



**CITY OF AUSTIN ARTWORK DONATION
AND LOAN POLICY AND APPLICATION**

2013

DRAFT

ARTWORK DONATION POLICY

STATEMENT OF PURPOSE

The City of Austin is committed to building a collection of high-quality public art for the enjoyment and enrichment of citizens and visitors. That commitment includes providing a means by which individual citizens or organizations may propose artwork donations to be included in the City's artwork collection. This policy outlines the process through which artwork proposals are reviewed and accepted or rejected by the City of Austin. The objectives of this policy are to

- Provide uniform procedures for the review and acceptance of gifts and loans of works of art for the City of Austin;
- Establish consistent review criteria that strike an appropriate balance between high aesthetic standards and city business use;
- Maintain high artistic standards in works of art displayed by the City of Austin; and
- Encourage or facilitate recognition of the artistic community.

DEFINITION OF TERMS

Aesthetics: Artistic merit of the work of art, including consideration of its artistic, social, and/or historical significance.

Appraisal: A professional, certified evaluation of an artwork—its authenticity, condition and provenance—to determine its monetary value.

Artwork (or Work of Art): Original art in various mediums, including but not limited to any portable or permanently fixed sculpture, mural, painting, drawing, earthwork, mixed media work, or time-based work (moving images or sound-based art), created by a professional artist, artists, or collaborative team.

Cultural Arts Division (CAD): The Cultural Arts Division is a division of the Economic Growth and Redevelopment Services Office. The division provides leadership and management for the City's cultural arts programs and for the development of arts and cultural industries as an economic development strategy on behalf of the City, and guides the Artwork Donation Review process.

Department Review Committee (DRC): A committee of relevant City department staff and/or external stakeholders identified by the Department Director or his/her designee who manages the City property upon which the artwork is proposed to be sited. This committee evaluates proposals of donations based upon stated criteria, including Site, Installation, Maintenance, Financial, Liability, Timeliness, and Special Conditions.

Donation: A work of art or a series of artworks gifted to the City for long-term public display with intent to transfer title of ownership to the City.

Gifts of State: Items officially given from one country to another as a sign of goodwill.

Impervious Cover: A surface that blocks water from going into the soil (e.g., highways, streets, parking lots, sidewalks, large paved areas).

Parks and Recreation Department (PARC): City of Austin department that oversees City parkland and recreation facilities.

Public Art Fund: A fund designated by the Art in Public Places Ordinance for the purposes of new project construction, repairs, and conservation of artworks, and managed by the Cultural Arts Division.

Professional Artist: A person who has established a reputation of artistic excellence, as judged by peers and through a record of exhibitions, public commissions, sale of works, or educational attainment.

Prominent Location: An exterior location that is accessible to the public, enjoys high visibility, and is used or visited by a large number of visitors and/or city residents.

Provenance: Art provenance is the history of an artwork and its creation and ownership, used to help establish its authenticity. Documents used for provenance include sales receipts, auction and exhibition catalogs, gallery labels, letters from the artist, and statements from people who knew the artist or the circumstances of creation of the artwork.

Town Lake Park: The parkland area bordered by Lady Bird Lake to the north, the First Street (Drake) Bridge to the east, Barton Springs Road to the south, and Lamar Boulevard to the west.

Town Lake Butler Hike and Bike Trail: The 10-mile trail encircling Lady Bird Lake intended for non-motorized traffic. For the purposes of this policy, Town Lake Butler Hike and Bike Trail shall also include the Butler Hike and Bike Trail and its bridges, including Crenshaw Pedestrian Bridge, Pfluger Bridge, First Street (Drake) Bridge, Congress Avenue (Ann Richards) Bridge, I-35 Bridge, and Longhorn Dam.

User Department: The department within the City of Austin deemed responsible for long-term care and maintenance of artworks that are sited within its physical boundaries or determined by operations/business use.

Working Group: A body of the Austin Arts Commission established by a vote of the commission and consisting of less than a quorum of the board, to which the board delegates a defined matter or matters for consideration and recommendation to the board. A working group is automatically dissolved after it reports its recommendations. The board may appoint a non-member or non-members to serve on a working group.

OVERVIEW OF ARTWORK DONATION REVIEW PROCESS

When artwork donations are proposed for placement with any City of Austin agency or department, such proposals shall be reviewed by entities that may include but are not limited to City employees, community stakeholders (individuals or groups), and a Working Group.

The process outlined below assumes that the Donor has an artwork proposal, in the form of drawings or photos and/or a maquette or model, *or* has a finished work of art to donate.

Donors who are seeking project funding through the City's Cultural Funding program as administered by the Cultural Arts Division of the Economic Growth and Redevelopment Services Office must receive approval for an artwork through this donation review and approval process *prior* to the Cultural Funding review process. Contact the Cultural Arts Division at (512) 974-7700 or <http://www.austintexas.gov/departments/cultural-arts> for details and submission deadlines.

Artwork Donation Review Process (Step-By-Step):

STEP 1: The potential Donor submits a completed Artwork Donation Application with required attachments to the Cultural Arts Division (CAD). CAD staff shall assemble the appropriate City Department Review Committee (DRC). It is recommended that the Donor discuss the proposal with CAD staff prior to completing the form, as this may be helpful and time-saving and will ensure that the application is complete.

STEP 2: CAD staff facilitates a presentation by the Donor to the DRC, which evaluates the proposal based upon all of the criteria listed below (see **Artwork Donation Review Criteria**). The purpose of this review is to determine the feasibility of the artwork. The User Department has the discretion to consult with a professional artwork conservator to review the proposal and provide recommendations.

STEP 3: The artwork proposal and the DRC recommendation are presented to the Austin Arts Commission. The Austin Arts Commission may form a Working Group and appoint a Chair for further review. The Arts Commission shall consult the DRC to determine the appropriate boards, commissions, and other associations that may be considered for inclusion in the Working Group.

The Working Group shall not exceed the maximum number of commissioners allowed on a Working Group (including the commissioner serving as Art in Public Places liaison) and consist of no more than 3 members of the Art in Public Places Panel, as outlined by the Board and Commission Ordinance. The Working Group can include other professional experts, community representatives, or City staff as recommended by the DRC and appointed by the Arts Commission.

STEP 3a: The Working Group shall review the DRC recommendations and the proposal based upon stated review criteria. The Working Group may recommend that the proposal be accepted, accepted with modifications or declined. If the Working Group review results in a recommendation to accept the donation with modifications, the donor will have the option to resubmit a modified proposal to the Working Group. Recommendations for modification must be clearly defined to ensure the changes meet Working Group expectations.

STEP 3b: The Chair of the Working Group shall present a final recommendation to the Arts Commission.

STEP 4: The Arts Commission reviews the donation proposal and the recommendation of the Working Group, as applicable.

The Arts Commission may not recommend proposed donations of artworks that require extraordinary maintenance expense or interfere with department operation without the prior approval of the director of the department responsible for the art after installation.

The Arts Commission may not recommend proposed donations of artworks that are deemed unsafe.

STEP 5: The Arts Commission's recommendation is forwarded to the User Department Director and City Manager's Office. The City Manager will forward to City Council any recommendations for accepted donations recommended for a prominent location (as defined in this policy).

Once the artwork donation approval process has been successfully completed and the artwork is accepted, the City of Austin and the Donor shall enter into an Agreement for Donation of Artwork that legally conveys title to the City of Austin and includes the appropriate warranty of originality. The agreement shall also enumerate any and all conditions of the donation that the City has agreed to accept and outlines the responsibilities of each party with respect to the donation, including budget, signage, installation, and maintenance. The agreement spelling out all requirements for the artwork shall be executed prior to the City's formal acceptance of the artwork.

In general, donations shall be accepted without restrictions or conditions. In cases where there are restrictions or conditions attached to the proposed donation, the Donor's conditions shall be considered by the City Law Department to ensure they are consistent with City policies. The agreement shall require liability insurance and/or permits during installation and may require the Donor to provide engineer-sealed drawings.

All accepted artwork donations will be subject to the City of Austin Artwork Acquisitions and Donations Policy. All artworks shall be accessioned by the Cultural Arts Division and covered under the City's fine arts insurance policy for the stated value. It is the responsibility of the User Department to perform ongoing routine maintenance of accepted artwork donations and to share any and all maintenance records with the Cultural Arts Division to ensure comprehensive record keeping.

Artwork acceptance governed by other City procedures is set forth under **Exceptions to this Policy**.

ARTWORK DONATION REVIEW CRITERIA

1. AESTHETICS

- a. Artistic merit of the work of art, including its artistic, social, and/or historical significance, as evidenced by the Artwork Donation Proposal (which includes a written description and drawings and/or maquette of the proposed artwork)
- b. Professional artist's qualifications, as evidenced by the Artwork Donation Proposal (which includes images of past work, resume, references, and published reviews)
- c. Compatibility of the work of art within the context of the proposed site and/or the mission of the User Department

- d. Warranty of originality (in the case of a pre-existing artwork; only original works or limited editions shall be considered)
- e. Provenance (in the case of a pre-existing artwork)

2. SITE

- a. Appropriateness to the proposed site with respect to its immediate and general physical environment (neighborhood) and audience
- b. Ecological impact (e.g., percentage of impervious cover or risk to tree root zones)
- c. Accessibility to the public, including persons with disabilities
- d. Text components (e.g., signage or plaques)

3. INSTALLATION

- a. Site requirements for installation (e.g., electricity, lighting, water, or other services)
- b. Method of installation
- c. Storage requirements, if any
- d. Safety standards

4. MAINTENANCE

- a. Structural integrity
- b. Durability of material
- c. Susceptibility of the artwork to accidental damage, theft, and/or vandalism and security needs
- d. Ability or capacity of User Department to provide necessary routine maintenance

5. FINANCIAL

- a. All costs associated with fabrication and installation, including site preparation, long-term preservation (i.e., conservation and repair), illumination, plaque and unveiling/dedication event, if any. Donors proposing artwork to the City shall contribute 2% of the total value of the artwork or \$5,000, whichever is less, to the City's Public Art Fund so that funds may be available for treatment when repair or conservation becomes necessary. In lieu of Donor providing this monetary contribution, departments must make assurance that they will provide an equivalent amount of funding in their budget for such repairs. Obtaining an appraisal

is the responsibility of the donor, unless otherwise agreed upon by City and donor.

- b. Source of funding and timely availability of funds and resources to meet financial requirements
- c. Estimated amount of funding for annual, routine maintenance costs to the City User Department
- d. Statement of value of artwork for insurance purposes

6. LIABILITY

- a. Susceptibility of the artwork both to normal wear and to vandalism
- b. Potential risk to the public
- c. Public access, in general, as well as compliance with ADA requirements
- d. Special insurance requirements, if any

7. TIMELINESS

- a. Allowance of sufficient time for normal review process by the DRC, the Austin Arts Commission and its Working Group, and other boards or community groups involved
- b. Timely and appropriate response to the Austin Arts Commission and staff requests for additional materials or information

8. SPECIAL CONDITIONS

- a. Any conditions of the gift imposed by the Donor
- b. Other conditions not listed here

ARTWORK LOANS OR TEMPORARY EXHIBITIONS

Artworks proposed for short-term, temporary loan to the City of Austin may be subject to review under this policy if the proposed artwork is not part of a city museum, cultural facility, or art program equipped with a collection management policy as approved by the Austin Arts Commission. Artworks loaned to a particular collection shall follow a separate review process specific to the needs of that department. Once accepted, the City of Austin and the lender shall enter into an Agreement for Loan of Artwork that outlines the responsibilities and provisions of the exhibition relating to budget, signage, installation, and maintenance.

EXCEPTIONS TO THIS POLICY

- 1. Only Gifts of State may be accepted by the City Council and/or City Manager without the benefit of this review, according to the City of Austin Purchasing

Policy; however, the Cultural Arts Division and respective department property owner shall be notified of acceptance of such donation or loan (in order to document the work, accession it to the City's collection, and insure the work) and may be consulted to recommend appropriate siting, an annual maintenance program, etc.

2. Artwork acquired as part of a User Department museum or cultural facility or art program equipped with a collection management policy as approved by the Austin Arts Commission. Objects donated to a particular facility for its collection shall follow a separate review process specific to the needs of that department.
3. Objects or artifacts that fit the following descriptions, except where recognized professional artists are employed in their creation, do not qualify as works of art and would not require a review under this policy:
 - Landscape elements designed as part of landscape architectural design
 - Objects that are not unique but are mass-produced of standard design
 - Artifacts or objects remaining from a particular historical period
 - Standard park amenities, such as benches, picnic tables, and lighting, as defined by the Parks and Recreation Department
 - Dedication or commemorative plaques
 - Directional or functional elements, such as graphics, signage, and maps
 - Artwork created by students enrolled in a City of Austin educational program
4. Departments have the ability to conduct additional internal or external reviews or presentations if increased public dialogue warrants, or to postpone review and recommendations if a proposed site is currently involved in Master Planning.
5. Donations containing advertising will not be considered.
6. Permanent artworks proposed for Town Lake Park or Town Lake Butler Hike and Bike Trail are governed by the section below, entitled **Permanent Artwork for Town Lake Park and Town Lake Butler Hike and Bike Trail**. Artworks proposed as short-term, temporary loans for these sites are not governed by the section below.

PERMANENT ARTWORK FOR TOWN LAKE PARK AND TOWN LAKE BUTLER HIKE AND BIKE TRAIL

From time to time, an individual or organization may express interest in proposing permanent artwork for Town Lake Park and Town Lake Butler Hike and Bike Trail (see **Definition of Terms**). Constantly evolving, these areas serve as cultural spaces that promote new ideas, contemporary attitudes, and dynamic use, and allow Austin to shape its own cultural identity. Therefore, the quality of the relationship between the artwork and the site is as important as the quality of the artwork itself, and to promoting an overall positive cultural and outdoor experience.

In order to assure artistic cohesiveness throughout these two locations and to foster the creation of artwork that explores and responds to these sites' unique qualities (as recommended by *Approaches to Public Art for Town Lake Park*), donations of pre-existing artworks are strongly discouraged.

In lieu of submitting the standard City of Austin Artwork Application, persons proposing new artwork commissions for Town Lake Park or Town Lake Butler Hike and Bike Trail must submit a written Request for Consideration to the Cultural Arts Division. This request will allow consideration of artwork ideas in consultation with the relevant City Department Review Committee and the Art in Public Places Panel to ensure site compatibility and appropriate use of public space. (Specifically excluded are standard park amenities such as benches, picnic tables, plaques, and lighting that fall under the jurisdiction of the Parks and Recreation Department and do not qualify as works of art.)

The Request for Consideration must include the following:

- Relevance of the artwork to the cultural life of Austin
- Importance or relationship of the work to the site and to users of the site
- Support of relevant and existing designs or master plans for Town Lake Park and Town Lake Butler Hike and Bike Trail, including plans outlined in *Approaches to Public Art for Town Lake Park*
- Commitment of funds
- Explanation of criteria used to select the artist(s)

If the proposed artwork is commemorative, the Request for Consideration must also detail the following:

- Biographical and/or historical background on the individual or event to be honored
- Importance of singling out the individual or event for special recognition
- Historical and cultural significance of the individual or event to Town Lake Park or Town Lake Butler Hike and Bike Trail

Review Criteria

In addition to the consideration criteria previously outlined in this policy, the following criteria will be used in the review of the Request for Consideration:

- Compatibility of the proposal with the site and the use of the site
- Compatibility of the proposal with relevant master plans
- Commitment and availability of funds

If the proposed artwork is commemorative, the following review criteria will also be used:

- Relevance and importance of the proposed individual or event to the citizens of Austin and visitors to Town Lake Park or Town Lake Butler Hike and Bike Trail
- Relationship between the site and the individual or event to be commemorated

Determination

The Arts Commission's recommendation is forwarded to the City Council, via staff communication with the City Manager's Office.

REVISIONS TO THE ARTWORK DONATION POLICY

The Art in Public Places Panel may review this policy annually and make recommendations for revisions to the Austin Arts Commission as needed.

ARTWORK DONATION APPLICATION

Use this form to submit proposals for artwork donations. For new commissions of artwork for Town Lake Park and Town Lake Butler Hike and Bike Trail, use the Request for Consideration form.

Thank you for your interest in donating artwork to the City of Austin.
Please direct any questions, and complete and submit this application to

Cultural Arts Division, City of Austin
201 E. 2nd Street
Austin, TX 78701
(512) 974-7700
culturalarts@austintexas.gov



Please attach additional sheets. The City reserves the right to request additional information in order to process a donation proposal.

DONOR			
Name(s)			
Organization (if applicable):			
(Please check one: <input type="checkbox"/> Individual(s) <input type="checkbox"/> Corporation <input type="checkbox"/> Not-for-Profit <input type="checkbox"/> Other (specify: _____))			
Address			
City	State	Zip Code	Country
Phone	Fax	Email	
(Please check one): <input type="checkbox"/> Donation of artwork to be commissioned <input type="checkbox"/> Donation of existing artwork <input type="checkbox"/> Donation of artwork to be funded by CoA Cultural Funding Program (Application deadline: This form must be completed and delivered to Cultural Arts Division, 201 E. 2 nd St., Austin, TX 78701, by March 31 of each year)			
Conflict of Interest: Disclose whether the donor has any active contracts with the City or is involved in any stage of negotiations for a City contract.			
ARTIST			
Name		Alias (If applicable)	
Nationality	Birth Date	Death Date (If applicable)	
Address			
City	State	Zip Code	Country
Phone	Fax	Email	

Website			
Artist Representation/Gallery Name (If applicable)			
Artist Representation/Gallery Address			
City	State	Zip Code	Country
Phone	Fax	Email	
Website			
For donations of commissioned artwork, please explain the method used in the selection of the artist.			
ARTWORK			
Title			
Artwork type (e.g., painting, sculpture)		Medium	
Description			
Period/Date		Dimensions and Weight	
Finishes applied to surface			
Construction technique(s)			
If this artwork is part of an edition, what is the edition number of this piece, and the total edition size?			
If this artwork is part of a series, what is the total number in the series?			
If this artwork is part of a pair or a group, what is the total number in the pair or group?			

Describe frame, if any.		Describe base or pedestal, if any.	
Describe any accompanying accessories.			
Current location of artwork			
Proposed City-owned site for placement (if applicable)			
For memorials, describe the person or event to be commemorated, and explain why this person or event deserves special recognition.			
ARTWORK HISTORY			
Provenance/Past Owners: List all past owners and period of ownership for each.			
Exhibition History: List the exhibition history including exhibition titles, venues and dates for each.			
Publications and References: List all publications about and references to the artwork.			
COPYRIGHT OWNERSHIP			
Name of current copyright owner		Title	
Address			
City	State	Zip Code	Country

Phone	Fax	Email
If the donor is the current copyright owner, does the donor intend to transfer the copyright to the City of Austin should the donation be accepted by the City?		
ARTWORK VALUATION (if known)		
Fair Market Value \$		
How was this fair market value determined and by whom?		
CONDITION		
Describe the current condition of the artwork noting any existing breaks, tears, scratches, abrasions, paint losses, or other insecurities or defects in the artwork.		
If the artwork has been conserved, describe the conservation treatment.		
Provide recommendations for routine maintenance of artwork. Indicate whether these recommendations were provided by a conservator.		
(Optional) Provide recommendations for security, installation, transportation and/or storage.		
For donations of commissioned artwork, please outline the installation plan.		
OTHER REQUIRED MATERIALS		
Please submit the following materials along with this completed form.		
<ul style="list-style-type: none"> • Artist's résumé and bio • Digital, color images of past artwork by artist • For commissioned artwork, color renderings or maquettes of proposed artwork 		

- Maps or images of proposed site for artwork
- Itemized list of any costs to be borne by the City for transportation, installation, exhibition, operation, maintenance, conservation, and/or security
- For commissioned artwork, an itemized budget for design, fabrication, and installation
- For commissioned artwork, a timeline for design, fabrication, and installation
- Exhibition catalogs, publications and/or references, if available
- Formal, written appraisal for any artwork with a fair market value of \$10,000 or more
- Condition report, if available
- Conservator's report, if applicable
- Proof of authenticity, if available
- Any other information relevant to the artwork

DONOR'S AUTHORIZATION TO INITIATE A DONATION REVIEW

Authorized signature	Title
Print name	Date
CITY OF AUSTIN STAFF ONLY	
Received by	Date

REQUEST FOR CONSIDERATION

Use this form to submit proposals for commissions of artwork for Town Lake Park and Town Lake Butler Hike and Bike Trail.

Thank you for your interest in donating artwork to the City of Austin.
Please direct any questions, and complete and submit this application to

Cultural Arts Division, City of Austin
201 E. 2nd Street
Austin, TX 78701
(512) 974-7700
culturalarts@austintexas.gov



Please attach additional sheets as needed. The City reserves the right to request additional information in order to process a donation proposal.

DONOR			
Name(s)			
Organization (if applicable): (Please check one: <input type="checkbox"/> Individual(s) <input type="checkbox"/> Corporation <input type="checkbox"/> Not-for-Profit <input type="checkbox"/> Other (specify: _____))			
Address			
City	State	Zip Code	Country
Phone	Fax	Email	
(Please check one): <input type="checkbox"/> Donation of artwork to be commissioned <input type="checkbox"/> Donation of artwork to be funded by CoA Cultural Funding Program (Application deadline: This form must be completed and delivered to Cultural Arts Division, 201 E. 2 nd St., Austin, TX 78701, by March 31 of each year)			
Conflict of Interest: Disclose whether the donor has any active contracts with the City or is involved in any stage of negotiations for a City contract.			
ARTIST			
Name		Alias (If applicable)	
Nationality	Birth Date	Death Date (If applicable)	
Address			
City	State	Zip Code	Country
Phone	Fax	Email	
Website			
Artist Representation/Gallery Name (If applicable)			
Artist Representation/Gallery Address			

City	State	Zip Code	Country
Phone	Fax	Email	
Website			
Please explain the method used in the selection of the artist.			
ARTWORK			
Title (or working title)			
Artwork type (e.g., painting, sculpture)		Medium	
Description			
Proposed site for placement (include maps or images of site, if applicable)			
Please describe the relevance of the artwork to the cultural life of Austin.			
For memorials, give the biographical or historical background of the person or event to be commemorated.			
For memorials, please explain why the person or event should be commemorated.			
For memorials, describe the historical and cultural significance of the individual or event to Town Lake Park or Town Lake Butler Hike and Bike Trail.			
COPYRIGHT OWNERSHIP			
Name of copyright owner		Title	

Address			
City	State	Zip Code	Country
Phone	Fax	Email	
ARTWORK VALUATION (if known)			
Fair Market Value \$			
How was this fair market value determined and by whom?			
MAINTENANCE RECOMMENDATIONS			
Provide recommendations for routine maintenance of the proposed artwork. Indicate whether these recommendations were provided by a conservator.			
Provide recommendations for security, installation, transportation, and/or storage.			
OTHER REQUIRED MATERIALS			
Please submit the following materials along with this completed form:			
<ul style="list-style-type: none"> • Artist's résumé and bio • Digital color images of past artwork by artist • Color renderings or maquettes of proposed artwork • Timeline for design, fabrication, and installation • Itemized budget for design, fabrication, and installation • Itemized list of any costs to be borne by the City for transportation, installation, operation, maintenance, conservation, and/or security • Any other information relevant to the artwork 			
DONOR'S AUTHORIZATION TO INITIATE A DONATION REVIEW			
Authorized signature		Title	
Print name		Date	
CITY OF AUSTIN STAFF ONLY			
Received by		Date	