



## Public Art Gifts Policy

### Purpose

To establish procedures for review, evaluation, and potential acceptance of publicly sited and portable artworks as gifts into the Office of Arts & Culture Civic Art Collection.

### Background

The [Seattle Arts Commission](#) was established in 1971 under [City Ordinance 99982](#). In 2014 the name of the office changed to the Office of Arts & Culture (OAC) under [City Ordinance 124539](#). This legislation designates OAC to:

- Stimulate a diverse and lively arts and cultural environment that draws on the full potential of artists across a broad cultural spectrum.
- Reflect and respond to civic concerns and aspirations.
- Enrich the lives of all members of our community.
- Support a healthy arts economy.
- Provide greater access to arts.

To this end, OAC seeks to acquire works of art which are representative of artistic expression from diverse communities throughout Seattle.

The One Percent for Art Division was established in 1973 under [City Ordinance 102210](#) which was later amended in 1976 ([105389](#)) and 2017 ([125636](#)). These ordinances give OAC the authorization to purchase works of art or commission the design, execution, and placement of works of art.

The 1978 Gifts Ordinance, [Seattle Municipal Code Section 20.36](#), outlines the procedures and requirements for Mayoral acceptance of artworks and their necessary consultation with the City Department Head(s) responsible for the proposed artwork site and with the Arts Commission for a recommendation for potential acceptance.

The Arts Commission is an advisory body for OAC that consists of 16 members: seven appointed by the Mayor, seven appointed by City Council, one appointed by the Mayoral and City Council commission members, and one young adult nominated through the YMCA's Get Engaged program. The Public Art Advisory Committee (PAAC) is a subcommittee of the Commission.

The [Civic Art Collection](#) is made up of both portable works and publicly sited artworks. Portable works are small-scale artworks (paintings, photographs, works on paper) that are not rooted to one location and rotate through City-owned buildings and offices. Publicly sited artworks are large scale artworks which are sited at specific and unchanging public locations throughout the city.

When an artwork is accepted into the Civic Collection, OAC is responsible for maintaining its records and overseeing its maintenance throughout its lifespan. OAC has limited funds to protect, maintain, preserve, and conserve the over 4,000 artworks currently in the collection. Dwindling suitable sites on City-owned property for publicly sited artworks and limitations in staffing capacity need to be considered when artworks are proposed as gifts to the Civic Collection. **Careful review of proposed gifts is crucial in upholding OAC's stewardship obligation to the artworks already in the collection.**

## Gift Review Process Information

OAC is responsible for reviewing all proposed gifts of art for the Civic Collection. The gift review process may be conducted by PAAC or, if deemed necessary, a Gift Review Panel. In circumstances where it is appropriate, a Gifts Review Panel of no fewer than three and no more than five persons of visual arts professionals (artists, museum curators, art historians, conservators, and neighborhood/community representatives) may be appointed by OAC's Public Art Division Director to review the artworks being considered for acceptance and to present their recommendations to the Arts Commission for final review.

The Mayor and other City departments may request advisory involvement from OAC and the Arts Commission to assist in gift evaluation processes. **If a gift is reviewed through OAC's process and is accepted by another City department, it is that department's responsibility to supervise and assist in the installation of the artwork and maintain the artwork throughout its lifespan.**

After the gift review process, the PAAC and/or the Gift Review Panel will recommend a course of action regarding the proposed artwork gift to the Arts Commission and Mayor, when appropriate. The recommendation from the reviewing body will be presented to the commission at its regular monthly meeting. OAC's Public Art staff will notify the Donor, and if applicable, the Mayor and/or the recipient Department regarding the commission's determination.

No gift should be considered accessioned into the Civic Collection until final approval has been made by the Commission, and when appropriate, the Mayor. A submitted letter of intent or transfer of ownership documentation is also required.

Once the artwork ownership is transferred and is accessioned into the Civic Collection it will be

subject to the City's Deaccession Policy and all current OAC policies and procedures. All available original historical documentation in the possession of the Donor should be delivered to OAC's Registrar upon transfer of ownership. If the originals cannot be delivered archivally, scanned documents are acceptable. These materials may include artist statements, drawings, material lists, material sources, images, news clippings, etc. In most cases the Registrar will need the artist/Donor to complete OAC's artwork intake forms.

In the event a Donor wishes to donate an artwork that has not been fabricated or completed, they must enter into an agreement with the City of Seattle to determine terms, conditions, and covenants determined by the City. This agreement shall include (but is not limited to):

- Project Requirements
- Representations and Warranties
- Indemnification and Release of Liability
- Commercial General Liability Insurance
- Signed Visual Artists Rights (VARA) waiver from all involved artists

If a proposed gift is not fabricated or completed within the timeline originally established, or if significant changes (both conceptual and financial) to the proposed work occur, the artwork must be reviewed again by the reviewing body and Arts Commission. OAC can request a resubmitted proposal for review of the costs incurred by the delay/changes.

## Basic Requirements for Proposed Gifts

Bolded requirements may apply to both portable and publicly sited artworks. Nonbolded only apply to publicly sited artworks.

- **Title and exhibition criteria for artwork gifts must be unrestricted.**
- **Existing artwork must have provenance information and establish clear title.**
- **Provisions for installation and future maintenance, as determined by OAC must be satisfied.**
- Maintenance review by OAC
- Stamped structural engineer drawings and additional engineering reviews as needed
- 20-year maintenance fund negotiated between the Donor and the OAC
- As applicable, the artwork must meet City structural, building, right-of-way, electrical, and other codes for safety.
- As applicable, the artwork must meet Federal Americans with Disabilities Act requirements.
- **Artwork must be in stable condition.**
- **There must be adequate storage space and appropriate exhibition venues/site.**

## Maintenance Agreement & Maintenance Fund

OAC maintains the records of artworks in the Civic Collection into perpetuity and oversees their maintenance. Funds to maintain artworks in the collection are limited. **Accepting a publicly sited artwork as a gift will require the Donor to sign a maintenance agreement or establish a maintenance fund to ensure the future needs of the artwork for at least 20 years.** The amount of the maintenance fund shall be negotiated with the Donor by Public Art Staff. Scale, material, location, value of the artwork, and potential for vandalism will be considered in determining the maintenance fund or a minimum of 10 percent of the estimated artwork value.

## Deaccession

OAC maintains the right to evaluate the condition of the gifted artwork and consider the possible deaccession of it from the Civic Collection per our Deaccession Policy. If we deem that following a five-year evaluation that we can no longer feasibly manage and/or maintain an artwork gifted to the Civic Collection, we can deaccession the work and return ownership to the Donor or gifting organization/Donor or gifting organization's fiscal sponsor/agreed upon artwork recipient.

Long-term feasibility criteria:

- Evaluation every five years.
- Fund balance in maintenance budget.
- Current conditions/needs for repair or conservation.
- Future needs for conservation.

## Administration Fee

We may require an administrative fee to cover costs associated with staff coordination and oversight of the accession/installation of a gifted artwork.

## Gift Review Criteria

Our values of antiracism, equity, and inclusion are paramount when considering a potential artwork gift.

## Portable Works Considerations

Portable works are reviewed by the staff Curator in consultation with the Donor before PAAC review. Portable artworks in the Civic Collection are mostly experienced by City staff within office environments and do not require the same considerations and safeguards as publicly sited artworks.

**Important Note:** If the proposed gift is a portable work intended as semi-permanent artwork in a location at a publicly accessible site, or is oversized, the publicly sited artwork considerations below

should be reviewed before presenting it to PAAC.

## Publicly Sited Artwork Considerations

Publicly sited artworks will be reviewed by the PAAC and/or the Gift Review Panel based on the considerations listed below. The reviewing body will require evidence that any noted outstanding issues that arise through the process have been satisfactorily resolved before making a recommendation to the Arts Commission regarding a proposed gift.

### **Artwork**

This pertains to portable works as well:

- Does the artwork uphold OAC's ongoing commitment to its values of antiracism, equity, and inclusion?
- Durability and craftsmanship in fabrication.
- Relationship of artwork to other works in the Civic Art Collection.
- Artist's regional/historical impact/significance.
- Does the artwork contribute to the diversity and breadth of the Civic Art Collection?
- Is the artist's work already adequately represented in the Civic Art Collection?

### **Site**

- Has the location of artwork's proposed site been approved by the City department that owns/occupies the site?
- Appropriateness of artwork scale/aesthetics/context in relation to the proposed site and its surroundings.
- The architectural, historical, geographical and/or socio-cultural context of the site. Evaluating the history of a site should be explored with nuanced care to evaluate the impact on non-privileged communities that have suffered from racism, bigotry, and discrimination.
- If the artwork location is within a neighborhood plan, historic district, or other, is the artwork consistent with the plan recommendations?
- Known future development plans for the site.
- Relationship to existing artwork within the proposed site vicinity.
- Environmental impact of the artwork.
- Public accessibility to the artwork.
- Is the location within 200 feet of a shoreline.
- Located in proximity of a waterway.

### **Community Process/Outreach**

- Is there evidence of the Donor engaging in public comment/involvement regarding the proposed gift and/or identified and engaged with racial, ethnic, or other marginalized communities most affected by the proposed artwork and artist? **The Donor should be able to demonstrate support from these groups, as well as support from the surrounding neighborhood and adjacent businesses of the proposed site, if applicable.**
- Was the artist selection based on an open competition or a similar process with substantial community involvement or was it a direct selection by the Donor?

### **Technical Specifications and Feasibility**

Artworks proposed for installation on City property must be durable and meet City safety standards. Construction/fabrication drawings will be necessary for the Gift review. The reviewing body may require additional support materials such as documentation describing artwork and specifications, models, and structural and engineering drawings.

Documentation of the following elements is necessary for Gift review:

- Adjacent/surrounding site conditions.
- Artwork dimensions, materials, color palette.
- Power, plumbing or other utility requirements.
- Construction/installation method.
- Fabricator qualifications to install the artwork.
- Adequate fabricator insurance within City standards.

### **Budget and Contractual Information**

Prior to acceptance of a non-completed/fabricated artwork gift, its proposed budget and funding source must be reviewed. Criteria include:

- Artist's fee must be equal to at least 20 percent for the artwork cost.
- Fee(s) for project collaborators (e.g., designers, fabricators, installers).
- Projected costs must be accurate and realistic as demonstrated by artist/fabricator and/or installer estimates.
- Cost estimates must be guaranteed by the Donor through the installation of the artwork.
- Payment for artwork and its installation must be guaranteed by the Donor through a valid, signed contract.

## Durability and Maintenance

OAC is responsible for overseeing the maintenance of artworks in the Civic Collection. Proposed publicly sited artwork gifts must be accompanied by a maintenance plan that addresses both ongoing and long-term maintenance. This plan must be reviewed by the staff Conservator prior to the review process. The following must be addressed/documentated in the plan.

- Expected life span of artwork. **20-30 years is the general expected lifespan for publicly sited artwork.** For artworks with technological elements, the expectation is 10-15 years.
- List of artwork materials. If using new materials, supply examples of similar artworks in the same material(s).
- Site environmental conditions and suitability of artwork materials for the proposed location.
- Does the site present special obstacles (e.g. poor drainage, steep slope)? Have these obstacles been adequately addressed?
- Estimated accounting of long-term maintenance requirements and cost.
- Provision of maintenance funds or agreement. OAC may, at its discretion, require the Donor to sign a maintenance agreement and/or allocate funds for ongoing maintenance and preservation of the artwork for an estimated 20 years or a plan for continued community fundraising for the ongoing maintenance.
- Description of artwork installation plan/approach and removal steps/requirements.
- Are there any potential safety hazards and how are they addressed?
- Seismic considerations, e.g. engineering review for seismic safety.
- Artwork elements that may be prone to vandalism.
- How will graffiti and vandalism be addressed?