



City of Cambridge

Committee Report #3
Amended Order

IN CITY COUNCIL

April 12, 1999

COUNCILLOR SULLIVAN

ORDERED: That the City Manager be and hereby is requested to provide that 10-20% of the one percent due for the project be payable to the Arts Council at the time the architect is hired in order to allow early selection of the artist to ensure the collaboration of architect, artist and the community in the design and siting.

In City Council April 12, 1999.

Adopted by the affirmative vote of eight members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in black ink, reading "D. Margaret Drury". The signature is written in a cursive style with a large, looped "D" and a trailing flourish.

D. Margaret Drury
City Clerk



City of Cambridge

Committee Report #3
Original Order

IN CITY COUNCIL

April 12, 1999

COUNCILLOR SULLIVAN

ORDERED: That the City Manager be and hereby is requested to provide that 10-20% of the one percent due for the project be payable to the Arts Council at the time the architect is hired in order to allow early selection of the artist to ensure the collaboration of architect, artist and the community in the design.

placement inappropriate, and the lantern was sent to the Library grounds. It has no contextual connection, but it fits in visually.

Councillor Born stated that the Irish Famine Memorial came first to the City Council.

Mr. Sullivan stated that there is the fundamental question of who has the authority to accept donations on behalf of the City. At this point James Maloney, Assistant City manager for Finance, joined the meeting briefly. Mr. Maloney stated that he believes City Council approval is required.

Councillor Sullivan stated that he does not believe that there was a City Council appropriation vote for the recent bank donation of a van.

Mr. Charles Sullivan stated that by its enabling statutes, the Historical Commission is empowered to accept gifts and donations.

Councillor Sullivan asked Ms. Lombardi whether she believes that the Irish Famine Memorial would have been where it is without the involvement of the City Council and the Historical Commission. Ms. Lombardi stated that the local artists were upset because there was no process for them to have an opportunity to compete for a large commission and a prime site. The outcome could have been the same, but the process would have been open.

Councillor Sullivan noted that the proposal calls for a policy not an ordinance.

Mr. Maloney noted that the enabling statute for Art Commission, Ch. 41382-84 provides for Art Commission approval of art projects sited in the city.

Councillor Born asked whether under this policy the Arts Council has the power to kill a proposed art donation that is unacceptable, for example, to the community. Ms. Lombardi stated that the Arts Council has never commissioned a piece of public art work without having community committee involved.

Councillor Sullivan stated that the process is somewhat analogous to a curb cut application. He suggested that after the revisions discussed today are made, the policy go to the Law Department before it comes back to the City Council.

Mr. Charles Sullivan asked what happens in the proposed policy if the Arts Council decides that the proposed donation is not art, for example, the mass-produced "motorized orange lollipops" that can be seen around the country. He believes that the description needs to be a little broader.

It was agreed without objection that the policy is generally what is needed. Mr. Yngvason will redraft the final paragraph to provide for final City Council acceptance

of donated art work. The policy will be returned to the City Clerk who will request review by the City Solicitor and then it will go back to the full City Council.

Councillor Born then requested a report on the previously-raised issue of whether the Public Art Commission can be involved at the design stage of projects subject to the one-percent program.

Ms. Lombardi stated that the Arts Council does not receive its funding until the construction process, after the architect has done the design. Mr. Yngvason further explained that when the water facility arts money became available, the building design was completed. It would be preferable to have the artist and architect working together, getting public input and a well-integrated design.

Councillor Sullivan stated that he expects that the neighborhood participants would rather make the decision early on, at the same time that they are working/meeting with the architect, rather than coming back again later. On the other hand, he can see that the project manager could feel overwhelmed by all of immediate decisions and getting community consensus on the nuts and bolts issues like bus turnaround space.

Councillor Born asked what the expenses are for being involved earlier. Mr. Yngvason said there would be costs for notifying the artists, assembling a jury, etc.

Councilor Sullivan moved that 10-20% of the one percent due for the project be payable to the Arts Council at the time the architect is hired in order to allow early selection of the artist to ensure the collaboration of architect, artist and the community in the design. The motion was passed on a voice vote without objection

Councillor Born thanked those present for their attendance.

The meeting was adjourned at 4:25 p.m.

For the Committee,

A handwritten signature in cursive script that reads "Kathleen Leahy Born" followed by a small mark that looks like "DmD".

Councillor Kathleen Leahy Born
Chair

PROPOSED CITY OF CAMBRIDGE ART GIFTS AND DONATIONS POLICY

I. PURPOSE.

On occasion, the City receives unsolicited proposals for the donation or purchase of public art to add to the City's collection. There are limited funds to protect, maintain and conserve these works. There are also a dwindling number of suitable sites on City-owned property for public art.

The procedures described below have been established to evaluate the suitability of a proposed artwork and to determine whether or not to accept it as a gift, and/or allow it to be installed on City property. To ensure that a proposed donation meets established criteria for inclusion in the City's public art collection, the standards applied to the acceptance of donations must be as stringent as those that have been established for the commissioning or purchase of art with public funds.

II. DEFINITIONS.

For the purposes of these guidelines, the following words and descriptions shall have the following meanings:

- 1) "Cambridge Arts Council" means the Council established in 1974 by order of the City Council.
- 2) "Public Art Commission" means a seven-member committee appointed by the City Manager to implement the Public Art Ordinance.
- 3) "Work of Art" ("Artwork") means works in a variety of media by visual artists, including but not limited to:
 - sculptures (which may be in the round, bas-relief, high relief, mobile, fountain, kinetic, electronic, etc., in any material or combination of materials);
 - paintings of all media, including both portable and permanently affixed works, such as murals;
 - other visual media including, but not limited to, prints, photographs, drawings, stained glass, and mosaics.

For the purposes of these guidelines, the following shall be excluded from the definition of "work of art," except where recognized professional artists are employed in the creation:

- decorative, ornamental or functional elements which are designed by an architect or by consultants engaged by an architect;
- landscape elements designed as part of landscape architectural design;
- "art objects" which are mass produced of standard design, such as playground sculptures or fountains;
- directional, or other functional elements, such as supergraphics, signage, color coding, and maps

- 4) "Professional artist" means a person who has established a reputation of artistic excellence, as judged by peers, through a record of exhibitions, public commissions, sale of works or educational attainment.
- 5) "Accessioning" means the steps taken by the Cambridge Arts Council to designate and record an artwork as part of the Cambridge Public Art Collection.
- 6) "Cambridge Public Art Collection" means (a) works of art commissioned by the City through the Cambridge Arts Council, with funds set aside by the Public Art Ordinance or with supplemental funds; (b) donation of artworks accepted by the City through the Cambridge Arts Council.
- 7) "Maintenance Assessment" means a detailed examination of the physical properties of individual artworks carried out by or under supervision of a qualified conservator.

III. PROCEDURES

Donations of works of art and of funds for the acquisition of art to the City of Cambridge are referred to the Cambridge Arts Council's Public Art Commission for review and approval. The Public Art Commission may establish an independent *jury* of 3-5 qualified art professionals to review the proposed donation with regard to aesthetic criteria. The jurors shall be knowledgeable about visual arts, particularly in public context, and represent varying artistic points of view.

If the work of art is proposed for a particular site, an ad hoc *community advisory committee* shall be established to ensure that a wide range of community interests and concerns are considered. The committee may include, but is not limited to, representatives of residents, businesses, and relevant City departments.

Presentation

The donor shall provide materials for a clear and meaningful presentation of the work of art. Presentation materials may include but are not limited to:

1. Documentation of the artist's professional qualifications.
2. Graphic materials, such as photographs, drawings, and/or models.
3. Written specifications including a list of dimensions, sizes, colors, and textures of the work, and a description of display requirements, site preparation, and installation methods.
4. A detailed budget, including a cost estimate of site preparation, installation, storage, transportation, insurance, artist fee, and fees of consultants as appropriate.
5. Maintenance assessment by an independent professional conservator, addressing the structural and surface integrity of the proposed artwork; protection against theft, vandalism, accidental damage, and environmental deterioration; and maintenance requirements (a plan for routine care, with estimated cost).
6. A signed and sworn statement stating that the work of art is free and clear of any liens and claims, arising from any source whatsoever. For existing works of art, the donor shall provide a provenience of the work and a proof of ownership.

Review

The proposed donation shall be reviewed with regard to the following criteria, in consultation with the appropriate agencies and technical consultants as needed:

1. Standard of Excellence: Artistic quality is of highest priority in selection of artworks.
2. Appropriateness to Site: If the work of art is proposed for a particular site, the relationship of artwork to said site shall be considered in terms of the scale, materials, and form of the artwork, as well as in terms of social dynamics, local character, and surrounding urban context of the site.
3. Availability of Funds: The donation shall be reviewed with regard to availability of resources to meet display requirements, such as funds for site-preparation, installation, framing, or construction of base (if applicable), proper illumination, and maintenance. As a prerequisite for acceptance, donors may be required to provide funds for the above listed costs.
4. Maintenance: The work of art shall be reviewed with regard to structural integrity, durability of material, and susceptibility of the artwork to accidental damage, theft, and vandalism.
5. Public Liability: In consultation with appropriate governmental agencies, the donation shall be reviewed with regard to ADA requirements and for unsafe conditions or factors that may bear on public liability.
6. Donor's Conditions: In case there are restrictions or dedications attached to the potential donation, the donor's conditions shall be referred to the Law Department to insure that they are consistent with City policies.

Recommendations on Acceptance and Rejection

If the Public Art Commission recommends acceptance of the donation, the Cambridge Arts Council may request formal approval of the site by the appropriate City Department. Upon approval by the department, the Arts Council shall take a formal vote before the donation is formally accepted or rejected. Following the Arts Council's vote, the Arts Council's staff shall notify the donor of the acceptance or rejection of the donation.

All of the procedures above apply also to long-term loans of artworks that are offered to the City of Cambridge.

City of Cambridge

In City Council April 12, 1999

The Public Service Committee held a public meeting on March 31, 1999, beginning at 2:15 p.m. in the Ackermann Room for the purpose of considering a proposed policy for art gifts and donations to the City of Cambridge.

Present at the hearing were Councillor Kathleen Leahy Born, Chair of the Committee, Councillor Michael A. Sullivan, and City Clerk D. Margaret Drury. Also present were Pallas Lombardi, Director of the Arts Council, Haftor Yngvason, Arts Council staff, Charles Sullivan, Executive Director of the Historical Commission, James Maloney, Assistant City Manager for Finance.

Councillor Born convened the hearing and explained the purpose. Ms. Lombardi submitted a draft policy (**Attachment A**) and introduced Haftor Yngvason to describe it. Mr. Yngvason started with a description of his preliminary research. He stated that he contacted several cities with established policies, including Seattle, Dade County and others. He also contacted MIT because MIT drafted a policy on donations under circumstances similar to that which have led Cambridge to want such a policy.

Mr. Yngvason then outlined the policy provision. He noted that the Arts Council has a very limited budget for preservation and maintenance. Part of the review criteria would be making sure that the art work is durable and can be reasonably preserved.

Councillor Born asked Ms. Lombardi her perception of how art donations happen now. Ms. Lombardi stated that there have been a variety of ways. Councillor Born asked for a description of how the following items came to be where they are:

- Japanese Lantern
- Dawes Traffic Island Memorial
- Vellucci Bust
- Irish Famine Memorial

Mr. Sullivan said that the Dawes Memorial came at the time the Common was being renovated, and the Dawes family wanted to donate a statue of William Dawes on his horse. In informal negotiations between the Historical Commission and the family, there was an agreement to do the hoof prints on the Common and the pictorial and informational memorial on the island. With regard to the Japanese Lantern, it was a gift from our Japanese sister-city and there was a suggestion from the Mayor that the lantern be placed on the lawn of City Hall. The Historical Commission ruled such a

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A report from Councillor Born, Chair of the Public Service Committee for a meeting on March 31, 1999 for the purpose of considering a proposed policy for art gifts and donations to the City of Cambridge.

In City Council April 12, 1999

Report Accepted

PLACED ON FILE

ORDER ADOPTED *as Amended*