

## RESOLUTION NO. 732

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ESTABLISHING A POLICY FOR THE DISPLAY OF PUBLIC ART ON CITY PROPERTY, DESCRIBING THE PROCEDURE FOR GIG HARBOR ARTS COMMISSION'S CONSIDERATION OF A PIECE OF DONATED ART, LISTING THE CRITERIA TO BE ANALYZED IN THE RECOMMENDATION OR FINAL DECISION TO ACCEPT OR REJECT A PIECE OF DONATED ART, AND TO DESCRIBE THE ELEMENTS OF A CONTRACT BETWEEN THE CITY AND THE DONOR FOR ACQUISITION OF A PIECE OF ART.

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**WHEREAS**, the City Council desires to adopt a policy for the acquisition and display of donated artwork for the Gig Harbor Civic Center, City buildings and parks, streets or sidewalks; Now, Therefore,

**THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:**

**Section 1.** The City Council establishes the following policy to be followed in:

- A. **Purpose.** The purpose of this policy is to describe the procedures to be used by the City for the selection, rejection, acquisition and display of donated art within the City of Gig Harbor.
- B. **Types of Acquisitions.** The City may obtain artwork by commission, purchase, loans, and acceptance of donated work.
- C. **Time schedule.** At the time of the City is advised of the donation, the donor or a representative of the donor's estate will be informed in writing that a minimum of three months and up to a year, unless extended by mutual agreement of the parties, may transpire prior to notification of acceptance or rejection.
- D. **Procedure:**
  - 1. Notification of proposed donation, including donation form, at general Arts Commission meeting.
  - 2. Arts Commission examination of art work.
  - 3. Arts Commission recommendation presented at general commission meeting.
  - 4. Recommendation transmitted to the Mayor and City Council for approval or rejection.

5. At the time the City accepts donated artwork, an ordinance shall be adopted, specifying conditions of donation, if any.

D. **Selection Criteria for Artwork.** The City's Arts Commission shall make recommendations to the City Council to either accept or reject a work of art. The Commission's recommendation, and the City Council's ultimate decision, shall be guided by the following principles:

1. Artistic excellence. The inherent quality and authenticity of the artwork must be excellent.
2. Appropriateness to the community. The artwork must meet the expressed and perceived needs and interests of the diverse communities served by the City of Gig Harbor. The artwork must not be obscene, which is a category describing materials that meet all three of the following factors: (a) whether the average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest; (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable statute law RCW 7.48A.010(2); and (c) whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value.
3. Location or placement for work of art. The artwork must be appropriate in scale, material, form and content for the cultural and physical environment which is available for the artwork to be exhibited. Appropriate acknowledgement of the artist and/or donor in the form of a plaque is allowed.
4. Installation costs and procedures. Installation costs and procedures need to be projected and approved by the Arts Commission and Council. The City may cover costs of materials and labor needed to complete installation, reconstruct and/or repair artwork, such as concrete, water, power, or other materials beyond that contributed by the City of Gig Harbor. If necessary, temporary property easement and right-of-way permission must be granted by the donor or the donor's estate.
5. Maintenance and/or storage. The City must be able to provide reasonable care and storage of the artwork when appropriate. Material and construction of the artwork must be durable and must not increase the City's cost of

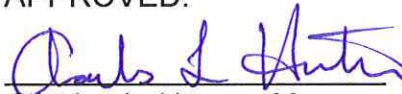
insurance, repair and maintenance from the budget allocated for this purpose.

6. Liability. No artwork will be accepted which creates unsafe conditions or factors that may negatively bear on public safety or liability of the City (*i.e.*, can it be placed so as to not create an unacceptable risk of physical injury to the public, traffic hazard, or be an attractive nuisance to children who could be injured playing on it).
7. Ownership. The City will only accept gifts with clear titles and without restrictions, with a bill of sale, in a form approved by the City Attorney. No gifts will be accepted with the understanding that the art will be displayed in perpetuity. Conditions for deaccession of artwork, if applicable, are determined by the Arts Commission.
8. Insurance. All artwork owned by the City shall be insured by the Fine Arts Property Coverage as addressed in the City's AWC-RMSA insurance policy. A statement of value or professional written appraisal must accompany artwork.


- E. **Approval.** The City Council shall exercise final control and authority in the selection or rejection of the artwork. The Council's decision to accept or reject any artwork shall remain solely at the Council's discretion. At the time the City Council accepts the gift, the City and donor shall enter into a Donation Agreement drawn up by the City's legal department.

RESOLVED by the City Council this 26<sup>th</sup> day of November, 2007.


APPROVED:

  
Charles L. Hunter, Mayor

ATTEST/AUTHENTICATED:

  
Molly M. Towslee, City Clerk

APPROVED AS TO FORM; OFFICE OF THE CITY ATTORNEY:

BY: 

Filed with the City Clerk: 11/21/07

Passed by the City Council: 11/26/07

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## CITY OF GIG HARBOR ARTWORK DONATION/LOAN PROPOSAL

**DONOR'S NAME:** \_\_\_\_\_

**ORGANIZATION:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**CITY/STATE/ZIP:** \_\_\_\_\_

**TELEPHONE:** \_\_\_\_\_ (Day) \_\_\_\_\_ (Cell) \_\_\_\_\_ (Fax) \_\_\_\_\_

**CONTACT PERSON:** \_\_\_\_\_ **EMAIL ADDRESS:** \_\_\_\_\_

Please list (in order of preference) the proposed location(s), including name of facility and street address:

1. \_\_\_\_\_

2. \_\_\_\_\_

Is the public artwork intended to be **permanent** or **temporary**? (Circle one)

If temporary, please define the exact timeframe: \_\_\_\_\_

### THE FOLLOWING ATTACHMENTS ARE REQUIRED:

- **NARRATIVE PROPOSAL** including the concept, media, dimensions, site preparation requirements, method of installation and estimated annual maintenance costs, on no more than 2 typed pages
- **PROJECT BUDGET FORM** outlining all costs associated with the project, including design, fabrication and installation (please note that engineer sealed drawings may be required and liability insurance during installation will be required)
- **COLOR PHOTOGRAPH of ARTWORK** showing size and scale.

I/we understand that I/we must (1) Participate in the Department Review Process; and, ( 2) Present my/our proposed artwork donation for review and acceptance by the City of Gig Harbor Arts Commission, City Council and other appropriate boards, and commissions in accordance with the City's Artwork Donation Policy.

\_\_\_\_\_  
Donor's Signature

\_\_\_\_\_  
Date