

## SECTION 12: GIFTS AND LOANS

### 12.1 Objectives:

- 12.1.1 Foster a gift and loan program that results in high quality works of art for the City.
- 12.1.2 Engage donors 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.
- 12.1.5 Respect and encourage artists.
- 12.1.6 Keep the application process as clear and simple as possible.
- 12.1.7 Support an efficient workload for staff.

### 12.2 Definitions

- 12.2.1 **Gift:** Personal or real property that is donated to the City for actual artwork, property for placement of artwork or funds for the acquisition of artwork.
- 12.2.2 **Loan:** A work of art given for use over a period of time, to be returned to the owner at the end of the use period.

### 12.3 Acceptance Process

- 12.3.1 **Preliminary Offer:** A preliminary offer from the donor is reviewed by the Executive Committee of the Arts Commission. This Committee determines whether the City should consider the Gift or Loan. If this committee votes in favor of considering the work of art, then the Public Art Administrator works with the donor to bring a full proposal before the Public Art Advisory Committee and the Minneapolis Arts Commission.
- 12.3.2 **Donation Proposal:** The Public Art Administrator shall provide potential donors with a form that shall serve as the donor's formal offer for consideration by the Arts Commission. Clear instructions for completing the form and a copy of these gift and loan policies shall also be provided.
- 12.3.3 **Review Process:** The Public Art Advisory Panel reviews the offer and makes a recommendation to the Minneapolis Arts Commission. The Commission shall consider the Public Art Advisory Committee's recommendation. The Commission's recommendation is forwarded to the City Council, which determines whether to accept the gift or loan. The Planning Commission shall review gifts and loans when applicable under Minn. Stat. sec. 462.356 or the City Charter, Chapter 13, Section 4.

**12.3.4 Minnesota State Statute 465.03:** Minnesota Statute sec. 465.03 Gifts to Municipalities (2003) states the following: “Any city, county, school district or town may accept a grant or devise of real or personal property and maintain such property for the benefit of its citizens in accordance with the terms prescribed by the donor. Nothing herein shall authorize such acceptance for use for religious or sectarian purposes. Every acceptance shall be made by resolution of the governing body adopted by two-thirds majority of its members, expressing such terms in full.”

**12.3.5 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 shall make a recommendation to the City Council regarding acceptance of the artwork. The City may require the donor, artists or others involved to enter into a contract, consistent with these public art policies and procedures. The City may also require the donor provide funds to defray the costs of the administration of the gift.

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

**12.3.7 Deaccessioning of Gifts and Loans:** Gifts and loans accepted by the City may be reviewed by the Public Art Advisory Panel and the Minneapolis Arts Commission every five years, based on the City’s deaccession policies (Section 14).

**12.3.8 Documentation of Receipt and Completion:** Once the artwork is complete, is in the City’s possession and the terms of the contract have been met, gifts and loans shall be formally received according to the policies and procedures outlined in Section 15.

## **12.4 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 donor'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 sustainable, secure and technically 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 donor 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?

The Panel shall also evaluate offers of gifts and loans based on their ability to comply with other City building and code regulations, such as Chapter 520.160 of the Zoning Code which defines "mural." (Adopted November 12, 1999.)