

East Bay Regional Park District
MEMORIAL AND OUTDOOR ART POLICY

Adopted by the EBRPD Board of Directors on February 21, 2006
Resolution No. 2006-2-39

Introduction

From time to time East Bay Regional Park District (District or EBRPD) receives requests to install memorials or works of art within its open space parklands. A "memorial" is defined here as a monument or installation commemorating or recognizing a person, group or event and includes tree groves, gardens and other similar structures. This definition does not include memorial benches with plaques, which are discussed separately, below. A "work of art" includes structures for aesthetic purposes such as an original sculpture.

The East Bay Regional Park District primarily operates large, undeveloped open space parklands. The District's vision (as described in *Master Plan 1997*) is to "preserve its priceless heritage of natural and cultural resources" guided by an "environmental ethic." Its mission to achieve this includes the requirement to "manage, maintain, and restore the parklands so that they retain their important scenic natural and cultural features" and that they "provide recreational development that fosters appropriate use while preserving their remoteness and intrinsic value." The District therefore seeks to maintain the parks in a generally natural condition with minimal development. Memorials and works of art are generally considered to be incompatible with this ethic.

Persons wishing to make memorial donations to East Bay Regional Park District are encouraged to direct funds to the Regional Parks Foundation or other existing District programs such as the Tribute Tree Fund, which collects donations used for tree planting throughout the District. Those wishing to dedicate memorials to individuals should consider the District's "Policy for Accepting Donations for Benches and Plaques" (adopted October 5, 2004, Resolution No. 2004-10-211) which is now incorporated as a part of this policy.

Policy

Personal and Historical Memorials

In accordance with its mission of maintaining its parklands for their scenic and open space values, the East Bay Regional Park District will seek to avoid a proliferation of memorials and art structures in its parklands. The District will generally not approve the installation of memorials recognizing individuals or groups or which represent religious or political themes. However, in special cases, the District may consider a memorial commemorating an historically significant person, family, group or event, generally located within developed park Recreation Units unless it commemorates a specific historic site in another area of the park. In addition to being historically important, the subject proposed must be directly relevant to a specific area within a parkland or to the District in general.

Donations for Benches and Plaques

This policy allows the installation of memorial plaques on benches in accordance with the existing “Policy for Accepting Donations for Benches and Plaques,” which is included within the administrative “Guidelines” of this policy: “The Board of Directors may provide for a bench and commemorative or memorial plaque to recognize an individual or organization that has made a significant contribution, service or gift to the District.”

Outdoor Art

The District will not approve permanent installation of works of art in the Natural Units of its parklands. However, in special cases, it may consider proposals for outdoor art within developed park Recreation Units, if judged by the District’s staff and Board to be compatible with the District’s mission and the installation’s proposed setting. Compatible works might relate to nature, natural processes, historical or cultural themes. The District may consider temporary works of art in both Recreation and Natural Units.

The District will determine the appropriateness of all memorial and art proposals in accordance with the *Master Plan* and this policy as adopted by the Board of Directors. No proposal will be approved that may adversely impact natural and cultural features, imply exclusive use of an area by the donating group or be a venue for advertising. Donors must fund all costs for installation, maintenance and insurance. All permanent structures will become the property of East Bay Regional Park District. The EBRPD Board of Directors always maintains flexibility interpreting the policy, and shall have final authority to accept memorials and works of art as it deems appropriate.

Staff will administer the Memorial and Outdoor Art Policy according to the following guidelines.-

Guidelines for Historic Memorials and Outdoor Art

1. Review of Proposal:

- a. Written proposals for memorials and works of art shall be directed to the Chief of Planning and Stewardship. Proposals should include the following information:
 - A written description including:
 - The historical significance of the person(s) or event being commemorated
 - The relationship of those being commemorated to the specific site or to the District in general
 - How the memorial is appropriate for the proposed setting
 - How the memorial meets other District criteria and maintenance requirements listed in (2) "Criteria for Approval," below
 - A graphic description of the proposed installation in the form of either a scale drawing of a proposed work or photographs or video of an existing work. Accuracy is important and professional quality may be advisable. Proposals should provide verbal and graphic details of the following:
 - Plan and elevation views
 - Dimensions
 - Materials and colors
 - Grading and foundations
 - Associated landscaping, pavements and access
 - Installation process
- b. Initial review of all proposals will be made by the Chief of Planning and Stewardship, with discussions at the Parklands/Operations Meeting. The Chief of Planning and Stewardship will make a recommendation to the General Manager for Board consideration.
- c. Proposals meeting the criteria and recommended by the General Manager will be reviewed by the Board Executive Committee. Those receiving a favorable recommendation will be referred to the Park Advisory Committee (PAC) for its recommendation to the Board of Directors. Any proposals that are controversial or that are not recommended by the PAC will return to the Board Executive Committee for further discussion.
- d. The Board of Directors will hold a public hearing when considering the proposal. For any proposal approved by the Board, the Board shall make specific findings based on the following criteria.
- e. Should the actual memorial or work of art not meet the quality and conform to the drawings or other graphic representations from the original proposal, the District is under no obligation to accept the final work.

2. Criteria for Approval:

- a. All proposals should:
 - Be considered by EBRPD to be consistent with the Park District's mission as defined in the *Master Plan*
 - Be compatible with its proposed setting
 - Be sited appropriately for public access, visibility and security from vandalism
 - Be safe for siting in a public park
 - Demonstrate the ability of the donor to cover all costs of installation, maintenance and, in the case of temporary installations, insurance. All approved proposals shall be accompanied by a bond in an amount sufficient to guarantee these costs
- b. Historical memorials should commemorate a person or event generally considered to be historically significant and:
 - Directly relate to the history of the Park District or to a location within one of its parks
- c. No proposal may:
 - Adversely impact natural and cultural facilities and features of the park in which it is sited
 - Imply exclusive use of an area by the donor group
 - Be a venue for corporate, group or personal advertising
- d. Permanent structures/installations should:
 - Be durable and structurally sound
 - Be supported by an endowment sufficient to assure their continued maintenance
 - Become the property of the Park District
- e. Temporary installations should:
 - Include an insurance policy and hold the District harmless from liability for personal injury to the public or damage to the work
 - Be supported by funding from the donor
 - Be limited to one year of exhibition

3. Written Agreement

A written agreement will include the following information: signature of General Manager (or designee) and donor; date; amount of funding, endowment, insurance or bond as appropriate; hold harmless agreement; requirements; and include the right of District to use pictures in media presentations.

4. Recordkeeping:

The Chief of Planning and Stewardship will maintain and update a list of memorials and art works. The Community Relations Manager will update the District's archives with historical and biographical information and with a visual or graphic record.

Guidelines for Accepting Donations for Benches and Plaques

1. A bench donation will only be accepted for placement of a bench at a location previously identified by the Park Supervisor. Each Park Supervisor will prepare a bench plan for their respective parks and regional trails identifying suitable bench locations. The Park Supervisor will work with the donor to select a bench site from the park's bench plan and complete the Standard Bench Agreement and Commemorative Plaque Agreement for Unit Manager review.
2. One of the currently three approved bench designs available from the Park District's Central Stores will be used to honor commemorative bench requests. The bench shall be appropriate to the setting in which it will be placed as described below.
 - a. A standard concrete bench for use along the shoreline and in vandal risk locations.
 - b. A standard wooden bench for use in natural or resource focused inland parks and trails.
 - c. A standard recycled material bench for use in both a. and b. settings.
3. The appropriate Unit Manager shall review both the bench location and the completed Standard Bench Agreement prior to final approval by the Chief of Parks. The Unit Manager will also send a letter of thanks to the donor after the bench has been installed.
4. The Standard Bench Agreement will be used to clarify the understanding between the donor and District, and will include the following:
 - a. The donation for a commemorative bench shall be \$2,500. The Park District shall maintain or replace a damaged or stolen bench for a ten-year period. The donation amount shall be updated periodically to keep pace with inflation and to cover actual maintenance and repair costs.
 - b. Bench donations received by the Park District shall be placed in a revenue and expenditure account in the Chief of Parks' budget for the Bench Program. All purchases and expenditures for benches and plaques shall be made from this account. At the end of each year, the funds that are not used for this Program shall be carried over into the next budget year to cover any maintenance, repair, or replacement required by the Bench Program.
 - c. Damaged or stolen benches will only be replaced once in the ten-year period. Additional replacements of a bench or plaque, or replacement beyond the ten-year period will be subject to a subsequent donation, or the damaged bench and plaque will be removed.
 - d. A site-specific map of the bench location will be prepared by the Park Supervisor, and attached to the Standard Bench Agreement.
5. The donation to place a bench in a Park or along a Regional Trail will also cover the cost of a (4" x 6") bronze donation plaque. All commemorative plaques installed on a bench must be for an individual or purpose that is non-controversial with text that is appropriate for display in a public place, and approved by the District. Text that in any way markets a product or service shall not be permitted. The Chief of Parks shall approve the text, order the plaque, and send it to the Park Supervisor for installation.
6. In the event a donated bench or plaque is vandalized, damaged, or stolen after 10 years, and the donor does not want to provide funding to perpetuate the maintenance and repair

of a replacement bench, the commemorative plaque (if available) will be returned to the donor at the address provided on the Commemorative Plaque Agreement.

7. The Park Supervisor and donor will complete and sign a Commemorative Plaque Agreement (with information about the individual or organization as background for the plaque with an address for contact purposes) that will be attached to the Standard Bench Agreement.
8. The Assistant General Manager of Operations will be the final source of appeal for any disputes regarding this program.
9. The Chief of Parks will inventory, date, and maintain a listing of all existing commemorative benches and plaques that have been installed prior to the adoption of this Policy.
10. Unless otherwise agreed to in writing by the Regional Parks Foundation or District, all benches and plaques that have been installed prior to Board approval shall be maintained for a new ten-year period commencing January 1, 2004. Damaged or stolen benches will only be replaced once in the ten-year period. Additional replacements of a bench or plaque, or replacement beyond the ten-year period will be subject to a new 10-year agreement and fee, or the damaged bench and plaque will be removed.