

Guidelines for Donation of Artwork to the City of Newburgh
Artist Support and Advocacy Committee
Arts and Culture Commission
December 20, 2006 (revised 2-14-2007)

Preface

The City of Newburgh has, as one of its goals, the beautification and cultural enhancement of the environment for all of its citizens and visitors in order to enhance the quality of life in the City. Expansion of the arts and cultural life of Newburgh is also expected to serve the economic development of Newburgh by making the city more attractive to tourists, new residents and businesses.

Many generous donations already have been made to the City, and the City expects that individuals, businesses, public and private groups and government and foundation grants will continue to enhance the City collection of sculptures, photographs, paintings, murals, fountains, and other forms of public giving associated with the arts. The process of accepting art works for the City of Newburgh is now being established that integrates the role of the newly formed Arts and Culture Commission with the work of the Office of Economic Development in preparing a full and appropriate recommendation to the Newburgh City Council to accept or decline gifts of art. A full inventory of donated art works will reside in the Office of Economic Development that includes parameters of information to be determined by the Arts and Culture Commission and with due oversight to the inventory and the donation process to be performed by the Arts Donations Committee (to be established).

1. Purpose

This document will establish the procedures for the Arts and Culture Commission to make aesthetic recommendations to the City Council regarding accepting works of art for the City of Newburgh ensuring that:

- The opportunity exists for all to donate existing or commissioned works of art or bequests of art in a fair and equitable process of review.
- The process extends the greatest courtesy and appreciation possible to artists and their sponsors who may be associated with proposed donations.
- The process includes procedures that include consideration of the wishes of the members of the community where works of art are to be placed.
- The review process considers:
 - aesthetic quality of the work
 - artistic appropriateness of the work for the City

2. Structure

The artist and the artist's sponsors enter the gift review process through the Newburgh Office of Economic Development. The Office of Economic Development is responsible for consideration and recommendation to the City Council on all issues associated with fiduciary, legal, safety, insurance, and all contractual obligations associated with the gift. The Arts and Culture Commission will have sole responsibility for judging, through the process stated below, the aesthetic merit and appropriateness of the work for the City of Newburgh, and will make their recommendation directly to the City Council.

2.1 Guidelines - Types of Donations:

2.1.1 Existing Works of Art

- a. Criteria: Existing works of art are portable and appropriate for rotation through public spaces belonging to the City of Newburgh. The placement may not be stipulated as a condition of the gift. Large works that require a semi-permanent site also are considered portable.

- b. Process:

All works must be submitted, by the Office of Economic Development, to the Arts and Culture Commission, Arts Donations Committee (or other title to be determined by the Arts and Culture Commission) for review of aesthetic quality and appropriateness for the City of Newburgh.

The donor may submit the proposal with letters or other recommendations from art experts or other evidence of reviewed excellence of the work.

The Arts Donation Committee will create a checklist, application forms and procedure delivered to all interested donors, applicants and or organizations prior to the review process in order to establish a uniformed process for all donated and commissioned works.

The Arts Donation Committee will additionally construct a process and procedure for works included as "On Loan" to the City of Newburgh outlining duration of loan including and in addition to all the respective responsibilities outlined and or mentioned in these Guidelines.

The Arts Donation Committee will assign a committee of at least 3 qualified experts in the appropriate field (no more than one third will be Commissioners) to jury the aesthetic quality and appropriateness of the work. Three individuals from the community will also be selected to act in an advisory manner to the jurors when there is a site specific gift. The jurying committee will develop a recommendation as to the

appropriateness of the work as either (1) acceptable and appropriate to the City (and/or the site) or (2) not acceptable and appropriate to the City (and/or the site). The list of appropriate experts needs to be presented to and accepted by the full Arts and Culture Commission. The Arts Donation Committee will establish review procedures and report parameters to be used.

The Arts Donation Committee will report on findings and recommendations regarding aesthetic merit and appropriateness for the City to the full Arts and Culture Commission and the full Arts and Culture Commission will accept or reject the proposed donation.

The Arts and Culture Commission will inform the City of Newburgh, in a letter signed by its chair, of its decision on any proposed gift and the City will proceed to establish needed legal, safety, and fiscal conditions and will also be responsible for the material receipt, placement, and/or storage of the gift.

- 2.1.2. Commissioned Works of Art, (Other than works commissioned through the Cities Percent for Arts Program.)
- a. Criteria: Commissioned works are those that are proposed by artists and/or sponsor and/or funding source to the City of Newburgh, specifically designated for the City of Newburgh, and generally for a specific site.
 - b. Process: It is recommended that commissioned works (separate and comparable, adhering to a different procedure from the Percent for Arts Program), begin the review process at the conceptual phase and be reviewed a second time, for final approval, when the final plans for the commissioned art work are completed. At both phases of the work, the idea for the commissioned work needs to be submitted to the Office of Economic Development and Arts and Culture Commission for review with the oversight of the Arts Donation Committee. As per other classes of donations, the Arts Donation Committee will appoint a 3-judge panel of experts, submitted to and approved by the full Arts and Culture Commission, to approve the aesthetic merit and appropriateness of the proposed commission. The same panel may serve at both the conceptual and final proposal stage of submission of the work. At each phase, 3 members of the affected community will also be included on the review panel when a site-specific donation is under consideration.

The City of Newburgh will need to conduct reviews relating to fiscal adequacy of plans, the general business plan for completing the work, legal and safety considerations, and other matters but not including the artistic merit and/or appropriateness of the work.

The Committee must assess the financial considerations for any commissioned work of art, including installation, maintenance, and the need to provide for appropriate administrative costs and insurance, including future insurance and maintenance costs.

If the commission does not specifically include the work of an artist, the Arts and Culture Commission, in a process developed and proposed by the Arts Donations Committee, will establish a protocol for the competitive selection of the artist. This protocol must be open, widely publicized, and result in a selection by a jury of experts proposed and approved by the Arts and Culture Commission from a jury of at least 3 jurors proposed by the Arts Donations Committee (one third of jurors may be Commissioners). The jury will include 3 community members representing the affected site.

3. Recommendations Regarding Submission for Review of Projects

Artist and/or sponsors proposing projects or works need to consider the following aspects of the proposal and address each in submitting the proposed donation in order to allow the Arts and Culture Commission and the City of Newburgh to adequately assess the needs of the proposal.

- 3.1 The following considerations need to be addressed in submission of materials to the Arts and Culture Commission for each proposed donation of art:
 - 3.1.1 A full description in appropriate form of all works of art (e.g. photos, models, cd roms, picture files, critical reviews) as requested by the Commission.
 - 3.1.2 Background and credentials of artist and/or sponsor..
 - 3.1.3 Discussion of site proposal, when appropriate.
 - 3.1.4. Artist selection costs in the case of commissioned works.
 - 3.1.5 Timeline associated with steps outlined in the project.
 - 3.1.6 Recommendations regarding rights of ownership and use by the City of Newburgh and the artist (see item 5 below).
- 3.2 The following considerations need to be address in submission of materials to the Office of Economic Development and will be reviewed in a process to be defined by that office:
 - 3.2.1 Summary of permits, insurance needs and legal issues.

- 3.2.2 Summary of project scope, with regard to fabrication/installation resources needed, future maintenance issues and cost, shipping costs, storage costs, specialized services of contractors which may be needed, project management personnel and costs, volunteers, meeting places, special professional services, or any other categories of activity, service or cost which may apply to the project.

4. Record Keeping

A complete inventory of works of art contributed to the City of Newburgh will be kept by the Office of Economic Development and will include parameters suggested by the Arts and Culture Commission, Arts Donation Committee. The Office of Economic Development will issue regular reports (to be determined) summarizing gifts of art to the City of Newburgh.

5. Rights of Ownership/Use

With regard to gifted works of art, the City of Newburgh has rights of ownership as well as reproduction of digitization rights for the purpose of promotion of the City. The artist shall also retain reproduction rights for promotion purposes. Commercial rights shall be negotiated and agreed upon by the City and the artist and will be contracted for each donated work as appropriate.

6. Loans of Artwork

In general, loans to the City of Newburgh may be contracted on an individual basis, in agreement between the City and the artists and/or the artist's sponsor. A contract should be drawn for each loan, stipulating:

- Remuneration to the artist, if any
- Term of loan, including beginning and ending date
- Site placement of loaned work and the right of the City to move the loaned work into storage until the end of the term
- Responsibility for insurance against damage or theft
- Handling, with regard to receipt, storage, and return of the work

7. It is the policy of the City of Newburgh Arts & Cultural Commission that no decision or recommendation shall be made as to the acceptance, citing, or other matter relating to any work of art and the terms and conditions imposed thereupon on the basis of race, color, creed, national origin, religion, disability, sex, age, marital status, military status, genetic predisposition or carrier status, or sexual orientation of the artist, sponsor, donor or other individual or organization affiliated with or involved in the creation, presentation, offer or display of such work in to and for the City of Newburgh.