

APPENDIX F

PROPOSED GIFTS AND LOANS OF ARTWORK POLICY

PURPOSE

- A. From time to time, private individuals, organizations, and agencies make donations of artwork or funding to acquire or commission artwork to the City of Richmond for general or specific purposes. This policy outlines the procedures that the City of Richmond shall follow in accepting donations of artwork. This policy also shall apply to artwork proposed for long-term loan to the City of Richmond.

Memorials, whether artworks or other forms of recognition, shall not be considered as an element of the Gifts and Loans of Artwork Policy and are addressed in a separate Memorials Policy. A memorial is defined as an item, object, or monument established to preserve the memory of a deceased person or an event that occurred in the past.

- B. Acceptance of an artwork into the City of Richmond's collection shall imply a commitment to its long-term care and preservation. Therefore, the acceptance of such donations must be deliberate, maintain high aesthetic standards, and further the goals of the Public Art Program. Recognizing that Richmond's public spaces are a valuable and limited public resource, each proposed artwork must add significant and long-term value to the space in which it is proposed to occupy.

- C. The purposes of this policy are to
1. Provide uniform procedures for the review and acceptance of donations or loans of artwork to the City of Richmond;
 2. Vest in Public Art Program the responsibility of insuring the management and long-term care of donated artwork;
 3. Facilitate planning for the placement of artwork on City-owned property;
 4. Preserve the City of Richmond's public spaces for the greatest enjoyment of the citizens and visitors;
 5. Maintain high aesthetic standards for artwork displayed or installed in City of Richmond facilities;
 6. Provide for appropriate recognition for donors of artwork to the City of Richmond; and
 7. Further the goals of the City of Richmond's Public Art Program.

DEFINITIONS

ARTIST. An individual generally recognized by critics and peers as a professional practitioner of the visual arts or performance art as judged by the quality of the professional practitioner's body of work, educational background, experience, past public commissions, sale of works, exhibition record, publications, and production of artwork.

ARTWORK. Works in any style, expression, genre, and media created by an artist as defined herein that may be permanent, temporary, and functional, and may be stand-alone and integrated into the architecture or landscaping if such are designed by an artist as defined herein. For the purposes of this policy, the following are not considered artwork:

1. Reproductions, by mechanical or other means of original artwork, except in cases of film, video, photography, printmaking, theater, or other media arts and limited editions of sculpture
2. Art objects that are mass produced, ordered from a catalog, or of a standard design, such as playground sculpture or fountains
3. Directional or other functional elements such as signage, super graphics, color coding, or maps

CONSERVATION. The activities required to repair, restore, and conserve a damaged or malfunctioning artwork, including treatment that returns the artwork to its original condition.

DONATION. A gift of an artwork, or funding to acquire or commission an artwork for placement on City-owned property.

LONG-TERM LOAN. Any loan or display of an artwork that is proposed to be on City of Richmond owned property for a period in excess of one year.

MAINTENANCE. All activities required to conserve, repair, or preserve the integrity of the artwork and setting within which the artwork is located. Routine maintenance is limited to the basic day-to-day care of the artwork.

RESTRICTED DONATION. A donation to the City of Richmond for a specified purpose, or for which there are conditions or limitations by the donor as to the current or future use.

UNRESTRICTED DONATION. A donation to the City of Richmond without any restrictions or limitations being placed by the donor as to its current or future use.

POLICY

- A. Any time a donation or long-term loan of an artwork is proposed for placement on City-owned property, the City of Richmond department that operates or maintains the site of the proposed

artwork shall consult with the Public Art Program. The Public Art Commission shall review and recommend acceptance or rejection of the donation or long-term loan.

- B. The Planning Commission shall have final responsibility of reviewing and approving such proposed donation or long-term loan.

GUIDELINES

- A. When a donation or long-term loan of an artwork has been proposed, the City of Richmond department receiving the proposal shall notify the Public Art Program whose staff shall contact the prospective donor to inform the donor of the City of Richmond's donation policy and gather information about the proposal.
- B. Prior to consideration of a donation or long-term loan of artwork to the City of Richmond, the following criteria must be met by the donor or lender:
 - 1. OWNERSHIP. Any site recommended for the placement of artwork must be owned by the City of Richmond. Ownership must be confirmed by the City Attorney.
 - 2. VISIBILITY. Any site recommended for the placement of artwork must be visible to a broad, public audience.
 - 3. SAFETY. Any site recommended for the placement of artwork must not pose any hazard or threat to public safety and must meet the safety standards of the City of Richmond's Risk Manager and the City Attorney.
 - 4. MAINTENANCE. Any site recommended for the placement of artwork must be easily maintained by City of Richmond staff in a routine manner and with standardized equipment.
 - 5. ACCESSIBILITY. Any site recommended for the placement of artwork must comply with the Americans with Disabilities Act.
 - 6. CONTEXT. Any site recommended for the placement of artwork must be socially, culturally, historically, ecologically, physically, and/or functionally appropriate.
 - 7. DEPARTMENTAL SUPPORT. Any site recommended for the placement of artwork must have the support of the City of Richmond department that is responsible for operating and maintaining the site, as well as any advisory bodies that are responsible for making recommendations concerning the use of City of Richmond owned property.

8. COMMUNITY SUPPORT. A public forum must be held to inform the community and receive feedback about the recommended site for a donation or loan of artwork. This can take place during two subsequent regularly scheduled meetings of the Public Art Commission. The outcome of each public forum must be documented and communicated to the bodies responsible for reviewing recommended donations and loans of artwork.
- C. The prospective donor shall meet with Public Art Program staff and prepare written and visual documentation on the proposed donation (Donation Request). The Donation Request shall include, at a minimum, the following:
1. Contact information for the donor and the artist
 2. Artist's name, biographical information, samples of past artwork, and resume
 3. A written description, images, title, and date of the artwork
 4. Artist's statement about the artwork
 5. A certified formal appraisal of the artwork provided by a qualified art appraiser
 6. Information about the origin, derivation, history, and past ownership of the artwork
 7. A warranty of originality of the artwork
 8. Information about the condition of the artwork provided by a qualified visual arts conservator
 9. A maintenance plan for routine care and long-term conservation, including estimated costs
 10. Information about and images of the proposed artwork site
 11. Information about the methods used for collecting community feedback about the artwork and the outcome
 12. A written recommendation from the Director of the City of Richmond department and relevant advisory board(s) responsible for operating and maintaining the artwork's site

13. A detailed budget for all aspects of design, fabrication, installation, operation, conservation, maintenance, insurance, and staff support. Based on this section's guidelines C.8 and C.9 above, the donor or lender may be asked to provide an endowment for the routine maintenance and long-term conservation of the donation or Loan for the duration that the donation is owned by the City of Richmond or a loan is sited on City of Richmond property
 14. Detailed plans for the design, fabrication, installation, operation, maintenance, conservation, insurance, display, and storage of the artwork
 15. Conditions or limitations on the donation proposed by the donor
- D. Donation Requests shall be reviewed by Public Art Program staff and then presented to the Chief Administrative Office. If approved by the Chief Administrative Office, the donations request will be presented to the Public Art Commission for a recommendation at a regularly scheduled and noticed public meeting.
 - E. Public Art Program staff, as needed, shall solicit input from other City of Richmond department advisory commissions and/or committees.
 - F. The Public Art Commission shall review the donation proposal and determine whether to recommend acceptance or rejection of the donation or loan to the Planning Commission. The Public Art Commission shall consider the following criteria in making their decision:
 1. ARTISTIC EXCELLENCE. Qualifications and professional reputation of the artist; craftsmanship, conceptual content, style, form, condition, and value of the artwork
 2. RELATIONSHIP TO EXISTING COLLECTION OF ARTWORK. Style, form, scale, condition, diversity, quantity, quality, longevity, and compatibility with the existing collection of artwork and goals of the Public Art Program
 3. AVAILABILITY OF CITY SUPPORT. The availability of necessary funding for conservation, maintenance, and/or repair; exhibition and storage space; real property for siting artwork; and staff support
 4. RELATIONSHIP TO 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
 5. LEGAL CONSIDERATIONS. Issues related to liability, insurance, copyright, warranties, ownership, theft, vandalism, loss, indemnification, and public safety

6. TIMING. Safety or hazard emergencies, relevant construction schedules, and the allowance of sufficient time for a normal review process
 7. RESTRICTIONS. Any restrictions specified by the donor or lender
- G. Members of the Public Art Commission may request to view the actual artwork during the donation review process.
 - H. The Public Art Commission shall make a recommendation to the Planning Commission to approve, with or without conditions, or reject the Donation Request based on the review criteria defined herein.
 - I. Upon reviewing the proposed Donation Request, the Planning Commission shall decide to accept the donation, reject the donation, or accept the donation with conditions on the basis of technical, economic, and business considerations and adherence to the requirements of this policy.
 - J. To the extent possible, donations shall be accepted without contractual limitations on the future use, display, photographic reproduction, or disposal of the artwork. Preference shall always be given to unrestricted donations as opposed to restricted donations. As appropriate, the Planning Commission shall ask the donor to provide funds to permanently endow the maintenance of the artwork.
 - K. If the Planning Commission chooses to accept the artwork as a donation or a loan, with or without conditions, the Public Art Program staff shall obtain either a legal instrument of conveyance of title or an executed loan agreement, as appropriate. Any conditions the City of Richmond or donor places on a donation shall be stated in writing and attached to the instrument of conveyance.
 - L. Once the donation of artwork has been accepted and the City of Richmond becomes the legal owner, the Public Art Program staff shall coordinate all processes relating to the installation, maintenance, removal or relocation of the artwork on City-owned property. If a specific City of Richmond department operates and maintains the site of the artwork, the Public Art Program staff shall consult with the City of Richmond department to discuss the financial and practical responsibilities of maintaining or operating the artwork.
 - M. The Public Art Program staff, working with the department head and the donor, shall provide for appropriate recognition of the donor's contribution to the City of Richmond.
 - N. City of Richmond departments shall;
 1. Direct all parties wishing to donate or lend artworks to the City of Richmond to the Public Art Program;
 2. Provide routine maintenance of the donated or loaned artwork, upon advice from the Public Art Program staff, and perform maintenance work in a manner that is consistent with requirements supplied by the donor or lender;

3. Be responsible for reporting to Public Art Program staff any damage to a donated or loaned artwork;
4. Not intentionally destroy, modify, relocate, or remove from display any donated or loaned artwork without prior consent from the Public Art Commission and the Chief Administrative Office in accordance with the Policy for Deaccession of City-owned artwork; and
5. Not cause any non-routine maintenance or repairs to donated or loaned artworks without prior consent from the Public Art Commission and Chief Administrative Office.

EXCEPTION

Gifts of state presented to the City of Richmond by foreign governments or by other political jurisdictions of the United States – municipal, state, or national – which may be accepted by the Mayor, City Council, or Chief Administrative Officer shall be reviewed as follows:

- A. Permanent placement of artwork suitable and accessible for public display shall be determined jointly by the appropriate City of Richmond department and the Public Art Program.
- B. Appropriate recognition and publicity shall be the responsibility of the City of Richmond department with jurisdiction over the site of permanent placement, in consultation with the Public Art Program.
- C. If not provided for by the donor, maintenance of the artwork shall be the responsibility of the department with jurisdiction over the site, in consultation with the Public Art Program.