposal. For short-term art proposals, the Public Art Review Board has the authority to approve exhibitions. At staff's discretion, certain short-term projects may be required to obtain City Council approval, depending on project impact.

The Public Art Advisory Committee's responsibilities shall be in accord with these Bylaws, as amended from time-to-time by the City Council.

The responsibilities and duties of the Public Art Review Board shall be as follows:

1. Work with Staff in the review and approval of public art projects.
2. Review all proposals for public art and recommend select projects to City Council for approval.
3. Monitor the overall development of public art projects, encouraging balance over time with respect to background, gender, and other identities of artists selected and also with respect to styles of expression, media, and genre.
4. Provide opportunities for community input and resident participation.
5. To use the following Public Art Review Criteria in evaluating all public art proposals:
 - a. Project Readiness: Projects can demonstrate readiness through completeness of design, skill/experience of the artist(s) or project manager(s), secured funding for art piece and cost of installation, successful community engagement, identification of an appropriate site, and proposed schedule. The Public Art Review Board may encourage an applicant to reapply, if they deny a proposal as not sufficiently ready but with specific promise to demonstrate future readiness.
 - b. Qualifications: Artists, artist teams, or project manager must be able to demonstrate, through past work – as evidenced in a resume, portfolio, and reference – their ability to create quality artwork and act with the utmost professionalism. In most cases, artists have considerable training and experience working professionally at and have been

- compensated for their art. For certain projects, the City will consider emerging or non-professional artists, who are working under the guidance of a professional mentor or art teacher.
- c. Funding: Projects should have a funding source identified and project implementation will be contingent upon receipt of full funding for the project. The City does not provide project funding for public art.
 - d. Community Engagement: Proposed projects that have completed their own public engagement process will be prioritized.
 - i. For long-term projects (installation planned for more than one (1) year): A minimum of one (1) public meeting and three (3) letters of support are recommended. Successful public meetings might involve the local homeowner's association (HOA), neighborhood associations, or business owners. The Public Art Review Board must be informed of these meetings ahead of time and allowed to opportunity to attend.
 - ii. For short-term projects that are viewable within the public right-of-way: A minimum of two (2) letters of support is recommended.
 - iii. In both instances, it is recommended that one of the letters of support be from the local homeowners' association (HOA) or neighborhood association, if applicable.
 - iv. Short-term projects inside a public facility are not required to conduct community engagement, outside of that undertaken through the Public Art Review Board process.
 - e. Maintenance: Works of art will have reasonable maintenance requirements and these requirements shall be compatible with routine City maintenance procedures. For projects that require more maintenance than current City budgets and staffing allow or a specific expertise, the project must set aside sufficient maintenance funding for the duration of the project and must develop an agreement for maintenance to be performed by private parties, as approved by City staff.
 - f. Design: Works of art will be designed in consideration of the relevance and appropriateness of the work to the context of the site and in alignment with public safety and decency.
 - i. The artwork will not portray themes that may be interpreted as derogatory as to race, religion, sexual orientation, natural origin, or physical or mental disability. The artwork will not contain content, signage, names, logos, or subject matter that could be construed as advertising or as religious or sexual in nature nor will it promote a political candidate or include political text. Any content considered obscene or indecent by community standards will be denied.
 - ii. The design of the artworks will take into consideration issues associated with public spaces such as security, theft, vandalism, etc.
 - iii. The design of the artworks will consider the specific needs and use patterns of the public space in which they will be located. For example, in parks, works of art will not block critical view corridors

- or impede public usage of key open space.
- g. Diversity: Artists and the City's public art collection should reflect the diversity of San Rafael's community. The Public Art Review Board shall monitor the overall development of public art projects, encouraging balance in the City's collection over time with respect to background, gender, and other identities of artists selected and also with respect to styles of expression, media, and genre.

ARTICLE II. MEMBERSHIP

Section 2.1. Number of Members. The Public Art Review Board shall consist of five (5) voting members as follows: three (3) at-large members, one (1) representative from the Planning Commission and one (1) representative from the Park and Recreation Commission. The Councilmember in whose district the public art is proposed will participate as a non-voting liaison to the City Council as part of the selection process.

Section 2.2. Eligibility. Members of the Committee shall be at least 18 years of age and reside within the City limits. The three (3) at-large members shall reflect the diversity of San Rafael, with professional qualifications in the visual arts and/or civic design, such as artists, architects, landscape architects, arts educators, arts administrators, urban designers, urban planners, or owners/managers of a creative business.

Section 2.3. Compensation. Committee Members may apply for stipends through the Stipend Program at \$50 per month, not to exceed \$600 per year per member..

Section 2.4. Appointment of Committee Members. The representatives from the Planning Commission and the Park and Recreation Commission will be selected by the Planning Commission and the Park and Recreation Commission, respectively, on a biannual basis. The at-large members will be selected by the City Council.

Section 2.5. Terms of Appointment. The at-large Board members will serve a maximum of two (2) four (4) year terms. The representatives from the Planning Commission and the Park and Recreation Commission shall serve a term of two (2) years, but not more than two consecutive terms. However, if there is a vacancy, the Planning Commission and the Park and Recreation Commission have the authority to extend the current representative's term at their discretion. Board Members serve at will and are subject to appointment and/or removal at the discretion of City Council.

Section 2.6. Absence and Removal. An unexcused absence from two (2) consecutive Committee meetings without notification to the Staff Liaison, or six absences (whether excused or unexcused) in any term, shall be considered a voluntary resignation from the Committee. Committee members who had previously resigned may be eligible for reappointment to the Committee.

Section 2.7. Conflict of Interest. A member of the Board who has a financial, business, familial or romantic relationship regarding a matter coming before the Board

shall disqualify themselves from all participation in that matter.

ARTICLE III. MEETINGS

Section 3.1. Time and date of Regular Meeting. Notification of meeting place, date, and time shall be rendered to the public through posting on the City of San Rafael website. Public meetings shall be held a minimum of four (4) times per year but may meet more frequently or on an ad hoc basis, as needed. Quarterly meetings shall be scheduled annually with the quarterly meeting schedule for the upcoming year will be set by November of the previous year.

Revised September 3, 2024