

**CITY OF RICHMOND PUBLIC ART COMMISSION  
REVIEW AND ACCEPTANCE POLICY  
FOR GIFTS OF WORKS OF ART**

**Background:** Upon establishing the Public Art Commission (PAC) in 1991, a review and acceptance policy for works of art commissioned through the Percent for Art Program was also established. In order that there be uniform criteria for the acceptance of all works of art by the City, it is necessary to have a procedure for the review and acceptance of donations of works of art. According to the Code of the City of Richmond, Section 2-27, "Acceptance of Gifts," the City Manager, for and on behalf of the City, is authorized to accept gifts or donations of a value up to and including \$2,000. Gifts or donations of a value above \$2,000 are reviewed by City Council. In the case of donated Works of Art, this process shall be modified to include a review and acceptance process by the Public Art Commission and the Planning Commission. As with the general "Acceptance of Gifts" policy, the City Manager, for and on behalf of the City, **but in keeping with the review and acceptance policy of the Public Art Commission**, is authorized to accept gifts or donations of Works of Art, of a value up to and including \$2,000. Gifts or donations of Works of Art of a value above \$2,000 must proceed through the following review process. The City Manager and City Council are strongly encouraged to first refer all gifts to the PAC for review and to uphold all PAC decisions and recommendations.

**A. Review Process:**

All proposals for donated works of art shall be referred to the PAC for review. In defining gifts as art, media to be considered would include, but not be limited to, the following: sculpture, mural, mixed media installation, painting, textiles, stained glass, metalwork, limited edition print, photograph, water-work or landscape element where those elements are designed by an artist and are an integral part of the work of art. For gifts of art with a value up to \$2,000, the PAC would review the work and a recommendation would be sent to the City Planning Commission (CPC) for acceptance or rejection. If approved by the CPC then the City Manager may accept the gift on behalf of the City. If the value of the work is above \$2,000, the PAC will appoint a "Gift Review Team" (GRT) to conduct a review of the work according to a standard checklist called "Gift

Review Criteria" (appendix A). The GRT shall be composed of 1) Community representative(s), 2) Host City Agency (a representative of the user agency responsible for the Artwork's care, placement or disposition, and 3) Member(s) of the PAC. The recommendations of the GRT are reviewed by the PAC and a recommendations for acceptance or rejection will be given to the Planning Commission. The Planning Commission will submit its recommendations to the City Council and the City Manager will accept or reject the gift on behalf of the City.

**B. Donor:**

At the time of presentation of a proposal, the donor shall submit to the PAC a completed "Donor Information Checklist Form" (Appendix B) that shall provide pertinent documentation and information necessary to conduct a fair and thorough review. This document includes:

1. Artist Information packet - describing his/her professional qualifications, including:

- a. Name, address, phone and fax numbers
- b. Biography or resume
- c. Exhibition catalogues
- d. 10 slides of their work with emphasis on other public art commissions
- e. Name, address, phone and fax numbers of gallery or agent representative

2. Artwork Specification form - including:

- a. Title of artwork(s)
- b. Date(s) of completion
- c. Provenance of artwork(s)
- d. Size/dimensions
- e. Fabrication methods and materials
- f. Site specifications and installation requirements
- g. Maintenance requirements, costs and funding source
- h. Published material about artwork (if any)
- i. Location/storage

3. Donor profile - including: name, address, phone and fax numbers, and a statement of intent that describes:

- a. Reason(s) for offering the gift to the City of Richmond
- b. In their estimate, the aesthetic value of the work
- c. The value of the work as an addition to the City and to Richmond's collection of Public Art
- d. The appraised value of the work (Note: this appraisal should be obtained by an independent appraiser. Acceptance of the work by the City does not ratify the value as presented by the donor)

The donor should also provide the following:

4. Photographs (professional quality), drawings, and/or models
5. Letter of guarantee of indemnification for maintenance, preservation and conservation of the artwork, in perpetuity, from the donor, unless otherwise agreed to by the Host City Agency. Any expected cost to the City for installation, maintenance or other items should be indicated in this letter.
6. Time-line for completing and installing the gift

In addition, the donor of the gift shall deposit with the City an amount which shall be equal to either five percent (5%) of the value of the gift, as established by the donor, or a sum judged sufficient by the Public Art Commission, at the time of acceptance, to cover the cost of future repair or conservation. Such amount will be held in a special general maintenance fund, to be applied to any public art work in the City's collection that is in need of maintenance.

**C. Evaluation Criteria for Artwork(s):**

As set forth in the Gift Evaluation Criteria Checklist (Appendix B), to be used by the GRT when conducting their review, gifts should be considered for:

1. Artistic merit and context in the City's art collection
2. Site appropriateness
3. Fabrication, handling and installation
4. Oversight responsibility
5. City liability and maintenance requirements
6. Community endorsement
7. Budget and guarantee of funding source.

In addition, the committee shall take into consideration the work's educational, cultural and historical value and its contribution to the identity of a neighborhood or district.

**D. Recommendations:**

1. Acceptance - If the Artwork is accepted, a written agreement shall be prepared by the PAC and signed by the City Manager. This agreement shall describe the responsibilities for installation, fabrication, site preparation, insurance, ongoing maintenance and conservation, and shall include a statement that the City of Richmond shall retain full rights of title/ ownership and reproduction, removal, relocation and deaccessioning of the gift. It will also include what the City will provide including, but not limited to, a plaque with the names of donor and artist.
2. Acceptance with conditions - If the Artwork is accepted with conditions, a letter shall be sent from the PAC to the donor stating the conditions for acceptance and a time-line for meeting these conditions prior to acceptance. If the conditions are met within the time-line, an acceptance agreement shall be offered.
3. Rejection - If the Artwork is rejected, a letter shall be sent to the donor sighting the shortcomings of the artwork to meet the evaluation criteria. This letter shall be signed by the Chairs of the PAC, CPC and the City Manager.

**(Appendix A)**  
**GIFT REVIEW CRITERIA**

Each proposed gift of art should be reviewed based upon a number of criteria described below.

In general, a work of public art would not be accepted as a gift if:

1. It is not one of a kind or an original, in the case of a work of fine art (sculpture or painting) or it is reproduced in editions of over 200 in the case of fine art prints and photographs. In general, reproductions, unlimited editions/mass reproductions, decorative, ornamental and functional elements of architecture, directional elements such as super graphics, signage and color coding, and landscape usually are NOT considered artworks unless done by an artist.

Acceptable media include but are not limited to:

- a) Sculpture: in the round, bas relief, mobile, fountain, kinetic, electronic;
  - b) Mosaic;
  - c) Fountains or water elements;
  - d) Crafts: clay, fiber, textiles, wood, metal, plastics, stained glass;
  - e) Mixed media;
  - f) Earthworks and environmental artworks;
  - g) Decorative, ornamental or functional elements designed by an artist;
  - h) Murals and paintings.
2. The artwork is not thought to meet professional standards for public art. That is, it is thought to display any one of the following:
    - a) faults of design or workmanship which would cause physical defects posing a public safety hazard or it diminishes the value of the work
    - b) there exists the possibility that the artwork is fraudulent or not authentic
    - c) the artwork seems to be of inferior quality relative to other works in the City's collection
    - d) the artwork may require excessive or unreasonable maintenance
    - e) there may be no appropriate site for the artwork because of its size, installation requirements, etc.
  3. There is reason to believe that the artwork was not created for the purpose of public display, or is deemed inappropriate for public display.

4. A proposed site has not been approved by the City agency in charge of that site.
5. Funding for installation of the artwork and ongoing maintenance has not been provided or guaranteed, either by the donor or by the host City agency.

Additionally, the Planning Commission, Host City Agency, and the Public Art Commission should consider the following questions and criteria when conducting its review:

- I. **AESTHETIC QUALITY AND ARTISTIC MERIT.** Longevity, craftsmanship, artistic accomplishments, creativity, scale, color, proportion, standard of excellence and representation.
- II. **PLACEMENT/SITING.** Potential site location, limitations, restrictions, environmental concerns, replacement/relocation, restoration of site to original condition, appropriateness, relationship to site, relationship to the collection as a whole.
  1. What is the relationship of the work to the site? Is it appropriately scaled?
  2. Has a list of alternative sites been developed?
  3. Will the site become a destination in itself?
  4. Will the work of art help to anchor and activate the site and enhance the surrounding area?
  5. Will there be easy access to the site?
  6. Will additional parking be required?
  7. What preparations need to be made to the site in anticipation of the installation? Is the donor willing to pay for these preparations?
  8. When the artwork is loaned to the City temporarily is the donor willing to pay to restore the site to its original condition if necessary?
  9. If the gift is intended for permanent siting on City property, has siting been made in cooperation with the agency which owns the site?
  10. What are the utility requirements of the site?
  11. Is the neighborhood interested in having the piece located in their community?
- III. **FABRICATION, HANDLING AND INSTALLATION.**
  1. Are the projected costs accurate and realistic?
  2. Have written estimates been obtained from technical support and fabrication contractors?
  3. Is the cost assured? Can the donor guarantee the funding sources?

4. Does a certain site present special obstacles?
5. Who will execute and pay for transportation, storage and installation of the piece?
6. How many people will be needed to site or move the work?
7. Can it be easily hung, transported, or installed?
8. Does it require special vehicles or equipment?
9. Is the work removable, if necessary?
10. Has written permission been granted by the artist for work by a qualified conservator, should the need arise?
11. Has the stated value of a gift been sent to the office of risk management?

IV. MAINTENANCE REQUIREMENTS. Permanence of materials, source of maintenance funds, maintenance schedule, environmental issues, durability and life span.

1. Is the work suitable for outdoor display?
2. What effect will the elements potentially have on the work?
3. How long is the material expected to last in a public, non-archival setting?
4. What age have other works in the same materials attained?
5. Does the work have a limited lifespan due to built-in obsolescence? Inherent weakness, i.e., will the materials last?
6. Has the donor signed a written commitment to provide funds for maintenance or an agreement signed between the donor and the city for maintenance responsibility?
7. What are the existing or projected maintenance requirements of the artwork?
8. What is the potential maintenance impact of the piece?
9. What is the maintenance schedule for the artwork?
10. Is the workmanship and materials used deemed to be of high quality?
11. Might the work be prone or susceptible to vandalism?
12. What thoughts do the donor and the artist have about protecting this piece of art, should it become subject to vandalism?
13. Will the work have a graffiti-resistant coating or can one be easily applied?

V. CONSERVATION AND PRESERVATION.

1. Are unusual or on-going costs likely?
2. Has written permission been granted by the artist for work by a qualified conservator, should the need arise?
3. How difficult would it be to conserve the object? At whose cost?

VI. LIABILITY AND SAFETY.

1. Is the work a potential safety hazard?
2. Does the piece propose a potential danger to the public?
3. Who will pay for any insurance coverage required?
4. Does the piece meet safety codes?
5. Will fencing or other security measures be required?

VII. COMMUNITY. Because neighborhood(?) involvement in the City's decision to accept a gift is key to community support and endorsement of a potential gift, it is recommended that a special series of questions be asked of (?) when works of art are to be located in a neighborhood. These questions could reflect the perceived relevance of the piece to the residents of the host (?), their value and culture.

1. If the artwork proposal has been generated by a community group, was the selection process an open one?
2. How has the surrounding community been involved?

VIII. BUDGET.

1. What will the artist's fee be? Will it be paid by the donor?
2. Are all cost estimates guaranteed by the donor for the duration of the project?
3. Can the donor guarantee the funding sources?
4. What costs to the City can be expected for installation, maintenance, etc.?

**(Appendix B)**  
**DONOR INFORMATION CHECKLIST**

Anyone wishing to donate an artwork, for public display, to the City of Richmond must follow the City's policies and procedures for "Gifts of Works of Art". In this way, the work is reviewed in accordance with uniform criteria for all artworks in the City's Public Art Collection. In defining gifts as art, media to be considered would include, but not be limited to, the following: sculpture, mural, mixed media installation, painting, textiles, stained glass, metalwork, limited edition print, photograph, water-work or landscape element where those elements are designed by an artist and are an integral part of the work of art.

All artworks offered to any agency, department or office of the City shall be referred to the Public Art Commission (PAC), for review. For artworks with a value less than \$2000.00, the PAC will review the work according to a standard "Gift Review Checklist" (GRC). For Artworks that have a value above \$2000.00, the PAC will appoint a "Gift Review Team" (GRT) to review the artwork according to the same GRC, and make recommendations to the PAC. The GRT shall consist of 1) a representative of the community, 2) a representative of the City's user agency responsible for the artwork's care, placement or disposition, and 3) at least one member of the PAC. In both instances the PAC's recommendation will be submitted to the Planning Commission and the Planning Commission will make final recommendations for acceptance or rejection to City Council. The City Manager, on behalf of the City, will inform the donor of the Artwork's final acceptance or rejection.

Attached are a set of forms (A-C) that must be completed in full and submitted along with a written request for consideration of the donated artwork. Please be sure to attach any, and all, requested additional materials to the forms. These forms are necessary in order that the City shall have full documentation of the gift and any pertinent information necessary for it's care in the future.

Your cooperation with these procedures is appreciated.

**ARTIST INFORMATION**

1. Artist's Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone/Fax: \_\_\_\_\_

2. Dealer or Agent's Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone/Fax: \_\_\_\_\_

In addition, please attach to this form:

3. Bio or resume

4. No more than three exhibition catalogues

5. Ten (10) slides of recent work emphasizing other Public Art commissions

**WORK OF ART SPECIFICATIONS**

**I. Identification:**

- 1. Title of Work: \_\_\_\_\_
- 2. Artist's Name: \_\_\_\_\_
- 3. Date Executed (if applicable): \_\_\_\_\_

**II. Specifications:**

- 1. Dimensions (without pedestal):

Height in. \_\_\_\_\_ Width in. \_\_\_\_\_ Depth in.

- 2. Weight (without pedestal): \_\_\_\_\_ lbs.

- 3. Pedestal Dimensions:

Height in. \_\_\_\_\_ Width in. \_\_\_\_\_ Depth in.

- 4. Pedestal Weight: \_\_\_\_\_ lbs.

Material: \_\_\_\_\_

- 5. Fabrication Material(s): List each type with corresponding brand name and specifications. This information is needed to assist the City if conservation is needed in the future.

- 6. Material(s) Finish: List each type with corresponding brand name.

**III. Site Selection:**

1. Please describe the reasons why the proposed site was selected:

2. List two alternate sites acceptable to all involved parties. (Artist, Donor, City Agency):

**IV. Fabrication:**

1. Name, Address, and Telephone of Fabricator(s):

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ TEL. \_\_\_\_\_

2. Primary Construction Technique(s):

3. Welding or Joining Material(s) and Methods: List types, brand names and joining methods for each.

4. Location and Description of Signature and Edition Markings:

**V. Maintenance:**

1. Was the work designed to include the weathering process as a part of the overall visual impact of the piece? If so, please describe the type of environment for which the work was designed.
2. Foundation specifications: Please describe the method and materials used in securing the work of art at the proposed site.
3. Maintenance Procedures: Please describe the methods and materials you would normally use to maintain this particular art work.
4. Is the Donor planning to establish a maintenance fund for the future care of the artwork? If so, please indicate the amount of funding available, the estimated annual cost, as well as the type and frequency of the maintenance which will be provided.

**VI. Additional Information:**

1. Has the work ever been on prior public exhibition? If so, please indicate when and where (attach additional sheet if necessary).
2. Are there additions of this work? If yes, please indicate the edition number of this particular work. Please list the number and locations of other editions.
3. Please list all notable exhibitions and collections pertaining to this particular work or editions of this work. (Attach additional page if necessary)

4. Please provide bibliographic information on any periodicals that have either reproduced or carried articles pertaining to this particular work.

5. If there is any other relevant information about the work that you feel should be presented to the Art Commission during its review, please attach it to this form.

**DONOR PROFILE**

1. Name, address, and telephone of donor of donating organization:

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ Tel \_\_\_\_\_

2. Name, address and telephone of liaison (if applicable):

Name \_\_\_\_\_

Address \_\_\_\_\_

Tel \_\_\_\_\_

3. Please describe the circumstances under which the gift is being proposed:

4. What is the appraised value of the work being donated? \_\_\_\_\_

Date of appraisal: \_\_\_\_\_

5. Please describe how you feel the proposed site will be improved or enhanced by the installation of this work of art: