

## City Commission Policy 160

### Art Donation and Acceptance Policy

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**DEPARTMENT:** Facilities Management

**DATE ADOPTED:** April 22, 2015

**DATE OF LAST REVISION:** April 22, 2015

160.01 **AUTHORITY:** Approved by the City Commission on April 22, 2015

160.02 **PURPOSE:** The City of Tallahassee (City) is a local government with a demonstrated respect for, and appreciation of, the importance of art and culture. In an effort to promote, encourage, and share art with the community, the Art in Public Places Program was created. Over the years, the City has accumulated and proudly displays an impressive collection of notable artworks by local, regional, and international artists. These works may be seen at various locations throughout Tallahassee, both outdoors and inside City buildings. The City also preserves two public gallery spaces, located at City Hall and the Tallahassee Regional Airport, that feature rotating exhibitions.

The Council on Culture & Arts (COCA) is a non-profit organization that serves as the facilitator and voice for the arts and cultural industry in Florida's capital area. Since 1994, the City of Tallahassee has contracted with COCA, the area's designated arts agency, to manage and implement all aspects of the Art in Public Places program. This partnership has proven to be highly successful and, to date, citizens have enjoyed the artwork of more than 6,000 local artists.

In furtherance of this desire to showcase local art and artists, the City and COCA have developed this Policy to establish procedures and guidelines for accepting and maintaining artworks under the permanent and temporary stewardship of the City.

While the City actively supports the arts, the acquisition of artwork is not the City's primary function and staff is not trained in the conservation of artworks. In addition, the City operates with limited funding and storage space and therefore must be very selective in accepting donations. The City generally will not accept the donation of art with restrictions or conditions, that requires costly ongoing maintenance, or that is deemed unsafe. As the owner of the donated art, the City must reserve the right to keep, display, loan, donate, return or discard the donated artwork at its discretion.

160.03 **STATEMENT OF POLICY:** The City and COCA have developed this Policy to establish procedures and guidelines for accepting and maintaining artworks under the permanent and temporary stewardship of the City.

160.04 **DEFINITIONS:**

160.05 **EXECPTIONS:** Exceptions to this Policy: Objects or artifacts that fit the following descriptions, except where recognized professional artists are employed in their creation, do not qualify as works of art and would not require a review under this policy:

- Landscape elements designed as part of landscape architectural design
- Objects that are not unique but are mass-produced of standard design
- Artifacts or objects remaining from a particular historical period

- Standard park amenities, such as benches, picnic tables, and lighting
- Dedication or commemorative plaques
- Directional or functional elements, such as graphics, signage, and maps
- Artwork created by students enrolled in a Pre-K through 12<sup>th</sup> grade educational program

COCA and the City reserve the right to conduct additional internal or external reviews or presentations if increased public dialogue warrants, or to postpone review and recommendations if a proposed site is currently involved in other City planning initiatives.

160.06 **ACTION SECTIONS:**

160.07 **PROCEDURES:**

**Procedures for Donating Existing or Commissioned Artwork to the City's Permanent Collection**

1. The potential artwork donor (Donor) shall submit a completed Gift of Art Proposal (Proposal) with required information and attachments to COCA. It is recommended that the Donor discuss the draft Proposal with COCA staff prior to completing the form as this may be helpful and time-saving.

2. COCA will review the Proposal for completeness and provide a copy to affected City departments, including the City's Facilities Management Department which will retain the original version.

3. COCA will convene an Art Advisory Committee (Committee) composed of volunteer citizens knowledgeable in the area of art, as well as City representatives that will be involved in the placement, installation, or maintenance of the donated artwork. This Committee will evaluate the Proposal based on the designated criteria as stated below, including possible sites for display. Community comments about the artwork or its ownership may also be solicited and considered by the Committee as appropriate.

4. COCA will inform the City Manager or her designee of the Committee's recommendation. If accepted by the City, COCA will work with Facilities Management to successfully install the donated artwork, whether it is to be installed inside one of the City's public buildings, or in an outdoor location, which may also require the formation a Working Group comprised of COCA and City staff, as well as other professional experts, City staff representatives, and community representatives.

5. Depending on the value and nature of the donation, COCA may recommend to the City Manager or her designee that the donation be acknowledged publicly (e.g. during a City Commission meeting).

6. The City and the Donor shall enter into an Agreement for Donation of Artwork (Agreement) that legally conveys title to the City. In general, donations shall be accepted without restrictions or conditions. However, in cases where there are restrictions or conditions attached to the proposed donation, they shall be reviewed by the City Attorney's Office for a recommendation regarding the legality of the conditions or restrictions which, if subsequently approved by the City, will be expressly incorporated into the Agreement.

7. The Agreement may require the Donor to obtain liability insurance and/or permits during artwork installation, including drawings or plans sealed by a Registered Professional Engineer.

8. Upon acceptance, the term and exhibition frequency of the artwork will be recommended to the City by COCA.

Artwork donation review criteria for acceptance into the City's collection shall include:

Artistic Excellence

- Aesthetic qualities and craftsmanship
- Artistic merit including social and historical significance
- Artist qualifications

Appropriateness

- Scale, materials and subject matter
- Compatibility of the work of art within the context of the mission of the City's Art in Public Places program which focuses on local artists living and working within a 100-mile radius of Tallahassee
- Works containing advertisements or promotional materials will not be accepted
- Whether it is reasonably foreseeable that the display of the art might cause disruption or interference with the primary purpose of the public facility or space
- Ecological impact such as impervious cover, impacts to trees, and light or sound pollution
- Accessibility to the general public, including persons with disabilities
- If commemorative in nature, relevance and importance of the proposed individuals or events to the citizens of Tallahassee and the surrounding area
- Relationship between the site and the individuals or events to be commemorated

Restrictions or Conditions from the Donor

- Restrictions or conditions must be clearly identified in the Proposal, and if accepted by the City, incorporated into the Agreement

Originality

- Artworks must be one-of-a-kind originals, or part of an original series

Technical Feasibility

- The realistic ability for the artwork to be sited and installed as proposed, including costs
- The condition of the artwork; only in extremely rare cases will artwork that requires immediate restoration, maintenance or conservation be accepted as gifts
- Public safety concerns and standards

Maintenance

- The artwork should require only minimal ongoing maintenance
- Structural integrity and durability of material
- Susceptibility of the artwork to accidental damage, theft, and/or vandalism, including security needs
- Ability or capacity of the City to provide necessary routine maintenance

Technical Specifications and Budgetary Obligations

- Costs associated with installation, framing, conservation, site preparation, electrical or plumbing requirements, delivery, signage, long-term care, security or maintenance will be considered
- The Donor must clearly describe any unusual or ongoing costs or concerns, and identify them in the Proposal
- Statement of value of artwork for insurance purposes

Durability

- Expected lifetime of the artwork, especially if sited outdoors or in a non-archival exhibition setting

Community Initiated Artworks

- In the case of artworks proposed or created by community groups, the Proposal must demonstrate that the surrounding community has been involved and consulted in the process

Special Considerations or Consultations

- Complies with specific guidelines or requirements if submitted for a special program
- Consultations with other professionals as needed

**Procedures for Donating Existing or Commissioned Artwork for Temporary Loan to the City**

Artworks proposed for short-term, temporary loan to the City will be subject to review under this Policy if the proposed artwork is not to be part of a City gallery exhibit managed by COCA.

The artwork donation review criteria for acceptance into the City's permanent collection as outlined above will be used for evaluating the proposed temporary loan artwork, as applicable. Utilizing the criteria, COCA will inform the City Manager or her designee of the Committee's recommendation. Once accepted, the City and the Lender shall enter into a Loan Agreement of Artwork that outlines the responsibilities and provisions of the exhibition such as budget, signage, installation, liability, care and maintenance. COCA will facilitate preparation and execution of the Loan of Agreement of Artwork for both parties.

COCA will work with Facilities Management and other City staff as necessary to successfully install the artwork, whether it is to be installed inside one of the City's public buildings, or in an outdoor location. It may be necessary to form a Working Group of City representatives and staff led by COCA. This group may also include other professional experts, City staff representatives, and community representatives as recommended by the Committee. Depending on the value and nature of the donation, the City may wish to acknowledge the donation publicly.

160.08 **ADMINISTRATION:** Facilities Management

160.09 **SUNSET PROVISION:** This policy is also subject to sunset review by the City Commission no later than five (5) years from the date of adoption. Subsequent reviews by the City Commission are to occur no later than five (5) years from the date of the prior review. Revisions will become effective immediately upon City Commission approval.

160.10 **EFFECTIVE DATE:** April 22, 2015

**REVISIONS:** April 22, 2015