



CITY OF AUSTIN ARTWORK DONATION & LOAN POLICY AND APPLICATION

**Adopted by Austin Arts Commission
July 2011**

ARTWORK DONATION & LOAN POLICY

STATEMENT OF PURPOSE

The City of Austin is committed to building a collection of high quality public art for the enjoyment and enrichment of citizens and visitors. In 1985, the Art in Public Places (AIPP) program was established to commission and purchase public art for new or remodeled city buildings and parks using 1% of the construction budget or land acquisition budgets. In addition to artworks acquired through the Art in Public Places program, the City of Austin Cultural Arts Division processes donations or loans of art for public places. When gifts or loans of major artworks are proposed for placement with any City of Austin agency or department, such proposals shall be reviewed by the city department and the Austin Arts Commission and, at its discretion, its Working Group using the same criteria applied to the public art commissions undertaken through the Art in Public Places program. The Austin Arts Commission Working Group may consist of no more than 3 Austin Arts Commissioners, 3 members of the Art in Public Places Panel and other relevant professional experts and community stakeholders as appointed by the Austin Arts Commission. Representatives of other community boards, commissions and neighborhood associations also participate in the review process. The objectives of this policy are:

- To provide uniform procedures for the review and acceptance of gifts and loans of works of art for the City of Austin;
- To maintain high artistic standards in works of art displayed by the City of Austin;
- To vest in a single City agency the responsibility for insuring the management and maintenance of the City's public artworks;
- To facilitate planning for the placement of works of art on City property/land; and,
- To facilitate appropriate recognition of artists and donors of works of art to the City of Austin.

ARTWORK DONATION & LOAN REVIEW CRITERIA

1. AESTHETIC

- a. Artistic merit of the work of art, including consideration of its artistic, social, and/or historical significance, as evidenced by the Artwork Donation/Loan Proposal (which includes a written description and drawings and/or maquette of the proposed artwork)
- b. Artist's qualifications, as evidenced by the Artwork Donation Proposal (which includes slides/photographs of past work, resume, references, and published reviews)
- c. Compatibility of the work of art within the context of the City of Austin Art in Public Places Collection
- d. Warranty of originality of an existing artwork (only original works or limited editions shall be considered)
- e. Provenance for an existing artwork

2. SITE

- a. Appropriateness to the proposed site with respect to its immediate and general social (audience) and physical environment (neighborhood)
- b. Scale, form, content, color, and design of the artwork in relation to the site (NOTE: Some city facilities, such as Town Lake or the Austin-Bergstrom International Airport Passenger Terminal, may have specific design criteria or special conditions)
- c. Ecological impact (i.e., percentage of impervious cover, etc.)
- d. Accessibility to the public, including persons with disabilities
- e. Text components (i.e., signage and/or plaques)

3. INSTALLATION

- a. Site requirements for installation (i.e., electricity, lighting, water, or other services)
- b. Method of installation
- c. Storage requirements, if any
- d. Safety standards

4. MAINTENANCE

- a. Structural integrity
- b. Durability of material
- c. Susceptibility of the artwork to accidental damage, theft, and vandalism

5. FINANCIAL

- a. All costs associated with fabrication and installation including site preparation, long-term preservation (i.e. conservation or repair), illumination, plaque and unveiling/dedication event, if any. Donors proposing artwork to the City shall contribute 2% of the total value of the artwork or \$5,000, whichever is less, to the City's Public Art Fund so that when repair or conservation becomes necessary, such funds may be available for treatment.
- b. Source of funding and timely availability of funds and resources to meet financial requirements
- c. Estimated amount of funding for annual, routine maintenance costs to the City
- d. Statement of value of artwork for insurance purposes (i.e. professional written appraisal of existing artwork by a licensed appraiser)

6. LIABILITY

- a. Susceptibility of the artwork(s) to normal wear and to vandalism
- b. Potential risk to the public
- c. Public access, in general, as well as compliance with ADA requirements
- d. Special insurance requirements

7. TIMELINESS

- a. Allowance of sufficient time for normal review process by the Department Review Committee, the Austin Arts Commission, and any other boards or neighborhood associations involved.
- b. Timely and appropriate response to the Austin Arts Commission and staff requests for additional materials or information

8. SPECIAL CONDITIONS

- a. Any conditions of the gift (or loan) imposed by the Donor/Lender
- b. Donations/Loans that contain advertising will not be considered

EXCEPTIONS TO THIS POLICY

- a. Only Gifts of State may be accepted by the City Council and/or City Manager without the benefit of this review, according to the City of Austin Purchasing Policy; however, the Cultural Arts Division staff shall be notified of acceptance of such donation or loan (in order to document the work, accession it to the City's collection and insure the work) and may be consulted to recommend appropriate siting, an annual maintenance program, etc.
- b. Portable artworks on short-term loan to the City of Austin shall not be subject to review under this policy [i.e., for temporary exhibitions (generally 60 days or less) at the Parks and Recreation museums and cultural facilities, City Municipal Building, etc.]
- c. Donations proposed for Town Lake Park will be given separate and unique considerations as outlined in *Approaches to Public Art for Town Lake Park*, which recommends an innovative and comprehensive approach to commissioning and integrating public art within the 54 acres that comprise Phases I-IV of Town Lake Park. Constantly evolving, Town Lake Park is being revitalized as a cultural park, a place that promotes new ideas and contemporary attitudes. Therefore, the quality of the relationship between the artwork and the site is as important as the quality of the artwork itself. To assure that artwork is specific to the site, the City of Austin requires that:
 - **All artwork for Town Lake Park must be commissioned.**
 - **Acceptance of gifts of pre-existing artworks and the purchase of pre-existing artwork for Town Lake Park is strongly discouraged.** Standard manufactured park amenities such as benches, picnic tables, plaques and lighting are under the jurisdiction of the Parks & Recreation Department and do not qualify as works of art.

To assure artistic cohesiveness throughout Town Lake Park and to prevent a scattered disarray of static memorials, requests for new artwork commissions will follow the procedure outlined below under COMMISSIONING NEW WORKS OF ART FOR TOWN LAKE PARK*.

REVISIONS TO THIS POLICY

The Department Review Committee and the Art in Public Places Panel shall review this policy annually and make recommendations for revisions to the Austin Arts Commission as needed.

ARTWORK DONATION & LOAN REVIEW PROCESS

In order for an artwork donation or loan to be considered, the potential Donor/Lender must obtain and complete an Artwork Donation/Loan Proposal form and submit it to the Cultural Arts Division Manager within the Economic Growth & Redevelopment Services Office. It is recommended that the Donor/Lender discuss the proposal with the Cultural Arts Division staff prior to completing the form, as this may be helpful and save time. The process outlined below assumes that the Donor/Lender has an artwork proposal in the form of drawings and/or a maquette or model *or* has a finished work of art to donate/loan (Please contact the Cultural Arts Division to see the Donation Flow Chart). Donors/Lenders who are seeking conceptual/site approval for an artwork for which they are seeking funding through the city's Cultural Contracts Program must go through this donation/loan review and approval process prior to the Cultural Contracts review process. Contact the Cultural Arts Division staff for details of submission deadlines.

START: The Potential Donor/Lender submits a completed Artwork Donation/Loan Proposal form with required attachments to the Cultural Arts Division Manager. Cultural Arts Division staff shall contact the appropriate city Department Review Committee (DRC).

STEP 1: The Cultural Arts Division staff facilitates a presentation of the proposed donation/loan by the Donor/Lender to the DRC that oversees the city property upon which the Donor/Lender is seeking as a site. The DRC shall evaluate the proposal based upon all of the criteria listed above *EXCEPT* Aesthetics, which a Working Group of the Austin Arts Commission shall evaluate later in the process. The purpose of this review is to determine the feasibility of the artwork. The DRC shall provide a list of other board(s), commission(s), and neighborhood association(s) that must also review the proposal.

STEP 2: After successful review by the DRC, the artwork proposal along with the DRC recommendation is presented to the Austin Arts Commission. The Austin Arts Commission may take action to accept, deny or form a Donation/Loan Working Group (Working Group) for further review and recommendations. The Working Group shall not exceed the maximum number of commissioners allowed on a Working Group (including the commissioner serving as Art in Public Places liaison), and consist of 3 members of the Art in Public Places Panel, and other professional experts as appointed by the Austin Arts Commission. The Working Group shall review the DRC recommendations and the proposal

based upon AESTHETICS; however, the Working Group may also consider other criteria. If the Working Group recommends major modifications to the work or determines that the donation/loan does not meet Aesthetic criteria, Working Group may recommend declining the donation or loan to the Austin Arts Commission. If the potential Donor/Lender is willing to make minor modifications recommended by the Working Group, the Donor/Lender may resubmit to the Working Group and may be required to revisit the DRC.

STEP 3: Donor/Lender presents artwork donation to other appropriate boards, commissions and/or neighborhood associations. Each group must provide written comments or letters of recommendation to the Cultural Arts Division Manager before the process may continue. The Arts Commission shall be notified of an initiated or pending review processes as available.

STEP 4: If the Working Group review results in a recommendation to accept the donation with modifications, the new design shall be resubmitted to the Department Director for possible reconsideration by the DRC BEFORE the Working Group makes its final recommendation to the Austin Arts Commission. If the DRC declines the proposal with the recommended modification(s) based upon all of the criteria listed above *EXCEPT* Aesthetics, a redesign may be submitted for consideration *or* the process stops here.

STEP 5: Taking into consideration the input from all others involved in the review process, the Working Group shall make a final recommendation to the Austin Arts Commission to accept the donation as presented.

STEP 6: The Austin Arts Commission reviews the Working Group's recommendation.

STEP 7: The Austin Arts Commission's recommendation is forwarded to the Department Director and City Manager and, if the donation is valued over the City Manager's administrative authority and/or the site is prominent, to Austin City Council for final approval.

Once the artwork donation approval process has been successfully completed, the City of Austin and the Donor/Lender shall enter into an Agreement for Donation of Artwork that legally conveys title to the City of Austin and includes the appropriate warranty of originality, or an Agreement for Temporary Loan. The Agreement shall also enumerate any conditions of the donation or loan that the City has agreed to accept and outlines the responsibilities of each party with respect to the donation, including installation and maintenance.

In general, donations shall be accepted without restrictions or dedications. In case there are restrictions

or dedications attached to the proposed donation or loan, the Donor/Lender's conditions shall be referred to the Law Department to insure that they are consistent with City policies. The Agreement may require the Donor/Lender to provide engineer sealed drawings and shall require liability insurance during installation. The Agreement shall also require further review of major changes to the artwork. Once installed, the artwork shall be accessioned into the City of Austin Cultural Heritage Collection and covered under the city's fine arts insurance policy for the stated value.

COMMISSIONING NEW WORKS OF ART FOR TOWN LAKE PARK

In the event that an individual or group has identified Town Lake Park as the appropriate site to commission an artwork to honor an individual or commemorate an event, it is recommended that a written Request for Consideration be submitted to the Cultural Arts Division in compliance with the current City of Austin Artwork Donations Policy. **Proposals for gifts of pre-existing artworks will not be considered.** Also excluded are standard park amenities such as benches, picnic tables, plaques and lighting that fall under the jurisdiction of the Parks & Recreation Department and do not qualify as works of art.

The written request must detail the following:

- Background on the individual or event to be honored.
- Importance of singling out the individual or event for special recognition.
- Historical and cultural significance of the individual or event to Town Lake Park.
- Connection to the cultural life of Austin.
- Commitment of funds, if any.

CRITERIA

The following criteria will be used in the review of the Request for Consideration:

- Relevance and importance of the proposed individual or event to the citizens of Austin and visitors to Town Lake Park
- Relationship between the site and the individual or event to be commemorated and whether it is in the best interest of both
- Relative compatibility or incompatibility of the proposal with the goals of *Approaches to Public Art for Town Lake Park*

DETERMINATION

If commissioning an artwork to honor the individual or event under consideration is judge by the AIPP Panel and the Austin Arts Commission to be compatible with the goals of *Approaches to Public Art for Town Lake Park*:

- The approved request will be placed in priority order on a list of future public art commissions for Town Lake Park.
- The specific form that the commemoration takes and the nature of the artwork commission will be determined by the AIPP Panel when funding is available.

- If the individual or group making the initial request has an artist in mind to create the artwork, that artist may be considered by the AIPP Panel for a direct commission as an alternative to an open competition.

However, if the AIPP Panel determines that the Request for Consideration does not meet the criteria, the request will be denied.

DEFINITION OF TERMS

Department Review Committee – A committee of relevant city department staff developed by the Department Director or their designee who manages the city property upon which the artwork is proposed to be sited. This committee evaluates proposals of donations and loans based on all of above stated criteria EXCEPT Aesthetics. These include Site, Installation, Maintenance, Financial, Liability, Timeliness, and Special Conditions).

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

Cultural Arts Division: The Cultural Arts Division (CAD) of the Economic Growth and Redevelopment Services Office provides leadership and management for the City's cultural arts programs and for the development of arts and cultural industries as an economic development strategy on behalf of the City.

Cultural Heritage Collection: 2 and 3 dimensional works of art which were not commissioned through the AIPP process, but are unique works of art owned by the City of Austin. This portfolio also supports design proposals, de-accessioned work and other relevant project documentation. The collection is catalogued and managed by the Cultural Arts Division as serves as a clearing house of information for artworks owned and maintained by the City of Austin.

Loan: a work of art or a series of artworks placed on City property for the purposes of temporary exhibition for public display with no intent to transfer title of ownership to the City.

Public Art Fund: a fund designated by the Art in Public Places Ordinance for the purposes of new project construction, repairs, and conservation of works of art, and managed by the Cultural Arts Division.

Professional Artist(s): a person who has established a reputation of artistic excellence, as judged by peers, through a record of exhibitions, public commissions, sale of works or educational attainment.

Work of Art ("Artwork"): Original work of art in a variety of media including but not limited to any portable or permanently fixed sculpture, mural, painting, drawing, earthwork, mixed media work, time-based work (moving images and sound-based art)

created by a professional artist, artists, or collaborative team. For the purpose of these guidelines, the following shall be excluded from the definition of Work of Art, except where recognized professional artist(s) are employed in their creation, and therefore are not subject to review under this Artwork Donation and Loan Policy:

- Landscape elements designed as part of landscape architectural design
- Objects which are not unique but are mass produced of standard design such as playground sculptures or fountains. Included, however, are limited editions controlled by the artist of original prints, cast sculpture, photographs, etc.
- Standard park amenities such as benches, picnic tables, and lighting not designed by a professional artist(s)
- Dedication plaques or commemorative objects
- Directional or functional elements, such as graphics, signage, and maps not designed by a professional artist(s)

CITY OF AUSTIN ARTWORK DONATION & LOAN APPLICATION

Please read the *City of Austin Artwork Donation & Loan Policy* before preparing your proposal. In order to facilitate the review process, please provide information that specifically addresses the *Artwork Donation & Loan Review Criteria*. If you have any questions please call Cultural Arts Division at (512) 974-7700.

DONOR / LENDER INFORMATION

Name(s): _____
(Please check one: ___ Individual(s) ___ Corporation ___ Not-for-Profit ___ Other (specify _____))
Organization (if applicable): _____
Address: _____
City/State/Zip: _____
Telephone: (day) _____ (eve) _____ (fax) _____
Contact Person: _____ Email Address: _____

TYPE OF PROPOSAL

(Please check one):

- _____ Donation of Artwork to be commissioned
_____ Donation of Artwork to be funded by CoA Cultural Funding Program: (**Application deadline**- this form must be completed and delivered to Cultural Arts Division; 201 East 2nd Street; Austin, TX 78701 by March 31st.)
_____ Donation of Existing Artwork
_____ Loan of Existing Artwork

PROPOSAL ATTACHEMENTS (required)

- **NARRATIVE PROPOSAL** including concept, media, dimensions, site preference, total estimated budget, source of funding, timeline for completion, plaque or signage text, site preparation requirements, method of installation, annual maintenance requirements and costs
 - For existing artworks also include warranty of originality and provenance
 - For loans or temporary display of artworks, please also include duration and terms
- **PROJECT BUDGET FORM** (available at the AIPP Office) outlining all costs associated with the project, including design, fabrication, installation, and long-term preservation (please note that engineer sealed drawings may be required and liability insurance during installation will be required)
- **PHOTOGRAPH and MAP** of the proposed site(s)
 - If a site has not been identified, please describe type of site preferred
- **DRAWING and/or MAQUETTE** of the proposed public artwork, indicating its relationship to the site
 - For existing artworks or loans, please provide a slide or photograph of the artwork
- **ARTIST'S RESUME and REFERENCES (STATEMENT and REVIEWS are optional)**
 - If an artist has not yet been selected, please describe the method that is planned or you may request assistance from the Art in Public Places program
- **ARTIST'S IMAGES** 10-20 showing work completed during the past 3 years *and* **IMAGE LIST** describing the slides, including artist's name, title, media, dimensions, date of completion and location, if public art

I/we understand that I/we must (1) Participate in the Department Review Process; and, (2) Present my/our proposed artwork donation for review and acceptance by the City of Austin Austin Arts Commission and other appropriate boards, commissions and/or neighborhood associations in accordance with the City's Artwork Donation & Loan Policy.

Donor's Signature

Date