## Policy 6.4.2 Art Loans and Donations

**POLICY PURPOSE:**

This policy is designed to establish consistent procedures for evaluation of proposed gifts or loans of artwork to the City of Sunnyvale and to provide a process for acceptance of donated artwork.

**POLICY STATEMENT:**

It is the City's intention to build a collection of art that is of the highest quality; that will encompass a broad range of artistic styles and media; that will visually enhance public buildings and open space and be a source of pride to Sunnyvale residents.

**DEFINITIONS**

The terms "donations" or "gift" are synonymous and represent artwork that the City has accepted and for which the donor has not received any goods or services in return.

Works of art include but are not limited to:

- Painting - all media, including portable and permanently affixed works, such as murals
- Sculpture - in all media, in the round, bas relief, mobile, fountain, kinetic or electronic
- Crafts - in clay, fiber, wood, metal, plastics and other materials
- Textiles
- Mosaics
- Photography
- Stained glass
- Calligraphy
- Graphic arts, including printmaking and drawing
- Mixed media

**CRITERIA**

The following criteria will be used to evaluate each unsolicited art loan or gift:

1. The quality of the artwork;

2. The relationship of the artwork to the existing public art collection in terms of diversity in style and media;

3. The City's ability to handle, place, maintain and conserve the artwork; and

4. Costs to the City.

**OTHER CONSIDERATIONS**

Other considerations for accepting or rejecting donated artwork include, but are not limited to:

1. Are there restrictions upon the acceptance of the artwork that make it impractical to accept?

2. Do restrictions on disposal or retention of the artwork make it impractical to accept?

3. Are the style and subject matter appropriate for inclusion in the City's permanent public art collection?

4. Is there a suitable location for installation or exhibition in a public building or open space?

5. Is the artwork fabricated from durable materials that are likely to have minimal on-going maintenance costs?

6. Does the artwork require extensive repair or conservation work?

7. Does acceptance of the artwork present a conflict of interest for the City or its employees? Regardless of the value of the donation, if the donor is a contractor, potential contractor or there is reason to believe that there may be a conflict of interest, then the City Manager will determine if the artwork should be accepted, rejected or submitted to Council for approval.

**PROCESS**

1. The City Manager may accept or reject offers for the loan or donation of artwork to the City with a value of up to $35,000.

    A. A Donation Receipt Form will be completed when the artwork is accepted, with the form completed by City staff.

    B. The donor, not staff, must place a value on the artwork being donated.

    C. The Director of Parks and Recreation will acknowledge each gift by letter, thanking the donor for the artwork.

2. For the loan or donation of artwork with a value over $35,000, a Report to Council will be prepared providing information regarding the artwork, a proposed location for the installation or exhibition of the artwork and any costs associated with the acceptance of the artwork. A draft report will be forwarded to the Arts Commission for its review and recommendation prior to going to City Council for action. If appropriate, a Budget Modification will be prepared for City Council approval. If the Council accepts the artwork, the procedures for acceptance of artwork valued in excess of $35,000 shall be the same as in Section 1 above.

3. The City encourages clear, unrestricted gifts to the permanent public art collection. Any condition(s) or restriction(s) attached to the gift or loan of artwork will be evaluated by the City prior to acceptance of the artwork.

4. No work of art will be accepted with an attribution or circumstances of exhibition guaranteed in perpetuity. A legal document of transmittal, transferring title of the artwork and defining rights and responsibilities of all parties, will accompany all loans or donations of artwork. Curatorial documentation of artwork will include artists' name, descriptive record of the work, photograph and condition of the work. If there is any question as to the legal owner of the donated artwork, proof of ownership may be required.

5. If the City is not going to accept the artwork, the donor will be informed, as soon as possible.

6. Responsibility for management of the donated artwork shall lie with the Director of Parks and Recreation.

7. For unsolicited donations of artwork, the City shall be responsible for all costs to exhibit artwork that is accepted as a permanent donation to the City's art collection, including installation costs, insurance coverage, identification plaque and on-going maintenance.

8. In situations where artwork installed on a property in accordance with Chapter 19.52 of the Municipal Code ceases to be visible to the public, or the public's view of the artwork is obstructed, the property owner will be responsible for the transportation and installation costs associated with relocating the artwork to a visible location on the property or to City property. Costs may include installation of lighting, an identification plaque and work directly associated with preparing a site for installation of an artwork. Once installed on City property, the City will assume responsibility for on-going maintenance and repair costs.

9. Loan of Artwork

   A. Donor must submit a written proposal to the Director of Parks and Recreation for consideration. The donor may suggest a proposed site for the installation or exhibition of the artwork; however, the final decision will rest with the City. If the artwork is valued at less than $35,000 and can be displayed without any costs incurred by the City, staff may approve acceptance of the loan and a letter of agreement will be prepared. If an artwork is accepted on loan, the artist shall be responsible for all costs to exhibit artwork, including transportation, installation, insurance, identification and removal.

   B. At the donor's option, the donor may propose that the City pay a portion of the exhibition costs. Council approval will be required, regardless of the value of the artwork, if the artist proposes that the City pay a portion of the exhibition costs. In this case, a Report to Council and Budget Modification would be prepared for review and recommendation by the Sunnyvale Arts Commission and City Council approval.

   C. Council approval is required for any artwork valued by the donor at over $35,000. A draft report will be forwarded to the Arts Commission for its review and recommendation prior to going to City Council for action. If appropriate, a Budget Modification will be prepared for City Council approval.

(Adopted: RTC 88-561 (12/20/1988))