

**ACQUISITION OF ART BY 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 increases the aesthetic appeal and beauty of such property and buildings, and of the City in general.
- B. All proposals to donate, exhibit, loan, sell or commission 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 Arts Commission shall be responsible to:
1. Confer with persons who have offered to Convey Art to the City, informing them of this policy, including criteria for approving Art and the policies, criteria and approval process.
  2. Advise the City Council of the artistic merit and value of Art offered to the City.
  3. Advise the City Council regarding appropriate City property or City buildings for display of Art, in conjunction with the City commission, committee, board 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 an offer to Convey Art to the City:
1. The 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 Art should add 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.
  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 the Art 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 Art 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.
- F. Art accepted into the City collection by the City Council is accepted with the understanding that the City Council reserves the right to place the Art on public display on either a permanent or temporary basis, and to store the Art when not on display. Acceptance of Art by the City Council does not guarantee that the Art will be displayed in perpetuity. The City Council may sell, donate or otherwise remove any Art owned by the City 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 considered for inclusion in the City's collection must conform to City Council Policy I-9 (Art in Public Places).
- H. The City does not provide valuations or appraisals of Art Conveyed to the City. The value of Art should be presented by the person(s) Conveying Art to the City at the time of Conveyance. It is the responsibility of the person(s) Conveying Art to the City to furnish a valuation to the appropriate government tax agency.
- I. The person(s) Conveying Art to the City shall obtain all intellectual and photographic property rights to the Art 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.

### *History*

Adopted F-23 - 2-24-1986

Amended F-23 - 1-24-1994 (changed to I-13)

Amended I-13 - 4-8-2003 (changed to I-11)

Amended I-11 - 5-12-2015

Amended I-11 - 8-8-2017