



PUBLIC ART DONATION POLICY

1. POLICY STATEMENT OF PURPOSE & OBJECTIVES

The City of Costa Mesa is committed to developing a plan for more ambitious temporary and permanent public art, including the identification of potential locations around the City, creation of policies with respect to selection and acquisition of artworks, and determination of the funding sources to be used.

As part of this policy, the City of Costa Mesa will continue to promote community involvement and provide opportunities for the community to participate in the public display of art on City property, parks and rights of way, as the City determines appropriate, on a case-by-case basis. In order to accomplish these objectives, and provide guidelines and procedures for governing the acquisition, display, maintenance, potential deaccessioning and lending of Public Art for public display, the City has developed this policy. The objectives of this policy are to:

- Set out technical, aesthetic and thematic criteria for donation proposals, while maintaining high artistic standards in works of art displayed in the City of Costa Mesa;
- Establish clarity on the responsibilities of the donor and the overall conditions of approval.
- Provide uniform procedures for the review and acceptance of donations and loans of works of art for the City of Costa Mesa;
- Establish consistent review criteria that strike an appropriate balance between high aesthetic standards and city business use;
- Encourage or facilitate recognition of the artistic community.

This policy applies to property owned or managed by the City or its agencies. This policy does not apply to donations situated on private property.

2. DEFINITIONS

Aesthetics: Artistic merit of the work of art, including consideration of its artistic and/or historical significance.

Applicant: The person or group of people that make a formal application to donate a work of public art to the City of Costa Mesa.

Appraisal: A professional, certified evaluation of an artwork—its authenticity, condition and provenance—to determine its monetary value.

Artist: A person who has established a reputation of artistic excellence in the fine arts, including but not limited to visual, or performing arts, as judged by peers and experts in the field, through a record of public exhibitions, performances, commissions, sale of works, recognition and/or educational attainment. The qualified artist shall work primarily in the production of unique fine art.

Artwork (or Work of Art): Original art in various mediums, including but not limited to any portable or permanently fixed sculpture, mural, painting, drawing, earthwork, mixed media work, or time-based work (moving images or sound-based art), created by a professional artist, artists, or collaborative team. The

artwork or identifying plaque cannot contain advertising or promotional content relating to living persons or to organizations, institutions, or businesses currently operating. (A plaque accompanying the artwork, which provides the name of donor, artist, or artwork, shall not be considered advertising.)

City Property: City owned or managed real property or related assets.

Collection Management Policy: A policy to establish procedures governing selection, commission, acquisition, design, fabrication, installation, accession, maintenance, repair, long-term care and deaccession of the owned and loaned artworks of a City entity.

Donation: An artwork or a series of artworks gifted to the City for long-term public display with intent to transfer title of ownership to the City.

Gifts of State: Items officially given from one country to another as a sign of goodwill.

Prominent Location: An exterior location that is accessible to the public, enjoys high visibility, and is used or visited by a large number of visitors and/or City residents.

Provenance: The history of an artwork and its creation and ownership, which is used to help establish its authenticity. Documents used for provenance include sales receipts, auction and exhibition catalogs, gallery labels, letters from the artist, and statements from people who knew the artist or the circumstances of creation of the artwork.

Public Art: An enduring work of art installed in the public realm. It may be site specific and/or integrated into public space in the form of sculptural work, building fabric, landscape forms, audio or visual works, and may commemorate an event, person, or place of historical importance.

3. DONATION CRITERIA

The following are recommended criteria to utilize as applicable in assessing the acceptance of an art donation:

- A. The artwork supports the goals of the art collection and would contribute positively to the City's Public Art, meeting the standards and criteria for the siting of **Permanent Public Art on Public Property**, commissioned by the City. The artwork is of high quality and aesthetic excellence.
- B. The City will not accept artworks valued above fifty thousand dollars (\$50,000) due to insurance and maintenance costs. (See #5 in the Application to Donate Artwork on page 9)
- C. The City shall determine the location for a donation. The City may, from time to time, deem certain public spaces unsuitable for any new public art elements. Reasons for unsuitability may include, but are not limited to, ecological sensitivity, existing or ongoing site Master Plans, Official Plans, site saturation, and appropriateness. The City may consult the donor on potential locations for the donation but will ultimately make the final determination on the chosen location for the donation. The City reserves the right to relocate or remove a donation for operational or other requirements.

Donation applicants may choose to propose a specific site or sites, which will be evaluated against the following criteria:

- a. Relationship of the donation to the history, geography or any other specific cultural aspect of the site and its surroundings;
- b. Consistency with the design of the site including any heritage aspects;
- c. Relevance and compatibility with existing structures on the site;
- d. Usage of space surrounding the donation;
- e. The donation will not negatively encroach on the other landscape, natural or architectural elements in or surrounding the site; and

f. Suitability of the design and scale of the proposed donation to the site.

- D. All costs of the project including, but not limited to cost of design, fabrication, plaques, transportation, installation, site preparation work, foundation, lighting, electrical, and permits must be financed by the requesting party and or donor. All-inclusive costs should be stated clearly in the application form. Any party hired or employed by the requesting party must provide proof of insurance that may include and is not limited to: general liability, professional liability insurance, performance insurance bonds, workman's compensation coverage and others as required by the City.
- E. The City may consider maintenance of approved donated artwork, if they meet City standards for construction and materials. However, complex or large artworks that require significant and costly maintenance may require insurance, a bond or an endowment fund, and a maintenance schedule by the donor to ensure the project's condition is satisfactory to the City, as well as the donor. The posted insurance or bond should cover costs of installation and/or removal. If an adequate level of maintenance is not continued, the City reserves the right to remove or modify the project or a portion of the project. If the City commits to maintaining a particular artwork and is unable to maintain the project at a level satisfactory to the donor, the donor shall have the opportunity to supplement maintenance as approved by the City in a written agreement. The future maintenance and conservation need of the artwork is understood and the City has identified the resources to attend to these requirements.
- F. The legal considerations of ownership, copyright, liabilities, maintenance, provenance and deaccessioning are understood and acceptable to the City. The Donor agrees to enter into a legal agreement with the City to establish ownership of the artwork.
- G. The artwork supports an equitable collection inventory, allowing for a diverse range of artists from different social and ethnic backgrounds to be represented, considering if there are already multiple donations of the same artist's work, and by placing artworks evenly throughout the City of Costa Mesa's six (6) distinct districts.

4. DONATION REVIEW AND APPROVAL PROCESS

STEP 1: The Donor submits a completed Artwork Donation Application with required attachments (*Current Written Appraisal, Bill of Sale, Condition Reports, History of Conservation Report and or Conservator's Report, as applicable*) to the Parks and Community Services (PCS) Department. It is recommended that the Donor discuss the proposal with PCS staff prior to completing the form, as this may be helpful and time-saving and will ensure that the application is complete.

STEP 2: The Donor or the Donor's representative will present the application to the Arts Commission, at a regular meeting time in City Council Chambers. The Arts Commission will review the application based upon the **Donation Criteria**. The purpose of this review is to determine the feasibility of the artwork. The Arts Commission may approve the Artwork Donation Application, may approve the Artwork Donation Application with comments, or may decline to approve the Artwork Donation Application.

STEP 3: If the Artwork Donation Application is approved, the Parks and Community Services staff will forward Arts Commission's recommendation to the City Manager's Office for information. The City Manager will forward a memo to City Council regarding recommendations for accepted donations to be sited in a Prominent Location.

STEP 4: The Donor will enter into an Agreement with the City of Costa Mesa for the Donation of Artwork that contains the terms of acceptance, once the artwork donation approval process has been

successfully completed and the artwork is accepted. The agreement spelling out all requirements for the artwork shall be executed prior to the City's formal acceptance of the artwork.

STEP 5: As part of the Agreement, the Donor will complete the installation of the donated artwork within two (2) years from the date of Arts Commission approval. If the installation is not complete within this time frame, approval of the donation or loan is automatically rescinded. The Donor may request an extension from the Arts Commission before the two (2) year window for installation of the artwork is closed. Once the deadline passes, the Donor may submit another application if interested. Donors are limited to two (2) applications per artwork.

5. RETENTION POLICY

Donated item(s) will be retained in the City's Public Art Collection so long as they:

- a. Continue to be relevant and useful to the purposes and activities of the City.
- b. An appropriate site for public display is available.
- c. A public safety problem is not created by the project.
- d. No adverse environmental effects are created.
- e. Project remains authentic and original.
- f. Project withstands exposure to the natural elements.
- g. Project can be properly and cost-effectively stored, maintained, preserved, and/or used.

**Legal agreements created by the City of Costa Mesa will stipulate specific rules and guidelines pertaining to the retention and treatment of each individual donated artwork*

6. DEACCESSIONING POLICY

The following represent acknowledged criteria for de-accession and are recommended for Costa Mesa's consideration.

- a. The artwork's present condition poses a safety hazard to the public.
- b. The artwork has been damaged or has deteriorated to the point that it can no longer be represented to be the original artwork.
- c. The restoration of the artwork's structural or aesthetic integrity is technically not feasible, or the expense of restoring it exceeds the resources of the City.
- d. The architectural support (building, wall, plaza) is to be destroyed and the artwork cannot be removed intact for relocation.
- e. The use of this particular public space may have changed, and/or the artwork may have lost its contextual meaning and it cannot be re-sited, or re-siting the artwork would be inappropriate.
- f. The artwork requires excessive and inappropriate conservation and/or maintenance or has faults of design or workmanship which can be termed inherent vice.
- g. An artwork is not, or is rarely, on display because of lack of a suitable site.
- h. The condition or security of the artwork cannot be reasonably guaranteed in its present location.
- i. The artwork was not installed or fabricated as proposed, is incomplete, or does not meet the requirements of the commission.
- j. The artwork does not meet the goals of the collection. Removal has been requested by the artist in writing and it has been determined by the Arts Commission and City Council to be a reasonable request.

- k. The artwork has reached the end of its original anticipated lifespan (refer to legal contract, when applicable).
- l. The artwork is proved to be inauthentic or in violation of existing copyright laws.
- m. The artwork has received documented and ongoing adverse reaction from community members where the artwork is located, and the City Council has determined the artwork no longer reflects the values of the community.

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APPLICATION TO DONATE ARTWORK TO THE CITY OF COSTA MESA

One application per one artwork

1. DONOR INFORMATION

Donor's Name (first, last): _____

Street Address: _____

City: _____ State: _____ Zip: _____ Country: _____

Phone: _____

Email: _____

2. ARTIST INFORMATION

Artist's Name (first, last): _____

Alias (if applicable): _____

Citizenship/Nationality: _____

Street Address: _____

City: _____ State: _____ Zip: _____ Country: _____

Phone: _____

Email: _____

Website: _____

Birthplace: _____

Place of Death (if applicable): _____

Birth Date: _____ Death Date (if applicable): _____

Artist Primary Occupation: _____

Artist Representation/Gallery Name (if applicable): _____

Street Address: _____

City: _____ State: _____ Zip: _____ Country: _____

Phone: _____

Email: _____

Website: _____

Was the creation of the artwork a joint project between artists or sub-contracted to a fabricator?

Y or N

If Yes:

Collaborator/Fabricator/Designer/Architect Name(s): _____

Business Affiliation: _____

Street Address: _____

City: _____ State: _____ Zip: _____ Country: _____

Phone: _____

Email: _____

Website: _____

3. ARTWORK INFORMATION

Title of Artwork: _____

Date of Artwork: _____

Place Made: _____

Current Artwork Location: _____

Proposed Site (optional): _____

Artwork Classification (check one, if applicable)

Part of an Edition: Edition#/Total # in Edition _____/_____

Part of a Collection: Total # in Collection _____

Part of a Series: Total # in Series _____

Part of a Set/Group: Total # in Set/Group _____

One of a Pair (2)

Item Classification (check all applicable)

- | | |
|---|---|
| <input type="checkbox"/> Artifact | <input type="checkbox"/> Musical Instrument |
| <input type="checkbox"/> Container | <input type="checkbox"/> Neon Sign |
| <input type="checkbox"/> Costume | <input type="checkbox"/> Painting |
| <input type="checkbox"/> Decorative Art | <input type="checkbox"/> Photograph |
| <input type="checkbox"/> Drawing | <input type="checkbox"/> Print |
| <input type="checkbox"/> Fiber Art | <input type="checkbox"/> Sculpture |
| <input type="checkbox"/> Mixed Media | <input type="checkbox"/> Textile |
| <input type="checkbox"/> Mosaic | <input type="checkbox"/> Unknown |
| <input type="checkbox"/> Mural | <input type="checkbox"/> Other |

Item Details & Dimensions (check all applicable)

- Base
- Mat
- Plexi-Glass Covering
- Plaque
- Glass Covering
- Frame

_____ height x _____ width x _____ depth (inches)

Dimensions of Artwork Alone

_____ height x _____ width x _____ depth (inches)

Dimensions of Frame, Mat, or Base

Subject/Theme of Artwork: _____

Style and/or Influences of Artwork: _____

Medium/Materials of Composition: _____

Finishes Applied to Surface (if applicable): _____

Construction Technique: _____

Plaque Inscription: _____

Identifying Marks: _____

4. ARTWORK HISTORY

Provenance/previous ownership

Additional sheets may be attached as needed.

Period of Current Ownership _____ Current Owner of Artwork _____

Period of Ownership _____ Owner's Name _____

Period of Ownership _____ Owner's Name _____

Period of Ownership _____ Owner's Name _____

Period of Ownership _____ Owner's Name _____

Period of Ownership _____ Owner's Name _____

Exhibition History

Please attach catalogue copies/excerpts, if applicable. Additional sheets may be attached as needed.

Exhibit Date _____ Exhibit Name _____ Exhibit Site _____

Exhibit Date _____ Exhibit Name _____ Exhibit Site _____

Exhibit Date _____ Exhibit Name _____ Exhibit Site _____

Exhibit Date _____ Exhibit Name _____ Exhibit Site _____

Exhibit Date _____ Exhibit Name _____ Exhibit Site _____

Citations of Print References

Please attach copies of any publications and include a photocopy of title page/bibliographical information. Additional sheets may be attached as needed.

Publication Date _____ Publication Name _____ Article Title _____

Publication Date _____ Publication Name _____ Article Title _____

Publication Date _____ Publication Name _____ Article Title _____

Publication Date _____ Publication Name _____ Article Title _____

Publication Date _____ Publication Name _____ Article Title _____

5. VALUE INFORMATION

Please attach copies of Current Written Appraisal and Bill of Sale, if applicable. Gifts with a value of more than \$50,000 require the City Council acceptance and are not currently accepted by the City of Costa Mesa.

Appraised Value of Artwork _____ Date of Appraisal _____

Appraiser's Name _____ Affiliation _____

Appraiser's Address _____

City: _____ State: _____ Zip: _____ Country: _____

Phone: _____

Email: _____

**Accepted artwork donations will receive a written acknowledgement from the City of Costa Mesa which will include:*

- i. the name of organization*
- ii. a description (but not the value) of non-cash contribution*
- iii. a statement that no goods or services were provided by the organization in return for the contribution, if that was the case*
- iv. a description and good faith estimate of the value of goods or services, if any, that an organization provided in return for the contribution*
- v. a statement that goods or services, if any, that an organization provided in return for the contribution consisted entirely of intangible religious benefits (see www.irs.gov), if that was the case*

6. CONDITION, CONSERVATION AND MAINTENANCE

Please indicate the condition of the artwork by attaching a current condition report (include history of conservation and conservator's report, if applicable).

Is the artwork intended to reflect the impact of environmental wear, tear and aging?

Yes No

What is the intended life span of the artwork?

Temporary

Permanent

Intended Lifespan of Artwork _____

What is the artist's intention with regards to the artwork over time? Please explain.

What are the specifications, regarding long-term care of the artwork? When and to what extent should the work be cleaned/conserved? Please indicate specifications regarding the regular maintenance, schedule of care (cleaning agents and procedure), and or/recommendations for the placement of artwork.

Was a conservator consulted in the fabrication of the work or in the development of a maintenance program?

Yes No

If yes,

Conservator Name _____ Business Affiliation _____

Street Address _____

City: _____ State: _____ Zip: _____ Country: _____

Phone: _____

Email: _____

Website: _____

7. OWNERSHIP OF COPYRIGHT

Current Copyright Owner's Name: _____

Street Address _____

City: _____ State: _____ Zip: _____ Country: _____

Phone: _____

Email: _____

Will copyright be transferred to the City of Costa Mesa, should the donation be accepted?

Yes No

8. SIGNATURE

Signature of Donor _____

Date _____

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