



CITY OF STAMFORD ART COLLECTION POLICY



**STAMFORD
ARTS & CULTURE
COMMISSION**

FOSTERING THE PERFORMING, VISUAL, & CULTURAL ARTS

CITY OF STAMFORD ART COLLECTION POLICY

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I. Introduction

A. Background

The Stamford Board of Representatives created the Stamford Arts and Culture Commission in 2017, creating many of the responsibilities for the Commission. Article XVI, Section 6-112 of the City of Stamford Charter requires the Commission to “Develop guidelines and provide guidance to the City regarding care, maintenance and preservation of the City's art collection as well as regarding potential purchases by, or gifts to, the City of new art.” The following policy serves as the guidelines required to both maintain the City’s current art collection, and rules when the City accepts future art donations.

B. Goals

1. Maintain high artistic standards in works of art displayed in the permanent and temporary collections and spaces of Stamford.
2. Strengthen community pride and encourage tourism city-wide.
3. Provide uniform procedures and policies for acquisitions, donations, loans, commissions, valuations, insurance needs, and de-accessions of public artwork in Stamford.
4. Facilitate planning for the placement of works in city facilities and public spaces in accordance with Master Plans and/or other reports.
5. Assure appropriate recognition of contributing artists and owners of artworks acquired, donated or loaned to the City.

C. Definitions

1. Public Art
 - a) Encompasses the broadest definitions of visual art, including the imaginative use and interplay of all artistic disciplines: shall include artwork which is to be an integrated part of a public right of way or facility or building, including but not limited to, fresco, mosaic, sculpture and other architectural embellishment or functional art created by an artist, artisan, or craftsperson, and any work of visual art which is not to be an integrated part of a public right of way, facility or building, including but not limited to, a drawing, painting, sculpture, mosaic, photograph, work of calligraphy or work of graphic art or mixed media but is otherwise made available to the public.
 - b) Is publicly accessible original art that evokes meaning and enriches the City.

- c) May include temporary visual art, performances, installations, events and other temporary works.
- d) Should consider the site, its context, and its audience.
- e) May possess functional as well as aesthetic qualities.

2. Donation

- a) A donation, for these purposes, may be any work of art given to the City, whether by the artist or subsequent owner; any real property transferred to the City; or funds given to the City earmarked towards its art collection.

3. Loan

- a) A loaned artwork is a work of art entrusted to the City of Stamford for a designated period of time, for public use or display, to be returned to its owner at the end of the use period. The City may also elect to loan artwork in its private collection to outside organizations.

4. Purchase

- a) A work of art purchased by the City, the Commission, or the Department.

5. Commission

- a) A work that has been created specifically created at the request of the City, the Commission, or the Department.

6. The Department

- a) The Stamford Department of Economic Development

7. The Commission

- a) The Stamford Arts and Culture Commission

8. The City

- a) The City of Stamford, Connecticut

II. Management and Oversight

A. Department of Economic Development

- 1. Responsible for managing the City of Stamford's art collection including but not limited to coordinating art loan and donation process between the City and the art owner. The department works

in conjunction with the Stamford Arts and Culture Commission to approve potential art transactions.

2. The Department will provide the Commission with all necessary documentation for the artworks including but not limited to the provenance, a recent appraisal, photos, and potential installation sites.
3. The Department will present donations approved by the Arts and Culture Commission to the Board of Representatives for final approval, if the value exceeds the current donation threshold as set by the Board of Representatives.

B. Stamford Arts and Culture Commission

1. The Commission is composed of nine members. Six are members/directors of various Stamford-based cultural institutions, three are citizens.
2. The Commission will provide the Department with recommendations, in partnership with the donor, regarding care, maintenance, potential installation sites, and the artistic value the artwork will provide the city, and its residents.
3. Any City agency, department, or other organization with jurisdiction over a proposed installation site must be present at the Stamford Arts and Culture Commission meeting where the art in question is on the agenda.

III. Review Criteria

The following criteria will be used by the Stamford Arts and Culture Commission in determining the merit of any newly proposed artwork to the City.

A. Quality

1. The artwork should represent excellence in enhancing the environment of public spaces within the City.
2. The artwork should be of exceptional quality and enduring value, engaging qualified and experienced artists.
3. The artwork should be art that evokes meaning and enriches the City.

B. Financial

1. The finances and budgets regarding the maintenance, preservation, and insurance costs of the artworks will depend on the specific agreement between the City and the relevant party(s).
2. Resources should be used in a cost-effective manner by examining the cost of installation, insurance, and maintenance of proposed artwork.

C. Environmental

1. Appropriateness of the artwork to the site shall be considered, including but not limited to the social, cultural, historical and physical context of the site, either existing or planned. The scale of artwork in relation to the site and impact on the ecology of the site are also issues to be considered.
2. The artwork should contribute to the City's vitality and promote the City as a regionally, nationally and internationally recognized arts city and tourist destination.
3. The artwork should enhance community identity and place, celebrate the City's cultural communities and contribute to the liveability and workability of the City.
4. Special attention must be given to any artwork to be placed in a public right-of-way. Such artwork must be located outside the pedestrian zone unless integrated into the walking space and must not interfere with vehicular sight lines if installed in an area adjacent to roadways.
5. Consideration must be given to any ADA requirements to allow for equitable access to quality art.

IV. Transaction Guidelines

A. Purchased and Commissioned Art

1. Artworks should conform to the Review Criteria described in Section III of these standards.

B. Donated Art

1. Donation Acceptance Criteria:
 - a) Artworks should conform to the Review Criteria described in Section III of these standards.

- b)** The City shall accept donated artworks only when:
 - i.** The work has artistic merit;
 - ii.** The work augments, rather than disrupts, the overall City collection;
 - iii.** Such gifts are offered without restrictions as to future use or disposal;
 - iv.** The placement of the artwork is not stipulated as a condition of the gift;
 - v.** There is no obligation on the part of the City to display the artwork;
 - vi.** The City may de-accession the artwork if it is deemed necessary for public good.

2. Donations of artwork shall be accompanied by:

- a)** A detailed description, including digital images, of the artwork;
- b)** A résumé detailing the qualifications and other pertinent information regarding the artist, and appropriate publicity materials;
- c)** Funds to cover cost of moving, storing and/or installing the artwork; unless special arrangements are made with the Commission;
- d)** A legal instrument conveying title to the artwork, such as a Charitable Gift Agreement, executed by the donor and the City enumerating any conditions of acceptance of the gift that the City has agreed to;
- e)** A statement of value or current appraisal by the donor or a professionally accredited appraiser;
- f)** A warranty of originality of the artwork (i.e., the work must be an original or limited edition) and documentation of its provenance (where possible).

3. Maintenance

- a)** The donor shall provide the Department of Economic Development with detailed maintenance instructions for the artwork.

4. Insurance

- a) The donor is responsible for all insurance costs until title to an artwork is transferred to the City. Prior thereto, the City must be named on all insurance documents as an additional insured party, and proof of insurance must be included in the final accepted proposal packet.

5. Acknowledgment

- a) A plaque or sign must be placed on or near the artwork, crediting the artist, acknowledging the donor and recognizing the gift to the City. Signage should conform to the aesthetic of previously installed plaques and should include;
 - i. Title of the artwork;
 - ii. Artist name;
 - iii. Year the work was created;
 - iv. Donor name;
 - v. Dedication date;
 - vi. Mayor at the time of dedication;
 - vii. Additional parties heavily involved in the dedication and/or restoration or artworks, which includes but is not limited to employees of the Department of Economic Development, and/or members of the Stamford Arts & Culture Commission.

C. Loaned Art

1. Loans of artwork shall be governed by a loan agreement.
2. A loan agreement may be entered into with art museums and arts organizations, galleries, other institutions, private individuals or individual artists, for the placement of art in public spaces.
3. The loan agreement will state the length of the loan and other terms such as location, maintenance requirements, and vandalism responsibilities. The agreement will also stipulate: value of artwork; insurance requirements; shipping and installation; and removal responsibility.
4. For works being loaned to the City, the Review Criteria as outlined in Section III should be considered, provided that any artwork(s) to be displayed on City property for ninety days or less may be exempt

from the Review Criteria considerations at the discretion of the Department of Economic Development.

- a) For example, short-term displays in the Mayor's Gallery at Stamford Government Center, and Stamford Downtown's Art in Public Places.

D. De-accessioning & Relocation of Art

1. The City may de-access (i.e. remove an artwork) from the City's collection (by selling, returning, donating or destroying it) with the agreement of the responsible City department or agency, and after consultation with the Department of Economic Development and the Stamford Arts and Culture Commission, only when it finds such action to be in the public interest, or as a means of improving the quality of the collection, or for the purposes of public safety and in compliance with applicable laws and regulations governing the same.
2. Works of public art may be relocated or removed if a piece becomes a hazard or liability or if the adopted terms of acceptance are not fulfilled.
3. De-accessioning should be cautiously applied, only after careful and impartial evaluation by the Department of Economic Development and the Stamford Arts and Culture Commission and where/whenever required by the appropriate state or federal agency. The Department of Economic Development shall make all reasonable efforts to notify the donor, artist or his/her heirs.
4. De-accessioning of any artwork must take into account adherence to the Visual Arts Rights Act of 1990, which states that "significant or substantial distortion, mutilation, or other alteration to a pictorial, graphic or sculptural work, which is publicly displayed, caused by an intentional act or by gross negligence, is a violation of the exclusive rights of the copyright owner where the author of the work is the copyright owner."
5. De-accessioning or relocation of artwork may be considered for one or more of the following reasons:
 - a) The condition or security of the artwork cannot be reasonably guaranteed in its present location;
 - b) The artwork cannot be properly cared for or stored by the City;
 - c) The artwork presents a public safety risk;

shall be solicited from the donor or heirs of the donor, such agreement shall not be required. The City may dispose of de-accessioned works by such means as may be warranted by each circumstance. If the City elects to sell the artwork in question then:

- i. The artist/donor will be given the right of first refusal to reacquire the work at fair market value, original price, or at no cost, depending on the recommendation of the Department of Economic Development and/or the Stamford Arts and Culture Commission. The cost of removal shall be borne by the artist/donor;
 - ii. The City may sell the artwork through a dealer;
 - iii. The City may sell the work through competitive bidding;
 - iv. The City may sell the work through a public sale.
8. If a marginally significant work has deteriorated to such an extent that it is irreparable and unsuitable for exhibition, the City may elect to dispose it, which should be accomplished in accordance with all applicable state and federal laws and regulations.

E. Public Art in the Right-of-Way

1. The Department of Economic Development will serve as the first point of contact and act as a coordinating agent, in conjunction with the Stamford Arts & Culture Commission, for applicants wishing to place artworks in the public Right-of-Way, public building or facility.
 - a) An application to Board of Representative shall be completed for all potential art projects to be located in the public Right-of-Way, or any public building or facility - which shall also be submitted for review by a subgroup consisting of the Department of Economic Development and the Stamford Arts and Culture Commission for the artwork in question and other City staff or other agency staff as appropriate.
 - b) Specific submission requirements may include without limitation:
 - i. A description, digital image, photograph, model or drawing of proposed artwork;
 - ii. A statement indicating the duration of the artwork's installation in the Right-of-Way;

- iii. Evidence of liability insurance;
 - iv. Detailed maintenance requirements and written maintenance agreement;
 - v. Access and safety considerations;
- c) Public Art located in the public Right-of-Way must be outside the traffic sight lines and pedestrian zone unless integrated into the walking surface, and should conform to all terms and conditions and requirements of the City, including the Department of Transportation and any applicable State or Federal traffic safety standards and requirements.

F. Ownership of Purchased or Donated Artwork

1. Artwork purchased, commissioned or accepted as a donation will become the property of the City of Stamford. Title for each work shall be transferred to the City. Upon acquisition of an artwork, the relationship between the City and the artist or donor will be defined by a legal instrument of conveyance addressing the terms of the acquisition, any instructions for proper care and maintenance of the work, and any special agreements regarding the manner in which the work may be de-accessed, copyright, reproduction and resale issues.

G. Exemptions and Exceptions

1. Certain projects and commissions will be considered exempt from review and approval processes as outlined in this policy document, at the discretion of the Department of Economic Development and/or the Stamford Arts and Culture Commission.
 - a) Examples of exempt projects are:
 - i. Ongoing educational programs at or on publicly owned sites and buildings which involve public school students under the guidance of a nonprofit arts, cultural or historical organization. Details of such programming should be supplied to the Department of Economic Development in advance as logistical, promotional and/or documentary support may be available;
 - ii. Commissions, loans, and/or gifts confirmed and contracted but not implemented or received before the implementation date of this policy.

V. Maintenance Plan

Artworks in the City's collection are located in a variety of environments. Some are installed outdoors; others are placed in semi-enclosed settings and others in indoor public spaces. Artwork can be affected by exposure to light (natural and artificial), wind, air-borne dust, temperature and humidity changes, vibration, precipitation, and other conditions. On occasion, an artwork may also suffer physical damage as a result of an accident or vandalism. Without long-term maintenance, the artworks risk serious degradation as the collection ages. In an attempt to mitigate these issues the following steps will be taken:

1. An inventory of all public artworks shall be maintained and updated annually by the Department of Economic Development to be shared with the Stamford Arts & Culture Commission;
2. An evaluation of the condition of each artwork will be separately noted in the inventory report;
3. A professional may be hired to appraise certain works of art and make recommendations on cost and future care based on current condition, value and other relevant factors;
4. Partnerships in the private and public sectors may be sought to fund restoration costs;
5. The archive of the collection will be made accessible to the public through an online gallery on the City's website.

VI. Ethics Requirements

1. No member of the Stamford Arts and Culture Commission shall engage in any business or transaction or have a personal, immediate family or business interest, directly or indirectly, which is in material conflict with or incompatible with the proper discharge of his or her official duties or that by creating a divided loyalty might influence or impair his or her independence of judgment and action in the performance of said duties. A conflict of interest exists whenever an officer or employee will more likely than not benefit, disproportionately from other citizens of the city, directly or indirectly, from a decision over which they have influence.
2. Unless otherwise provided by law, a member of the Commission shall not deliberate or participate in a decision or action if said individual or any member of his or her immediate family or a business with which he or she is associated would be likely to gain or lose a material benefit that is not common to the general interest of other citizens of the city.

3. A member of the Commission shall not grant special consideration, treatment or advantage to any person beyond that which is generally available to other citizens of the city.
4. A member of the Commission shall not receive special consideration, treatment or advantage in any activity or business transaction in which the City is a client or a customer beyond that which is generally available to other citizens of the city.
5. No member of the Commission, or member of his or her immediate family, or business with which he or she is associated, shall solicit or accept anything of value, including, but not limited to, a gift, service, loan, political contribution, or promise of future employment in exchange for providing confidential information or based on an understanding that the vote, official action, or judgment of the officer or employee is to be, or has been, influenced thereby.
6. No member of the Commission may knowingly accept, nor may the spouse, child or parent of an officer or employee, or any person who resides in the household of an officer or employee knowingly accept, with said officer's or employee's express or implied consent, anything having a value of fifty dollars (\$50.00) or more from a prohibited source, and the aggregate value of all things received from that source by any such recipient in a calendar year shall not exceed one hundred fifty dollars (\$150.00).
7. The members of the Commission shall comply with all requirements of the City of Stamford Code of Ethics, Section 19-1 et seq. of the Stamford Code of Ordinances.