

SECTION 12: GIFTS AND LOANS

12.1 Objectives:

- 12.1.1 Foster a gift and loan program that results in a high-quality City public art collection.
- 12.1.2 Engage applicants early and clearly communicate public art goals, policies and procedures.
- 12.1.3 Be proactive in soliciting gifts that help achieve the City's goals.
- 12.1.4 Accept artworks that enhance communities and welcome the community into public spaces.
- 12.1.5 Ensure artworks are safe and durable.
- 12.1.6 Respect the creative rights of artists.
- 12.1.7 Keep the application process as clear and simple as possible.
- 12.1.8 Support an efficient workload for staff.

12.2 Definitions

- 12.2.1 **Gift:** The addition of an artwork to the City's public art collection without payment by the City for the artwork.
- 12.2.2 **Loan:** The temporary addition of an artwork to the City's public art collection, to be returned to the owner at the end of the use period, either with or without payment by the City for the artwork.
- 12.2.3 **Life Spans:** 1) Temporary-up to 5 years, 2) Midspan-up to 15 years, 3) Long term-up to 50 years, 4) Permanent or site integrated- part of site/structure and cannot be removed.
- 12.2.4 **Portable Collection:** City-owned artworks that are easily moved or removed from display, such as framed artworks and small-scale sculptures. The collection does not include any of the historic, large-scale artworks in the locally and nationally historically-designated areas of City Hall, such as the paintings in the Council Chambers or *Father of Waters*.
- 12.2.5 **Public Area:** Any area of a City-owned or -operated building or property to which the public has access. This includes open outdoor spaces, lobbies, reception areas, hallways, and meeting rooms where meetings occur with the public. It also includes the spaces assigned to the City within City Hall, with the exception of the Council Chambers.
- 12.2.6 **Placement:** Installation or display of an artwork.
- 12.2.7 **Applicant:** Any person group or organization may request to donate or loan works of art to the City.

12.3 General Policies

- 12.3.1 **Funding and Costs:** All costs related to the artwork shall be the responsibility of the applicant. These may include but shall not be limited to the costs of:

- Assessment by an art conservator of the condition of the artwork prior to consideration by the Public Art Advisory Panel and Arts Commission.
- Funds to defray the costs of City administration of the gift.
- A plaque or signage.
- Transportation, installation, and site restoration.
- Maintenance.

12.3.2 **Placement of Artwork:** Placement of artworks obtained by gifts and loans is restricted to public areas.

12.3.3 **Life Spans:** For artworks that have not been assigned a life span, the Public Arts Administrator may engage experts to assist in assigning the artwork a life span, based on the life expectancy of the artwork's materials and fabrication methods.

12.3.4 **Artwork Acquired Outside of this Process:** Section 12.3 shall apply to all artwork acquired prior to the adoption of this policy and by any means other than by following this policy.

12.4 Acceptance Process

12.4.1 **Preliminary Offer:** A preliminary offer shall be submitted by the applicant and reviewed by the Executive Committee of the Arts Commission. This Committee shall determine whether the Arts Commission shall consider the request. If this committee approves considering the gift or loan, then the Public Arts Administrator shall work with the applicant to bring a full application before the Public Art Advisory Panel and the Minneapolis Arts Commission.

12.4.2 **Application:** The Public Arts Administrator shall provide potential applicants with a form that shall serve as the applicant's formal offer for consideration by the City. Clear instructions for completing the form and a copy of these gift and loan policies shall also be provided.

12.4.4 **Review Process:**

- Prior to requesting a formal application, the Public Arts Administrator shall request that departments or agencies affected by the proposal review and comment on technical issues, such as structural modifications or requirements, upcoming construction or remodeling, mechanical requirements and attachments, and how the placement of the art might affect use of the space. If these departments determine that the proposal is feasible, the applicant shall be asked to submit a formal application.
- The Public Art Advisory Panel shall review the application and make a recommendation to the Minneapolis Arts Commission.
- The Commission shall consider and act on the Public Art Advisory Committee's recommendation.
- The Commission's recommendation shall be forwarded to the City Council, which shall determine whether to accept the gift or loan.

12.4.5 **Gifts and Loans of Artworks Not Yet Created:** In the case of offers of gifts and loans to the City for artworks that are in the design phase and have not yet been created, the Arts Commission may make a recommendation to the City Council regarding acceptance of the artwork prior to its completion.

12.4.6 **Contracts:** The applicant shall execute an agreement with the artists involved (if living) that is consistent with these public art policies and procedures, including outlining the term of the agreement (for loans), appropriate compensation to the artist, and retention of copyrights by the artist.

For complex projects or Gifts or Loans of Artworks Not Yet created, the City may require the applicant to enter into an agreement outlining the terms of the gift.

12.4.7 **Public Meeting:** The Minneapolis Arts Commission may hold a public meeting for the purpose of gathering community feedback on a proposed gift or loan. The Public Art Advisory Panel or the Commission may also decide to hold additional public meetings or gather community input through other methods.

12.4.8 **Placement and Term of Placement:** The application may include a proposed location. The Arts Commission's determination shall include whether this is an acceptable location or the artwork shall be displayed elsewhere, and the time period of the placement.

12.4.9 **Compliance with Applicable Policies and Regulations:** Obtaining artwork by gift or loan shall be done in a manner that complies with all other applicable city, state and federal procedures, policies and regulations, including City procurement policies, where applicable.

12.6 Review Criteria

The criteria listed below shall be used for evaluating offers of gifts and loans.

12.4.1 **Stimulate Excellence in Urban Design and Public Arts:**

- Is the artist's previous work or proposed artwork engaging and high quality in concept and construction?
- Is the quality of the artist's previous work and/or this artwork comparable to other artwork commissioned by the City?
- Is the artwork unique, one-of-a-kind or part of a limited edition?
- Is the artist not over-represented in the City's collection?
- Does the proposed project comply with the City's on premise and off premise sign regulations (use of logos or other trademarked materials is prohibited)?
- Does the artist have a significant or engaging body of work?

- Does the artist have experience collaborating with architects and other professionals?
- Does the artist have experience with architectural and engineering drawings and methods?
- Does the artist have experience in comparable projects and artistic disciplines?

12.4.2 Enhance Community Identity and Place:

- Does the proposed project demonstrate awareness of the community or setting and its characteristics, including history, identity, geography and cultures?
- Is the proposed project in accordance with adopted policy, historic use or master plans?
- Is a suitable site currently available for the artwork?
- Is the proposed artwork suited to integration into the proposed site design?
- Does the proposed artist have demonstrated success integrating artwork into infrastructure and building function?

12.4.3 Contribute to Community Vitality:

- Does the proposed project or artwork have the potential to attract visitors and residents?
- Does the proposed project or process build that capacity and cooperation between the private and public sectors, artists, arts organizations and community members?
- Does the artist's previous work or proposed process or artwork encourage civic dialogue about City issues?
- Is the proposed project or artwork safe?

12.4.4 Involve a Broad Range of People and Communities:

- Does the proposed process involve community members in the design or creation of the artwork?
- Does the artist have experience working with communities and with diverse groups?
- Do the proposed project or artworks meet ADA regulations?
- Does the artist's previous work or the proposed process or artwork celebrate one or more cultural communities?
- Does the artist have experience in projects that bring people together or create gathering places, or will the artwork bring people together?

12.4.5 Value Artists and Artistic Processes:

- Does the proposed project or artwork include a unique or appropriate cultural, geographic or artistic perspective?
- Does the proposed project or artwork nurture an emerging artist?
- Is the original artistic integrity of the artwork intact?

- Will displaying the artwork undermine the artist’s intention or reputation?
 - Do the applicant’s contracts with the artist and fabricators comply with the law?
 - Does the proposed artwork or design process include the artist and the artistic process as a central element?
 - Does the budget demonstrate appropriate support for the artist and the artistic process?

12.4.6 Use Resources Wisely:

- Is the proposed project or artwork durable, secure and physically and financially feasible?
- Is the proposed project consistent with section 11.9.3: “The City shall only accept artwork as gifts and loans if an annual maintenance for such artwork is donated or otherwise funded for the life span of the artwork?”
- Is the proposed project workable within City timelines?
- Does the proposed project include a detailed budget which covers City expenses for managing the project, including supporting administrative costs preparing the site, delivering and installing the work, and providing signage?
- Have all restrictions by the applicant been clearly identified and can the City meet these restrictions?
- Does the proposed project or artwork leverage private investment in public art or other city ventures?
- Does it comply with other City building and code regulations?