



Civic Arts Commission  
Office of Economic Development

## **Agenda**

### **Civic Arts Commission**

### **Public Art Subcommittee**

Thursday, May 16, 2019 at 9:00-10:30 a.m.  
2180 Milvia Street, Redwood Room, 6<sup>th</sup> Floor, Berkeley, CA 94704

*Please refrain from wearing scented products to public meetings*

**1. CALL TO ORDER AND ROLL CALL**

**2. PUBLIC COMMENT**

**3. ACTION ITEMS**

- a) Telegraph Historical Walking Tour Markers - Topper Designs: Presented by Telegraph Business Improvement District
- b) Artwork Design Development by Masayuki Nagase for North Berkeley Senior Center: Presented by artist Masayuki Nagase (Attachment 1)

**4. DISCUSSION ITEMS**

- a) Update on Council Approval of Public Art Guidelines for Artwork Deaccessions, Review Guidelines and Discussion Regarding Future Artwork Deaccessions (Attachment 2)

**5. CHAIR'S REPORT**

**6. STAFF REPORT**

**7. ADJOURNMENT**

**Attachments:**

- 1. Artwork Design Development for North Berkeley Senior Center by Masayuki Nagase
- 2. Approved Artwork Deaccession Policy

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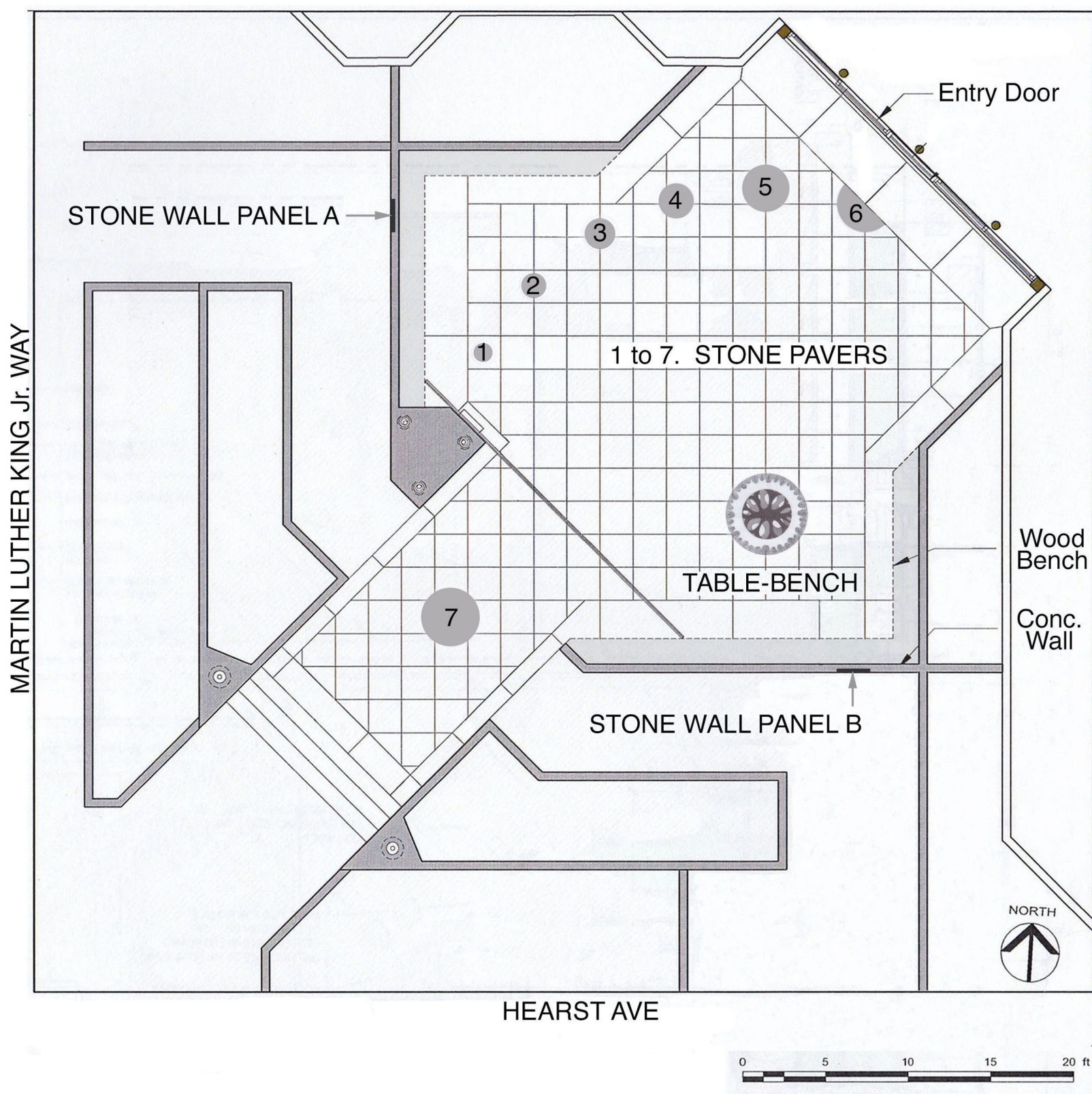
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Civic Arts Office located at 2180 Milvia Street, First Floor, Berkeley, CA 94704.

**ADA Disclaimer**

*This meeting is being held in a wheelchair accessible location. 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. Please refrain from wearing scented products to this meeting.*

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ENTRY PLAZA ART ELEMENTS LOCATION



**North Berkeley Senior Center Public Art Proposal  
“Song of Trees” Masayuki Nagase**

When I visited the North Berkeley Senior Center, I could feel this place vitalized so many people's lives in a variety of ways. Since I always work with the theme of nature I envisioned how throughout history, people would choose a prominent tree as a spiritual marker and a gathering place for their community.

Trees are the longest living organisms on earth. They create oxygen for all life; carry the essence of abundance, growth and rebirth. I chose the tree as the main metaphor of the artwork representing unity, community and diversity. The North Berkeley Senior Center's essence is like the deep-rooted trees that endure and nourish and inspire us.

The artwork consists of three elements located in and around an entry plaza for the main building.

The 1st elements are 2 stone panels placed in the walls for the 2 main entrance walkways into the entry plaza. Each panel will have a design of 2 different types of trees and these panels will act as visual markers for visitors.

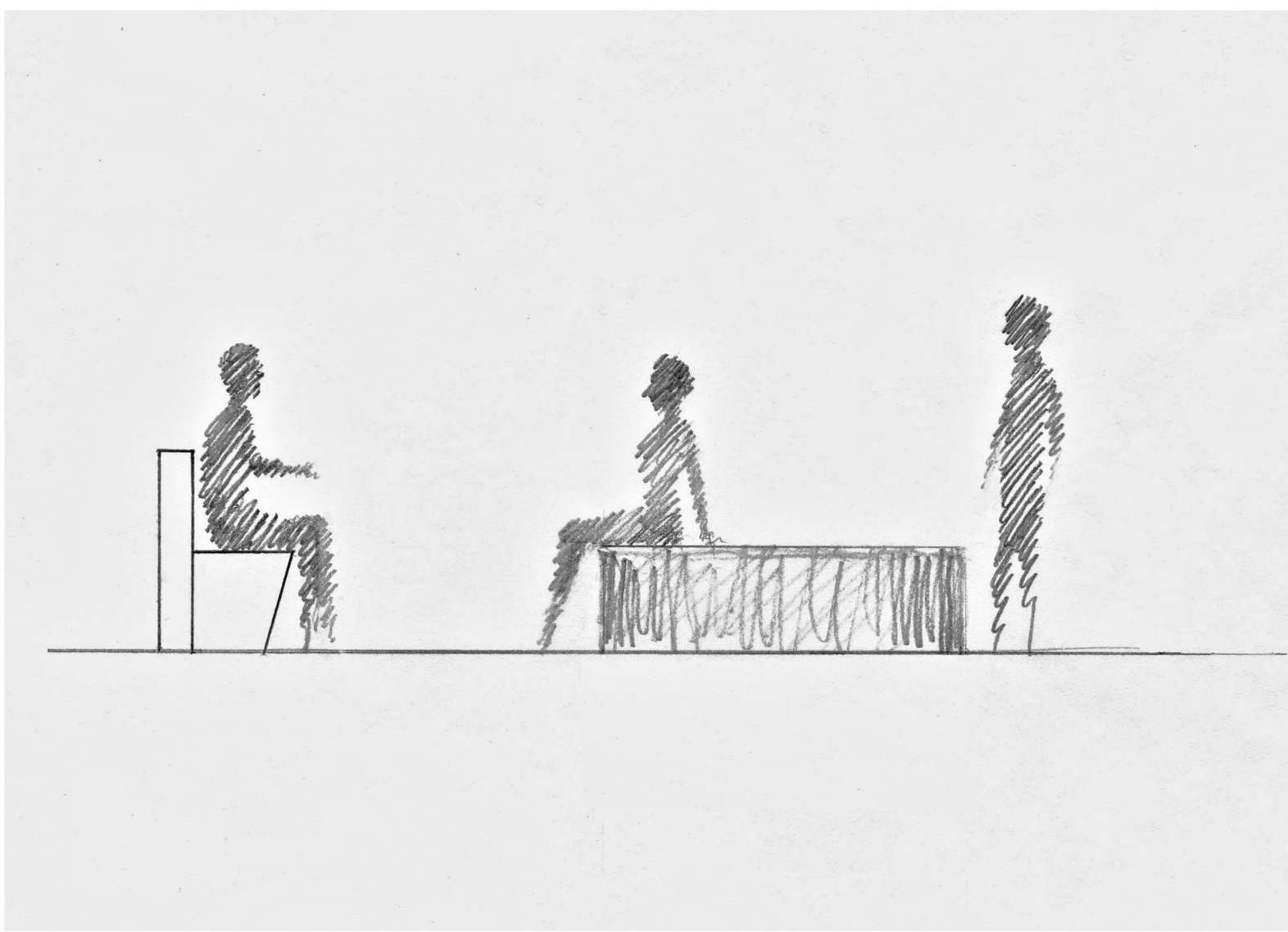
The 2nd element is a stone table-bench with a design based on the Redwood tree and placed in the entry plaza. This element represents community.

The 3rd element is a series of circular stone pavers with images of varied types of trees and placed in the entry plaza. This element represents diversity.

ENTRY PLAZA TABLE-BENCH

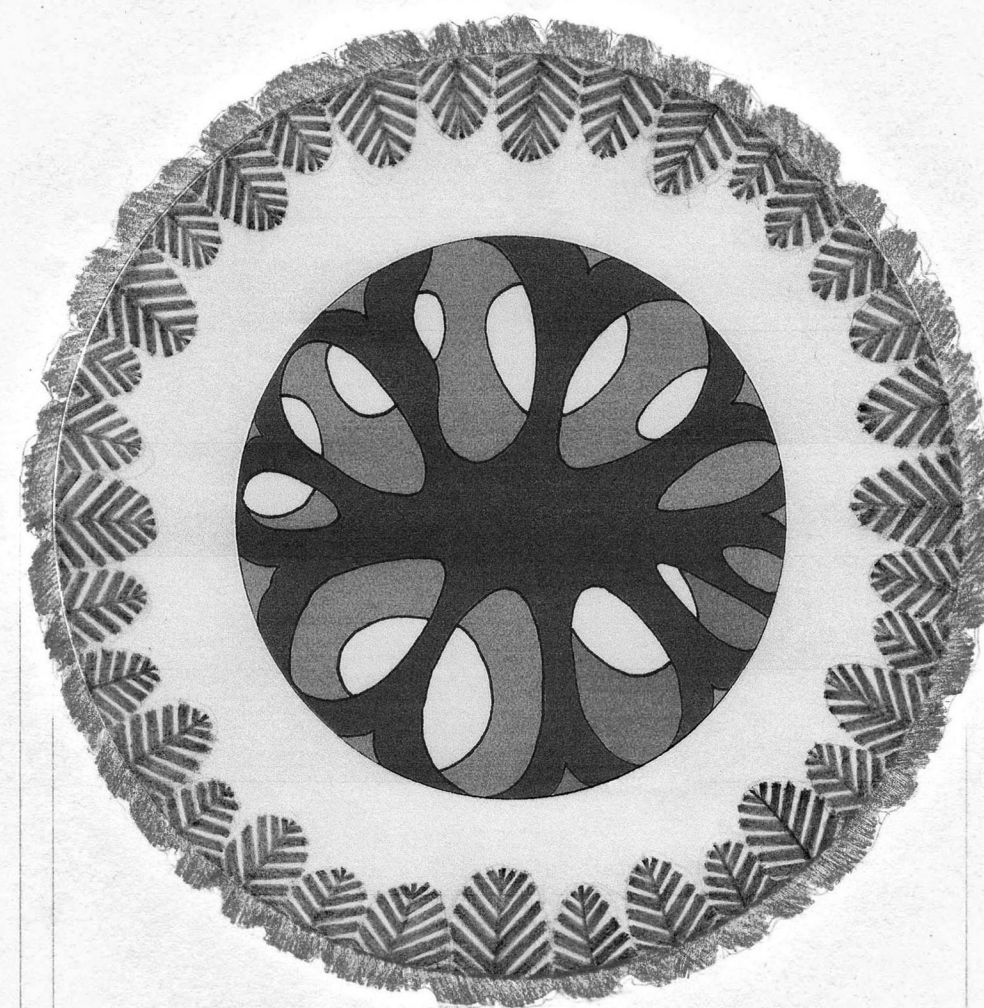
This stone table-bench sculpture is a functional art element and acts as a main focal point in the entry plaza.

The design of the sculpture is based on the Coast Redwood tree. The sides of the table-bench will have a hand carved texture like the bark of the tree. The top surface of the table-bench will be engraved with an abstract pattern based on Redwood cone and leaves.

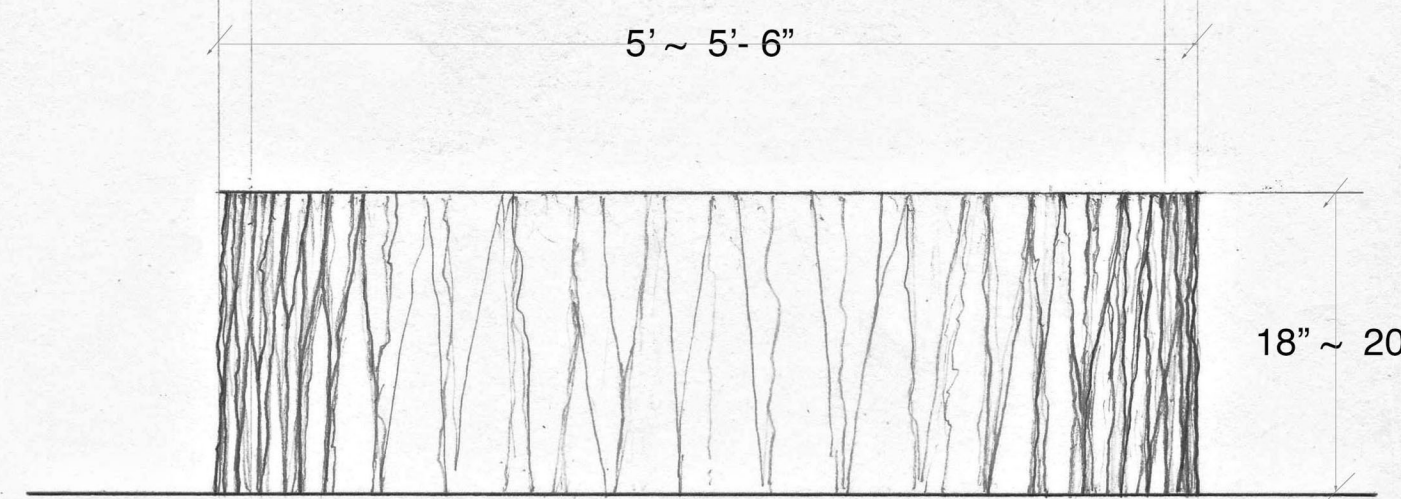


ENTRY PLAZA TABLE-BENCH

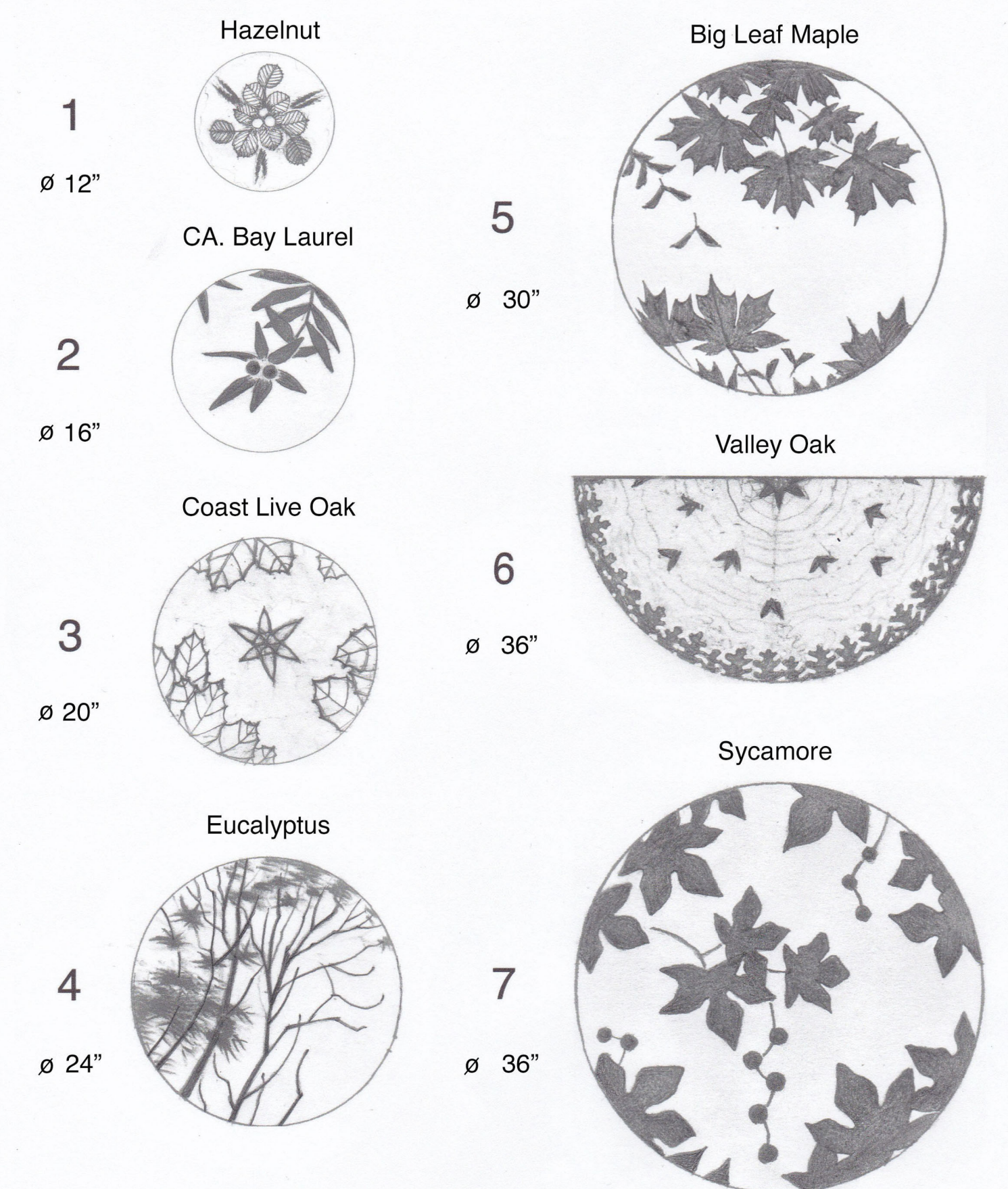
PLAN



ELEVATION



ENTRY PLAZA STONE PAVERS



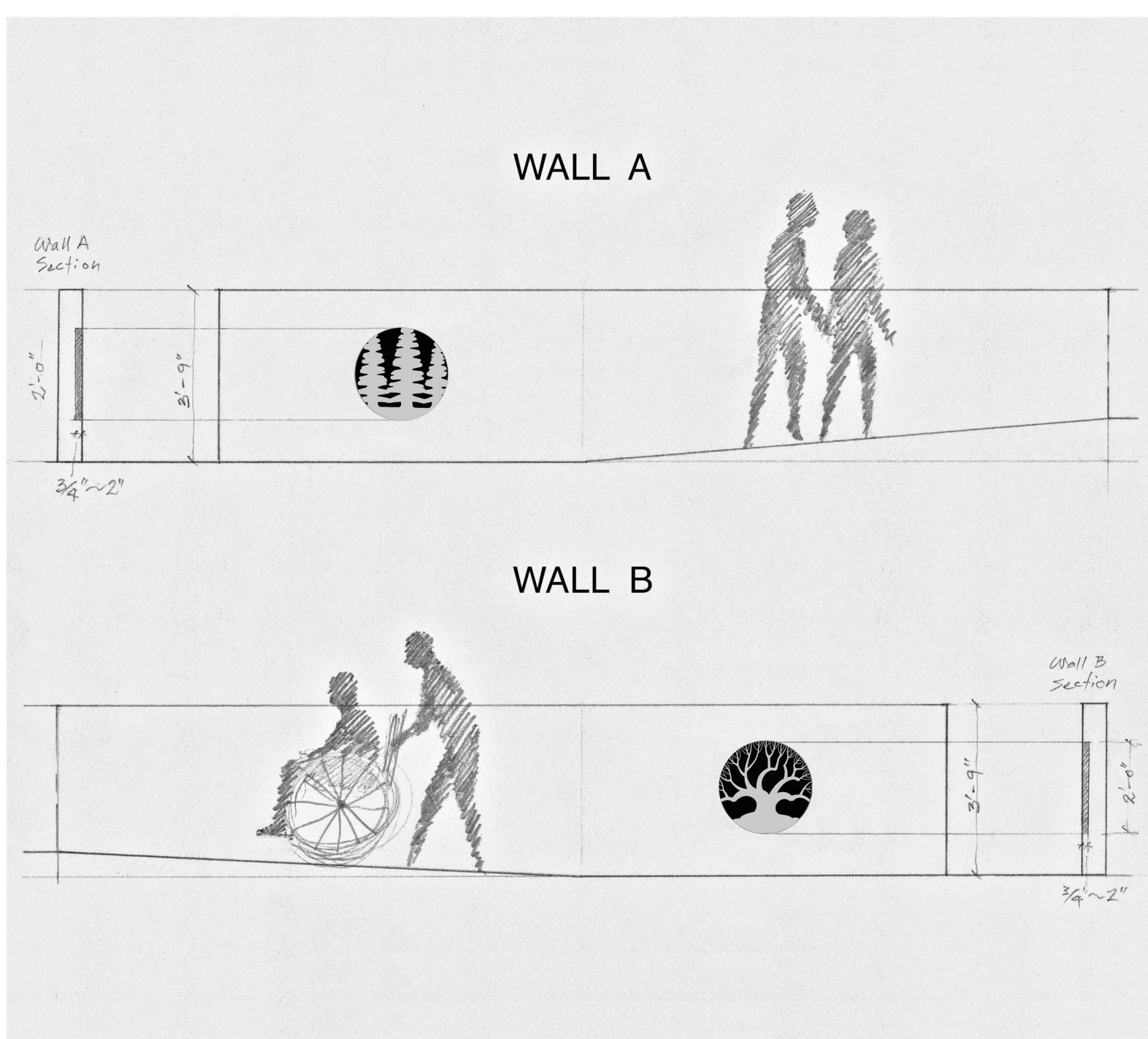
COLOR and TEXTURE SAMPLE



WALL A and WALL B with STONE PANELS

There are two low walls on the main entrance walkways to the plaza facing the streets of Martin Luther King Jr. Way and Hearst Ave.

I propose to place a stone panel in each wall. They will be engraved with two different designs based on native trees. These panels will enhance the walls and give additional visual markers as the visitors enter the plaza.



STONE WALL PANEL

A



B



# **North Berkeley Senior Center Public Art Proposal**

## **“Song of Trees” Masayuki Nagase**

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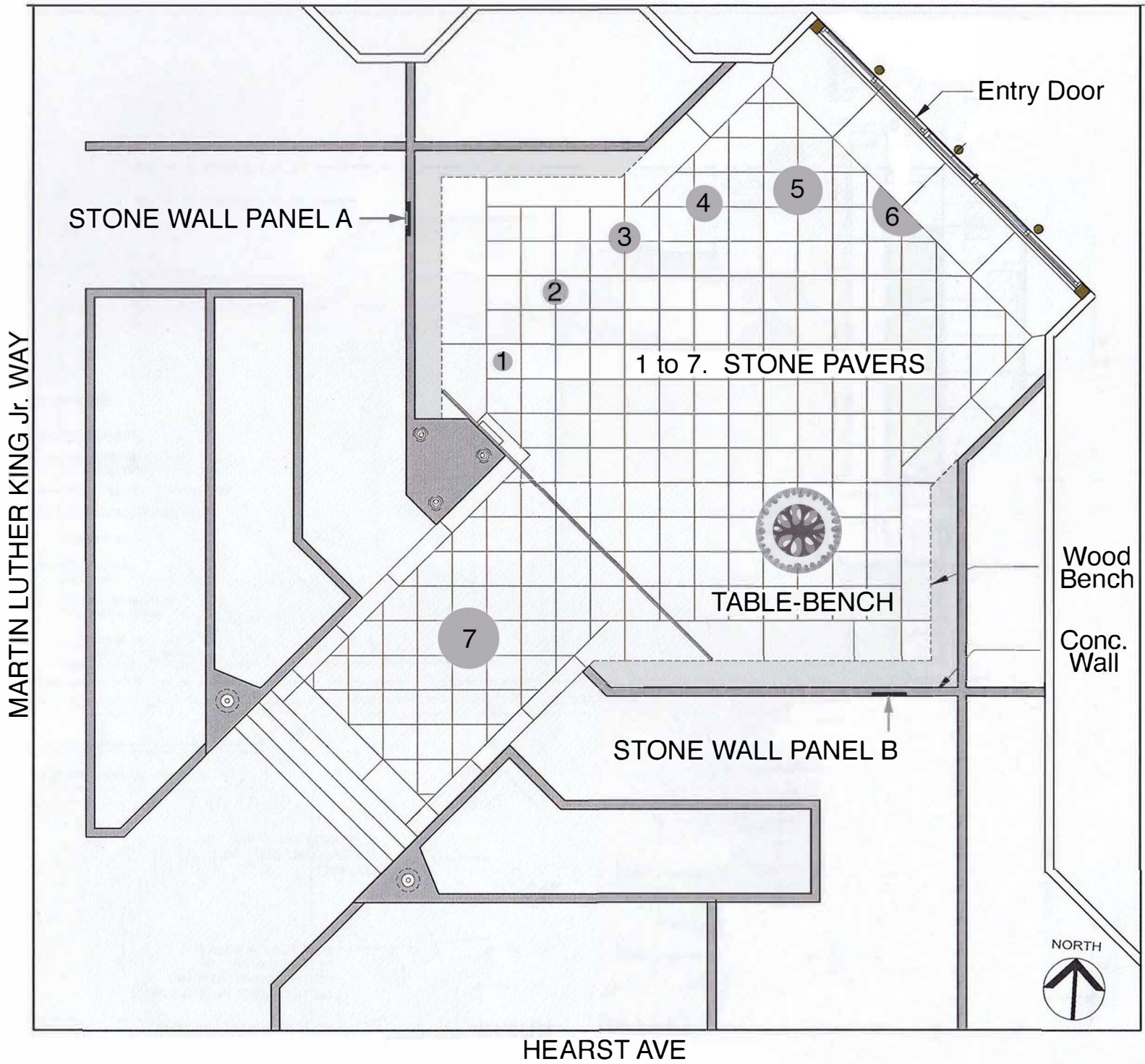
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# ENTRY PLAZA ART ELEMENTS LOCATION

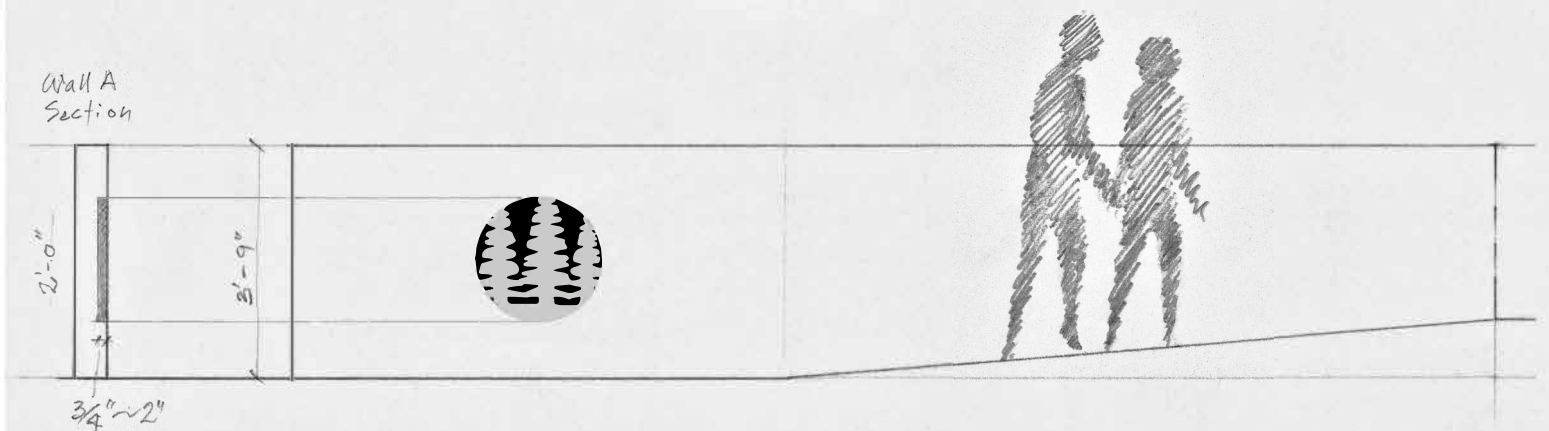


# WALL A and WALL B with STONE PANELS

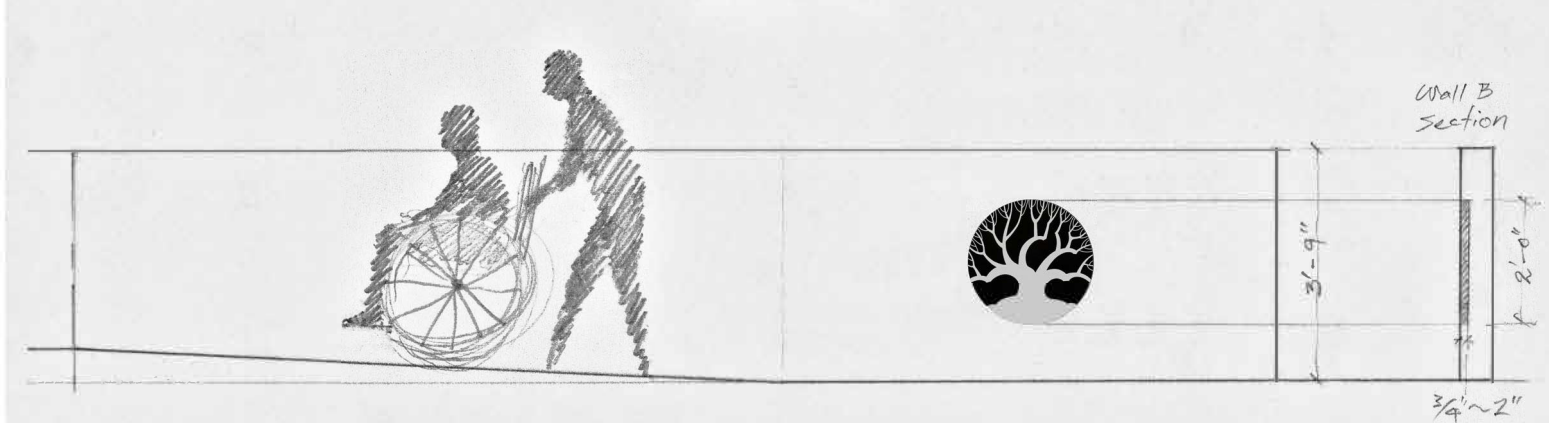
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## WALL A



## WALL B



# STONE WALL PANEL

A



B



**K. ARTWORK DEACCESSION POLICY**

**1. INTRODUCTION**

The term “deaccession” applies to the specific process by which a decision is made to remove an artwork from the City of Berkeley’s civic art collection. The City of Berkeley, through its Civic Arts Commission, reserves the right to deaccession works of art in its civic art collection in the best interest of the public and as a means of improving the overall quality of the City’s civic art collection. Removing artwork from the City’s civic art collection by deaccession should be cautiously applied only after careful and impartial evaluation of the artwork to avoid the influence and the premature removal of a work from the collection. Except in the case of an immediate threat to public safety, no artwork in the collection will be deaccessioned until the policies set forth below have been observed.

**2. DEFINITIONS**

For the purposes of this Policy, the following definitions apply:

- **Artwork:** Per the Berkeley Municipal Code, Section 6.14.101, Artwork is an original work by an artist and includes, but is not limited to, functional art integrated into public improvements, a sculpture, monument, mural, painting, drawing, photography, fountain, banner, mosaic, weaving, stained art glass, multi-media, computer-generated art, electronic and media art, video, and earth art, installation art, performance and time based works of visual art, and social practice art.
- **Deaccession:** The procedure for the removal of an artwork owned by the City and the determination of its future disposition.
- **Deaccession Notification:** A written letter to the artist or donor referencing the applicable conditions of the artwork and describing reasons why the deaccession review is being undertaken.



### **3. CONDITIONS FOR DEACCESSION**

A work of art may be considered for deaccession if one or more of the following conditions apply:

- The work presents a threat to public safety.
- Condition or security of the work cannot be guaranteed, or the City cannot properly care for or store the work.
- The work requires excessive or unreasonable maintenance, or has faults in design or workmanship.
- The condition of the work requires restoration in gross excess of its market value, or is in such a deteriorated state that restoration is infeasible, impractical, or would be so extensive as to fundamentally transform the work from the artist's original intent.
- Significant changes in the use, character or actual design of the site require reevaluation of the artwork's relationship to the site.
- If the artwork cannot remain at its original installation site and if no suitable alternate site for the work is available.
- The work interferes with the operations of the City.
- Significant adverse public reaction over an extended period of time (5 years or more).
- The work is judged to have little or no aesthetic and/or historical or cultural value, or is judged to have negative historical or cultural value.
- The Civic Arts Commission wishes to replace a work with a more appropriate work by the same artist.
- The work can be sold to finance or be traded for a work that refines and improves the quality and appropriateness of the City's collection and better serves the Civic Arts Commission's mission.
- Written request from the artist has been received to remove the work from public display.
- The work is duplicative in a large holding of work of that type or of that artist.
- The work is fraudulent or not authentic.
- The work is rarely or never displayed.

#### **4. PROCEDURES**

The following steps shall be followed for works being considered for deaccession:

4.1 Absence of Restrictions: Before disposing of any artworks from the collections, reasonable efforts shall be made to ascertain that the City is legally free to do so.

4.2 Deaccession Notification: City staff shall comply with any applicable state or federal notice requirements and shall make every reasonable effort to contact the artist whose artwork is being considered for deaccession, and any other known parties with a vested interest in the artwork. Staff shall make reasonable effort to notify the artist of the Public Art Committee and Civic Arts Commission meetings where the issue will be discussed.

4.3 Civic Arts Program Staff Report: The Civic Arts Program staff shall prepare a report which includes a staff evaluation and recommendation along with the following information:

- Artist's name and biographical information, samples of past work and resume.
- Written description and images of artwork.
- Information about and images of the artwork's site.
- City Attorney's Opinion: The City Attorney shall be consulted regarding any restrictions that may apply to a specific work.
- Rationale: An analysis of the reasons for deaccessioning and its impact on the Collection and the artist, and an evaluation of the artwork.
- Community Opinion: If pertinent, public feedback on the dispensation of the artwork in question.
- Independent Appraisal or other documentation of the value of the artwork: Prior to deaccessioning of any artwork having a value of \$10,000 or more, Civic Arts Program staff should obtain an independent professional appraisal, or an estimate of the value of the work based on recent documentation of gallery, comparable public commissions and/or auction sales.
- Related Professional Opinions: In cases of where deaccessioning or removal is recommended due to deterioration, threat to public safety, ongoing controversy, or lack of artistic quality, it is recommended that the Commission seek the opinions of independent professionals qualified to comment on the concern prompting review (conservators, engineers, architects, critics, safety experts etc.).

- History: Provide written correspondence, press and other evidence of public debate; Original Acquisition method and purchase price; Options for Disposition; and Replacement Costs.

4.4 Considerations for Disposition of a Work of Art: Civic Art Program Staff shall research and present to the Civic Arts Commission all feasible alternatives for the disposition of the proposed artwork for deaccession. Recommendations shall adhere to the following principles:

- The manner of disposition is in the best interest of the Civic Arts Commission and the public it serves.
- Preference should be given to retaining works that are a part of the historical, cultural, or artistic heritage of Berkeley and the Bay Area.
- Consideration should be given to placing the artwork, through gift, exchange, or sale, in another tax-exempt public institution where it may be accessible to the public and thereby continue to serve the purpose for which it was acquired initially by the Civic Arts Commission.
- Artworks may not be given or sold privately to City employees, officers, members of the governing authority, or to their representatives.

## 5. DEACCESSION CRITERIA

The following criteria will be used by the Civic Arts Commission to evaluate whether to deaccession an artwork:

- Inherent Artistic Quality: The assessed aesthetic merit of the piece as a work of art, independent of other considerations.
- Cultural or Historical Impact: Whether the artwork has negative cultural or historical impact.
- Context of Artwork within the Civic Art Collection: Proposed artwork should be evaluated within the context of the larger collection, and whether it is judged to strengthen the collection.
- Context of Artwork with Site: Accessibility, public safety, and social, cultural, historical, ecological, physical, and functional context of the artwork in relation to the site, both existing and planned.

- Availability of City Support: The availability of necessary funding for conservation, maintenance, repair, storage or required staff support.
- Legal Considerations: Issues related to liability, insurance, copyright, moral rights, warranties, ownership, theft, vandalism, loss, indemnification, and public safety. The City Attorney shall review the recommendation of the Civic Art Program staff to determine whether there are any known legal restrictions that would prevent deaccession of the artwork. The City Attorney's approval must be obtained prior to deaccessioning an artwork.
- Timing: Timing for the deaccession of an artwork may be affected by issues such as a hazardous condition related to the artwork that would pose an immediate threat to public safety, relevant construction schedules, or the allowance of sufficient time for a normal review process.
- Acquisition process: Method by which the artwork was originally acquired and accessioned in the City's collection (i.e. by donation, loan, or commission).
- Community feedback: Community feedback about the artwork, its site, and its condition solicited via a publicly-noticed meeting or placed on the agenda of the Public Art Committee.
- Restrictions: Any recognized restrictions associated with the artwork.

## **6. PUBLIC HEARINGS**

The proposed deaccession of an artwork will be heard at two meetings which are open to the public.

6.1 Public Art Committee: The recommendation to deaccession an artwork will be considered by the Public Art Committee as part of the Committee's regular meeting. The Committee shall make its recommendation to the full Civic Arts Commission.

6.2 Civic Arts Commission: The Commission must approve the Public Art Committee's recommendation that an artwork owned by the City should be deaccessioned.

## **7. DISPOSITION OF ARTWORK**

7.1 Right of First Refusal: In all cases, the Artist or Artist's legally recognized representative or heir shall be given, when possible and within a reasonable time frame, the opportunity to purchase the artwork for the fair market value (as determined by a qualified appraiser), or if the artwork is determined to be of negligible value, the artist shall be given the opportunity to claim the artwork at the artist's own cost for removal and transportation.

7.2 When the artist does not purchase or claim the deaccessioned artwork, the Civic Arts Commission at its discretion, may use any of the following methods to remove the Artwork:

- Sale: Proceeds from the sale shall be deposited into the City's public art fund.
  - Sale through a dealer.
  - Sale through a public auction.
- Trade or exchange of a deaccessioned artwork for another by the same artist.
- Donation of deaccessioned artwork to a public institution or nonprofit organization.
- Destruction: for the following instances:
  - The entire artwork or the majority of the artwork has been damaged or has deteriorated and repair or remedy is impractical or infeasible, and artist is not willing to claim the remaining artwork at artist's own cost.
  - Public safety considerations support destroying the artwork.
  - Every reasonable effort to locate the artist, the artist's heirs or next of kin, or donor has failed.
  - The Civic Arts Commission determined that no other methods of disposition are feasible.

7.3 Civic Arts Program staff duties for all deaccessioned artworks:

- Update Civic Art Collection database: The artwork will stay in the database, but be noted as deaccessioned and include the years during which it was displayed.
- Coordinate the removal of identification plaques from artwork site and coordinate the artwork's physical removal from the City's collection.
- Report on the sale or exchange at the next regularly scheduled Public Art Committee and Civic Arts Commission meetings.
- Transmit a report informing City Council of the removal of the artwork from the City's collection.

- Maintain a deaccession file that includes documentation on the artwork and all associated deaccession documents.
- If the art work is in good enough condition to yield quality photographic documentation, that documentation will be kept in the deaccession file and offered to the artist.