



City of Lafayette
ARTWORK GIFT POLICY

Adopted by the City Council on January 26, 2009
Ordinance No. 578

Introduction

It is the goal of the City of Lafayette to contribute to the cultural enrichment of the community by adding to its collection public art that is of the highest quality, visually stimulating and of enduring value. The City adopted an artwork gift policy to achieve this goal.

Definition of public artwork

A public artwork includes sculpture, mural, photography, original work of graphic art, waterworks, fiberworks, neon, glass, mosaics, or any combination of forms of visual media, furnishing or fixtures that are permanently affixed to a structure and/or its grounds that will be displayed at a public place.

The following items will not be considered as public artworks:

- ♦ Art objects which are mass-produced from a standard design
- ♦ Reproductions of original artworks
- ♦ Decorative, ornamental or functional elements of a building which are designed by an architect as opposed to an artist commissioned for the purpose of creating an artwork or
- ♦ Landscape architecture and landscape

Gifts of public artwork considered

The City will consider a donor's offer of an existing public artwork, commission of an artwork by a specific artist or artists, or to commission an artwork through a competitive public process. "Artist" means a person who has an established reputation of artistic excellence in the visual, performance, literary and/or media arts, as judged by peers, through a record of exhibitions, public commissions, sale of artworks, and/or educational attainment. Alternatively, the City will consider a gift that is monetary for the purpose of acquiring public art for the community.

The City will consider proposed gifts only with the understanding that no City funds will be required for fabrication, siting or installation of the artwork. Donors may be required to provide a maintenance program for the proposed gift, including estimated maintenance costs. Excessive maintenance costs may be grounds for rejection of the gift.

Review process for proposed gifts

All proposed gifts will be referred to the City of Lafayette Public Art Committee. The Committee's recommendation on the acceptance or rejection of proposed gifts will be referred to the City Council for final action.

If the City Council approves the acceptance of a gift, a formal agreement will be executed between the City and the donor and/or artist. This agreement will include the costs, responsibilities, and schedule of all aspects of the project, including project funding, fabrication, site preparation, installation, maintenance and budget requirements, transfer of title, donor's and/or artist's rights, project supervision, documentation, an identification plaque, City's rights (including deaccessioning), and other requirements established by the City.

Review criteria

The proposed artwork will be reviewed based on, but not limited to, the following criteria:

- ♦ Aesthetic quality. The foremost consideration will be the inherent quality of the proposed artwork as assessed by the critical review of the Committee. The history, reputation, and/or promise of the artist may also be key considerations.
- ♦ Relationship to the collection and to the community. The proposed artwork will be analyzed for its potential relationship to the City's present public art collection and whether it will enhance the aesthetic quality of the community.
- ♦ Compatibility. Conceptual compatibility and appropriateness of the proposed artwork to the surrounding built and/or natural environment will be factors for consideration, and will include scale, form, content and design.
- ♦ Materials, fabrication and installation. The Committee will evaluate the existing artwork's material or the artist's proposed materials and their appropriateness as regards structural and surface integrity, protection against theft, vandalism, public safety, and weathering, and an analysis of long-term maintenance needs. The Committee will also evaluate the proposed method of installation and an evaluation of safety and structural factors involved in the installation.

Standards for acceptance of a gift

- ♦ Budget. Consideration will include an evaluation of the donor's proposed budget and the artist's ability to successfully complete the project within the proposed budget, and review to assess realistic estimates and comprehensiveness of the budget as it address all costs of the proposal.
- ♦ Unrestricted gifts. Proposed gifts to the City will be clear and unrestricted.
- ♦ Unique artworks. Only one-of-a-kind artworks will be considered, with the exception of prints, photographs or other limited-edition artworks of high quality.
- ♦ Cost of artwork. Acceptance is contingent upon receipt by the City of payment from the donor for all costs associated with the gift not covered by the donor directly, such as transportation and installation.
- ♦ Alterations to proposed artwork design. Any significant change to the design or concept made by the artist or donor after approval of the gift proposal must be reviewed and recommended by the Committee and approved by the City Council.
- ♦ Review of fabrication and installation. Artworks accepted from maquettes or drawings will be subject to City review throughout fabrication and installation. Specific plans for site design, installation, maintenance and protection will be submitted to the City for approvals.

Ownership of accepted artwork

Gifts of public artwork that are accepted by the City will be owned by the City as part of its collection. In accepting an artwork into its collection, the City will not be bound by any agreement with a donor of artwork that restricts its ability to act in the City's best interests. Nothing in the acceptance of an artwork will prevent the City from approving subsequent disposal (removal, relocation, and/or sale) of such artwork if it serves the City's best interest to do so. If disposal is proposed, the Committee will review the proposal and make a recommendation to the City Council for final action. The City will deaccession and sell or otherwise dispose of artworks in its collection in accordance with the limitations of the California Preservation Act (Civil Code 987) and the Visual Artists Rights Act of 1990 (17 U.S.C. 106A and 113(d)).



PROPOSAL FOR AN ARTWORK GIFT
TO THE CITY OF LAFAYETTE

To propose an artwork gift to the City of Lafayette, please complete the following information and provide your signature at the bottom of the form. The completed form and other information should be submitted to:

Jenny Rosen
City of Lafayette, 3675 Mount Diablo Blvd, Suite 210, Lafayette, CA 94549
Email: jrosen@ci.lafayette.ca.us
Questions: 925.284.1968

Donor Information

Name: _____

Address: _____

Email: _____ Phone Number: _____

If the artwork is existing:

Title of artwork: _____

Artwork Medium/Materials: _____

Date of Artwork: _____

Size of Artwork: _____

Current location of artwork: _____

Current Owner of Artwork: _____

Please attach photographs of the artwork. Attach any other information that you would like the City to know about the artwork and the artist (for example, artist resume, examples of other artworks, artworks in other collections, press clippings, history of artwork).

If the artwork will be commissioned:

Please provide a proposal with the following information:

- ♦ Resume of the artist and photographs of his/her work
- ♦ Details about the artwork that would be commissioned, including subject of the artwork, medium/materials, approximate size
- ♦ Sketch or maquette of the artwork

I have read the City of Lafayette Artwork Gift Policy.

Signature: _____ Date: _____