

RESOLUTION NO. 73961

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING A NEW CITY COUNCIL POLICY ENTITLED "CITY HALL EXHIBITS POLICY"

WHEREAS, in September, 2004, the San José Arts Commission established the New City Hall Task Force to make recommendations on how to activate the public spaces in the new City Hall, which resulted in adoption of a revised Council Policy 7-2, the City Hall Facility Use Policy; and

WHEREAS, the New City Hall Task Force recommended that a permanent Exhibits Committee be formed to prepare formal exhibit policies and procedures for the new City Hall; and

WHEREAS, the Exhibits Committee has met, and recommends the policy attached as Exhibit A to this resolution be adopted, which recommendation was approved by the City of San José's Community and Economic Development Committee on June 25, 2007;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

A new City Council policy, entitled "City Hall Exhibits Policy" in the form described in the memorandum and as modified in the supplemental memorandum, is hereby approved.

ADOPTED this 21st day of August, 2007, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, CORTESE,
LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS;
REED

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

EXHIBIT A

**City of San José, California
COUNCIL POLICY**

TITLE: CITY HALL EXHIBITS POLICY	PAGE	POLICY NUMBER
	EFFECTIVE DATE	REVISED DATE

APPROVED BY
Council Action:

Section I. Purpose

The purpose of this policy is to establish a City Hall Exhibit Program to provide for temporary display of artwork and artifacts in the San José City Hall, to help enliven the City Hall and to celebrate the creative and diverse community of San José.

Section II. Introduction

Several areas have been identified inside City Hall as areas available for exhibits (referred to as “Exhibit Spaces”) as further described below. Neither the San José City Hall nor the Exhibit Spaces are a public forum. The Exhibit Spaces are located in the primary, if not the only, passageways and lobbies for City employees and members of the public (including children) to reach certain City departments, to obtain City services and to conduct City business. Therefore, the City will not display artwork or other items containing explicit sexual imagery, nudity, graphic depictions of violence, or any item that creates a hostile work environment for employees.

The policies outlined below will be subject to periodic review. From time to time, the City may adopt and incorporate into this policy such additional guidelines as it deems necessary. The City may also adopt and amend administrative guidelines to implement this policy.

Section III. Program Description

A. Purpose, Goals & Objectives

The purpose, goals and objectives of the San José City Hall Exhibit Program are:

1. To enliven and enrich the City Hall environment by incorporating artwork and artifacts into exhibits on the following topics (“Exhibit Topics”):
 - **Our History** – exhibits illustrating the history of the City of San José;
 - **Our Community** – exhibits providing information on the varied neighborhoods and residents of San José;
 - **Our Creativity** – exhibits illustrating the visual and performing arts in San José and the Silicon Valley and the many contributions to technology and innovation from San José and the Silicon Valley;
 - **Our Government** – exhibits providing information from the City regarding an “Integral Government Function,” which includes, but is not limited to, a duty which the City or the Redevelopment Agency of San Jose (“RDA”) is required to perform by law; activities reasonably necessary to conduct the City’s or RDA’s business; public educational activities engaged in traditionally by the City or RDA; information related to the functions and activities of City or RDA; official proclamations of the City or RDA and transmission of information regarding Sister Cities of the City.
2. To enhance the aesthetic experience of persons visiting and working in City Hall.
3. To increase the awareness of the professional quality artwork produced by artists who live locally, with particular emphasis on San José and the Silicon Valley, but not to highlight any one particular artist or individual.
4. Provide exhibit space for the City’s art and cultural material collection.

B. Exhibit Space – Specified Topics

1. **Ground Floor and Second Floor Lobbies and Passageways:**
These spaces, including the Sixth Avenue Foyer, four niches in the Council Wing; Second floor Tower Lobby, “Mayor’s Walk” on the second floor, and the second floor Council Chamber Lobby are Exhibit Spaces

bordering the areas receiving the widest range of visitors to City Hall. These spaces are designated for exhibits of interest to a more regional or Citywide audience, and which are limited to the following three Exhibit Topics :

- **Our History:** illustrating the history of San José
- **Our Community:** providing information on the varied neighborhoods and residents of San José
- **Our Creativity:** illustrating the visual and performing arts in San José and the Silicon Valley and the many contributions to technology and innovation from San José and the Silicon Valley

Exhibits in these areas should change no more than twice a year, pursuant to a schedule to be developed by the Exhibits Committee, as further described below.

2. **Citizens Service and Information Center Lobby:** This space located on the first floor and second floor of the City Hall tower, is an area where community members come to apply for permits and technical assistance. This area is designated for exhibits that are limited to Integral Governmental Functions.
3. **City Hall Video Monitors:** These video displays, located on the Ground and Second Floors of the City Hall, may be made available by the City from time to time for temporary display of digital media illustrating aspects of Integral Governmental Functions, including without limitation, displays generated from City funded community programs and other activities funded by the City.
4. **Department Lobbies and Public/Community Conference Rooms:** The Department Lobbies and Conference Rooms open to the Public are designated for City-owned art and cultural material and for Integral Governmental Function Displays.

Section IV. Administration

The Director of General Services in coordination with the Director of Public Art shall administer the City Hall Exhibit Program, coordinating with other staff as necessary. The Director of Public Art shall work with the Exhibits Committee, as defined below, to implement the City Hall Exhibit Program for the Ground Floor and Second Floor Lobbies and Passageways and the Department Lobbies and Public/Community Conference Rooms. The Public Art Director shall coordinate such activities with the Director of General Services. The Director of General

Services shall implement the City Hall Exhibit Program for the Citizens Service and Information Center Lobby and the City Hall Video Monitors.

The Public Art Director will:

- A. Convene the Exhibits Committee as needed, as described below.
- B. Prepare and monitor all necessary records and documentation.
- C. Help coordinate all physical and logistical components of exhibit installation. However, unless the City provides otherwise in its solicitation for the exhibit, the exhibitor is responsible for installation and removal of his or her artwork under the City's direction in all areas.
- D. Coordinate publicity and media attention for displays. However, the City has no obligation to publicize any artwork or exhibit.

Section V. Maintenance and Protection of Artwork or Exhibit Items

- A. The City is not responsible for maintaining or protecting any artwork, artifact or other item related to the exhibit while on display at the San José City Hall. The exhibit or exhibitor's agent shall enter into an agreement with the City, including a waiver releasing the City of San José from any and all liability for loss or damage to the works on display and an indemnification for any claims arising from the Exhibit.
- B. The exhibit or exhibitor's agent may include his/her name and contact information along with the display, but the City shall not be responsible for facilitating the sale of any work. The City's Exhibit Program is not intended as a means of commercial sales and exhibitors shall be prohibited from displaying prices on material displayed.
- C. Applicants are responsible for obtaining copyrights, licenses and any other permission necessary to display the artwork or artifacts and for providing accurate captions.

Section VI. Artwork and Material Selection

A. REVIEW BODIES– THE EXHIBITS COMMITTEE

1. An Exhibits Committee shall be selected by the Arts Commission and shall be subject to the Brown Act. The Exhibits Committee shall review exhibit solicitations and applications and make exhibit recommendations to the Public Art Director and the City Manager, regarding Exhibits to be located in the Ground Floor and Second Floor Lobbies and Passageways. The Exhibits Committee shall make recommendations to the City Council on any proposed changes to this policy and shall also be consulted on guidelines prepared by the Office of Cultural Affairs to administer the Exhibit Program.

The Exhibits Committee shall include up to 7 voting members, including representatives from the City Manager's Office and General Services Department, one Arts Commissioner, one artist, one exhibition specialist, and two additional persons with exhibition expertise, none of whom should have a conflict of interest or the appearance of a conflict. The City Attorney will be available to provide advice and shall be included in all committee communications. OCA public art program will provide staff for to support the City Hall Exhibits Committee. The term of a member of the Exhibits Committee shall be for three years, with staggered terms where reasonably possible. No compensation shall be received by members of the Exhibition Committee.

2. The Exhibits Committee will review exhibit material according to the Selection Criteria set forth in Subsection VI(C), below.
3. Artwork and Exhibition Materials will be displayed for the period described in the solicitation materials, this policy or the Exhibit Program Guidelines.
4. The City Manager shall have final authority over the selection, arrangement, placement and duration of display of all works of art or other artifacts or displays.

B. PROPOSAL SOLICITATION

1. OCA shall periodically conduct a publicly-advertised Request for Proposals (RFP) for City Hall exhibits.
2. Organizations and professional curators will be eligible to submit exhibit proposals.

C. SELECTION CRITERIA

1. Exhibit proposals must be relevant to the Exhibit Topics identified above.
2. Artwork must have recognized artistic merit that enhances the aesthetic experience of those who visit and work in the San José City Hall.
3. Exhibit materials must be of broad historical or cultural significance to the San José or the Silicon Valley region.
4. The organization or curator must have demonstrated capacity to create an exhibition based on documentation of past curatorial experience of similar or larger exhibits.
5. The artwork, materials and exhibits as a whole must be suitable for display to a diverse audience including children and employees. It should enhance its setting and help create a sense of place. The City will not display items that contain explicit sexual imagery, nudity, or graphic depictions of violence, or any artwork that would create a hostile work environment for employees.
6. Artwork and exhibit materials must be of exhibition quality, in stable condition and suitable in scale, materials, and form for display in the San José City Hall for the anticipated display period.
7. The City will not accept items that, due to the manner of construction, materials, or any other factor, may pose a threat to public safety.
8. Exhibit proposals submitted by Santa Clara County-based individuals and organizations shall receive points for local preference.