

RESOLUTION NO. 17-017

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE REVISING CITY COUNCIL POLICY NO. 900-3 *ACCEPTANCE OF ART DONATIONS*

FINDINGS

1. The City of Pacific Grove desires to enhance the appearance of public places, beautify the City and stimulate discussion through the outdoor placement of public art.
2. City Council Policy No. 900-3 *Acceptance of Art Donations* was adopted in 2001 and now references the Arts Commission which was subsequently renamed the Cultural Arts Commission and is not currently active.
3. The evaluation and recommendation of outdoor art donations is also a listed power and duty of the Beautification and Natural Resources Commission.
4. City Council Policy No. 900-3 would benefit from revision to clarify the outdoor art acceptance policy, rights of ownership, and removal and replacement of references to the inactive Arts Commission with the Beautification and Natural Resources Commission.
5. This action does not constitute a "Project" as that term is defined under the California Quality Act (CEQA), CEQA Guidelines Section 15378 as it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

NOW THEREFORE, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES RESOLVE AS FOLLOWS:

1. The City Council finds each recital set forth above to be true and correct, and by this reference incorporates each as an integral part of this resolution.
2. City Council Policy 900-3, addressing the *Acceptance of Outdoor Art Donations*, is hereby revised and adopted. The text shall be amended by the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), deletion by ~~strikethrough~~ as follows:

City of Pacific Grove, California

City Council Policy

Policy Governing	Policy No.	Effective Date	Page
Acceptance of Outdoor Art Donations	900-3	January 3, 2001 <u>August 2, 2017</u>	1 of 42

PURPOSE:

To establish a uniform procedure for evaluating works of art proposed to be donated to the City of Pacific Grove, and for deciding whether to accept them.

The City receives donations of both art and funding for outdoor civic art from citizens and organizations. Chapter 3.24 of the Municipal Code establishes duties and functions for the Beautification and Natural Resources Commission including standards related to works of art. This policy further establishes guidelines for the evaluation, receipt and use of proposed art and art fund donations.

Public art enhances the appearance of public places, beautifies the City, and stimulates public gathering and public discussion. The City has limited capital funds to expend on outdoor civic art and relies primarily on donation. This policy is intended to provide clarity of expectations for both the City and donors so that donations may best meet the goals of each party.

Policies 100-13 Bequests and Fungible Donation and Appreciated Real Estate, 200-6(E) Library Acceptance of Art Gifts Policy, and 200-6 (I) Library Gift Acceptance Policy for Print and Non-Print Materials may also be referred to as appropriate.

POLICY & PROCEDURE:

1. Anyone wishing to donate art or art funding to the City of Pacific Grove must first provide comprehensive information about each piece of art *or proposed art work* by completing and submitting the Art Acceptance Form (attachment).
2. Art Acceptance Forms may be submitted to the Pacific Grove ~~Arts Commission~~ *Beautification and Natural Resources Commission*.
3. The ~~Arts Commission~~ *Beautification and Natural Resources Commission* will use the Art Acceptance Form as a basis for evaluating the art proposed for donation and making a recommendation to Council. In evaluating the art works, the ~~Arts Commission~~ *Beautification and Natural Resources Commission* will work with the Museum, the Library, and/or other City staff, as appropriate. City staff will consult the advisory board (e.g. Museum Board, Library Board) of the involved City department.

4. Evaluation of art works will consider each piece's intended use and disposition, artistic merit, historical significance, local interest, commercial value, and impact on City government including ongoing maintenance costs.
 5. The ~~Arts Commission~~ Beautification and Natural Resources Commission, City staff, and the relevant advisory body will make a recommendation to the City Council whether or not to accept the proposed donation. All accepted donations shall be unconditional, transferring ownership and all rights of ownership to the City. Donations are accepted only with the understanding that the City has the right to determine retention, location or disposal of the donation. The City may sell the item for value and use the proceeds for any purpose appropriate to the City's Charter.
 6. The City Council shall make the final determination on whether the City will accept or decline the proposed donation.
 7. Issues and legalities involved in donation of art works are numerous, and there will be occasions when the City Attorney's advice may be essential. For example, an artist may be entitled under law to a royalty under certain circumstances of resale; a copyright may be involved; an artist may ask for rights and privileges such as the first chance to purchase, borrowing for an exhibition, reproduction rights, control of alterations, repairs or restoration.
 8. A written agreement with the artist shall be executed with the City prior to commencement of any work of art proposed on City property or commissioned by the City.
 9. All required City permits for installation and siting of art pieces on City public property shall be obtained. The outdoor placement of any artwork shall not interfere with natural resources.
3. This resolution shall take effect immediately following passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 2nd day of August, 2017, by the following vote:

AYES: Mayor Kampe, Councilmembers Cuneo, Fischer, Garfield, Huitt, and Smith.

NOES: None.

ABSENT: Councilmember Peake.

APPROVED:


BILL KAMPE, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Sandra Kandell", written in a cursive style.

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "Dale", written in a cursive style.

DAVID C. LAREDO, City Attorney