

## ACQUISITION DONATION OF ART BY TO THE CITY OF NEWPORT BEACH

- A. The City of Newport Beach ("City") believes that paintings, sculptures, drawings and other art (collectively, "Art") placed on City property and in City buildings in public sites or in public buildings increases the aesthetic appeal and beauty of such property and buildings public sites and buildings, and of the City in general.
- B. All proposals for donations of to donate, exhibit, loan, sell or commission a Art to the City (collectively, "Convey(s)," "Conveyed," "Conveying" or "Conveyance") shall be reviewed by the Arts Commission for recommendation to the City Council.
- C. The ~~responsibility of the~~ Arts Commission shall be responsible is to:
1. Confer with persons who have offered to Convey donate a Art to the City, informing them of ~~this the donation~~ policy, including criteria for approving accepting Art artwork and the policies, criteria and scope of the approval process.
  2. Advise the City Council of the artistic merit and value of Art paintings, sculpture, drawings and other art offered to the City as donations.
  3. Advise the City Council regarding appropriate City property or City buildings public sites or buildings for display of ~~such a~~ Art, in conjunction with the City C commission, committee, board and/or d 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 an offer to Convey a Art to the City:
1. The a Art should be an original creation or a limited edition by the original artist, and be of the highest quality and level of artistic excellence.
  2. The a Art should add ~~significantly~~ to the balanced inventory of the City's collection, representing a variety of style, design and media.
  3. The person(s) seeking to Convey Art to the City shall complete all required forms, as provided by the Library Services Department. The donor should complete a standardized donation form.
  4. The a 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 the Art it can be managed in storage, transport and public display without difficulty. Art requiring restoration may

only be considered with full disclosure of the restoration costs provided by a licensed art appraiser.

5. The aArt should be consistent with and relevant to the civic interests and broad variety of tastes within the Newport Beach community.
- E. Art may only be recommended by the Arts Commission to the City Council for acceptance upon the majority vote of the Arts Commission.~~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 by the City Council is ~~done~~accepted with the understanding that the City Council~~Arts Commission~~ reserves the right to place the Artwork on public display on either a permanent or temporary basis, and to store the Artwork when not on display. Acceptance of Art by the City Council does not guarantee ~~No gifts will be accepted with the understanding that the aArt will be displayed in perpetuity.~~ The City Council may sell, donate or otherwise remove any Art in the City collection. Any proceeds received by the City from the transfer of Art shall be expended to acquire, restore or display Art.
- G. Art ~~being~~ considered for donation to the City Art in Public Places Program~~inclusion in the City's collection~~ must conform to ~~the tenets of the approved~~City Council Policy I-9 (Art in Public Places)~~Policy.~~
- H. The City does not provide valuations or appraisals of Art Conveyed being donated to the City. The value of Artwork should be presented by the person(s) donor to Conveying Art to the City at the time of Conveyance, donation. It is the responsibility of the person(s) Conveying Art to the City donor to furnish a valuation to the appropriate government tax agency.
- I. The person(s) Conveying Art to the City shall obtain~~City shall assume~~ all intellectual and photographic property rights to the aArt donated and transfer such rights to the City. The City reserves the right to photograph Art for any and all purposes, including, but not limited to, publicity and informational literature.
- J. Any person(s) that Conveys Art to the City shall represent and warrant in writing that it owns the Art and that the Art shall be Conveyed to the City free and clear of all liens, restrictions, security interests or agreements by which the City would be bound, but subject to all laws generally applicable to the transfer of title of any work of Art.
- K. Subject to compliance with California Civil Code Section 987, the City shall assume no liability in the event of loss or damage to any Art accepted into the City's collection.

Adopted- February 24, 1986  
Reaffirmed-January 24, 2994  
Amended & Reassigned-April 8, 2003  
Amended-January , 2014

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