



Gift, Donation and Art Policies, Procedures & Guidelines

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Resolution 21-073



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16 **INTRODUCTION**

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

23

24 **DEFINITIONS**

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

28

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

31

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

35

36 "Accession" is to accept artwork in to the Municipal Art Collection.

37

38 "Deaccession Policy" is the procedures that are implemented to remove an item from the Municipal
39 Art collection.

40

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

43

44 "Public places" means places within the City limits of Homer, which are visible and accessible to the
45 public.

46

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

49

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

53

54 "Mural" means a picture or representation, in any type of medium, on an exterior surface of a building,
55 structure, fence or wall.

56 “Preliminary Approval” means the application has been accepted, found to be in good order and
57 complete and the proposed mural is deemed appropriate by the Commission and is recommended for
58 Council Approval.

59

60 **ACCESSION POLICY AND PROCEDURES FOR ART**

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

63

64 **POLICY**

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

67

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

70

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

73

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

76

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

78

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

81

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

84

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

87

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

90

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

94

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

97

98 12. Accession results from projects and purchases generated as part of the Municipal Art program

99 except in case of donations which will be reviewed in accordance with the City of Homer policy on gifts
100 and if accepted will be accessed pursuant to this accession policy.

101

102 **DE-ACCESSIONING PURCHASED AND DONATED ITEMS OF ART**

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

107

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

112

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

116

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

- 118 a. The item(s) has deteriorated beyond a reasonable means of conservation or in deteriorating,
119 has lost its usefulness.
- 120 b. The authenticity, attribution, or genuineness of the item(s) is determined to be false or
121 fraudulent.
- 122 c. The item(s) is redundant or is a duplicate that has no value as part of a series.
- 123 d. The item(s) is located in an area where jurisdiction will be transferred to another entity or is
124 made inaccessible to the public.

125

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

129

130

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132

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141

GIFT ACCEPTANCE POLICY

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

144

145 POLICY

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

149

150 2. Each proposed gift will be reviewed for the following:

151 a. Aesthetic Quality- the proposed gift has significant aesthetic merit.

152 b. Appropriateness of Chosen Site or Location - scale of artwork is appropriate for the site
153 including relationship between the artwork and the site and obstacles of the site.

154 c. Restrictions from the Donor - any restrictions must be clearly identified and may be a
155 factor in determining whether to accept a gift.

156 d. Originality of Artwork- artworks must be one of a kind or part of an original series
157 reproductions of originals are not considered eligible for acceptance.

158 e. Relationship to the Collection as a Whole - the Commission is committed to creating a
159 diverse collection of art. The proposed gift must be compatible with the Municipal Art
160 Collection without being over represented.

161 f. Technical Feasibility - the realistic ability for the proposed project to be built and
162 installed as proposed in the selected location.

163 g. Technical Specifications – the Commission must review the actual work, if available, or
164 a scale drawing and or model consisting of site plans and elevations describing the
165 following:

166 i. Surrounding site conditions if applicable

167 ii. Dimensions

168 iii. Materials and finishes

169 iv. Colors

170 v. Electrical, Plumbing, or other utility requirements

171 vi. Construction and installation method

172 vii. Additional support material such as text verbally describing the artwork
173 or item and specifications, models, or presentation drawings by a
174 licensed engineer may be required.

175 h. Budget - cost to manage the project, prepare the site, deliver and or install the work, funds
176 for signage/recognition, and any other cost should be disclosed by the donor in a budget.
177 The Commission will determine to the best of their ability if the costs are accurate and
178 realistic and that the donor has clearly delineated responsibility for all costs associated
179 with the project.

180 i. Timeline - expected timeline for donation or installation should be proposed by the donor.
181 The Commission will determine if the timeline is realistic.

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

- 185 k. Warranty - the donor agrees to be responsible for a warranty period of one (1) year from
186 the date of final installation of the gift to insure the integrity of the material, fabrication
187 and installation when installed in or on a city owned facility or property.
188 l. Vandalism and Safety - the artwork will not be prone to vandalism or pose a safety hazard.
189 m. Maintenance and Preservation - donor's agreement to provide a technical and
190 maintenance record including a plan for routine care with estimated costs. The donor
191 must indicate if there are any unusual or ongoing costs to maintain the gift.
192
193 3. Donors proposing gifts will be informed of the importance of the above criteria in the
194 Commission's consideration.
195
196 4. The Commission will have final authority to review and recommend to City Council to accept or
197 reject the proposed gift.
198
199 5. All gifts of artwork that are recommended for acceptance will only be accessed into the Municipal
200 Art Collection pursuant to the Accession Policy.

201 **PROCEDURE TO PROPOSE A DONATION**

202
203 PROCESS
204 The Commission will review all proposed gifts according to the Gift Policy. They will evaluate the
205 suitability of the proposed gifts and make recommendations to the City Council.
206
207 In order to provide the Commission with the information necessary to evaluate the proposed donation
208 in accordance with the Gift Policy and Accession Policy the potential donor or donor's representative
209 must complete the Application and submit to the City Clerk's Office.
210
211 If applicable the donor will be scheduled to present their proposal to the Commission at the next
212 regular meeting. The donor is expected to present the actual artwork or item, model and or scale
213 drawings of the proposed artwork or item with the application. If it is not possible depending on the
214 donation, a photograph may be accepted upon approval of a majority vote of the Commission.
215
216 The Commission will review the proposal, consider the presentation, and make a recommendation at
217 the meeting. If the proposal materials do not give the Commission enough information to make an
218 educated recommendation they may request to postpone recommendation until further information
219 is provided by the donor.

220
221 **PRESERVATION OF THE MUNICIPAL ART COLLECTION**

- 222
223 1. Registry
224 The City's art collection will be catalogued and a registry maintained. Each entry will include
225 a. Name and contact information for the artist
226 b. Title of the work, date created, dimensions

- 227 c. Photographs of the work
- 228 d. The artist’s cleaning and maintenance recommendation;
- 229 e. An artist’s statement regarding the work, if possible.
- 230 f. An identification number _____ (year installed), _____consecutive number (for
- 231 example: 2006-#21). This number will also be affixed to the piece of art or to its label.
- 232 g. Exact location of the artwork.
- 233 h. Techniques and materials used in creating the artwork.

234

235 The registry will be bound and stored in the City Clerk’s Office. The City will also provide an official

236 label for each piece of art that will be consistent in style and material. Information contained will reflect

237 the following:

- 238 - Color Photo of artwork
- 239 - Artist Name(s)
- 240 - Title of Artwork
- 241 - Year Completed/Date
- 242 - Medium Used
- 243 - Size/Dimensions
- 244 - Location
- 245 - Physical Description of the piece
- 246 - Short Summary about the Artist
- 247 - Summary Comment on the artwork

248

249 **2. Inspection and Maintenance of Artwork**

250

251 All building and grounds supervisors will be instructed to inform the City Clerk’s Office if vandalism is

252 observed or the artwork requires maintenance. All cleaning and maintenance will follow the

253 instructions provided by the artist. If the artwork requires extensive repairs, the City will make a good-

254 faith effort to obtain advice from the artist. If no information is forthcoming, the City may proceed with

255 its best practice.

256

257 **MURAL POLICY GUIDELINES AND PROCEDURES**

258 To define the process used by groups or individuals (“Applicants”) who desire to install murals in or on

259 public places or property. The City of Homer (City) understands the importance of art in public places

260 and the role that murals play in preserving our culture, conveying the history of our community,

261 beautifying the city and advancing the arts.

262

263 The City will procure the placement of murals on City owned property through a competitive

264 solicitation that will be publically advertised along with procedures for review of artist’s submissions

265 and specifications the artist must respond to for consideration of acceptance to install the solicited

266 mural.

267

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

270
271 The City in any solicitations for a mural shall reserve the right to reject any and all proposals.”

272
273 GENERAL GUIDELINES

274
275 The emphasis of the murals must not include an advertisement or be commercial in nature. This will in
276 no way limit or restrict the artist’s right to include speech and/or artistic expression in a mural that is
277 not commercial as defined above. All murals must comply with City ordinances that prohibit indecency
278 or obscenity in public.

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

283
284 The Mural Application will be referred to the City of Homer Planning Department for review.
285 Not more than 1% of the mural will contain the name of a sponsor and/or sponsor product likeness.
286 The artist’s signature shall not be more than 1% of the mural.

287
288 Mural artists will be required to demonstrate their ability and experience to create high quality, well
289 designed and well executed murals and/or art. The artist must provide the Commission a portfolio of
290 work that is reflective of the style of the proposed mural. This will be used to help determine whether
291 the artist will be able to uphold the standards for quality art within the City of Homer. For those artists
292 without a portfolio of work, the Commission will consider other presented forms of art that
293 demonstrate an ability to create a quality mural.

294
295 New murals erected without receiving proper approval and that did not go through the Mural
296 Application and Approval Process, will be required to retroactively go through the Process.

297
298 MURAL APPLICATION AND APPROVAL PROCESS

299
300 STEP 1: Muralist(s) must obtain an application from the City Clerk’s Office or online on the City website.
301 The time required to process a mural application will vary but will be a maximum of 90 days, not
302 including city recognized holidays or weekends, from application submittal.

303
304 The application will provide information to the City regarding location, size, type of paint/media, where
305 the mural will be located, artist(s) name(s), dates of application, individuals who will be responsible for
306 maintenance (if any).

307

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

310
311 A sampling of a portfolio of work that is reflective of the proposed mural is to be included with the
312 application if there is a known artist. The Commission will use the portfolio samples of work to help
313 determine whether the selected artist has the technical skill and ability to produce a quality mural
314 within the City of Homer.

315
316 If the artist is unable to provide a portfolio of work, at a minimum, the artist will be required to provide
317 evidence that satisfies the Commission as to the skill and ability of the artist to create a mural.

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

321
322 STEP 2: The application, mural rendering and portfolio will be reviewed by the Planning Department
323 and then forwarded to the Commission for review at their next regularly scheduled meeting from date
324 of submission. A special meeting may be scheduled by the Commission to accommodate the review
325 and approval deadline dependent on the proposed project. The review will be conducted to assure
326 compliance with these guidelines.

327
328 STEP 3: After review and acceptance of the mural application, the Commission will issue their approval
329 or disapproval. The City Clerk's Office will contact the applicant regarding the final decision of the
330 Commission in writing.

331
332 In the event that the Commission does not approve the proposed mural recommendation, revisions
333 can be made to the proposed mural for re-application and submittal to the Commission.

334
335 MURAL AGREEMENT
336 Following approval by the Commission, applicant(s) will be required to enter into with the City an
337 agreement which identifies the terms and conditions under which the mural will be applied. These
338 terms and conditions include, but are not limited to:

- 339 - Specifications regarding the mural (location, size, type of paint/media used to create the mural)
- 340 - Right of Way Permit if necessary
- 341 - Identification of ownership of the mural image and use thereof, if not artist's own creation.
- 342 - Expected timeframe for completion.
- 343 - Long term mural maintenance and responsibility (if needed)
- 344 - Circumstances under which the mural may be removed by the City (i.e. lack of maintenance or
345 in disrepair)
- 346 - Proof of Liability Insurance; and
- 347 - Landscape removal and replacement or protection, if any.

- 348 - Execute a Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork
349 Agreement.

350

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

352

353 FINAL INSPECTION AND ACCEPTANCE

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

359

360 **PROMOTING PUBLIC AWARENESS AND APPRECIATION FOR THE MUNICIPAL ART COLLECTION**

361

362 Ordinance 02-25(A) encourages the addition of private money into the public art program. Any art
363 purchased with such funds will be owned 100% by the City of Homer and the City will have
364 responsibility for selection, installation, maintenance and repairs.

365

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

368

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

372

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

377

378 The Commission will identify alliance opportunities with institutions, organizations, and the public,
379 and:

- 380 - Partner with them to publicize and discuss how public art can help further the mission of their
381 specific organization.
- 382 - Raise support among the press to help the fundraising efforts to educate and inform the public
383 about the many different types of public art, and the wealth and ability of the local arts
384 community.
- 385 - Assist to keep the information flowing about the progress of any public art initiative.

386

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

389

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

393

394 **FUNDING FOR THE MUNICIPAL ART COLLECTION**

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

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

401

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

405

406 Interest earned on money in the public art fund shall be deposited in the public art fund.

407 The public art fund is administered by the City with the advice of the Commission.

408

409 The Commission shall prepare a plan annually for expenditures from the public art fund for approval
410 by the City Council.

411 The Commission can encourage the addition of private money into the public art program by soliciting
412 donation. Any art purchased with such funds will be owned 100% by the City of Homer and the City will
413 have responsibility for selection, installation, maintenance and repairs. (Ord. 02-25(A), 2002.)

414