



CITY OF NEW HAVEN

Standards and Conditions for Donations, Loans, Commissioning and De-accessioning Public Art in the Collection of the City of New Haven

I. Introduction

- A. History*
- B. Goals of Standards and Conditions*
- C. Definitions*

II. Management and Oversight

- A. Public Art Ad Hoc Committee*
- B. Review Criteria for Management of Public Art for the City of New Haven*

III. Guidelines

- A. Percent for Art Commissions*
- B. Public Art Commissions (non Percent-for-Art)*
- C. Donations of Artwork*
- D. Public Art Loans*
- E. De-accessioning and/or Relocation of Public Art*
- F. Public Art in the Public Right of Way*
- G. Ownership of Purchased, Commissioned, or Donated Artwork*

IV. Community Arts Projects

V. Maintenance Plan

I. INTRODUCTION

A. *History*

Through a long history of generous giving, the City of New Haven has been both enhanced and beautified with works of public art. Over the years, public and private groups, businesses and individuals have supported the creation and installation of sculptures, fountains, murals and other forms of public art. This public art, currently numbering more than 400 works of art, much of it owned by the City contributes significantly to the image and spirit of our City and helps demonstrate its diversity.

B. *Goals of Standards and Conditions*

1. Maintain high artistic standards in works of art displayed in the permanent and temporary collections and spaces of New Haven.
2. Enhance New Haven's image locally, regionally and nationally by ensuring the presentation of the highest quality public art.
3. Create exciting, appealing and harmonious spaces by integrating public art into architecture, urban design and public space planning.
4. Build awareness of community history, cultures and geography.
5. Encourage creative collaborations between private and public sectors.
6. Provide uniform procedures and policies for donations, loans, commissions and the de-accessioning of public artwork in New Haven.
7. Outline the responsibility of the Department of Cultural Affairs' for ensuring the management and maintenance of the City's public artworks.
8. Facilitate planning for the placement of works of art in City facilities and public spaces in accordance with Master Plans and other reports.
9. Assure appropriate recognition of contributing artists and owners of artworks donated or loaned to the City of New Haven.
10. Create safe and accessible public art areas.
11. Care for the collection with an ongoing review and tracking system for maintenance needs.

12. Create an endowment or public art fund to maintain the integrity of the public art collection for future generations.

C. Definitions

1. Public art

- (a) encompasses the broadest definition of visual art including the imaginative use and interplay of all artistic disciplines.
- (b) is publicly accessible original art that enriches the City and evokes meaning.
- (c) may include temporary visual art, performances, installations, events and other temporary works.
- (d) should consider the site, its context and its audience.
- (e) may possess functional as well as aesthetic qualities.
- (f) may be integrated into the site or exist as a discrete work.

2. Donations

A donation, for these purposes, may be any work of art given to the City for public use or display, whether by the artist or subsequent owner, any real property transferred to the City for placement of artwork, or funds given to the City for the acquisition of artwork and/or its maintenance.

3. Loans

A loaned artwork is a work of art entrusted to the City for a period of time, to be returned to the owner at the end of the use period.

4. Eligible Public Art Projects

- (a) Commissions of permanent works designed for specific public sites in New Haven.
- (b) All New Haven "Percent for Art" commissions.
- (c) Loans or donations of works of art.
- (d) Installations and other projects or planning activities that result in the creation of temporary or permanent public art.

5. The DCA

The Department of Cultural Affairs of the City of New Haven, a division of the City's Economic Development Administration.

6. The City

The City of New Haven, Connecticut, U.S.A.

II. MANAGEMENT AND OVERSIGHT

A. *Public Art Ad Hoc Committee*

The DCA will establish, **in coordination with and to advise the Cultural Affairs Commission**, an Ad Hoc Public Art Committee to consider each proposed commission, loan, donation, installation or de-accession of public art which is outside the purview of the Percent for Art program which has own set of Guidelines. Each Public Art Ad Hoc Committee shall include at least one member of the local arts community and representatives from various City departments, agencies and commissions, as needed and appropriate in the circumstances, which may include, **but is not limited to**, representatives from any of the following:

1. City Plan,
2. Public Works,
3. Parks, Recreation & Trees,
4. Building Department,
5. Engineering,
6. Transportation, Traffic & Parking,
7. Fire Department
8. Cultural Affairs Commission
9. Board of Education
10. Board of Aldermen, especially an aldermanic representative from any particular ward which may be affected

The City department or agency with jurisdiction over a proposed installation site must be represented as part of the Public Art Ad Hoc Committee in question.

B. Review Criteria

The following criteria will be used by each Public Art Ad Hoc Committee in determining the merit of any proposed public art.

1. Aesthetic

- (a) The artwork should stimulate excellence by enhancing the aesthetic environment of public places within the City.
- (b) The artwork should be of exceptional quality and enduring value, engaging qualified and experienced artists.
- (c) The commissioning process should
 - (i) value artists and the artistic process by providing a range of creative opportunities for artists with a range of experiences;
 - (ii) ensure the ongoing integrity of artworks; and
 - (iii) respect the creative rights of artists, always involving artists directly in the concept, design and creation of artworks.

2. Financial

- (a) Budgets for new commissions should adequately support artists and the creative process. Budgets for donations and loans must adequately support the maintenance and preservation of the works of art.
- (b) Resources should be used wisely to develop and sustain projects in a cost-effective manner by examining the cost of fabrication, installation, insurance and maintenance for proposed artwork.

3. Environmental

- (a) Appropriateness of the artwork to the site shall be considered in regard to the social, cultural, historical and physical context of the site, either existing or planned. Scale of artwork in relation to the

site and impact on ecology of the site are also issues to be considered.

(b) The artwork should contribute to community vitality and promotion of the City as a nationally and internationally recognized arts city and tourist destination.

(c) The artwork should enhance community identity and place and celebrate the City's cultural communities and encourage the community to come together.

(d) Special attentions must be given to any artwork to be placed in the public right-of-way. Such artwork must be located outside the pedestrian zone unless integrated into the walking surface and must not interfere with vehicular sight lines if installed in an area adjacent to roadways.

(e) Consideration must also be given to any ADA requirements.

III. GUIDELINES

A. *Percent for Art Commissions*

The City of New Haven's "Municipal Fund for Works of Art" established the Percent for Art Program in 1982. This legislation stipulates that the construction, reconstruction or remodeling of any municipal facility, paid for with municipal funds, shall set aside one percent of the municipal portion of the budget for the commissioning of a site specific piece of public art for that location. Guidelines, procedures and criteria for these commissions have been separately established.

B. Public Art Commissions (non Percent-for-Art)

1. Based on a recommendation from the Director of DCA, the Cultural Affairs Commission may award commissions by competition or invitation when funds allow. The selected artist would be commissioned to create original work consistent with the artist's proposal. Commissions may be awarded as follows:

(a) Process RFP A process RFP requests an artist's or team's qualifications, a description of their process for working and preliminary ideas.

(b) Closed Competition Artists may be chosen through a limited competition, for which selected artists are invited to submit proposals according to criteria established by the Director of DCA, the Cultural Affairs Commission or an authorized Art Selection Panel established by the DCA.

(c) Open Competition An artist or artists may be chosen through a competition whereby all artists are welcome to propose works that meet the requirements established by the Cultural Affairs Commission or an Art Selection Panel established by the Department of Cultural Affairs.

(d) Invitation Artists chosen by the Cultural Affairs Commission or an Art Selection Panel established by the Department of Cultural Affairs on the basis of their qualifications (as demonstrated by past work, past experience with public art, and successful completion of previous projects similar in scope and demand) may be asked or paid to develop a proposal for a piece of artwork.

2. Final proposals for commissioned works shall include:

(a) Artist's resume and slides and/or digital images of previous work

(b) Marquette/Model or 3-Dimensional Drawings of a three-dimensional work if appropriate or complete drawing of a two-dimensional work

(c) Drawings or photographs that demonstrate the relationship of the artwork to the site

- (d) Material samples for the artwork and any relevant construction materials
 - (e) Installation details and requirements
 - (f) Timeline
 - (g) Detailed budget including artist and installation fees, identifying marker or plaque, documentation and appropriate insurance
 - (h) Description of fabrication materials, maintenance requirements and estimate of maintenance costs.
3. Artist selection criteria for commissioning new public art should include these considerations:
- (a) Is the artist's submission, previous work and/or proposed idea engaging and high quality in concept and construction?
 - (b) Does the artist have a significant or engaging body of work?
 - (c) If applicable, does the artist have experience collaborating with architects and other professionals? Does the artist have experience with architectural and engineering drawings and methods?
 - (d) Does the artist have experience in comparable projects and artistic disciplines?
 - (e) Is the artist familiar with or experienced/interested in researching the community or setting and its characteristics, including history, identity, geography and cultures?
 - (f) Do the artist's previous projects or proposed ideas have the potential to attract visitors and residents?
 - (g) If applicable, does the artist have experience working with communities and with diverse groups?
 - (h) Does the artist have experience in projects that bring people together or create gathering places?
 - (i) Is the proposed project or process an opportunity to nurture an emerging artist?

(j) Is the artist's previous work or proposed project sustainable, secure and technically feasible?

(k) Has the artist's previous work been completed within the timeline and budget and is the artist able to work within the City's timeline and budget?

C. Donations of Artwork

1. The DCA may seek to foster a donation program that engages donors and clearly communicates public art goals, policies and procedures in order to obtain high quality public artwork for the City. Donations will be reviewed and confirmed by a Public Art Ad Hoc Committee which will make recommendations as to acceptance and any appropriate stipulations.

2. Donation Acceptance Criteria

(a) Artworks should conform with the Review Criteria described in Section 11B of these Standards.

(b) The City shall accept donated artworks only when:

(i) Such gifts are offered without restrictions as to future use or disposition;

(ii) the placement of the artwork of art is not stipulated as a condition of the gift;

(iii) there is no obligation to display the artwork;

(iv) the City may de-accession the artwork if it is deemed necessary for public good.

3. Donations/Loans of artwork shall be accompanied by:

- (a) a detailed description, including images of the artwork;
- (b) a resume detailing the qualifications and other pertinent information regarding the artist, and appropriate publicity material;
- (c) the cost of moving, storing or installing the artwork;
- (d) a legal instrument conveying title to the artwork, such as a Charitable Gift Agreement, executed by the donor and the City enumerating any conditions of acceptance of the gift that the City has agreed to;
- (e) a statement of value or current appraisal (at the discretion of the Ad Hoc Committee) of the artwork or (at the discretion of the Public Art Ad Hoc Committee reviewing the same) a statement of value;
- (f) a warranty of originality of an existing artwork (i.e., work must be an original creation or limited edition) and documentation of its provenance (if possible).

4. Maintenance

- (a) The donor must provide a maintenance endowment for the artwork equal to not less than 10% of the value of the artwork, which shall be deposited in the Public Art Maintenance Fund.
- (b) The donor must provide the DCA with detailed maintenance instructions for the artwork.

5. Insurance

The donor is responsible for all insurance costs until title to an artwork is transferred to the City. Prior thereto, the City must be named on all insurance documents and proof of insurance must be included in the final accepted proposal packet.

6. Acknowledgment

The donor must agree to the placement of a plaque/sign on or near the artwork crediting the artist, acknowledging the donor and

recognizing the gift to City. Such signage must conform to City standards.

7. Gifts of State

Gifts presented to the City by foreign governments (municipal, state, or national) may be accepted by the Mayor on behalf of the City. Appropriate placement will be determined by the Mayor or the City Plan Department with the advice from the DCA.

D. Public Art Loans

1. Loans of artwork shall be governed by a loan agreement.
2. A loan agreements may be entered into with art museums and organizations, galleries, other institutions, private individuals or individual artists, for the placement of art in a public place for periods from one month to a year.
3. The loan agreement will state the length of the loan and other terms such as location, maintenance requirements, vandalism responsibilities, insurance requirements, value of art work, shipping, installation and removal responsibility.
4. The Review Criteria as outlined in II.B. should be considered, provided that any artwork(s) to be displayed on City property for ninety (90) days or less may be exempt from the Criteria Review considerations at the discretion of the DCA.

E. De-accessioning and/or Relocation of Public Art

1. The DCA may de-accession, (i.e.: remove an artwork) from the City's collection (by selling, returning, donating or destroying it) only when it finds such action to be in the public interest or as a means of improving the quality of the collection or for the purposes of public safety.
2. Works of public art may be relocated or removed if a gift or commissioned piece becomes a hazard or liability or if the approved terms of acceptance are not fulfilled.
3. De-accessioning should be cautiously applied, only after careful and impartial evaluation by a Public Art Ad Hoc Committee and following input from the DCA staff, art professionals, the public, the artist, with final review and decision by the Cultural Affairs Commission. The DCA shall make all reasonable efforts to locate the donor, artist or his/her heirs.
4. De-accessioning or relocation of artwork may be considered for one or more of the following reasons:
 - (a) The condition or security of the artwork cannot be reasonably guaranteed in its present location.
 - (b) The artwork presents a public safety risk.
 - (c) The artwork is damaged and repair is not feasible.

- (d) Significant changes in the use, character or design of the site require a re-evaluation of the artwork's relationship to the site.
- (e) The artwork requires excessive maintenance or has failures of design or workmanship.
- (f) The artwork is deemed fraudulent or not authentic.
- (g) The artwork lacks value specific to its community or geography.
- (h) The artwork has been the source of significant adverse public reaction for at least five years.
- (i) The original artistic integrity of the artwork is no longer intact or can no longer be maintained.
- (j) The cost of repair or conservation is more than fifty (50%) percent of the original commission costs or current appraised value.

5. The Cultural Affairs Commission must explain in writing its decision to de-accession the work. Further:

- (a) if the work is sold, the City shall use any monies realized to purchase other works for the collection or shall add the proceeds to the City's Public Art Maintenance Fund;
- (b) every effort will be made to honor the wishes of the donor or heirs of the donor concerning the de-accession of the artwork, provided that although express agreement of the donor or heirs of the donor as to whether de-accession will be solicited, such agreement shall not be required. The City may dispose of de-accessioned works by such means as may be warranted by each circumstance. If the City elects to sell the artwork in question then:
 - (i) The artist/donor will be given the right of first refusal to reacquire the work at fair market value, original price, or at no cost, depending on the recommendation of the Public Art Ad Hoc Committee, with the cost of removal being borne by the artist/donor;
 - (ii) The City may sell the artwork through a dealer.

(iii) The City may sell the artwork through competitive bidding.

(iv) The City may sell the artwork at a Public Sale.

6. If a marginally significant work has deteriorated to such an extent that it is irreparable and unsuitable for exhibition, the DCA may, with the approval of the Cultural Affairs Commission, elect to destroy it upon de-accession.

F. Public Art in the Right-of-Way

1. No individual or private group may own permanently installed artworks in the Right-of-Way.

2. The Department of Cultural Affairs will serve as the first point of contact and act as the coordinating agency for applicants wishing to place temporary artworks in the Right-of-Way.

(a) An Application to the Board of Aldermen shall be completed for all potential art projects to be located in the Right-of-Way which shall also be submitted for review by a subgroup consisting of the Public Art Ad Hoc Committee for the artwork in question and appropriate City Staff.

(b) Specific submission requirements may include without limitation:

(i) Description, photo, model or drawing of proposed artwork

(ii) Statement indicating the duration of the artwork's installation in the Right of Way

(iii) Evidence of liability insurance

(iv) Detailed maintenance requirements and maintenance agreement

(v) Access and Safety considerations

(c) Public Art located in the public Right-of-Way must be outside the traffic sight lines and pedestrian zone unless integrated into the walking surface.

IV. OWNERSHIP OF PURCHASED, COMMISSIONED, OR DONATED ARTWORK

Artwork purchased, commissioned, or accepted as a donation will become the property of the City. Title for each work will be transferred to the City. Upon acquisition of an artwork, the relationship between the City and the artist or donor will be defined by a legal instrument of conveyance addressing the terms of the acquisition, any instructions for proper care and maintenance of the work, and any special agreements regarding the manner in which the work may be de-accessioned, copyright, reproduction and resale issues.

IV COMMUNITY ART PROJECTS

The City is experiencing increasing interest in the creation of murals and other public artworks by private individuals on both public and private property. Unless and until the City initiates a *Public Mural Program* which would assist in funding the on-going creation and maintenance of murals, individuals/groups wishing to create any mural visible within the public realm are urged to consider the following:

A. Community Input:

Mural and other artwork design should be developed with community input and comment so as not to offend members of the neighborhood.

B. Approvals

(a) Design and location should be approved by the Alderman of the ward and the Cultural Affairs Commission

(b) If the location is privately owned (ie a wall for a mural), the artwork initiator must receive written permission from the property owner to utilize the space.

C. Liability Insurance

1. The organizing individual or group should provide liability coverage for the property owner and all individuals involved in installing the artwork.

D. Maintenance and Vandalism

1. One or more individuals associated with the project or a community group must be identified as being responsible for on-going maintenance, as needed. Project appearance should be assessed no less than once a year.
2. Artwork should be protected by anti-graffiti coating and security lighting against vandalism wherever reasonably possible.
3. Damaged murals not maintained properly may be painted over or removed.

E. Publicity/Documentation

- i. The planning, painting and installation process should be documented throughout with photographs and follow up survey as appropriate.
- ii. Press Release with photographs should be made available to media. The DCA may help with distribution of Press Release if necessary.

V. MAINTENANCE PLAN

An inventory of all public artworks shall be maintained and updated each year. An evaluation of condition will be noted in the inventory. A professional conservator may be hired to access certain works of art and make recommendations on cost and future care. The archive of the collection will be accessible to the public. Partnerships in the private and public sector may be sought out to partner on restoration costs.