

TOWN OF MORAGA

Public Art Donation Policy

Adopted and approved by the Parks and Recreation Commission on May 20, 2008.

Adopted by Resolution by the Town Council on September 10, 2008;

Introduction

The Town of Moraga welcomes the donation of fine works of art for outdoor and/or indoor display. Works in stone, metal, mosaic, and other permanent materials can be represented. Works of art can be specially designed for appropriate settings on Town-owned property, or may be pieces that have been created and displayed elsewhere, then brought to the Town at a later time.

The Town welcomes proposals for gifts of art that will enhance the Town's naturalistic setting and complement its buildings, grounds, and natural features. Appropriate gifts beautify the Town, encourage appreciation of fine art in a variety of media and styles, and offer enjoyment to the community and the general public.

Individual donors are encouraged to consider and bring forward opportunities and suggestions for improving the art of the Town. It is important for prospective donors to make a connection with the review process at an early stage. Donors are strongly encouraged to discuss tentative proposals and art ideas with the Director of Parks and Recreation prior to beginning the formal review process. Donors should do this before making any major investment of funds in developing a detailed proposal. Proposals need not be in complete form for this early discussion to take place.

The Director of Parks and Recreation encourages the opportunity to participate with potential donors in helping to define and shape art proposals. Informal early consultation provides the opportunity to craft proposals which are most likely to move quickly and smoothly through the formal review process and meet both Town and donor needs and interests.

Overview

The Town of Moraga welcomes proposals and offers of donations for art installations on Town-owned land.

Proposed installations of donated art must be properly reviewed to ensure that they are appropriate for the Town, comply with Town policies, and are placed in suitable locations. In advance of the review process, no promises should be made to donors or money expended with the expectation that an art proposal will be approved.

Prospective donors interested in sponsoring or initiating art proposals are strongly encouraged to have an early, informal consultation with the Director of Parks and

Recreation. Early review can help clarify Town policies and expectations, costs of installation, location issues, and the way in which a formal proposal should be prepared.

The formal review process typically takes six months and could take longer. Sufficient time should be set aside by the donor to accommodate the review schedule. All art proposals are subject to these policies and procedures. Until the review process is complete, donors should not formally commission any work or make any binding commitments, financial or otherwise, that assume acceptance of a work of art by the Town of Moraga or installation at a particular site.

The Town of Moraga has policies and procedures for the consideration of public art donation proposals. They are necessary to ensure that art installations complement and respect the character of the Town, are appropriate to its setting, history, and traditions, and do not impose unexpected or insupportable burdens on the Town (such as a frequent need for maintenance and repair, or high, ongoing security costs).

First, the Director of Parks and Recreation reviews proposed art. Next, the Director prepares a staff report, including the Director's recommendations, and submits this written report to the Parks and Recreation Commission. Then, the Parks and Recreation Commission reviews both the proposed public art and the staff report prepared by the Director of Parks and Recreation. Finally, the Parks and Recreation Commission makes its decision. The Commission's decision is final; there is no appeal process to any other Town authority.

Proposed plaques accompanying art installations must also be reviewed by the Director of Parks and Recreation. The Town of Moraga has specific policies on the appropriate size of acknowledgement/memorial plaques and how the inscriptions on plaques should be worded.

The complete policies that follow explain the details of the Town's rules and procedures regarding art donation proposals. Please keep them on hand, review them when any art proposal is being considered, and share them with prospective donors and friends of the Town as appropriate.

Purpose

The purpose of this policy is to establish guidelines, standards, and procedures for the installation and care of donated public art, either as a result of a cash or physical property donation. These donations may include, but are not limited to, sculptures, bronzes, paintings, mosaics, and other approved design elements. Acceptable donations are always dependent upon the specific needs of the Town of Moraga, and an updated list of acceptable public art donation opportunities is maintained by the Parks and Recreation Department. The Town desires to encourage public art donations while at the same time manage aesthetic impacts and mitigate on-going maintenance costs.

Guidelines established by this policy will apply to all donations made after the effective date of this policy. Donations made prior to the adoption of this policy shall be subject to applicable sections of this policy. Standards established by this policy will apply to necessary purchased equipment, installation techniques, donation acknowledgements, and long-term care of all public art donations made after the adoption of this policy.

Scope

This policy applies to all Town-owned land and facilities located within the Town of Moraga. More specifically, this policy applies to the Moraga Commons, Rancho Laguna Park, the Hacienda, Town Offices located at 329 Rheem Boulevard, and the Moraga Public Library. *This policy does not include trails, and it specifically excludes Open Space Preserves.*

Conditions / Considerations

Acquisition: The Town and the community have an interest in ensuring that donations of public art are of high quality related to style, appearance, durability, and ease of maintenance. The Town staff will be responsible for the installation of all public art elements.

Appearance and Aesthetics: The Town and the community have an interest in ensuring the best appearance and aesthetic quality of their public facilities. Public art elements and/or their associated donation acknowledgements should reflect the character of the Town. All public art elements will be installed in such a manner that will not substantially change the character of a facility or its intended use.

Maintenance: Donated public art elements, and/or their associated donation acknowledgements, become Town property. Accordingly, the Town has the duty to maintain the public art donation only for the expected life cycle of the donation. If current information is on file, the donor will be informed and given the opportunity to take further action at the expiration of the original life cycle.

Repair: The community has an interest in ensuring that all public art elements remain in good repair. In addition, the public has an interest in ensuring that the short and long-term repair costs are reasonable. Repair parts and materials must be readily available. Donated public art elements must be of high quality to ensure a long life, be resistant to the elements, wear and tear, and to acts of vandalism.

Cost: The Town has an interest in ensuring that the donor covers the full cost of the purchase, installation, and maintenance during the expected life cycle of donated public art elements. It is difficult to find funds in the Town's annual budget for maintenance of art installations, particularly those that require regular service, such as recoating or reapplying exterior finishes or protective coverings. For this reason, the Town typically expects that donors contribute funds to be added to a permanent Town endowment pool for maintenance and upkeep of donated art. The Town also has an interest in ensuring

that on-going maintenance costs do not negatively impact the resources available for maintenance of other Town facilities. Consequently, the Town will assess, at the time of donation, a charge sufficient to cover anticipated on-going maintenance of donated public art elements during their life expectancy.

At the end of the life-cycle term, the donor may choose to extend the life-cycle term by paying for the current value of a new donation and its associated maintenance cost. The Town reserves the right to seek a new donor for the donation at the end of the established life cycle should the original donor choose not to renew the donation or if the Town has not been able to contact the original donor.

Installation: Installation of donated public art elements, including the donor acknowledgement/memorial plaques, will be completed by Town personnel. The installation will be scheduled at a time and date as determined by the Parks and Recreation Department so as not to unnecessarily interfere with routine park maintenance activities.

Plaques: Most art pieces are accompanied by a permanent plaque. Plaques typically include the name or title of the art, the date of its creation, the date of its installation in the Town, and the name of the artist. Wording is expected to be both descriptive and concise. Some plaques include brief memorial inscriptions, a line of poetry or quotation, or other wording appropriate to the art, donor, and setting. Permanent plaques should be modest in size. The plaque should be complementary to the work of art, rather than competing with it for attention. The name of the donor may be considered for inclusion on the plaque. The name of an individual donor is considered for inclusion only if that individual was responsible for all or the majority of the donation. The name of a donating group will also be considered. The Town does not include names of several donors on plaques or names of donors who have not made a majority contribution to the project.

Donation acknowledgements and memorial plaques, as approved by the Town, are to be directly affixed to the donation and are to be purchased through the Town. Public art donation acknowledgements/memorial plaques will be of a standard size and material established by the Town of Moraga. The Parks and Recreation Department will approve all text for public art donation acknowledgements/memorial plaques and will purchase these items from a Town-approved vendor to ensure highest quality, life, and durability.

CEQA Review: If an art piece could have a significant effect on the environment (for example, altering a historic landscape or building, being prominently visible from a view corridor, or being located on or near a creek, or in a way that affects vegetation, or could interrupt the flow of traffic), it may be subject to review under the California Environmental Quality Act (CEQA). Town of Moraga staff can advise whether such review will be necessary. If CEQA review is needed, it is understood that the donor will pay the necessary fees including cost recovery fees for staff time spent.

Permanence: The Town cannot provide an absolute guarantee that a work of art will remain in a single location or remain permanently in the Town. The Town landscape is an

evolving, active environment and it is not possible to predict every future need for building sites or landscape alterations. Once it accepts a work of art for a specific site, the Town will endeavor to keep the art in an appropriate setting and condition and seek to contact surviving donors/artists for consultation if a major alteration is necessary.

Ownership: Unless a special condition is expressly requested by the donor and accepted through the review process, all art installations are the property of the Town of Moraga.

Removal and/or Relocation: This section applies to both existing and new donations. The Town reserves the right to remove and/or relocate donated public art elements and their associated donation acknowledgements/memorial plaques when they interfere with site safety, maintenance, or construction activities. The Town will attempt to send a certified letter to each identifiable public art donor notifying the donor of any action related to the disposition of the donation. In certain circumstances, such as safety or emergency situations, the notification may be made after the action is taken. In the event a public art donation must be permanently removed, the Town will seek an alternative location consistent with this policy.

Notification: These criteria are requirements for both existing (at the expiration of its life-cycle period) and new public art donations. It shall be the responsibility of the donor to provide the Parks and Recreation Department with a current address for purposes of notification regarding the donation. For the purposes of notification, the Town will attempt to send a certified letter to the donor, notifying the donor of changes related to the status of the donation (i.e. a need to remove, relocate, or comply with conditions set forth in this policy).

Making a Public Art Donation

The Town's Parks and Recreation Department will manage all donations of public art located on Town property, with the assistance of the Parks Maintenance staff.

Application: The donor first must contact the Parks and Recreation Department to determine whether a public art donation may be accepted based upon criteria contained in this policy (see Appendix A). If a donation of public art can be accepted, the donor will complete an application form (see Appendix B). Applications are available through the mail or in person at the Parks and Recreation Department. Completed applications will be submitted to the Parks and Recreation Department for review and processing.

First, the Director of Parks and Recreation reviews proposed art. Next, the Director prepares a staff report, including the Director's recommendations, and submits this written report to the Parks and Recreation Commission. Then, the Parks and Recreation Commission reviews both the proposed public art application and the staff report prepared by the Director of Parks and Recreation. Finally, the Parks and Recreation Commission makes its decision. The Commission's decision is final; there is no appeal process to any other Town authority

Site Plan: To accept donation of a public art element for a specific facility, a site plan must exist showing the available locations for public art elements (see Appendix C). If no plan exists, then a donation may be made to another facility. If a plan exists, but does not identify a particular public art element proposed for donation, the Town may accept the public art donation under certain conditions. Under this circumstance, the donation must 1) meet a true need of the facility, 2) not interfere with the intended current or future use of the facility, and 3) not require the relocation of other equipment or infrastructure to accommodate the public art donation. In the opinion of the Town, a facility may be determined to be fully developed and the opportunity for donations of public art would not be available.

Public art elements may be sited in locations approved by the Parks and Recreation Department (see Appendix A) in accordance with an available site plan (see Appendix C). Public art donations become Town property at the time of donation acceptance.

Review Process

Review Procedures/Criteria for Acceptance

Step 1. It is important for prospective donors to make a connection with the review process at an early stage. Donors are strongly encouraged to discuss tentative proposals and art ideas with the Director of Parks and Recreation prior to beginning the formal review process. Donors should do this before making any major investment of funds in developing a detailed proposal. Proposals need not be in complete form for this early discussion to take place.

The Director of Parks and Recreation welcomes and encourages the opportunity to participate with potential donors in helping to define and shape art proposals. Informal early consultation provides the opportunity to craft proposals which are most likely to move quickly and smoothly through the formal review process and meet both Town and donor needs and interests.

The donor should be prepared to present the following information to the Parks and Recreation Director:

- a. information about work(s) of art, including materials, concept and purpose, artist biography, date of creation of the piece, and history. Why was it commissioned/created? Has it been previously located in installations elsewhere? Has it won awards or critical notice? Are there previous owners of significance? What place and significance does the art have in the overall portfolio of the artist? If the artist has a portfolio, brochures, or samples of similar work, it is useful for the Director of Parks and Recreation to see this material in order to evaluate and understand the style and technique of the artist and the proposed work of art;
- b. information about the donor(s), their background and any association with the Town of Moraga, and why the particular piece of art is being offered to the Town;

- c. any technical issues related to materials, care, and installation needs such as hanging arrangements, bases, pedestals, or footings needed or environmental conditions (excessive shade, sunlight, or moisture) that might affect the art or recommendations on its site location;
- d. photographs of the art or, if it is a proposed piece not yet fabricated, an illustration. If the piece is a sculpture meant to be viewed in the round, photographs or illustrations from more than one perspective are desirable.

Step 2. After all appropriate consultation with the Parks and Recreation Director has been completed by the prospective donor, the Parks and Recreation Director prepares a staff report and presents recommendations to the Parks and Recreation Commission. The Commission reviews the quality of the proposed art piece, its relationship to proposed Town locations, and its desirability for the Town. The Commission also assesses technical and aesthetic issues such as installation and site design and context. The advice of appropriate Town professionals is sought in evaluating these issues, particularly in regard to installation and maintenance.

In general, the Parks and Recreation Commission will consider the following issues when reviewing a public art proposal:

- a. Does the proposed piece of art have aesthetic value and appeal? Will it be a valued addition to the art collection of the Town? Is the proposal appropriate for the Town? High quality art that will have an enduring impact and works of art that highlight the traditions, character, and landscape of the Town are particularly sought and encouraged.
- b. Is the art durable and sturdy? The Town does not have regular funds to repair extensive weather damage, deterioration, or vandalism to art pieces. If a proposed art gift seems especially susceptible to any of these conditions, it may be declined. Works of art with moving parts must be carefully evaluated for their potential for breakage and future needs for repair.
- c. Can the donor pay all the costs of fabrication, delivery, installation and maintenance of the art? This is an important consideration since the Town does not have funding set aside to purchase art or subsidize art installations.
- d. Is the proposed site appropriate and consistent with the site plan? The Town generally prefers to site new works of art in locations that are accessible to viewing by the general Town population, visitors, and those with physical disabilities, so they can be fully appreciated and enjoyed. Art pieces must also be carefully sited to minimize safety concerns and avoid conflicts with underground utility lines and vehicle, pedestrian, and wheelchair circulation. The Director of Parks and Recreation can review these issues with the donor during their preliminary meetings.
- e. Will the gift of art enhance the Town? The Town of Moraga welcomes art works that can make a new and special contribution to previously overlooked portions of the landscape. The Director of Parks and Recreation can advise on locations where art would be appropriate but may not have been considered by the donors.

Step 3. The Parks and Recreation Commission reviews the recommendations made by the Parks and Recreation Director at one of its regular meetings and may approve, disapprove, modify a recommended approval, or return the matter to the Parks and Recreation Director with specific questions or requests for modification.

ATTACHMENTS

Appendix A: Approved List of Public Art Donation Opportunities

Appendix B: Public Art Donation Application

Appendix C: Site Plan for Public Art Donation Opportunities

APPROVED LIST OF POTENTIAL DECONTAMINATION SITES		
329 Rheem Blvd.	Indoor	Entryway, Hallway
2100 Donald Drive	Indoor	Hacienda, La Sala, Pavilion, Casita
2100 Donald Drive	Outdoor	*Botanical Garden, Waxman Trail, Pavilion
2101 Camino Pablo	Outdoor	*Turf area by path and restrooms
1799 St. Mary's Road	Outdoor	*One in front of restrooms by parking lot, two on trail that runs parallel to Moraga Road
1500 St. Mary's Road	Outdoor/Indoor	*Three locations in front of Library, one on St. Mary's Road and the other two on either side of main walkway. Inside library as well.
* For specific locations see Appendix C		



TOWN OF MORAGA
Parks and Recreation
Public Art Donation Application

Town of Moraga
Parks and Recreation Department
 2100 Donald Drive
 Moraga, CA 94556
 Phone: (925) 888-7045
 Fax : (925) 376-2034

(TO BE COMPLETED BY APPLICANT, PLEASE PRINT LEGIBLY)

APPLICANT INFORMATION

Name of Donor		
Address of Donor		
Home Phone	Work Phone	Fax
Email Address		
Expected life cycle		

DONATION INFORMATION:

Description of Art Donation
Location of Art Donation
Wording on Acknowledgement
Type of Art Donation
Total Cost of Donation, includes purchase, tax, shipping, installation and maintenance

I HAVE READ AND AGREED TO THE TERMS OF THE MEMORIAL AND DONATION POLICY

Requested by	Date
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(TO BE COMPLETED BY TOWN STAFF)

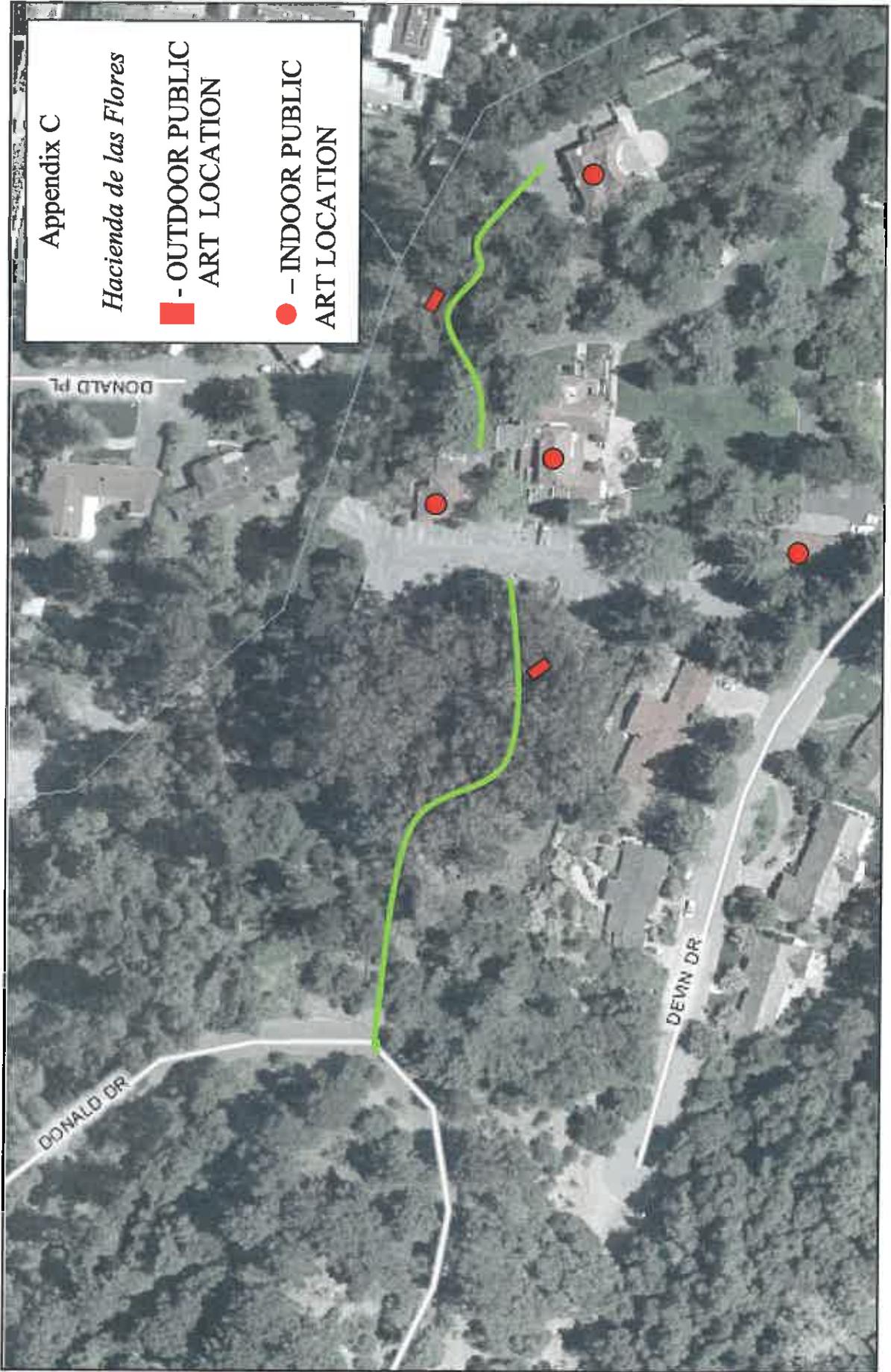
Reviewed by	Date
Parks Superintendent	
Parks and Recreation Director Approval	Date
Parks and Recreation Commission Approval	Date

Appendix C

Hacienda de las Flores

■ - OUTDOOR PUBLIC
ART LOCATION

● - INDOOR PUBLIC
ART LOCATION



Appendix C

Commons Park

■ - OUTDOOR
PUBLIC ART
LOCATION



Moraga Commons

Saint Marys Road

Google

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Appendix C

Moraga Library

- - OUTDOOR PUBLIC ART LOCATION
- - INDOOR PUBLIC ART LOCATION

