

9-11 GIFTS OR LOANS OF ART - ACCEPTANCE AND DEACCESSION POLICY**SECTION:**

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9-11-010: Background: Works of art are occasionally offered as donations to the City of Kennewick through contact with various City Departments or are offered to be placed on display by an owner on City property. As with the process of commissioning art work for specific sites, the City of Kennewick has the responsibility of evaluating the suitability of a proposed art work, its acceptance as a gift, and/or allowing it to be temporarily or permanently displayed on City property. It is recognized that gifts to the City are an important part of the City's visual art work collection. This policy applies to all proposed gifts of art to the City (including donations by individuals, neighborhoods, community groups, and international organizations) and to loans of art placed on City property. However, because of limited funds to protect, maintain, preserve and conserve these works and because there are a limited number of suitable sites on City-owned property and right-of-way, a careful review process is necessary. For purposes of this policy, art work, art or works of art are considered original visual objects, including but not limited to: calligraphy and signage; crafts in clay, glass, fiber and textiles, metal, paper, plastics, wood, and other material; landscape works, including but not limited to earthworks; mixed media, and any combination of media; graphic arts, including printmaking and drawings; architectural detailing; mosaics; paintings; photography and photographic media; sculptures, in the round, relief, mobile, fountain, kinetic, electronic, play equipment, in any material or combination of materials.

9-11-020: Establishment of Kennewick Arts Commission:

(1) There shall be a Kennewick Arts Commission (AArts Commission@) established consisting of seven members appointed by the City Council. The panel shall consist of three arts professionals, or persons with a demonstrated interest in art, and a representative from the Planning Commission, the Parks & Recreation Commission, the Historic Preservation Commission, and Block Grant Advisory Committee who will meet as necessary, to review proposed gifts of art to the City. Terms of members shall be four years, expiring on March 31 or until such time as their successor is selected.

(2) The Arts Commission will review each proposed gift or loan of art for aesthetic quality, site appropriateness, public safety and long-term conservation and preservation considerations.

(3) Staff support for the Arts Commission shall be provided by the Department of Community and Economic Development.

9-11-030: Guidelines for Review: Proposed gifts or loans are evaluated on the basis of the criteria set forth in subsection 9-11-040. Community groups or individual donors proposing gifts or loans shall be informed of the importance of these criteria in the Arts Commission's consideration. The Arts Commission shall make written findings that these issues have been satisfactorily resolved before making a recommendation regarding a proposed gift or loan to the Kennewick City Council.

9-11-040: Review Process: The Arts Commission will evaluate each proposed gift of art using the following criteria and considerations:

- (1) Safety to the public;
- (2) Vandalism;
- (3) Maintenance, preservation and specifications;
- (4) Site appropriateness;
- (5) Relationship to the collection as a whole;
- (6) Subject matter;
- (7) Artistic merit;
- (8) Aesthetic quality.

9-11-050: Recommendations/Acceptance and Rejection of Gifts/Loans: The Arts Commission will make a recommendation to the Kennewick City Council on a course of action regarding each proposed gift, loan, or project. Upon acceptance or rejection, the donor is notified by the City Council. All gifts of art are to become the property of the City of Kennewick. Donors of art will be required to sign a Contract of Donation@ (KAC 9-11-080) allowing the Arts Commission to accept a gift of artwork on the understanding that it is unrestricted and offered without limiting conditions. This contract will also serve as permanent documentation of art gifts. In the case of a loan, a license agreement authorizing placement on City property shall be executed.

9-11-060: Deaccession Review:

- (1) Gift art works will be reviewed on a regular basis and deaccessioned if necessary and will be removed from the City's art collection if it has been determined by the Arts Commission that the work:
 - (a) Has been lost or stolen (after a reasonable effort to recover the art work has been made);
 - (b) Presents a safety hazard in its present condition; or
 - (c) The restoration of the work's structural and aesthetic integrity is technically infeasible, disproportionate to the value of the work, or the City lacks necessary budget to complete the work.
- (2) The Arts Commission, with assistance from other City of Kennewick Departments directly involved with the care and handling of such art works, will recommend the appropriate method of disposition (sale, exchange, or other method) to the City Council. Proceeds from the sale of art works shall be placed in the fund from which the original acquisition was made and used for the purchase and/or maintenance of art work.

9-11-070: Criteria for Review Process - Form:

GIFTS OF ART TO CITY OF KENNEWICK
CRITERIA FOR REVIEW PROCESS

Gifts or loans of art work to the City of Kennewick are reviewed using the following evaluation criteria:

1. Safety to the public: Yes _____ No _____ Comments:

Does this art work:

- < present any sharp corners, angles or protrusions that may cause injury to a person?
- < have a surface that is rough, irregular or that may change over time and become a potential hazard?
- < have a coating that may rub or flake off that is potentially harmful to skin or if inhaled, consumed, or touched?

2. Vandalism: Yes _____ No _____ Comments:

Does this art work:

- < appear fragile in any area that may be potentially damaged through vandalism?
- < properly affix to a base, wall or other mount to avoid it being easily removed?
- < reside in a protective area, visibly lit and viewable by the public both by street and pedestrian traffic?
- < appear to be repairable if damaged, would it be feasible?

3. Maintenance, preservation and specifications: Yes _____ No _____
Comments:

Does this art work:

- < appear to be mounted correctly and permanently to its mount and/or base?
- < have artist specifications provided as to its continued care?
- < have the specifications for creation and materials used been provided?
- < have upkeep problems?
- < have dedicated maintenance and preservation funding?

4. Site appropriateness: Yes _____ No _____ Comments:

Is this art work:

- < placed in the best area for its best presentation, its protection and the safety of the public?
- < presented on the appropriate base? (whether that be flat wall, pedestal mount or free-standing)

< in the best location as it relates to other elements such as buildings, walls, windows, doors, paintings, etc.?

5. Relationship to the collection as a whole: Yes _____ No _____ Comments:

Does this art work:

< compliment other art work pieces in the City of Kennewick art collection or on loan in terms of designs, materials, themes, or styles?

< offer a different artist=s work to the public? (Are there already other works in the City by a particular artist? Are more needed/wanted?)

6. Subject matter: Yes _____ No _____ Comments:

Does this art work:

< present a subject matter that is not pornographic, lewd, or otherwise socially objectionable or offensive?

< offer a style, design or theme that is complimentary to this area=s landscape and/or style of architecture?

< appeal to all ages?

< represent an historical figure or an interpretation of a person or event?

< exemplify community values?

7. Artistic merit: Yes _____ No _____ Comments:

Does this art work:

< meet the criteria of professional artistic standards in terms of basic art skills, i.e.,

composition _____

technical excellence _____

use of materials _____

other _____

8. Aesthetic Quality: Aesthetic quality of a piece of art is a total of all of the above criteria. It is appropriate both in content as well as:

< meeting all the above criteria in a positive way?

Yes _____ No _____ Comments:

< pleasing to the eye?

Yes _____ No _____ Comments:

< do you like this piece? Why?

Yes _____ No _____ Comments:

< are there any unacceptable, overriding or restrictive requests from the donor that would affect future decisions regarding the art work?

(Can it be moved to another location, sold, or otherwise be changed?)

Yes _____ No _____ Comments:

9-11-080: Contract of Donation - Form:

GIFTS OF ART TO THE CITY OF KENNEWICK
CONTRACT OF DONATION

I, _____ hereby give and donate, without limiting conditions, to the City of Kennewick, via the ARTS COMMISSION, the gift of art fully described below to which I currently have full right and title, and authority to dispose thereof:

Title of Art Work: _____

Artist of Art Work: _____

Media of Art Work: _____

Description of Art Work: _____

Condition of Art Work: _____

Specifications of Art Work: _____

Other: _____

In consideration of the acquisition by the City of Kennewick Arts Commission of the articles described above, I hereby relinquish and transfer to the City of Kennewick all my right, title and interest in copyright which I have or may be deemed to have in said works and more particularly transfer the exclusive rights to reproduction, adaption and distribution to the City of Kennewick.

Signed: _____

Address: _____

Date: _____

The City of Kennewick Arts Commission accepts this gift on the understanding that it is unrestricted and offered without limiting conditions.

Signed: _____

(Chair, Kennewick Arts Commission)

Date: _____