

October 12, 2013

Dear Commissioners,

The original City I-11 document, adopted February 24, 1986, reaffirmed January 24, 1994 and earlier amended and reassigned April 8, 2003, and which is currently in force, is attached.

Because City acquisition or exhibit of art can come from sources other than a donation, we were asked to modify I-11 to include protocol for the City to purchase, loan, commission or exhibit art.

We were not asked to lower any standards. You will note that we have not touched any of these.

Please feel free to recommend to Council whatever you think is best for the City.

The Committee members who researched, wrote and approved-in-committee the amended I-11 for Commission consideration were Commissioners Carole Boller (former), Rita Goldberg and Caroline Logan if there is anything you need.

Approval of the amended I-11 has been put on the Commission agenda for next month while I will be gone. However, Rita will be able to explain all recommended changes to the existing document and you will have an opportunity to revise it as you see fit.

I have enclosed a copy of the existing City Document I-11 as well as a copy of the amended I-11.

Former Assistant City Attorney Kyle Rowen was helpful in adding his recommended additions in blue. Deputy City Attorney, Michael Torres will again be reviewing any additional amendments after November 14, 2013.

I know you will do a good job.

Sincerely,   
Commissioner Caroline Logan

Cc: Nancy Gardner  
Tim Hetheron  
Michael Torres

DONATION OF ART TO CITY OF NEWPORT BEACH

- A. The City of Newport Beach believes that art placed in public sites or in public buildings increases the aesthetic appeal and beauty of such public sites and buildings, and of the City in general.
- B. All proposals for donations of art to the City shall be reviewed by the Arts Commission for recommendation to the City Council.
- C. The responsibility of the Arts Commission is to:
  - 1. Confer with persons who have offered to donate art to the City, informing them of the donation policy, including criteria for accepting artwork and the scope of the approval process.
  - 2. Advise the City Council of the artistic merit and value of paintings, sculpture, drawings and other art offered to the City as donations.
  - 3. Advise the City Council regarding appropriate public sites or buildings for display of such art, in conjunction with the City Commission and/or Department which has responsibility for planning or maintaining the proposed location.
- D. The Arts Commission shall consider the following criteria in making a recommendation for accepting a donation of art to the City:
  - 1. The art should be an original creation, and be of the highest quality and level of artistic excellence.
  - 2. The art should add significantly to the balanced inventory of the City's collection, representing a variety of style, design and media.
  - 3. The donor should complete a standardized donation form.
  - 4. The art should be of satisfactory physical condition, be sufficiently durable as to not be easily damaged or destroyed, should not require restoration or extensive long term conservation, and should be of a physical size and weight that it can be managed in storage, transport and public display without difficulty.

5. The art should be consistent with and relevant to the civic interests and broad variety of tastes within the Newport Beach community.
- E. A donation of art to the City must have a majority agreement within the Arts Commission prior to making a recommendation to the City Council.
- F. Art accepted into the City collection is done with the understanding that the Arts Commission reserves the right to place the work on public display on either a permanent or temporary basis, and to store the work when not on display. No gifts will be accepted with the understanding that the art will be displayed in perpetuity.
- G. Art being considered for donation to the City Art in Public Places Program must conform to the tenets of the approved Art in Public Places Policy.
- H. The City does not provide valuations or appraisals of art being donated to the City. The value of a work should be presented by the donor to the City at the time of donation. It is the responsibility of the donor to furnish a valuation to the appropriate government tax agency.
- I. The City shall assume all intellectual and photographic property rights to art donated to the City.

**Adopted - February 24, 1986**  
**Reaffirmed - January 24, 1994**  
**Amended & Reassigned - April 8, 2003**

**Formerly F-23**  
**Formerly I-13**

( Revision of I-11 to include protocol for all categories of art being considered by the City)

### **Requirements for Permanent or Temporary Art Acquisition.**

- A. The City of Newport Beach believes that art placed in public sites or in public buildings increases the aesthetic appeal and beauty of such **City-owned sites and buildings**, and of the City in general.
- B. All proposals for art to be considered by the City shall be reviewed by the Arts Commission for recommendation to the City Council. Proposals may include art for exhibition, donation, loan, purchase, or commission.
- C. The responsibility of the Arts Commission is to:
  1. Review policies , criteria, process of approval, and forms for submittal of potential piece(s) of art.
  2. Advise the City Council of the artistic merit and value **of** art to be considered by the City.
  3. Advise the City Council regarding **City-owned sites and buildings** for display of such art, in conjunction with the City commission and/or department which has responsibility for planning or maintaining the proposed location
- D. The Arts Commission shall consider the following criteria in making a recommendation when considering **piece(s) of** art for the City.
  1. The art should be an original creation, and be of the highest quality and level of artistic excellence.
  2. The art should add significantly to the balanced inventory of the City's collection, representing a variety of style, design and media.
  3. All required forms have been submitted reviewed and evaluated.
  4. The art should be of satisfactory physical condition, be sufficiently durable as to not be easily damaged or destroyed, should not require extensive restoration or extensive long term conservation, and should be of a physical

size and weight that it can be managed in storage, transport or public display. Pieces requiring any restoration may only be considered with full disclosure of restoration costs **provided by a recognized professional art appraiser.**

5. The art should be consistent with and relevant to the civic interests and broad variety of tastes within the Newport Beach community.

E. Proposed art shall have a majority agreement within the Arts Commission prior to making a recommendation for its acceptance to the City Council.

F. Art accepted into the City collection by the City Council, whether for exhibition, loan, donation, purchase or commission, is accepted with the understanding that the City Council reserves the right to place the work on public display on either a permanent or temporary basis, and to store or return the work when not on display. Acceptance of art does not guarantee that the art will be displayed in perpetuity.

G. Art considered for inclusion in the City's art collection must conform to the Art in Public Places Policy.

H. Art commissioned by the City must go through a public acquisition process. **What is the process?**

I. The City does not provide valuations or appraisals of art, **at the time of consideration**. Value of a work shall be provided at the time of consideration and shall have its value assessed by the owner. It is the responsibility of owners to furnish a valuation to the appropriate government tax agency. **Should the City accept any piece of art, the City reserves the right to have the value of the art assessed by a professional art appraiser.**

J. The City shall assume no liability in the event of loss or **damage to any piece of art accepted into the City's collection.**

K. The City shall assume all intellectual and photographic property rights to art accepted by the City **into its collection.**

**L. The City shall obtain a License agreement for the Exhibition/temporary motion for intellectual and photo property.**

*Additional document  
referred to in both I-115.*

### ART IN PUBLIC PLACES

- A. The City of Newport Beach recognizes the importance and desirability of enhancing and beautifying the public places within the City, by acquiring and displaying publicly accessible works of art for the cultural benefit of the City, its citizens and its visitors.
- B. The City seeks to involve professional artists in City planning and design projects; to integrate artworks in City capital improvement projects; and to commission and/or purchase new artworks for public places.
- C. Public art can include but is not limited to permanent and temporary sculpture, paintings, murals, as well as artist-designed fountains, mosaics and tile work, banners, park benches and other street furniture, water features, bus shelters, streetlights and lanterns, kiosks, retaining walls, and/or hardscape treatments.
- D. The responsibility of the Arts Commission is to:
  - 1. Identify and assess potential Art in Public Places projects and sites;
  - 2. Confer with other Boards and Commissions that may be impacted by the recommended list of art projects;
  - 3. Make appropriate recommendations to City Council;
  - 4. Participate in the selection of artists for Art in Public Places projects;
  - 5. Plan and oversee the artistic design process;
  - 6. Work with appropriate City Departments to ensure correct installation at the site and long term maintenance and conservation of the art work.
- E. The Arts Commission shall consider the following criteria in making recommendation for an Art in Public Places project:
  - 1. The aesthetic concept, quality, scale, and form of the work of art, and its appropriateness for the site;
  - 2. A site that is easily visible and/or accessible to the general public;
  - 3. The experience, skill and ability of the artist to produce the work of art;
  - 4. The proper medium for the work of art, considering durability against vandalism, theft and weather, and the safety of the viewer;
  - 5. The cost for the City to acquire, install and maintain the work of art;
  - 6. No art objects will be considered that are mass-produced from a standard design, are reproductions of original art work, and/or are decorative or functional elements that are designed by an architect as opposed to the

November 7, 2013

**City of Newport Beach  
Arts Commission**

**Comparison of Commission Responsibility Designations**

Currently designated responsibilities are shared in order to identify any potential conflicts or discrepancies and confirm.

**Responsibilities as per Charter of the City of Newport Beach, Article VII, Section 712**

- A. The Newport Beach Arts Commission acts in an advisory capacity to the City Council on all matters pertaining to artistic, aesthetic and cultural aspects of the City.
- B. It recommends to the City Council the adoption of such ordinances, rules, and regulations as it may deem necessary for the administration and preservation of fine arts, performing arts, historical, aesthetic and cultural aspects of the community.
- C. On behalf of the City, it actively encourages programs for the cultural enrichment of the community, including visual and performing arts activities as well as arts education programs.
- D. The Commission also participates in the designation of historical landmarks, and reviews design elements for public sculpture, fountains, murals, benches and other fixtures.

**I-9, Art in Public Places**

The responsibility of the Arts Commission is to:

1. Identify and assess potential Art in Public Places projects and sites.
2. Confer with other Boards and Commissions that may be impacted by the recommended list of art projects.
3. Make appropriate recommendations to City Council.
4. Participate in the selections of artists for Art in Public Places projects.
5. Plan and oversee the artistic design process.
6. Work with appropriate City Departments to ensure correct installation at the site and long-term maintenance and conservation of the art work.

**I-11, Requirements for Permanent or Temporary Art Acquisition by the City of Newport Beach**

The responsibility of the Arts Commission is to:

1. Review policies, criteria, process of approval, and forms of submittal of potential piece(s) of art.
2. Advise the City Council of the artistic merit and value of art to be considered by the City.
3. Advise the City Council regarding City-owned sites and buildings for display of such art, in conjunction with the City Commission and/or department which has responsibility for planning or maintaining the proposed location.

November 3, 2013

## **Newport Beach Arts Commission Art Site Suitability Ad Hoc Committee**

Role/Purpose: Within the context of an overall vision for public art in the city, evaluate public places within the City for appropriateness to host art.

### **Process for Completing Site Suitability Study**

#### ***1 Stakeholder Information Gathering***

Determine issues, objectives and potential concerns from key stakeholder groups.

Seek ideas and recommendations for how to facilitate implementation of Council-sanctioned vision.

- Parks, Beaches and Recreation Commission
- Public Works
- Municipal Operations (Maintenance)
- Recreation and Senior Services
- Community Development
- Library Services
- GIS Services

#### ***2 Nurture Vision, Aligned with Key Organizing Principles; and Establish Support of City Council***

Citizen and Guest Demographics and Inclinations

Neighborhood/District Development

Relationships to Venues, Ventures and Promotions

Image and Identify

#### ***2 Determine Suitability Criteria***

Visibility, Civic Presence and Public Exposure

Activity Suitability, i.e. Active Versus Passive

Public Use Level

Surveillance

Scale and Contrast

Weather Exposure

Susceptibility to Vandalism

#### ***3 Inventory Potential Locations and Assign Attributes***

*(To Be Inventoried and Mapped by Parks and Recreation Staff)*

Space or Building Type

Designated Area Size

Art Location(s) Descriptions(s)

Suitability Criteria Above

#### ***4 Evaluate, Categorize and Rank Locations per Criteria***

#### ***5 Identify Process for Final Site Selection and Design Review***

#### ***6 Test Process with Trial Application***

#### ***7 Document and Package Report, including Internet Data Base***