

GIFTS, UNSOLICITED LOANS AND UNSOLICITED WORKS OF ART

I. OVERVIEW

Proposed acquisitions of unsolicited Works of Art may be submitted by an artist, member of the public, the Mayor, the City Council, a Department representative, a neighborhood group or other community organization, private donor, and/or Arts Commission Member(s).

The City of Santa Cruz appreciates the generous and innovative spirit in which gifts, unsolicited loans, and unsolicited works of art are proposed. Gifts, unsolicited loans and unsolicited works of art can enrich the Public Art Collection, bring recognition to the legacy and history of a donor or artist, and can contribute to the cultural landscape of Santa Cruz.

Including a work of art in the City's Public Art Program implies a commitment to its maintenance, preservation, protection, and appropriate display for the public benefit. The City of Santa Cruz has a responsibility to consider the resources required for the maintenance, preservation, protection, and appropriate display of all works of art included in the Public Art Collection and to ensure an open and public process when considering the inclusion of new works of art into the Public Art Collection.

If work is to be on loan for longer than 12 months, this process should be used for reviewing the unsolicited loan of the work of art. Works of art on loan for less than 12 months are addressed in the Temporary Works of Art guidelines.

This policy excludes:

- Murals: Murals created as part of the City's Mural Matching Grant Program are subject to a separate policy.
- SculpTour: The SculpTour program is intended as a rotating collection. Installations that are part of SculpTour are typically on display between one to four years.
- Temporary Works of Art: Temporary Art has a limited lifespan, which for the purposes of this document is no longer than twelve months. Temporary Works of Art are not accessioned into the City's Public Art Collection. Temporary Works of Art are addressed in the Temporary Works of Art guidelines.

Gifts and Loans of Artworks Not Yet Created

In the case of offers of gifts and loans to the City for artworks that are in the design phase and have not yet been created, the Arts Commission may require the donor, artists or others involved to enter into an

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Agreement for Services Contract. The City may also require the donor provide funds to defray the costs of the administration of the gift.

Once the work of art is complete, is in the City's possession and the terms of the contract have been met, gifts and loans shall be formally received according to City of Santa Cruz procurement and donation policies and procedures.

Monetary Gifts and Bequests

Monetary gifts and bequests shall be placed in a designated fund to support the Public Art Program. Monetary gifts are appreciated and strongly encouraged.

II. PROPOSAL SUBMISSION AND REVIEW CRITERIA

Anyone who seeks to submit an unsolicited work of art, as described above, must comply with all submission requirements including the completion of specific forms and the provision of required supporting documentation.

Those proposals that successfully fulfill a majority of the following criteria are the most likely to be approved and accepted into the Public Art Collection.

The Arts Commission and City of Santa Cruz will also consider the following when reviewing all gifts, unsolicited loans and unsolicited proposals:

Artistic Design and Conceptual Relevance

1. Is the artist's previous work or proposed artwork engaging and of high quality in concept and construction?
2. Is the quality of the artist's previous work and/or this artwork comparable to other artwork commissioned by the City?
3. Is the artwork unique, one-of-a-kind or part of a limited edition?
4. Is the artist not over-represented in the City's collection?
5. Does the artist have a significant or engaging body of work?

Technical Feasibility

1. Does the artist have experience collaborating with architects and other professionals?

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2. If applicable, does the artist have experience integrating artwork infrastructure and building function?
3. Does the artist have experience with architectural and engineering drawings and methods?
4. Does the artist have experience in comparable projects and artistic disciplines?
5. Is the project feasibly within the scope and budget?
6. Is the proposed artwork suited to integrate into the proposed site design?
7. Does the proposed project or artworks meet ADA regulations?

Enhance Community Identity and Place

1. Does the proposed project demonstrate awareness of the community or setting and its characteristics, including history, identity, geography and cultures?
2. Is the proposed project in accordance with adopted policy, historic use or master plans?
3. Is a suitable site currently available and/or proposed for the artwork?

Contribute to Community Vitality

1. Does the proposed project or artwork have the potential to attract visitors?
2. Does the proposed project or process build that capacity and cooperation between the private and public sectors, artists, arts organizations and community members?
3. Does the artist's previous work or proposed process or artwork encourage civic dialogue about City issues?

Involve a Broad Range of People and Communities

1. Does the proposed process involve community members in the design or creation of the artwork?
2. Does the artist have experience working with communities and with diverse groups?
3. Does the artist's previous work or the proposed process or artwork celebrate one or more cultural communities?
4. Does the artist have experience in projects that bring people together or create gathering places, or will the artwork bring people together?

Value Artists and Artistic Processes

1. Is the original artistic integrity of the artwork intact?
2. Will displaying the artwork undermine the artist's intention or reputation?

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3. Do the donor's contracts with the artist and fabricators comply with the law (e.g. VARA, CAPA)?
4. For works of art that have not yet been created, does the design process include the artist and the artistic process as a central element?

Vandalism and Safety

1. Is the work a potential safety hazard?
2. What measures have been considered to protect exposed work of art from vandalism?
3. What thoughts do the donor and the artist have about protecting or restoring this piece of art, should it become subject to vandalism?
4. How difficult would it be to conserve the object?

Appropriate and Responsible Use of Resources

1. Is the proposed project workable within City timelines?
2. Is the proposed project feasible within the restrictions of City resources, including administration and staffing?
3. Does the proposed project include a detailed budget which covers City expenses for managing the project, including supporting administrative costs preparing the site, delivering and installing the work, and providing signage?
4. Have all restrictions by donor been clearly identified and can the City meet these restrictions?

Maintenance and Preservation

1. Are unusual or on-going maintenance costs likely?
2. Is there a plan for future maintenance, including a plan for routine care that is mutually agreed upon between the donor and the City? (Such a report may require the assistance of a qualified conservator.)
3. How will handling, conveyance, and installation be conducted?
4. Does it require special equipment or vehicles?
5. Is the work removable if necessary?
6. Has written permission been granted by the artist for work by a qualified conservator, should the need arise?

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III. PROPOSAL AND DECISION PROCESS

Preliminary Offer

A preliminary offer, in writing from the proposer, is reviewed by a subcommittee of the Arts Commission. This offer should include enough information, including photos or preliminary drawings, for the subcommittee to have a reasonable understanding of the proposal. The Arts Program Manager shall forward preliminary offers to the subcommittee.

The subcommittee will determine whether the City should consider the Gift or Loan. If the subcommittee votes in favor of considering the work of art, then the Arts Program Manager works with the donor to bring a full proposal before the Arts Commission. When all relevant information has been collected and the proposal is complete, the Arts Commission will consider the full proposal at their next regularly scheduled meeting.

Donation Proposal

The Arts Program Manager shall provide potential donors with forms and procedures that shall serve as the donor's formal offer for consideration by the Arts Commission. Clear instructions for completing the forms and a copy of the Gifts, Loans and Unsolicited Work Of Art policies shall also be provided.

The Arts Program Manager will solicit review from City Departments, including, but not limited to, Public Works and Planning. Comments from these departments shall be included in the information provided to the Arts Commission.

Review Process

The subcommittee's recommendation and complete Donation Proposal will be presented to the City of Santa Cruz City Arts Commission during a regular (public) Arts Commission meeting. Incomplete proposals (those that do not comply with submission requirements) shall not be forwarded to the Arts Commission.

The Arts Commission will review the offer at a regularly scheduled (public) meeting. If accepting the gift or donation will cost the City funds, the item may be referred to the City Council per the City's purchasing guidelines.

The Santa Cruz Arts Commission may hold a public meeting for the purpose of gathering community feedback on a proposed gift. The Arts Commission may also decide to hold additional public meetings or

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gather community input through other methods. The Arts Commission may choose to refer the matter to the City Council for consideration.

Following the Arts Commission decision, staff shall notify the donor and the recipient department of the acceptance or rejection of the gift.

If the gift is accepted, the city will supervise and assist in the installation of the work of art.

IV. OWNERSHIP RIGHTS

It is acknowledged through a Deed of Gift that ownership of the work of art becomes the sole property of the City of Santa Cruz with no restrictions attached. The City is free to display, store, re-locate, restore, or Deaccession the work (in accordance with the Acquisitions and Deaccessioning policy.) The City can also use the image of the work in publications, videos, for non-commercial purposes unless otherwise specified in the Deed of Gift contract.

V. WAIVER OF ARTIST RIGHTS

The City may ask artists to waive their moral and residual rights through contractual agreements and in compliance with all local, state, and federal laws including but not limited to the Visual Artists Rights Act, 17 U.S.C §§106A and 113(d) (“VARA”), and the California Art Preservation Act, Cal. Civil Code §§ 987 and 989 (“CAPA”).

VI. DEACCESSION REVIEW

Deaccessioning of donated works of art shall comply with the City of Santa Cruz Acquisitions and Deaccessioning Policy for Works of Art.