



**CITY OF PALO ALTO PUBLIC ART PROGRAM  
GIFTS OF ARTWORK POLICY**

**PURPOSE**

From time to time, private individuals, organizations and agencies desire to donate Artwork to the City of Palo Alto (City). This policy outlines the procedures that the City shall follow in accepting donations of Artwork.

**POLICY**

- A. Acceptance of an Artwork into the City's collection shall imply a commitment to its long-term care and preservation. Therefore, the acceptance of such donations must be deliberate, must maintain high aesthetic standards, and must further the goals of the Public Art Program.

Recognizing that Palo Alto's public spaces are a valuable and limited public resource, each proposed Artwork must add significant and long-term value to the space in which it is proposed to be located.

- B. This policy shall:

1. Provide uniform procedures for the review and acceptance of donations of Artwork to the City;
2. Vest in the Public Art Program the responsibility of insuring the management and long-term care of donated Artwork;
3. Facilitate planning for the placement of Artwork on City-owned property;
4. Preserve the City's public spaces for the greatest enjoyment of the citizens and visitors;
5. Maintain high aesthetic standards for Artwork displayed or installed in City facilities;
6. Provide for appropriate recognition for donors of Artwork to the City; and
7. Further the goals of the City's Public Art Program.

**DEFINITIONS**

- A. **ARTIST.** An individual generally recognized by critics and peers as a professional practitioner of the visual arts as judged by the quality of the professional practitioner's body of work, educational background, experience, past public commissions, sale of works, exhibition record, publications, and production of Artwork.
- B. **ARTWORK.** Works in any style, expression, genre and media created by an Artist as defined herein that may be permanent, temporary, and functional, may be stand-alone and integrated into the architecture or landscaping if such are designed by an Artist as defined herein. For the purposes of this policy, the following are not considered Artwork:
1. Reproductions, by mechanical or other means of original Artwork, except in cases of film, video, photography, printmaking, theater, or other media arts and limited editions of sculpture;

2. Art objects that are mass produced, ordered from a catalog, or of a standard design, such as playground sculpture or fountains; and
  3. Directional or other functional elements such as signage, supergraphics, color coding, or maps.
- C. **CONSERVATION.** The activities required to repair, restore, and conserve a damaged or malfunctioning Artwork, including treatment that returns the Artwork to its original condition.
- D. **DONATION.** A gift of an Artwork.
- F. **MAINTENANCE.** All activities required to conserve, repair, or preserve the integrity of the Artwork and setting within which the art work is located. Routine maintenance is limited to the basic day-to-day care of the Artwork.
- G. **RESTRICTED DONATION.** A donation to the City for a specified purpose, or for which there are conditions or limitations by the donor as to the current or future use.
- H. **UNRESTRICTED DONATION.** A donation to the City without any restrictions or limitations being placed by the donor as to its current or future use.

#### **PROCEDURES**


- A. When a donation of an Artwork has been proposed, the City department receiving the proposal shall notify the Public Art Program whose staff shall contact the prospective donor to inform the donor of the City's Gifts of Artwork Policy and gather information about the proposal.
- B. Prior to consideration of a donation of Artwork to the City, the donor must establish ownership of the proposed gift of Artwork.
- C. For proposed site-specific gifts, any site recommended for the placement of Artwork must :
1. **OWNERSHIP.** Be owned by the City of Palo Alto.
  2. **VISIBILITY.** Be visible to a broad, public audience.
  3. **SAFETY.** Not pose any hazard or threat to public safety and must meet the safety standards of the City's Risk Manager.
  4. **MAINTENANCE.** Be easily maintained by City staff in a routine manner and with standardized equipment.
  5. **ACCESSIBILITY.** Comply with accessibility laws including the Americans with Disabilities Act.
  6. **CONTEXT.** Be socially, culturally, historically, ecologically, physically, and/or functionally appropriate.
  7. **DEPARTMENTAL SUPPORT.** Have the support of the City department that is responsible for operating and maintaining the site, as well as any advisory bodies that are responsible for making recommendations concerning the use of City-owned property.


- C. The prospective donor shall meet with Public Art Program staff and prepare written and visual documentation on the proposed donation (Donation Request). The Donation Request shall include, at a minimum, the following:
1. Contact information for the donor and the artist.
  2. Artist's name, biographical information, samples of past artwork, and resume.
  3. A written description and images of the Artwork.
  4. Artist's statement about the Artwork.
  5. If available, a certified formal appraisal of the Artwork provided by a qualified art appraiser.
  6. Information about the origin, derivation, history, and past ownership of the Artwork.
  7. A warranty of originality of the Artwork.
  8. If available, information about the condition of the Artwork provided by a qualified visual arts conservator.
  9. A maintenance plan for routine care and long-term conservation, including estimated costs.
  10. Information about and images of the proposed Artwork site, if any.
  11. For permanently-sited outdoor artworks: community feedback about the Artwork, including information about the methods used for collecting the feedback.
  12. A detailed budget for all aspects of installation and maintenance of the proposed Gift of Artwork, including design, fabrication, installation, operation, conservation, maintenance, insurance, and staff support. Depending on the characteristics and condition of the Artwork, the donor may be asked to provide an endowment for the routine maintenance and long-term conservation of the Donation for the duration that the donation is owned by the City.
  13. If available, detailed plans for the design, fabrication, installation, operation, maintenance, conservation, insurance, display, and storage of the Artwork.
  14. Any conditions or limitations on the donation requested by the donor.
- D. Artwork Donation Requests shall be reviewed by Public Art Program staff, and Requests that PAP staff determine are appropriate for further consideration shall be presented to the Public Art Commission with a recommendation at a regularly scheduled and noticed public meeting.
- E. The Public Art Commission will inform the community of the proposed donation and receive feedback about accepting the work into the collection and about the recommended site for a donation of any site-specific Artwork.
- E. Public Art Program staff, as needed, shall solicit input from other City department advisory commissions and/or committees.

- F. The Public Art Commission shall review the donation proposal and, approve or deny acceptance of the donation. The Public Art Commission shall consider the following criteria in making their decision, and shall base their determination on the Artwork without consideration of the identity of the donor:
1. **ARTISTIC EXCELLENCE.** Qualifications and professional reputation of the Artist; craftsmanship, conceptual content, style, form, condition, and value of the Artwork.
  2. **RELATIONSHIP TO EXISTING COLLECTION OF ARTWORK.** Style, form, scale, condition, diversity, quantity, quality, longevity, and compatibility with the existing collection of Artwork and goals of the public art program.
  3. **COST AND AVAILABILITY OF CITY SUPPORT.** The availability of necessary funding for conservation, maintenance, installation and/or repair; exhibition and storage space; real property for siting Artwork; and staff support.
  4. **RELATIONSHIP TO SITE, IF A SPECIFIC SITE IS PROPOSED.** Accessibility, public safety, and social, cultural, historical, ecological, physical, and functional context of the Artwork in relation to the site, both existing and planned.
  5. **LEGAL CONSIDERATIONS.** Issues related to liability, insurance, copyright, warranties, ownership, theft, vandalism, loss, indemnification, and public safety.
  6. **TIMING.** Safety or hazard emergencies, relevant construction schedules, and the allowance of sufficient time for a normal review process.
  7. **DONOR CONDITIONS OR RESTRICTIONS.** Issues related to donor conditions or restrictions on the proposed Gift.
- H. Public Art Program staff shall obtain a legal instrument of conveyance of title. Any conditions the City or donor places on a donation shall be stated in writing and attached to the instrument of conveyance.
- I. Once the Donation of Artwork has been accepted and the City becomes the legal owner, the Public Art Program staff shall coordinate all processes relating to the installation, exhibition, storage, maintenance, removal or relocation of the Artwork on City-owned property. If a specific City department operates and maintains the site of the Artwork, the Public Art Program staff shall consult with the City department to discuss the financial and practical responsibilities of maintaining or operating the Artwork.
- J. The Public Art Program staff, working with the department head and the donor, shall provide for appropriate recognition of the donor's contribution to the City.
- K. City departments shall:
1. Report to Public Art Program staff any damage to a donated Artwork.
  2. Not intentionally destroy, modify, relocate or remove from display any donated Artwork without prior consent from the Public Art Commission or Public Art Program Director.
  3. Not cause any non-routine maintenance or repairs to donated Artworks without prior consent from the Public Art staff.

**EXCEPTIONS**

- A. Gifts of state presented to the City by foreign governments or by other political jurisdictions of the United States – municipal, state or national – which may be accepted by the Mayor, City Council, or City Manager shall not be considered part of the Public Art Collection and will remain in the care of the City Clerk’s Office.
- B. Memorials, whether Artworks or other forms of recognition, shall not be considered an Artwork for purposes of this policy; a Memorial is defined as an item, object or monument established to preserve the memory of a deceased person or an event that occurred in the past.

Recommended:  2-3-17  
Director Date

Approved:  2/10/17  
City Manager Date