

CITY OF LANCASTER
PUBLIC ART
DONATION POLICY

**Issued by the Director of Community Planning
And Economic Development**

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CITY OF LANCASTER PUBLIC ART DONATION POLICY

STATEMENT OF PURPOSE

The City of Lancaster is committed to expanding and maintaining its collection of high-quality public art for the enjoyment and enrichment of its residents and visitors. This commitment includes providing a means by which individuals and organizations may propose donations of artwork to be included within the City of Lancaster's collection. These donations are an important part of the City's growing art collection and presence in the public realm. This policy outlines the process through which proposals for the donations of art to the City of Lancaster's collection are reviewed and accepted or rejected by the City of Lancaster.

The objectives of this policy are to provide uniform procedures for the review and acceptance of donations of works of art to and for the City of Lancaster, maintaining high artistic standards in works of art displayed by the City of Lancaster and encouraging or facilitating recognition of the artistic community. The policy further strives to assure that there will be appropriate funds to protect, maintain, preserve and conserve works of art donated to the City of Lancaster. Finally, the policy assures that any donations of art align with the goals and criteria established in the City of Lancaster's Public Art Guidelines and Ten-Year Plan.

DEFINITIONS

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

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 image or sound-based art) created by a professional artist, artist or collaborative team.

Deaccession: The process of permanently removing an artwork from an institution's collection.

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

PAAB: The City of Lancaster Public Art Advisory Board. PAAB is responsible for reviewing all donations of public art proposed by individuals, organizations and neighborhood and community groups and making recommendations for the acceptance of the same to the City Council of the City of Lancaster.

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 education attainment.

Temporary Art: Any art which fits within the definition of temporary art as set forth in the policy for Temporary Public Art of the City of Lancaster, a copy of which is attached hereto as Exhibit "A".

PROCESS FOR CONSIDERATION

When artwork (other than Temporary Art) is proposed for donation to the City of Lancaster, the process established in this policy shall be followed. 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.

Step 1 – Concept Proposal

The donor should submit a written request to the Public Art Manager of the City of Lancaster who will determine whether the proposal has merit and whether to move that proposal to the Public Art Advisory Board for its consideration.

Step 2 - Application

If advanced by the Public Art Manager, the donor will then submit a formal application including the following information:

1. A maquette, images or the actual work for review. Images can be provided electronically or by hard copy and should show all slides and provide the proper scale of the work;
2. A cover letter explaining and describing the offer of donation of the artwork to the City of Lancaster as a gift and explaining why the artwork should be added to the City's Public Art Collection;
3. A copy of the artist's resume or biography, information about the artist's significance, and digital images showing a sampling of the artist's work;
4. Information about the artwork's provenance, exhibition history, and a current estimate of value. If possible, this information should include a letter of authenticity from the artist;
5. A conservation assessment describing the artwork's condition, along with a detailed maintenance plan. The plan should include an explanation of the expected lifespan of the work while placed in a public environment, stipulating the type of environment (interior/exterior) in which the artwork may or should be placed. The plan should also discuss how the artwork may be prone to vandalism and how the effects of any vandalism may be mitigated. The plan must be authored by the artist or a qualified conservator;
6. If applicable, detailed construction/fabrication drawings consisting of a site plan, elevation and section view of the artwork and describing adjacent/surrounding site conditions, dimensions, materials, colors, power, plumbing or other utility requirements;

7. If applicable, information about the construction/installation method for the artwork, the fabricators' qualifications to install the work and evidence that the fabricator/contractor installing the artwork carries adequate insurance to meet the City's requirements;
8. Any further information the donor desires to submit in support of the application.

Step 3 – Community Engagement Plan

Develop and submit a community engagement plan to the Public Art Manager and the PAAB providing that the proposed donation of artwork will proceed through a robust community engagement process connecting the artist and the proposed artwork to be donated with all relevant constituencies within the City of Lancaster. The community engagement process shall, at a minimum, incorporate all of the provisions of community support as set forth in paragraph 6 of the City's policy for temporary public art. Once the community engagement process is approved by the Public Art Manager, the application can move to Step 4.

Step 4 – PAAB Approval

1. The PAAB shall assign one of its members to work with the donor and to observe all of the donor's community engagement as set forth in its approved community engagement plan.
2. At the conclusion of the community engagement process, the donor will report its findings to the PAAB.
3. PAAB will then consider those findings along with the original application to determine whether to recommend that City Council of the City of Lancaster accept the artwork. In so doing, PAAB shall utilize the following criteria:
 - a. The application includes a professional artist.
 - b. The proposed design and/or artwork is appropriate for the public realm, the review of which will also assure that it contains no hate speech.
 - c. The proposal does not present any public safety hazards.
 - d. The artwork is suitable for the proposed site based on size, scale and form. When looking at site specifications, PAAB shall consider the same specifications included in its policy for temporary public art.
 - e. The artwork has sufficient aesthetic quality, including craftsmanship to be accepted into the City's art collection.
 - f. The proposed donation is compatible with the City's existing public art collection – in other words, the artwork adds to the diversity, breadth, and/or quality of the City art collection.
 - g. The artist has sufficiently progressed the project or demonstrated the ability to complete the project.

Step 5 – Maintenance Agreement

Funds to maintain artworks within the City's collection are limited. Therefore, when accepting a gift into the City's collection, the PAAB will require that the donor sign a maintenance agreement

or establish a maintenance endowment to ensure an adequate quality of care for the artwork. PAAB is unlikely to consider recommending to City Council of the City of Lancaster a donation that requires immediate or extensive maintenance.

Step 6 – Acceptance

Should PAAB approve the donation request, PAAB will make a recommendation that City Council accept the donation of public art at which time the Public Art Manager shall have the request and recommendation placed on one of Council's meeting agendas for the next calendar month.

Upon acceptance by City Council, the Public Art Manager will assure that the maintenance agreement is signed by the donor and the City and will coordinate the installation and donation of the artwork.

MISCELLANEOUS.

1. Any art (including intellectual rights associated with the same) donated through this process and accepted for donation by the City of Lancaster shall become the property of the City of Lancaster and the City shall have sole and absolute control over its location and use. Further, all documents, plans, artwork and other materials developed or prepared by the artist in conjunction with the donation and provided to the City shall become the sole and absolute property of the City.
2. The artists and the individual donating the artwork (if different from the artist) will be fully acknowledged by the City in all print and digital materials pertaining to the donation and/or display of the artwork.
3. The artwork is subject to any deaccession policies of the City of Lancaster.
4. All artwork is subject to the Visual Artists Rights Act of 1990 (VARA) 17 US Code § 106A