



Gift, Donation and Art Policies, Procedures & Guidelines

Adopted XXXXX
Resolution 21-0XX



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18 **INTRODUCTION**

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20 The Parks, Art, Recreation and Culture Advisory Commission (**Commission**) is charged with the
21 responsibility of evaluating the suitability of proposed **donations of artwork, gifts, or real**
22 **property** and making recommendations to the City Council as to whether or not to accept **the**
23 **proposed donation.**~~it as a gift.~~ If accepted, the ~~donated work~~ **donation** becomes the
24 responsibility of the City of Homer, which will **be** inventory**ied**, insured**d**, maintained**ed** and
25 repaired**ed** it as required **in accordance to these policies,** ~~by~~ Homer City Code and Alaska State
26 Law.

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28 **DEFINITIONS**

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

34
35 "Gift Policy" is the policy that identifies the procedure and criteria for reviewing proposed gifts
36 ~~of artwork~~ to the City of Homer.

37
38 "Accession Policy" is the policy that defines an orderly and consistent process for reviewing
39 artwork for acceptance into the Municipal Art Collection insuring that the collection is
40 comprised of artwork of the highest quality.

41
42 **"Accession" is to accept artwork in to the Municipal Art Collection**

43
44 "Deaccession Policy" is the procedures that are implemented to remove an item from the
45 Municipal Art collection.
46 ~~(Reso. 10-80, 2011.)~~

47
48 "Commission" means the Parks, Art, Recreation, and Culture Advisory Commission which is
49 responsible for advising on all City of Homer Parks, Beaches, Trails, Recreation, Art and Culture.

50
51 "Public places" means places within the City limits of Homer, which are visible and accessible to
52 the public.

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

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“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.

Definition

~~Accession is to accept artwork in to the Municipal Art Collection~~

POLICY

1. Accession procedures insure that the interests of all concerned parties are represented including the ~~Parks, Art, Recreation and Culture Advisory~~ 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.

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

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

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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.

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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.

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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.

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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.

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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 Public Arts Committee policy on gifts and if accepted will be accessioned pursuant to this accession policy. (Reso. 10-80, 2011.)

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DE-ACCESSIONING PURCHASED AND DONATED ITEMS OF ART

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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.

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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

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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

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142 manner of the de-accessioning.

- 143
- 144 Examples of situations where de-accessioning would be considered include:
- 145 a. The item(s) has deteriorated beyond a reasonable means of conservation or in
 - 146 deteriorating, has lost its usefulness.
 - 147 b. The authenticity, attribution, or genuineness of the item(s) is determined to be false
 - 148 or fraudulent.
 - 149 c. The item(s) is redundant or is a duplicate that has no value as part of a series.
 - 150 d. The item(s) is located in an area where jurisdiction will be transferred to another
 - 151 entity or is made inaccessible to the public.
- 152

153 The ~~Parks, Art, Recreation and Culture Advisory~~ Commission may recommend any of the
154 following courses of action as a result of a deaccessioning review. The Commission shall
155 not be limited to these courses of action and may suggest new methods as may be
156 demanded by a particular set of circumstances:

- 157 a. Relocate the work of art. This course of action shall be given highest priority
 - 158 b. Remove the work from display and maintain in a safe storage
 - 159 c. Yearly City Surplus Sale
 - 160 d. Private sale
 - 161 e. Exchange for another work by the artist
 - 162 f. Gifting the piece to a non-profit organization
 - 163 g. Recycling
- 164

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

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171 **GIFT ACCEPTANCE POLICY**

172 Purpose

173 To identify a procedure and criteria for the ~~Parks, Art, Recreation and Culture Advisory~~
174 Commission to review proposed gifts of artwork **of real property, artwork or items.**

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176

177 Definition

178 Gifts are personal or real property that is donated or bequeathed with or without restrictions
179 to the City of Homer for actual artwork, property for placement or funds for the acquisition of
180 artwork.

181

182 Policy

- 183 1. The ~~Parks, Art, Recreation and Culture Advisory~~ Commission will review all proposed

184 gifts as defined above and will evaluate the suitability of proposed gifts and make
185 recommendations to the ~~Homer~~ Homer City Council in accordance with Homer City Code which
186 allows acceptance of donations.

- 187
- 188 2. Each proposed gift will be reviewed for the following:
- 189 a. Aesthetic Quality- the proposed gift has significant aesthetic merit.
- 190 b. Appropriateness of Chosen Site or Location - scale of artwork is appropriate for
191 the site including relationship between the artwork and the site and obstacles
192 of the site.
- 193 c. Restrictions from the Donor - any restrictions must be clearly identified and
194 may be a factor in determining whether to accept a gift.
- 195 d. Originality of Artwork- artworks must be one of a kind or part of an original
196 series reproductions of originals are not considered eligible for acceptance.
- 197 e. Relationship to the Collection as a Whole - the ~~Public Arts Committee~~
198 **Commission** is committed to creating a diverse collection of art. The proposed
199 gift must be compatible with the Municipal Art Collection without being over
200 represented.
- 201 f. Technical Feasibility - the realistic ability for the proposed project to be built
202 and installed as proposed in the selected location.
- 203 g. Technical Specifications - the ~~Public Arts Committee~~ **Commission** must review
204 the actual work, if available, or a scale drawing and or model consisting of site
205 plans and elevations describing the following:
- 206 i. Surrounding site conditions if applicable
- 207 ii. Dimensions
- 208 iii. Materials and finishes
- 209 iv. Colors
- 210 v. Electrical, Plumbing, or other utility requirements
- 211 vi. Construction and installation method
- 212 vii. Additional support material such as text verbally describing the
213 artwork **or item** and specifications, models, or presentation
214 drawings by a licensed engineer may be required.
- 215 h. Budget - cost to manage the project, prepare the site, deliver and or install the
216 work, funds for signage/recognition, and any other cost should be disclosed by the
217 donor in a budget. The Commission will determine **to the best of their ability** if
218 the costs are accurate and realistic and that the donor has clearly delineated
219 responsibility for all costs associated with the project.
- 220 i. Timeline - expected timeline for donation or installation should be proposed by
221 the donor. The Commission will determine if the timeline is realistic.
- 222 j. Durability - expected lifetime and staying power of the material used to create the
223 artwork **or amenity** especially if set in the out of doors or in a non-archival
224 exhibition setting and exposed to the elements.
- 225 k. Warranty - the donor agrees to be responsible for a warranty period of one (1) year
226 from the date of final installation of the artwork **gift** to insure the integrity of the

- 227 material, fabrication and installation when installed in or on a city owned
228 facility or property.
- 229 l. Vandalism and Safety - the artwork will not be prone to vandalism or pose a safety
230 hazard.
- 231 m. Maintenance and Preservation - donor's agreement to provide a technical and
232 maintenance record including a plan for routine care with estimated costs. The
233 donor must indicate if there are any unusual or ongoing costs to maintain ~~artwork~~
234 **the gift.**
- 235
- 236 3. Donors proposing gifts will be informed of the importance of the above criteria in the
237 ~~PARC Advisory~~ Commission's consideration.
- 238
- 239 4. ~~The Parks, Art, Recreation and Culture Advisory~~ Commission will have final authority
240 ~~through the City Manager~~ to review and recommend to ~~Homer~~ City Council to accept or reject
241 the **proposed gift** ~~donated artwork.~~
- 242
- 243 5. All gifts **of artwork** that are recommended for acceptance will only be accessed into the
244 Municipal Art Collection pursuant to the Accession Policy. (Reso. 10-80, 2011.)
245

246 **PROCEDURE TO PROPOSE A DONATION OF ARTWORK TO THE CITY OF HOMER**

247 **Process**

249

250 ~~The Parks, Art, Recreation and Culture Advisory~~ Commission will review all proposed gifts
251 according to the Gift Policy. They will evaluate the suitability of the proposed gifts and make
252 recommendations to the ~~Homer~~ City Council ~~through the City Manager.~~

253

254 In order to provide the Commission with the information necessary to evaluate the proposed
255 ~~artwork~~ **donation** in accordance with the Gift Policy and Accession Policy the potential donor
256 or donor's representative must complete the ~~Gift Proposal~~ Application and submit to the ~~City~~
257 ~~of Homer,~~ City Clerk's Office.

258

259 **~~Presentation to the Parks, Art, Recreation and Culture Advisory Commission~~**

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

266

267 ~~The Parks, Art, Recreation and Culture Advisory~~ Commission will review the proposal, consider
268 the presentation and make a recommendation at the meeting. If the proposal materials do

269 not give the Commission enough information to make an educated recommendation they
270 may request to postpone recommendation until further information is provided by the
271 donor.

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273 **PRESERVATION OF THE MUNICIPAL ART COLLECTION**

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275 1. Registry

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

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

287

288 The registry will be bound and stored in the City Clerk's Office. The City will also provide
289 an official label for each piece of art that will be consistent in style and material.

290 Information contained will reflect the following:

- 291 - Color Photo of artwork
- 292 - Artist Name(s)
- 293 - Title of Artwork
- 294 - Year Completed/Date
- 295 - Medium Used
- 296 - Size/Dimensions
- 297 - Location
- 298 - Physical Description of the piece
- 299 - Short Summary about the Artist
- 300 - Summary Comment on the artwork

301

302 Inspection and Maintenance of Artwork

303

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

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MURAL POLICY GUIDELINES AND PROCEDURES

Murals which are non-commercial, contain no advertising copy and do not function as an advertisement are allowed, subject to review by the Parks, Art, Recreation & Culture Advisory Commission (Commission) and final approval by the City Council. These guidelines are provided to assist mural applicants through the process prior to presentation and recommendation by the Commission to City Council.

PURPOSE:

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 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. These guidelines will provide direction to applicants wishing to install murals in public places.

GENERAL GUIDELINES:

The emphasis of the murals will be on “artistic expression” and 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 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. For those mural applications that may contain limited commercial elements, the Commission will ask the question – “If the business on which the mural is located were to move, would the mural still be good quality art and something the community would want to remain?” If so, the mural is not considered commercial speech or advertisement but rather pure art.

Murals shall not be merely an extension or enlargement of a sign. If the theme of the mural is to promote a business, brand, organization, service, cause or place, it shall meet all requirements of the City of Homer Municipal Code regarding signage. If the proposed mural is determined to be commercial in nature and is therefore deemed by the Commission to be a form of advertisement, the Mural Application will be referred to the City of Homer Planning Department.

351 **Not more than 1% of the mural will contain the name of a sponsor and/or sponsor product**
352 **likeness. The artist's signature shall not be more than 1% of the mural.**

353
354 **Mural artists will be required to demonstrate their ability and experience to create high**
355 **quality, well designed and well executed murals and/or art. The artist must provide the**
356 **Commission a portfolio of work that is reflective of the style of the proposed mural. This will**
357 **be used to help determine whether the artist will be able to uphold the standards for quality**
358 **art within the City of Homer. For those artists without a portfolio of work, the Commission**
359 **will consider other presented forms of art that demonstrate an ability to create a quality**
360 **mural.**

361
362 **New murals erected without receiving proper approval and that did not go through the Mural**
363 **Application and Approval Process, will be required to retroactively go through the Process.**
364 **Property owners will have 30 days after receiving notification to submit a mural application**
365 **after which the mural will be deemed a sign and subject to all permitting requirements**
366 **outlined in HCC Title 21.60. The retroactive mural applications will be required to comply with**
367 **all Mural Policy Guidelines and Procedures and must receive City Council approval. Murals**
368 **that fail to be approved will be removed within 30 days after the denial at the property**
369 **owner's expense.**

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371 **MURAL APPLICATION AND APPROVAL PROCESS:**

372
373 **STEP 1: Muralist(s) must obtain an application from the City Clerk's Office or online on the**
374 **City website. The time required to process a mural application will vary but will be a**
375 **maximum of 90 days, not including holidays, from application submittal.**

376
377 **The application will provide information to the City regarding location, size, concept and**
378 **content of the mural, type of paint/media, owner of the building where the mural will be**
379 **located, artist(s) name(s), dates of application, individuals who will be responsible for**
380 **maintenance (if any).**

381
382 **The application must be signed by the individual/group proposing to place the mural, as well**
383 **as the property owner where the mural will be placed and submitted to the City Clerk's Office**
384 **along with a sketch, rendering or photo of the proposed mural.**

385
386 **A sampling of a portfolio of work that is reflective of the proposed mural is to be included with**
387 **the application if there is a known artist. The Commission will use the portfolio samples of**
388 **work to help determine whether the selected artist has the technical skill and ability to**
389 **produce a quality mural within the City of Homer.**

390 **If the artist is unable to provide a portfolio of work, at a minimum, the artist will be required**
391 **to provide evidence of artistic talent that satisfies the Commission as to the skill and ability**
392 **of the artist to create a mural that is of good quality.**

393
394 **If no artist is selected or commissioned at the time of application and the applicant(s) will be**
395 **issuing a Request for Qualifications or Request for Proposals, a member of the Commission is**
396 **to sit on the selection committee or be involved in the artist selection process for the**
397 **proposed mural.**

398
399 **STEP 2: The application, mural rendering and portfolio will be reviewed by the Commission**
400 **at their next regularly scheduled meeting from date of submission. A special meeting may be**
401 **scheduled by the Commission to accommodate the review and approval deadline dependent**
402 **on the proposed project. The review will be conducted to assure compliance with these**
403 **guidelines, and the ability of the artist(s) proposing the mural to produce a quality mural.**

404
405 **STEP 3: After review and acceptance of the artist's body of work, the Commission will forward**
406 **a recommendation to the City Council for consideration at their next regular meeting which**
407 **is the final step in the process. City Council will issue their approval or disapproval. The City**
408 **Clerk's Office will contact the applicant regarding the final decision of City Council.**

409
410 **In the event that City Council or the Commission does not approve the proposed mural**
411 **recommendation, revisions can be made to the proposed content or concept of the mural for**
412 **re-application and submittal to the Commission.**

413
414 **MURAL AGREEMENT:**

415
416 **Following approval by the Commission, whether the mural will be placed on public or private**
417 **property, the property owner and applicant(s) will be required to provide to the City evidence**
418 **of a proposed agreement which identifies the terms and conditions under which the mural**
419 **will be applied. These terms and conditions include, but are not limited to:**

- 420 - **Specifications regarding the mural (location, size, concept and content of the mural,**
421 **type of paint/media used to create the mural)**
- 422 - **Right of Way Permit if necessary**
- 423 - **Identification of ownership of the mural image and use thereof**
- 424 - **Expected timeframe for completion**
- 425 - **Long term mural maintenance and responsibility (if needed)**
- 426 - **Circumstances under which the mural may be removed by the City and/or property**
427 **owner (i.e. lack of maintenance or in disrepair)**
- 428 - **Proof of Liability Insurance; and**
- 429 - **Landscape removal and replacement or protection, if any.**

430
431 **The proposed agreement will be provided to the Commission for the review process and will**
432 **be submitted to City Council along with the recommendation of the Commission.**

433
434 **FINAL INSPECTION AND ACCEPTANCE:**

435
436 **The City reserves the right to inspect the mural during installation and upon completion to**
437 **ensure that the final product is in compliance with the approved mural application. Should it**
438 **be found that the mural is not in compliance, the artist and property owner will be notified**
439 **and given 30 days to remedy the issue(s). Should the property owner and/or artist fail to make**
440 **the necessary corrections, the mural will be deemed out of compliance and will be removed**
441 **at the expense of the property owner and/or artist.**

442
443 **ENCOURAGING ADDITIONAL PUBLIC AND PRIVATE ART IN PUBLIC**
444 **SPACES, AND PROMOTING PUBLIC AWARENESS AND APPRECIATION FOR**
445 **THE MUNICIPAL ART COLLECTION**

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447
448 Ordinance 02-25(A) encourages the addition of private money into the public art program.
449 Any art purchased with such funds will be owned 100% by the City of Homer and the City
450 will have responsibility for selection, installation, maintenance and repairs.

451
452 ~~The Parks, Art, Recreation and Culture Advisory Commission~~ will be a resource for business
453 owners who wish to include art in their business location.

454
455 ~~The Parks, Art, Recreation and Culture Advisory Commission~~ will endeavor to obtain buy-
456 in from affected city departments and a wide variety of governmental and non-
457 governmental organizations, as required, to ensure the successful implementation of the
458 public art policy.

459
460 The Commission will work to establish partnerships with private funders to help the art
461 policy proponent's work with and advise patrons who are funding public-art projects
462 privately. This will help guarantee that these projects meet a set of agreed-upon
463 requirements and fulfill the goals and vision set forth in this policy.

464
465 ~~The Parks, Art, Recreation and Culture Advisory Commission~~ will identify alliance
466 opportunities with institutions, organizations, and the public, and:

- 467
468 - Partner with them to publicize and discuss how public art can help further the
469 mission of their specific organization.

470

471 - Raise support among the press to help the fundraising efforts to educate and inform
472 the public about the many different types of public art, and the wealth and ability
473 of the local arts community.

474

475 - Keep the information flowing about the progress of any public art initiatives.

476

477 The Parks, Art, Recreation and Culture Advisory Commission, with the assistance of users,
478 will plan an installation ceremony upon completion of each **capital** project. Costs for this
479 event will be from the annual budget or underwritten by donors.

480

481 The ~~Parks, Art, Recreation and Culture Advisory~~ Commission will plan events and
482 promotional tools that invite residents and visitors to enjoy the City of Homer art
483 collection. These might include walking tour maps, guest lectures, on-line catalogue, etc.
484 (Reso. 10-80, 2011.)

485

486 **FUNDING FOR THE MUNICIPAL ART COLLECTION**

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

491

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

495

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

500

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

502

503 The public art fund is administered by the City with the advice of the Parks, Art, Recreation
504 and Culture Advisory Commission.

505 - The Commission shall prepare a plan annually for expenditures from the public art
506 fund for approval by the City Council. (Ord.09-51(A), §1, 2009.)

507 - Encourage the addition of private money into the public art program. Any art
508 purchased with such funds will be owned 100% by the City of Homer and the City
509 will have responsibility for selection, installation, maintenance and repairs. (Ord.
510 02-25(A), 2002.)

511