

Policy and Procedure

Subject: Acceptance of artwork donations
Responsible Commission: Public Arts Commission

I. PURPOSE

This policy is intended to establish a process and procedures for gifts or donations of artwork to the City of Los Altos at an appraised value of \$500.00 or more. Only artwork that enhances public spaces, is of the highest quality and has minimal maintenance requirements will be considered. This policy is intended for original works of art only and does not apply to decorative pieces that are mass-produced.

II. APPROVAL PROCESS FOR GIFTS AND DONATIONS

The donor or artist will submit the Donation of Artwork form to the Public Arts Commission staff liaison. A photograph, origin of the artwork, dimensions, medium, date of creation, biographical information on the artist, and current appraisal and maintenance requirements must be included with the form submission.

The Public Arts Commission will review the proposal on the basis of aesthetic quality, relationship of the artist or artwork to the City of Los Altos, site availability, condition of the artwork, and installation and maintenance requirements. The Commission will present the artwork to the City Council to accept or reject. The City Council has the final authority.

III. STEPS FOR DONATION

1. Artist or Donor submits the Donation of Artwork form to the Public Arts Commission staff liaison.
2. The Public Arts Commission reviews and evaluates the submission.
3. Submissions deemed to be appropriate for acceptance recommended to City Council.
4. Artist / Donor signs Use / Donation Agreement.
5. If approved, the staff liaison will work with Artist/Donor and confirm details of installation.
6. The staff liaison will have a plaque made after installation.
7. City staff will send an acknowledgement and letter of thanks to the artist and notify the media.

IV. ARTWORK MEDIA

Artwork of any media and any size will be considered, including but not limited to: painting, both portable and permanent works; sculpture, including in the round, bas-relief, mobile, kinetic, fountains, etc. in any material or combination of materials; other visual media including prints, drawings, stained glass, photography, clay, wood, plastic, or a combination of materials.

V. SITE

The Public Arts Commission will locate an appropriate site for the accepted and/or approved artwork. The City Council will review the site and provide final approval.

VI. INSTALLATION

The donor shall be responsible for transportation and delivery of the artwork for installation. All other costs associated with installation and maintenance of the artwork will be incurred by the City of Los Altos. City staff will coordinate installation with the Public Works Department. A plaque identifying the artwork, artist, and donor will be installed near the artwork.

VII. MAINTENANCE

No artwork will be accepted by the City unless maintenance requirements have been specified in advance. The documented maintenance plan should include an explanation of the expected life-span of the work while placed in a public environment and stipulate the type of environments (interior or exterior) in which the artwork may be placed. The plan should also discuss how the artwork may be a target for vandalism and how the effects of any vandalism may be mitigated. The plan must be authored by the artist or a qualified conservator.

In some cases, funds for ongoing maintenance may be required prior to acceptance of a gift. Maintenance, repair, and restoration will be coordinated and paid for by the City, if artwork is owned or accepted by the City, unless other arrangement are made in advance.

VIII. REPLACEMENT

The City is not required to replace the artwork if it is stolen or damaged.

IX. SPECIAL TERMS FOR ARTWORK DONATIONS

The donor must sign an agreement with the City agreeing to donate the work. This document will pass ownership title to the City of Los Altos. If the City removes the artwork, the City may dispose of or relocate the piece as it sees fit. This may include selling the artwork or disposing of it.

X. WAIVER OF DAMAGES UNDER ART PRESERVATION ACT

Artist/Donor expressly waives the right to sue City for damages under California Civil Code Section 987 and/or the Federal Visual Artists' Rights Act of 1990, as may be amended for any alleged alteration, destruction or mutilation which arises out of maintenance, repair, restoration, correction of a dangerous condition or relocation of the Work.

XI. HOLD CITY HARMLESS

To the extent permitted by law, Artist/Donor agrees to indemnify protect, defend and old harmless City, its City Council, officers, employees, volunteers and agents from and against any claim, injury, liability, loss, cost, and/or expense or damage, including all costs and reasonable attorney's fees in providing a defense to any claim, arising from Artist's negligent, reckless or wrongful acts, errors, or omissions with respect to or in any way connected with the donation of the artwork.

XII. EXCEPTIONS

There are no exceptions to this Policy without the express authorization of the City Manager.

XIII. AUTHORITY

By the authority of the City Manager.