



## **Columbus Art Commission Gift and Loan Policy**

*Mission: The Columbus Art Commission champions art and design in the public realm as integral and vital to the life of our city.*

"Public art should be a natural, integrated part of our lives, throughout our neighborhoods, parks and downtown. As we continue to build Columbus as a leading 21st century city, we must make sure that art is a part of our plans and projects, and that artists are honored for their creativity and talent."

*Michael B. Coleman  
Mayor*

Generous gifts of art enliven Columbus' public spaces and have done so for decades. This spirit of generosity and the desire to commemorate people, places and events in our City's parks and civic spaces continues. The purpose of the Gift Policy is to provide consistency in the determination and quality of the gifts of artwork accepted on behalf of the City of Columbus. Per Columbus Code Chapter 3115, the Columbus Art Commission (CAC) is required to approve the acquisition, design and placement of all art to be owned by the City, placed on City property or anywhere in the public right-of-way.

As early as possible, any party wishing to sponsor or donate artwork to the City of Columbus should consult with Commission staff about the review and approval process. Parties may request in writing to be placed on the Commission's agenda at the outset of this process for a *Preliminary Project Discussion*, at which time Commission input with regard to design, project scope and process may be discussed. Preliminary project discussion does not constitute approval. It does provide an opportunity to discuss the merits of a proposed gift and the context within which it is planned to be given. A completed Columbus Art Commission application will be required for the donation to progress on to the *Conceptual and Final Review* stages, and ultimately, to receive *Final Acceptance*.

### **I. General Policies**

- A) The Columbus Art Commission encourages unrestricted gifts to the City of Columbus. A donor's wishes regarding the placement of donated works of art will be taken into consideration, but they may not be stipulated or made a condition of a gift.

All written agreements negotiated between the donor, Commission and applicable City Departments must be reviewed and approved for legal purposes by the City Attorney's Office. Aesthetic review falls under the authority of the Columbus Art Commission. City Council authorization of the agreement and acquisition may be required.

- B) To the greatest extent feasible, the CAC will seek to insure the ongoing integrity of the artwork and the sites for which they were created, in accordance with the

artist's original intentions, and consistent with the rights afforded by the 1990 Visual Artists Rights Act (VARA)<sup>1</sup>.

- C) The CAC will endeavour to secure continuing access to its artwork by the public, although the City may limit availability due to circumstances such as funding, public safety, display space and decommissioning.
- D) The CAC will work to maintain the integrity of the artwork and sites in the City's collection. Unfortunately, there may be occasions when an artwork becomes unsafe, unable to be repaired, or is located on a site, or within a piece of capital infrastructure or city building that no longer meets the City's needs. Deaccession, removal and/or alteration of artwork will be done in accordance with all applicable city, state and federal regulations, including Columbus Code Chapter 3115 Columbus Art Commission, the 1990 Visual Artists Rights Act and, where applicable, contracts executed between the City of Columbus with artists and donors.

## II. Types of Donations

- A) Existing Works of Art
  - Portable. Works that are of a scale that is appropriate for rotation through public spaces belonging to the City of Columbus.
  - Non-Portable. Works that are of a larger scale than would be appropriate for the portable collection and would require a semi-permanent site.
- B) Commissioned Works of Art
  - Works of art specifically commissioned with the intent to gift or loan the work to the City of Columbus and that usually require a specific site.
- C) Loans
  - A work of art given for use over a specified period of time, to be returned to the owner at the end of the use period.
- D). Monetary Gifts
  - Monetary gifts made to the City for the acquisition and maintenance of artwork.

## III. Review Process

- A) Existing Works of Art: Portable
  - Initial Contact with the CAC.  
Unless requesting a preliminary project description, sponsors should submit a completed "existing works of art" application to the CAC, including the additional submission requirements cited in Section IV of this document. Sponsors are encouraged to consult with Commission staff when completing a Columbus Art Commission application.
  - Review by the CAC.  
The CAC has application deadlines for determining items to be placed on its monthly hearing agenda; only complete applications will be scheduled. The

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<sup>1</sup> For information on the Visual Artists Rights Act see page 9

CAC may ask to see the work or for additional information, including a preliminary examination and maintenance/treatment report by a professional art conservator, if it determines it will further consider the gift. Works of art should be professionally appraised and ready for installation.

In the final stage of its review process, the CAC will vote to accept or deny the proposed gift and its maintenance provisions. The CAC will not grant final acceptance until the work is situated and all provisions for maintenance have been satisfied. Denial at the final acceptance stage is limited to circumstances where the Commission determines non-adherence to the approved plans and/or unauthorized changes. The two earlier stages of required review are conceptual review and final review; a complete overview of the three required stages of Commission review is located in the “Definitions” section of this document.

- Acceptance by City ordinance, as necessary.

*NOTE: Commission approval shall be required in addition to any other approval or permit that may be required by the City of Columbus prior to such placement or to allow continued placement. This includes, but is not limited to, the issuance or renewal of a Special Right-of-Way Permit pursuant to Chapter 910 and approvals that may be required by the Columbus Recreation and Parks Commission for art proposed for placement in city parks.*

#### B) Existing Works of Art: Non-Portable

- Initial Contact with the CAC.  
Unless requesting a preliminary project description, sponsors should submit a completed “existing works of art” application to the CAC, including the additional submission requirements cited in section IV of this document. Sponsors are encouraged to consult with Commission staff when completing a Columbus Art Commission application.
- Review by the CAC  
The CAC has application deadlines for determining items to be placed on its monthly hearing agenda; only complete applications will be scheduled. The CAC may ask to see the work, or for additional information, including a preliminary examination and maintenance/treatment report by a professional art conservator, if it determines it will further consider the gift. Works of art should be professionally appraised and ready for installation.

In the final stage of its review process, the CAC will vote to accept or deny the proposed gift and its maintenance provisions. The CAC will not grant final acceptance until the work is situated and all provisions for maintenance have been satisfied. Denial at the final acceptance stage is limited to circumstances where the Commission determines non-adherence to the approved plans and/or unauthorized changes. The two earlier stages of required review are conceptual review and final review; a complete overview of the three required stages of Commission review is located in the “Definitions” section of this document.

*NOTE: Commission approval shall be required in addition to any other approval or permit that may be required by the City of Columbus prior to such placement or to allow continued placement. This includes, but is not limited to, the issuance or renewal of a Special Right-of-Way Permit pursuant to Chapter 910 and approvals that may be required by the Columbus Recreation and Parks Commission for art proposed for placement in city parks.*

C) Commissioned Works of Art

▪ Initial Contact with the CAC

Sponsors are strongly urged to meet with the CAC very early in their process and to meet often to keep the Commission fully informed of the project's status. Commission staff will meet with the sponsor to review the Columbus Art Commission approval process and schedule.

Sponsors of gifts are encouraged not to select specific designs prior to the Commission conceptually approving the proposal and the site. A preliminary project discussion with the CAC is the optimal time to discuss a potential commissioned gift of artwork to the city. It provides the sponsor an opportunity to obtain Commission input and guidance with regard to project scope, process and location. The Commission may also advise on how to select and work with an artist and how to select an art consultant and/or an art advisory committee. *Note: a letter of intent is all that is required to schedule a preliminary project discussion with the CAC.*

▪ Review by the CAC

**Conceptual Review:** The CAC has application deadlines for determining items to be placed on its monthly hearing agenda. An application for a new work of art should be completed to the fullest extent possible. Sponsors should include such information as the project scope, the process for selecting an artist(s) and of a site, medium, time frame, and budget proposal.

**Final Review:** Only complete applications, including the supplemental information listed in Section IV, will be scheduled onto the Commission's agenda for final review. A model or scale representation of the work, including physical samples of all physical materials, must be presented to the Commission. The CAC may also ask the sponsor for additional information, including a maintenance/treatment assessment by a professional art conservator, if it determines it will further consider the gift.

*Note: If in the development and execution of the project, the concept, materials or aesthetic of the work is altered or changed in any way, the applicant should return to the Commission prior to proceeding and seek Commission approval of the alterations. Any changes in the design of the work may require additional approval from the CAC before the work will be considered for final acceptance.*

**Final Acceptance:** In order to receive final acceptance from the CAC, works of art should be completely installed and professionally appraised. Projects that are denied final acceptance will not be considered owned or the

responsibility of the City. Denial at the final acceptance stage is limited to circumstances where the Commission determines non-adherence to the approved plans and/or unauthorized changes.

*Note: Commission approval shall be required in addition to any other approval or permit that may be required by the City of Columbus prior to such placement or to allow continued placement. This includes, but is not limited to, the issuance or renewal of a Special Right-of-Way Permit pursuant to Chapter 910 and approvals that may be required by the Columbus Recreation and Parks Commission for art proposed for placement in city parks.*

#### D) Loans

- Initial Contact with the CAC

Unless requesting a preliminary project discussion, sponsors should submit a completed “existing works of art” application to the CAC, including the additional submission requirements cited in Section IV of this document. Sponsors are encouraged to consult with Commission staff when completing a Columbus Art Commission application.

In addition to a description of the location where the artwork will be installed, written authorization from the City agency with jurisdiction over the site that approves the proposed location and time period of placement is required.

- Review by the CAC

The CAC has application deadlines for determining items to be placed on its monthly hearing agenda; only complete applications will be scheduled. The CAC may ask to see the work, or for additional information, including a preliminary examination report by a professional art conservator, if it determines it will further consider the loan.

In the final stage of its review process, the CAC will vote to accept or deny the proposed gift and care provisions. The CAC will not grant final acceptance until the work is situated and all provisions for the care of the art work have been satisfied. Denial at the final acceptance stage is limited to circumstances where the Commission determines non-adherence to the approved plans and/or unauthorized changes. The two earlier stages of required review are conceptual review and final review. An overview of the three required stages of Commission review is located in the “Definitions” section of this document.

*Note: Commission approval shall be required in addition to any other approval or permit that may be required by the City of Columbus prior to such placement or to allow continued placement. This includes, but is not limited to, the issuance or renewal of a Special Right-of-Way Permit pursuant to Chapter 910 and approvals that may be required by the Columbus Recreation and Parks Commission for art proposed for placement in city parks.*

- Lender’s Agreements

When exhibiting a work of art on City property or in the public right-of-way, the lender must agree in writing to the following:

- 1) Unless otherwise agreed to in writing, by the City, the lender will be responsible for all costs associated with the transportation, installation, de-installation, and insuring of the artwork.
- 2) Upon removal of the artwork, the lender must return the site to its original condition and remove any debris caused by or resulting from the exhibition or the artwork.
- 3) Unless otherwise agreed to in writing by the City, the lender must agree to exhibit the artwork at his/her/organizations own risk and bear the expenses of any losses or damages to the artwork. The lender must agree in writing to hold the City harmless from any and all liabilities and for damages or losses to the artwork.
- 4) The lender will produce a descriptive label for display next to, or near, the loaned artwork.
- 5) Unless agreed to in writing by the City, the lender must agree to bear all expenses related to the cost of City safety measures enacted as a result of the artworks' placement.
- 6) If the artwork becomes damaged or destroyed, or becomes a danger to the public, the lender will remove the artwork within three days notice from the City.

E) Acceptance of Monetary Gifts for the Acquisition and Preservation of Artworks

- Proposed Monetary Gifts

Proposed monetary gifts to the City of Columbus for the purpose of acquiring or preserving artworks will be referred to the Columbus Art Commission for review and approval. All recommendations on the acceptance of proposed gifts of money will be forwarded to Columbus City Council for acceptance.

#### IV. Additional Submission Requirements for Loaned or Donated Works of Art

Materials will include, but are not limited to:

- A) Estimated costs for transporting and installing the artwork (to be done at the owner's expense unless otherwise agreed by the City). For loaned artworks, the persons or organizations requesting to temporarily display artwork in or on City property or in the right-of-way, must also provide a written description of the proposed budget and method for the de-installation and removal of the artwork.
- B) Documentation of ownership, value and provenance (past ownership) of the artwork.
- C) Information about the artist (biography, selective list of completed works when available, selected publications) and about the gifted or loaned work, including color photographs, a list of sketches, maquettes, or studies in any media.
- D) Provision of a technical and maintenance service schedule, including estimated costs.

#### V. Criteria for Accepting or Declining Artwork

- A) **Artistic quality/excellence.** Does the artwork merit inclusion in and add enduring value to the City's collection?

- B) **Appropriateness to the site.** The proposed artwork's compatibility with the physical, cultural, social and historical conditions of the existing or planned site will be evaluated. Future plans for the site will also be taken into consideration.
- C) **Originality.** Artwork must be unique and one-of-a-kind, or part of a limited collection. Reproductions of originals will not be considered.
- D) **Permanence.** Artwork should be structurally sound and reasonably able to withstand the conditions of its placement, especially if the work will be sited outdoors with limited supervision. Artwork requiring immediate maintenance or conservation will rarely be considered.
- E) **Safety.** The artwork will not pose a safety hazard and will be in compliance with public safety requirements standards for play equipment, ADA (if applicable), etc.
- F) **Feasibility.** Technical considerations and budget will be carefully considered.
- G) **Maintenance.** Ongoing maintenance is a primary consideration. The donor must provide a maintenance schedule with detailed instructions for routine care and estimated costs. The donor must inform the Commission and appropriate City Department with jurisdiction over the piece if unusual or extraordinary maintenance is required. Donor must provide a reasonable cost estimate for all maintenance requirements.
- H). **Donor requirements.** All donor requirements and restrictions must be clearly identified.

## VI. Definitions

### **Preliminary Project Discussion:**

A preliminary project discussion is an *optional* meeting that can occur prior to conceptual review. It can be initiated by an applicant or upon the request of the Commission. The purpose is to brief the Commission on projects and proposals that are unique, complex or may occur in stages. By providing an early overview of an entire project and its various components, the CAC is better able to understand project goals and context, as well as provide feedback and guidance regarding process, artist selection and scope.

### **Conceptual Review:**

Conceptual review is a *required* step in the CAC approval process. It takes place at the initial stages of an art project. During this phase, the CAC reviews materials that document the concept of the project, including but not limited to, plans, drawings and models that clearly describe the scale of the project, conceptual statements, materials samples, conservator reports, and budgets. The applicant is required to include color photographs that show details of the project location and the adjacent uses and surroundings. Other materials that describe the process of the proposed project are also presented, such as, a competition process, design process, and letters of support from project partners and neighborhood organizations. Applicants are required to show awareness of, and compatibility of the proposed project with, adopted City Plans. Final and/or stamped drawings are not required at this time. The Commission may require a site visit before a decision about the application is made.

The CAC may grant conceptual review approval, table, or deny approval of the application. In the case that the application is tabled or denied with conditions outlined by the Commission, the applicant may remedy the proposal and resubmit the application for conceptual review. An application will be considered denied if the applicant does not reappear before the Commission within three months of the first conceptual review hearing date. The applicant may request a continuance if actively pursuing proposal modifications and more time is needed to revise the

application. A request for continuance must be presented to the Commission in writing within the three month “grace” period; failure to do so will result in denial.

An applicant who is denied without conditions outlined by the Commission may not reapply to the Commission for one year from the meeting where the approval was denied for that particular project. In cases where the application also meets the requirements of final review, the application may be considered for both conceptual and final review.

**Final Review:**

Final Review is *required* for the Commission to approve the final design of the project before it is built. It is required of all applicants before they begin the construction or fabrication of their project and builds on information provided in the conceptual review application. At this stage, the Commission reviews materials including, but not limited to, stamped architectural, engineering and/or construction drawings, specifications, drawings and models which clearly describe the scale of the project, conceptual statements, material samples, conservator reports, and proof of required insurances and budgets. The applicant is required to include photographs that show details of the project location and adjacent uses/surroundings. Other materials that describe the process of the proposed project are also presented, including but not limited to competition process, design process, and letters of support from project partners and neighborhood organizations. Applicants are required to show an awareness and compatibility of the proposed project with adopted City Plans, where applicable. Final construction documents are required at this time unless the Applicant has received notice from the Commission that they are not required. The Commission may require a site visit before a decision on the application is made.

In the case that the application is tabled or denied with conditions outlined by the Commission, the applicant may remedy the proposal and resubmit the application for *Final Review*. In the event that the applicant does not reappear before the Commission with proposal changes or amendments within three months of the applicant’s first Commission hearing date for *Final Review*, the application will be considered denied. **The applicant may request a continuance if actively pursuing proposal modifications and more time is needed to revise the application. A request for continuance must be presented to the Commission in writing within the three month “grace” period; failure to do so will result in denial.** An applicant who is denied without conditions outlined by the Commission may not reapply to the Commission for one year from the meeting where the approval was denied.

**Final Acceptance:**

This review takes place after the project has been completed. The purpose of final acceptance is to present the final project and project documentation to the CAC. The applicant must report all changes to the project, if any, since obtaining final review approval. At this stage, the Commission reviews photographs of the completed work, as built drawings and other materials that document whether the project was completed as proposed. Copies of the application materials will be kept on file along with the application. **NOTE: Applicants are strongly urged to return to the CAC and present any changes being considered that will in any way alter the project from the application materials and design proposal that received *Final Review* approval.**

In circumstances where there is non-adherence to the approved plans or unauthorized changes, the Commission may require the applicant to make changes to the project to receive final acceptance approval. The Commission may require a site visit before a decision about final

acceptance is made. Projects that are denied final acceptance will not be considered owned by the City of Columbus and may be ordered removed by the CAC.

**Visual Artists Rights Act of 1990 (VARA):**

VARA is Federal legislation that gives visual artists certain rights with respect to their artwork. It causes commissioning agencies to consider the possibility of future changes to the site where artworks are placed, as well as changes to the artwork itself. The law addresses artists rights of attribution and disassociation, as well as the commissioning agency's right to manage its buildings and properties in addition to any artwork that may be sited there. Provisions of VARA are best addressed in the contract entered into between the commissioning agency and the artist.

*A Note:*

Many different municipal guidelines for the donations of artwork were consulted in the preparation of this document. The City of Columbus Art Commission wishes to specifically thank the staffs of the *Regional Arts and Culture Council for the City of Portland and Multnomah County* and the *Percent for Art Program, Civic Arts Commission for the City of Berkeley*, for their assistance and permission to use language from their respective gift and loan policies.