

HUTCHINSON CITY COUNCIL POLICY - 13

SUBJECT: DONATED ART GUIDELINES

DATE: October 16, 2012
REVISED: December 1, 2015

TITLE: This policy shall be known as "Donated Art Guidelines." The City of Hutchinson will hereinafter be referred to as the "City."

PURPOSE

The overall intent of the policy is to establish a formal procedure, a Donated Art Program, for the receipt and consideration of proposed donated art by the City of Hutchinson.

POLICY

Public Art can be defined as any visual work of art displayed for two weeks or more in an open City-owned area, on the exterior of any City-owned facility, inside any City-owned facility in areas designated as public areas, or on non-City property if the work of art is installed or financed, either wholly or in part, with City funds or grants procured by the City.

Work of art includes, but is not limited to sculpture, monument, mural, fresco, relief, painting, fountain, banner, mosaic, ceramic, weaving, carving and stained glass.

Works of art shall not normally include:

1. Reproductions or unlimited editions of original work.
2. "Art Objects" that are mass-produced.
3. Architectural rehabilitation or historical preservation, although works may be acquired in connection with such projects.

GOALS

The principal goals of the Donated Public Art Program are:

- A. To enrich the public environment for both residents and visitors to the community through the visual arts.
- B. To nurture and enhance our art community.
- C. To increase public access to works of art and to promote understanding and awareness of the visual arts in the public environment.
- D. To promote diversity and pluralism in Public Art and to reflect a wide range of expression.
- E. To contribute to the civic pride of our community.

PROCESS OVERVIEW

1. Donor submits complete proposal (see list below) to Hutchinson City Council. The proposal may be for a completed, existing piece of artwork or be in a 'concept or idea' form for some proposed future piece of artwork yet to be created.
2. The City Council forwards proposal for technical and legal review by City Staff and the Public Art Design Council, or rejects donation proposal. If the proposed artwork may be located in a park or open space under the management and maintenance of the Parks & Facilities Department, the proposal is forwarded to the Parks & Facilities Director for site selection, site analysis and installation procedures review. If the Director recommends approval of the proposal, the City Council forwards proposal to the Public Art Design Council for an arts content review.
3. The Design Council conducts (i) an *artwork* review, (ii) *site selection* review and a *site* review, (iii) an *artist's qualifications* review and (iv) an *installation procedures* review. The Design Council review may allow for public comment on the proposal. The Design Council may recommend to the donor amendments to the artwork. Donor may make such amendments as part of the review process. The Design Council concludes its review and makes a recommendation to the City Council.
4. If the City Council accepts the proposal and Donor-City contract, the City Council will appoint a staff liaison to monitor the progress and report to the City Council.
5. Unaccepted donated artwork proposals may be modified and re-submitted, repeating the above process.

ARTWORK REVIEW CRITERIA

The donated artwork piece or its representation in the Information Package (see below) shall be evaluated using the following **artwork** determined criteria,

1. Effectiveness of the design as a communicative piece of artwork.
2. Conceptual compatibility of the design with the immediate environment of the site.
3. Appropriateness of the design to the functions of the site.
4. Preservation and integration of the environmental natural features for the project.
5. Appropriateness of the materials and design (texture, color, line, shape and value) to the expression of the artist's concept.
6. Permanence of structural and surface components.
7. Achievability based on proposed Budget Plan (including installation and any anticipated future costs)

SITE SELECTION PROCEDURES

- A. Donor's recommended site(s), if included in the Proposal, will be reviewed by the Design Council and designated City Staff (using 'Site Review Criteria' below).
- B. If no site is suggested by the Donor or if the Donor's site is deemed inappropriate based on the Site Review Criteria, other possible site locations may be considered and recommended to the City Council for approval. The donor may modify proposal to accommodate approved site.
- C. Any site recommended for public spaces within the designated Downtown area must also meet approval of the Design Committee of the Downtown Hutchinson Revitalization Partnership.

SITE REVIEW CRITERIA

The donated artwork piece or its representation in the Information Package (see below) shall be evaluated under the following *site* determined criteria,

- A. Relationship of artwork to the site, in terms of the physical dimensions, social dynamics, local architectural character and surrounding context of the site, existing or planned.
- B. Visibility of the site by the general public.
- C. Public safety.
- D. Ability to improve the design of an area by emphasizing a particular location through the creation of landmarks, gateways and/or linkages to other parts of the community.
- E. Support of interior and exterior vehicular and pedestrian traffic patterns.
- F. Site planning including landscaping, drainage, grading, lighting and seating considerations.
- G. Relationship of proposed artwork to existing artworks within the site vicinity.
- H. Compatibility of the design and location with the historical character of the site.
- I. Environmental impact such as noise, sound, light and odor.
- J. Public accessibility to the artwork, including ADA accessibility.
- K. Impact on adjacent property owners' sight lines and sight views.
- L. Impact on operational functions of the City.
- M. Vulnerability to vandalism.
- N. Cost of site development.

ARTIST REVIEW CRITERIA

The donated artwork piece or its representation in the Information Package (see below) shall be evaluated using the following *artist's qualification* criteria below:

1. **Artist's Presentation:** the artist shall be capable of clearly communicating the proposal's concepts and realization, verbally and through quality written, drawn, modeled and/or video or digital materials. In addition, specific representational drawings and/or renderings of the artwork as placed at the primary site shall be required, as described in the Information Package in this document.
2. **Technical Feasibility:** the artist shall ensure that the artwork shall demonstrate its technical feasibility and the artist's work record shall be examined for convincing evidence of the artist's ability to successfully complete the work as proposed.
3. **Cooperation:** the artist shall demonstrate the ability of the artist to work closely and cooperatively with the Design Council, City staff and the Hutchinson community in general.

INSTALLATION PROCEDURES

1. After site approval, a detailed installation plan shall be developed by the artist, donor or contractor, as appropriate, for Design Council and City Staff review.
2. If the Design Council/City Staff/DHRP recommended site is within the City's parks system, the donation proposal shall be subject to Parks & Facilities Department determined standards regarding programming, maintenance, irrigation, plant removal, mow strips, site grade work, bed mulch, site restoration and other park related issues.

CONTRACTS

The artist and/or donor shall enter into a written contractual agreement with the City of Hutchinson. The City of Hutchinson shall determine the nature of this contract. The contract must be drafted and available at the time the proposal returns to the City Council for final acceptance.

INSTALLATION BUDGET

At the time of initial proposal submission, the Budget Plan should itemize anticipated costs of installation which shall also include:

- A. Ancillary display components (such as lighting, seating etc.)
- B. Site development costs
- C. A permanent identification plaque

This Budget Plan shall be updated for submission for the final submission for City Council acceptance.

APPENDIX 1

CITY OF HUTCHINSON ART DONATION REVIEW PROCEDURE

Selection and placement of a work of public art may occur through a donation to the City of Hutchinson.

It is recognized that donations are presented to the City in a variety of forms and that each proposal is unique.

A Donor Procedure Checklist is available at City Hall, PO Box 1567, Hutchinson, KS 67504-1567, or by visiting the City's website at www.hutchgov.com.

In the first instance, all donations are offered to the City through the Hutchinson City Council.

The Hutchinson City Council will review all donations and may refuse the donation or forward the donation proposal to the City staff for legal and technical review and, if City staff review is affirmative, to the Public Art Design Council for an arts content review and recommendation prior to full acceptance by the City Council.

It is the responsibility of the donor to provide sufficient detail to allow for thorough (i) *artwork* review, (ii) *site selection* and *site* review, (iii) *artist qualifications* review and (iv) *installation procedures* review. If the donation is in completed and easily manageable form, arrangements should be made to deliver the piece(s) to a designated site for viewing by the review groups. The Design Council /City Staff/DHRP review group may recommend a site for the donated artwork if none was suggested in the proposal or if the suggested site is unacceptable in the *site review* process.

The donation proposal will be evaluated under the criteria listed in this document. The review may also allow for receiving public comment on review criteria. The Design Council /City Staff/DHRP review committee may recommend to the donor amendments to the artwork. The Donor may make such amendments as part of the review process.

Upon completion of the review, the donation proposal is returned to the City Council with (i) a recommendation from the Design Council /City Staff/DHRP Committee for action and, (ii) if the recommendation is to accept the donation, a legal contract between the City and the Donor will be executed. A revised Budget Plan, if necessary, should accompany this contract.

Any fundraising, if necessary, should not begin until after the City Council has voted to accept the donation.

If the donation proposal is accepted by vote of the City Council, an appointed staff liaison will work with the donor and/or artist to monitor the progress and to help ensure timely and faithful execution of the proposal. The liaison will also facilitate communication regarding the proposal's progress to the contact person listed on any donated art proposal, to the City Council, and to the media.

It is recognized that donation proposals are presented in a variety of ways and this may affect the estimated timetable.

The process will normally end with a dedication and recognition of all whose efforts contributed significantly to the project.

Please note that the City shall have sole discretion on matters related to display, relocation, storage and deaccession of donated artwork. The City shall have sole discretion whether to insure donated artwork from theft, damage or destruction. The City shall have the sole discretion to determine whether artwork which has been damaged or destroyed shall be replaced, rehabilitated, or repaired.

Materials and Information required to be submitted with proposal should include:

1. **Donation Form**
2. **Information Package** that allows full understanding of the nature of the artwork including:
 - artwork description
 - conceptual drawings
 - artist's renderings
 - technical construction drawings (as appropriate, to allow evaluation)
 - sample material(s)
 - site plan to scale
 - Representational illustrations or photographs of the artwork or scale model of the completed work *on its proposed site*.
3. **Budget Plan** to include funding plan, anticipated installation costs and long-term maintenance costs.
4. **Description of the Installation Procedures.**
5. The **artist's curriculum vita and portfolio** that includes slides, photographs and, if available, independent reviews of past work.

Any other pertinent materials that will assist the City in the evaluation of the donation.

APPENDIX 2

CITY OF HUTCHINSON PROCEDURE CHECKLIST FOR DONATED ARTWORK

Materials and Information required to be submitted with initial donation proposal to the Hutchinson City Council:

- Donation Form**
- The **Artist's Curriculum Vita and Portfolio** that includes slides, photographs and reviews of past work.
- Budget Plan** to include funding plan, anticipated installation costs and long-term maintenance costs.
- Description of the Installation Procedures**
- Donated Artwork Piece**

OR

- Information Package** that allows full understanding of the nature of the proposed artwork including:
 - artwork description
 - conceptual drawings
 - artist's renderings
 - technical construction drawings (as appropriate, to allow evaluation),
 - sample material(s)
 - site plan to scale
 - Representational illustrations or photographs of the artwork or scale model of the completed work *on its proposed site*.
- Any other pertinent materials that will assist the City in the evaluation of the donation.

APPENDIX 3

'Letter to Donor' Template

Dear Donor:

We appreciate your generous offer to donate artwork to the City of Hutchinson, and every consideration will be given to your proposal. Acceptance of donated art is the prerogative of the Hutchinson City Council, and involves a careful review process to ensure that the collection is the best for the community.

If the Hutchinson City Council initially recommends such action, your donation proposal will be forwarded for a *technical* review and an *arts content* review, as well as a review of the proposed site and installation procedures. The reviews follow very specific criteria, and will involve the Public Art Design Council along with City Staff. There will be opportunity during these reviews for you to address issues that arise in the reviews. With final reports and recommendations from the reviews, it will then return to the City Council for a final vote of acceptance.

If the proposal receives the final acceptance approval of the City Council, a staff liaison will work with you throughout the process to help ensure that your art donation is successfully realized and to keep you informed of decisions as they pertain to your donation proposal.

Please note that the City shall have sole discretion on matters related to display, relocation, storage and deaccession of donated artwork. Also, the City shall have the sole discretion whether to insure donated artwork from theft, damage or destruction and have the sole discretion to determine whether artwork which has been damaged or destroyed shall be replaced, rehabilitated, or repaired.

Private donations of artwork for placement in public spaces are a great way to add to the quality and variety of art in the Hutchinson community. Thank you for your interest in helping to build Hutchinson's collection of public art.

If you have questions or wish to discuss this further, please contact my office at (620) 694-2641.

Sincerely,

John Deardoff
City Manager

FOR CITY USE ONLY

Comments/Concerns/Restrictions _____

- _____ City accepts donation as requested.
- _____ City accepts donation with the following provision(s): _____
- _____ City rejects donation for the following reason(s): _____
(or see additional sheet)

Other Comments: