



Civic Arts Commission  
Office of Economic Development

## **Civic Arts Commission Meeting**

### **Wednesday, February 23, 2022**

### **6:00 PM**

#### **PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE**

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the Civic Arts Commission will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/86147520326>. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-900-9128** and enter Meeting ID: **861 4752 0326**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair. To submit an e-mail comment during the meeting to be read aloud during public comment, email [civicarts@cityofberkeley.info](mailto:civicarts@cityofberkeley.info) with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150-word limit. Time limits on public comments will apply.

### **Agenda**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PUBLIC COMMENT** (for items not on the agenda)
4. **APPROVAL OF MINUTES**
  - a) January 19, 2022 Draft Minutes (Attachment 1)
5. **CHAIR'S REPORT**
  - a) Review of various funding sources for Civic Arts programs.

6. **PRESENTATIONS, DISCUSSION & ACTION ITEMS** (All items for presentation, discussion and possible action)

- a) Update on Hinkel Park renovation, Scott Ferris
- b) 2352 Shattuck (Logan Park) Final Public Art Plan, Presented by Karen Eichler (Attachment 2)
- c) 2352 Shattuck (Logan Park) – Request for a one-time, project specific (limited to the development at 2352 Shattuck) alteration to the following section of the Public Art in Private Development Guidelines, Section VII. OWNERSHIP MAINTENANCE AND REMOVAL OR REPLACEMENT: B. On-Site Publicly Accessible Art must remain on the site for a minimum of 10 years. After 10 years, if the Developer wishes to remove the On-Site Publicly Accessible Art, the Developer shall notify the City at least 6 months before doing so, and shall replace the On-Site Publicly Accessible Art that is removed with alternative On-Site Publicly Accessible Art of equal or greater value, which shall be subject to the same review and approval process for the original On-Site Publicly Accessible Art set forth in these Guidelines.

Proposed one-time, project specific requirement for 2352 Shattuck:

Section VII. OWNERSHIP MAINTENANCE AND REMOVAL OR REPLACEMENT: B. On-Site Publicly Accessible Art shall remain on the site for the life of the building, except if the Artist and Developer agree to remove the artwork. Should the Artist and Developer agree to remove the On-Site Publicly Accessible Art, the Developer shall notify the City at least 6 months before doing so. The On-Site Publicly Accessible Art shall be donated to the City for installation by the City at a City-owned building, which shall be determined by the City at that time. The City shall cover the cost of removal of the artwork and installation of the artwork at the City owned site. The City shall not cover the cost of any replacement finishes on 2352 Shattuck at the site where the artwork was removed.

- d) Draft Public Art Funding Ordinance – Revise percentage to 1.75% to align with Public Art on Private Development Ordinance (Attachment 3)
- e) FY23 Civic Art Grant Guidelines for Festivals and Individual Artists (Attachment 4)
- f) Use of FY22 Pool of Grant Application Review Panelists for FY23 Civic Arts Grants for Festivals and Individual Artists (Attachment 5)

7. **STAFF REPORT**

- a) Update on Berkeley Arts Recovery Grants for Arts Organizations & Festivals

- b) Update on Berkeley Arts Recover Grants for Individual Artists
- c) FY23 Civic Arts Commission Work Plan to be submitted by June 30, 2022

## **8. COMMITTEE REPORTS**

- a) Grants
  - Lisa Bullwinkel, Chair
  - Liz Ozol
  - Cameron Woo
- b) Policy
  - Kim Anno, Chair
  - Lisa Bullwinkel
  - Modesto Covarrubias
- c) Public Art
  - Matt Passmore, Chair
  - Kim Anno
  - Dana Blecher
  - Modesto Covarrubias
- d) Representative on Berkeley Cultural Trust
  - Lisa Bullwinkel
- e) Representatives on Berkeley Arts Education Steering Committee Representative
  - Liz Ozol
  - Riti Dhesi
- f) Representative on Design Review Committee
  - Dana Blecher
- g) Representative on Ad-Hoc Artists Affordable Housing Committee
  - Kim Anno

## **9. COMMUNICATION**

## **10. ADJOURNMENT**

### **Attachments:**

1. January 19, 2022 Draft Civic Arts Commission Meeting Minutes
2. Final Art Plan for 2352 Shattuck (Logan Park)
3. Draft Public Art Funding Ordinance and associated Council Report
4. FY23 Civic Art Grant Guidelines for Festivals and Individual Artists

## 5. Pool of Grant Application Review Panelists for FY23

### Staff Contact:

Jennifer Lovvorn  
Secretary to the Civic Arts Commission  
Berkeley, CA 94704  
(510) 981-7533  
[jlovvorn@cityofberkeley.info](mailto:jlovvorn@cityofberkeley.info)

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

### **ADA Disclaimer**

**To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date.**



Civic Arts Commission  
Office of Economic Development

**DRAFT MINUTES**  
**Civic Arts Commission Meeting**  
**Wednesday, January 19, 2022**  
**6:00 PM**

**No physical location; meeting held exclusively through videoconference and teleconference.**

**1. CALL TO ORDER 6:01 PM**

**2. ROLL CALL**

**Commissioners Present:** Anno, Blecher, Bullwinkel, Covarrubias, Dhesi, Ozol, Passmore, Woo.

**Commissioners Absent:** None

**Staff Present:** Jennifer Lovvorn, Commission Secretary/Chief Cultural Affairs Officer; Donnaracia Scurry, Civic Arts Analyst.

**Members of the public in attendance:** 4

**3. PUBLIC COMMENT (for items not on the agenda)**

1 speaker

**APPROVAL OF MINUTES**

**a) December 8, 2021 Draft Minutes**

**Action:** M/S/C (Anno/Dhesi) to approve the December 8, 2021 Minutes.

**Vote:** Ayes — Anno, Blecher, Bullwinkel, Covarrubias, Dhesi, Ozol, Passmore, Woo; Nays — None; Abstain — None; Absent — None.

**4. CHAIR'S REPORT**

- a) The chair announced the January 25 City Council Item on Affordable Housing for Artists & Cultural Workers.
- b) The chair stated that there is a vacancy on the Civic Arts Commission.

5. **PRESENTATIONS and DISCUSSION**

- a) City of Berkeley Housing Element Planning Process, by Justin Horner, Planning Department
- b) Berkeley Arts Education Steering Committee Presentation, by Commissioner Liz Ozol

6. **ACTION ITEMS** (All items for discussion and possible action)

- a) **Affordable Housing for Artists and Cultural Workers Report Findings and Recommendations** – No action taken.

- b) **Cube Space exhibition curated by Leila Weefur – Artist by Guy Leonard Reidelbach**

**Action:** M/S/C (Bullwinkel/Passmore) to approve Cube Space exhibition by Guy Leonard Reidelbach curated by Leila Weefur.

**Vote:** Ayes — Anno, Blecher, Bullwinkel, Covarrubias, Dhesi, Ozol, Passmore, Woo; Nays — None; Abstain — None; Absent — None.

- c) **Conservation of "In Berkeley" by Nancy Selvin with shift west by approximately 1 foot**

**Action:** M/S/C (Bullwinkel/Blecher) to approve conservation plan for "In Berkeley" by Nancy Selvin with shift west by approximately 1 foot.

**Vote:** Ayes — Anno, Blecher, Bullwinkel, Covarrubias, Dhesi, Ozol, Passmore, Woo; Nays — None; Abstain — None; Absent — None.

- d) **Design for Berkeley Art Works Project Mural by Eduardo Pineda**

**Action:** M/S/C (Passmore/Blecher) to approve...

**Vote:** Ayes — Anno, Blecher, Bullwinkel, Covarrubias, Dhesi, Ozol, Passmore, Woo; Nays — None; Abstain — None; Absent — None.

- e) **Design for Berkeley Art Works Project by Suzi Garner**

**Action:** M/S/C (Anno/Bullwinkel) to approve design for Berkeley Art Works Project by Suzi Garner.

**Vote:** Ayes — Anno, Blecher, Bullwinkel, Covarrubias, Dhesi, Ozol, Passmore, Woo; Nays — None; Abstain — None; Absent — None.

- f) **Revised 2022 Commission Meeting Schedule**

**Action:** M/S/C (Anno/Covarrubias) to approve the revised 2022 Commission Meeting Schedule (change of date of October 26 to October 19, 2022).

**Vote:** Ayes — Anno, Blecher, Bullwinkel, Covarrubias, Dhese, Ozol, Passmore, Woo; Nays — None; Abstain — None; Absent — None.

## **7. STAFF REPORT**

- a) Berkeley Arts Recovery Grants (BARG) Update-Scoring of BARG applications is underway with the goal to send out award notices by the beginning of February 2022.
- b) Civic Arts Coordinator positions – The hiring process is underway.
- c) Private Percent for Art Quarterly Report.

## **8. COMMITTEE REPORTS**

- a) Grants — Cameron Woo volunteered to join as a committee member. Lisa volunteered to serve as committee chair.
    - Lisa Bullwinkel
    - Liz Ozol
  - b) Policy — Committee met on Friday, January 14<sup>th</sup> and discussed the Affordable Housing or Artists and Cultural Workers Report.
    - Kim Anno, Chair
    - Lisa Bullwinkel
    - Modesto Covarrubias
  - c) Public Art — Met earlier today, January 14<sup>th</sup> and all items were presented tonight.
    - Matt Passmore, Chair
    - Kim Anno
    - Dana Blecher
    - Modesto Covarrubias
  - d) Representative on Berkeley Cultural Trust — Berkeley Cultural Trust is working on a potential retreat to discuss their mission and vision.
    - Lisa Bullwinkel
  - e) Representatives on Berkeley Arts Education Steering Committee (BAESC) — BAESC is developing a presentation regarding advocacy for arts for education within Berkeley Unified School District (BUSD). Next meeting for BAESC will be Monday, January 24, 2022.
    - Liz Ozol
    - Riti Dhese
- Representative on Design Review Committee — Approved 600 Addison. Tomorrow night (January 20<sup>th</sup>), there will be two final design reviews. Cameron Woo will be the Civic Arts Commissioner representative at the February meeting.

- Dana Blecher
- Representative on Ad-Hoc Artists Affordable Housing Committee — Commissioner Anno stated that this group is open to new members to assist with advocacy efforts.
  - Kim Anno

## 9. COMMUNICATION

### 10. ADJOURNMENT Adjourn 8:05 PM

**Action:** M/S/C (Blecher/Bullwinkel) to adjourn commission meeting.

**Vote:** Ayes — Anno, Blecher, Bullwinkel, Covarrubias, Dhesi, Ozol, Passmore, Woo; Nays — None; Abstain — None; Absent — None.



Jennifer Lovvorn  
 Secretary to the Civic Arts Commission  
 Berkeley, CA 94704  
 (510) 981-7533  
[jlovvorn@cityofberkeley.info](mailto:jlovvorn@cityofberkeley.info)

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# IDENTITY LOGAN PARK FINAL PUBLIC ART PLAN

IN THIS PLACE (AN AMERICAN LYRIC)  
AMANDA GORMAN -1998-

# AERIAL

Aerial Rendering  
Logan Park - Berkeley, California

Phase 2

Phase I



# 02/15/22 NORTH FACING FAÇADE ON DURANT STREET

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FDC





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# RENDERING



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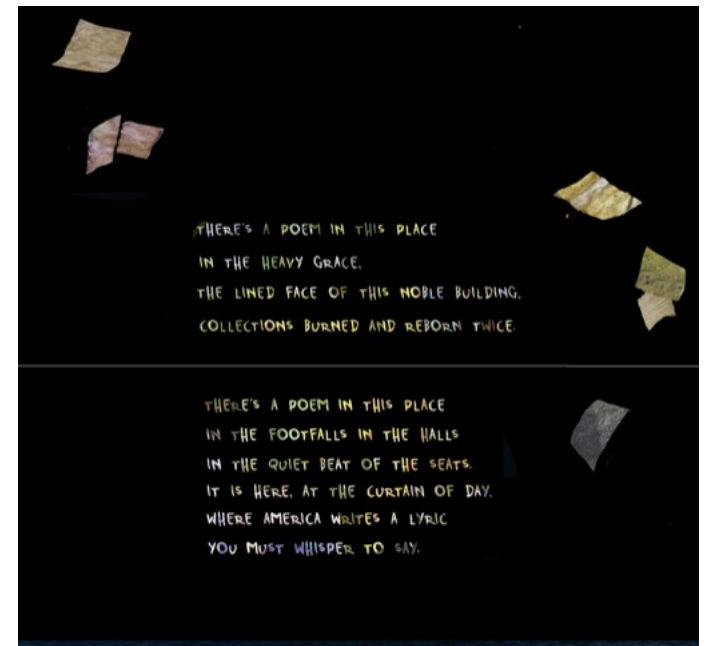
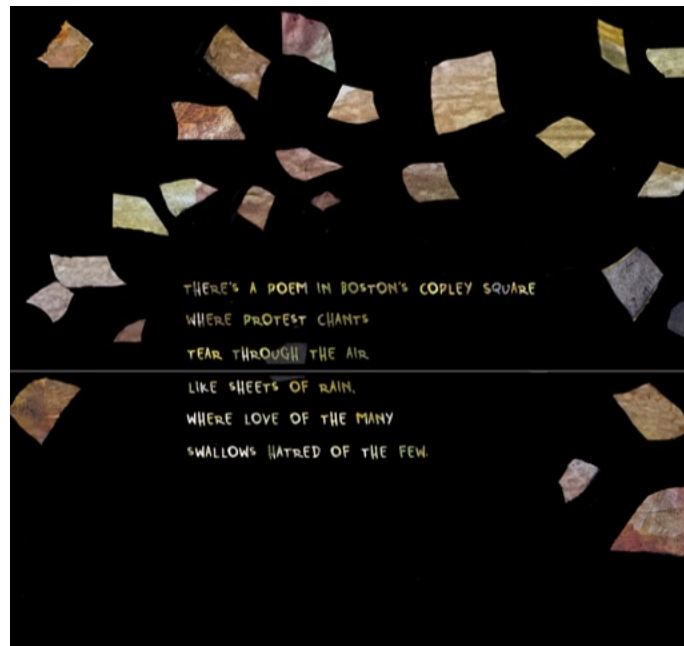
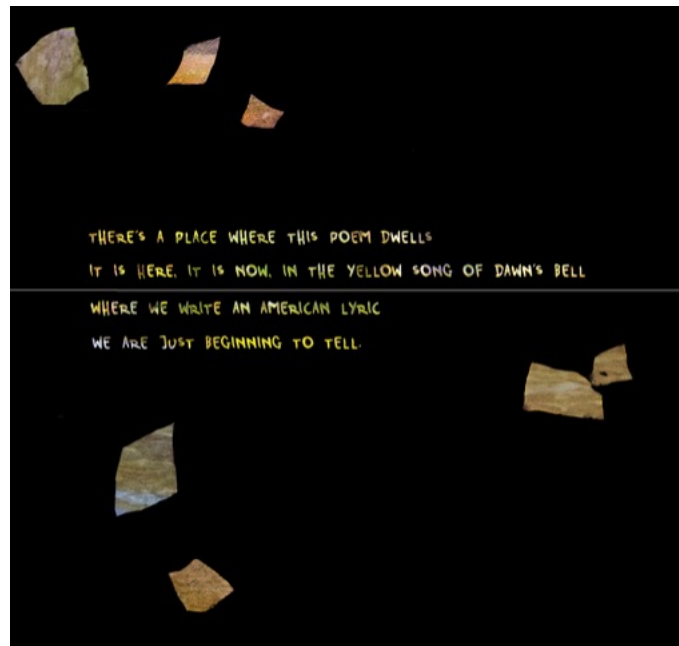
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AN ORIGINAL POEM WRITTEN FOR THE INAUGURAL  
READING OF POET LAUREATE TRACY K. SMITH  
AT THE LIBRARY OF CONGRESS.

IN THIS PLACE (AN AMERICAN LYRIC)  
AMANDA GORMAN - 1998 -

# PANELS/FRAMES ABUTTING

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Civic Arts Commission

## ACTION CALENDAR

April 12, 2022

To: Honorable Mayor and Members of the City Council  
From: Civic Arts Commission  
Submitted by: Modesto Covarrubias, Chair  
Subject: Public Art Funding for Municipal Capital Improvement Projects Ordinance

### RECOMMENDATION

Adopt first reading of an Ordinance adding Chapter 7.99 (Public Art Funding for Municipal Capital Improvement Projects, Attachment 1) of the Berkeley Municipal Code City to provide for the allocation of one and three quarters percent (1.75%) of the cost of construction associated with eligible municipal capital improvement projects, which shall be used for art and cultural enrichment of public buildings, parks, streets, and other public spaces in the City of Berkeley.

### FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley's existing public art funding policy, which was established in 1999 (Attachment 2), stipulates that eligible municipal Capital Improvement Projects are to dedicate 1.5% of the cost of their construction for public art. The proposed Public Art Funding Ordinance for Municipal Capital Improvement Projects increases the percentage from 1.5% to 1.75% for public art. The fiscal impacts of the recommendation are as follows:

- The increased percentage will result in a change to the annual allocation to the Public Art Fund from \$65,164 to \$76,025, an annual increase of \$10,861.
- The proposed Public Art Funding Ordinance also recommends that the City take "reasonable efforts to include funds for public art" in all eligible projects which will allow additional Capital Improvement Project appropriations to comply with the 1.75% for art requirement. These will include CIP appropriations for all eligible capital projects on the annual Capital Improvement Project budget and CIP appropriations that occur outside the annual Capital Improvement Project budget, such as midyear amendments to the annual appropriation ordinance. These projects have historically not included a set-aside for public art because the policy and procedures developed in 1999 were based upon a once annual budgeting process and did not account for amendments to the annual appropriation ordinance.

There will be no fiscal impacts to the majority of the CIP budget because the following types of capital projects are excluded from this policy: (i) ADA compliance projects (not including projects where ADA compliance is a portion of a larger project); (ii) Emergency repair projects; (iii) Cyclical replacement and repair of trails, outdoor furnishings, or fencing (not including projects where these are a portion of a larger project); (iv) Studies and environmental review; (v) Roof replacement (not including projects where roof replacement is a portion of a larger project); (vi) Mechanical, security, A/V equipment, and HVAC, upgrades and repairs (not including projects where these are a portion of a larger project); (vii) Utilities projects, except where the project includes construction or reconstruction of a building; (viii) Vehicle repair and replacement; (ix) IT purchases and installations; (x) Seismic upgrades and waterproofing (not including projects where these are a portion of a larger project); (xi) Projects where the majority (more than 50%) of the cost is allocated to elements located underground; and (xii) Projects where prohibited by federal or state law, including projects or portions of projects funded by grants from non-city sources that prohibit expenditure of funds for art.

#### CURRENT SITUATION AND ITS EFFECTS

The Public Art Funding Ordinance is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities. Throughout the City of Berkeley, creative works of public art breathe life into the built environment and reflect the unique character of our city. Public art engages artists to enhance Berkeley's public spaces, which in turn improves the quality of life for residents and visitors alike.

While the City of Berkeley has an existing "percent-for-art" policy, which was established by resolution in 1999, funding for public art has not kept pace as a proportion of the City's capital budget as the CIP budget has increased over the past two decades. In response to the Civic Arts Commission's request that staff provide clear and transparent information regarding the determination of the Public Art Fund budget, the Office of Economic Development worked in collaboration with staff from the Budget Division in the City Manager's Office, the Public Works Department, and the Parks, Recreation, and Waterfront Department, to analyze the City of Berkeley's funding for public art (Attachment 3). A key finding of this analysis was that the City of Berkeley's existing public art funding policy is no longer compatible with the City's current processes for budgeting and capital planning. The Civic Arts Commission recommends establishing this new public art funding policy to address the findings detailed in the staff analysis.

Additionally, the City of Berkeley established the Public Art in Private Development policy by Ordinance in 2017, which requires qualifying private development projects to either incorporate a public art element or pay an in-lieu fee to the Private Percent for Art fund. The Civic Arts Commission recommends establishing this new public art funding policy for municipal projects as an Ordinance so that the two public art policies have parity.

Lastly, the Civic Arts Commission recommends increasing the municipal public art percentage from 1.5% to 1.75% to align with the percentage for “On-Site” public art required for qualifying private development in Berkeley.

On February 23, 2022, Berkeley’s Civic Arts Commission voted unanimously to recommend that City Council adopt a City of Berkeley ordinance: Public Art Funding for Municipal Capital Improvement Projects. (M/S/C: x/x. Ayes: xxx; Noes: None; Abstain: None; Absent; x.)

### BACKGROUND

The City has completed over 80 public art projects since its inception in 1967, with many of the early works commissioned through the City’s own voluntary contributions, philanthropic donations, and grant funding. The City’s longstanding Public Art Program includes a City collection valued at \$3 million dollars with numerous public artworks installed throughout the city.

On June 1, 1999, the Berkeley City Council adopted Resolution No. 60,048-N.S., thereby establishing the City’s current public art funding policy and program. Under this policy and program, each of the City of Berkeley’s eligible capital projects are to dedicate 1.5% of the project’s construction costs for the commissioning of a public art element for incorporation into the project, or contribute an equivalent amount to the City’s Public Art Fund for the creation of off-site works of public art.

The 1999 Resolution established that, as part of the development of the City’s budget, City staff should engage with the Civic Arts Commission in a planning process to determine the list of eligible capital projects; the ultimate determination of the list is left to the discretion of the City Manager. The policy includes an exemption for “any improvement for which the source of funding, or any applicable law or regulation, prohibits or restricts the use of funds for [public art].” The policy also established that a project’s ‘soft costs’—including project management, architectural and engineering costs, planning costs, environmental review, legal fees, and feasibility studies—are exempt.

In practice, the Budget Office has determined an annual contribution to the Public Art Fund by applying the 1.5% calculation to the original budget figures for a limited number of capital funding sources and project categories. The planning process as detailed by the 1999 public art funding resolution is no longer compatible with the City’s current processes and procedures for capital project planning and related budget appropriations. Currently, due to the multiple sources of small allocations of funding received into the Public Art Fund, the vast majority of public art projects are implemented as off-site works of art. For some major capital projects, the determination of the public art contribution is determined at the project level, and the funding is used for an on-site public art element, a supplemental contribution to the Public Art Fund, or a

combination of the two approaches. An example of public art integrated into a City capital improvement project includes the new public art at San Pablo Park, which was funded by Measure T-1.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

There are no identifiable California Environmental Quality Act effects or opportunities associated with the subject of this report.

#### RATIONALE FOR RECOMMENDATION

The Civic Arts Commission recommends establishing a new Public Art Funding policy for municipal capital improvement projects in order to align public art funding determinations with the City's current processes for budgeting and capital planning. Furthermore, establishing the new Public Art Funding policy for municipal projects as an Ordinance will allow the two public art policies to have parity. Lastly, the Civic Arts Commission recommends increasing the municipal public art percentage from 1.5% to 1.75% to align with the percentage for "On-Site" public art required for qualifying private development in Berkeley. The additional one quarter of one percent (0.25%) is a small increase relative to the overall budgets of eligible capital improvement projects, but this percentage will provide more funding for public art which may be used to commission new work or to care for the artwork already in the City's civic art collection.

#### ALTERNATIVE ACTIONS CONSIDERED

The Civic Arts Commission considered leaving the Public Art Funding policy as a resolution, however decided to recommend the policy be adopted as an Ordinance so that the requirement would be formally adopted into the City's municipal code in order to have legislative parity with the Public Art on Private Development requirement of the Berkeley Municipal Code, Chapter 23.316. The Civic Arts Commission also considered recommending that the percentage set aside from municipal capital improvement projects for public art be increased to two percent (2%), however there was an interest in aligning the municipal requirement with the Public Art on Private Development policy, which is one and three quarters percent (1.75%) for on-site public art projects.

#### CITY MANAGER

The City Manager [TYPE ONE] concurs with / takes no position on the content and recommendations of the Commission's Report. [OR] Refer to the budget process.

**Note: If the City Manager does not (a) concur, (b) takes any other position, or (c) refer to the budget process, a council action report must be prepared. Indicate under the CITY MANAGER heading, "See companion report."**

CONTACT PERSON

Jennifer Lovvorn, Chief Cultural Affairs Officer, Civic Arts Program, Office of Economic Development, 981-7533

Attachments:

- 1: Public Art Funding on Municipal Capital Improvement Projects Ordinance
- 2: Resolution No. 60,048-N.S. (1999 "1.5% for Art" Resolution)
- 3: Analysis of Public Art Funding from City of Berkeley Construction Projects

ORDINANCE NO. -N.S.

PUBLIC ART FUNDING FOR MUNICIPAL CAPITAL IMPROVEMENT PROJECTS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 7.99 is added as follows:

**7.99 APPROPRIATION FOR PUBLIC ART FOR MUNICIPAL CAPITAL IMPROVEMENT PROJECTS**

**(1). Purpose.**

The City of Berkeley believes that the cultivation and development of a livable city is enhanced by the presence of public art and creative expressions available for the enjoyment of all members of the community. Public art enhances community vitality, fosters a sense of belonging, and provides opportunities to meaningfully involve community members in the design of their environment. Furthermore, public art provides professional opportunities for artists, which contributes to the economic sustainability of the arts community. The City of Berkeley is committed to strengthening its municipal public art program by enhancing the funds available for public art and ensuring flexibility to provide equitable public art experiences in the City of Berkeley that are timely, meaningful, and relevant. Therefore, it is the purpose of this Chapter and the policy of this City to provide for the allocation of one and three quarters percent (1.75%) of the cost of construction associated with municipal capital improvement projects to be paid into the Public Art Fund, which shall be used for art and cultural enrichment of public buildings, parks, streets, and other public spaces in the City of Berkeley.

**(2). Public Art Fund Allocation.**

(a) It shall be City policy to set aside one and three quarters percent (1.75%) of its capital improvement project (CIP) budgets, as defined in this section, for the purpose of providing public art. Except as provided in this section, all CIP projects shall be subject to this policy, including but not limited to buildings, shelters, parking garages and lots, restrooms, small structures, parks, medians, landscaping, plazas, gateways, bridges, walls, tunnels, street and road construction. CIP projects include new construction, as well as renovations and alterations. Salaries and benefits of public employees supporting CIP projects shall not be included in the CIP budget subject to this ordinance. This policy shall apply to all capital improvement projects included in the annual capital improvement program (CIP) budget, as well as capital improvement projects funded through any amendment to the annual appropriation ordinance.

(b) The following CIP projects are excluded from this policy:

(i) ADA compliance projects (not including projects where ADA compliance is a portion of a larger project).

(ii) Emergency repair projects.

(iii) Cyclical replacement and repair of trails, outdoor furnishings, or fencing (not including projects where these are a portion of a larger project).

(iv) Studies and environmental review.

(v) Roof replacement (not including projects where roof replacement is a portion of a larger project).

(vi) Mechanical, security, A/V equipment, and HVAC, upgrades and repairs (not including projects where these are a portion of a larger project).

(vii) Utilities projects, except where the project includes construction or reconstruction of a building.

(viii) Vehicle repair and replacement.

(ix) IT purchases and installations.

(x) Seismic upgrades and waterproofing (not including projects where these are a portion of a larger project).

(xi) Projects where the majority (more than 50%) of the cost is allocated to elements located underground.

(xii) Projects where prohibited by federal or state law, including projects or portions of projects funded by grants from non-city sources that prohibit expenditure of funds for art.

**(3) Reasonable efforts to include funds for public art.**

(a) City staff shall use reasonable efforts to obtain appropriate approvals from any funding source for any capital improvement project, to allow use of one and three quarters percent (1.75%) of such funds for the acquisition of public art as provided in this title. Such efforts shall include, without limitation, identifying public art in grant applications for capital improvement projects, efforts to include expenditures for public art in developer funded infrastructure projects, and efforts to allocate for public art in developer-constructed infrastructure and public facilities.

(b) If the city enters into an agreement with another public entity, whereby city funds are transferred to such other public entity for the capital improvement project that would otherwise be deemed subject to the public art requirements under this title, city staff shall use reasonable efforts to include in such agreement, whenever it is

lawful to do so, a requirement that the recipient entity or its successor in interest shall take appropriate measures to insure that not less than one and three quarters percent (1.75%) of the city funds so transferred are expended for acquisition of public art.

(c) Before proposing a bond issue or making a request for an appropriation for the construction of any of the projects set forth in this Chapter, the officer, board or commission concerned shall add thereto for the Public Art allocation associated with the proposed CIP project, one and three quarters percent (1.75%) of the gross estimated construction cost. Where funding eligibility is limited by law or funding agency rules, the Public Art allocation shall be based upon one and three quarters percent (1.75%) of eligible construction costs.

(d) Nothing in this section is intended to prohibit the city council from adopting an ordinance or resolution establishing a public art contribution for any project otherwise excluded from this policy or setting the public art contribution for any project at greater than one and three quarters percent (1.75%) of the CIP budget.

(e) Aggregation of Funds. Funds shall be deposited into the Public Art Fund. Per BMC Chapter 6.14, the Civic Art Commission shall determine public or publicly-accessible sites for art funded by the one and three quarters percent (1.75%) for art policy. Funds may be expended on public art at any appropriate site within the city. Funds from two or more CIP projects may be pooled to fund a single work of art. Funds may be used for permanent or temporary public art.

(f) The Civic Arts Commission shall adopt administrative regulations to implement this section.

**(4) Definitions. For purposes of this Section:**

- "Alteration" of a building, aboveground structure, or transportation improvement project shall include substantial changes to elements such as walls, partitions, or ceilings on 2/3 or more of the total floor space, excluding basements. "Substantial changes" shall include additions to, renovation of, removal of, and modification of such elements.
- "Civic Art Collection" shall mean the various artworks owned by the City under the jurisdiction of the Civic Arts Commission that are accessioned by action of the Commission into the Civic Art Collection.
- "Construction cost" shall mean the total estimated construction contract award amount, including the costs of all built-in fixtures, unless otherwise agreed to by the Civic Arts Commission. "Construction cost" shall not include movable or personal property or construction cost contingency.



- "Public Art" shall mean the acquisition and installation of original works of art (including limited editions), or temporary installation, display, or presentation of the same, on City property for aesthetic and cultural enhancement of public buildings and public spaces and engagement of the public with the creative work of artists, as approved by the Civic Arts Commission.
- "Transportation improvement project" refers to Public Works projects which include both aboveground and below-ground transportation-related projects; boarding ramps; transit platforms; terminals and transportation systems with their attendant passenger amenities, such as shelters, seating, lighting, landscaping, and signage; transportation-related structures such as maintenance and operating facilities; power substations; and street/highway-related transit improvements such as bridges and overpasses.

**(5) Administrative Fees.**

The Civic Arts Commission shall supervise and control the expenditure of all funds appropriated for public art and shall allocate up to twenty percent (20%) of said funds for all necessary and reasonable administrative costs incurred in connection therewith unless such administrative fee is limited or prohibited by the funding source.

**(6) Maintenance and Conservation Funds.**

The Civic Arts Commission may set aside and expend up to ten percent (10%) of the total public art allocation for each project for maintenance and conservation of artworks in the Civic Art Collection. When permitted by the funding source, funds set aside pursuant to this Section shall be invested in an interest-bearing account when the total of such funds set aside exceeds \$10,000.

**(7) Miscellaneous Provisions.**

(a) Construction and installation of public art shall comply with the requirements of all applicable building codes, laws, ordinances, rules and regulations.

(b) Nothing in this Section shall be construed to limit or abridge the jurisdiction of the officer, board or commission of the participating City department to supervise and control the expenditure of project funds other than the one and three quarters percent (1.75%) allocation for public art.

(c) This ordinance shall not be applied retroactively to projects for which a public art allocation previously would not have been required, nor to those projects for which project funding has been approved by prior voter action but not yet appropriated or expended. Nor shall this ordinance be construed to allow for an increase in the total public art allocation for a project that is already underway or for which the public art allocation has already been established.

(d) Ownership. All art acquired pursuant to this chapter shall be acquired in the name of the City of Berkeley as part of the Civic Art Collection and title shall vest in the City of Berkeley.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

RESOLUTION NO. 60,048-N.S.

ESTABLISHING A PROGRAM TO FUND THE DEVELOPMENT OF VISUAL ART IN PUBLIC PLACES, INCLUDING ART DEVELOPED IN CONJUNCTION WITH CITY CONSTRUCTION PROJECTS

WHEREAS, the cultivation and development of a livable community is enhanced by the presence of works of art and creative expression available for the enjoyment of all citizens; and

WHEREAS, in 1985, the City Council adopted Ordinance No. 5603-N.S., Berkeley Municipal Code Chapter 6.14, to promote the cultivation and creation of works of visual art in public places; and

WHEREAS, in 1980, the City Council adopted Ordinance No. 5253-N.S., Berkeley Municipal Code Chapter 3.12, establishing the Civic Arts Commission, and charged it with a variety of duties related to fostering programs for the cultural enrichment of the City; and

WHEREAS, the development of the physical infrastructure of the City provides numerous opportunities for creative expression by integrating artistic features into said infrastructure; and

WHEREAS, developing works of art in conjunction with City construction projects can contribute elements of beauty and creativity to all neighborhoods of the City; and

WHEREAS, a successful City-wide program to foster the development of works of art requires the collaboration of various City departments which are commonly involved in the construction of public improvements, the City Manager, the Civic Arts Commission and members of the community; and

WHEREAS, in those circumstances in which it is not feasible to incorporate artistic features into a particular public improvement, the public interest will be served by allocating sufficient funding to develop works of art separate from the public improvement; and

WHEREAS, the terms of this Resolution should be applied in a manner consistent with the requirements of Chapters 3.12 and 6.14 of the Berkeley Municipal Code.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

Section 1. DEFINITIONS

“Administrative Costs” shall mean the expenditures necessary for implementation of the requirements of this Resolution, including, but not limited to, project management, soliciting proposals, public education, promotion, maintenance and risk management.

“Annual City Public Art Plan” shall mean the annual planning document which sets forth goals and objectives for development of works of art, including, art developed in conjunction with City construction projects during that Fiscal Year and any expenditures from the City’s Public Art Fund.

“Artist” shall mean a person who has completed works of art which meet contemporary artistic standards prevailing in major metropolitan areas.

“City Manager” shall mean the City Manager or his, or her, designee.

“Eligible Capital Project” shall mean any improvement to public property which the City Manager has approved for application of the requirements of this Resolution. This term shall not be interpreted to include any improvement for which the source of funding, or any applicable law or regulation, prohibits or restricts the use of funds for the purposes of this Resolution.

“Public Art Element” shall mean that component, feature, characteristic, or portion of a public improvement incorporated for artistic purposes.

“Public Art Fund” shall mean the budget account established by the City for receipt of funds derived from Eligible Capital Projects which may be expended for the purpose of incorporating artistic elements into public improvements or acquiring, creating, installing, presenting or displaying Off-Site Works of Art.

“Project Budget” shall mean the costs attributable to constructing a public improvement subject to the terms of this Resolution, including, construction, hazardous materials abatement, and procurement of goods intended for incorporation into the improvement. Project Budget shall not be interpreted to include costs associated with land use planning consultants, feasibility studies, environmental review, land acquisition costs, legal fees, architecture/engineering costs, construction management, geotechnical surveys, and historical surveys.

“Off-Site Work of Art” shall mean Works of Art as defined in Chapter 6.14 of the Berkeley Municipal Code which are acquired, created, installed, presented or displayed at a location other than the site of the Eligible Capital Project from which funds were derived under Section III of this Resolution.

## Section 2. ANNUAL PLANNING

A. As part of the City’s budget process, the City Manager shall submit to the Civic Arts Commission a report identifying all public improvements which satisfy both of the following criteria: 1) expenditures will be made from the Project Budget during the following budget cycle, and 2) designation as an Eligible Capital Project would not result in detriment to the project.

B. Pursuant to Chapter 6.14 of the Berkeley Municipal Code, the Civic Arts Commission shall thereafter assign a different rank to each public improvement identified pursuant to Section A above based on the potential benefits to the community of designating the improvement as an Eligible Capital Project.

C. Pursuant to Chapter 6.14 of the Berkeley Municipal Code, the Civic Art Commission shall issue to the City Manager an Annual City Public Art Plan presenting its recommendations: 1) for public improvement projects which should be designated as Eligible Capital Projects, and 2) any expenditures from the Public Art Fund for the acquisition, creation, installation, presentation or display of Off-Site Works of Art during that Fiscal Year. The Annual City Public Art Plan shall include an explanation of the benefits and detriments, if any, associated with each proposal.

D. The City Manager shall then identify which, if any, of the recommended public improvements shall be finally designated as Eligible Capital Projects for that Fiscal Year.

### Section 3. FUNDING

A. A sum equal to one percent (1%) of the Project Budget for each Eligible Capital Project shall be transferred to the Public Art Fund and utilized solely to develop and install a work of art integrated into the completed improvement, regardless of whether it contributes to the purpose and function of the improvement, including, but not limited to, color, shape, design, texture, general appearance, or decoration which is designed and constructed integrally with the public improvement itself.

B. In addition to the amount specified in Section III(A), above, a sum equal to one half percent (0.5%) of the Project Budget for each Eligible Capital Project shall be transferred to the Public Art Fund and utilized solely for Administrative Costs.

C. Funds designated for the Public Art Fund shall be transferred not later than the date on which funds for the Project Budget have been encumbered.

D. In the event that the final cost of designing and constructing the Public Art Element is less than one and one half percent (1.5%) of the Project Budget, the unused funds will be retained in the Public Art Fund and utilized for the creation of Off-Site Works of Art.

E. In the event that the Eligible Capital Project will result in a public improvement which is inaccessible to the public, such as an underground structure, or for which it is not feasible to incorporate the Public Art Element, the funds designated for the Public Art Element shall be transferred to the Public Art Fund and may be used for the creation of Off-Site Works of Art.

Section 4. MANAGEMENT OF PUBLIC ART ELEMENT

The City Manager is authorized to manage the development and implementation of the Public Art Element in accordance with Chapter 6.14 of the Berkeley Municipal Code governing Visual Art in Public Places. The City Manager may use any reasonably efficient means and methods to design a Public Art Element, including, but not limited to, the following:

- A. Retain an artist to design the Public Art Element independently of the architects/engineers who are responsible for designing the public improvement.
- B. Require as part of the selection process that the architects/engineers who are responsible for designing the public improvement retain an artist as a functioning member of the design team to design the Public Art Element concurrently with the design of the public improvement.
- C. Require as part of the competitive solicitation process that the contractor responsible for building the public improvement retain an artist to design the Public Art Element.

Section 5. PUBLIC ART FUND

- A. The City Manager shall establish budget accounts to receive funds transferred pursuant to Sections III(A) and (B), above. Monies in the Public Art Fund, if not expended in any particular Fiscal Year, shall be carried over to the next Fiscal Year, unless the source of the funds, or applicable laws or regulations, prohibit such action. Generally accepted accounting principles will be utilized to ensure that the funds are utilized in a manner consistent with this Resolution.
- B. Nothing herein shall be interpreted to prohibit the City from soliciting and receiving grants, donations, bequests, or gifts from any source, public or private, for deposit in the Public Art Fund to be expended in a manner consistent with this Resolution.
- C. Monies in the Public Art Fund shall not be expended for the purposes of awarding grants to artists or arts organizations under City Council Resolution No. 55,832-N.S.

Section 6. OFF-SITE WORKS OF ART

- A. Pursuant to Section 3.12.060(F) of the Berkeley Municipal Code, the Civic Arts Commission shall review and make recommendations for expenditures from the Public Art Fund for the acquisition, creation, installation, presentation or display of Off-Site Works of Art.
- B. The City Manager shall manage the acquisition, creation, installation, presentation and display of Off-Site Works of Art.

Section 7. GRANTS

All City departments shall include in any application for grant funds for an Eligible Capital Project an amount sufficient for the Public Art Element, unless said inclusion would be detrimental to the City.

Section 8. RULES AND REGULATIONS

It is the intent of the City Council to allow the City Manager flexibility in attaining the goals of this Resolution; therefore, the City Manager is authorized to establish rules and regulations consistent with the intent of this Resolution and the Berkeley Municipal Code for the purposes of implementing this Resolution.

Section 9. EFFECTIVE DATE

This resolution shall become effective June 1, 1999.


The foregoing Resolution was adopted by the Berkeley City Council on May 25, 1999 by the following vote:

Ayes: Councilmembers Armstrong, Breland, Maio, Olds, Shirek, Spring, Woolley, Worthington and Mayor Dean.

Noes: None.

Absent: None.

Attest:   
Sherry M. Kelly, City Clerk

  
Shirley Dean, Mayor



Office of Economic Development

December 26, 2019

To: David White, Deputy City Manager  
From: Jordan Klein, Economic Development Manager  
Subject: Public Art Funding from City of Berkeley Construction Projects

*Introduction*

Over the past five years, the annual contribution to the Public Art Fund has decreased, even as the City’s Capital Improvement Program (CIP) budget has generally increased (see Table 1).

The Civic Arts Commission has requested that staff provide clear and transparent information regarding the determination of the Public Art Fund budget, and that the City Auditor audit the determination of the Public Art Fund budget. In response, the Office of Economic Development, working in collaboration with staff from the Budget Division in the City Manager’s Office, the Public Works Department (PW) and the Parks, Recreation, and Waterfront Department (PRW), has prepared this memo to (1) summarize the current situation regarding funding for the City of Berkeley’s public art program; (2) identify outstanding issues regarding the Public Art program budgeting; and (3) make recommendations for near-term and longer-term actions to address those issues.

Table 1: CIP and Public Art Budget, 2016-2021

Fiscal Year	Capital Improvement Plan, Original Budget	Public Art Fund, Original Budget <sup>1</sup>
2021	\$59,765,721	\$65,164
2020	111,962,162	65,164
2019	39,926,908	65,164
2018	81,571,653	69,364
2017	32,908,296	70,940
2016	36,151,639	71,502

*Background*

On June 1, 1999, the Berkeley City Council adopted Resolution No. 60,048-N.S. (Attachment 1, hereafter referenced as ‘the 1999 Resolution’), thereby establishing the City’s current public art policy and program, and the Public Art Fund.<sup>2</sup> Under this policy and program, each of the City of Berkeley’s eligible capital projects must dedicate 1.5% of the project’s construction costs for the commissioning of a public art element for incorporation into the project, or to contribute an equivalent amount to the City’s Public Art Fund for the creation of off-site works of public art.

1: This table does not include the public art contribution for the Center Street Garage, which comprised fund transfers to the Public Art Fund in FY2017 (\$222,860) and FY2019 (\$51,924), and design and construction of the Cube Gallery (\$106,060).

2: In 2017 the City of Berkeley established the Public Art in Private Development policy and program, which requires qualifying private development projects to either incorporate a public art element or pay an in lieu fee to the Private Percent for Art fund. That program is distinct from the program described in this memo.



The 1999 Resolution establishes that as part of the development of the City’s budget, City staff should engage with the Civic Arts Commission in a planning process to determine the list of eligible capital projects; the ultimate determination of the list is left to the discretion of the City Manager. It also notes that the policy should not be applied to “any improvement for which the source of funding, or any applicable law or regulation, prohibits or restricts the use of funds for [public art].” The Resolution also establishes that a project’s ‘soft costs’—including project management, architectural and engineering costs, planning costs, environmental review, legal fees, and feasibility studies—are not eligible for application of the policy.

In practice, the Budget Office has determined an annual contribution to the Public Art Fund by applying the 1.5% calculation to the original budget figures for a limited number of capital funding sources and project categories. For some (but not all) of those ‘off the top’ funding contributions, a deduction is made for soft costs. The vast majority of public art projects are implemented as off-site works of art. For some major capital projects (including Center Street Garage as the most recent example), the determination of the public art contribution is determined at the project level, and the funding is used for an on-site public art element, a supplemental contribution to the Public Art Fund, or a combination of the two approaches.

#### *Staff Review of 2020 CIP and Public Art Budget*

Office of Economic Development (OED) staff, in consultation with staff from the Budget Office, PW, and PRW, reviewed the Fiscal Year (FY) 2020 capital program by project, together with the FY 2020 Public Art Fund calculation spreadsheet provided by the Budget Office, to determine which projects had been identified as eligible capital projects for application of the public art requirement, and which projects had been excluded (see Attachment 2). Staff found the following:

- FY 2020 eligible capital projects. The following list includes those projects that were funded by expense accounts from which a contribution to the Public Art Fund was made.
  - ADA Building Improvements
  - FY 2020 Street Rehabilitation Projects
  - ADA Curb Ramp Repairs
  - Traffic Calming Program
  - Finger Dock & Piling Replacement
  - Rose Garden-Phase II
  - San Pablo Play Structure
  - West Campus Pool Filter
  - George Florence Play Equipment
  - King School Play Area
  - Ohlone Basketball Court
  - Parks Minor Maintenance Projects
  - Public Works Building Maintenance Projects

The total budget amount for these projects is \$4,894,278, or 4.4% of the total FY 2020 CIP budget. Capital Planning staff observed that the budgets for several of these projects include soft costs; thus if the guidelines established in the Resolution were more strictly enforced, it could result in a reduction of the Public Art Fund contribution.

- Staff identified the following capital projects that could be eligible for application of the public art policy, but to which the policy has not yet been applied.
  - EV Charging stations (\$600,000)
  - Police Parking Marina facility (\$481,570)

- Sacramento Street Complete Street Project (\$47,000)
- Telegraph Channing Elevator Replacement (\$300,000)

The total budget for these projects is \$1,428,570. Application of the public art policy would require a contribution of up to \$21,429 to the Public Art Fund.<sup>3</sup>

- Many of the funding streams that are used to finance CIP projects prohibit the use of funds for public art projects. These funding streams include state and regional gas taxes (e.g., Measure B, Measure BB, and Vehicle Registration Fees), special property assessments (e.g., Street Lighting Fee, Sanitary Sewer Fee, Storm Drain Fee), certain grant funds, development agreement proceeds, and insurance claims for camp repairs. In FY 2020, these funding streams accounted for \$79,730,929, or 71.2% of the total CIP budget.
- Sixteen CIP projects, totaling \$14,106,220 or 12.6% of the total CIP budget, are funded through Measure T1 Bond proceeds. One (1) percent of the total bond proceeds have been dedicated to public art projects; those funds are managed separately from the general Public Art Fund, and are being used to implement public art projects at North Berkeley Senior Center and San Pablo Park. The Civic Arts Commission has expressed frustration and disappointment that the public art contributed was calculated at 1% rather than 1.5% in accordance with the 1999 Resolution.

In staff's review of the CIP, we noted that some of the Measure T1 Bond proceeds are being used to fund non-construction projects (e.g., conceptual plans and studies) and project management costs. In addition, each of the construction projects has associated soft costs that are ineligible for application of the public art policy. Therefore, if staff used the 1999 Resolution methodology (1.5% of construction costs) rather than the current methodology (1% of total bond proceeds), the resulting contribution to public art might actually be less.

- The CIP includes non-construction projects and soft costs that are ineligible for application of the public art policy, including debt service, vehicle and other equipment replacement, software, and design and engineering costs. In FY 2020 the budget for these projects totaled \$10,116,148, or 9.0% of the total CIP budget.

### *Outstanding Issues*

- The process for calculation of the annual contribution to the Public Art Fund that is outlined in the 1999 Resolution is not compatible with the City's other regular processes for budgeting and capital planning. The consensus among staff—including staff from the Civic Arts program, PW and PRW capital planning, and Budget Office—is that except for major projects (e.g., projects greater than \$10 million) the Budget Office's current process (a flat application to qualifying funding streams and project categories) should be maintained.
- Staff also observes that budget appropriations that occur in November and spring typically exclude funds for the public art program. At least two of the FY 2020 projects noted above, where the public art requirement has not been applied but may warrant application, fall into this category – Police Parking Marina Facility, and Sacramento Street Complete Streets.

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3: The total budget for these projects (\$1,428,570) may include soft costs, or other costs that are ineligible for application of the public art calculation. Those costs would need to be excluded from the calculation, which could reduce the Public Art Fund contribution.

- Actual expenditures on major projects sometimes exceed budgeted amounts, and those additions are often excluded from the public art program. For example, actual expenditures on construction of the Center Street Garage increased by roughly \$5.4 million over the originally budgeted expenditures; however, the project's public art contribution was calculated based on the original budget. The project's compliance with the public art policy required an additional contribution of \$81,306 to the Public Art Fund, which was allocated by City Council on December 3, 2019.
- The public art policy was applied to the majority of, but not all, maintenance projects and expenditures from qualifying funding sources. Capital planning staff noted the vast deferred maintenance needs of the City's infrastructure and capital assets, and the urgent need to direct as much funding as possible towards the completion of those projects. Parks staff observed that the application of the policy to Measure F funds expended on 'Minor Maintenance' projects is incorrect and should be reversed for FY21.

Civic Arts program staff noted that the City's public art collection also suffers from deferred maintenance issues, and that there is a nexus for application of the public art policy to expenditures on maintenance projects in order to provide a reliable funding source for collection maintenance.

### *Recommendations*

The following near-term and mid-term activities could address and resolve the outstanding issues identified above.

#### Near-term actions:

- Include allocations to the Public Art Fund, for the purpose of bringing the projects referenced above into compliance with the public art policy, for inclusion in the mid-cycle budget update. This would include an allocation of \$21,429 to the Public Art Fund for the EV Charging Stations, Police Parking Marina facility, Sacramento Street Complete Street Project, and Telegraph Channing Elevator Replacement.
- Establish as a regular practice that staff from the Budget Office, Civic Arts Program, and PW and PRW capital planning teams engage twice per year to review and plan for public art policy implementation.
- Incorporate into any mid-year budget expenditures on capital projects a review by Budget Office staff for public art policy applicability.
- Consider whether and how the policy should be applied to minor maintenance projects (versus major projects and new improvements).

#### Longer-term actions:

- Amend the 1999 Resolution to update the public art policy, in collaboration with the City Manager's Office, Capital Planning staff from PW and PRW, and the Civic Arts Commission, and with careful consideration of the following:

- Update the process and timing for the determination of the annual contribution to the Public Art Fund to be better aligned with the City's budgeting and capital planning processes, and with consideration of staffing and budget constraints.
- Establish more clear criteria to determine which projects and capital funding sources are eligible for application of the public art policy, especially with regards to expenditures on maintenance and repairs.
  
- Establish as a regular practice that grant applications for capital projects include expenditures on public art in the proposed budget, whenever possible without jeopardizing the application.
  
- For future bond measures for public construction projects, ensure that the public art policy is appropriately incorporated into the final bond language.

Attachments:

- 1- Resolution No. 60,048-N.S. Establishing the Percent for Art Program
- 2- FY2020 Capital Improvement Plan Budgeted Expenditures By Project By Fund, with Percent for Art Applicability

Cc:

Paul Buddenhagen, Deputy City Manager  
Teresa Berkeley-Simmons, Budget Manager  
Scott Ferris, Director, Parks, Recreation & Waterfront  
Phil Harrington, Director, Public Works  
Civic Arts Commission

**Citywide Capital Program By Project, with Public Art Requirement Applicability**

Citywide Capital Program by Project, by Fund								
Public Art Policy Applicability								
Fund	Category	Project Name	FY2020 Total	Funds Eligible for Public Art Policy Application	Ineligible Funds	Notes / Rationale for Ineligibility	FY2020 Public Art Fund Contribution	
	Transportation	Pavement Markings (incl. Roadway Thermo Marking)	\$ 50,000	\$ -	\$ 50,000	Funded by Excess Property Transfer Tax	\$ -	
		EV Charging Stations @ Corp Yard and Marina	\$ 600,000	\$ -	\$ 600,000	Funded by Excess Property Transfer Tax; may warrant policy application	\$ -	
<b>10 Total</b>	<b>General Fund</b>		<b>\$ 650,000</b>	<b>\$ -</b>	<b>\$ 650,000</b>		<b>\$ -</b>	
330	PRW	Berkeley Tuolumne Camp (BTC)	\$ 49,795,822	\$ -	\$ 49,795,822	Funding source prohibition	\$ -	
		Cazadero Camp - Landslide Repair	\$ 854,306	\$ -	\$ 854,306	Funding source prohibition	\$ -	
<b>330 Total</b>	<b>Camp Fund</b>		<b>\$ 50,650,128</b>	<b>\$ -</b>	<b>\$ 50,650,128</b>		<b>\$ -</b>	
369	Unallocated	Transportation	Traffic Calming Devices Replacement & Maintenance	\$ 50,000	\$ -	\$ 50,000	Funding source prohibition	\$ -
369		Streets	Street Rehabilitation FY 2020 State Transportation Tax	\$ 445,303	\$ -	\$ 445,303	Funding source prohibition	\$ -
			Street Rehabilitation FY 2020 SB1	\$ 1,500,000	\$ -	\$ 1,500,000	Funding source prohibition	\$ -
			Street Rehabilitation FY 2021 State Transportation Tax	\$ 50,000	\$ -	\$ 50,000	Funding source prohibition	\$ -
<b>369 Total</b>	<b>Gas Tax</b>		<b>\$ 2,045,303</b>	<b>\$ -</b>	<b>\$ 2,045,303</b>		<b>\$ -</b>	
			Pavement Marking Program	\$ 150,000	\$ -	\$ 150,000	Funding source prohibition	\$ -
391		Streets	Street Rehabilitation FY2020	\$ 700,000	\$ -	\$ 700,000	Funding source prohibition	\$ -
<b>391 Total</b>	<b>Measure B LS&amp;R</b>		<b>\$ 850,000</b>	<b>\$ -</b>	<b>\$ 850,000</b>		<b>\$ -</b>	
392			Milvia Bikeway Project	\$ 76,000	\$ -	\$ 76,000	Funding source prohibition	\$ -
392			Citywide Bicycle Parking	\$ 13,334	\$ -	\$ 13,334	Funding source prohibition	\$ -
392			Transportation Impact Fee Nexus Study & Transportation Impact Study Guidelines	\$ 28,183	\$ -	\$ 28,183	Funding source prohibition	\$ -
			Bike & Ped CIP (Contingency)	\$ 75,000	\$ -	\$ 75,000	Funding source prohibition	\$ -
<b>392 Total</b>	<b>Measure B B&amp;P</b>		<b>\$ 192,517</b>	<b>\$ -</b>	<b>\$ 192,517</b>		<b>\$ -</b>	

**Citywide Capital Program By Project, with Public Art Requirement Applicability**

Fund	Category	Project Name	FY2020 Total	Funds Eligible for Public Art Policy Application	Ineligible Funds	Notes / Rationale for Ineligibility	FY2020 Public Art Fund Contribution
397	Streets	Street Rehabilitation FY2020	\$ 155,000	\$ -	\$ 155,000	Funding source prohibition	\$ -
397	Sidewalks	Proactive and Responsive Sidewalk Repair Projects	\$ 200,000		\$ 200,000	Funding source prohibition	\$ -
<b>397 Total</b>	<b>Measure F</b>		<b>\$ 355,000</b>		<b>\$ 355,000</b>		<b>\$ -</b>
406	Transportation	San Pablo/Ashby Intersection Traffice Signal Improvements	\$ 76,000	\$ -	\$ 76,000	Funding source prohibition	\$ -
406	Streets	Street Rehabilitation FY2020 - BB LSR Sales Tax	\$ 2,200,000	\$ -	\$ 2,200,000	Funding source prohibition	\$ -
406	Sidewalks	Proactive and Responsive Sidewalk Repair Projects	\$ 100,000	\$ -	\$ 100,000	Funding source prohibition	\$ -
406	Transportation	Traffic Calming Program	\$ 50,000	\$ -	\$ 50,000	Funding source prohibition	\$ -
406	Transportation	Traffic Signal Maintenance	\$ 250,000	\$ -	\$ 250,000	Funding source prohibition	\$ -
406	Transportation	Transportation Impact Fee Nexus Study & Transportation Impact Study Guidelines	\$ 28,183	\$ -	\$ 28,183	Funding source prohibition	\$ -
<b>406 Total</b>	<b>Measure BB LS&amp;R</b>		<b>\$ 2,704,183</b>	<b>\$ -</b>	<b>\$ 2,704,183</b>		<b>\$ -</b>
407	Transportation	Shattuck Reconfiguration	\$ 118,354	\$ -	\$ 118,354	Funding source prohibition	\$ -
407	Transportation	Ninth Street Pathway Phase II	\$ 83,557	\$ -	\$ 83,557	Funding source prohibition	\$ -
407		San Pablo/Ashby Intersection Traffice Signal Improvements	\$ 110,000	\$ -	\$ 110,000	Funding source prohibition	\$ -
407		Sacramento St./North Berkeley BART Complete Sts	\$ 273,253	\$ -	\$ 273,253	Funding source prohibition	\$ -
407		Citywide Bicycle Parking	\$ 26,664	\$ -	\$ 26,664	Funding source prohibition	\$ -
<b>407 Total</b>	<b>Mesure BB B&amp;P</b>		<b>\$ 611,828</b>	<b>\$ -</b>	<b>\$ 611,828</b>		<b>\$ -</b>
450		Minor Maintenance	\$ 550,000	\$ 412,500	\$ 137,500	Soft costs excluded	\$ 6,188
450		Gilman Reserve/ Facility Assmt./ Sewer-Laterals	\$ 100,000	\$ 75,000	\$ 25,000	Soft costs excluded	\$ 1,125
450		W. Campus Pool Filter	\$ 175,000	\$ 131,250	\$ 43,750	Soft costs excluded	\$ 1,969
450		Rose Garden-Phase II (see Meas. T1 proj wksht)	\$ 50,000	\$ 37,500	\$ 12,500	Soft costs excluded	\$ 563
450		San Pablo Play Equipment (see Meas. T1 proj wksht)	\$ 200,000	\$ 150,000	\$ 50,000	Soft costs excluded	\$ 2,250
450		George Florence Play Equipment (see Meas. T1 proj wksht)	\$ 125,000	\$ 93,750	\$ 31,250	Soft costs excluded	\$ 1,406
450		King School Park Play Area	\$ 50,000	\$ 37,500	\$ 12,500	Soft costs excluded	\$ 563
450		Ohlone Basketball	\$ 300,000	\$ 225,000	\$ 75,000	Soft costs excluded	\$ 3,375
<b>450 Total</b>	<b>Parks Tax</b>		<b>\$ 1,550,000</b>	<b>\$ 1,162,500</b>	<b>\$ 387,500</b>		<b>\$ 17,438</b>

**Citywide Capital Program By Project, with Public Art Requirement Applicability**

Fund	Category	Project Name	FY2020 Total	Funds Eligible for Public Art Policy Application	Ineligible Funds	Notes / Rationale for Ineligibility	FY2020 Public Art Fund Contribution	
607	T1	PRW	AQUATIC PARK TIDE TUBES	\$ 220,835	\$ -	\$ 220,835	1% for Public Art Accounted Separately	\$ -
607		PRW	FRANCES ALBRIER COMMUNITY CENTER	\$ 425,000	\$ -	\$ 425,000	1% for Public Art Accounted Separately	\$ -
607		PRW	GROVE PARK PHASE 2	\$ 880,325	\$ -	\$ 880,325	1% for Public Art Accounted Separately	\$ -
607		PRW	LIVE OAK COMMUNITY CENTER	\$ 4,232,106	\$ -	\$ 4,232,106	1% for Public Art Accounted Separately	\$ -
607		PRW	UNIVERSITY AVE,MARINA,SPINNAKER ST	\$ 83,022	\$ -	\$ 83,022	1% for Public Art Accounted Separately	\$ -
607		PRW	MUNICIPAL PIER	\$ 2,056,908	\$ -	\$ 2,056,908	1% for Public Art Accounted Separately	\$ -
607		PRW	GEORGE FLORENCE PLAY STRUC	\$ 531,703	\$ -	\$ 531,703	1% for Public Art Accounted Separately	\$ -
607		PRW	SAN PABLO PLAY EQUIP	\$ 1,056,715	\$ -	\$ 1,056,715	1% for Public Art Accounted Separately	\$ -
607		PRW	STRAWBERRY CREEK PARK PH 2	\$ 1,131,389	\$ -	\$ 1,131,389	1% for Public Art Accounted Separately	\$ -
607		PRW	ROSE GRDN PTHWAYS,TENNIS CRT,PERG	\$ 345,835	\$ -	\$ 345,835	1% for Public Art Accounted Separately	\$ -
607		PRW	GILMAN N. FLDHOSE/RSTRM	\$ 172,025	\$ -	\$ 172,025	1% for Public Art Accounted Separately	\$ -
607		PRW	WILLARD CLUBHOUSE RENO	\$ 197,025	\$ -	\$ 197,025	1% for Public Art Accounted Separately	\$ -
607		Facilities	Veteran's Building	\$ 148,215	\$ -	\$ 148,215	1% for Public Art Accounted Separately	\$ -
607			Corporation Yard	\$ 50,467	\$ -	\$ 50,467	1% for Public Art Accounted Separately	\$ -
607			Public Safety Building	\$ 19,762	\$ -	\$ 19,762	1% for Public Art Accounted Separately	\$ -
607		Streets	Street Rehabilitation FY 2020	\$ 2,554,888	\$ -	\$ 2,554,888	1% for Public Art Accounted Separately	\$ -
<b>607 Total</b>	<b>T1 Bonds</b>			<b>\$ 14,106,220</b>	<b>\$ -</b>	<b>\$ 14,106,220</b>		<b>\$ -</b>
609		IT	ERP Replacement Fund	\$ 2,734,552		\$ 2,734,552	Non-construction project	\$ -
<b>609 Total</b>	<b>ERP Replacement</b>			<b>\$ 2,734,552</b>		<b>\$ 2,734,552</b>		<b>\$ -</b>
891		IT	PC Replacement (PC-R) and Server Replacement	\$ 540,370		\$ 540,370	Non-construction project	\$ -
<b>891 Total</b>				<b>\$ 540,370</b>		<b>\$ 540,370</b>		<b>\$ -</b>

**Citywide Capital Program By Project, with Public Art Requirement Applicability**

Fund	Category	Project Name	FY2020 Total	Funds Eligible for Public Art Policy Application	Ineligible Funds	Notes / Rationale for Ineligibility	FY2020 Public Art Fund Contribution
610	Facilities	Roof Replacement	\$ 290,000	\$ 164,773	\$ 125,227	Emergency repairs and maintenance - included at approximately 58%	\$ 2,472
610		Building Assesment (Contingency)	\$ 70,000	\$ 39,773	\$ 30,227	Emergency repairs and maintenance - included at approximately 58%	\$ 597
610		Civic Center Carpet Replacement	\$ 440,000	\$ 250,000	\$ 190,000	Emergency repairs and maintenance - included at approximately 58%	\$ 3,750
610		Fire Station 6 Drill Tower	\$ 45,000	\$ 25,568	\$ 19,432	Emergency repairs and maintenance - included at approximately 58%	\$ 384
610		HazMat Storage Upgrade	\$ 35,000	\$ 19,886	\$ 15,114	Emergency repairs and maintenance - included at approximately 58%	\$ 298
610		Police Parking Enforcement Marina Facility and Parking Lot Improver	\$ 250,000		\$ 250,000	May warrant policy application	\$ -
610		ADA Building Improvements	\$ 100,000	\$ 100,000	\$ -		\$ 1,500
610	PRW	Rose Garden-Phase II	\$ 100,000	\$ 75,000	\$ 25,000	Soft costs excluded	\$ 1,125
610	PRW	San Pablo Play Structure	\$ 300,000	\$ 225,000	\$ 75,000	Soft costs excluded	\$ 3,375
610	Debt Svc	Ball Fields Acquisition Debt Service	\$ 249,971		\$ 249,971	Non-capital project	\$ -
610	Debt Svc	Animal Shelter Debt Service/2010 COP Animal Shelter	\$ 402,613		\$ 402,613	Non-capital project	\$ -
610	Debt Svc	Theater Debt Service	\$ 249,971		\$ 249,971	Non-capital project	\$ -
610	Debt Svc	University Ave. W/C Debt Service	\$ 406,952		\$ 406,952	Non-capital project	\$ -
610	Streets	Street Rehabilitation FY2020	\$ 1,825,050	\$ 1,725,000	\$ 100,050	Soft costs excluded	\$ 25,875
610		Street Rehabilitation FY2021	\$ 99,950	\$ -	\$ 99,950	Design costs	\$ -
610	5302-431-6520	Sidewalks	\$ 100,000	\$ -	\$ 100,000	Project deemed ineligible (sidewalk repairs)	\$ -
610		Sidewalks	\$ 500,000	\$ -	\$ 500,000	Project deemed ineligible (sidewalk repairs)	\$ -
610		Sidewalks	\$ 285,000		\$ 285,000	Project deemed ineligible (sidewalk repairs)	\$ -
610		Sidewalks	\$ 50,000		\$ 50,000	Project deemed ineligible (sidewalk repairs)	\$ -
610		Sidewalks	\$ 200,000	\$ 200,000	\$ -		\$ 3,000
610	Transportation	Bicycle Plan Implementation	\$ 119,278	\$ 119,278			\$ 1,789
610	Transportation	San Pablo/Ashby Intersections Improvements	\$ 606,662		\$ -	Bayer Mitigation \$ - Funding source prohibition	\$ -



**Citywide Capital Program By Project, with Public Art Requirement Applicability**

				FY2020 Total	Funds Eligible for Public Art Policy Application	Ineligible Funds	Notes / Rationale for Ineligibility	FY2020 Public Art Fund Contribution
Fund	Category	Project Name						
610		Transportation	Sacramento St Complete Streets/North Berkeley BART	\$ 47,000		\$ 47,000	May warrant policy application	\$ -
470	5307	Other Infrastructure	Coucil Supp. - Funding for Street Lighting	\$ 416,608		\$ 416,608	Property Fee - 218 Funding source prohibition	\$ -
		Other Infrastructure	Underground Utility Distrcit No. 48 Project	\$ 250,000		\$ 250,000	Placeholder for fire safety project w/PG&E; monies gathered from unspent fund balances (where art funds have already been taken), salary savings, etc.	\$ -
		Transportation	Traffic Calming Program	\$ 50,000	\$ 50,000	\$ -		\$ 750
<b>610 Total</b>	<b>Capital Improvement</b>			<b>\$ 7,489,055</b>	<b>\$ 2,994,278</b>	<b>\$ 4,494,777</b>	<b>Rama's spreadsheet for Public Art calculation shows \$2,994,278 from this fund. Please indicate which additional projects were included.</b>	<b>\$ 44,914</b>
613		Bay Area Air Quality	Citywide Bicycle Parking	\$ 60,000		\$ 60,000	Funding source prohibition	\$ -
<b>613 Total</b>				<b>\$ 60,000</b>		<b>\$ 60,000</b>		<b>\$ -</b>
642		Sidewalks	50/50 Program	\$ 100,000		\$ 100,000	Funding source prohibition (Money is from private property owners for sidewalk repairs)	\$ -
<b>642 Total</b>	<b>Private Party Sidewalk</b>			<b>\$ 100,000</b>		<b>\$ 100,000</b>		<b>\$ -</b>
			Milvia Bikeway Project	\$ 273,000		\$ 273,000	Funding source prohibition	\$ -
			Sacramento St./North Berkeley BART Complete Sts	\$ 1,364,202		\$ 1,364,202	Funding source prohibition	\$ -
			Southside Complete Streets	\$ 506,640		\$ 506,640	Funding source prohibition	\$ -
<b>674 Total</b>	<b>CALTRANS</b>			<b>\$ 2,143,842</b>		<b>\$ 2,143,842</b>		<b>\$ -</b>
820		Facilities	Transfer Station AirCo building upgrade for office use	\$ 385,000		\$ 385,000	Design, planning and other soft costs	\$ -
820		Facilities	Transfer Station Rebuild Final Geotechnical Site investigation to support engineering design	\$ 100,000		\$ 100,000	Design, planning and other soft costs	\$ -
			Solid Waste & Recycling Transfer Station Rebuild CEQA process	\$ 1,200,000		\$ 1,200,000	Design, planning and other soft costs	\$ -
<b>820 Total</b>	<b>Zero Waste</b>			<b>\$ 1,685,000</b>		<b>\$ 1,685,000</b>		<b>\$ -</b>

**Citywide Capital Program By Project, with Public Art Requirement Applicability**

Fund	Category	Project Name	FY2020 Total	Funds Eligible for Public Art Policy Application	Ineligible Funds	Notes / Rationale for Ineligibility	FY2020 Public Art Fund Contribution
825		Finger Dock & Piling Replacement	\$ 250,000	\$ 187,500	\$ 62,500	Soft costs excluded	\$ 2,813
825		Sewer Lateral Work	\$ 100,000		\$ 100,000		\$ -
825		Marina Debt Service	\$ 485,719		\$ 485,719	Non-capital project	\$ -
825	PRW	Minor Maintenance	\$ 150,000		\$ 150,000		\$ -
<b>825 Total</b>	<b>Marina Operations</b>		<b>\$ 985,719</b>	<b>\$ 187,500</b>	<b>\$ 798,219</b>		<b>\$ 2,813</b>
830	Sewers	Sewer Rehab - Sanitary Sewer Master Plan	\$ 623,106		\$ 623,106	Enterprise Fund - 218 Funding source prohibition	\$ -
830	Sewers	San Pablo (City's Limit to Limit)	\$ 3,256,112		\$ 3,256,112	Enterprise Fund - 218 Funding source prohibition	\$ -
830		Neilson, Berryman, et al	\$ 4,515,649		\$ 4,515,649	Enterprise Fund - 218 Funding source prohibition	\$ -
830		Seawall Dr, Seventh St, et al	\$ 5,099,864		\$ 5,099,864	Enterprise Fund - 218 Funding source prohibition	\$ -
830		West Frontage (Caltrans ROW)	\$ 182,617		\$ 182,617	Enterprise Fund - 218 Funding source prohibition	\$ -
830		Urgent Repairs FY 2020	\$ 503,457		\$ 503,457	Enterprise Fund - 218 Funding source prohibition	\$ -
830		MH Rehab FY 2020	\$ 503,457		\$ 503,457	Enterprise Fund - 218 Funding source prohibition	\$ -
830		Parker St, MLK Wy, et al	\$ 1,035,441		\$ 1,035,441	Enterprise Fund - 218 Funding source prohibition	\$ -
830		MLK Wy, Cedar St, et al	\$ 782,526		\$ 782,526	Enterprise Fund - 218 Funding source prohibition	\$ -
830		Walnut St, The Alameda, et al	\$ 593,927		\$ 593,927	Enterprise Fund - 218 Funding source prohibition	\$ -
830		Urgent Repairs FY 2021	\$ 84,731		\$ 84,731	Enterprise Fund - 218 Funding source prohibition	\$ -
830		MH Rehab FY 2021	\$ 84,731		\$ 84,731	Enterprise Fund - 218 Funding source prohibition	\$ -
<b>830 Total</b>	<b>Sanitary Sewer</b>		<b>\$ 17,265,619</b>		<b>\$ 17,265,619</b>		<b>\$ -</b>
831		Berkeley Rose Garden Drainage	\$ 679,239		\$ 679,239	Property Fee - 218 Funding source prohibition	\$ -
831		GI Allston Way Permeable Paver Maintenance	\$ 200,000		\$ 200,000	Property Fee - 218 Funding source prohibition	\$ -
831		Storm Drainage Repairs - Wildcat/Shelby Trail	\$ 75,000		\$ 75,000	Property Fee - 218 Funding source prohibition	\$ -
831		Piedmont Avenue Green Infrastructure	\$ 25,000		\$ 25,000	Property Fee - 218 Funding source prohibition	\$ -
831		Storm Drain Planning & Studies	\$ 750,000		\$ 750,000	Property Fee - 218 Funding source prohibition	\$ -
<b>831 Total</b>	<b>Clean Storm</b>		<b>\$ 1,729,239</b>		<b>\$ 1,729,239</b>		<b>\$ -</b>
		Telegraph Channing Elevator Replacement	\$ 300,000		\$ 300,000	May warrant policy application	\$ -
<b>835 Total</b>	<b>Off Street Parking</b>		<b>\$ 300,000</b>		<b>\$ 300,000</b>		<b>\$ -</b>
		Police Parking Enforcement Marina Facility and Parking Lot Improvement	\$ 231,570		\$ 231,570	May warrant policy application	\$ -
<b>840 Total</b>	<b>Parking Meter Fund</b>		<b>\$ 231,570</b>		<b>\$ 231,570</b>		<b>\$ -</b>
860	Equipment	Vehicle Replacement	\$ 2,611,000		\$ 2,611,000	Non-construction project	\$ -

**Citywide Capital Program By Project, with Public Art Requirement Applicability**

Fund	Category	Project Name	FY2020 Total	Funds Eligible for Public Art Policy Application	Ineligible Funds	Notes / Rationale for Ineligibility	FY2020 Public Art Fund Contribution
860 Total	Equip. Replacement		\$ 2,611,000		\$ 2,611,000		\$ -
<b>Grand Total</b>			\$ 111,591,145	\$ 4,344,278	\$ 107,246,867		\$ 65,164



Civic Arts Program  
Office of Economic Development

## City of Berkeley Festival Grant Guidelines

**FY23 Grant Cycle for Festivals and Special Events Taking Place: July 1, 2022 – June 30, 2023**

**APPLICATION DEADLINE: March 31, 2022, 11:59 PM**

Applications are available online at: <https://cityofberkeleyoed.submittable.com>

For any questions regarding the grant please contact Civic Arts Staff at [civicarts@cityofberkeley.info](mailto:civicarts@cityofberkeley.info)

### IMPORTANT DATES

Applications Open	March 1, 2022
Civic Arts Grants Information Webinar for Festivals	March 9, 2022 (6 PM)
Application Deadline	March 31, 2022
Grants Application Review Panel Meeting	April – mid May, 2022 (Exact Date TBD)
Grants Committee Meeting – Funding Recommendations	May 17, 2022
Commission Meeting – Grant Awards Approval	May 25, 2022 (6 PM)
City Council Adopts Budget	June 28, 2022
Grant Activity Period	July 1, 2022 – June 30, 2023

*Note: Dates are subject to change.*

## 1. DEFINITION, PURPOSE, ELIGIBILITY, GRANT AMOUNTS, USE, RESTRICTIONS, & FISCAL SPONSORS

### 1.1 Definition

Festivals are defined as a wide variety of public events including arts festivals, celebrations of cultural heritage relevant to Berkeley residents, and other events that celebrate a community, a neighborhood or a shared cultural interest. Public events may include socially distanced programming and events taking place in outdoor spaces if permitted by Health Orders, or digital productions and online/virtual on-line media, or radio/television broadcast from Berkeley.

### 1.2 Purpose

The purpose of the Festival Grant Program is to support community festivals and special events that: celebrate and preserve a rich variety of cultural opportunities for Berkeley's residents; bolster the city's vitality; and increase Berkeley's visibility and reputation as a desirable destination for visitors. The Festival Grant Program supports a range of events throughout the City from small-scale and first-time events to large scale and established festivals. Festival Grant Program-funded events must be open to the entire public and have at least some portion of the festival which is free admission, although festivals may include fee-based access to select portions of the event. Projects must be developed and presented in Berkeley and culminate in a local event or festival with meaningful, accessible engagement of the public within the grant period.

### 1.3 Eligibility

Applications that are complete and submitted by the deadline will be accepted from organizations that meet the following conditions:

- At least one of the applicant team members (applicant organization or event producer) must have produced at least two events at a comparable scale to the proposed grant-funded event.
- Designated as a not-for-profit corporation under Section 501(c)(3), 501(c)(4), or 501(c)(6) of the Internal Revenue Code. Organization/fiscal sponsor 501(c) status must be current and may be verified by City staff.
- Organization must be housed in the City of Berkeley with its corporate address in the City of Berkeley. Organization address will be verified by City staff.
- Organization’s event takes place at some point during July 1, 2022 – June 30, 2023 in the City of Berkeley.
- Organization a) is not a division/department within the City of Berkeley; and b) is in good standing on previous and/or current City of Berkeley grants and with other City departments.
- Applicant is in good standing on previous and/or current City of Berkeley Civic Arts Grants and any other City department grants or agreements. Note: Any previously awarded Civic Arts Grants programming must be completed and closed out and final report submitted before grantees are eligible to apply for new funding.

### 1.4 Grant Amounts

The Festival Grant Program operates on a one-year cycle based on the City of Berkeley Fiscal Year (July 1–June 30). Awards will be contingent on the allocation of funds from the City Council each year. The total amount allocated to each of the three grant categories (Arts Organizations, Festivals, and Individual Artists) will be recommended by the Civic Arts Commission’s Grants Committee after an evaluation of the review panel results and based upon the size of the applicant pools and the corresponding scores. The Grants Committee’s recommendation will be forwarded to the full Civic Arts Commission for approval.

Festival Grants will be awarded accordingly:

<b>Festival Size based on Event Budget</b>	<b>Possible Grant Award Amount*</b>
Small Events with a proposed budget of up to \$5,000	up to \$5,000
Mid-Size Events with a proposed budget between \$5,001 - \$50,000	up to \$12,000
Large Events with a proposed budget over \$50,000	up to \$15,000

Final award amounts are contingent upon Council’s adoption of the fiscal year 2023 budget. Final grant award amounts are subject to change based on the actual budget allocation for Festival Grants in fiscal year 2023.

Budget levels will be calculated based on cash income. In-kind donations may be listed but should be kept separately from the budget numbers used for calculating category eligibility.

### 1.5 Funding Use Restrictions

- Grant funds may not be used for:
  - Previous year’s operating deficit.
  - Administrative costs or other organizational costs unrelated to production of the event.
  - Capital improvement projects.
  - Programs in the schools during school hours.
  - Ongoing and continuous programs that occur year-round.
- No part of the grant shall be used to promote or inhibit religion nor for any political advocacy.

- Applicant organization cannot submit more than one application for the Festival Grant Program category. (This does not apply to fiscal sponsors who are submitting applications on behalf of different fiscally sponsored projects or event producers who may be producing other festivals.)
- Activities not available to the general public.
- Non-virtual activities taking place outside the City of Berkeley. If the festival takes place in other cities in addition to Berkeley, Civic Arts Grants funding may only be used for the events taking place within the City of Berkeley. Budgets must distinguish which portion of the funds will be spent within Berkeley and which portion will be spent outside of Berkeley.
- Events where fundraising is the primary purpose.

## 1.6 Fiscal Sponsors

Definition of Fiscal Sponsor: Fiscal sponsor is a 501(c) tax exempt and nonprofit organization that has been assigned the responsibility to process the funds of another organization. It is the responsibility of the fiscal sponsor organization to consult with a tax professional to determine whether their particular tax exempt designation allows them to fiscally sponsor another organization. Fiscal sponsorship may take the form of processing a single check or providing complex accounting services and project oversight and is unique to each circumstance.

Organizations applying for funding through a Fiscal Sponsor should take particular note of the following requirements that the Fiscal Sponsor must meet:

- Fiscal Sponsor shall be responsible for all fiscal obligations of the grantee's awarded funds.
- Fiscal sponsor may be located anywhere within the United States.
- A written contract or Letter of Agreement within the last 3 years between the applicant and the Fiscal Sponsor specifying the conditions of the Fiscal Sponsor arrangement must accompany the grant application. **(This agreement must be between the Fiscal Sponsor and the organization; a memorandum or letter to the Civic Arts Commission is not sufficient).**
- If the Fiscal Sponsor is also an applicant to the Festival Grant Program for their own organization's festival grant applications, any funds awarded to the organizations that they fiscally sponsor will not be counted as part of the fiscal sponsor's application budget.
- Information submitted in the grant application, including all budget information, applies to the organization conducting the festival, not the Fiscal Sponsor.

## 2. GRANT APPLICATION MATERIALS

In order to be considered for funding applicants must submit fully completed grant applications and all required application materials. The Festival Grant Program application consists of the following components:

- General Organization and Event Information.
- Event Narrative.
- Staff and/or Event Personnel Bios and/or Event producer's Resume.
- Board of Directors or Working Group Roster, including occupation, city of residence and term of office.
- Event Budget Form and Budget notes.
- Current 501(c) Letter within 3 years.
- **If fiscally sponsored:** Fiscal Sponsor Supplement including a letter of agreement between applicant and fiscal sponsor and the fiscal sponsor's Federal Tax Exempt Status Letter.
- Supporting Materials: Maximum of three items total that reflect the applicant's event. Examples

include PDF copy of the following: brochures, catalogues, programs or other collateral produced by the applicant and/or press reviews or articles from sources outside the organization.

- Declaration to meet City Special Event Requirements.
- Staff may request that the applicant provide the following updated documents prior to the Panel Review:
  - Current 501(c) determination letter from the Internal Revenue Service.
  - Certified Articles of Incorporation and organization By-Laws.

### 3. EVALUATION CRITERIA & SCORING SYSTEM

#### 3.1 Evaluation Criteria and Weighting

Applications will be evaluated according to the following criteria which are described so that applicants may have an idea of how the panel will score each application:

Event narrative & significance & community impact \_\_\_\_\_ 25 percent

- Clarity of the event's vision and how well the event relates to the applicant's mission, purpose and goals.
- How well the event demonstrates celebration of cultural richness, historical significance and/or the significance of their neighborhood's uniqueness.
- Evaluation of estimated attendance and participatory activities.
- Extent to which the entire festival is free of admission.
- Demonstrated community benefit through indicators such as: contribution to the City of Berkeley as a cultural destination, attraction of people and volume of activities in a specific location that result in the vibrancy of a geographic area, number of participating artists, and local organization participation.
- Extent of positive impact on neighborhood where event occurs. How well the event aligns with the culture of the neighborhood where event occurs. How well the event reaches the targeted audience.

Communications, marketing, and outreach \_\_\_\_\_ 20 percent

- Ability to build a greater community understanding of the event.
- Effectiveness of conducting outreach through public awareness campaigns (social media, press releases, flyers, posters, newspaper ads, speakers' bureaus, etc.)

Financial and budgetary capabilities/leveraging of City funding \_\_\_\_\_ 20 percent

- Demonstrated financial health, evidenced by:
  - Receiving outside sources of funding.
  - Managing a budget size and percentage of earned revenue appropriate to the activity.
  - Not carrying an accumulated debt greater than 25% of the proposed festival budget.
  - For large and mid-size festivals: Having more than one source of funding for event. Small festivals may rely on only one source of contributed income.
- Ability to produce a profitable or break-even event measured on a cash basis.
- Extent of diversified financial support and in-kind contributions and/or volunteer resources used to leverage the City's grant funding.
- Evaluation of event's dependence on City funds and City in-kind donations of services and City waiver of fees – Does the event receive simultaneous funds from multiple City of Berkeley funding sources including collaborators seeking funds from the City to work on different components of the same project? How much funding is being provided by City departments and individual Council members?

- Applicant is in good standing with the City of Berkeley and has met final reporting requirements for previously awarded grants in a timely manner. Organizations who have submitted prior year’s final report late will have their scores reduced according to how late the report was submitted: See section 3.3.

Ability to produce a quality, well-planned, safe event \_\_\_\_\_ 20 percent

- Organization/event producer demonstrates strong accomplishments, and provides examples of previous achievements that are relevant to the proposed event.
- Ability to acquire necessary permits in a timely fashion.
- Experience in producing and promoting well-planned, safe events. If producing an on-line virtual event, has experience producing digital content, uses a widely accessible digital platform, and clearly describes digital outreach.
- Depth of managerial and organizational capacity.
- Demonstrated sound administration and fiscal management, evidenced by:
  - An active advisory board or working committee that takes responsibility for event.
  - A budget and staff appropriate to the scale of the activity.
  - A reasonable plan to retire debt—if applicable.

Cultural equity impact \_\_\_\_\_ 15 percent

- Demonstrated ability of the applicant to support Berkeley’s diverse cultural traditions and values, including capacity to support the City’s underserved communities.
- Applicant clearly articulates how their event is rooted in and reflective of historically marginalized communities and geographically underserved areas of the city.
- Event reaches out to economically disadvantaged communities and communities that lack conventional arts venues or formal arts programs.
- The applicant organization demonstrate a commitment to cultural equity. For example, strategic board development to ensure that the board of directors includes members from historically marginalized communities.

### 3.2 Rating System

When evaluating each criterion, panelists will use the following 10-point scale, which is then translated to the appropriate weight for each criterion:

- Exceptional (9 - 10 points)
- Somewhat Exceeds Expectations (8 – 8.9 points)
- Meeting Accepted Standards (7 – 7.9 points)
- Needs Improvement to Warrant Funding (6 – 6.9 points)
- Does Not Merit Funding (0 – 5.9 points)

An applications must receive an overall score of at least 70 percent of total possible points in order for the panel to consider it for funding. However, achieving a score of at least 70 percent of total possible points does not guarantee that the panel will recommend an application for funding, as funds may not be sufficient to recommend a grant for all applicants that score above the minimum threshold.

### 3.3 Scoring penalty for late final reports

Final reports are typically due no later than August 29 following the close of the City of Berkeley’s fiscal year on June 30. Grantees who submitted their final reports late will receive a grant application score



penalty as follows:

For reports submitted after the August 29 deadline  
For each month after the deadline (the last day of the month)

5 points deducted from total score  
Another 5 points deducted from total score. (Penalty accrues monthly)

## **4. APPLICATION REVIEW PROCESS**

### **4.1 Eligibility Screening**

Civic Arts Program staff will review for completeness and eligibility all applications that meet the deadline. Applications that pass this initial review will then be evaluated for their strengths by a separate Grant Review Panel, which will review the applications and related materials submitted by applicants.

### **4.2 Grant Review Panel**

Applications will be reviewed in three differentiated categories (Small, Medium and Large events) based upon proposed event budget in order to make the competition among applications more equitable.

The Review Panel will be comprised of individuals experienced in special event grant funding and City staff familiar with special events in Berkeley. An open call and application for potential review panelists will be advertised. Review panelists will be approved by the Civic Arts Commission.

Review Panelists must not have any conflict of interest, which is defined as a situation in which a panelist has a competing professional, financial, or personal interest, which might make it difficult to fulfill his or her duties impartially and could impair an individual's ability to perform his or her duties and responsibilities objectively. A conflict of interest exists even if no unethical or improper act results. A conflict of interest can create an appearance of impropriety that can undermine confidence in the selection process, the Grants Program, the Civic Arts Commission and the City. If a panelist has a conflict of interest, they must recuse themselves and they must notify the City staff in advance of the panel (so that they're not assigned a lead reader role for those cases) and they must leave the room during any panel discussions regarding the applicant with whom there is a conflict of interest so that the panelist does not influence the process.

Applicants are encouraged to attend the Grant Review Panel meeting which will be held through Zoom Video Webinar. Staff will email the grant review schedule and Zoom link to attend the meeting.

Applicants are not permitted to address the Review Panel. Panel notes summarizing the Review Panel comments will be made available to applicants upon request following City Council's approval of the annual budget.

### **4.3 Civic Arts Commission Approval and City Council Review**

After the Grant Review Panel has scored all applications, the Civic Arts Commission's Grants Committee meets to develop funding recommendations in alignment with the ranking of scores within each category and to align proposed grant awards with available funds and for consistency with granting policies and guidelines, before forwarding the recommendations to the full Civic Arts Commission.

The award amounts as recommended by the Grants Committee are made public at least five business days prior to the Civic Arts Commission approval. The Civic Arts Commission reviews the funding recommendations for approval and once approved. Grant awards are subject to the City Council's adoption of the annual budget, which usually occurs in June.

#### **4.4 Appeal or Public Comment to the Civic Arts Commission**

In order to evaluate the appeal and for the City's record-keeping purposes, applicant will provide a written appeal to the [civicarts@cityofberkeley.info](mailto:civicarts@cityofberkeley.info). Appeals and public comments need to be received at least 24 hours before the final approval at the Civic Arts Commission meeting on May 26, 2021.

### **5. SELECTED GRANTEE CONTRACTUAL REQUIREMENTS**

#### **5.1 Business License**

All team members (fiscal sponsor, applicant organization and event producer) from the successful grant applicant team must have a current Berkeley Business License.

#### **5.2 Invoices**

Grantees may invoice for 100% of the grant amount once they have received the grant award invoice/agreement from the City of Berkeley's Civic Arts program and completed a demographic survey online.

#### **5.3 Final Report**

Festival grantees must submit a Final Report for the event on a City-provided form (to include a post-event evaluation, estimated attendance and final budget). While grantees may submit final reports as soon as the grant funded event has taken place, they must submit the final report no later than 60 days after the grant period ends at the latest. Grantees must be current on filing required reports before they can receive grant funding. Final report must demonstrate that the projects was developed and presented in Berkeley and culminated in a local event or festival with meaningful, accessible engagement of the public within the grant period. Submitting a final report later than the deadline will affect the applicant's score for the following year's grant application as noted in the scoring criteria – see section 3.3 "Scoring penalty for late final reports." Applicants who have not submitted a final report will be ineligible from applying for any future Civic Arts Grants.

#### **5.4 Accommodations**

Individuals with disabilities who need reasonable accommodations to participate should make their requests to the Civic Arts Staff at [civicarts@cityofberkeley.info](mailto:civicarts@cityofberkeley.info) who will work with the Disability Compliance Program to evaluate the individual's request. Individuals must make a disability-related accommodation request at least 72 hours in advance of any deadlines or meetings to ensure that the City has an adequate opportunity to provide reasonable accommodation.

#### **5.5 Acknowledging City Support**

Grant recipients must acknowledge the City's financial support in all appropriate materials and media. The acknowledgement should read, "Supported in part by a Civic Arts Grant for Festivals from the City of Berkeley" or similar language, unless the City is a part of a list of supporters. In the latter case, the acknowledgement may say simply City of Berkeley Festival Grant. Grantees must display the City's logo wherever other sponsor logos are displayed, and in accordance with City logo use guidelines.

#### **5.6 Permits**

The awarding of funds does not imply that the City of Berkeley's Civic Arts Program or any other City department will produce, exhibit, or present the event or art created for the event. It is the responsibility of the festival grantee to secure the event venue and obtain the necessary event permits from the appropriate City departments and governmental agencies. The awarding of a Festival Grant does not

guarantee event permit approval from the City. Organizations planning to conduct an event on outdoor public property in the City of Berkeley must submit a Special Event Permit Application to the City of Berkeley and are responsible for all permit fees and costs. In addition, successful grant applicants must comply with the City of Berkeley's insurance requirements demonstrating adequate insurance and liability coverage for their event.

### **5.7 Refund of City Funds if Grant-Funded Event Does Not Take Place**

If a grantee's grant-funded event does not take place for any reason within the grant activity period (City's fiscal year during which the event was funded to occur), the grantee must refund all grant payments received from the City within 60 days of the cancelled event.



Civic Arts Program  
Office of Economic Development

## City of Berkeley Individual Artist Project Grant Guidelines FY23 Grant Cycle for Individual Artist Projects: July 1, 2022 – June 30, 2023

### APPLICATION DEADLINE: March 31, 2022, 11:59 PM

Applications are available online at: <https://cityofberkeleyoed.submittable.com>  
For any questions regarding the grant please contact Civic Arts Staff at [civicarts@cityofberkeley.info](mailto:civicarts@cityofberkeley.info)

### IMPORTANT DATES

Applications Open	March 1, 2022
Civic Arts Grants Information Webinar for Artists	March 7, 2022 (6 PM)
Application Deadline	March 31, 2022
Grants Application Review Panel Meeting	April – mid May, 2022 (Exact Date TBD)
Grants Committee Meeting – Funding Recommendations	May 17, 2022
Commission Meeting – Grant Awards Approval	May 25, 2022 (6 PM)
City Council Adopts Budget	June 28, 2022
Grant Activity Period	July 1, 2022 – June 30, 2023

*Note: Dates are subject to change.*

## 1. PURPOSE, ELIGIBILITY, GRANT AMOUNT, USE RESTRICTIONS & FISCAL SPONSOR

### 1.1 Purpose

The Individual Artist Project Grants support individual artists living and producing art in Berkeley culminating in a public presentation for the benefit of the community. The presentation will take place within the grant activity period. If indoor gatherings are not permitted at that time by Health Orders, the public presentation may take place outdoors or may be presented online. Such activities may include, but are not limited to: performances of dance, music or theater; visual art presentations, exhibitions or public art projects; social practice projects; media arts or film screenings; literary presentations; or artist talks. The public presentation may be of a work-in-progress or of the final, polished piece. Grant funds are to be used to generate new work, not to stage pre-existing work. All Individual Artist Project grantees will participate in an on-line public presentation of their grant funded project organized by the Civic Arts Program to take place in spring 2023.

### 1.2 Eligibility

Applications that are complete and submitted by the deadline will be accepted from applicants that meet the following conditions:

- Artist has been a continuous resident of the City of Berkeley since January 1, 2020. Applicants must submit paperwork demonstrating Berkeley residency with their application. Unhoused artists may provide a letter from a Berkeley-based shelter, the Hub, or another Berkeley-based homeless service program as proof of Berkeley residency.
- Artists working in dance, music, theater, visual art, film and video, social practice, and literary arts

are eligible to apply.

- Proposed projects must include a public presentation within Berkeley with meaningful, accessible engagement of the public during the grant period.
- Artists in any phase of their artistic career may apply including emerging, midcareer, and established artists.
- Artist may not be enrolled as a full-time student at the time of the application or during the grant period.
- Artist may not be an employee of the City of Berkeley, nor plan to be employed by the City of Berkeley at any time during the grant activity period.
- Individual Artists may not receive funding more than once in a three-year period. Individual Artist Project grantees are required to sit out for **two years** after each funded grant cycle. In addition, grantees are required to close out any previously awarded Civic Arts Grants before applying for new funding.

Please note: Individual Artists are not required to use a Fiscal Sponsor to apply for an Individual Artist Project Grant. Individual Artist grantees will be paid directly from the City of Berkeley and not through a Fiscal Sponsor.

### **1.3 Grant Amount**

The Individual Artist Project Grant amount is \$4,000.

**Note:** Although a budget is not required for the grant application, applicants should be aware of the tax implications upon receiving the award and maintain the documents required for reporting on state and federal income taxes.

### **1.4 Funding Use Restrictions**

Grant funds may not be used for the following:

- Project production and presentation activities outside of the City of Berkeley.
- Projects for which the main intent is curation, archiving, or journalism.
- Deficit or debt reduction.
- An Individual Artist Project Grant award may not be combined with another Individual Artist Project Grant award to work on the same project.
- An Individual Artist Project Grant may not be awarded to a grantee who is also applying as an Arts Organization.

## **2. GRANT APPLICATION MATERIALS**

In order to be considered for funding, applicants must submit fully completed grant applications and all required application materials. The Individual Artist Project Grant application consists of the following components:

- General Application.
- Resume.
- Proof of Residency (from within the last 3 months).
- Work Samples and Descriptions.
- Project Description.

## **3. EVALUATION CRITERIA & SCORING SYSTEM**

### 3.1 Evaluation Criteria and Weighting

Applications will be evaluated according to the following criteria which are described so that applicants may have an idea of how the panel will score each application:

Artistic & Professional Quality \_\_\_\_\_ **35 percent**

- The applicant’s art and cultural work demonstrates high quality or promise through its artistic history, accomplishments, and examples of recent previous work from within the last 3 years.

Quality of Proposed Project \_\_\_\_\_ **40 percent**

- Project goals and processes are clearly defined, demonstrate originality, clarity and depth of concepts.
- Artist demonstrates that the proposed project will impact their development and future opportunities.

Cultural Equity Impact \_\_\_\_\_ **15 percent**

- Demonstrated ability of the applicant to support Berkeley’s diverse cultural traditions and values, including capacity to support the City’s underserved communities.
- Applicant clearly articulates how their project or artistic expression is rooted in and reflective of historically marginalized communities and geographically underserved areas of the city.
- Public Programming or other on-line media activities that reach out to economically disadvantaged communities and communities that lack conventional arts venues or formal arts programs.
- Applicant articulates their connection to the cultural tradition in which their artwork is rooted and/or their connection to the community that the proposed project intends to serve.

Community Impact \_\_\_\_\_ **10 percent**

- The proposed public presentation is appropriate to the project goals and feasible in its potential to share the work with a defined Berkeley audience. Artist has identified at least one venue for public presentation or broadcast format/on-line virtual platform.

### 3.2 Rating System

When evaluating each criterion, panelists will use the following 10-point scale, which is then translated to the appropriate weight for each criterion:

- Exceptional (9 - 10 points)
- Somewhat Exceeds Expectations (8 – 8.9 points)
- Meeting Accepted Standards (7 – 7.9 points)
- Needs Improvement to Warrant Funding (6 – 6.9 points)
- Does Not Merit Funding (0 – 5.9 points)

An application must receive an overall score of at least 70 percent of total possible points in order for the panel to consider it for funding. However, achieving a score of at least 70 percent of total possible points does not guarantee that the panel will recommend an application for funding, as funds may not be sufficient to recommend a grant for all applicants that score above the minimum threshold.

## **4. APPLICATION REVIEW PROCESS**

### **4.1 Eligibility Screening**

Civic Arts Program staff will review for completeness and eligibility all applications that meet the deadline. Applications that pass this initial review will then be evaluated for their strengths by a separate Grant Review Panel, which will rely on the application and related materials submitted by applicants.

### **4.2 Grant Review Panel**

The Review Panel is comprised of individuals with substantial background in the arts, usually drawn from the ranks of experienced and skilled managers and board members of greater Bay Area arts organizations, professional practicing artists from visual and performing arts fields, and experienced arts grant-makers from the philanthropic and public sectors. Panelists are identified through an open call. Review panelists will be approved by the Civic Arts Commission.

Review Panelists must not have any conflict of interest, which is defined as a situation in which a panelist has a competing professional, financial, or personal interest, which might make it difficult to fulfill their duties impartially and could impair an individual's ability to perform their duties and responsibilities objectively. A conflict of interest exists even if no unethical or improper act results. A conflict of interest can create an appearance of impropriety that can undermine confidence in the selection process, the Grants Program, the Civic Arts Commission and the City. If a panelist has a conflict of interest, they must recuse themselves and they must notify the City staff in advance of the panel (so that they're not assigned a lead reader role for those cases) and they must leave the room during any panel discussions regarding the applicant with whom there is a conflict of interest so that the panelist does not influence the process.

Applicants are encouraged to attend the Grant Review Panel meeting which will be held through Zoom Video Webinar. Staff will email the grant review schedule and Zoom link to attend the meeting.

Applicants will be permitted a short amount of time at the end of the Panel's review to address the Review Panel to clarify any aspects of the application which may not have been understood properly. Panel notes summarizing the Review Panel comments will be made available to applicants upon request following City Council's approval of the annual budget.

### **4.3 Civic Arts Commission Approval and City Council Review**

After the Grant Review Panel has scored all applications, the Civic Arts Commission's Grants Committee meets to develop funding recommendations in alignment with the ranking of scores within each category and to align proposed grant awards with available funds and for consistency with granting policies and guidelines, before forwarding the recommendations to the full Civic Arts Commission.

The award amounts as recommended by the Grants Committee are made public at least five business days prior to the Civic Arts Commission approval. The Civic Arts Commission reviews the funding recommendations for approval.

### **4.4 Appeal or Public Comment to the Civic Arts Commission**

In order to evaluate the appeal and for the City's record-keeping purposes, applicant will provide a written appeal to the [civicarts@cityofberkeley.info](mailto:civicarts@cityofberkeley.info). Appeals and public comments need to be received no later than 24 hours before the final approval at the Civic Arts Commission meeting on May 25, 2022.

## **5. SELECTED GRANTEE CONTRACTUAL REQUIREMENTS**

### **5.1 Invoices**

Grantees may invoice for 100% of the grant amount once they have completed a demographic survey and received the grant award invoice/agreement from the City of Berkeley's Civic Arts Program following City Council's approval of the fiscal year's budget.

### **5.2 Final Report**

All Grantees must complete and submit the City's Final Report form for the grant no later than 60 days after the fiscal year end and must demonstrate that the grant-funded project was developed and presented in Berkeley with meaningful, accessible engagement of the public during the grant period. Applicants who do not submit a final report will be ineligible from applying for any future Civic Arts Grants.

### **5.3 Acknowledging City Support**

It is important that the Berkeley community know that their local tax dollars make it possible for them to enjoy the caliber of arts produced in Berkeley. All grantees should recognize Civic Arts Grants in the same manner in which it recognizes other contributors in terms of benefits, type size on publications, and frequency of acknowledgement. Failure to comply with this request may affect future grant opportunities.

Grant recipients must acknowledge the City's financial support in all appropriate materials and media. The acknowledgement should read, "Supported in part by a Civic Arts Grant for Individual Artist Project from the City of Berkeley" or similar language, unless the City is a part of a list of supporters. In the latter case, the acknowledgement may say simply City of Berkeley. Grantees must display the City's logo whenever other sponsor logos are displayed, and in accordance with City logo use guidelines.

### **5.4 Accommodations**

Individuals with disabilities who need reasonable accommodations to participate should make their requests to the Civic Arts Staff at [civicarts@cityofberkeley.info](mailto:civicarts@cityofberkeley.info) who will work with the Disability Compliance Program to evaluate the individual's request. Individuals must make a disability-related accommodation request at least 72 hours in advance of any deadlines or meetings to ensure that the City has an adequate opportunity to provide reasonable accommodation.

### **5.5 City Permits and Permissions**

The awarding of funds does not imply that the Civic Arts Program or any other City department will produce, exhibit, promote or present the art created. It is the responsibility of the applicant to secure a venue, appropriate insurance and any required permits for public presentations.

If the proposal includes components that require City permits or approval such as publicly installed art, street closures, sound amplification in public space, or murals, the applicant will be solely responsible for securing the necessary permits, permissions, and approvals. This planning should be reflected in your project timeline.

Any grant funded art installed in the public realm or on property owned by the City of Berkeley must be reviewed and approved by the Civic Arts Commission starting with the Public Art Committee of the Commission. The review process must be complete before the artist implements their project. This applies to murals, public sculpture, and similar projects. Please build this review process into the grant plan and timeline. Please contact Civic Art Program staff if you have questions.



Approved FY22 Civic Arts Grants Panelists proposed for use for FY23 Civic Arts Grant Application Reviews

Name	City	Job Title	Organization Name
Amy Spencerf	Berkeley	Exhibitions Director	Richmond Art Center
Anne Giancola	Pleasanton	Visual Arts Manager	Livermore Valley Performing Arts Center
Ayodele Nzinga	Oakland	Founding ED	Lower Bottom Playaz, inc & Black Arts Movement Business District Community Development
Carl Nagin	Berkeley	Review Panelist	Civic Arts Grants Program
Catherine Fahey	Oakland	Program Manager	Apple
Craig Knudsen	Berkeley	Performing Artist Representative / Musician	Knudsen Productions
David Herrera	San Francisco	Artistic Director / Choreographer	David Herrera Performance Company
Deborah Cortez	Berkeley	Actor	Mursion
Eleanor Shapiro	Berkeley	independent scholar / producer	Jewish Music Festival (1986-2015)
Leticia Duarte Trattner	San Leandro	Actress Director Writer	Latinx Mafia
Michal Jones	Oakland	Assistant Poetry Editor	Foglifter Press
Michelle Lynch Reynolds	San Francisco	Executive Director	Joe Goode Performance Group
Nanna Hadikwa Mwaluko	El Cerrito	Individual Artist	Individual Artist
Raissa Simpson	San Francisco	Artistic Director	PUSH
Robynn Takayama	San Francisco	Program Officer	San Francisco Arts Commission
Ronald P. Muriere	San Jose	Arts and Culture Consultant	RPM Consulting
Sean Vaughn Scott	Berkeley	Director	Black Repertory Group