

Revised January 2024

# Donations of Public Art

A public art donation is a gift of art which has been given unconditionally and without compensation or non-monetary consideration (e.g. advertising, promotion, services, etc.).

## **City Policy**

### **Public Art Policy Section 6.3** *Donations of Public Art:*

Donors have the opportunity to enrich the public art program by gifting significant artworks created by prominent artists to the City. To ensure a comprehensive evaluation process, all proposed donations will be thoroughly reviewed by staff from relevant departments and the City's Public Art Advisory Committee before being accepted into the City of Burnaby's Public Art Collection. The process for donated public artwork is as follows:

- The owner or authorized representative of the artwork will submit a letter of intent expressing their intention to gift the artwork to the City. This letter will be reviewed by the General Manager, Parks, Recreation and Culture or their delegate.
- In the case of offers involving Indigenous artwork from non-Indigenous donors, a review will be conducted with the Indigenous Relations Manager.
- The artwork must be offered and received free of all conditions.
- Substantiating proof of legal ownership, supported by provenance documentation, is required.
- Artworks comprised of impermanent or non-durable materials may not be considered for acceptance.
- If an offer is accepted as a gift, the City may issue a tax receipt to the donor, provided recent professional arm's-length evidence of the fair market value is presented.
- As part of the donation, the donor is required to contribute to the Public Art Maintenance Reserve. The specified contribution amount will be determined at the time of the donation, with a minimum requirement of 10% of the project cost or evaluation.

In addition to artworks, financial donations from citizens, businesses and groups, are also welcomed and encouraged as means of community partnership in acquiring new artworks for public places. Cash donations will be held in reserve and dedicated to specific competition projects or City-designated sites. These financial contributions will be utilized for commissioning or competition-based public art projects, as well as ongoing maintenance, but cannot be allocated towards City staffing costs.

# Public Art Donation Program

The following pages outline steps taken when a donor wishes to offer a work of art to the City of Burnaby's Public Art Collection.

## **Donation Identification**

The City will consider gifts of artwork for placement at City-owned sites on the following basis:

- a) That the donation contributes to and enhances the City's Public Art Collection
- b) That the donation meets a high standard and is appropriate and meaningful to the community
- c) That the donation follows the procedure for reviewing proposed gifts of artworks to the City intended for placement in public places under the City's jurisdiction.
- d) That the donation is made with the understanding that no City funds will be required for production, siting, installation or ongoing maintenance of the work..

The City will not accept a gift of artwork that does not physically exist. All funds for installation and maintenance must also have been secured.

The City will consider the following types of donation proposals for artworks intended for placement at a public site under the City's jurisdiction:

- a) An already completed work of art.
- b) Donations of funds to be used in the creation of a work of art, or in support of creative or innovative public art projects. (e.g provision of a site and/or an endowment for an artist residency, public art symposium, a changing exhibition of temporary public art, etc.)

## **Gifts of State**

The guidelines contained here do not apply to gifts of state (i.e. gifts from Sister Cities or visiting dignitaries) unless requested by the Office of the Mayor or the Chief Administrative Officer.

## **Role of Sponsor**

A donation of artwork must have a sponsor or co-sponsors, who will present the proposal. The sponsor's principal role is to state the intent of the donation and be responsible for raising or providing the funding for its installation and maintenance.

Community groups or corporations can act as a sponsor, provided that they are capable of demonstrating community support for the proposal.

## **Donation Review Process**

All proposals for gifts of artwork will be reviewed following these steps.

- 1) A letter of intent is communicated to the General Manager of Parks, Recreation & Culture;
- 2) A Public Art Donation Proposal is submitted to City staff who review for eligibility.
- 3) Eligible Public Art Donation Proposals are reviewed by Burnaby Art Gallery Advisory Committee - Public Art Subcommittee.

At the end of the process, City staff will notify the sponsor and the artist.

### **Donation Proposal Requirements**

All offers of artwork proposed for sites under City jurisdiction must be made in writing and submitted to the Public Art Program. A detailed proposal must contain:

- 1) artist's resume and any additional supporting material related to their practice;
- 2) a written rationale for the intent and purpose of the proposed gift;
- 3) a brief statement describing the artwork and any relevant themes or context;
- 4) a proposed project timeline;
- 5) project ownership, transfer to the City and stakeholder responsibilities;
- 6) any details relevant to site selection (such as size, weight, material form, engineering requirements, related heritage or cultural context);
- 7) visual representation of the work, including drawings, and photographs of the proposed donation with scale and materials indicated;
- 8) a detailed budget, with projected costs for the project, including: shipping, installation, documentation, site construction, maintenance provisions, insurance, etc.;
- 9) funds committed to date and proposed source(s) of funds;
- 10) anticipated annual maintenance expenses for the artwork.

### **Donation Review Criteria**

All stages of the donation review process will be based on, but not limited to, the following criteria:

- 1) City sites: A gifted public artwork must be feasibly located on a site that is under the City's jurisdiction (e.g. City-owned, City-managed);
- 2) Theme: A stated theme for an artwork must be consistent with the goals, objectives and mandate of the City of Burnaby's Public Art Program;
- 3) Relevance: Artwork must be appropriate for a City site and its surroundings, and/or complement surrounding architecture, topography, history and the social dynamic of the particular community in which the art is proposed to be placed;
- 4) Artistic Excellence:
  - a) The work of art shall merit placement in a City public place;

- b) The artist demonstrates the ability and potential to execute the proposed artwork, based on previous artistic achievement and experience;
  - c) The quality of the work(s) must be supported by documentation from an independent professional evaluator;
  - d) The artwork must enhance the City's Public Art Collection;
- 5) **Physical Durability:** The artwork will be assessed for long-term durability and in consideration of theft, vandalism and deterioration of the artwork;
- 6) **Public Safety:** The artwork will be assessed for any public safety concerns;
- 7) **Environmental Sustainability:** Consideration will be given to the environmental impact and sustainability of the proposed artwork;
- 8) **Legal:** Consideration will be given to the proposed terms of donation, legal title, copyright authenticity, artist right to reproduce, liability and other issues as deemed appropriate;
- 9) **Other considerations may include (but are not limited to):** sponsorship, acquisition terms and procedures, and ability to de-accession, if required.

### **Acceptance and Registration of the Artwork**

If the proposal is accepted, a formal agreement will be created to define the responsibilities of each party (the City, the sponsor, the artist and any outside contractors, where applicable). The agreement will address project funding, insurance, siting, maintenance, project supervision, vandalism, the right of removal or transfer, public safety and other issues as necessary.

The City will be the owner of the artwork and reserves the right to move or alter the work to meet public safety or other City concerns. Any such change will be made in consultation with the artist and sponsor.

The completed and installed artwork will be registered in the City's Public Art Inventory together with all accompanying documentation.

**Questions regarding Burnaby's Public Art Program can be directed to:**

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