

<Note that this section was copied from the existing [Guidelines for Public Art in Los Altos, rev. August, 2018.](#)

We would like to make the following addition to this section,

## Section 3: Policies and Procedures for the Donation of Public Art

### OBJECTIVE

All public art pieces donated to the City of Los Altos must come with a plan that specifies the funding and delivery of ongoing maintenance or the resolution accepting the public art must identify how maintenance of the donated public art will be funded.

### DONATION REQUIREMENTS

The City will consider donations on the following basis:

- The donation contributes to and enhances the City's public art collection;
- The donation meets a high standard of quality and is appropriate and meaningful to the community;
- The donation follows required City procedures including the submission of a Donation Proposal and a Maintenance Plan. Donation Proposal requirements are included in this policy.
- The requirements for the Maintenance Plan can be found in the Los Altos Public Arts Program Policy and Procedure for Maintenance proposed policy;
- The donation is made with the understanding that no City funds will be required for production, site placement, installation or ongoing operations and maintenance of the work without prior approval of the City of Los Altos;
- The donation proposal includes a plan to fund and deliver ongoing operations and maintenance;
- The donation proposal is reviewed and endorsed by the Los Altos Public Arts Commission and City department accepting the art and approved by the City Council.

The City will not accept a donation of artwork until all funds for its development, fabrication, site location and installation have been secured. The City will consider the following types of donation proposals for artworks on City-owned property:

- An already completed work of art;
- A commissioned artwork by a specific artist or artists to be created especially for a City-owned property;
- Donations of creative or innovative public art projects.

### ROLE OF THE SPONSOR OR SUPPORTING ARTIST

A donation of artwork must have a sponsor or co-sponsors who will prepare and present a donation proposal. The sponsor's principal roles are to state the intent of the donation and be responsible for raising or providing the funding for its production, acquisition, installation and maintenance. Community groups or corporations can act as a sponsor, provided that they can demonstrate community support for the proposal. Demonstrating community support reinforces the public nature of the proposal.

If a member of City Council, City Staff, or the Los Altos Public Arts Commission has requested to donate a work of art, they will be recused from voting to accept their own donation.

## DONATION PROPOSAL PROCEDURES

All offers of artwork proposed for property under City jurisdiction must be made in writing and submitted by the sponsor to the Los Altos Public Arts Commission. The donation proposal must contain the following for an already completed work, a commissioned artwork, or a creative/innovative public art project:

1. Rationale for the intent, purpose, and added value to the City of the proposed gift;
2. Brief statement about the artwork or project and biographical information about the artist, including resume and supporting materials;
3. Project timeline;
4. Site plan that shows the proposed location of the artwork, a photograph of the proposed installation site, and surrounding environment;
5. Visual presentation of the artwork on the proposed site(s), including drawings, photographs, and models of the proposed work with scale and materials indicated;
6. Maintenance plan, including operations and maintenance information citing requirements for ongoing maintenance and associated costs;
7. Documentation of artwork ownership and statement of authority and intent to transfer ownership to the City.
8. Note that the City will only accept 1 donation from the same organization per calendar year.

**The following additional information must be provided for a commissioned artwork or a creative/innovative project to be created specifically for a City-owned property:**

- Detailed budget, with costs for the project including site preparation, installation, and insurance that meets City requirements; and
- Funding committed to date and proposed source(s) of funds.

## DONATION PROPOSAL REVIEW PROCESS

All proposals for donations of artwork must follow a three-stage review process:

1. Review by the Los Altos City Staff and the Los Altos Public Arts Commission utilizing the Donation Review Criteria below;
2. Evaluation by a qualified professional public art conservator and/or arts professional such as a museum director, curator, historian, or writer/critic;
3. Recommendations and findings from the conservator and/or arts professional to be presented to both City Staff and the Los Altos Public Arts Commission, who will prepare a report and request to be submitted to the City Council for approval.

If a donation is made that is valued at \$10,000.00 or less, the Los Altos Public Arts Commission may recommend acceptance of the donation by the City Manager. If the donation is valued in excess of \$10,000.00, the acceptance of the donation must be decided upon by the Los Altos City Council. If the Los Altos Public Arts Commission decides against accepting the proposal, City Staff, in collaboration with the Los Altos Public Arts Commission, will notify and provide a rationale to the sponsor and the artist.

## DONATION PROPOSAL REVIEW CRITERIA

The donation review process will include, but will not be limited to, the following:

- City-owned Property – Donated public artwork must be located on City-owned or City-managed property;
- Relevance and Site Context – Works of art must be appropriate for the proposed location and its surroundings, and/or complement the architecture, topography, history, and social dynamic of the location in which it is placed;

- **Artist and Artwork Quality** – The artist demonstrates the ability and potential to execute the proposed artwork, based on previous artistic achievement and experience. The artwork must enhance the City’s public art collection;
- **Physical Durability** – The artwork will be assessed for long-term durability against theft, vandalism, and weather;
- **Public Safety and Liability** – The artwork will be assessed for any public safety concerns, as well as for any potential liabilities for the City;
- **Sustainability** – Consideration will be given to the environmental impact and sustainability of the proposed artwork, including its operations and maintenance requirements/costs;
- **Legal** – Proposed terms of donation, legal title, copyright authenticity, artist’s right to reproduce, liability, and other issues as deemed appropriate will be considered.

### **Memorial Gifts**

Memorial gifts will have an additional review process, which will include, but will not be limited to, the following:

- **Timeframe** – The person or event being memorialized must be deemed significant enough to merit such an honor. The person so honored will have been deceased for a minimum of twenty-five years. Events will have taken place at least twenty-five years prior to consideration of a proposed memorial gift;
- **Community Value and Timelessness** – The person or event being memorialized represents broad community values and will be meaningful to future generations;
- **Location** – The location under consideration is an appropriate setting for the memorial; generally, there should be some specific geographic justification for the memorial being located at a specific site.

### **ACCEPTANCE OF THE ARTWORK**

If the proposal is accepted by the City of Los Altos, a formal agreement will be negotiated outlining the responsibilities of each party (the City, the sponsor(s), the artist, and outside contractors, where applicable).

The agreement will address project funding, insurance, location site, installation, operations and maintenance, project supervision, vandalism, the right of removal or transfer, public safety, and other issues as necessary.

The City of Los Altos will be the owner of the artwork and reserves the right to remove or alter the work to ensure public safety or because of any other City concerns. The City upholds copyright law and the Visual Artists Rights Act of 1990. Any changes will be made in consultation with the artist and sponsor(s). The completed and installed artwork will be accessioned and added to the City’s inventory list and master database with all accompanying documentation.