Gift, Donation and Art Policies, Procedures & Guidelines

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INTRODUCTION
The Parks, Art, Recreation and Culture Advisory Commission (Commission) is charged with the responsibility of evaluating the suitability of proposed donations of artwork, gifts, or real property and making recommendations to the City Council as to whether or not to accept the proposed donation. If accepted, the donation becomes the responsibility of the City of Homer, which will be inventoried, insured, maintained and repaired as required in accordance to these policies, Homer City Code and Alaska State Law.

DEFINITIONS
"Gifts" are personal or real property that is donated, devised or bequeathed with or without restrictions to the City of Homer. Gifts can be actual artwork, real property or funds for the acquisition of artwork, amenities for parks, trails and beaches such as benches, playground equipment, bleachers, etc.

"Gift Policy" is the policy that identifies the procedure and criteria for reviewing proposed gifts-to the City of Homer.

"Accession Policy" is the policy that defines an orderly and consistent process for reviewing artwork for acceptance into the Municipal Art Collection insuring that the collection is comprised of artwork of the highest quality.

“Accession” is to accept artwork into the Municipal Art Collection.

“Deaccession Policy” is the procedures that are implemented to remove an item from the Municipal Art collection.

“Commission” means the Parks, Art, Recreation, and Culture Advisory Commission which is responsible for advising on all City of Homer Parks, Beaches, Trails, Recreation, Art and Culture.

“Public places” means places within the City limits of Homer, which are visible and accessible to the public.

“Commercial" means words or images used elsewhere in the marketplace for the purpose of promoting a particular business, product, service, cause, place or brand.

“Commercial Element” means art that by virtue of its location or proximity to a business may serve a minimal commercial purpose. If that art were in a different location, it would be considered pure art and not commercial in nature.

“Mural” means a picture or representation, in any type of medium, on an exterior surface of a building, structure, fence or wall.
“Preliminary Approval” means the application has been accepted, found to be in good order and complete and the proposed mural is deemed appropriate by the Commission and is recommended for Council Approval.

ACCESSION POLICY AND PROCEDURES FOR ART

To establish an orderly and consistent process for reviewing artwork for acceptance into the Municipal Art Collection ensuring that the collection is comprised of artwork of the highest quality.

POLICY

1. Accession procedures insure that the interests of all concerned parties are represented including the Commission, the Public, the Artist, the Arts Community and the City of Homer.

2. Artwork shall be distinctive artistic merit and aesthetic quality and will enhance the diversity of the Municipal Art Collection and the City of Homer.

3. Artwork shall be appropriate in and for its site, scale, material, form, and content for both its immediate and general social and physical environment.

4. Artwork shall be reasonably durable against theft, vandalism, weather, and excessive maintenance costs.

5. Accession implies the responsibility to preserve, protect, and display the artwork for public benefit.

6. Accession implies a work’s permanency within the Municipal Art Collection, providing that the work retains its physical integrity, identity and authenticity.

7. Artwork will be acquired without restrictions as to its future use and disposition except as provided in contracts with artists.

8. Artwork will be accessioned into the City of Homer's Municipal Art Collection only upon completion of all facets of the Commissioning or purchasing contract and final approval of City Council.

9. Each accessioned work into the Municipal Art Collection will be documented to the fullest extent possible, including artist's last known address and when available, a photograph.

10. The artist's signed contract or release transferring title for the artwork and clearly defining the rights and responsibilities of all parties will accompany every accessioned work and shall be in the documented records of the work.

11. In the case of inter-agency or inter-local agreements a copy of the agreement and signatures
of all parties will be kept in the office of the City Clerk.

12. Accession results from projects and purchases generated as part of the Municipal Art program except in case of donations which will be reviewed in accordance with the City of Homer policy on gifts and if accepted will be accessed pursuant to this accession policy.

DE-ACCESSIONING PURCHASED AND DONATED ITEMS OF ART

The City has the responsibility for conserving the collection, and because the disposal of artworks may have serious implications for the artists, removing the items from the collection should be a deliberate and seldom-used procedure. It is the policy of the City not to dispose of works simply because they are not currently in fashion and not to dispose of works whose worth might not yet be recognized.

Purchased or donated items which have been accepted into the Municipal Art Collection will be de-accessioned only at the direction of the Staff, Commission or City Council, which shall consider the recommendations and comments received from departments, Commission, Council or the public. City Council will be advised of artwork that is de-accessioned by Memorandum.

The City will comply with all regulations pertaining to de-accessioning of art items. If documents provide for de-accessioning, such documents will determine the method and manner of the de-accessioning.

Examples of situations where de-accessioning would be considered include:

a. The item(s) has deteriorated beyond a reasonable means of conservation or in deteriorating, has lost its usefulness.

b. The authenticity, attribution, or genuineness of the item(s) is determined to be false or fraudulent.

c. The item(s) is redundant or is a duplicate that has no value as part of a series.

d. The item(s) is located in an area where jurisdiction will be transferred to another entity or is made inaccessible to the public.

The Commission may recommend any of the following courses of action as a result of a deaccessioning review. The Commission shall not be limited to these courses of action and may suggest new methods as may be demanded by a particular set of circumstances:

a. Relocate the work of art. This course of action shall be given highest priority

b. Remove the work from display and maintain in a safe storage

c. Yearly City Surplus Sale

d. Private sale

e. Exchange for another work by the artist

f. Gifting the piece to a non-profit organization

g. Recycling

Destruction of the item(s) may be considered where the physical condition of the work is severely
deteriorated or will be irreparably damaged by the de-accessioning process. In appropriate instances, appraisals of the item(s) to be de-accessioned will be sought from outside sources.

GIFT ACCEPTANCE POLICY

To identify a procedure and criteria for the Commission to review proposed gifts of real property, artwork or items.

POLICY

1. The Commission will review all proposed gifts as defined above and will evaluate the suitability of proposed gifts and make recommendations to the City Council in accordance with Homer City Code which allows acceptance of donations.

2. Each proposed gift will be reviewed for the following:
   a. Aesthetic Quality- the proposed gift has significant aesthetic merit.
   b. Appropriateness of Chosen Site or Location - scale of artwork is appropriate for the site including relationship between the artwork and the site and obstacles of the site.
   c. Restrictions from the Donor - any restrictions must be clearly identified and may be a factor in determining whether to accept a gift.
   d. Originality of Artwork- artworks must be one of a kind or part of an original series reproductions of originals are not considered eligible for acceptance.
   e. Relationship to the Collection as a Whole - the Commission is committed to creating a diverse collection of art. The proposed gift must be compatible with the Municipal Art Collection without being over represented.
   f. Technical Feasibility - the realistic ability for the proposed project to be built and installed as proposed in the selected location.
   g. Technical Specifications – the Commission must review the actual work, if available, or a scale drawing and or model consisting of site plans and elevations describing the following:
      i. Surrounding site conditions if applicable
      ii. Dimensions
      iii. Materials and finishes
      iv. Colors
      v. Electrical, Plumbing, or other utility requirements
      vi. Construction and installation method
      vii. Additional support material such as text verbally describing the artwork or item and specifications, models, or presentation drawings by a licensed engineer may be required.
   h. Budget - cost to manage the project, prepare the site, deliver and or install the work, funds for signage/recognition, and any other cost should be disclosed by the donor in a budget. The Commission will determine to the best of their ability if the costs are accurate and realistic and that the donor has clearly delineated responsibility for all costs associated with the project.
i. Timeline - expected timeline for donation or installation should be proposed by the donor. The Commission will determine if the timeline is realistic.

j. Durability - expected lifetime and staying power of the material used to create the artwork or amenity especially if set in the out of doors or in a non-archival exhibition setting and exposed to the elements.

k. Warranty - the donor agrees to be responsible for a warranty period of one (1) year from the date of final installation of the gift to insure the integrity of the material, fabrication and installation when installed in or on a city owned facility or property.

l. Vandalism and Safety - the artwork will not be prone to vandalism or pose a safety hazard.

m. Maintenance and Preservation - donor's agreement to provide a technical and maintenance record including a plan for routine care with estimated costs. The donor must indicate if there are any unusual or ongoing costs to maintain the gift.

3. Donors proposing gifts will be informed of the importance of the above criteria in the Commission’s consideration.

4. The Commission will have final authority to review and recommend to City Council to accept or reject the proposed gift.

5. All gifts of artwork that are recommended for acceptance will only be accessed into the Municipal Art Collection pursuant to the Accession Policy.

PROCEDURE TO PROPOSE A DONATION

PROCESS
The Commission will review all proposed gifts according to the Gift Policy. They will evaluate the suitability of the proposed gifts and make recommendations to the City Council.

In order to provide the Commission with the information necessary to evaluate the proposed donation in accordance with the Gift Policy and Accession Policy the potential donor or donor's representative must complete the Application and submit to the City Clerk's Office.

If applicable the donor will be scheduled to present their proposal to the Commission at the next regular meeting. The donor is expected to present the actual artwork or item, model and or scale drawings of the proposed artwork or item with the application. If it is not possible depending on the donation, a photograph may be accepted upon approval of a majority vote of the Commission.

The Commission will review the proposal, consider the presentation, and make a recommendation at the meeting. If the proposal materials do not give the Commission enough information to make an educated recommendation they may request to postpone recommendation until further information is provided by the donor.
PREVIOUS UNIFICATION OF THE MUNICIPAL ART COLLECTION

1. Registry

The City’s art collection will be catalogued and a registry maintained. Each entry will include

a. Name and contact information for the artist
b. Title of the work, date created, dimensions
c. Photographs of the work
d. The artist’s cleaning and maintenance recommendation;
e. An artist’s statement regarding the work, if possible.
f. An identification number ________ (year installed), _______consecutive number (for example: 2006-#21). This number will also be affixed to the piece of art or to its label.
g. Exact location of the artwork.
h. Techniques and materials used in creating the artwork.

The registry will be bound and stored in the City Clerk’s Office. The City will also provide an official label for each piece of art that will be consistent in style and material. Information contained will reflect the following:

- Color Photo of artwork
- Artist Name(s)
- Title of Artwork
- Year Completed/Date
- Medium Used
- Size/Dimensions
- Location
- Physical Description of the piece
- Short Summary about the Artist
- Summary Comment on the artwork

2. Inspection and Maintenance of Artwork

All building and grounds supervisors will be instructed to inform the City Clerk’s Office if vandalism is observed or the artwork requires maintenance. All cleaning and maintenance will follow the instructions provided by the artist. If the artwork requires extensive repairs, the City will make a good-faith effort to obtain advice from the artist. If no information is forthcoming, the City may proceed with its best practice.

MURAL POLICY GUIDELINES AND PROCEDURES

To define the process used by groups or individuals (“Applicants”) who desire to install murals in or on public places or property. The City of Homer (City) understands the importance of art in public places and the role that murals play in preserving our culture, conveying the history of our community, beautifying the city and advancing the arts.
The City will procure the placement of murals on City owned property through a competitive solicitation that will be publically advertised along with procedures for review of artist’s submissions and specifications the artist must respond to for consideration of acceptance to install the solicited mural.

Artists responding to a City solicitation must enter into a form of contract, including the transfer and release of any and all artistic rights in the artistic work.

The City in any solicitations for a mural shall reserve the right to reject any and all proposals.”

GENERAL GUIDELINES

The emphasis of the murals must not include an advertisement or be commercial in nature. This will in no way limit or restrict the artist’s right to include speech and/or artistic expression in a mural that is not commercial as defined above. All murals must comply with City ordinances that prohibit indecency or obscenity in public.

Murals shall not contain, including but not limited to, copy, lettering, symbols or references directly to the promotion of any product, business, brand, organization, service, cause or place. Murals may contain limited commercial elements so long as they are not considered commercial speech with the purpose of promoting a commercial transaction.

The Mural Application will be referred to the City of Homer Planning Department for review. Not more than 1% of the mural will contain the name of a sponsor and/or sponsor product likeness. The artist’s signature shall not be more than 1% of the mural.

Mural artists will be required to demonstrate their ability and experience to create high quality, well designed and well executed murals and/or art. The artist must provide the Commission a portfolio of work that is reflective of the style of the proposed mural. This will be used to help determine whether the artist will be able to uphold the standards for quality art within the City of Homer. For those artists without a portfolio of work, the Commission will consider other presented forms of art that demonstrate an ability to create a quality mural.

New murals erected without receiving proper approval and that did not go through the Mural Application and Approval Process, will be required to retroactively go through the Process.

MURAL APPLICATION AND APPROVAL PROCESS

STEP 1: Muralist(s) must obtain an application from the City Clerk’s Office or online on the City website. The time required to process a mural application will vary but will be a maximum of 90 days, not including city recognized holidays or weekends, from application submittal.
The application will provide information to the City regarding location, size, type of paint/media, where the mural will be located, artist(s) name(s), dates of application, individuals who will be responsible for maintenance (if any).

The application must be signed by the individual/group proposing to place the mural, and submitted to the City Clerk’s Office along with a sketch, rendering or photo of the proposed mural.

A sampling of a portfolio of work that is reflective of the proposed mural is to be included with the application if there is a known artist. The Commission will use the portfolio samples of work to help determine whether the selected artist has the technical skill and ability to produce a quality mural within the City of Homer.

If the artist is unable to provide a portfolio of work, at a minimum, the artist will be required to provide evidence that satisfies the Commission as to the skill and ability of the artist to create a mural.

If no artist is selected or commissioned at the time of application and the applicant(s) will be issuing a Request for Qualifications or Request for Proposals, a member of the Commission is to sit on the selection committee or be involved in the artist selection process for the proposed mural.

STEP 2: The application, mural rendering and portfolio will be reviewed by the Planning Department and then forwarded to the Commission for review at their next regularly scheduled meeting from date of submission. A special meeting may be scheduled by the Commission to accommodate the review and approval deadline dependent on the proposed project. The review will be conducted to assure compliance with these guidelines.

STEP 3: After review and acceptance of the mural application, the Commission will issue their approval or disapproval. The City Clerk’s Office will contact the applicant regarding the final decision of the Commission in writing.

In the event that the Commission does not approve the proposed mural recommendation, revisions can be made to the proposed mural for re-application and submittal to the Commission.

MURAL AGREEMENT
Following approval by the Commission, applicant(s) will be required to enter into with the City an agreement which identifies the terms and conditions under which the mural will be applied. These terms and conditions include, but are not limited to:

- Specifications regarding the mural (location, size, type of paint/media used to create the mural)
- Right of Way Permit if necessary
- Identification of ownership of the mural image and use thereof, if not artist’s own creation.
- Expected timeframe for completion.
- Long term mural maintenance and responsibility (if needed)
- Circumstances under which the mural may be removed by the City (i.e. lack of maintenance or in disrepair)
- Proof of Liability Insurance; and
- Landscape removal and replacement or protection, if any.
- Execute a Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork Agreement.

The proposed agreement will be provided to the Commission for the review process.

FINAL INSPECTION AND ACCEPTANCE
The City reserves the right to inspect the mural during installation and upon completion to ensure that the final product is in compliance with the approved mural application. Should it be found that the mural is not in compliance, the artist and applicant(s) will be notified and given 30 days to remedy the issue(s). Should the applicant(s) and/or artist fail to make the necessary corrections, the mural will be deemed out of compliance and will be removed at the expense of the applicant(s) and/or artist.

PROMOTING PUBLIC AWARENESS AND APPRECIATION FOR THE MUNICIPAL ART COLLECTION
Ordinance 02-25(A) encourages the addition of private money into the public art program. Any art purchased with such funds will be owned 100% by the City of Homer and the City will have responsibility for selection, installation, maintenance and repairs.

The Commission will be a resource for business owners who wish to include art in their business location.

The Commission will endeavor to obtain buy-in from affected city departments and a wide variety of governmental and non-governmental organizations, as required, to ensure the successful implementation of the public art policy.

The Commission will work to establish partnerships with private funders to help the art policy proponent’s work with and advise patrons who are funding public-art projects privately. This will help guarantee that these projects meet a set of agreed-upon requirements and fulfill the goals and vision set forth in this policy.

The Commission will identify alliance opportunities with institutions, organizations, and the public, and:
- Partner with them to publicize and discuss how public art can help further the mission of their specific organization.
- Raise support among the press to help the fundraising efforts to educate and inform the
public about the many different types of public art, and the wealth and ability of the local arts community.

- Assist to keep the information flowing about the progress of any public art initiative.

The Commission, with the assistance of users, will plan an installation ceremony upon completion of each capital project. Costs for this event will be from the annual budget or underwritten by donors.

The Commission will plan events and promotional tools that invite residents and visitors to enjoy the City of Homer art collection. These might include walking tour maps, guest lectures, on-line catalogue, etc.

**FUNDING FOR THE MUNICIPAL ART COLLECTION**

A public art fund is established in accordance with Homer City Code 18.07.090, Public Art Fund, as a separate, interest bearing account in the city general fund to receive money for the public art program from the following sources:

1. Funds for public art fees received from private development.
2. Funds donated to the city for public art.
3. Other funds appropriated by the City Council for public art.

Money in the public art fund shall be used solely to pay the costs of selecting, commissioning, acquiring, installing, maintaining, public education regarding, administrating, removing and insuring the works of public art, and any other expense related thereto.

Interest earned on money in the public art fund shall be deposited in the public art fund. The public art fund is administered by the City with the advice of the Commission.

The Commission shall prepare a plan annually for expenditures from the public art fund for approval by the City Council. The Commission can encourage the addition of private money into the public art program by soliciting donation. Any art purchased with such funds will be owned 100% by the City of Homer and the City will have responsibility for selection, installation, maintenance and repairs. (Ord. 02-25(A), 2002.)