

**TOWN OF MORAGA**  
**Public Art Donation Policy**

*Approved by Parks and Recreation Commission on August 19, 2008*

*Approved and adopted by Resolution at the 9/10/08 Town Council meeting.*

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**Overview**

Proposed installations of donated art must be properly reviewed to ensure that they comply with Town policies and are appropriate and placed in suitable locations. This Public Art Donation Policy ("Policy") outlines the Town's guidelines, standards, and procedures for considering public art donation proposals. This Policy is 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).

The formal review process typically takes six months but could take longer. 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 or installation at a particular site.

**Purpose**

The purpose of this Policy is to establish guidelines, standards, and procedures for the installation and care of donated public art.

**Scope**

The donations subject to this Policy may include, but are not limited to, sculptures, bronzes, paintings, mosaics, and other approved design elements. All future donations will be subject to this Policy. When applicable, current art on display will also be subject to this Policy.

This Policy applies to all particular Town-owned land and facilities located within the Town. 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.*

**Effective Date**

Guidelines established by this Policy will apply to all donations made after this Policy's effective date. 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.

### Limitations

Acceptable donations are always dependent upon the specific needs of the Town, and an updated list of acceptable public art donation opportunities is maintained by the Parks and Recreation Department.

### Conditions on Donations

**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 will maintain a public art donation only for the expected life cycle of the donation. If current information is on file, the Town as a courtesy may contact the donor at the end of the donation's lifecycle and give the donor the opportunity to take further action at the expiration of artwork's original life cycle. (See below for additional details.)

**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.

If at the end of the life-cycle term, the Town will attempt to contact the donor, who may 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:** Donation acknowledgements and memorial plaques, as approved by the Town, are to be affixed on or near the donation. These plaques will be purchased through the Town with donated funds. Permanent plaques should be modest in size. Public art donation acknowledgements/memorial plaques will be of a standard size and material established by the Town. The Director will approve all text for public art donation acknowledgements/memorial plaques and the Department will purchase these items from a Town-approved vendor to ensure highest quality, life, and durability.

Text on plaques will typically include the name or title of the art, the name of the artist, the date of its creation, and the date of its installation in the Town. The name of the donor may also be considered by the Town 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 where the group meets the same requirements set forth for an individual donor. Some plaques may also include brief memorial inscriptions, a line of poetry or quotation, or other wording appropriate to the art, donor, and setting. Any such inscription is expected to be both descriptive and concise. The Director will have final approval of all text that goes on a plaque. This authority should not be considered to include the power to approve or disapprove inscriptions on the basis of the viewpoint expressed in the inscription.

**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 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. Public art donations become Town property at the time of donation acceptance.

### 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

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 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 Department to determine whether space is available at any of the approved sites for displaying donated art (see Appendix A). If there is availability, the donor must complete an application form (see Appendix B). Applications are available through the mail or in person at the Department. Completed applications will be submitted to the Department for review and processing.

**Review Process:** Donors are strongly encouraged to discuss tentative proposals and art ideas with the Director of Parks and Recreation ("Director") 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.

Once the donors are ready, they may submit their application to the Director. The Director then reviews the proposal in preparation for completing a staff report to the commission, including the Director's recommendations. Once the application is

submitted, the donor should be prepared to present the following information to the Director upon request:

- a. information about work(s) of art, including materials, concept and purpose, artist biography, date of creation of the piece, and history. (i.e. 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 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, 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.

After all appropriate consultation with the Director has been completed by the prospective donor, the Director shall prepare a staff report and present recommendations to the Commission.

Upon receipt of the staff report, the Commission will review the application based on the following criteria (none of these criteria should be considered to empower the Commission to accept or deny an art donation on the basis of the viewpoint expressed by the artwork or its donor(s)):

- 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. What if any costs will the Town incur to keep up this piece of art? 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 can review these issues with the donor during their preliminary meetings.

- e. Will the gift of art enhance the Town? The Town welcomes art works that can make a new and special contribution to previously overlooked portions of the landscape. The Director can advise on locations at approved Site Plans where art would be appropriate but may not have been considered by the donors.

Once their review is complete, the Commission – at one of its regular meetings – may approve, disapprove, modify a recommended approval, or return the matter to the Director with specific questions or requests for modification.

**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. It is the exclusive right of the Town to determine whether a facility is fully developed. Once a 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).

## **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

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APPROVED LIST OF POTENTIAL DONATION 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**

(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

*Commons Park*

■ - OUTDOOR  
PUBLIC ART  
LOCATION





APPENDIX C





Appendix C

*Moraga Library*

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