

RESOLUTION NO. 141-16

A RESOLUTION APPROVING THE DONATION  
ACCEPTANCE POLICY OF THE PUBLIC ART  
COMMISSION OF THE PIKES PEAK REGION

WHEREAS, the Public Art Commission of the Pikes Peak Region was created by City Council Resolution No. 229-82 and recognized by City Council Ordinance No. 07-113, with a charge to act in an advisory capacity to City Council in matters concerning art in public places; and

WHEREAS, City Council desires to delegate its authority to accept art work into the Outdoor Sculpture Collection of the Colorado Springs Pioneers Museum to the Public Art Commission of the Pikes Peak Region subject to the rules and restrictions included in the proposed Donation Acceptance Policy, attached hereto as an Exhibit and incorporated herein ("Donation Acceptance Policy"); and

WHEREAS, the Public Art Commission of the Pikes Peak Region has approved the attached Donation Acceptance Policy and recommends approval thereof by City Council.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:**

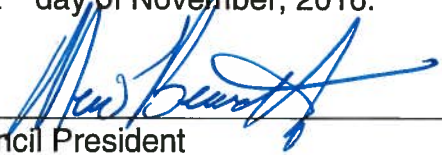
Section 1. The City Council of Colorado Springs hereby finds that the Public Art Commission of the Pikes Peak Region Donation Acceptance Policy, attached and made a part of this Resolution, is in the best interest of the City.

Section 2. The City Council of Colorado Springs hereby approves the Donation Acceptance Policy.

Section 3. The City Council of Colorado Springs hereby delegates its authority to accept art into the Outdoor Sculpture Collection of the Colorado Springs Pioneers Museum to the Public Art Commission of the Pikes Peak Region subject to the terms and conditions of the Donation Acceptance Policy.

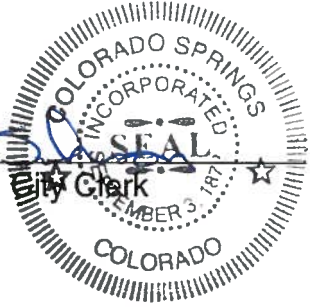
Section 4. This Resolution shall be effective immediately upon its passage.

DATED at Colorado Springs, Colorado, this 22<sup>nd</sup> day of November, 2016.

  
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Council President

ATTEST:

  
\_\_\_\_\_  
Sarah B. Johnson, City Clerk



# Public Art Commission of the Pikes Peak Region

## DONATION ACCEPTANCE POLICY

The Public Art Commission of the Pikes Peak Region (“Commission”) was established in 1982 by the City of Colorado Springs and El Paso County. An 11-member all volunteer board, including two elected officials serving as liaisons from Colorado Springs City Council and El Paso County’s Board of Commissioners, the Commission is charged with acting in an advisory capacity to evaluate and accept permanent pieces of outdoor art on behalf of the City Council in accord with a City Council-approved donation acceptance policy to be included in the Outdoor Sculpture Collection of the Colorado Springs Pioneers Museum. The following guidelines for accepting donated artwork seek to establish a simple and transparent public process that recognizes and implements nationally-recognized best practices in public art. Upon approval by City Council, these guidelines shall serve as the Commission’s Donation Acceptance Policy.

### Donation Guidelines:

1. Donors must abide by this donation acceptance policy.
2. All accepted pieces become the property of the City of Colorado Springs. Once a piece is accepted, the Colorado Springs Pioneers Museum will provide a deed of gift form for the donor to sign.
3. Accepted pieces become part of the Outdoor Sculpture Collection of the Colorado Springs Pioneers Museum and are subject to the policies and procedures of the Colorado Springs Pioneers Museum. Once a piece is accepted, the Colorado Springs Pioneers Museum has the sole discretion to make the following decisions:
  - a. Whether or not to display the piece;
  - b. The location of where a piece will be displayed;
  - c. How the piece will be managed, maintained, and conserved;
  - d. How the artist and donor (if different) will be acknowledged; and
  - e. Whether to deaccession the piece from the collection.
4. All donations must be accompanied by a charitable **cash** gift equal to (a) the cost of installation of the piece and (b) a minimum of ten percent (10%) of the value of the piece being donated. All cash donations will be used to install the work and the remainder will be held in a gift trust account to be used for the maintenance of the Outdoor Sculpture Collection of the Colorado Springs Pioneers Museum. The cash donation requirements may be waived if acceptable alternative arrangements are made to cover the costs of installation and maintenance.

### Donation Process:

1. Donors must complete the attached donation form and return it to the Commission’s staff liaison. The donation form will be distributed to the Director of the Colorado Springs Pioneers Museum and the City’s Cultural Services Manager.
2. Donors must include a value for the piece to be donated. If requested, the donor must substantiate the value ascribed to the piece by obtaining an appraisal from an independent appraiser.

3. Each donor must represent and warrant that the donor has the authority to donate the work.
4. The City's Parks, Recreation and Cultural Department ("Parks Department") will work with the donor to identify a proposed location for the artwork. If the proposed site is within the City's parks and open space system, the City's Parks Department will present the proposed site to the City's Parks Advisory Board. The Parks Advisory Board must approve the site of all works of art to be located in in the City's parks and/or open space. If the site is within the City's right-of-way, the site must be approved by the City in accord with the City's right-of-way revocable permit process.
5. Once a proposed site is approved, donor will provide a brief presentation to the Commission. The presentation will be scheduled at a regular meeting of the Commission. (Commission meetings are regularly scheduled for the third Tuesday of each month. The Commission, within its discretion, may decide to hold a special meeting to consider a donation.)
6. Presentations to the Commission should include any information relevant to the piece, which might include photos of the work, artist bio and/or statement, details on medium and/or construction process, an appraised value of the piece, and proposed installation site (if applicable).
7. The Director of the Colorado Springs Pioneers Museum and/or the City's Cultural Services Manager must give a recommendation on each piece of artwork considered by the Commission. The Director of the Colorado Springs Pioneers Museum and/or the City's Cultural Services Manager recommendations are limited in scope to matters concerning safety of the artwork and/or the public and maintenance of the artwork. If the Director of the Colorado Springs Pioneers Museum and/or the City's Cultural Services Manager recommends not to accept a piece for concerns related to safety or long-term maintenance obligations, the piece will not be accepted into the City's permanent collection.
8. The Commission will vote on the acceptance of each piece of artwork receiving a favorable recommendation by the Director of the Colorado Springs Pioneers Museum and/or the City's Cultural Services Manager. A majority vote of the Commission at a meeting at which a quorum is present is necessary for any work to be accepted into the City's collection.
9. The Commission will make a report to City Council on an annual basis of all accepted pieces for the year prior. Donors of accepted pieces will be notified of the date on which the report will be made to Council so that donors may attend.
10. Donors must complete and return the deed of gift form that will be provided by the Colorado Springs Pioneers Museum.
11. Once the deed of gift is received by the Director, donors will receive a letter acknowledging their donation.

**Selection Criteria:**

The following criteria will be used by the Commission in determining whether to accept a donation:

1. Artistic excellence and technical competence;
2. Creation of a balanced inventory of art in public places (including but not limited to a variety of artistic styles, designs, medium, and cultural diversity);
3. Suitability of the work to proposed site and environment (including but not limited to form, content, scale, materials and maintenance) and relationship of work to existing artworks in site vicinity;
4. Evaluation of materials in regard to structural and surface integrity, and protection against theft, vandalism and weather;
5. Safety and maintenance considerations;
6. Environmental impact such as noise, sound, light and/or odor;
7. Accessibility of/to the artwork;
8. Conditions of the donation (including financial considerations);
9. Significance of the work to the community

**Process for Recommending Removal of Existing Artwork:**

The following are conditions under which the Commission may recommend<sup>1</sup> to the Director of the Colorado Springs Pioneers Museum that a work of public art should be dismantled and removed:

- Irreparable damage;
- Written request from the artist;
- Quality of artwork is called into question relative to the selection criteria for donated works;
- The state of the artwork endangers public safety;
- The artwork requires excessive maintenance that cannot be funded;
- Security cannot be guaranteed; and/or
- Site change or use or character of the art affects its integrity.

**City Council Approval**

Approved and adopted by City Council by Resolution No. 141-16, effective November 22, 2016.

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<sup>1</sup> The Colorado Springs Pioneers Museum may deaccession a piece with or without a recommendation of the Commission in accordance with its deaccession policy.